



## Decentralised Governance in India: An Overview

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### Abstract

India is the land of diversities. Almost 70 per cent of the total population is living in the villages, contrast and paradox, continually maintaining a hiatus between rhetoric and reality, theory and practice or avouchment and affliction. Periodic proclamations regarding amelioration of woes and injustice may apparently be emboldening but they more often hoodwink the people. The pledges are for public consumption and are fulfilled more in breaches. The euphoria over new public policy, programmes replacing earlier ones soon end up in a whimper. There are only a few oases of positive action and hope amidst the vast desert of despondency and inertia. The more one delves deep into one political stratum, the more enigmas one encounters.

**Keywords:** decentralisation, governance, 73rd amendments

### Introduction

The concept of governance is not new and is as old as human civilisation. Governance means the process of decision making and the process by which decisions are implemented or not implemented. Governance is the process of decision-making and the process by which decisions are implemented. An analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision (UNESCAP: 2009) <sup>[53]</sup>.

The whole idea of good and responsive governance is that of giving, of serving and of doing good of the people, or solving their problems and making their lives more liveable, satisfying and enjoyable (Sisodia: 2012) <sup>[50]</sup>. The essential pre-requisite for quality of governance is that the system should be good and suited to the needs, aspirations, background and ethos of the people concerned and that those selected for operating the system should be endowed with character and competence and remain motivated by the spirit of public service. Governance must be democratic, participatory, transparent and accountable. The issue of governance is more crucial and important from the point of view grassroots democracy since at local level the decisions taken by the elected bodies have direct implications for the life of the major chunk of population of the country.

People are the real wealth of nation (HDR: 1990). The basic purpose of development is to enlarge people's choices. In principle, these choices can be infinite and can change over time. People often value achievements that do not show up at all, or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, satisfying leisure hours, political and cultural freedoms and sense of participation in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives (Mahbub ul Haq: 1990) <sup>[15]</sup>. Human development, as an approach, is concerned with what I take to be the basic development idea: namely, advancing the richness of human

life, rather than the richness of the economy in which human beings live, which is only a part of it (Amartya Sen: 1990) <sup>[41]</sup>.

In India after independence efforts have been made to meet the needs and expectations of the people. Special efforts have been taken up to address the rural multifaceted issues with massive investment but the results were not up to the expectations. The idea that produced the 73<sup>rd</sup> Amendment Act was not a response to pressure from the grassroots but to an increasing recognition that the institutional initiatives of the preceding decades had not delivered expected result, as the extent of rural poverty was still much too large and thus the existing structure of government needed to be reformed. It was a political drive to see panchayat raj institutions as a solution to the governmental crises that India was experiencing.

To make the democracy meaningful and welfare oriented there is a need of decentralisation. The democracy is fundamentally decentralised system of governance. Indian democracy has adopted a unitary system. Central government at the federal level, state government at the provincial level and local government at the grassroots level. For the establishment of true democracy there is a need of local governance bodies. Fruits of democracy may reach to the public only by the local governance. Local self-government created by an Act of the Central or State Government is a government entity, including the district, town or village consists of representatives elected by the people of an area and for those who exercise their rights to human welfare (Dey, 1961: 91) <sup>[12]</sup>.

In the democratic system, panchayat is the only institute that takes the governance to the door of common people. The conception of democracy finds more realistic expression by the means of panchayat raj institutions. In this form of governance, villagers take part to decide their own future collectively. Since the problems are concerned with their villages, people take interest in solving them with the help of panchayat (Kothari, 1961: 757) <sup>[21]</sup>. Local governance has been outlined as the form of psychological and practical needs of the local people. By nature human has always a will to be governed by his own hands because he can serve himself better. Human is self-centered by the nature. This sense of governance has been seen

from the ancient time (Mutalib and Khan, 1983: 259)<sup>[32]</sup>. Local governance as the sense of thoughtfulness, justifiable and sociability (Bryce, 1921: 149-50)<sup>[9]</sup>.

