

PANCHAYATI RAJ: ACHIEVEMENTS, GAPS AND CHALLENGES

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The nation is celebrating the 25th anniversary of the new generation of Panchayats and Municipalities. When on April 24, 1993 Panchayats and on 1 June 1993 the Municipalities were endowed “with such powers and authority as may be necessary to enable them to function as institutions of self-government”, it was the beginning of a silent revolution. Moreover, it was historic. The dream of Mahatma Gandhi and all those who advocated “power to the people” came true after 43 years of India becoming the Republic.

Eight years later, on 27 April 2001, Prime Minister Atal Bihari Vajpayee wrote to the Chief Minister of Andhra Pradesh: “You would recall that with the passage of the Constitution (73rd Amendment) Act 1992 incorporated as Part IX of the Constitution, constitutional status has been provided to the Panchayati Raj Institutions (PRIs). Consequent on the Amendment, Panchayats have been visualized as the third tier of the governance in the federal polity”.

The degree of political empowerment that has resulted through the historic constitutional amendments in 1992-93 has been by and large, unprecedented.

President of India Shri Pranab Mukherjee in his address to Parliament on June 9, 2014, when the NDA government came to power, stated: “My government is committed to improving the quality of life in our villages, through empowered Panchayati Raj institutions. A substantial part of investment will focus on creating community assets and improving basic infrastructure such as roads, shelter, power and drinking water. My government

will strive to end the rural-urban divide guided by the idea of Rurban; providing urban amenities to rural areas while preserving the ethos of the villages”.

Within the institutionalized Panchayati Raj reforms in India, the core foundation lies in more than 2.5 lakh villages and their governance at the local level. Right from the Balwantrai Mehta Committee’s recommendations (1957) that gave birth to the contemporary Panchayati Raj, its progressive evolution has been characterized by its share of successes carrying its imprints all through the nation. It has in more ways than one, fostered democratic participation.

Collectively, it is seen that the roots of democracy has deepened as a result of Panchayati Raj Institutions making its way through villages across the country and their holistic impact has led to the formation of representational dynamics at the local level.

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Given the severe social and political constraints – social inequality, caste system, patriarchy, feudal setting, illiteracy, uneven developments – within which it had to function,

the New Panchayati Raj has opened a new chapter in local governance.

Today, the elections to the local self-government institutions every five years have become a norm although in the initial years, almost all the states irrespective of the party in power, had defied the constitutional provision with all the power at their command. As the civil society organizations took the initiative to fight the anti-constitutional approach of some states by filing public interest litigations (PILs), the judiciary at different levels effectively intervened. Constitutional bodies like the State Election Commission (SECs) have taken up the panchayat elections seriously giving a lot of credibility to the grassroots level democratic process. Taking the cue from the Supreme Court order of May 3, 2002 relating to the Right to Information of electors regarding criminal antecedents, assets and liabilities of the candidates, the State Election Commissioners have issued orders in conformity with the Supreme Court Order.

