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GRASS ROOTS DEMOCRACY - CHALLENGES AHEAD

II ANNIVERSARY OF CONSTITUTION (73rd AMENDMENT) ACT.



GANDHIJI ON PANCHAYATI RAJ

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.... 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.

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, the latter ready to perish for the circle of villages, 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.

If there ever is to be a republic of every village in India, then I claim verity for my picture in which the last is equal to the first, or in other words, none is to be the first and none the last.

In this picture every religion has its full and equal place. We are all leaves of a majestic tree whose trunk cannot be shaken off its roots which are deep down in the bowels of the earth. The mightiest of winds cannot move it.

When Panchayat Raj is established, public opinion will do what violence can never do. The present power of the zamindars, the capitalists and the rajas can hold sway so long as the common people do not realize their own strength. If the people non-co-operate with the evil of zamindari or capitalism, it must die of inanition. In Panchayat Raj only the Panchayat will be obeyed and the Panchayat can only work through the law of their making.

(Harijan, 1-7-47)

The Gram Panchayats shall be entrusted with the dispensing of justice. No separate judicial Panchayats are necessary. The poor peasant need not go out of his village, spend hard-earned money and waste weeks and months in towns on litigation. He can get all the necessary witnesses in the village and fight out his own case without being exploited by lawyers. When intricate points of law arise, Sub-Judge from the Taluka, or district could come down to the village and assist the Panchayat in deciding difficult cases.

(Harijan, 22 July, 1946)

The greater the power of the Panchayats, the better for the people. Moreover, for Panchayats to be effective and efficient, the level of people's education has to be considerably raised. I do not conceive the increase in the power of the people in military, but in moral terms.

(Harijan, 21 December, 1947)

In the true democracy of India, the unit was the village. Even if one village wanted Panchayat Raj, which was called Republic in English, no one could stop it. True democracy could not be worked by twenty men sitting at the Centre. It had to be worked from below by the people of every village.

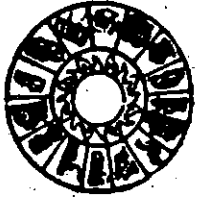
(At a prayer meeting, New Delhi 6 January, 1948)

It is the function of the Panchayats to revive honesty and industry. It is the function of the Panchayat to teach the villagers to avoid disputes, if they have to settle them. That would ensure speedy justice without any expenditure.

(18 January, 1948)

If we would see Panchayat Raj, i.e. democracy established, we would regard the humblest and lowliest Indian as being equally the ruler of India with the tallest in the land. For this, everyone should become so. He who is pure will always be wise. He will observe no distinctions between caste and caste, between touchable and untouchable, but will consider everyone equal with himself. He will bind others to himself with love.

(19 January, 1948)



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KURUKSHETRA, published in English and Hindi, seeks to carry the message of rural development to all sections of the people and serves as a forum for free, frank and serious discussion on the problems of rural development.

A Herculean task

The Constitution (73rd Amendment) Act, 1992 which came into effect on April 24, 1993 is a major landmark in the transition of political power to the grass roots level in the country. The Act, hailed as a watershed in decentralised decision-making, has brought with it new responsibilities to the Centre, States and the common man in rural India.

With a long history in local self-government, stretching far back to the ancient times, the country has given Constitutional sanction to PRIs with the enactment of the 73rd Amendment. On the second anniversary of the historic measure, *Kurukshetra* thought it worthwhile to take stock of the experiences gained so far in the dispensation of Panchayati Raj in the country.

The setting up of the PRIs is the first step towards grass roots democracy. It is regrettable that a number of States are yet to conduct Panchayat elections. Panchayat polls have been delayed on one pretext or another. The spirit of the Constitution is that PRIs must be in position at any given point of time. There have been suggestions from various quarters even to stop development grants to the erring States. But in a democratic set-up, persuasion is always better than holding out threats. The Ministry of Rural Areas and Employment has been constantly in touch with the States on the question of holding of elections. Apprehensions have been expressed by different quarters that elections fought on party lines in Panchayats would divide the people in the villages and partyless democracy is ideal for the rural society. At the same time it cannot be denied that political parties are very much part of the democratic set-up. What is needed is a criminal-proof election system, which will protect villages from the ravages of anti-social elements. It is the responsibility of the State Election Commission to ensure free and fair elections.

Even though the Act provides for direct participation of the people themselves in the Gram Sabha, reports suggest that it has not met in any of the States so far. The revival of the concept of Gram Sabha had raised new hopes and without the Gram Sabha PRIs cannot succeed.

Another criticism against the functioning of the Act is that the States have followed the Act in letter and not in spirit and most States see the Act merely as a tool to establish Panchayats as their agencies. In several States, officials have been given an upper hand and the bureaucrats allegedly see Panchayati Raj as a threat to their hegemony. Democratic decentralisation is different from administrative decentralisation. It means delegation of authority to elected representatives and bureaucrats will have to consider themselves as servants of the people. Motivating the bureaucrats to participate in the PRI system is crucial and a motivated bureaucracy is a necessary condition for making PRIs a success.

Apprehensions have also been expressed about the role of MLAs and MPs. It goes without saying that overdomination of the Panchayats by legislators would go against the very spirit of decentralisation. The MPs and MLAs have to realise that the PRIs are going to strengthen the polity of which they are an integral part. Advocates of PRIs say that the MPs' Local Areas Development Scheme cuts at the very root of Panchayati Raj. The MPs and MLAs have a moral obligation to allow the system to work and remove all hurdles in their way. They should always act as friends, philosophers and guides to the PRIs.

The power of dissolution vested with the State governments is seen as a perennial threat to PRIs. There should be adequate safeguards against the misuse of this provision on political grounds. If PRIs are to become effective instruments of democratic decentralisation, they should enjoy financial independence. They must be able to levy and collect their own taxes. Planning from below has yet to be stimulated in consonance with the spirit of the new Act. In the light of the 73rd and 74th Amendments to the Constitution the Zilla Parishads and Nagar Palikas would be responsible for the formulation of district plans. Another important area is land reforms. Without effective land reforms the basic objectives of decentralised democracy cannot be achieved.

PRIs have come to stay. We have to make them vibrant instruments of self-government. The task before us is a Herculean one. The 73rd Amendment has brought about structural changes. But mere rules and regulations alone would not facilitate empowerment of the people. In the ultimate analysis it is the political will of the State governments as also the commitment of the bureaucracy and the determination of the people at large that matter.

Power to the powerless—dawn of participatory democracy

Prof. K.D. Gangrade

The 73rd Constitutional Amendment has revolutionised and transformed representative democracy into participatory. One of the greatest problems of our parliamentary system is poor representation—750 people represent about 80 crore. The Amendment will bring in 30 lakh elected members all over the country in Panchayats and municipalities. The constitution of Gram Sabhas consisting of all adult members of a village

Panchayat will give 'voice' to 'voiceless' people living in 6,00,000 villages of India. This change has taken place almost 180 years to translate into practice Lord Ripon's and Gandhi's idea respectively, "to the local self-government" to "the institutions of self-government."

Institutions with strong roots

The sustained participation of the poor will depend on having a Gram Sabha comprising not more than 1,000 souls. This will ensure face-to-face communication and active participation of all the adult members forming the Gram Sabha. This will break long years of "culture of silence" and fear. This will also safeguard that the ideal of "power to the people" does not degenerate into the "power to the powerful". The village is the fundamental unit for the development of our country and the State, because the root has to be strong for the growth of the tree. The earlier Panchayati Raj institutions at the grass roots level have been the "grass without a root" and "caricature of local government".

Population size of villages in India

The Government of India publication, Panchayati Raj

in India 1991 gives the distribution of average population per Gram Panchayat. It shows that with the exception of Meghalaya, Lakshadweep and Pondicherry, about seven per cent of Gram

Panchayats have a population below 1,000, about 28 per cent between 1,000 and 2,000, about 14 per cent between 2,000 and 3,000 and 21 per cent between 3,000 and 4,000 and about 31 per cent 5,000 and above. This means about 70 per cent of

Gram Panchayats have the viable demographic size of below 5,000.

Between 1983 and 1991, the average size of the Gram Panchayats in 50 per cent of the cases has been reduced, in 19 per cent it has been increased and in the rest there have been no changes. The size of Gram Sabha in no case should increase more than 1,000 to ensure face-to-face dialogue.

Gandhi on people's institutions

Gandhi was categorical that the institutions of the peoples' level shall not be the bottom of the government pyramid. He enunciated: "In this structure, composed of innumerable villages, there will be ever widening, never ascending, circles. Life will not be a pyramid with apex sustained at the bottom. But it will be an oceanic circle whose centre will be the individual never aggressive in his or her arrogance but ever humble sharing the majesty of the oceanic circles of which they are an integral part."

This should be the primary goal of the three-tier system of Panchayats at village, intermediate block/Taluk

Evaluating the State Acts on PRIs, the author says the efforts of most States are towards establishing officers' Raj in place of people's Raj. The control over Panchayats by the State militates against the letter and spirit of decentralisation. Motivating the bureaucrats to participate in the Panchayati Raj system is crucial. Reservations for MPs and MLAs in the various tiers of Panchayats have made a mockery of the system. In the process of development, people must 'operate' and the government must co-operate, he feels.

GRASS ROOTS DEMOCRACY : CHALLENGES AHEAD

and district levels. All the States have passed their respective Acts in conformity with the 73rd Amendment by 24 April 1994. An examination of these Acts makes it abundantly clear that the States have followed the Amendment in "letter" and not in "spirit".

Evaluation of some of the State Acts: dominance of bureaucracy

It is strange that with the exception of a couple of States, no State Act says that its objective is to establish the institution of self-government. In fact, most State governments see the Act merely as a tool to establish Panchayats as their agencies. Even States like Punjab and Bihar, which make the point about Panchayat being an institution of self-government, have failed to conform to the goals of the Constitutional Amendment.

Upperhand for bureaucracy: The Karnataka Panchayati Raj Act vests the power of adjudging the performance of the Panchayats with the bureaucracy. Under the Bihar Panchayati Raj Act, 1993, officials are also the controlling authority. Panchayat leaders have to tender their resignations to bureaucrats. The Gujarat Panchayat Act has not incorporated the provision of constituting a district planning committee as a means to integrate the rural and urban plans prepared by the Zilla Parishad and municipality. The Haryana Panchayati Raj Act also confers most of the powers on the bureaucracy or the government, leaving little room for Panchayat to work independently. In several cases the order of the Director, Panchayat, is not only final but also cannot be questioned in any court of law. The government can cancel any resolution of the Panchayat under the pretext of it being against the public interest. However, what constitutes public interest is not defined anywhere in the Act, allowing possible manipulation of the clause by State governments for their own political ends. The Kerala Panchayat Act is also an effort towards establishing of officers' Raj in place of people's Raj. This is because the controlling power of Panchayats is vested in the Panchayat commissioner at the State level and the deputy commissioner at the district level and the deputy commissioner at the district level. All work done by the Panchayat is scrutinised by the bureaucracy. The Himachal Pradesh Panchayati Raj Act has not given administrative and financial autonomy to Panchayats for discharging their responsibility effectively. The Punjab Panchayati Raj Act empowers the Director, Panchayat to remove or reinstate any Sarpanch. As in Haryana, the order of the director or his deputy is final and not justiciable. Even the power of delimitation of territorial constituencies of the Panchayat Samiti and Zilla Parishad

has been retained by the State. The U.P. Assembly ratified the Act in such a hurry that the Opposition was not given a chance even to discuss it. The Andhra Pradesh Panchayat Act, too is no exception where control over the Panchayat by the bureaucracy is concerned. Any resolution passed by the Panchayats can be overruled by the officers. Besides, the State also has emergency powers to deal with these democratic institutions. The control over Panchayats by the State militates against the letter and spirit of decentralisation. Real decentralisation can take place only where each tier is assured of its autonomy. The government gives power by the right-hand and takes it back by the left hand.

Motivating the bureaucracy: Bureaucrats must understand that democratic decentralisation is much different from administrative decentralisation. The latter is not new. However, democratic decentralisation means delegation of authority to elected representatives. This will mean that bureaucrats will lose powers and work as subordinates to these representatives. In other words they will have to consider themselves servants of the people and not masters as they have been used to so far. Motivating the bureaucrats to participate in the Panchayati Raj system is crucial. Bureaucrats need not be assumed to be heartless beings. The Chief Ministers of the respective States should address conference of bureaucrats and highlight the roles the civil servants can play in making the scheme a success. The basic concept of Panchayati Raj should be emphasised and the role of bureaucracy vis-a-vis the elected officials clarified. A motivated bureaucracy is a necessary condition for making Panchayati Raj a success. The emotional preparation of civil servants have to be complemented with detailed training programmes, in which the various provisions of PRI legislation and regulations and their relationship with the existing sets of codes and manuals of the line departments should be clarified. Thus, the heart and mind of the bureaucrats would be prepared to participate in the process of democratic decentralisation.

Involvement of MPs and MLAs

Reservations for MPs and MLAs in the intermediate and apex tiers of Panchayats have made a mockery of these bodies. The involvement of these leaders will definitely influence local leadership in their favour. This will specially happen in the States where Panchayats elections are to take place on party basis. The elections held on party basis will help build up parties and not people. It will also not help to cure the ills of muscle power, money power, casteism, and communalism holding sway in these elections. Above all their inclusion is

illogical because they are the law-makers of the country and the State respectively. Further, the involvement of MPs and MLAs in the functioning of the Panchayats can create conflict between them and Panchayat leaders.

One of the reasons for the failure of earlier Panchayats has been the political tension and conflict between members of the legislatures on the one hand, and the elected officials of the PRIs on the other. A proper balance of interest must be maintained to give vitality to these institutions.

Dependency culture

The Five Year Plans do recognise the needs and importance of peoples' involvement and participation in the process of development. The attitude of passive observance after Independence and total dependence on the government has become all pervasive. It has to be altered to a pro-active attitude of people taking initiative themselves. In the process of development people must 'operate' and the government must 'co-operate'.

The Panchayati Raj system based mainly on doling of power and funds from the government is admittedly responsible for cultivation of attitudes and habits of dependence. Donations of funds and administrative powers, in the absence of responsibility for raising resources will create scope for decentralisation of nepotism and corruption.

The Bill had rightly defined the Panchayat as an institution of self-government but later, in defining the functions of this institution, had narrowed them to developmental functions, as in Article 243 G(a) and (b). Panchayats as a third tier of government must have regulatory functions and should not become merely agencies of government to implement developmental programmes. Without having law and order function at each level, no institution of self-government worth its salt can work efficiently and effectively.

The basic objective of Panchayats to involve people and to cultivate in them initiative and self-reliance should not be relegated into the background. The face to face democracy will ensure integrity and capability of elected leaders to manage the affairs of these institutions honestly.

Silent revolution

In India, woman is considered inferior to man. The reservation of one-third seats in Panchayat for women will usher in a silent revolution to improve their status.

So will of Scheduled Castes and Tribes, who have seats reserved in proportion to their population in a village.

In my village studies I had found that women's involvement and participation was totally absent. This was even in the village wherein village leaders had claimed cent per cent participation. They had a feeling that the women had no role in management and governance of village affairs. I had to convince them the importance of getting women actively involved in village affairs in the interest of total development of the village.

The women will remain merely spectators and listeners unless they are made to articulate and participate in Panchayats at each level. They need to be trained and given regular intensive orientation courses as a majority of them are illiterate.

Formation of Mahila Sabha

Besides reservation of seats, not less than one-third of the total number of offices of Chairpersons in Panchayats at each level shall be reserved for women. The objective of representation in executive bodies is likely to give women an effective 'say' in development and political processes of rural India. Womenfolk in general in villages remain at periphery. All adult women are members of Gram Sabha. But a very few of them attend and very rarely participate in the meetings. Broad based participation is limited due to traditional factors like caste, feudal approach and family status. For active involvement of women in the affairs of village, a separate Mahila Sabha may be constituted as a distinct statutory subunit of the Gram Sabha with definite rules, rights and access to funds. The forum of such Sabha as subunit provides opportunity for 'women to women' contact which will enlighten them for their meaningful participation in Gram Sabha—the general body of the village Panchayat. The Mahila Sabha may also establish contact with various voluntary women's organisations for their wider participation, emancipation and empowerment.

Dinesh Kumar, a researcher, had travelled intensively and extensively through Punjab during elections to Punjab's 11,596 Panchayats in early 1993. Journeying into the interior of the State he found that Panchayats and specially women were more concerned about schools being upgraded, ie from junior to middle and middle to senior level. Upgrading of schools will enable the girls to complete schooling as they do not like sending girls out of village for higher schooling.

Their awareness about the need to educate women, seems to indicate changing social pattern in the State's

villages. It is of tremendous significance that an unprecedented number of women were elected to the Panchayats.

There are 139 women Sarpanches and 9,376 Panches. These women have laid down their priorities. They seem to feel a special sense societal responsibility, demanding that violation of the Dowry Act, wife beating and police molestation of women, particularly when drunk be adequately punished.

Reservation for SCs & STs

In order to give adequate representation to SCs and STs in the decision-making process, the Act contemplates that office of the Chairperson at all levels shall be reserved in favour of SCs and STs in the States. Women belonging to SCs and STs may not lag behind as such a provision has been made to reserve one-third seats from among the seats reserved for this group. State legislature has been empowered to provide reservation of seats and offices of Chairpersons in Panchayats in favour of other backward classes.

The number of reserved seats shall be allotted by rotation to different Panchayats at each level. These reserved seats will be filled by direct election. The provision shows that reservation of seats for backward castes is not obligatory in contrast to that of reservation of women, Scheduled Castes and Scheduled Tribes.

Deficiencies in the Act

(a) **Gram Sabha:** The amended Act does recognise Gram Sabha as the body consisting of persons registered as voters within the area of Panchayat at the village level. But it does not specify the powers and functions of Gram Sabha. It states that the Gram Sabha will perform such functions at the village level which may be assigned to it by State legislation. This lacuna deprives soul to the Panchayat at the village level.

(b) **Creates factions and corruption:** The past experience shows that the Panchayati Raj system with its arithmetical logic creates opportunities for dividing the people and provides the incentive of acquiring control of powers and resources of the government. It creates factions and had functioned as a disintegrative, exploitative and corrupting system.

Mr L.C. Jain, former Member of the Planning Commission and Panchayati Raj ideologue is of the opinion that with the Constitutional Amendment, a beginning has been made. He further says that the Constitution is only a mute document. We have to change our own (personal) constitution. But will have to have accountability from their representatives. He cites the sterling

example of a Gram Panchayat in Karnataka which was able to check its corrupt *Pradhan*, who had auctioned the fish tank for Rs. 80,000 but rendered account for only a quarter of the sum.

The Gram Sabha from whose scrutiny no villager could escape asked him to pay back the money. He could not lie because his dishonesty was common knowledge to everyone in the village. He was debarred from holding office for five years for breach of trust. It is very difficult to keep a secret from the vigilant eyes of a closely-knit village set-up.