Panchayat raj, as a system of governance at the grassroots level in rural India has been rightly conceived as the most viable and proper mechanism of realising the goals of democracy, development, peace and security. Panchayat Raj is a system of maximum welfare of maximum people and based on justice. After Independence efforts have been made to create the units of self-governance at grassroots level but all went in vain since they could not produce the desired result. After Independence efforts were continued to create the panchayats as units of self-governance but the committed Central Government's initiative came out with 73<sup>rd</sup> Amendment for the establishment of panchayat raj institutions in India.

The 73<sup>rd</sup> Amendment to the Constitution of India not only gave a constitutional status to the panchayats; it also provided uniformity and formal structure to these traditional institutions of self-governance for the sake of their effective functioning. The earlier attempts at institutionalising the panchayats were half-hearted and failed due to the absence of supportive constitutional measures and lack of political will. The 73<sup>rd</sup> Amendment initiated a fundamental restructuring of governance and administrative system of the country, based on the philosophy of decentralisation and power to the people. The new panchayat raj institutions have the potential to usher in a new era of change and development in accordance with people's needs and priorities, and to revitalise a deeply troubled system of democracy (Behar & Kumar: 2002)<sup>[6]</sup>.

Madhya Pradesh was the pioneer state, which implemented the 73<sup>rd</sup> Amendment by enacting panchayat law, and conducted panchayat elections in 1994. The panchayat raj system in Madhya Pradesh has constantly evolved during the past decade and half, supported by a strong political will. There were several amendments to the Act and government orders were issued from time to time, which supported and strengthened the decentralisation process. The panchayat raj system in Madhya Pradesh has a dynamic growth, which has constantly responded to the needs emerging from the field. Through panchayat raj, an attempt is being made to initiate a new era of people's empowerment. Importantly, the Madhya Pradesh government perceived decentralisation and people's participation as central to its governance agenda, of which the panchayat system is living example of democracy at the grassroots level (Sisodia: 2007)<sup>[47, 48]</sup>.

From the point of view of democratic governance, there are two basic propositions. First that the society with its structural rigidities would get a legal and institutional space through panchayat raj in order to operate in an accountable as well as meaningful manner. This means, the introduction of panchayat raj should be able to homogenise the difference existing in the society owing to its stratification on caste, class and gender lines. This homogenisation will result in an informed decision making at the grassroots level. Secondly, the policymakers, at the macro level, have faith in the new system's capability to deliver, and the development process, thus will be more responsible as well as dependable than any of the earlier tested systems of governance. Even if these hitherto untested propositions are true, the fluidity in acceptance of a macro decision to reform the governance will depend on how the micro functionaries at the grassroots are interpreting and adopting the macro process. It is quite likely that traditional

power centres still have overbearing influence on the new system of governance for it to operate democratically. More anxious, however, will be situations where decisions in the newly created institutions succumb to pressures of traditional power centres.

It could be argued that after fifteen years of its operation, it would be practical to evaluate all what has been constructed in the preceding analysis. The practicality of evaluation notwithstanding, the purpose for which the insights and process documents would be generated, calls for an early evaluation of the new system. Process documents providing insights on reasons for success and failures in decentralised decision making could identify role of awareness of rights of stakeholders, their notions of participatory decision making, exclusion, development, equity and justice in the decision making process. Governance assures that corruption is minimised and the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society (Sisodia: 2012)<sup>[50]</sup>.

This study is premised on the assumption that sooner the decentralisation process is documented and aspects of governance are analysed, the better would be for advocacy and action. This will also help in making midcourse corrections in the new system of governance for human development.

### **Pre-independence Period**

Historically, the institution of panchayat has been an integral part of rural Indian polity and society. Panchayats were functional institutions of grassroots governance in village back to the Vedic age and ancient scriptures like Rig Veda (Majumdar, Rai Chaudhari and Datta, 2006: 24-25), Mahabharat, Ramayana and Arthashastra of Kautilya and Sukracharya's Nitishastra. Panchayat literally means a 'council of five persons'. The village panchaya had large powers essential administrative as well judicial functions. Land was distributed by panchayat which also collected taxes out of the produce and paid the government's share on behalf of the village. Buddhist and Jain Scholars point to the fact that republics functioned and elected representatives participated in Janpads, Paura Sabha and Gram Sabha.