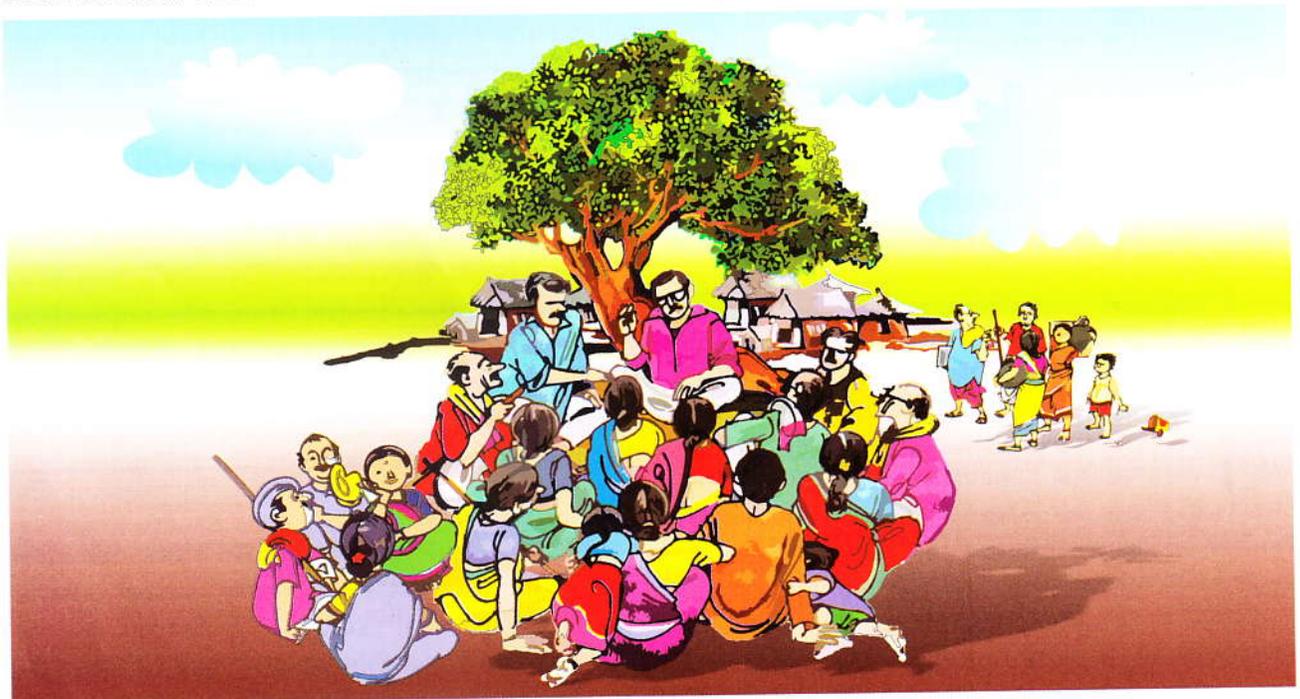
We have also witnessed a steady progress as far as the inclusion of excluded sections of our population in the decision making process from village to the district level is concerned. Women have entered public life in a big way. In 2015, 13,41,773 women got elected to local governments and more than three times of this number contest

the elections. Specially the women belonging to Scheduled Castes and Scheduled Tribes have secured their due share.

This is an important achievement in a hierarchical and male dominated society. The common refrain that it is the men folk in the families who control the women elected members may be partly true, but studies show that the situation is rapidly changing. One-third of all the panchayats and municipalities at various levels have women presidents. As years go by, the number of women getting elected from general constituencies is also increasing.

This unique experiment in turn has generated a kind of social mobilization and silent revolution on an unprecedented scale. As local self-governments have come into existence throughout the country, their functioning has come under scrutiny. A congenial climate for taking governance to the doorsteps of the people is slowly being created.

There are numerous elaborate mechanisms at Central and State levels to ensure accountability and efficient utilisation of public funds. There are time tested institutional mechanisms for audit. So also vigilance committees sponsored by the government and supported by civil society organisations. At another level, India has the unique distinction of creating a constitutional



forum for direct democracy - the Gram Sabha - with special powers for overseeing the local development and expenditure. The concept of 'social audit' has emerged from these innovative steps.

There are some States where the quest for democracy is growing. Take the case of Jammu & Kashmir. During the last Panchayat elections in Jammu & Kashmir, in April 2011, I spent several days in the distant villages in Kashmir. The average voters' turn-out was above 80 per cent. It was because local democracy was their hope for the future.

In the Dhara Hariwan Vilage in Srinagar Block, on the day of the Panchayat poll, within two hours more than 50 per cent people cast their votes. Men, women, youth and children were on the road in a festive mood. The local government elections create a bond between the communities. On the Express Way to Gulmarg in the Tangmarg Tehsil Ashajee, the Pandit women defeated Suriya, the Muslim candidate underlining the harmony existing in Kashmir between communities during the Panchayat elections.

This was the case in Kashmir seven years ago. But today, Panchayat elections are postponed for lack of political will. However, for the ordinary people of India, Panchayat elections are the best instruments to deepen democracy.

Today, while State governments and the ruling party/parties decide to postpone panchayat elections on one pretext or other, one is reminded of the judgement by the five-judge constitution bench headed by Chief Justice Y. K. Sabharwal (2006). The judgement stated that the Municipalities and Panchayats were the pillars of grassroots democracy and Election Commissions in the States, "not yield to situations that may be created by vested interest to postpone the elections".

Two fundamental changes have come about in Indian democratic polity: (i) The democratic base of the Indian polity has widened, and (ii) It has brought significant changes in India's federalism making it a multi-level federation

with democratically elected local governments at the district and below.