The findings of the earlier Panchayat elections at the micro-level based on the Panchayati Raj system show that Panchayat elections have created more problems than they can solve. They have resulted into re-inforcement of village factions, revival of caste-feelings and the leaders resort to various types of unfair means to capture power. The kinship pattern of village organisation, whereby an individual's primary loyalties are to his own family and lineage, underlines the difficulties in building a modern secular democratic system based on adult franchise and the delegation of authority to elected individuals to represent the large masses of people. It is hoped that people will rise above their narrow grooves to think and act in the interest of the whole village.

(c) **Discrimination in according punishment:** The Panchayat should not succumb to pressure from any quarter and deal with disputes truthfully and honestly as has been portrayed in the story of Munshi Premchand's *Panch Parmeshwar*. No Panchayat will repeat the ugly event of Khandrawali village in which a young Dalit couple was beheaded. Villagers approved the action of the Panchayat on the ground that the couple had violated the norms of rural life.

The Panchayat of Sinkanderpur village in Muzaffarnagar district let a rapist off because he belonged to the same community as that of the Gram Pradhan. It will surely be a travesty of justice if such acts are not countered.

There is a clear-cut discrimination in awarding punishment to Scheduled Castes and to high caste people.

(d) **Transfer of subjects not legally binding:** The Eleventh and Twelfth Schedules contain only a few of many areas which could have been put under the purview of the local bodies. What is more, the transfer of these subjects has not been made legally binding. The Eleventh Schedule contains 29 items. It envisages the transfer of primary education, primary health care

and running of the public distribution system to local bodies.

(e) **Unified tier-system:** A more basic objection to the structure of the local bodies is that all Panchayats will have to conform to a uniform three-tier structure. This could mean disruption of traditional local government structure of certain tribal region.

(f) **Role of MPs & MLAs:** Regrettably, contrary to the spirit of decentralisation, the Select Committee has introduced a retrograde provision not present in the original Bill. Co-option of State and Central legislators on the Panchayats was envisaged in some of the earlier drafts, primarily as a measure to establish a direct linkage between the Panchayats and the law-making apparatus. However, the provision of voting to these ex-officio members needs to be strongly questioned. This would lead to over domination of the Panchayats by the legislators. This would certainly go against the very spirit of decentralisation.

(g) **Power of dissolution:** The other main weakness is the power of dissolution. If the intention is to truly create grass roots democracy then it follows that the power of dissolution should rest with the electorate and not with any other authority. It is only in case of sedition or anti-national activities Panchayats be dissolved by a superior authority.

(h) **Adequate finance and land reforms:** Providing adequate finance to local bodies and land reforms are key to the success of Panchayats. For example, in West Bengal land reforms preceded the Panchayat Raj with the result that in the penultimate Panchayat elections, 75 per cent of the Chairpersons and members of the three-tier structure of 46,000 elected members were small and marginal farmers. Besides Scheduled Castes are represented in more than 19 per cent of the total operated areas.

(i) **Logic of electoral process scuttled:** Reservations have a positive role to play in promoting the accelerated uplift of historically disadvantaged groups such as SCs, STs, OBCs and women. None should grudge this. But the key to progress for these groups lies less in ever-widening and deepening preference than allowing normal process of democracy to function to elect Chairpersons at various levels in the Panchayati Raj system. It is, therefore, advisable to let the logic of the electoral process determine who is to hold these vital offices.

(j) **Indirect election:** Indirect election to the Samitis and Zilla Parishads robs the lower bodies of legitimate healthy control over the higher tiers.

Conclusions

A trinity of power, programmes and paisa is expected to hold up the weighty business of village self-government.

Despite limitation, democratic system will help the lower castes to move up in governing their own affairs in villages. The shift of power to the poor and weaker section of the society is slow. However, democracy offers a promise to the poor and backward people, if they would use their votes properly to win power and gradually sit on the driver's seat by getting elected as Chairpersons to Panchayat bodies. The fragmentation and division among themselves must be ironed out. Failing that these factors would not allow them to change the system at the grass roots level to meet their needs and aspirations.

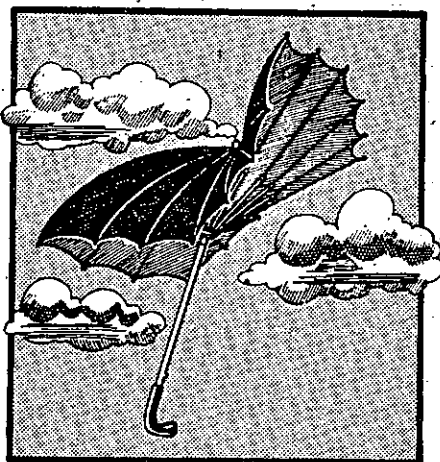
While the caste factor seems to be most important, equally important is the fact that competitive democratic politics require inter-caste groupings to be formed to gain, maintain and retain power positions even at the grass roots level. This calls for preparation of the representatives to enable them to shoulder their responsibilities effectively and efficiently without any fear or favour.

References

1. Ahmed Rashmee Z, A Great Rear For Change, *The Times of India*, May 30, 1993.
 2. Dutta-Vijay Ranjan, *Self-Government and Panchayati Raj: The New Phase*, Gandhian Institute of Studies, Varanasi, 1994.
 3. Gangrade K.D. Grass roots Democracy and Development, *Gandhi Marg*, Vol. XI, No. 3, October-December, 1989 pp 261-285
 4. Gandhi M.K., *Panchayati Raj*, Navajivan Publishing House, Ahmedabad, 1959.
 5. Krishna Sudhir, Training Bureaucrats for Panchayats, *The Times of India*, August, 4, 1994.
 6. Mahipal, Land Reforms Key to Panchayati Raj, *The Times of India*, July, 1993.
 7. Mahipal, Violating the spirit of Panchayati Raj, *The Times of India*, August 26, 1994.
 8. Mahipal, Remodel Panchayats for Viability, *The Times of India*, September 17, 1993.
 9. Mathew George and others (Eds), Status of Panchayati Raj in the States of India, 1994, Institute of Social Sciences, published by Concept Publishing Company, New Delhi, 1995.
 10. Suri Prakash Chandra, Panchayati Raj—Power to people, *The Hindustan Times*, June 2, 1993. □
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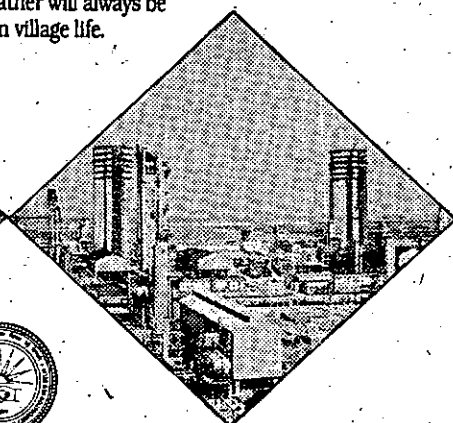
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The Constitution (73rd Amendment) Act : what next?

Dr S.P. Ranga Rao

The 73rd Amendment to the Indian Constitution is a unique event in the political history of modern India. In spite of the few attempts made since Independence to involve the rural masses of the country in the task of national development and reconstruction, the representative nature of governance in India had not substantially improved beyond the election of representatives to the State Assemblies and Parliament. The late Rajiv Gandhi rightly questioned the system in which the five-and-

Deprecating the lack of enthusiasm on the part of the State governments in implementing the 73rd Amendment Act, the author says that the absence of a clear functional jurisdiction for the Panchayats is the most important drawback of the Act. The mere threat of supersession is enough to bring the elected members round to the government viewpoint. Decentralisation as a measure of debureaucratisation has utterly failed in the present set-up. Sounding a note of caution the author says love for local democracy and decentralisation should not make one blind to the Constitutional role of the sovereign State governments.

a-half thousands of peoples' representatives at the State and Union levels not being available to the 900 million people of India, especially to the socially and economically deprived sections of the population living in about five-and-a-half lakh villages of the country. Hence, he proposed that the representative nature of governance of the country could be improved by the election of about 25 lakh functionaries of the rural and urban local governments. Earlier attempts at securing people's participation in rural development through the establishment of representative institutions at the grass roots level had met with little success for one reason or the other.

Unsuccessful attempts

With the advent of planning in the early fifties, rural bureaucracy headed by the District Collector was entrusted with the task of rural development which was attempted to be secured through peoples' participation. Pandit Nehru who believed in the efficacy of science and technology as a means of modernisation introduced the Extension Education of rural people for securing the de-

velopment of rural areas. As the experiment did not inspire the rural masses to the extent expected, a system of democratic decentralisation was introduced in the country since 1959. Unfortunately, except in a few pockets of the country the reform met with a slow death due to political rivalries and jealousies the system generated as well as the bureaucratic resistance to the reform. It was further alleged that the richer and the socially advanced sections of the rural society which captured the power in

rural local bodies managed to corner all the benefits of the public investment in rural development, consequently making the rural poor, poorer. Hence, the programmes undertaken to directly attack poverty since the late sixties were entrusted to the District Collector and his officers. With a few exceptions, during the last quarter century elections to Panchayati Raj bodies have either been not held for long intervals and wherever held they were denied the much needed administrative autonomy and starved of finances.

Rajiv Gandhi's initiatives

In 1989, young Rajiv Gandhi took up the cause of democratic decentralisation and proposed to provide Constitutional status to local bodies with the object of securing for them continued existence coupled with the empowerment of the weaker sections of the rural society as well as women. The provision of finances to the local bodies was proposed to be taken out of the absolute discretion of the State governments by the appointment of a State level Finance Commission. Like many others

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of his generation the late Prime Minister was impatient with the pace of development in India. In his own words: "If India is to maintain the position which she has built for herself in the world during the last 42 years, we need a certain economic and political strength within.... We will have to build a strong foundation so that we can build on it a very tall superstructure. And for this we need a lot of change at the grass roots level." Is it a pity that his 64th Amendment Bill was defeated in the Rajya Sabha because of the narrow political considerations of the Opposition which thwarted the attempt to transfer power to "where it belongs". Later with a few modifications the Amendment was introduced in Parliament by the elderly statesman, P.V. Narasimha Rao and adopted unanimously.

Reluctance on the part of States

The lack of enthusiasm on the part of the State governments including those run by the Congress in implementing the law is evident from the fact that some of them adopted the Panchayat law on the last day prescribed, viz 23rd April 1994, that too under persuasion and mild threats. The statutory requirement that elections to Panchayats have to be conducted within six months of the legislation coming into effect is also ignored by several of the States under some pretext or the other. The Union government directed the erring States to conduct elections latest by February 1995. Warnings were issued to nine of the States under Article 257 of the Constitution with a threat of withholding of grants. States like Gujarat, Bihar, Andhra Pradesh and Karnataka have indicated Assembly elections as an excuse, while Kerala and Tamil Nadu have ignored the warning. Out of the 25 States and seven Union Territories, elections were held only in Arunachal Pradesh, Assam, Rajasthan, Haryana, Madhya Pradesh, Maharashtra and West Bengal. The Union government had to issue another warning consequent to which steps are being initiated for the conduct of Panchayati Raj elections in other States.

A word of caution

After analysing the provisions of eleven of the State laws relating to Panchayati Raj, the Rajiv Gandhi Foundation Task Force on Panchayati Raj (herein called the Task Force) noted "with grave concern that the basic ideology behind the Seventy-third Amendment of making Panchayats institutions of self-government has been largely ignored in the recent legislation." However, a word of caution about the future role of local bodies in the political system of the country is very much needed in a discussion like this. Too much publicity and talk about the virtues of decentralisation is partly responsible

for the current attitude on the part of the States. While talking about Panchayats one should take a well-balanced view of the governmental complex of the nation. Love for local democracy and decentralisation should not make one blind to the Constitutional role of the sovereign State governments. While talking about the Panchayats one should not forget about their past record and the inherent limitations to the functioning of the faction-ridden, caste-oriented rural society which on earlier occasions had failed to mobilise the human and material resources for development, more particularly its failure in extending the benefits of development to the weaker sections of the society. Mere empowerment of the weaker sections and women may not immediately and substantially change the behavioural patterns of the rural inhabitants.

Local bodies vs sovereign authorities

Localism may prove to be a remedy to the growing regionalism in India to some extent. But use of expressions like "third tier of federal structure" and "district government" may further antagonise the State level politicians and put them on the defensive. At a time when they complain of encroachment by the Centre in their jurisdiction in the name of finances etc any erosion from below by the Panchayats will surely be met with resistance. Panchayati Raj may make democracy more meaningful and the local bodies may be in a better position to undertake nation-building and welfare activities more effectively as junior 'partners' of the State government whose administrative burden they seek to reduce. Due to nearness to the citizen and the consequent first-hand knowledge of the locality the policies and programmes of the Panchayats may sound more *relevant* to the locality. Empowerment of the weaker sections may bring about *social equity* in rural development. Local self-governments may be more *clientele-oriented* and bring about *popular participation* in governance. They may bring about *flexibility* in State policies in catering to the specific needs of the locality. At the same time all these virtues cannot elevate the local bodies to the level of sovereign authorities such as the State and Union governments. Incidentally, India is one among the few countries that use the expression 'local self-government'. The British named it so as it was the only 'government' with which elected representatives were associated in those days. Elsewhere they are variously known as 'local authorities', 'local bodies' or 'local institutions'.

Mandatory provisions

The authors of the 64th and 73rd Amendments are aware of the Constitutional and political impediments to decentralisation. While introducing the Amendment Bill

in 1987, Rajiv Gandhi made it abundantly clear that there was neither the intention to disturb the 'basic structure of the Constitution' nor the desire to 'legislate' on Panchayati Raj, but only to 'direct the State' to enact such a law. What was incorporated in the Constitution was not a 'local list' of functions, but only a 'Schedule' concerning the items of which, implementation of schemes may be decentralised by the State. The Amendment contains only the minimum possible mandatory provisions to restrict the freedom of the States in their dealings with Panchayati Raj. Such mandatory provisions of the Amendment Act include:

- (i) a three-tier structure of Panchayat with a few exceptions,
- (ii) continuous existence — the gap allowed being only six months,
- (iii) a five-year term,
- (iv) disqualifications of members of Panchayats,
- (v) direct election of members of Panchayats,
- (vi) indirect election of Chairpersons of the intermediate and district-level Panchayats,
- (vii) reservation of seats to members of Scheduled Castes and Tribes as well as women not only in membership of Panchayats but also for posts of Chairpersons,
- (viii) constitution of an independent Finance Commission with a provision to place its report before the State Legislature and
- (ix) conduct of local elections by an independent State level Election Commission.

Non-obligatory provisions

In respect of all other provisions the expression 'may' is deliberately used in place of 'shall' used for the above mentioned items, thus leaving the discretion to enact to the State Legislatures. For instance, "Gram Sabha" is only defined but its establishment is not made compulsory. It is only mentioned that the State legislature may prescribe its powers and functions. Among the other non-obligatory items mention may be made of the following:

- (i) representation to Members of the State Legislature and Parliament on Panchayats,
- (ii) representation of the Chairpersons of a lower level Panchayat on the immediate higher level,
- (iii) method of election of the Chairperson at the village level Panchayat,
- (iv) reservation of seats for membership as well as posts of Chairpersons of Panchayats to the members of backward classes,

- (v) conferring of powers and responsibilities to Panchayats to enable them to function as 'units of self-government',
- (vi) powers of Panchayats to prepare plans for economic development and social justice,
- (vii) implementation of schemes for economic development and social justice on matters including on the items mentioned in the Eleventh Schedule of the Constitution,
- (viii) power to impose taxes, and
- (ix) provisions relating to the maintenance of accounts and their audit.

The most significant of the above discretionary items relate to the conferring of powers and functions on Panchayats by the government in respect of which the State Legislatures enjoy wide powers of discretion. Significantly enough, only the function of preparation of plans for economic and social development is provided for and not for the implementation of the plans they prepare. The omission appears to be deliberate. Further only "schemes" relating to the items of the Eleventh Schedule are to be implemented by the Panchayats and such schemes need not be necessarily those prepared by the Panchayats. It is wrongly presumed by many that the 29 'functions' of the Schedule are conferred on the Panchayats under the Constitution.

Drawbacks of the Amendment

These Articles relating to powers and functions appear to treat the Panchayats as agents of the State government in the implementation of schemes entrusted to them. Even the traditional municipal functions customarily entrusted to village Panchayats are not mentioned anywhere. Absence of a clear functional jurisdiction for the Panchayats is the most important drawback of the 73rd Amendment Act. In the absence of such a provision the State Finance Commission can only take cognizance of those functions which the State Legislatures in their discretion may confer on Panchayats. Under these circumstances one can only speak of the moral responsibility and political obligation and good sense of the State government in the devolution of powers and functions on Panchayats.

Another serious omission of the Amendment Act relates to the absence of any mention of the employees of the Panchayats and their administrative autonomy. Experience in the working of local bodies tells us that they failed to function effectively in the past on account of inadequate control over those working under them through whom they have to implement their programmes. On ac-

count of the innumerable provisions relating to the regulation and control of their programmes, local bodies in the past had failed to deliver the goods. Along with the several directives given to the States for whatever it is worth, mention should have also been made that the State may/shall ensure adequate administrative support and operational autonomy for the Panchayats in the discharge of their responsibilities. No doubt the expression "local self-government" implies administrative autonomy and power to control its employees by the Panchayats, but as mentioned earlier, the letter of the law does not make the creation of local self-government' obligatory. A third lacuna relates to the snapping of the organic link between the three-tiers of Panchayats which would have been very useful in obtaining vertical co-ordination between different tiers of Panchayats.

Threat of supersession

It is no surprise for serious students of Indian local government to find innumerable provisions relating to control of Panchayats in Panchayat legislation. Extensive powers of regulation of and control over local decisions, actions, finances and even over the elected functionaries which have been in vogue since the days of the British have found their way in various Panchayat Acts today. No doubt today supersession of a local body or local bodies should be followed by fresh elections within six months. But the mere threat of supersession which entails re-election of the directly elected members who have to undergo the ordeal at considerable cost and effort is enough to bring them around to the government viewpoint.

Powerful bureaucracy

Panchayat legislation adopted in different States confers wide powers on the State bureaucracy. These powers conferred through statutory rules are so wide that it is neither the State-level politicians nor the Panchayats but the bureaucracy which gains the upperhand in the scheme of democratic decentralisation. Especially the presence of a powerful Collector at the district level personifying the governmental authority is inimical to the scheme of democratic decentralisation. Consequently, decentralisation as a measure of debureaucratisation has utterly failed in the present set-up. The district-level officials are not made accountable through subordination to the Panchayats for the activities of their respective departments. This arrangement continues to be a serious problem at the district level in the present system today in India.

Social justice for rural India

Indifference to the emerging Panchayat system is in a

way natural on the part of the State governments dominated by the upper castes, which are reluctant to confer wide powers on Panchayats. There is the imminent danger of social conflicts and unrest on account of the empowerment of weaker sections. Under the present rural social structure it is also difficult to find assertive leaders from the ranks of the weaker sections. As Rajiv Gandhi said the arrangement "is a charter not merely for the villages to become prosperous but also our villages to become just." In the interests of social justice in rural India we will have to necessarily go through this difficult transformation. Further, in a male dominated Indian society especially the rural society it is found to be difficult to get competent women to become members of the Panchayats as well as Chairpersons on such a large scale. Though the conduct of training programmes may partly solve the problem we will have to put up at least for some time with candidates for whom the male members of the family play proxy.