Traditionally, panchayats have operated at two levels in the villages. The first level was that of the caste panchayats and the second was gram panchayat. Caste has been the predominant social reality of India, which dictated the organising principles of polity and society. Panchayat is no exception to this social reality. Different castes in the villages have different panchayats of their own. This tradition of caste panchayats is still prevalent on a large scale in India. However, issues having wider ramifications beyond the caste group were also discussed threadbare in the gram panchayats. These traditional panchayats played the vital role of maintaining socio-ethical norms and order, and dispensing justice. It also resolved, with all its inherent limitations, unforeseen crises and disputes, and took decisions on behalf of the village community for the welfare and development of the villages. Nevertheless the process of decision-making was participatory and very often a democratic consensus emerged due to the mediation of the panchayat. This apparent democratic consensus was obviously limited and restricted within the framework of a hierarchical society divided on feudal and caste lines. Significantly, the panchayats derived their legitimacy from the support of the village community and its decisions were accepted as binding

on the community (Sisodia: 2007) <sup>[47, 48]</sup>.

British people who brought modern state and institutions into India during colonial rule with primary purpose of establishing their dominance and replaced traditional institutions. The primary focus of the British raj was much to do with trade and little to do with governance and development. British established a governance model driven largely by bureaucracy and established other institutions like judiciary, legislative assemblies, councils etc to perform different roles. As the functions of the governance shifted to these new modern institutions, in result the authority of traditional panchayats started reducing and their clout diminished.

From 1870 that Viceroy Lord Mayo's Resolution (for decentralisation of power to bring about administrative efficiency in meeting people's demand and to add to the finances of colonial regime) gave the needed impetus to the development of local institutions. It was a landmark in the evolution of colonial policy towards local government. The real benchmarking of the government policy on decentralisation can, however, be attributed to Lord Ripon who, in his famous resolution on local self-government on May 18, 1882, recognised the twin considerations of local government: (i) administrative efficiency and (ii) political education. The Ripon Resolution, which focused on towns, provided for local bodies consisting of a large majority of elected non-official members and presided over by a non-official chairperson. This resolution met with resistance from colonial administrators. The progress of local self-government was tardy with only half-hearted steps taken in setting up municipal bodies. Rural decentralisation remained a neglected area of administrative reform (Mathew: 2000) <sup>[26]</sup>.

The Royal Commission on Decentralisation (1907) <sup>[17]</sup> under the chairmanship of C.E.H. Hobhouse recognised the importance of panchayats at the village level. The commission recommended that it is most desirable, alike in the interests of decentralisation and in order to associate the people with the local tasks of administration that an attempt should be made to constitute and develop village panchayats for the administration of local village affairs. But, the Montague-Chemsford reforms (1919) brought local self-government as a provincial transferred subject, under the domain of Indian ministers in the provinces. Due to organisational and fiscal constraints, the reform was unable to make panchayat institutions truly democratic and vibrant. However, the most significant development of this period was the establishment of village panchayats in a number of provinces that were no longer mere ad hoc judicial tribunal, but representative institutions symbolising the corporate character of the village and having a wide jurisdiction in respect of civic matters. By 1925, eight provinces had passed panchayat acts and by 1926, six native states had also passed panchayat laws. However these panchayats covered only a limited number of villages with limited functions (Stephen and Rajasekaran, 2001: 6) <sup>[51]</sup>. But this reform could not get much result as for as democratization of panchayats was concerned and lead to a lot of organizational and fiscal constraints.

The provincial autonomy under the Government of India Act, 1935, marked the evolution of panchayats in India. Popularly elected governments in provinces enacted legislations to further democratise institutions of local self-government. But the system of responsible government at the grassroots level was least responsible.

### Post-Independence Scenario

Forces of modernism, coupled with the penetrative reach of the modern administrative paraphernalia under the colonial state, started drastically altering the cultural, socio-political and economic profile of Indian villages. This deeply affected the village institutions including panchayats. The modern state with the support of the bureaucratic framework slowly delegitimised informal institutions deriving legitimacy through informal channels. The growing functions of the state and its ever-increasing sphere also reduced the space of the panchayats. At this time, the Indian nationalist critique of colonialism emerged largely from a modernist paradigm and it largely used non-traditional instruments and strategies for the national movement. The cumulative result of the emergence of such forces of modernism was that the panchayats were reduced to playing a marginal role in the village society.