Twenty-five years is a good time to assess the achievements, lost opportunities as well as the challenges ahead. The two and a half decadal journey of the Panchayati raj is a mixed bag of success and setbacks. The question is: as Prime Minister Vajpayee said in his letter in 2003, has Panchayats become the third tier of the governance in the federal polity? The local government system, which was inaugurated with great enthusiasm, is facing enormous problems and powerful enemies.

This is time for all concerned to take up seriously to study and conduct research to find out whether we have an empowered local government in reality with 29 subjects devolved to Panchayats and 18 subjects to Municipalities? How many Panchayats have Panchayat Bhavans with modern facilities? Is the capacity building of the elected panchayat representatives a continuous process? Are the SIRDs fully equipped to train thousands of local government representatives in the States? In fact, every district must have a training centre for elected local government representatives. This must be seen as an investment. It will create human capital.

Is it not a reality that even today for their local problems, the villagers have to go to their MLAs, MPs or officials; from *Gram Sevaks* to the BDOs and Collectors?

Different states have benefitted differently from assistance being provided by the Centre



as they have dealt with local government institutions in different manner. For instance, when the Eleventh Finance Commission had set apart 10,000 crores for panchayati raj institutions and urban local bodies for the period 2001 to 2005, according to the figures available, many state governments could not claim the funds amounting to 1646 crores rupees from the Central Government. Why? Because they did not fulfill certain basic criteria set up by the Union Government for transferring these funds. Only four states – Kerala, Chhattisgarh, Gujarat, Haryana, Rajasthan - could get the full amount. Many states have gone to the extent of suggesting that the Central Government must deal directly with the local governments.

I would like to underline here the fact that if we slacken our efforts to keep the institutions of local self government at the center stage, as well as on top of the agenda of the policy makers and practitioners, the best chance we got through the 73rd and 74th Amendments will be in peril. We need a new deal for the panchayats and municipalities in India. This new deal will ensure ways and means to make Panchayats and Municipalities (i.e., district and below) the first tier of government in the country. This new deal will give freedom to implement the policies and programmes to eradicate poverty in this country at the earliest; not later than 10 years so that by 2025 poverty line will become totally irrelevant for India.

If we have a new deal, then that will open a new chapter for the 32 lakhs (3.2 million) men and women who are getting elected every five years to the panchayats and municipalities.

There are two areas the Union Government and the State Governments must focus on: First, the District Planning. District level planning is an important issue. Most of the District Panchayats have not taken it seriously with the necessary data, facilities, technical officials and other wherewithals. Only in very few States, the Planning begins from neighbourhood groups, reaching the districts and the State Planning Board, in a scientific way. Therefore, what we find in the villages is: trust deficit.

Second, the Gram Sabha. Are the Gram Sabhas merely recommending/advisory bodies to the Panchayat? Isn't their decision, binding

upon the Panchayats? In a democracy people are sovereign. Therefore, the best democratic system is direct democracy. The Gram Sabha which is a constitutional body is the direct democracy in India. According to Article 243-A of the Constitution of India, "A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide." The Gram Sabha has in practical terms the functioning Assembly of the People. And its functions and powers should be determined by the State Acts. But today, Gram Sabha is the most marginalised institution of local governments.

It may be recalled that Gram Sabha is, perhaps, the best social audit unit in our new democratic institutions. As the public spirited citizens and their collectivity is the key to social audit, members of the Gram Sabha, all sections of the representative bodies -- Gram Panchayat, Panchayat Samiti and Zilla Parishad through their representatives could raise issues of social concern and public interest and demand explanation. Retired persons from different organisations, teachers or others with impeccable integrity, could constitute a social audit forum or a social audit committee.

The Constitution leaves the matter entirely to the State Legislatures (Art 243A). It is widely recognised that the Gram Sabha should be at the centre-stage in the Panchayat system of our country. The Gram Sabhas are decision making bodies in the nature of recommendations and advices and therefore, the Panchayats cannot ignore Gram Sabhas and overrule their decisions.

To conclude, the Union Government and all the State Governments must launch a national campaign to conscientise the people, the officials, the civil society, political leaders as to how the "institutions of self-government" could be brought to the centre-stage. Ultimately, we have to work for creating a 'culture of local government' in our social and political system.

Let me conclude with a question: How can our 835 million villagers in India say:

"Our Panchayats: Our Future".

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