What next

In 1989, the late Rajiv Gandhi said "if the States do not act or if we feel that the action taken by the State is not adequate then we will have to step in and see that the States take adequate action for devolution. So we would like to leave this open for the States for the time being and watch and see how they react, but our minds are not closed and we want to see devolution." We do not know what measures the young man had in his mind to bring the erring States around. The Task Force took a holistic view on the subject and proposed the tapping of wider social action to ensure decentralisation. In their words: "The democratisation of our plural society cannot be ensured merely through legislative and administrative actions of the State. These enabling provisions would require massive mobilisational support, NGOs, academic and professional bodies, trade unions, political parties and other groups and individuals should involve themselves in exerting pressure to restore power "to where it belongs." However, with near unanimity among the State level politicians in their opposition to genuine democratic decentralisation and lack of faith in the efficacy of local democracy among the city-bred intellectuals it is difficult to say whether such mobilisation of an opinion among these classes in favour of Panchayats is possible at all. Appeal to the hostile State level leadership almost sounds like appeal to tigers to be vegetarians.

Suggestions

Role of local leaders: The main battle for powers and functions should emanate from the local leaders themselves and their institutions, while organisations like the

Task Force and other NGOs should encourage and stand by them. If not now, at a later date the voice of the 25 lakh representatives of Panchayats is bound to influence the course of political events in States. State-level leadership cannot afford to ignore the local representatives for reasons of electoral politics. There is an urgent need to educate local leadership about their legitimate role in nation building and the governance of the country. It is necessary to provide them with carefully drafted circulars explaining the philosophy of local democracy and the need to create local functional jurisdiction in respect of which they are more competent to act compared to outsiders.

Standing Committee on Panchayati Raj: Secondly, advantage should be taken of the fallout of political dynamics at the State level. It is a matter of common knowledge that political parties while in the opposition usually support Panchayati Raj as a matter of political expediency, while turning hostile while in power. A standing committee on Panchayati Raj of the State legislature with an opposition leader as Chairman would go a long way not only in the strengthening of Panchayati Raj but also in preventing undue interference of the State in the affairs of local bodies.

Chambers of Panchayati Raj: Thirdly, chambers of Panchayati Raj at the district and the State levels should be established in States where they have not been created earlier and revived and strengthened in States where they are already in existence. They should be made truly representative of the Panchayats. Central grants should be provided to them on a liberal scale so as to enable them to independently deal with the government on behalf of Panchayats. The chambers should also conduct research into the problems of Panchayats besides conducting training programmes for the functionaries of Panchayati Raj.

Revival of All-India Panchayat Parishad: There is a strong case for the revitalisation of the All-India Panchayat Parishad as an apex representative body of the State chambers. The Parishad should act as a clearing house for the shift of information and experiences between different States. Dynamic young leadership is needed for the Parishad for taking up and fighting for the cause of Panchayati Raj on a national scale. The Parishad should co-opt experts for taking up research work and training programmes.

Grants as a weapon: Fourthly, during the last one year or so the Union government successfully utilised grants as lever to get the States act on time. In fact, in countries like UK the practice has been in vogue for a long time. However, withholding of grants is too power-

ful a weapon to be used frequently. Moreover, it concerns only discretionary grants. Devolution of finances otherwise is now covered by Article 280 under which the National Finance Commission may strengthen the Consolidated Fund of the State keeping in view the devolution of State finances to the Panchayats.

C & AG: Fifthly, the 64th Amendment rightly brought the C & AG into the picture in respect of accounts and audit of Panchayats, which unfortunately was deleted in the 73rd Amendment. The grants provided to Panchayats and the States for rural development are part of the finances voted by Parliament. Strictly speaking it does not need a Constitutional provision and get the accounts of the Panchayats relating to the grants audited by the C and AG. It should be part of the deal relating to the release of grants. It is a known fact that in several States matching are either not provided for and/or the Central grants not used for the specific schemes for which they are meant. By changing the nomenclature of schemes, some States earlier had created an impression on the public that they were their own schemes.

Role of NGOs: Sixthly, as the task force rightly pointed out voluntary organisations especially women's organisations should be encouraged to take up the cause of Panchayats. The Union government may provide incentive grants to such organisations.

Conclusion

As mentioned earlier, since the States are acting well within the ambit of their legal and Constitutional powers in restricting the role of Panchayats, political and social pressures alone may bring the desired results. Educating the rural masses about the efficacy of Panchayati Raj in providing solutions to their problems is essential so as to develop clientele pressure groups of citizens whose demands the democratically elected State government cannot ignore. Pamphlets in colloquial local dialects depicting the advantages of development through decentralisation should be printed on a large scale and distributed in villages by voluntary organisations, the State/district chambers of Panchayati Raj and the All India Parishad. Attempts at decentralisation through the 73rd Amendment Act is often described as a silent revolution intended to involve millions of Indians in the governance of the Nation. It would take time for the system to settle and stabilise and any undue haste in speeding the pace of progress in this regard may prove to be counter-productive. □

- *The author is former Prof. of Public Administration, Osmania University (H. No. 1-8-702/85, Nallakunta, Hyderabad-500044, A.P.).*

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Making Panchayati Raj a reality

Dr P.V. Indiresan

The Constitution is the ultimate in the majesty of the Law. It is expected to inspire awe, extract unquestioned obedience. The Constitution (73rd Amendment) Act, 1992 was launched with the laudable intention of bringing power closer to the people by making the establishment of Panchayats imperative. Years have passed, but there is little sign that State governments are taking this important and specific injunction of the Constitution seriously.

Why should State governments resist such a laudable Act as that of Panchayati Raj? What reasons impel virtually all State governments behave the way they are doing? Is this resistance the result of poor design of these Constitutional provisions?

Reduced to bare bones, the Panchayati Raj Act transfers some powers from State governments to Panchayats. That is a typical win-lose game; a game in which one side benefits at the expense of the other. That may be desirable, even just; still, why should State governments surrender the powers they have enjoyed all these years? There lies the rub.

For any change to be welcome, it should be perceived as a win-win game—beneficial to both sides. Even then, there is often a need for a structural reconstruction: For instance, let us consider how drivers behave on crowded roads: fear of punishment for crossing the yellow line does not deter them from drifting to the opposite side, but a central reservation surely does. In other words, it is not fear of punishment but impracticality of disobedience that will enforce a law. In this sense, the Panchayati Raj Act is flawed: it does not incorporate any structural bulwark that can ensure compliance.

The Panchayati Raj Act should be redesigned to incorporate a structural bulwark to ensure its compliance, says the author. Panchayat officials should be protected from political interference in the normal discharge of their duties. Transparency and a total lack of secrecy is the essence of Panchayati Raj. Calling for a criminal-proof election system, he suggests that giving the voter a choice to reject all candidates would be a salutary provision which would force all parties to field only good candidates.

Then, the Panchayati Raj Act should be redesigned to offer State level politicians (and bureaucrats too) some direct benefit or other—and also make them suffer a

penalty if they do not follow the law in letter and in spirit. Further, it should be impractical *not* to implement the Act. Then, and only then, will Panchayats flourish.

To make the Panchayati Raj Act a win-win game, and giving it the capability

to enforce compliance requires Constitutional redesign. For instance, suppose the Act had stipulated that only current members of Panchayat boards will be eligible to stand for elections to State legislatures (Note: Panchayat Board members do not constitute the electoral college; they form only the pool from which candidates are chosen.) Then Panchayat elections become essential before legislators can get elected. Like the way the central reservation on a dual carriage way imposes discipline on drivers, a rule of this type would force legislators to support democratic functioning of Panchayats. Such a stipulation would also eliminate non-serious candidates who have become a menace in all our elections. So, this reform is doubly desirable.

Undoubtedly, a suggestion of this type will be resisted on some ground or other. For instance, this proposal goes against the belief that no qualifications should be stipulated for candidates who contest elections. That is the problem with all reforms. It is a peculiarity of all reforms that even if the goal is unique, solutions are many. So, when it comes to the design of reform, it becomes difficult to secure a consensus, let alone obtain unanimity. The problem is further compounded by the fact that people are averse to change. People resist logically correct solutions only because they are not accustomed to them. Anything novel will go counter to some shibboleth or

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other. Then, whichever way the structural bulwark is erected, it will evoke strong opposition even if it is not unrealistic or undesirable. On the other hand, without novelty, there can be no new bulwarks, and without new bulwarks, no compliance can be expected as a matter of course—particularly when State governments feel, and quite rightly too, implementing the Act requires a sacrifice on their part.

The Panchayat Act needs some form of a bulwark or other to protect Panchayati Raj from being eroded; such bulwarks are drastic innovations—which people instinctively resist. That is the crux of the problem.

Limitations of Panchayati Raj

It is necessary to state also that Panchayats are NOT an unalloyed blessing: Panchayats are susceptible to be infected by powerful anti-social elements. So, Panchayati Raj can lead to an unjust rule where caste, creed, corruption and even criminality may hold sway. Also, Panchayats are not in a position to attract competent administrators; so, they are liable to be inefficient. It was not an accident that Nehru himself resisted the empowerment of Panchayats, and did so in spite of the fact that Panchayats were closest to Gandhiji's heart.

Thus, there are three problems which the Panchayati Raj Act does not address properly: 1. it is perceived as a threat to the hegemony of the very authorities who have to implement it; 2. it does not guarantee that competent administrators will be available for running Panchayats; and 3. it does not inspire any confidence that Panchayats will not be taken over by anti-social—at any rate, reactionary—elements.

Enriching Panchayats

The normal reaction to these fears is to make Panchayats weak; a positive way is to make them powerful enough to protect themselves and also rich enough to attract competent administrators, valuable enough to be sought after by State governments. Then, to begin with, Panchayats should have large tax incomes. However, being small, they cannot tax anything movable: if they tax anything movable, tax payers will just move such goods to places where tax rates are less. So, Panchayats may tax only immovable property—land and buildings. However, costly properties that can yield large taxes are to be found only in cities, not in villages. Then, we have to induce rich property developers to move to villages. In other words, we cannot consider financial powers of Panchayats in isolation, but only in conjunction with those of urban areas. Then, let us consider legislation along the following lines:

Let property tax be based on (a) the market price of the property, (b) the Floor Space Ratio (FSR) of buildings (if any) constructed on the property, and (c) the level of traffic on the street on which the property is located.

With this type of formula, the tax rate will be far higher in cities than in villages. Let us consider an example: a modest two-bedroom flat in a city like Delhi can cost Rs. 10 lakh; be in a building with an FSR of two, raising taxable value to Rs. 20 lakh. That may be raised further to Rs. 40 lakh if the building is situated on a busy road. A similar accommodation in a nearby village may be priced barely at Rs. 4 lakh, have an FSR of 0.5 to lower the tax rate to Rs. 2 lakh only. At a modest one per cent rate of property tax, the flat in the city will attract a tax of Rs. 40,000 a year, in a village 20 times less; could be even 50 times less. So, we are talking of substantial disparity in tax costs.

Incidentally, as a rule, car owners in cities rarely have garages to park them; so they leave them on roads—occupying thereby expensive space worth lakhs of rupees for which they pay not a single paisa. Even if, a ten per cent interest is charged on the market value of space so occupied, most owners will have to pay thousands of rupees every month.

So, the suggested taxes are substantial, so substantial that they will induce many middle class families to move their cars and their residences away from cities and commute to work from villages. (Actually, without such a reverse migration, there will be no space for the hundreds of thousands of cars that will be coming into the market soon; our cities just cannot handle many more vehicles.) That this kind of reverse rural-urban migration is a natural requirement of development has not yet been appreciated by our policy makers. Such reversal will make villages doubly rich: they will attract wealthier people to generate more tax, and better educated people to generate more wealth.

This shift will also set at rest the fear that village Panchayats will not be able to attract able administrators, and hence cannot be run efficiently. The increasing presence of educated people will also reduce the authority of feudal obscurantists who hold sway in villages at the present time.

Protection against supersession

It is a matter of common experience that the smaller the organization, the higher is political interference, and the greater is administrative instability. As a result, such

organizations are liable to go off the rails, making it necessary to supersede them. Considering how frequently municipalities and corporations (even State governments) have been superseded, that risk is very real in the case of Panchayats. It is also a temptation for State governments to destabilize and supersede local administrations for no other reason except that they are run by political antagonists. So, Panchayats live under a constant threat.

So, let us add one more rule: where Panchayat elections have been held, and are functioning democratically, a large (say half) part of property taxes collected as above be transferred to State exchequer; where no elections have been held, and the Panchayats have been superseded for whatever reason, that share will go to the Central government. Then, obviously, State governments will see Panchayati Raj as a win-win game—local democracy increases the State governments' income too!

With reforms of this type, the three organizational objections to Panchayati Raj that were raised above can be overcome. Once again, it is not the specific suggestions that have been made here that are important. What is important is enrichment of villages both in money and in talent to the extent they can compete with cities. Only then will they be seen as valuable assets by State governments, not a burden as they are taken to be at present.

Panchayats and bureaucrats

While many complain against politicians, few appreciate that the bureaucracy too can be antagonistic to Panchayati Raj: bureaucrats often see Panchayati Raj as a threat to their hegemony. So, it is important to devise Panchayati Raj in such a manner that it is perceived by bureaucrats also as a positive opportunity. For instance, we may introduce a rule by which any government official who opts to serve in Panchayats will get, say, a three month extension of service before retirement for every year so served. Then, such government officials will retire not at 58 years of age, but several years later. These days, that will be quite a temptation for many to opt to work in Panchayats. Then, Panchayats will benefit from the presence of a large number of experienced officials. Many of them may find it convenient to retire in the villages where they serve rather than in cities. Both ways considerable human capital will accrue to Panchayats.

The danger of Panchayats becoming corrupt and oppressive becomes acute whenever there is collusion between politicians and bureaucrats; that will be rare where the administration is truly professional. For that

reason, it is important to protect Panchayat officials from political interference in the normal discharge of their duties. That may be ensured in two ways. One: people and the press be given the right to inspect all Panchayat records so that there is complete transparency. *In fact, transparency and a total lack of secrecy is the essence of Panchayati Raj.* Two: officials be made exclusively and individually responsible for the legality of any action they undertake. Only when responsibility is clear cut, and the administration is transparent can officials take courage to refuse to obey illegal orders—the way election officials are doing these days. Then, the probability of a Panchayat coming to such a pass that it deserves supersession becomes small.

Panchayat elections

It is well-known that—Seshan or no Seshan—our elections are deeply criminalised. In any case, there will be no Seshan to referee Panchayat elections. So, we need a criminal-proof election system, which will protect villages from the ravages of extremist or anti-social elements. Here too, what we need is an in-built structural bulwark; mere hope that politicians will behave properly, or will police themselves will not do.

The present system, where the first one past the post becomes the sole winner, sets a premium on extremism and on the propagation of hatred. Under this system, it is enough for a candidate to get 50 votes even if, in the process, 49 others are trod under. So, candidates are tempted to propagate hatred against large numbers of minorities if by that means they can cobble together a bare majority. Thereby, minorities get effectively disfranchised.

The present election system is also flawed on the ground that it elicits incomplete information: it offers opinion on one candidate, and no information at all on the others. This flaw may be eliminated by insisting that every voter votes on EVERY candidate: casts a positive vote if the candidate is acceptable, a negative vote if unacceptable, but leaves no blank vote in any case. Only in such an arrangement, and in no other way, can voters express themselves COMPLETELY; can provide FULL information on what they think. What is more important, with this system, those candidates who try to divide the society, try to arouse hatred, will attract negative votes. That will nullify what positive votes they might get through such divisive tactics. With this reform, there will be a heavy pressure on candidates to be positive, never to be disruptive.

As matters stand now, even if ALL candidates are

corrupt, one or other of these undesirables MUST win. On the other hand, in the proposed system, it is possible for ALL candidates to be rejected—when no candidate gets a positive number of votes! *To reject all contenders is a choice that is not available in the present system. Such a choice is a salutary provision; it will force political parties to choose only good candidates.* Then, it is not very material which of these good candidates wins.

In the present system any vote cast in favour of the loser is a wasted one, has zero value. In contrast, the proposed system makes every voter important, and minorities can no longer be ridden roughshod. Hence, this system will induce candidates to look for consensus, not vote banks. It will throw up mature people, not vote banks. It will throw up mature people, not extremists; the kind of people who seek harmony, not conflict. A rule of this type is important for all our elections, particularly so in Panchayat elections. Also, with more mature people coming to the fore, the risk of instability we have talked about, gets much reduced.

Empowering women

The Panchayati Raj Act attempts to empower women. That can be achieved more effectively by modifying the election format as follows: have elections every year, with a third of Panchayat Board members retiring each year. Further, only men may be permitted to contest in alternate years, and only women in other years. Then, women will have a two-thirds majority in the Panchayat in alternate years, and an opportunity to assert themselves in a way they cannot with the present reservation policy.

Further, with this rule, the year any candidate retires, only the opposite sex can contest. So no one will be able to recontest immediately—contest while still holding office. Instead, all candidates have to wait for another year. Such enforced abstinence from power is bound to make politicians a little more wise; will prevent them from misusing political authority to get themselves re-elected.

Having elections every year is a positive step in yet other way: it is common experience in our country that, however high may be their majority initially, political parties lose their popular support rapidly, generally within a year. That too leads to instability. When elections are held every year, people will get a chance to reconstitute Panchayats the way they wish, and not the way politicians like to manipulate.

Conclusion

The problem with the Panchayati Raj Act is that it is

poorly engineered in two ways: One: It does not have any in-built structural strength to force State administrations to obey the letter and the spirit of the law. Instead, it actually, discourages State governments from implementing the law with any enthusiasm. Two: Organized as they are, villages just cannot attract competent administrative staff; are condemned to depend on doles from the government. That will keep them permanently in a subservient condition. Further, there is a well-founded misgiving that Panchayati Raj is liable to be commandeered by violent, extremist and obscurantist forces. Even, Nehru was daunted by such fears. To overcome these problems, the following suggestions have been made:

1. Only members of Panchayat boards will be eligible to contest elections to State legislatures.
2. Property tax will be designed to be heavy on those who reside in crowded cities, and nominal in villages.
3. A part of the property tax (say, half) will be payable to State governments—but only when local bodies are functioning democratically, and elections have been held; else, the amount will go to the Central government.
4. Government officials who opt for deputation to Panchayats will be given extension of their retirement age by (say) three months for each year of such service.
5. Voters will vote on ALL candidates: cast positive votes for the candidate they accept, negative ones for those they disapprove, and no blank vote for any candidate.
6. Like the Rajya Sabha, Panchayat boards will be non-dissolvable permanent bodies with one-third members retiring each year.
7. Women and men will contest Panchayat elections in alternate years.

These proposals together form a balanced set. They will force State governments to honour Panchayati Raj both in letter and in spirit. If accepted, these reforms will also enrich villages, reverse the rural-urban migration, and incidentally halt the urban plight that is afflicting our country. What is more, these reforms will elect only those who seek harmony, eliminate those who cause disruption.