The Indian national movement was deeply influenced by Gandhi's leadership and philosophy of non-violent civil disobedience, but the task of nation building was not undertaken in accordance with his philosophy. Gandhi's doctrine for nation building and national development was based on the concept of a confederation of villages; the model derived its roots from the traditional panchayat system. He envisaged greater autonomy to villages under a five-tier system of village panchayats, taluka panchayats, district panchayats, provincial panchayats and all-India panchayats. His concept of administrative/state system was based on a pyramid model whose broad base was composed of numerous village communities of India. The higher panchayats would help the village panchayats in areas where the village panchayat needed help and guidance for improving the system of public service. The fundamental unit of administration was village panchayat; the model suggested a bottom-up approach where the power flows upward from the smaller unit to the higher one (Sisodia: 2012) <sup>[50]</sup>.

The experience of partition and the centrifugal political forces during the struggling days of Indian independence forced India to adopt a strong two-tier federal structure with a tilt towards centralism. Pursuing a modernist paradigm, independent India's first Prime Minister, Pandit Jawaharlal Nehru, started creating and establishing new modern institutions and structures. His approach to nation building and national reconstruction was primarily top-down and for this he assigned a central role to the state. According to Nehru, the state could take on the task of nation building and also be the agent of social change. His faith socialism and the process of planning led ultimately to a system, which was based on centralisation of power and authority. As a result the Gandhian paradigm of development, discussed above, was marginalised. Another important reason for this marginalisation was Dr. Ambedkar's views on Indian villages. He was primarily responsible for drafting the Constitution; he condemned the villages as 'a sink of localism and a den of ignorance and narrow mindedness and communalism' (Ambedkar: 1948) <sup>[3]</sup>. Dr. Ambedkar felt that the Gandhian notion of village republic would adversely affect the country, therefore the idea of panchayats as fundamental unit of governance was rejected.

A middle path between these conflicting ideologies was devised and a mere formal acceptance of the idea of local autonomy and local self-governance was reflected in the incorporation of village panchayats in the directive principles of the Indian Constitution.

### Initiatives for Panchayat Raj since Independence

Independent India inherited in 1947 local self-government as a small wing of the local level of the governmental system. The major wing was the district administration, which was a complex of field offices and agencies of the then existing provincial government. District administration evolved structure, power and functions over long years in the initial three decades. It is now studded with manifold responsibilities relating to general administration, regulatory administration, revenue administration and development administration.

During this period most of the provincial governments passed fresh laws for providing democratisation of structure and substantial enhancement of the powers of the local bodies. Administrative action also began to expand substantially the number of local bodies so as to cover increasing parts of the country. Several princely states then in existence in India also began to set up gradually local bodies, though with partial democratic structure and limited powers.

### Community Development Programme (1952)

Community Development Program and National Extension Service were started in 1952 as part of five year plan to address rural reconstruction efforts and with the primary purpose of involving community and ensure action participation from people. The basic premise on which CDP rests is to motivate the rural people to undertake self-reliant community-based approach for the improvement of economic and social condition of their life and environment. The Government is expected to provide general guidance and technical-cum-financial assistance for reinforcing the community welfare programmes and activities, as need be. A few years later a programme with limited scope and funding named as National Extension Service (NES) was introduced as a prelude to the launching of CDP in the remaining parts of the country.

A new basic administrative unit below the district level, named as development block, was created in an increasing number to cover most parts of the country. Headed administratively by a block development officer and comprising several subject specialist extension officers, this new administrative unit was to serve as the locale of the CDP and NES under the overall direction of the district administration. For providing people's participation in local planning and implementation of these two programmes one advisory committee of nominated persons were set up at the development block and another at district level. Certain administrative changes were also brought about at the level of the state government, which had the main responsibility for these programmes under the overall guidance, support and review, by the Union Government.