These suggestions are indicative of what issues need to be tackled, and how that may be done. Other solutions are possible; but any such set of reforms should:

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Panchayats—the new regime

Dr Amita Singh

Panchayats' have always been an integral part of rural India. The Constitution (73rd Amendment) Act 1992 has only formalised an age-old Indian sentiment. Now that all States have enacted the Panchayat Acts in accordance with the 73rd Amendment Act and some of them have also undergone the colossal task of holding elections to their multi-member constituencies, it becomes imperative to assess the true intentions of the Act. The alienated village Panchayats have finally got a chance to survive as self-reliant units of grass roots democracy rather than living as victims of political manoeuvring and bureaucratic authority.

The pathology of Panchayati Raj in India

Panchayati Raj institutions (PRIs) in India refer to a statutory multi-tier administrative structure entrusted with the developmental duties and responsibilities by the State legislatures. This form of local self-government has its origin in Lord Ripon's famous Resolution of 1882 in which he recommended 'the smallest administrative unit, the subdivision or *taluka* or *tehsil*—shall ordinarily be placed under a local board, which would further be controlled by the District boards. Article 40 of the Constitution directs States to make Panchayats and endow them with such powers and authority as may be necessary to enable them to function as responsible units of self-government.

In his book *Discovery Of India*, Jawaharlal Nehru mentions a 10th century book *Neetisara* written by Shukracharya in which he observed that the village

Panchayat or elected council had large powers both executive and judicial and its members were treated with the greatest respect by the king's officers. Land was distributed by this Panchayat which also collected taxes from the village. There was a large Panchayat over a number of these village Panchayats to supervise their functioning. The whole thrust of our freedom movement had also been to develop villages as self-sustaining units of administration. To recollect the widely quoted Gandhian statement, 'if the village

perishes, India will perish too'. Gandhiji observed that "in rural India life will not be a pyramid with the apex sustained by the bottom. It will instead be an oceanic circle whose centre will be the individual" (Harijan, 28th July 1946). However, the departures from these conceptions were rooted in the circumstances that led to the transfer of power in 1947, which favoured the Nehravian model of centralized planning in India. *The Centrally sponsored leviathan schemes of development emerged as the greatest hurdle in the realisation of the Gandhian dream of self-reliant Panchayats.*

Neglect of PRIs

The PRIs in India grew out of the Planning Commission's concern for land reforms and reorganisation of land tenure system. The Panchayats were conceived as instruments of development and not regulatory agencies of district administration. The lone reference to village Panchayats in Article 40 becomes meaningful if it is read with the proposals for democratic decentralisation contained in Chapter VII, (para 25-29). The desirability

Commenting on the reluctance of the State governments in initiating the spirit of the 73rd Amendment Act, the author laments that the Constitutional backing has become a hollow device of democratic decentralisation. The retention of bureaucratic control over PRIs has belied the hopes of the enthusiasts. The increased influence of MPs and MLAs over PRIs would adversely affect their autonomy making them vulnerable to the influence of urban elites. Calling for greater people's participation, the author observes that what is needed is the strengthening of participative democracy rather than representative democracy. The States should ensure a greater voice to the people who really matter in resource decisions.

GRASS ROOTS DEMOCRACY : CHALLENGES AHEAD

Panchayati Raj institutions : grey areas galore—need for time-bound tackling

Uma Joshi

At the outset, it may be pointed out that the genesis of the rural local self-government institutions is linked with the launching of the Community Development and National Extension Service programmes immediately after the initiation of planned economic development in India. These programmes were viewed basically as "people's programmes with government participation." However, the various reviews of these have shown that people's participation was not forthcoming, much less of the womenfolk in the countryside.

Decentralisation

Ultimately, the National Development Council constituted a committee on plan projects under the chairmanship of Balwantray Mehta and its report was submitted in 1957 with the main suggestion of instituting democratic decentralisation in rural areas with the help of a three-tier system—the village Panchayat as the basic grass roots institution, Panchayat Samiti at the block-level and Zilla Parishad at the district level. The same three levels have been retained even now but with a new vigour by fixing quotas of membership of different segments of people in villages as also by making various other provisions for elections and functioning.

Ashok Mehta Committee and G.V.K. Rao Committee

However, all these years since 1957 the Panchayati Raj institutions (PRIs) remained moribund except in a few States like Gujarat, Maharashtra, West Bengal and

Karnataka. The inertness and inertia afflicting them became so pervasive that the grass roots institutions came to be known as "grass without a root." Interestingly enough, another committee, known as Ashok Mehta Committee, looked into the functioning of democratic decentralisation. It calls the period of 1959 to 1964 as the period when the grass roots institutions took root, the period of 1964-69 as one of corrosion of these institu-

Describing the 73rd Amendment Act as a watershed in decentralised decision-making, the author warns that if PRIs are to be starved of the statutory powers and autonomy, the measure may ultimately prove to be a futile exercise. The grey areas in the matter of financial autonomy must be dealt with and removed to ensure democratic decentralisation in its true sense. In view of the atmosphere of liberalisation, the decentralisation process with long-term strategies for development needs to be integrated much more effectively, opines the author.

tions and the period of 1969-77 as the period of non-performance. The Committee found that "These institutions have suffered a serious set-back in the absence of regular elections and due to perfunctory audit. What is more, there has been an allergy to sharing authority with these nascent institutions both at official and political levels." Therefore, it suggested that the PRIs should be reconstructed, reinforced and revitalised as an organic integral part of our democratic process and that they should be accorded appropriate Constitutional status and recognition. The Committee also said that the dynamics of development require that a high level of technical expertise be made available at the district level, where planning of a more comprehensive and sophisticated kind can be undertaken, and concomitant administrative functions can be discharged more fruitfully. Recommendations along the same lines were made by the G.V.K. Rao Committee in 1985 and the L.M. Singhvi Committee in 1987, as also the Chief Ministers' Conference on Panchayats held in May 1989.

Review in 1989.

The Committee under the chairmanship of Dr L.M.

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Singhvi, formed in 1987, reviewed the functioning of PRIs in order to suggest measures for their revitalisation. The Committee recommended reorganisation of villages to make village Panchayats more viable. It suggested that they should have more financial resources and that there should be judicial tribunals in each State to adjudicate controversies about election to these local bodies, their dissolution, etc including other matters relating to their functioning. The Committee wanted to vest Panchayati Raj with a Constitutional status, saying that a separate Chapter should be added in the Constitution of India so as to make the identity and integrity of the PRIs reasonably and substantially inviolate.

In response to the above suggestions, the Union government introduced in Parliament on September 16, 1991 a Bill to amend the Constitution. Ultimately, Parliament approved the 73rd Amendment to the Constitution along with the Nagarpalika 74th Amendment Bill. The Constitution (73rd Amendment) Act of 1992 added a new part relating to Panchayats in the Constitution under Article 243 to provide for the following, among other things:

1. A Gram Sabha in a village or a group of villages
2. Direct elections to all seats in Panchayats at the village and intermediate level
3. Reservation of seats for Scheduled Castes and Scheduled Tribes in proportion to their population for membership and office of Chairpersons.
4. Reservation of not less than one-third of the seats for women
5. Fixing term of five years for Panchayats and holding elections within a period of six months in the event of supersession of any Panchayat
6. Devolution of powers and responsibilities by the State legislature upon the Panchayats with respect to the preparation of plans for economic development and social justice, as also for the implementation of development schemes, and
7. Setting up of a Finance Commission within one year of the Amendment and thereafter every five years to review the financial position of Panchayats and powers of State legislatures to make provisions with respect to elections to Panchayats under the superintendence, direction and control of the chief electoral officer of the State.

Post-Act scenario

As is well-known, the Amendment came into force on April 24, 1993—about two years back and as such, it is very appropriate to take stock of the experience gained so

far in the dispensation of Panchayati Raj in the country in the wake of the new Constitutional provisions. All the States were required to legislate afresh or amend their existing Panchayat laws to bring them in conformity with the provisions of the Constitutional Amendment within a year. This task, however, has been achieved fairly well. It may also be noted that the 73rd Amendment is not applicable to Jammu and Kashmir, Meghalaya, Mizoram, Nagaland and certain Scheduled areas of some States.

Integration of decentralisation process and development needs

It was expected that with this legislative support, the process of decentralisation would gather momentum. Regular elections should make those elected to the local bodies more sensitive to local opinion. Protection against arbitrary action by the State governments should help the local bodies take a more independent view of the requirements of the constituents. Moreover, an improvement in the financial position of these bodies should enable them to directly meet local requirements. However, the experience of decentralisation in several States suggests that the effective transfer of power to PRIs has thrown up problems of its own. Somehow, a preoccupation with short-term considerations became a major impediment to the effective functioning of PRIs. The task before the Panchayat institutions got further complicated by having to function in an atmosphere of liberalisation. With agricultural growth no longer merely a matter of investing public funds, the Panchayats need to explore alternative means of financing investment in rural infrastructure. As such, the process of decentralisation with long-term strategies for development needs to be integrated much more effectively. Such an integration requires, among other things, a greater awareness among Panchayat members of the policy options before them. The 73rd Amendment has been an important milestone in the process of decentralisation, but more than legislation what is required is the creation of effective local bodies.

Needless to say that an important aspect of rural life has been fellow-feeling and co-operation. However, in recent years the institution of co-operatives in various fields of rural activity has degenerated to one of corruption and inactivity. Panchayati Raj and co-operatives are like twin sisters and they can be nourished equally well by their members. Planning from below has yet to be stimulated in consonance with the spirit of the new dispensation but that has not been the case so far.

Growing rural inequalities

Proper identification of projects that could fruitfully

apply the benefits of new technology has utterly been lacking. The role which science and technology can play in increasing productivity for rural development can be seen from the experience of Punjab, where a subsistence agriculture was transformed into a commercial one particularly after the Green Revolution. Our Panchayat bodies must become much more concerned with such crucial issues which affect the lives of all rural people in particular and the whole population of the country in general. Application of science and technology, spread of adult education, accessibility of the mass media to rural areas and building up of the right type of political leadership are some of the essential steps that are necessary for developing rural areas. Decisions on these matters have so far been taken on an ad-hoc basis, perhaps due to the country being in a state of flux politically during the last two years. Also, there has been no drastic change in bureaucratic organisation created for administering programmes for the rural poor. Mainly it is for these reasons that it has been difficult to wipe out the growing rural inequalities and the various other rural problems.

So then the PRIs are burdened with somewhat difficult tasks and they have to deliver the goods if the new dispensation of Panchayati Raj is to be made meaningful for the lives of millions of the rural folk.

Need for devolution of powers

More than anything else, there is need for creating a community spirit in the villages and a sense of belonging in spite of economic and social differences. However, mere reliance on economic development does not lead to social harmony or social development. Panchayat institutions can, therefore, help a lot in stimulating village participation and creating a community feeling in the rural areas. In conformity with the amended Panchayati Raj system, powers and responsibilities have yet to be devolved upon the Panchayats for the preparation of plans for economic development and social justice. The contours of social justice need to be delineated, clearly understood and then acted upon meaningfully by launching programmes that help towards that end. All these things have not yet been taken up in the right spirit and in any serious manner.

Non-functioning of Gram Sabha and non-availability of reserved categories

While Gram Sabhas have been revived, reports indicate that they have not been functioning and the status quo of their moribund state persists. This is perhaps because it is difficult to have all villagers gathered at a

meeting at any particular point of time though it is not very difficult provided prior planning is done. Reservation of seats for Scheduled Castes, Scheduled Tribes and women has been a welcome step but not many of these categories of persons are available in most of the Panchayat institutions. Many institutions do not have women members according to the quota due to their having remained in splendid isolation for decades together.

Growing women's participation

This is not to suggest that rural women are not taking any interest in PRIs. Rather, it is the other way round. The new PRIs have acted as a centripetal force for women in villages and they have got enthused much more than was the case hitherto. But then, they find it rather difficult to assume leadership. And in this endeavour, there is need for more and more of voluntary women's organisations working in villages in order to train and encourage the right types of females to take active part in Panchayat institutions with full confidence. Certainly, if women's organisations are set up and they function regularly by taking the womenfolk into full confidence, there is no reason why the rural women would still shy away from Panchayats or shirk from assuming leadership rather than just becoming the members.

Women constitute almost half of India's total population. They have been given an opportunity for participation in local affairs as not less than one-third of the posts of Chairpersons have been reserved in their favour. This provision must bring about a qualitative change in the composition of local bodies and make women and weaker sections equal partners in progress and development in times to come.

But then, the rural scene is still one where the womenfolk in general remain at the periphery. With heavy responsibilities of tending their families and the farms, it is feared if they would have the time, despite their inclination, to attend meetings of the Gram Sabha, if and when they are held in future in case they have not been held in the last two years. What is more, certain factors like caste, feudalism, apathy and family status have come in the way. There has been absolutely no motivation for women to contribute their mite in meetings.

Need for Mahila Sabha

Had there been a separate Mahila Sabha as a subunit of the Gram Sabha, there would have been no misgivings about their active and full participation. Since there is no such provision, it is up to the Gram Sabha itself to constitute such a unit. In doing so, the adult male mem-

bers have to be progressive and forward looking. The Mahila Sabha should establish its relationship with other voluntary women's organisations for their wider participation. In case there is dearth of women leadership in Gram Sabha, it is all the more necessary to have a Mahila Sabha serving as a catalyst to create such leadership. This has not been experimented upon so far. Earlier it is done, the better it would be in the interest of proper functioning of our PRIs.

Bringing tribal areas under the Act

Now a word about the tribal areas. A high-level committee of MPs and experts constituted by the Ministry of Rural Development in June 1994 has recommended that the Scheduled and Tribal areas should be brought under the purview of the Panchayati Raj Act through separate legislation. It should aim, among other things, at the harmonisation of the unique characteristics of the tribal areas with the functioning of the new Panchayati Raj structure. The Committee under the chairmanship of Mr Dileep Singh Bhuria gave its report to the Prime Minister, Mr Narasimha Rao on February 3, 1995. The Prime Minister has expressed the view that the powers vested in the elected bodies should be 'final' and they should be given adequate responsibilities and allowed to function without "too much interference."

The Act confers powers and authority on PRIs to enable them to function as institutions of self-governance. Article 143 G calls upon the State governments to endow the Panchayats with powers in respect of the preparation and implementation of plans for economic development and social justice. As such, the new legislation should supersede the corresponding provisions in the State laws. The tribal communities should be empowered, through strengthening of the self-governing institutions so that the exploitation of the tribals in the form of displacement, deforestation, indebtedness and land alienation could be avoided.

Land reforms

The PRIs need to take a special interest in the implementation of land reforms in the tribal areas. States with tribal population still face the problem of tribal land alienation due to their indebtedness, ignorance and simple and gullible nature even though there are laws which prohibit transfer of land to non-tribals. The unscrupulous non-tribals take advantage of all this, while the tribals due to their social customs and traditions and poor economic base have got highly indebted and ultimately mortgage their land. Since the laws in this respect have failed to remedy the problem, it is now for the PRIs to

come forward and help the tribal population. Time is still ripe for them to act decisively. In any case, the land reforms drive of the governments has utterly failed. It is now for the PRIs to take up the cudgels on behalf of all villagers in an impartial and objective manner.

A watershed in decentralised decision-making

Surely, the 73rd Amendment of the Constitution was the watershed in the field of decentralised decision-making. The leakage of funds from the Centre to the village level had reached enormous proportions. It was then rightly felt that the success of PRIs depended to a large extent on the proper mandate, self-governance and financial autonomy. If these PRIs are yet to be starved of the statutory powers and autonomy, the Amendment may ultimately degenerate into a mere paper exercise. According to Article 243-H of the Amendment Act, the legislature of a State may, by law:

- (a) authorise a Panchayat to buy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State government for such purposes and subject to such conditions and limits;
- (c) provide for constitution of such funds for crediting all moneys received, respectively, by or on behalf of the Panchayat and also for the withdrawal of such money therefrom.

As is well-known, most of the States today are undergoing severe resource crunch. In a situation where a State government is unable to pay salaries of government employees, it is indeed difficult to imagine the kind of tax revenue that the State government would be willing to pass on to the PRIs. In most States it has been found that Panchayats have been left to fend for themselves as far as finances are concerned. The Amendment empowers the Governor of a State to review the financial position of the Panchayats and to make suitable recommendations for distribution of resources between Panchayats and the State. But then, so far this type of work has been done more in its default than in its observance.

Financial administration in shambles

In fact, the PRIs themselves are starved not only of funds but also of skilled manpower to decide in matters like taxation, budgeting, accountings and the like. Perhaps, it may still take some years before the PRIs get

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Future of Panchayati Raj after 73rd Constitutional Amendment Act

Prof. S.N. Mishra and Sweta Mishra

The Panchayati Raj institutions (PRIs) in India are the prime instruments of decentralisation at the grass roots level. They assume importance due to the need to contain the relentless demographic pressures and optimum use of scarce resources for development. They act as vehicle in carrying back to the people the power that really belongs to them. In the din of economic liberalisation the PRIs are also one of the downright rationalisation to meet the challenges of development. An orderly scheme of central-decentral polity is then a crying need of the hour.

The success of the PRIs depends to a large extent on the proper mandate, self-governance and financial autonomy. Due to the lack of these factors, the PRIs in India, since their inception, have failed to evolve into a viable democratic structure at the local levels. So the question still remains especially after the enforcement of the Constitution (73rd Amendment) Act, 1992, which can be called as the watershed in the field of decentralised decision-making, what would be the prospects of the PRIs in India by the beginning of 21st century?

The concept of Panchayati Raj

In our analysis, we first would like to discuss the conceptualisation for the Panchayati Raj as envisaged by the founding fathers of the Indian Constitution as they lacked unanimity on this concept and how far the Constitution (73rd Amendment) Act provided uniformity to the concept.

The concept of Panchayati Raj, since its inception, faced various interpretations both from its protagonists and antagonists. On the one hand, the emphasis was on

maximum local autonomy and minimisation of supervision and control by the higher authorities, especially the State government, and on the other hand, some consider it to be ruination for the country. Another controversy relates to the role of political parties in the PRIs. In this light, the Constitution (73rd Amendment) Act, 1992 has provided a

new dimension to the concept of Panchayati Raj.

The Gandhian concept

The plea for greater autonomy to the rural bodies received conceptual strength with the advent of Mahatma Gandhi on the national scene and his enunciation of the doctrine of national development through autonomous rural organisations which he derived to model on the lines of Panchayat system as it prevailed in ancient India. He envisaged a five-tier system of village Panchayats, taluka Panchayats, district Panchayats, provincial Panchayats, and all-India Panchayats. The administrative system envisaged by him was that of a pyramid whose broad base was composed of numerous village communities of the country. The higher Panchayats shall tender sound advice, give expert guidance and information, supervise and co-ordinate the activities of the village Panchayats for increasing the efficiency of the administration and public service. But it would be the

Even though the Constitution (73rd Amendment) Act has added a new dimension to the concept of Panchayati Raj, democratisation of our pluralistic society cannot be ensured merely through legislative and administrative measures, feel the authors. NGOs, academics, political parties and other bodies should involve themselves in exerting pressure to restore power to the place where it belongs. Stressing the need to keep away power brokers and vested interests, the authors have expressed the optimism that PRIs as units of grass roots democracy would usher in political, social and economic revolution strengthening the sinews of our democratic polity. In this context, the political will of the State governments is of paramount importance.

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basic units that would dictate to the Centre and not vice versa. In fact, the whole system would turn upside down, the village shall become the real and moving unit of administration.

Dr Ambedkar's views

However, Dr Ambedkar, who was primarily responsible for the Draft Constitution, gave no place in it to the Panchayats. He spoke clearly and unequivocally condemning the village Panchayats as "a sink of localism and den of ignorance and narrow-mindedness and communalism". He opined that the village republics spelled ruination for the country and played no part in the affairs and destiny of the country.

A via media

What followed was a mid-way between the Gandhian concept of village Panchayats and its condemnation by Dr Ambedkar. There was only the formal acceptance of the idea of local autonomy, in juxtaposition, there existed a well-entrenched resistance to any radical change of balance of power in favour of local self-government institutions. The resultant of this was in the form of only incorporation of village Panchayats in the Directive Principles (Article 40) of the Indian Constitution.

J.P.'s views

Jaya Prakash Narayan had a different concept of Panchayati Raj. He opined that the success of Panchayati Raj depended upon the extent to which political parties refrained from interfering with it and trying to convert it into their handmaiden, and using it as a jumping ground to climb power. "Self-government through faction-fighting will not be self-government, but self-ruination". Even Jawaharlal Nehru suggested for providing incentive for unanimous elections to Panchayats. Accordingly, as envisaged by him, there should be Panchayats of two types, namely those elected unanimously should be given more powers, and those elected by majority votes should be given lesser powers.

A new dimension

However, the concept of Panchayati Raj for the supporters of parliamentary democracy assumes correlation between parliamentary government and political parties. They feel that parliamentary democracy based on organised political parties and direct elections is the only and certain means of effective democratic government. The principle of unanimity may lead to some form of totalitarianism. It is normally a 'visionary concept'. Now the Constitution (73rd Amendment) Act, 1992 has added a new dimension to the concept of Panchayati Raj by

providing enough scope for direct elections and for political parties to contest elections and to play an effective role, and by giving it Constitutional status.

Present scenario

In the present scenario, the concept of Panchayati Raj has come to be accepted as an extension of democracy upto the village, and has found favour with politicians. It is often said that mere exercise of the right to elect representatives to the Central and the State legislatures is not enough for the ordinary citizen. In other words, the concept of participation of the people should be considered as an ideological commitment and, therefore, what is needed is legislative and structural measures to give legitimacy to people's participation.

The Constitution 72nd Amendment Bill was passed with near unanimity by the Lok Sabha on December 22, 1992 and by the Rajya Sabha on December 23, 1993. After having been ratified by 17 State Assemblies, it emerged as the Constitution 73rd Amendment Act and came into force on April 24, 1993. So this Amendment Act is the culmination of various proposals made by the earlier committees or subcommittees on Panchayati Raj bodies, and thus giving PRIs a viable shape.

Salient features

The salient features of the Act are as follows:

- (1) 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.
- (2) Panchayats shall be constituted in every State at the village, intermediate and district levels, thus bringing about uniformity in the Panchayati Raj structure. However, the State having a population not exceeding 20 lakhs have been given the option of not having any Panchayat at the intermediate level.
- (3) While the elections in respect of all the members to Panchayats at all levels will be direct, the elections in respect of the post of Chairman at the intermediate and district levels will be indirect. The mode of elections of Chairman to the village level has been left to the State governments to decide.
- (4) Reservation of seats for SCs/STs has been provided in proportion to their population at each level. Not less than one-third of the total membership has been reserved for women and these seats may be allotted by rotation to different

constituencies in a Panchayat. Similar reservations have been made in respect of the office of the Chairman also.

- (5) A uniform term of five years has been provided for the PRIs and in the event of their supersession, elections to constitute the body should be completed before the expiry of six months from the date of dissolution.
- (6) The State legislatures have been given the power to authorise the Panchayats to levy, collect, and appropriate suitable local taxes and also provide for making grants-in-aid to the Panchayats from the consolidated fund of the concerned State.
- (7) A Finance Commission has to be constituted once in every five years to review the financial position of the Panchayats and to make suitable recommendation to the State on the distribution of funds between the State and local bodies.
- (8) With a view to ensuring continuity, it has been provided in the Act that all the Panchayats existing immediately before the commencement of this Amendment Act will continue till the expiry of their duration unless dissolved by a resolution to that effect passed by the State legislature concerned.
- (9) The State legislatures should bring in necessary Amendments to their Panchayat Acts within a maximum period of one year from the commencement of this Amendment Act so as to conform to the provision contained in the Constitution.

The Act in operation

So far, the Seventy-third Constitutional (Amendment) Act, 1992 has only provided the general guidelines for the effective and efficient PRIs in India. It granted the PRIs Constitutional status, some sort of a uniformity by making the three-tier system a permanent feature, a regularity by making elections an imperative after the termination of the PRIs after every five years and the State Election Commission to conduct and supervise the elections, more financial autonomy with the constitution of the State Finance Commission, etc. But the major question still remains: how the various States are responding and at what speed they are implementing the Panchayati Raj as envisaged by the Constitutional Amendment?

It can be said that India is on the threshold of a historic transition of political power to the grass roots with all the States completing the process of enacting fresh legislation on strengthening the PRIs on 23 April, 1994.

Thus, the functioning of the new Panchayati Raj reveals the fact that though the legislative formalities have been completed in almost all the States, yet at the operational level, there is large variations between them. In States like West Bengal, Madhya Pradesh, Haryana, Punjab and Rajasthan, the elections at all levels have been completed but some States like Bihar, U.P., Tamil Nadu, and Kerala have postponed the Panchayat elections. Still the high-handedness of bureaucracy, with a few exceptions, over the local autonomy prevails. In addition to these, the principles of local self-government have not really percolated into the minds of the rural people is evident from their lack of reaction when Panchayat Raj elections are not held in time.

It is a sad affair for a democratic country like India that the basic ideology behind the 73rd Amendment to the Constitution of making Panchayats institutions of self-government had been largely ignored in the recent legislation by States. What is required is that the legislators should cut across party lines and implement the laws in true spirit with the implicit purpose of transferring power to the people, and to plug the loopholes in the existing system. Only when the three-tiers of the Constitution—the Centre, the States, and the local bodies—function with regularity and efficiency, the federal nature of the Constitution and the democratic nature of the polity will be preserved. Otherwise, the Constitution will become very much distorted in its content as well as implementation.

It can be said that the PRIs in India have since its inception, remained 'down to earth' without ever taking root. But the PRIs have survived without regularity in elections. This shows their inbuilt strength and, perhaps, makes them the only institution that lives on despite the appalling conditions justifying their departure. So what is required is the 'will' to make the PRIs viable democratic institutions on which the real democracy will thrive.

People's participation

It is notable that the PRIs are the primary institutions of democracy where people from village, block and district could participate. Except for them none of the other institutions can have direct participation of the local people. Devolution of power has to start here, and this is also where people at local levels get into the mainstream of development as well as public affairs. The PRIs, especially the 'Gram Sabhas', make the concept of 'direct democracy' like that of the Greek City-States of Plato and Aristotle days feasible at the present and centuries to come. The Gram Sabha has been designed to

be the place where development issues should be discussed, development programme initiated and beneficiaries of development schemes selected.

Socio-economic development

It may be added that the prospect of the PRIs would be on the increase keeping in mind the pace of economic liberalisation in India. In fact, they would become watchdog bodies to ensure proper implementation of the employment generation programmes like the JRY, poverty alleviation and special programmes like IRDP, TRYSEM and area development programmes like DPAP, DDP, etc., all schemes falling under MNP and programmes of the nature of local development work. In fact, the PRIs would play an important role in accelerating socio-economic development in the rural areas.

More powers to PRIs

Thanks to the Amendemnt Act, the PRIs are going to be vested with a lot of power and money in the coming years. The enhancement of the outlay for rural development to Rs. 30,000 crore in the Eighth Plan assumes greater significance in the context of this Act. In addition, the Panchayats are assured of a regular existence like any other democratic institutions enshrined in the Constitution and they will also have adequate powers both administrative and financial for implementing the economic development programmes meant for people living in rural India.

It is quite encouraging that the States will have to transfer 36 per cent of their total Plan outlay to the sub-State level planning bodies from 1994-95. Of the proposed 36 per cent outlay to be earmarked for micro-level planning, 30 per cent will go to sub-State planning bodies through lump sum grants for expenditure on areas including rural water supply, roads, electricity, education and any other local schemes. The list of 29 areas included in the Eleventh Schedule of the Act is flexible giving discretion to the PRIs to select schemes depending on local resources and problems. Five per cent of the State's Plan outlay will be 'united fund'—transferred to district or village bodies to be utilised at their own discretion. The remaining one per cent will be for poverty alleviation and employment generation programmes which are to be planned and funded at the village level. For the proper implementation of these, the activities and functioning of the PRIs will have to be closely watched and monitored so that they do not overstep their limits and cause irreparable damage to those living in their jurisdiction. What is needed is a consensual and uniform approach of auditing.

It can be observed that the democratisation of our pluralistic society cannot be ensured merely through legislative and administrative actions of the State. These enabling provisions will require massive mobilisational support and non-governmental organisations, academics and professional bodies, political parties and other groups should involve themselves in exerting pressure to restore power to the place where it belongs. For the entire exercise of decentralisation, people like school teachers, progressive farmers, social workers and professionals should be involved. Above all, the PRIs elected representatives should also be trained in rising over their electoral rivalry. They should be made to understand that once the elections are over, the rivalry ended. In fact, elections to the PRIs must carry a look of *Mela* (festival) to attract massive turn-out.

Suggestions

To brighten the prospects of the PRIs in India, some suggestions are given below :

- (1) The elected representatives of the Panchayats should exercise superintendence and control over government officials, ie serving the Panchayats instead of playing a subordinate role.
- (2) An inter-Zilla Panchayat Parishad should be constituted in every State with the Chief Minister as its Chairman to thrash out legislative, financial and administrative matters of the Panchayats. The planning set-up at the Zilla level should be headed by the Chairman of the Zilla Panchayat.
- (3) The requirements of financial accountability should be designed and supervised by the CAG and the power of dissolution as well as accountability of lower level Panchayat units should rest with the next higher levels of Panchayats and not with government officials in order to establish peer group accountability.
- (4) A Constitutional Amendment for ensuring elections to co-operatives is a must, because a vibrant co-operative system is important for successful Panchayati Raj.

In the end, we may raise the question: Do we seriously believe in democratic decentralisation or is it a mere paper exercise? It can be said that if the problems, both at macro and micro levels are not solved; if the 'vested interests' and the 'power brokers' are not knocked out of the system; if a half-hearted, uncooked, unplanned exercise is resorted to for the democratic decentralisation; if the financial autonomy conferred with accountability is not improved, we may land up in a situation, which a wise

man once put it as "Honey, I shrunk the People's Participation". If the policy of the government in giving impetus to the Panchayati Raj movement is implemented faithfully and fully, it will surely bring about the political, social and economic revolution which will not only strengthen the democratic character of our society, but will also prove a perennial source of throwing up energetic leadership which may change the entire face of the country and guide the destinies of the people most efficiently and effectively.

Conclusion

While concluding one more question comes to our mind which may be everybody's apprehension as to what would be the fate of PRIs by AD 2015? In regard to this query, we are quite optimistic about the future of PRIs as the units of grass roots democracy. No doubt, the success of PRIs will mainly depend upon the political will of the State governments concerned. However, making Panchayat Raj elections a regular phenomenon and giving them Constitutional status may ensure their bright future. No doubt, the elections at the State and Central levels, are a regular phenomenon but still we have not been able to take our democratic polity towards a bright future. However, this situation, to our mind, is not going to affect the rural political system in a substantive manner, the rural masses are, of course, illiterate and ignorant but very sensitive and capable of taking suitable decisions in the larger interest of the community. Moreover, due to mandatory and periodic elections, they will be in a position to shuffle and reshuffle the leadership of PRIs making them to realise that only those leaders could stay who are committed, non-partisan and take care of development of the village community. In such a way we hope that by the end of AD 2015 the Panchayati Raj institutions may be deeply rooted in the rural community and may become the real vehicle of change and development in the countryside. The only danger which, we visualise, is from the State governments. This apprehension is because of the fact that the 73rd Constitutional Amendment has provided maximum latitude to the States to make suitable Amendments in their Panchayati Raj Acts as and when required and this process has, perhaps,

already started. And as such, if such a negative approach of the State governments continues, then no body can save the Panchayati Raj institutions from the callous attitude of the State governments.

Notes and references

1. L.C. Jain, "Future of Panchayats", *Hindustan Times*, 4 October, 1991.
2. B. Krishnamurthy, "About Panchayati Raj", *Patriot*, 21 July 1993.
3. 15 Point Programmes for Panchayats, *The Hindu*, 21 August, 1994.
4. "M.P. Panchayat Bill Passed", *Statesman*, 31 December, 1994.
5. *Economic Times*, 2 October 1993.
6. A. Imbanathan "Panchayati Raj-At the Crossroad" *Deccan Herald*, 29 November, 1993.
7. K.K. Sharma, "Finance for Panchayati Raj", *Financial Express*, 13 September, 1993.
8. S.N. Mishra and S.S. Singh, *Road to Model Panchayati Raj* (Mittal Publications, New Delhi, 1993).
9. T.N. Chaturvedi (ed.), *Panchayati Raj*, (IIPA, New Delhi, 1991).
10. "My Vision of Village Swaraj", *Harijan*, 26 July, 1992.
11. R.N. Jathar, *Evolution of P.R. in India*, (Institute of Economic Research, Dharmar, 1964).
12. B.S. Bhargava: "Panchayati Raj System and Political Parties" (Ashish Publishing House, New Delhi, 1979).
13. H.D. Malviya, *Village Panchayats in India* (AICC, New Delhi 1956).
14. Iqbal Narain (et al): *Panchayati Raj Administration; Old and New Challenge* (IIPA, New Delhi, 1970).
15. N.R. Inamdār: *Functioning of Village Panchayats* (Popular Prakashan, Bombay, 1970).
16. P.C. Mathur; *Political Dynamics of Panchayati Raj* (Konark Publishers, New Delhi, 1991).

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Read Kurukshetra to know Rural India.

Panchayati Raj : issues and challenges ahead

Meena A. Galliar

It is an irony that even after 47 years of Independence we have been unable to resolve social issues affecting the development of individuals and the society at large. The increasing level of social conflicts based on religion, caste and politics has further threatened the integrity of the Nation as a whole eroding the social fabric of the community. The socialistic pattern of governance has given prominence to the State, the legislature, the political elite and the bureaucracy. This has resulted in declining level of meaningful participation of the common man in the process of development.

The Community Development experiment, initiated in the early 50s did not yield substantial results only because government's participation was far more than people's participation. The Balwantray Mehta Committee pointed out poignantly that absence of people's initiatives, interests and participation in the community development programmes contributed to widening the gap between people and the government. In order to alleviate this gap and increase people's participation the Committee recommended setting up of self-government institutions. Based on the recommendations Panchayati Raj came into existence. Panchayats were designed to provide institutional base for the people's participation. Rajasthan was the first State to adopt the Panchayati Raj system in 1959, other States soon followed suit. This move was soon throttled due to various micro and macro factors ranging from non-elections, suspension of local governments, misuse of authority and power, lack of adequate representation of minorities. Women were regarded only as recipients of welfare rather than contribu-

tors to development and so on. This manifested non-functional and ineffective PRIs which were directly under the control of the State. This resulted in defeating the very essence of Panchayati Raj.

Reviewing the progress in the implementation of the 73rd Amendment Act, the author warns that the process of decentralisation would stagnate if local bodies depend upon the State. A healthy respect for the process amongst the political leaders and the bureaucrats is of paramount importance. The relationships between the local politicians and the bureaucrats should be effective and efficient. The task before the country to put back Panchayati Raj on the track is a Herculean one, she adds.

Development and patterns of development were carved entirely by government guidelines enveloped by rules, regulations and red tape. Development programmes were conceived by those who were least

affected or connected with the local problems. The bureaucrats involved had no visualization about the root causes of social issues, hence effective strategies could never be evolved. Wherever some attempts were made they were half-heartedly supported by the administrative machinery and political elite. Various development programmes implemented at the block level suffered setbacks because both the officials and non-officials lacked the expertise and competence to plan and manage activities. It was seen that the top bureaucrats ran the government to administer the country and the village level functionaries operated the development machinery of our system. Development administration lacked public support.

Development suffered due to patch work approach remedying the ills rather than preventing them in the first place. Individual and community initiatives were replaced by government subsidies.

The role of the government was seen more as that of a 'saviour' rather than of 'change agent'. The masses were christened as 'beneficiaries' rather than 'partners' in development. They were categorised, by popular government parlance in terms of 'target group',

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'vulnerable section', etc who were unable to fend for themselves.

Various revitalising strategies and techniques were put to use to extricate the problems of poverty and inefficiency but were of no avail. People over the years had lost faith in the government and had become insensitive to a system which brought to naught their resources time and again. This dejected situation finally compelled the people of India to accept and recognize the problems confronting Panchayati Raj and design structural solutions to rectify the shortcomings. It is against this background that the 73rd Amendment was passed.

Salient features of the Amendment

This Amendment marks a major step forward in the establishment of local government institutions in India by making elections mandatory and preventing the State government from superseding these institutions for indefinite periods. It also enables the State governments to devolve powers and responsibilities to the Panchayats and reserves one-third of the total number of seats for women in local government institutions. The State legislature had been given the powers to authorize the Panchayats making grants-in-aid to the Panchayats from the consolidated fund of the State. A Finance Commission will be created to make mobilization. Thus a large amount of assured funds will flow to the PRIs which will have adequate finance and powers to implement development programmes for the people.

Issues and challenges

One need not be unduly overwhelmed with the provision of the 73rd Amendment because it is easier said than done. In order to translate the mandate of the 73rd Amendment there is a major impediment in the system which need to be looked into. It is anticipated that discords are likely to arise between four important sub-systems of the Panchayati Raj, namely the local level politician, the senior level politician, the vested interest groups and the bureaucrats. The common basis for this discord is redistribution of powers.

Power sharing or shredding

For the first time, power is going to be shared between the State and Panchayati Raj institutions. A large number of MLAs, ministers, and bureaucrats have felt threatened because of losing power in the process of delegation of powers to the Panchayati Raj bodies. This is natural because sharing of power is a frightful experience. Only time will tell what sort of frictions, ambiguities, and confrontation will be generated in implementing the

provisions of the Panchayati Raj Act. It has been seen that the higher political elite has become vindictive towards the lower political figures in view of their inexperience, lack of understanding and other failings. They would immediately jump to conclusion and would be only too happy to malign the functioning of the Panchayati Raj. Further, the local level politicians will now no longer be at local levels, but are likely to move high up in their political careers which will be a direct threat to the MLAs and MPs. Hence the confrontation between the local politicians and the decentralization process.