### Balwant Rai Mehta Committee (1957)

In 1957, the government of India appointed a committee to examine the functioning of the community Development Programme and National Extension Service and to suggest measures for their better performance. The Team was also asked to examine: "the extent to which Community Development Movement has succeeded in utilising local initiatives and in creating institutions to ensure continuity in the process of improving economic and social conditions in rural areas." The Balwant Rai Mehta Committee made the following vital recommendation (Mehta: 1957) <sup>[30]</sup>—

- Three-tier Panchayati Raj System which Zila Parishad at the District Level, Panchayat Samiti at the Block Level and

Gram Panchayat at the Village Level, organically linked together through a device of indirect elections.

- The committee emphasised that community development would only be effective when the community was involved in the planning, decision and implementation process.
- Community development can be real only when the community understands its problems, realised its responsibilities, exercises the necessary powers through its chosen representatives and maintains a constant and intelligent vigilance on local administration. With this objective the committee recommended an early establishment of statutory elective bodies and devolution upon them of necessary resources, power and authority.
- The report underlined the role of elected panchayat samitis at the community development block or tehsil level as the basic units of democratic decentralisation.
- The panchayat samiti should be constituted by indirect elections from the village panchayat. The samiti should have a life of five years.
- The committee focused on the rural sector and recommended that the functions of PRIs should cover the development of agriculture in all its aspects, improvement of cattle, promotion of local industries, public health, welfare work and other services such as drinking water, road building etc.
- The panchayat samiti will have two sets of officers, those at the block level and those at the village level. All of these officers will be drawn from the corresponding state cadres and will be sent to the panchayat samiti by the state government.
- It may be necessary to have standing committees of the zila parishad to ensure rapid disposal of work.

In 1958, the Standing Committee of the National Development Council agreed broadly with the recommendations of the Team. It also recognised that since conditions varied in different parts of the country, the State Government concerned should be free to decide about the exact application of the concept of democratic decentralisation and its institutional set-up. The Union Government tried through holding meetings of State ministers and administrators as well as through convening conferences of All India Local Self Government Council and Community Development Administrators to persuade, guide and support the State Government to establish the proposed system with any minor modifications as need be. The main purpose was to switch over to an institutionalised participative approach for rural development at local levels. Starting the setting up of the new system by three State Governments in 1959, it was established in most of the existing states, with some variations in its structure, during the early part of the sixties. Rajasthan was the first State to establish the institution of Panchayat Raj. The scheme was inaugurated by the then Prime Minister Jawahar Lal Nehru on 2<sup>nd</sup> October 1959, in Nagaur District of Rajasthan, which was followed by Andhra Pradesh which also adopted in the same year. Rajasthan adopted a three-tier system, Tamil Nadu adopted a two-tier system and West Bengal adopted a four-tier system (Ghos, 2012: 280) <sup>[14]</sup>.

### Ashoka Mehta Committee Recommendations (1977-78)

The Committee headed by a distinguished public leader like Ashoka Mehta was appointed by Janata Party Government at the Centre in 1977 to inquire into the working of Panchayat Raj

Institutions and suggest measures to strengthen them, "so as to enable a decentralised system of planning and development to be effective". The Committee submitted its report next year. It mentioned that panchayat raj had been weakened due to certain adverse factors. Its structure was inadequate and Government support meagre to enable it to perform developmental role effectively in a changing socio-economic environment since its inception in the early part of the decade of sixties. In Maharashtra and Gujarat, however, panchayat raj institutions were performing their role well on account of structural adequacy and appropriate State Government support. Elsewhere, degrading factors like political factionalism, oligarchic domination, corruption, inefficiency, parochial loyalties, power intoxication and political and bureaucratic apathy and arbitrariness had diluted its performance efficacy and public credibility. The committee made the following recommendations (Mehta: 1978) <sup>[28]</sup>.

- The committee recommended a two tier system instead of a three tier system, Zila Parishad at district level and Mandal in place of village and block level. These will serve population of 15000 to 20000. It would ensure administrative and economic viability and also facilitate the necessary linkages with the village and Gram Panchaya.
- The committee suggested that the block level panchayat samitis would become non statutory executive committee of zila parishad and the mandal panchayat would carry out the development programmes.
- PRIs should be empowered with the powers to take their own decision and prepare plans according to local needs. The planning should be an important function to be discharged by the zila parishad exclusively.
- The mandal panchayats would be responsible for implementation of the schemes assigned by the zila parishad. They would play the role in activating community action, formulation and implementation of programmes.