Local politician vs bureaucrats

The issues arising out of the interface between the politicians and bureaucrats also need to be anticipated. The 73rd Amendment has resulted in reduction of power and authority enjoyed by the bureaucracy in the past. There is wide differences in the background vision, understanding, sensitivity, approach, between the local leaders and bureaucrats. Similarly, the non-officials with their newly found power might tend to become despotic to fulfil their personal greed and ambitions. Women, hitherto who were powerless are now empowered. There is a possibility that the empowered women will take some time to get accustomed to their new status and vital role, during which time men and other bureaucrats are likely to ignore or misuse their power.

Governmental indifference

It is important to note that PRIs have become part of our Constitution and all the States covered by the new Act have enacted the necessary legislation. It is almost two years since the Act has come into force. Most of the States and Union Territories have not held elections to the PRIs. In some States and Union Territories PRIs have been constituted only partly. This callous attitude towards the entire restructuring shows that the exercise has become a farce. Even wherever it is implemented one finds that the scene has not changed much and most of it is attributed to the human factor involved. A lot of communication gaps, lack of clarity regarding responsibilities, expectations have contributed to its slow pace. The dependency attitude nurtured so far by the government has created an inertia amongst the people which hampers proper participation.

Interest groups vs local leadership

There is also a possibility of confrontation between vested interest groups and local level institutions. These interest groups, viz the business community, contractors, self-appointed social workers, religious organisations, etc are likely to work at cross purposes. At times elected

representatives will be scapegoats in these vicious circles. Inner rings will be formed for personal wheeling—dealings, ignoring the interests of the community at large.

Management of change

Decision-making till now was highly centralized in the hands of administration. The decentralization of decision-making into action implies major challenges to the established order. To meet these challenges there is a need to evolve a multidisciplinary approach. In a democratic set-up people with diverse needs and interests will have to work together to make better decisions which will affect the society at large. The change which has been initiated by the 73rd Amendment needs to be managed and sustained effectively through innovative strategies. There is a need to equip all those involved in the decentralization process with proper attitudes, values and skills. The 73rd Amendment has empowered the Panchayats. The empowerment process encompasses several mutually reinforcing components. A critical component is access to and control over resources which should be exercised in an effective way. A second component of empowerment is knowledge and awareness of one's self and society and of needs of the people, legal rights, availability and accessibility of social and economic resources. The third component is of self-image. This includes realisation of one's capabilities, potentials, commitments and confidence to take action. The final component is of restructuring relationships including gender relationships both within the micro and macro levels. A culture of equality has to be formulated not only between men and women representatives but also between the officials and the non-officials manning the decentralization set-up. A long-term strategy for networking at different levels of policy and decision-making process needs to be evolved. There has to be clarity regarding our principles, programmes, priorities and political tools. To ensure continuous qualitative and quantitative improvement and innovation in the decentralised planning and implementation, the planning and the development departments at the State level should sponsor programmes, innovations and research especially through voluntary organisations. Communication network has to be developed to disseminate information regarding development programmes. The entire process of decentralization would stagnate if local bodies depend upon the State. As recommended by the State Finance Commission the financial assistance should be in two parts—one part consisting of block grants as recommended by the State Finance Commissions and the other part linked partly or wholly, to the quantum of resources conserved and mobilised by the local authori-

ties. A tradition of mobilising local resources to support community activities like community kitchen gardens, construction of school, *balwadi* should be implemented. It is important to emphasise that decentralization can serve both positive and negative ends. If decentralization remains confined to the political level without its constructive component of area planning, the negative aspect of decentralised working of the political institutions will emerge. The dominance of the local leaders, suppression of weaker sections would then forcefully emerge.

The positive results can emerge through restructuring of the planning process governed by effective and efficient relationships amongst the local politicians and bureaucrats. Mutual support, understanding and co-operation are three major areas which will help in changing the present scenario. To achieve the above goals commitments between the officials and the non-officials are essential. 'Training' both officials and non-officials to meet the demands of the task is essential.

Training can play an important role in improving individual and organizational efficiency particularly so within a new instituted decentralised system of planning, organisation and administration. The training should be able to impart right knowledge, skills, and attitudes to handle the decentralised system of governance. The training components at each level should be consistent with the training needs, expectations, responsibilities and so on. Training at whatever levels is done should have certain common components like sensitivity to issues, gender sensitivity, changing nature of the target groups, understanding village dynamics and use of power, skills necessary for conflict resolution and crisis and intervention, working with disadvantaged groups, networking with organisations, developing participatory approach, programme planning, monitoring and evaluation skills. Managerial skills in resource mobilisation and management are the prerequisites which need to be developed both between officials and non-officials to achieve the goals of development.

Training by itself is not a panacea. It can be effective only if the organisational structure of the PRIs permits the utilisation of the training.

Conclusion

The task before the country to put back Panchayati Raj on the track is a Herculean one. The 73rd Amendment has brought about a structural change. To make this functional there is a need to strengthen various aspects of PRIs. To a large extent this will depend upon whether we

(Contd. on page 93)

Panchayati Raj : a giant step towards participatory democracy

Dr M. Aram and T. Ravichandran

1995 is a historic year. It marks the 125th birth centenary of Mahatma Gandhi and the 50th anniversary of the United Nations. Also 1995 will be the third year of the historic Constitution (73rd Amendment Act) on Panchayati Raj.

The world is turning more and more to non-violence. How to create a political model based on non-violence is a challenge to all of us. India should show the way to build a non-violent political system.

Describing the Constitution (73rd Amendment) Act as a giant leap towards participatory democracy, the authors say that the provision for reservation of seats for women, SCs and STs is a revolutionary step. Gram Panchayat elections should be held on non-party basis in the larger interest of the public. The MPs' Local Area Development Scheme, if properly implemented in co-ordinations with PRIs, would be of great help to the people. Calling for Indianisation of the Indian polity, the authors say that the provision relating to the Gram Sabha, if implemented actually, would lead to the blooming of a new democratic spirit at the grass roots.

Amendment on Panchayati Raj on 22 December 1992 was a historic achievement of Indian Parliament and the Government of India. That there should be Constitu-

tional Amendment to make the elections to the Panchayats mandatory represented the growing national consensus. Jayaprakash Narayan, Ashok Mehta, Rajiv Gandhi and others had felt that this should be done.

Prime Minister Narasimha Rao, the architect of this historic Constitutional Amendment, suc-

ceeded in persuading all parties to support the Bill. *This is a giant step towards participatory democracy.*

Panchayati Raj is an ancient and indigenous system. It has evolved out of the ethos of Indian civilization. Now that Panchayati Raj will be the foundation of Indian polity, there is bound to be positive qualitative changes in our national life.

Significant provisions of 73rd Amendment

In the 73rd Constitutional Amendment, a significant place is given to the Gram Sabha. Article 243(a) says: "A Gram Sabha may exercise special powers and perform such functions for village level as the legislature of a State may by law provide."

This provision on Gram Sabha will give an opportunity to the people of the village, particularly the voting public, to take active and direct interest in the affairs of the village. This will lead to *participatory democracy* as distinct from *representative democracy*.

Further, the composition of the Panchayats at village,

The vision of Mahatma Gandhi

Mahatma Gandhi, described by Albert Einstein as 'the greatest political genius of the century' was a dreamer. Describing the ideal social structure, he said:

"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, the village ready to form the circle of villages, till at last the whole become 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."

This picture envisioned by Gandhiji may appear utopian. Still it serves as an ideal to work towards.

73rd Amendment—a historic development

The unanimous passing of the 73rd Constitutional

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intermediate and district levels has some special features. Section 243D(2) says: "Not less than 1/3 of the total number of seats shall be reserved for women belonging to the Scheduled Castes or as the case may be of Scheduled Tribes." *This is a very progressive, indeed revolutionary step.*

Again, Section 243D(3) says: "Not less than 1/3 of the total number of seats to be filled by direct election in every village shall be reserved for women and such seats shall be allotted by rotation to different constituencies in a Panchayat."

There is also further provision for reservation in the Chairpersons of Panchayats. Section 243(D) says: "The office of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law, provide."

The significance of the above provisions relating to women and Scheduled Castes and Scheduled Tribes is that Panchayats will provide ample opportunity for women from weaker sections to play an important role in governance and administration of the village affairs. We expect women to take special interest in the education of children at primary and elementary levels.

Now it is upto the rural women to avail themselves of this new opportunity and take part in Panchayat administration. It is true that legal provision by itself will not automatically bring the women in the mainstream of village administration and the menfolk should encourage the women to come up in public life.

Tamil Nadu Act on Panchayati Raj 1994

In consonance with the 73rd Constitutional Amendment, the Tamil Nadu government passed the 1994 Panchayati Raj Act, a comprehensive legislation to replace the 1958 Act which was on the statute book. Let us refer to some provisions of the new Act.

The Tamil Nadu Act provides, in a detailed and elaborate manner, for the major features of the 73rd Amendment such as Gram Sabha, reservation for women, reservation for weaker sections, Finance Commission and provision relating to the subjects contained in the XI Schedule.

The XI Schedule contains 29 subjects starting with agriculture. This is a very comprehensive list. Some of the subjects like primary education and poverty alleviation could be very appropriately carried out by the Panchayati Raj institutions. On the other hand, there are some other subjects like agriculture and technical educa-

tion which will have to be jointly administered by Panchayati Raj institutions and State government. Agricultural research or technological upgradation is better done at the State level. *So, what is urgently necessary is to spell out in clear and specific terms the relative distribution of responsibilities and powers between the State government and the Panchayati Raj government in regard to these 29 subjects.*

As we know, the main thrust of the Constitutional Amendment as well as the State Act is that every five years elections shall be held for Panchayati Raj in the same way as elections are held for the State Assembly and Parliament. If for some reason, a Panchayat is suspended or superseded, bye-elections will have to be held within six months. This puts the Panchayati Raj on the same basis as the State Assembly or Parliament.

The current controversy in Tamil Nadu

The current issue which has become controversial is *when to hold elections in Tamil Nadu*, in accordance with the State Act and the Amendment. There is a view that since under the new Amendment and the new Act, elections are held for the first time, there is no obligation to hold the elections within one year, ie by April 1995. But the spirit of the Amendment is clear.

The President of India, in his address at the joint session of Parliament on 13 February 1995, asked the State governments who have not held elections so far, to do so by April 1995. Since then such State governments, except Tamil Nadu, have announced the time-schedule for Panchayat elections. Unfortunately, Tamil Nadu is yet to do so.

Why should the Tamil Nadu government hesitate to hold the elections? We feel this will be constitutionally indefensible, politically unwise and morally wrong. It has since been announced that Tamil Nadu would hold Panchayat elections in June 1995.

Party basis or non-party basis

One basic issue is whether Gram Panchayat elections should be held on party basis or *non-party basis*. We think it will be in the larger interest of the public to hold Gram Panchayat elections on non-party basis. What a Gram Panchayat needs is able and honest leadership who could effectively manage local development. The electorate should be free to choose representatives on the basis of character and merit. A useful exercise will be to spell out more specifically the attributes and qualifications of candidates aspiring for public office in the Panchayat system.

If this principle of non-party elections to Panchayats is accepted, then there will be no special advantage or disadvantage to any political party, ruling or opposition. Besides the issues for Panchayat election are *local in character*. When the Assembly elections and Parliament elections are held, the issues will be national and larger in nature. Then party ideologies and policies should appropriately come up for consideration by the electorate.

People's movement for Panchayati Raj

'People's movement for Panchayati Raj' is a non-party movement working on Gandhian lines for Panchayati Raj. 'Shanti Ashram', a voluntary organization based in Coimbatore has started a Research and Training Centre on Panchayati Raj. Sustained work has been done by these organizations during the period 1993-95.

A State level conference on Panchayati Raj to build up public opinion for early enactment of Panchayati Raj Act was held in Madras in January 1994. Eminent personalities like Mr C. Subramaniam, former Governor of Maharashtra, His Holiness Kundrakkudi Adigalar, grass-roots development expert of international repute, Dr George Mathew, Director, Institute of Social Sciences, New Delhi and some other personalities participated in the conference. This was a major event. A week after the conference, the Tamil Nadu government took a Cabinet decision to bring in the Panchayati Raj Bill.

To prepare a *Model Bill on Panchayati Raj*, an expert team was commissioned under the chairpersonship of Adv. M. Mariappan. They came out with a model Bill on Panchayati Raj in January 1994. The Tamil Nadu Assembly passed the Panchayat Act on 21 January 1994. It was found that the model Bill was of much use.

A *State level seminar on Panchayati Raj* for women was organized at Coimbatore on 3 June 1994 in which 200 representatives from different districts of Tamil Nadu participated. Another State level conference on Panchayati Raj was held at Coimbatore on the following day in which about 300 grass roots workers from various cross-sections from different parts of the State participated.

MPs' Local Area Development Scheme

MPs' Local Area Development Scheme (MPLADS) is a new scheme which gives an opportunity for an MP to work at the grass roots level and make his constructive

contributions to local area development. If properly implemented in co-ordination with the Panchayati Raj institutions, it will be of great help to the public.

To give an example; the following projects have been taken up in Perur block of Coimbatore district, Tamil Nadu. This is part of the attempt to make Perur a "poverty-free" block and make it a model in holistic development:

1. Perur Sanitation Project
2. Improvement of roads in Kovaipudur consisting of five sections.
3. School complex near Sundakkamuthur
4. Post-Literacy Centre building near Vaikkalpalayam.
5. Widening of the road from Ukkadam to Perur bye-pass and to clear the present garbage heaps.
6. Arivoli Nagar Health Centre near Kovaipudur.
7. Community Centre for Edayarpalayam.
8. Drinking water supply for Kuniyamuthur Panchayat.

When these projects are fully implemented, they would make substantial contributions to the fulfilment of some basic needs in the block.

Panchayati Raj will Indianise Indian polity

If the provision relating to the Gram Sabha could be actually implemented, it will truly lead to a new flowering of the democratic spirit at the grass-roots.

We have tried for many years the Westminster model of parliamentary democracy and party system. There is a growing feeling that we should *Indianise the Indian polity*. Panchayati Raj is an Indian political institution. It is part of our ancient civilization. The basic concepts underlying Panchayati Raj are indigenous. If Panchayati Raj is given a fair trial, it is bound to create new political ethos. This matter deserves enquiry by our political scientists. □

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Why this delay in setting up PRIs ?

S.C. Bhatt

The euphoria in the fifties over the rural development and Panchayati Raj endeavours was so great that when Pt. Jawaharlal Nehru inaugurated Panchayati Raj at Nagaur in Rajasthan on October 2, Gandhi Jayanti Day in 1959, many thought the millennium was already here. I was present at the famed cattle heartland of Rajasthan on that autumn day. I was also thrilled by Nehru's address to the vast concourse of rural India and almost believed the Gandhian dream of empowering the villages was about to become a reality.

A dream shattered

What followed is a somewhat disturbing picture of the dream being shattered before it was realised. The euphoria gradually evaporated and the migration of millions of rural unemployed to the cities to dwell in slums began. Although the Green Revolution arrived in the latter part of the sixties and self-sufficiency was achieved some years later, the large-scale movement of the rural people to the streets of the metropolitan cities and other big urban areas has gone on unchecked. Except in some areas where agriculture has made a big impact and land redistribution has also taken place the people have not gone back to their village homes. With a substantial admixture of the urban hapless and even some from a neighbouring country these slum dwellers constitute a poor commentary on our treatment of our villages.

A new initiative

The rural areas have, therefore, to be given a special dispensation now at least. The Constitution (73rd Amend-

ment) Act, 1992 has created a real framework for empowering the rural people through their Panchayats, the Samitis and the Zilla Parishads and for providing the village institutions with powers and funds for taking up development works for the benefit of the people themselves. After the Amendment Act was enacted in December 1992 by both the houses of Parliament the process of endorsing it by the required number of States was quickly gone through so that the Act could

receive the assent of the President on April 24, 1993.

Still away from the goal

Yet, regrettably, it would soon be two years since this landmark in rural development was achieved and we are not yet close to the first step in achieving the goal. In December 1994, the then Minister of State for Rural Development told the Consultative Committee of MPs attached to the Ministry that Andhra Pradesh, Bihar, Gujarat, Haryana, Kerala, Rajasthan, Tamil Nadu and Uttar Pradesh, representing nearly half the total population of India, were yet to hold elections to PRIs. There were in their ranks three Union Territories also—Chandigarh, Lakshadweep and Pondicherry. Fortunately, Rajasthan, Gujarat and Haryana have in the period since then shed their lethargy and elections have been held. There are however, some other States which have yet to constitute the full complement of PRIs envisaged in the Constitution Act and incorporated in the relevant State Acts too. These were: Goa, Himachal Pradesh, Karnataka, Manipur, Orissa, Andaman and Nicobar islands, Dadra and Nagar Haveli and Daman and Diu. They have created the PRI structure, but it is incomplete.

Commenting on the delay in taking the vital first step of holding elections of PRIs, the author says it is but natural that many politicians do not relish the PRIs usurping their position and power. If a majority of our administrators consider loyalty to the Constitution and service to the people as their guiding stars, there is no reason why the PRIs could not be enabled to render effective service to the rural people. The Centre and the people's representatives have a moral obligation to allow the PRI system to work and remove all hurdles in the way. The future of India lies in the growth of the villages and the rise of the true villager, he adds.

GRASS ROOTS DEMOCRACY : CHALLENGES AHEAD

Steps initiated to hold PRI polls

There is fortunately a stirring in some of the States and Andhra Pradesh, for example, is going to hold the elections to the PRIs in the near future. In some cases, legal action resorted to by some people is holding up the process or is giving the powers that be the much needed alibi to delay the process of giving power to the rural people. One hopes that with the threat held out recently by no less a person than the Prime Minister himself that funds for rural development, in the form of Central grants and contributions, would be withheld if elections are not held soon, the process would finally gather momentum and the PRIs would be constituted. It could legitimately be argued that these funds could actually have been withheld even earlier from States not going in for Panchayat polls.

Apprehensions of politicians

The setting up of the PRIs is actually the first step. Of course, the delay in taking this vital first action is itself eloquent testimony to the state of affairs in a number of States where the polls have been delayed on one pretext or another. The rural areas constitute the hunting ground of many politicians and they would not relish the PRIs usurping their position and power. If the PRIs become a reality the big brothers from the State capitals and district headquarters would not enjoy the same vantage position in the villages. The entire scheme of Panchayati Raj envisages not merely the polls to the Gram Sabhas, the Samitis and Zilla Parishads but actual conferment of power, financial, developmental and administrative, on the representatives of the people in the villages. For that purpose a State Financial Commission to decide on the devolution of financial powers and resource to the Panchayats is provided.

This would naturally cut into the patronage and power enjoyed by the big brothers of State politics. Only a proper inquiry would show whether this factor, among others, has been responsible for putting off elections again and again. Those familiar with the process of legal action would tell you that some of it could have been inspired by elements not interested in early polls. While there could be and almost certainly would be genuine cases of people adversely affected and seeking justice to safeguard their rights and positions, substantial litigation in our country is inspired by elements keen on obstructing progress.

Freeing PRIs from prejudices

As we said before, the constitution of the PRIs is only the first step in the direction of bringing into being a system of fully empowered villages presiding over their

own destiny. The PRIs have to be allowed to run their full five year term and the power of suspending them or superseding them has to be used only in an emergency situation. The State capital politicians have to realise that the villagers must become their own masters, in the true Gandhian spirit, to which many of them only pay lip service, even to the extent of allowing some of them making genuine mistakes and sometimes going astray. Good administrators can prevent serious lapses and steer the Panchayats into constructive channels free from personal prejudice and the influence of vested interests.

Spirit of service : a must

The administrators have to be imbued with the spirit of service and loyalty to the Constitution of which the Panchayati Raj scheme is now an integral part. It is a sad fact of the developments in the past two or three decades that several elements among the administrators have found it convenient to hunt with the political hounds and oppress the hapless people, both in the rural areas and even the people in the cities. Not oppression, as portrayed wrongly in the cinema and the TV serials, but by conniving at injustice and helping the political elements in taking palpably wrong decisions, citing administrative and legal hurdles for inability to do the right thing when these could be easily put out of the way. There is no doubt that many of the administrators begin with a high degree of idealism and have a burning desire to serve the people but a number of them allow themselves to become willing or unwilling partners of the political power structure.

Role of administrators

Loyalty to the Constitution and service of the people should be their guiding stars. If a majority of our administrators could adhere to them there is no reason why the entire system of government in the country could not be made to run successfully and the PRIs enabled to render effective service to the rural people. Anyway, it is not futile to hope that now with the full back-up of the legal structure the administrator would become a bulwark of the PRI system, thwart the grasping politician at the State or even higher level and put the rural politicians in their place.

Operating the systems

Ultimately, it is for the rural representatives to run the various PRI institutions in the most useful manner possible. The success of the vastly improved system would actually be determined by the dedicated manner in which the people's representatives operate the system, the substantial powers conferred on them, the financial and

other resources placed at their disposal and the sword of State political interference which was earlier hanging over their heads removed through the legal and Constitutional provisions.

Minimising party politics

The local men and women have to be actuated by the spirit of service to their fellow-men and women and not guided by personal, family or caste interests. Unfortunately, the elections held so far, or most of them, have been fought on party lines. Even the media have portrayed the results as the success or failure of this political party or that. There is no harm if the political approach is injected even in the PRIs if the representatives chosen have clean records in terms of probity, devoted service and other qualifications. But if the problems of development and good village administration are to be viewed in the perspective of which political party comes to the top, the PRI systems would be greatly handicapped. It is to be hoped that the political bosses would not insist on issuing party whips, which no doubt, have their place in the State and Central legislatures, and allow their members to function as true spokespersons of the people who have chosen them.

Power of PRIs vis-a-vis MPs, MLAs

What applies to the State politicians applied with equal force to those who operate on a national scale, although their influence is somewhat less in the sphere of rural development. The Centre and the people's representatives in Parliament having created the PRI structure and enacted the Constitution Amendment Act, they have a moral obligation to allow the system to work and remove all hurdles in the way. This obligation is not only negative in nature but also has certain positive implications. For example, the Central representatives have to exert themselves to ensure that others do not put hurdles in the way of the PRI institutions discharging their respective roles. The areas of conflict between the province of the former and the one enjoyed by the district or village level representatives has to be narrowed down and even eliminated if possible.

In this context, the MPs' Local Areas Development Scheme is a case in point where convergence rather than conflict has to be ensured. Many in the country have not been impressed by the scheme itself which is an offshoot of similar schemes in some States where the MLAs had funds placed at their disposal for "development" projects in their constituencies. It is contrary to the notion of parliamentary democracy that funds should be placed at the disposal of any individual simply because he is

representing the constituency. The MLA or MP is the arbiter of the huge funds spent by the State concerned or the Central government. How he could allow his area to be narrowed down to his constituency is difficult to understand. The MLAs or MPs acting together wield enormous influence which, like the clenched fist, is a repository of power.

Eliminating areas of conflict

In any case, it is important that no conflict should arise and the implementation of the PRI scheme should go ahead unhindered. The MPs and the MLAs have to realise that the PRIs are going to strengthen the polity of which they are an integral part and the Nation is ultimately going to benefit by it. Too much emphasis on the so-called local areas of influence for individual MP or MLA is striking at the root of the village Panchayat's area of operation. If the two are viewed as rivals and contenders for the same honours or influence the seeds of conflict will surely be sown. If, on the other hand, the objective is harmonious development there is no reason why the area of conflict cannot be narrowed down or even eliminated altogether.

Thus we come back to square one. For the PRI institutions to succeed they will have to be run in a spirit of service to the rural people and with the objective of empowering the villages to make the Gandhian dream come true. That means not only the MPs, who in the first place created the PRI scheme, MLAs, who adopted the State Acts and said 'yes' to village self-government, but also the people's representatives at the grass roots will have to operate the system in the spirit its creators had in mind.

Our endeavours for rural uplift did not have the desired impact and the villages did not benefit so far because personal benefit rather than the good of the village community has been the dominant feature. If all the funds for rural development have not reached the rural people and they have been misappropriated by political, administrative and other intermediaries, which is a fact, lack of dedication and idealism are to be blamed. Now that the Panchayati Raj system has been created and a new revolutionary concept in rural development has been put into operation the system should not be jeopardised by the same corroding influences of personal gain dominating the development process.

Conclusion

Not only the PRI institutions have to be brought into being, notwithstanding the delay that has already

(Contd. on page 97)

The emerging phase of democratic decentralization in India : some issues

S.P. Jain

Democratic decentralization was the logical outcome of the erstwhile community development programme which was launched on a country-wide basis in 1952. It was this programme which provided fresh thinking regarding the relative share of the efforts of the people and those of the officials. The establishment of Panchayati Raj structure, having a three-tier system, was thus the beginning of a phase of 'democratic decentralisation' in the

late fifties. The initial enthusiasm of setting up the Panchayati Raj system in different States could not be sustained for long due to a variety of reasons. Most State governments had not been serious in maintaining these institutions and providing them continuity and durability. In general, these institutions were denied resources, responsibilities and powers, and elections to these bodies were not held for years under some pretext or the other. Constitutional status to these bodies was, therefore, considered as the only way to sustain the decentralization process in totality. The expectation was that mandatory set-up of Panchayati Raj institutions (PRIs), holding of periodic elections, provision of reservation for the weaker sections including women, and appropriate financial back-up will not only strengthen these institutions but also consolidate decentralization at local levels.

The rationale for the Constitution Amendment was that though the PRIs have been in existence for a long time, these have not been able to acquire the status and dignity of viable and responsive people's bodies. Obstacles such as absence of regular elections, prolonged supersessions, inadequate representation for weaker sec-

tions, insufficient devolution of powers and lack of financial resources cannot be rectified until Constitutional support to provide these institutions certainty, continuity and durability is assured. The 73rd Constitution Amendment accordingly defines Panchayats as units of "self-government" for the rural areas. The salient features of the Amendment are:

Gram Sabha

A Gram Sabha (village Assembly) con-

sisting of all registered voters in the area of a Panchayat is to be constituted. It was intended to provide effective peoples' participation in various programmes at local level.

Panchayats

A three-tier structure has been provided thereby bringing some amount of uniformity in the Panchayati Raj system throughout the country. Thus Panchayati Raj institutions are to be established at the village, intermediate and district levels. Smaller States with a population of 20 lakhs or less are given option for the middle tier.

Election to PRIs

- (i) The elections of members of Panchayats at the village, intermediate and district levels will be compulsorily direct.
- (ii) The Chairpersons at the intermediate and district levels have to be compulsorily elected indirectly by and from amongst the elected members. However, the mode of election of the president of village Panchayat has to be decided by the State government.

The author feels that the basic proposition to make the PRIs really as institutions of self-government has been sidelined. Psychological barriers are still to be cleared as far as acceptance of decentralisation is concerned, as only a few States have constituted the PRIs on the basis of fresh elections. In most cases, elections have been postponed on one pretext or the other. The attitude of the bureaucracy is also not encouraging. The success of democratic decentralisation depends on the commitment of the political leadership, beauracry and ultimately the people themselves, he observes.

GRASS ROOTS DEMOCRACY : CHALLENGES AHEAD

Reservation of seats

- a) Reservation for the candidates belonging to weaker sections, namely the Scheduled Castes and Scheduled Tribes at all levels in proportion to their population in the proportion of the area has been provided in order to ensure participation of these groups in the decision-making process.
- b) One-third of the total number of seats has been reserved for women (including the number of seats reserved for women belonging to SCs and STs).
- c) Not less than one-third of the total number of Chairpersons in Panchayats at each level has been reserved for women. Likewise reservation for the offices of Chairpersons belonging to SC and ST categories has also been made.

Tenure

A term of five years has been provided for every Panchayat unless it is dissolved earlier on specific grounds.

Resources

The Panchayats have to be authorised to levy, collect and appropriate suitable local taxes. A State can also provide grants-in-aid to Panchayats from its consolidated fund. A State Finance Commission to review and assess financial position of the Panchayats and recommend to the State the pattern of distribution of funds between the State and the PRIs is also to be appointed.

Election Commission

Elections to the Panchayats are to be conducted regularly under the overall supervision of the Panchayati Raj Election Commission of the State.

Functions

The Panchayati Raj institutions have been made responsible for the preparation of plans for socio-economic development of the area and also to implement various programmes of development. Under the Eleventh Schedule of the Constitution as many as 29 functions have been placed within the purview of Panchayati Raj bodies (see appendix I).

District Planning Committee

In accordance with the provision of the 74th Constitution Amendment Act, a District Planning Committee, having representation of both the elected representatives of rural and urban areas, depending on the proportion of the population is to be constituted. The main function of

the Committee is to prepare plans for the entire district keeping in view the local requirements and the development of the district as a whole.

Exemption to certain areas

While the application of Constitution Amendment is to be uniform in the entire country, the scheduled areas and tribal areas as defined under Article 244, the North-Eastern States of Nagaland, Meghalaya and Mizoram and certain hill areas of the district of Darjeeling have, however, been exempted.

Half-hearted attempts

In accordance with the provision of the Constitution Amendment all States have either enacted fresh legislation or amended their existing Acts. Although most States have observed the mandatory provisions of the Amendment, a close study of the new Acts reveals that the basic proposition to make the PRIs really as institutions of self-government has been sidelined. The concept of 'popular participation' within the framework of 'democratic decentralization' has hardly been operationalized while providing powers and functions to those bodies. It is evident that psychological barriers have yet to be cleared as far as acceptance of decentralization as the basis of overall administrative-political structure is concerned. This is borne out of the fact that only a few States have yet constituted the PRIs on the basis of fresh elections. In most cases one pretext or the other has been found to defer the election process.

No attempt has been made to restructure the administrative set-up keeping in view the provisions of 29 items to PRIs in most of the States.

Problem of resources

The problem of resources of Panchayats will have to be immediately looked into. Although almost all the States have already appointed their respective State Finance Commissions, it will take some time for them to develop appropriate norms for allocation of funds etc. In the absence of any set precedents, interim arrangements will have to be made so that PRIs are able to start functioning and do not suffer from lack of resources.

Attitude of bureaucracy

While most problems are essentially associated with the administrative framework which is likely to be evolved by different States, the most important question is the 'political will' on the part of the State-level leadership along with back-up support from the bureaucracy. The available indications are not encouraging. In general,

some of the States are not inclined to conduct elections and constitute the PRIs under the new dispensation. The bureaucracy does not appear to be too willing to lend a helping hand in decentralizing the administrative structure. However, the onus remains primarily with the political leadership because it is their own commitment which can bring the bureaucracy in tune with the changes.

Making PRI system successful

Emergent steps will have to be taken on the following lines for the successful functioning of the emerging Panchayati system:

1. With the transfer of the schemes and subjects as provided in the 11th Schedule the funds in the State budgets for these schemes should also be fully transferred to the Panchayats of the concerned levels.
2. The staff available for the implementation of these subjects should also be placed under the control of the Panchayats.
3. Sufficiently clear and workable regulations should be framed to streamline the inter-tier relationships, and functions of each.
4. A trend should evolve towards the consolidation of small and weak Panchayats to enable them to take up common works together and also to achieve efficacy and capability on the basis of available local resources.
5. Concern has been voiced about the implementation as per the spirit of the Constitution and the vagueness in the words therein as also on the cynicism and despondency generated in the present aspects of the actual working of the democratic polity. It is, therefore, imperative that the active refurbishing of the role of the voter will not only be curative but also constructive.
6. Training will have to be designed as appropriate and tuned to different situations for creating awareness for conscientisation for interest aggregation and group formation, and for active role playing will have to be quickly initiated by the Central,

State governments and voluntary organisations at appropriate levels.

Conclusion

The success of the new phase of decentralisation will, therefore, depend much on the commitment which is likely to be displayed by all concerned, namely political leadership, bureaucracy and the people themselves. For, unlike in the case of Parliament and the State Legislatures, in the case of Panchayati Raj institutions the functions that have to be exercised by those elected are immediately related to the interests and concerns of the people who voted them to power. It is the 'performance' factor which works because of close proximity between the decision-makers and the beneficiaries.

Appendix I

Agriculture, including agricultural extension; land improvement, implementation of land reforms, land consolidation and soil conservation; minor irrigation, water management and watershed development; animal husbandry, dairying and poultry; fishery; social forestry and farm forestry, minor forest produce; small-scale industries, including food-processing industries, Khadi, village and cottage industries; rural housing; drinking water; fuel and fodder; roads, culverts, bridges, ferries, waterways and other means of communication; rural electrification, including distribution of electricity, non-conventional energy sources; poverty-alleviation programme; education including primary and secondary schools, technical training and vocational education; audit and non-formal education; libraries; cultural activities; markets and fairs; health and sanitation including hospitals, primary health centres and dispensaries; family welfare, women and child development, social welfare, including welfare of the handicapped and mentally retarded; welfare of the weaker sections and in particular of the Scheduled Castes and the Scheduled Tribes; public distribution system; maintenance of community assets falling under the jurisdiction of Gram Panchayats. □

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Panchayati Raj institutions : 73rd Amendment—apprehensions and comprehensions

Dr G. Dhawan

Mahatma Gandhi ardently believed in Gram Swarajya. Dr Ambedkar was repulsed by it. Rajiv Gandhi cradled and nursed it. P.V. Narasimha Rao institutionalized it. Almost five decades after Independence, on April 24, 1993, the Government of India revolutionized the concept of decentralization of power, through the Constitution (73rd Amendment) Act, 1992 by making the Panchayati Raj institutions (PRIs) part of the Constitution. The measure has simultaneously generated euphoria, expectations, excitement, research, scepticism and public debate on the process and provisions in the Act because of the novelty of the measure. Also, although about two years have elapsed after the Act came into force, elections to the PRIs in most States have not yet been held (Table 1).

Even though two years is too brief a period for conclusive evidence in implementing a new measure, that too at the national scale, some quarters have already expressed reservations regarding the devolution process and provisions in the Act. Others feel quite optimistic and encouraged. Since it is not within the scope of the paper to discuss all the issues involved, the paper is an overview of some of the apprehensions and comprehensions within the general framework of the Act.

Key issues

A critical review of public debates, empirical research studies and workshops on PRIs indicates that the

strengths and weaknesses in the Bill have been predominantly examined through the horizontal and vertical approach. In the vertical approach, various provisions in the Act have been examined. In the horizontal approach various provisions in the five draft bills have been critiqued. Table 2 gives a partially comprehensive and sequential analysis of the provisions in the various Bills/Act.

The bases for most of the ongoing discussions are the five major issues raised by politicians, scholars, journalists, regarding the devolution of powers, functions, finances, responsibilities, etc upon the Panchayats, namely:

1. The PRIs are Constitutional backing for self-government. Given the culture of violence and feudal relationships in the rural areas, can the system acquire acceptability amongst the people? Can the statutes passed be implemented in letter and in spirit or will they remain paper laws only?
2. Given the competitive spirit but lack of political will among political parties, are there requisite sanctions in the Act to enforce its provisions with the right spirit? Can the Constitutional provisions serve as an adequate substitute for political will?
3. Since PRIs are basically a question of means and ends, is implementing decentralization below the State level desirable through the Constitution? Is acceptability at the receiving end not a relevant

Analysing the various provisions in the Act, the author says that there is need to transfer much of the allocation decisions to the local authorities as financial arrangement is the lifebreath of all self-governments. Restructuring of the education system is the only instrument for changing the attitude of the people. Involving the NGOs in the planning, training, implementation and evaluation of the rural development programmes will strengthen the Panchayati Raj institutions. The reservation of seats for women, SCs and STs needs to be addressed more seriously by the States, observes the author.

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factor at all? Should the question of decentralization below the State level not be left entirely to the States, given the widely disparate personality of the States?

4. What Constitutional provisions are there to solve the dilemma when the local people themselves throttle the lower castes and women, in connivance with power brokers and feudal landlords?
5. Will the MPs' Local Area Development Scheme and the Eleventh Schedule strike at the very root of Constitutional provisions and dilute the authority and functional autonomy of PRIs?

It is essential to examine some of these issues within the parameters of some of the provisions in the Act.

Authority, power and responsibilities

There are three main criticisms under this provision. The first criticism is regarding the devolution process itself. Mukarji insists that since reforming the system of governance is the objective, initiate the process by first decentralizing power from the Centre to the States. Otherwise Cabinet ministers at the State level will not allow power and patronage to be given away to the people. Therefore, he strongly advocates that the State governments should first wait for this decentralization through a coherent and concrete set of proposals.

The second is regarding the Eleventh Schedule which is under severe criticism from all quarters since it appears to give only developmental authority and powers to the Panchayats (ie preparation of plans and implementation of socio-economic schemes) but seeks to create an impression that legislative and executive powers are being extended to sub-State levels along the lines of the Seventh Schedule (Mukarji, et al, 1991).

The third criticism concerns the reluctance of MPs, MLAs and ministers to surrender power and authority, thereby influencing the effective implementation of the Panchayati Raj (Patnaik et al, 1994; Inbanathan, 1994; Jhunjhunwala, 1994; Khanna, et al, 1993). For instance, the MPs' Local Area Development Scheme; parcelling of JRY funds from the Centre; the administrative structure which continues to be of 19th century, smacking of British chauvinism and arrogance. The overall sentiment appears to be that the Act pits the Panchayats against the State governments in a zero sum game, while attempting to carve out a third tier from the ambit of State governments, without devolving central powers and functions (Jhunjhunwala, 1994).

The U.P. Panchayati Raj Act, for instance, attempted to circumscribe the authority of the Panchayats (which was struck down by Allahabad High Court) by providing for the participation of MPs, MLAs and MLCs; by placing the Panchayats at the mercy of the administrators who could dismiss members; by allowing administrators to prohibit the execution of a Panchayat's order; by allowing State governments strict control over the power to levy taxes (Jhunjhunwala, 1994).