Though the recommendations of the Committee were not accepted by the Union Government due to change again in the ruling party within it, some of these did exercise varying influence upon the working of panchayat raj in a few states. Some years later (1983-85) Karnataka and Andhra Pradesh remodelled by and large their respective panchayat raj systems under this influence.

#### **G.V.K. Rao Committee**

In 1985, one committee was constituted under the chairmanship of a senior administrator G.V.K. Rao to review the administrative arrangements for rural development programmes and poverty elevation schemes. Made the following important observations (Rao: 1985) <sup>[38]</sup>.

- It suggested for integrated rural development. It has to encompass all economic and social development activities handled by different agencies at the field level.
- Panchayat raj institutions have to be activated and given all the support needed so that they can become effective organisations for handling people's problem. Elections to these bodies should be held regularly.
- The district should be the basic unit for policy planning and programme implementation. The zila parishad should, therefore, become the principal body for management of all development programmes which can be handled at that level.
- The president of the Zila Parishad can be directly elected

for a term co-terminus with the Zila Parishad or for one year each on the Mayoral pattern. The work of the Zila Parishad should be done by a number of sub-committees, elected on the basis of the proportional representation so that participatory democracy could be developed and encouraged.

#### **L.M. Singhvi Committee**

In 1986, the other committee on the 'Revitalization of the Panchayat Raj institutions for Democracy and Development' under the chairmanship of a distinguished jurist L.M. Singhvi. It should be strengthened so as to serve better as one of the foundation stones of the country's democratic political system. Its secondary role of much importance was to continue to be that of an administrative agency for promotion and management of rural development. In order to strengthen the status of panchayat raj its main features should be mentioned in the constitution itself. Made the following recommendation (Singhvi: 1986) -

- It considers the constitution of gram sabha for encouraging democracy at the grassroots level.
- It recommended that the PRIs have to be viewed as institutions of self government which would naturally facilitate the participation of the people in the process of planning and development and as a part of the concept of self government.
- The committee was of the view that the panchayat raj should be directed to achieve community and social mobilisation, transcending, the barriers of caste, religion, sex and disparities of wealth and surmounting social disabilities and disadvantages.
- The committee envisaged and recommended that the panchayat raj bodies should be constitutionally recognised.

The existing constitutional provision (Article 40) is too general and also of discretionary nature to provide appropriately a firm basis to panchayat raj system which had been weakened largely on account of neglect and unscrupulous politicking in various states.

The Union Government also convened workshops of senior administrators concerned with panchayat raj affairs to provide opportunity to them to express their views about reinforcing and reorienting panchayat raj for undertaking increasing responsibility for management of local development and local affairs.

The administrators agreed that panchayat raj based upon the concept of democratic decentralisation within the country's governmental system needed to be revamped suitably to improve its working for accelerating responsive and equitable development processes as well as for contributing to development of citizenship standards.

Conferences of panchayat raj leaders (including women) were as well arranged by the Government to elicit their views about reorganisation and strengthening of panchayat raj. In these conferences the demand was for debureaucratisation of the control of panchayat raj as well as for devolution of more powers and resources to it.

Taking into account the views of these Committees, Workshops and Conferences, the Union government decided to amend the Constitution of the country in order to provide a firm constitutional basis to the essential features of the panchayat raj. This was intended to provide substantial protection to panchayat raj against negligence or arbitrary

action by State Governments, which had been contributing to its emasculation in many states over the years. It is as recently as 1992 that the Government finally succeeded in getting the amendment approved by the Parliament. The State Governments were required to take appropriate action under it.

### **Reestablishment of PRIs (1992)**

As described earlier, in the 1990s, there had been growing serious concern in the country with regard to the weak status of the panchayat raj in most of the states. It was widely recognised by the Government, public leaders, intelligentsia that the panchayat raj institutions were not able to "acquire the status and dignity of viable and responsive people's bodies". The main reasons mentioned by the Government and others for this were: "absence of regular elections, prolonged super sessions, insufficient representation of weaker sections like Scheduled Castes/Scheduled Tribes and Women, inadequate devolution of powers and lack of financial resources".

Though Article 40 of the Constitution has directed the Indian State to organise and empower village panchayats to enable them to function as "units of self-government", most of the State Governments have actually tended to pay only half-hearted attention to this directive. The Union Government therefore has stated the imperative need to "enshrine in the constitution certain basic and essential features of the panchayat raj institutions to impart certainty, continuity and strength to them".

The 64th Constitutional Amendment Bill suggested setting up of panchayats in every state at the village level, intermediate level and district level. The intermediate level was not obligatory in the states with a population of less than 20 lakhs. This bill was passed in the Lok Sabha in 1989 but could not be passed by the Rajya Sabha. The 73rd Constitutional Amendment Bill (1990) was introduced in the Lok Sabha and recommended that Gram Sabha should be constituted in each village in addition to the panchayats at three levels. The bill recommended that the elections to the village panchayat should be direct and at other levels at least 50% of seats should be directly elected. This bill also lapsed.

For this purpose the 73rd Constitution Amendment Act, 1992 was passed by the Union Parliament. In the Constitution, Part IX and Schedule XI have been inserted to contain certain provisions for the panchayats from the village to the sub-district and district levels.

### **Context of the 73rd Amendment**

It has been made clear that various committees and sub-committees had made several recommendations and proposals for institutionalising the panchayat raj system and these efforts culminated in the form of the 73rd Constitutional Amendment providing Constitutional status to the panchayat raj institutions. The explanation for the easy passage of the 73rd Amendment Bill and the acceptance of radical restructuring of the state structure with far reaching political consequences goes way beyond the committee reports and proposals. To comprehend the dynamics of change it is imperative to understand the context of this Amendment.

Several decades of centralised planning and a top-down model of development had paid dividends in terms of economic growth and industrialisation. This development model was adopted with the hope that the trickle down effect will involve the poor and the marginalised in the process of development.

Unfortunately, this trickle down did not take place and a distorted and lopsided development process emerged, where the resources and authority became further concentrated in a few hands. The fruits of development were neither shared, nor did the poor and marginalised had access to it. The marginalised sections (the poor, women or rural people) continued to marginalised. It was clear by the 1980s that for more egalitarian and balanced development to be achieved, a more participative, democratic and decentralised bottom-up model of development was needed.

Many of these discourses propounded that for achieving the objectives of democratic states, the governance systems needed substantial changes, making the structure more participative and decentralised. The paradigmatic shift was evident in the attempts to transform governance to enhance accountability and projects to reinvent government and the bureaucracy. The dictum that 'lesser governance is better governance' was used to restructure governments and enhance their efficacy through moves towards decentralisation, ending 'licence raj' and reducing the government's regulatory functions.

During the late 1970s and 1980s all over the world and especially in India, various social movements and civil society initiatives were trying to reclaim their legitimate space from the state. These new social movements and civil society actors were generating and spreading democratic consciousness among the people with a view to suggesting that a democratic development process had to be participative and bottom-up. According to them, development had to be based on local needs, priorities and micro initiatives. Development should be a flexible process emanating from the grassroots level and not a blue print given from above. For these ends, the social movements and civil society actors were demanding radical changes in the governmental structure, to make it more participative, decentralised, democratic, accountable and transparent. The underlying theme was to replace the State-centric development process with a people-centric development process.

Under the impact of such changing context the Indian state was under increasing pressure to radically restructure its governance system to make it more democratic and participative and to address the needs and priorities of the marginalised sections of the society. It was genuinely felt that a more grassroots approach would enhance the efficacy of the state's planning and implementation machinery and incorporate the marginalised and under privileged in the mainstream of development. At this juncture the political will and support at the highest level also played a crucial role in preparing the ground for a panchayat raj system. Once brought to the forefront, the political parties understood the implications and potential of the panchayat raj system and a political consensus emerged in favour of empowering the panchayat raj system.

### **The 73rd Amendment**

The 73rd Amendment Bill was passed by the Lok Sabha and the Rajya Sabha with near unanimity on the 22nd and 23rd December 1992 respectively. This bill was ratified by 17 State Assemblies in 1993 and came into force as Constitution 73rd Amendment Act from the 24th April 1993. The Act provides Constitutional status to the panchayats and gives it uniformity by making the three-tier system a permanent feature. The key features of the Act are as follows:

- Envisages for the constitution of gram sabha with the

objective of providing participation to people in the decision making process. There shall be a Gram Sabha in each village exercising such powers and performing such functions at the village level as the legislature of a State may provide by law.

- Panchayats shall be constituted in every state at three levels- village, intermediate and district. However, the States with a population not exceeding 20 lakhs have been given the option not to have any intermediate level Panchayat.
- Members of panchayats at all levels will be elected through direct elections. The election of the chairperson at the intermediate and district level will be through indirect elections and the mode of election of the chairperson of the village panchayat has been left to the respective States.
- Seats are reserved for Scheduled Caste (SCs) and Scheduled Tribes (STs) at all levels according to their population at each level. Not less than one-third of seats are reserved for women and these may be allotted by rotation. The office of chairperson will also be subject to this provision.
- A uniform five-year term has been granted to the Panchayats. In case of dissolution or being superseded, elections should be held within six months of the date of dissolution.
- State legislatures have the legislative power to confer on the Panchayats such powers and authority as may be necessary to enable them to function as institutions of self-governance. They may be entrusted with the responsibility of (i) preparing plans for social justice and economic development; (ii) implementation of schemes for social justice and economic development; and (iii) in regard to matters listed in the 11th schedule. The list contains 29 items, such as land improvement, minor irrigation, fisheries, education, women and child development.
- State government has the power to authorise the Panchayats to levy, collect and appropriate suitable local taxes. The Government can make grant-in-aid to the Panchayats from the consolidated fund of the concerned State.
- Review of the financial position of the Panchayats will be undertaken by a finance commission, which shall be constituted every five years. It will also make recommendations on the distribution of funds between State and local bodies.
- A State Election Commission shall be constituted to ensure free and fair elections to the Panchayats.

The 73rd Amendment was inserted in Part IX of the Constitution, containing article 243 to 243-O. Local government is an exclusive State subject under entry 5 of List II of the 7th Schedule, therefore the Union just provides the outline of the panchayat system, which would be implemented by the States by making laws or amending their existing laws to bring them in conformity with the provisions of the 73rd Amendment. It was binding on the States that the implementing legislation should be undertaken within a year of the commencement of the 73rd Amendment Act.

### Suggestions

- The provisions of the State Acts should be translated into simple Hindi and local dialect and be distributed to all panchayat functionaries in the form of pocket booklets as

ready beckoners. Posters can also be prepared and displayed on the walls of Gram Panchayat building.

- The Panchayat Raj Institutions have specially empowered people to work as units of self-governance but it has been observed that the level of awareness and exposure among panchayat raj representatives and gram sabha members are very low. It is therefore important to initiate special training packages, awareness campaigns and capacity building programmes.
- It appears that the required number for quorum is very high which needs to be relooked with ground reality.
- It has often been seen that the gram sabha members find it difficult to perform their duties due to the complicated rules and procedures. It is, therefore necessary that the rules and procedure be simplified and included in the pocket booklets.
- Gram Sabhas have been provided supreme position in the new system but people at large are least informed about these provisions. They are still accepting the supremacy of gram panchayat. It is important to make them aware about such provisions. For this purpose public awareness campaigns can be launched through NGOs. Electronic media (Community Television) can also be an effective medium.
- Panchayat expected has to perform a very specific role to tackle social issue as well. The panchayat through the gram sabha should also take lead to minimise the social evils. Use of liquor and practice of dowry are to be discouraged.
- The study suggests that merely by resorting to amendment in the State Act and specific provisions for new system cannot change the scenario of villages. There is an urgent need to explore effective devices whereby maximum people can be informed, made aware and motivated to come forward for the proper implementation and execution of panchayat raj to achieve the goals of good governance.

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