While most scholars agree that for the PRIs to succeed, devolution of functions and powers from the Centre to the States, and the States to the PRIs is essential, there is very little support for Mukarji's approach to wait first for decentralisation to take place. Ghosh, for instance, is of the opinion that given the Indian diversity, the Bill can only provide a broad overall framework. Within that framework the devolution exercise has to be conducted by the State authorities. Also, it has been pointed out that it is unfair to equate States on their demographic and cultural parameters, because factors such as district size, population, circumstances, distances, etc prevent thrusting of uniform pattern. Instead, States must be allowed flexibility and freedom for devolution of power etc as per their perceived needs.

The successful examples of Karnataka (two-tier Panchayat system) and West Bengal (three-tier Panchayat system) have been frequently cited (Aiyar, 1995, Inbanathan, 1994; Mukarji, et al, 1991). In the case of Karnataka, the positive features incorporated by Mr Hedge were decentralisation of power and functions, transparency and financial devolution. But, Inbanathan's (1994) study found, that by placing the functioning of the Panchayats in Karnataka under the administrators' rule, put the clock back, by undoing the unique experiment of the 1987-92 period. The administrators were dragged into the PRIs against their choice. Hence, they initiated limited development work, subject to their personal preferences, without the means justifying the end.

Similarly, the West Bengal Panchayati Raj legislation, setting up a three-tier system, is considered highly successful. In contrast, all other States have witnessed a dismal failure of the Panchayati Raj (Jhunjhunwala, 1994).

Sentiments for devolution of functions and powers to the State governments and for the removal of the Eleventh Schedule appear to be strong. It is felt that, either way, there is an infringement upon the powers of the States from the Centre and the PRIs. However, issues like feudalism and monolithic political structures are considered as misapprehensions, because PRIs, it is strongly

TABLE 1
Progress of Panchayati Raj Elections in the States and Union Territories (March 1995)

States and UTs	Date of the New Act	Last Elections Held			Election Due
		Gram Panchayat	Panchayat Samiti	Zilla Parishads	
Andhra Pradesh	21-04-94	1988	1995	1995	Due for GP
Arunachal Pradesh	18-04-94 (Ord.)	Sept. 1992	Sept. 1992	Sept. 1992	No
Assam	11-02-94 (Ord.)	1992	1992	1992	No
Bihar	23-08-93	1978	1979	1980	Overdue
Goa	20-04-94 (Ord.)	1991	.		Due for ZP*
Gujarat	15-04-94	1988	1988	1988	Due
Haryana	22-04-94	1994	1994	1994	No
Himachal Pradesh	22-04-94	Dec. 1991	Jan. 92	—	Due for ZP.
Jammu & Kashmir	Part IX of the Constitution is not applicable to the State.				
Karnataka	10-05-93	Dec. 1993	Mar. 1995	Mar. 1995	No
Kerala	23-04-94	1988	—	—	Due
Madhya Pradesh	25-01-94	June 1994	June 1994	June 1994	No
Maharashtra	22-04-94	**	Feb. 1992	Feb. 1992	No
Manipur	23-04-94	Sept. 1991	—	—	Due for ZP
Meghalaya } Mizoram } Nagaland }	Part IX of the Constitution is not applicable				
Orissa	01-11-93 (ZP) 18-04-94 (GP&PS)	1992	1992	—	Due for ZP.
Punjab	21-04-94	Jan. 1993	Sept. 1994	Sept. 1994	No
Rajasthan	23-04-94	1995	1995	1995	No
Sikkim	11-10-93	1993	—	1993	No
Tamil Nadu	22-04-94	1986	1986	1986	Due
Tripura	16-11-93	1994	1994	1994	No
Uttar Pradesh	22-04-94	1988-89	1988-89	1988-89	Election notified
West Bengal	21-04-94	1993	1993	1993	No
Andaman & Nicobar Islands	23-04-94	Held in 1990 ****	—	—	Due for PS and ZP levels
Chandigarh	23-04-94	1983	—	—	Due for GP and ZP
Dadra & Nagar Haveli	23-04-94	1990	—	—	Due for ZP
Delhi	Part IX of the Constitution being made applicable				
Daman & Diu	23-04-94	1990	—	—	Due for ZP
Lakshadweep	23-04-94				Due
Pondicherry	19-04-94	Commune Panchayats superseded in 1978			Due

* Earlier, Goa had Panchayats at village level only. Now Zilla Parishads will come up under the new legislation. Hence elections to ZPs will have to be held.

** In Maharashtra, elections to Zilla Parishads is a continuous process.

**** Elections to 42 village Panchayats were held in 1990, One village Panchayat each in 1991 and 1992.

Sources : Panchayati Raj Update. July 1994. Institute of Social Sciences and Ministry of Rural Areas & Employment, Govt. of India.

felt, will give the local people an opportunity to gradually wrest power.

Qualifications for membership

Lost in the political debate on Centre-State-PRI devolution are factors effecting the role performance of the

elected members. The position of the elected members is one of authority and power. They play a crucial role in all welfare activities of the village and are the connecting links between the villages, the bureaucracy and other agencies associated with development activities. Therefore, it is important to know those factors which contrib-

ute towards more effective role performance, level of general awareness, world-view, difficulties in performing roles, etc.

Singh (1993) studied 82 Pradhans in Dobhi block, Juanpur district, in Uttar Pradesh. He found that factors such as caste, age, sex, landholding, educational level, occupation, source of income, network connections, political socialisation, openness, etc determined, to a large extent, the Pradhan's capabilities, resourcefulness and access to various opportunities available, as well as role performance. He reported a general apathy among Pradhans towards various government schemes for bettering the lives of people, because of non-cooperation by villagers and the revenue department officials, accompanied by widespread corruption and indifferent attitude towards the Pradhans. Similar findings have been reported by Jha (1995 a, b) in Madhya Pradesh, where the elected village Sarpanches and Janpad Chairpersons have been caught between the firing line of angry and uncompromising villagers, revenue department officials and the bureaucracy.

Both Singh and Jha have laid stress on the need to change the attitude and approach of the officials towards the people with whom they have to work, remove red-tape and lengthy paper work at the block and district levels, provide timely and complete information as well as adequate funds for earmarked schemes, reduce the strain between PR bodies, the politicians and the bureaucracy, wipe out corruption, take local conditions and requirements into consideration when formulating new schemes, grant more powers to Pradhans and liberalize rules, avoid adhocism, etc.

The usual rhetoric notwithstanding, one encouraging finding of the Singh study has been that the PRI had mechanized a change in outlook and self-perception in the Dobhi block, with positions of power (ie Pradhans) being shared by the deprived and so called under-privileged low castes.

Arrangements for accounts and audits

The body of studied opinion is that accounts and audits are non-controversial issues, that vesting the State legislation with the responsibility is along the spirit of decentralization and diversity, and that a discussion on it is neither practical nor legal, at least not in the immediate future.

Arrangements for elections

While the Act states that each State will enact a law for

elections, but superintendence and control will be with the State's Chief Electoral Officer, it does not define Chief Electoral Officer. So an irregularity in the Amendment has been pointed in that it refers to a functionary who is defined not in the Constitution but in a statute enacted under the Constitution. This irregularity needs to be suitably amended (Mukarji et al 1991). But the compromise between State autonomy on the one hand, and the Constitutional status of the Election Commission on the other, is considered ingenious and well worth supporting.

Financial devolution and revenue

Financial arrangement is the oxygen of all self-government, at every level, ie there is a need to transfer much of the allocation decisions from the Planning Commission, the Central government and the State governments to the market, the local authorities, to the public and the semi-public institutions. Therefore Ghosh suggests, transferring of all Centrally-sponsored schemes to the States to be passed down to the Panchayats so that the village, block and district level Panchayats can take up "Local Area Planning" and there may be "convergence of services". It will allow the money to reach the villagers and avoid spending it on the delivery of services. Currently, the money does get spent on paper for certain purposes, but it does not seem to reach the people (Ghosh, 1991). With convergence of services, even small amounts can go a long way to help bring about local area planning by the Panchayats (Mukarji et al, 1991). Hence the support for the Act, for Panchayats to have the powers of taxation through a State statute, and the optimism that it can always be improved upon.

Jhunjhunwala (1994) on the other hand feels somewhat sceptical. According to him, there is an infringement upon the powers of the States especially in the sharing of State revenues. He feels that since the State governments are virtually bankrupt, they will not share their limited resources. He has recommended a mutually supportive framework.

Reservation of seats

As per the provisions in the Act, one-third seats, including those of Chairpersons, are reserved for women. In addition are seats at all levels for SCs and STs as a proportion of the total number of seats and their population in the area. While a welcome provision, for quite some time it has been under constant public debate and scrutiny. The June 1994 issue of *Kurukshetra* was commissioned to examine the means for implementation of

TABLE 2
Partially Comprehensive and Segmental Analysis of the Provisions in the Various Bills for the PRIs

S. No.	Provisions in Bill	Ashok Mehta Report	Rajiv Gandhi's 64th Amendment	Bommai and V.P. Singh	V.P. Singh's 74th Amendment	Narasimha Rao's 73rd Amendment
1.	Composition of Panchayats					Endowed with State Legislature
2.	Their duration					Directed by the Constitution for five years to be enacted by State.
3.	Reservation for women, SCs and STs					Directed by the Constitution as 30% for women as a percentage of their population for SCs and STs to be enacted by State.
4.	Qualifications for membership					Subject to provisions in the Constitution.
5.	Powers, Responsibilities and Authority	Confer administrative and developmental functions	Endowed with purely developmental functions	Dilution and absurdity of the Eleventh Schedule removed	Stress on independent institution of self-government	Endowed with purely developmental functions; legislative and executive powers at State level.
6.	Financial Devolution and Revenue					State legislature to authorize, assign, provide laws to Panchayats.
7.	Arrangement for Accounts and Audits.	Account forms to be prescribed by State governments, audit entrusted to CAG.	Accounts and audits to be the responsibility of CAG.	Accounts and audits to be the responsibility of CAG.	No provision for accounts and audits.	State legislature to provide for accounts and audits.
8.	Arrangement for Elections.	Superintendence with State governments in consultation with CEC.	Control and superintendence with EC.	Control and superintendence with EC.	Control and superintendence with State legislatures	States to enact a law for elections; control and superintendence with CEO.

Source : Compiled from 1. The 73rd Amendment Act, 2. Mukarji, N. et al (1991).

the provision of one-third seats for women. Researchers, journalists and the media have attempted to focus attention on the implementation of the provision of reservation of seats for women, SCs and STs, given the violent culture, corruption and rigging during elections.

The findings of the studies have been that though to an extent the apprehensions are not unfounded, the converse is also true. Sharma (1995) reported the plight of ten women Panches and Sarpanches of Punjab. They had to fight through mockery, intimidation, apathy, bureaucracy, illiteracy about their Constitutional rights, powers, duties, while managing the daily problems of their villages. Though initially many of the elected Sarpanches were rubber stamps, through sheer courage and common sense they outsmarted their male counterparts and earned the respect of their colleagues and constituencies.

The social background of the elected members of U.P., Punjab, Karnataka and Kerala are interesting. Pathak (1993) studied the electoral trends in four villages of Punjab. He found that while the SCs and OBCs were well represented (37.77%) women were not. Even though the

participation of women was 60.38 per cent (a factor influencing the campaign), the Gram Panchayats were male dominated (89.62%). The male Panches were predominantly young, Sikhs, agriculturists, fairly literate and representing low income bracket (Khanna, et al 1993). The Institute of Social Sciences (ISS) in its study on social background of district council members in Kerala also examined the emerging characteristics of political leadership (OP-8, 1991). They found that a large number of women had fought non-reserved constituencies against men and won (34%)—far above the 30 per cent reservation provided for women. Similarly, 17 per cent of the members belonged to the SCs and STs—much higher than the State's SC/ST population. Again, preference was for younger leadership (76%) and of rural background (79%). In contrast to Punjab, the members had good assets and were more literate (99%). Secular ideals had made deep inroads on their perceptions, whereas in Punjab it was politics and village development.

Recommendations

Although 15 provisions have been outlined in the 73rd Amendment, the paper has focused only on key issues,

particularly since the issues are interrelated and overlapping. Moreover, given our national diversity, the provisions only serve as a framework. The recommendations too are made on the same basis.

1. The national trends of economic and political restructuring and liberalisation are indeed commendable. But the resentment towards government chauvinism, and the success of PRIs, can only be handled by educational restructuring and liberalisation, as outlined by the National Advisory Committee on Learning Without Burden. The master-serf syndrome ingrained in our outdated education system must go, because people are not serfs and the executives the bosses designed to rule. Restructuring of the education is the only instrument for changing the attitudes and mind-set of people. The vast rural population might be considered illiterate, but they have a deep sense of right and wrong, dignity and self-respect.
2. All the problems of rural India cannot be solved by the Panchayats only. But to provide muscles to the Act and reduce expenditure on law and order, more publicity and media debate on violence, crime, booth capturing, expenditure, etc are necessary.
3. For strengthening the PRIs, it is necessary to involve the NGOs in the planning, training, implementation and evaluation of the rural development programmes, on a priori basis.
4. The reservation of seats for women, SCs/STs needs to be addressed more seriously by the States. Similarly, the training needs of women Panches and Sarpanches regarding their rights, duties, responsibilities, roles and functions should be given due attention. The training programmes must concentrate on all elected members.

5. Openness must be made Constitutional. In fact, the right to information is something which the Centre should initiate. Any official information/document for general circulation must be freely and easily available. It is ironical that on the one hand officials dodge furnishing information, while simultaneously, India is a respected player in the global communication revolution!

References

1. Aiyar, S.S.A. (1995) Panchayati Raj : An Election Winner? *The Economic Times*, January 1.
 2. Inbanathan, A. (1994) Karnataka Panchayats (Under Administrators 1994. ISS Occasional Paper Series-14, New Delhi.
 3. Jha, V. (1994a). Powerless Sarpanches Take a Battering. *The Statesman*, December 29.
 4. Jha, V. (1994b). Job done in Haste comes a Cropper. *The Statesman*, December 30.
 5. Jhunjhunwala, B. (1994). Panchayats vs The State Government. *Pioneer*, December 27.
 6. Khanna, B.S.; Pathak, H; Verma, P.S. (1993). Panchayat Elections in Punjab 1993. ISS Occasional Paper Series-11, New Delhi.
 7. Mukarji, N; Jain, L.C; Ghosh, A. (1991). The Panchayats Report of a Panel Discussion On The Constitution (72nd Amendment) Bill, 1991. Institute of Social Sciences, New Delhi.
 8. OP-8 (1991). Social Background of District Council Members in Kerala 1991. ISS Occasional Paper Series-8, New Delhi.
 9. Patnaik, B; Patil, S. (1994). Panchayati Raj, Parliamentarians and Legislators. ISS Occasional Paper Series-15, New Delhi.
 10. Sharma, R. (1995). Women at the Grass Roots. *The Tribune*, January 8.
 11. Singh, H.N. (1993). Social Background & Role Performance of Village Pradhans. A Study of Dobhi block, Juanpur district, Uttar Pradesh. ISS Occasional Paper Series-10, New Delhi. □
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**The Next Issue of *Kurukshetra*
will be a focus on
Budget and Rural Development**

Village self-government in post-colonial India

Dr Prabhat Datta

Local self-government in India has a long history stretching far back to the ancient times. Historical research has proved that almost every village in the country had a self-governing body of its own. The British rule reduced the village headman and other public functionaries regarded as representatives of the village communities to mere salaried officials of the Central government¹. But regime maintenance compulsions as well as inspiration from the liberal ideas in England led the colonial rulers to turn their eyes towards some sort of decentralisation.

Decentralisation under colonial rule

Lord Ripon (1882) was the first to initiate what may be called decentralisation discourse during the colonial regime. His Resolution stood for decentralisation of administration through the establishment of a large network of local self-governing bodies for the purpose of (a) training the Indians in the art of governance (b) for enabling them to learn from experience and (c) for opening up avenues for political participation of the educated people. Ripon's scheme could not make much headway for a number of reasons. Then came a series of efforts in the form of committees, commissions and Acts (The Royal Commission on Decentralisation, 1907, the Government of India Act, 1919, the Government of India Act, 1935). But the result was not remarkable. In fact, no colonial rule can promote decentralisation in the real sense. What came as decentralisation was what was required for regime entrenchment and maintenance².

Post-colonial phase

During the struggle for national liberation the leaders had promised to give independent India a vibrant, effective system of rural

local self-government. Gandhiji argued that Indian Independence must begin at the bottom. Thus every village will be a republic, or Panchayat having full powers. Even on January 25, 1948 he asserted that "the charter of India's Independence as conceived by the Congress was based on village autonomy". He pleaded

Tracing the development of the local self-government system in the country, the author says a vibrant system of Panchayati Raj cannot be ensured simply by giving it Constitutional sanction. Effecting changes in the objective conditions in rural India through effective land reforms is the key to its success. Elections at regular intervals and financial viability would ensure its smooth functioning. Deprecating the reluctance of the States to part with power, the author laments that the PRI Acts of some of the States have paved the way for bureaucratic centralisation rather than democratic decentralisation. It is the political will of the State governments which determines the future of village self-government in India, he concludes.

for decentralisation as an essential pre-condition for the realisation of the ideal democracy to enable each individual to participate in the decision-making and implementation process³.

Interestingly, the Draft Constitution prepared in 1948 made no reference to Panchayats. Gandhiji felt that 'it was an omission calling for immediate attention.' The issue became a bone of contention. Dr B.R. Ambedkar argued that as a village was a 'sink of localism, a den of ignorance, narrow-mindedness and communalism', it could not constitute a unit of government. But a host of other speakers refused to accept his argument. Ultimately, the issue was resolved through an amendment moved by Mr K. Santhanam⁴. This amendment provided for village self-government in the Chapter on Directive Principles of State Policy in the Constitution which are non-justiciable. There is also a mention of the village level government in List II of the Seventh Schedule of the Constitution where the constituent units of India's fed-

GRASS ROOTS DEMOCRACY : CHALLENGES AHEAD

eration have been authorised to constitute democratic government at the local level. Another mention has been made in Article 171 dealing with the composition of the second chamber of a State legislature. It is laid down that at least one-third of the members of this chamber of the legislature will be elected by the self-governing bodies at the local level.

Birth of first generation Panchayats

However, the first generation village self-government in the form of Panchayati Raj institutions sprang up in India in the 50s not as an attempt on the part of the State to implement Article 40 of the Constitution, but as a sequel to the recommendations of the Balwantray Mehta Committee. The Committee was constituted by the Planning Commission to examine and report inter alia, on the community development projects and national extension service "with special reference to problems connected with organic linking of village Panchayats, with popular organisation at higher levels" and on the reorganisation of district administration. It was this Committee which laid down a scheme of democratic decentralisation as a means for evoking people's initiative and mobilising their spontaneous and voluntary participation. It had suggested a blueprint of the concept of village self-government known as Panchayati Raj—Panchayats at the village level, Panchayat Samitis at the block level and Zilla Parishad at the district level⁵.

However, the first generation Panchayats could not strike root in our country. There are scholars who believe that 'Panchayats were killed before they were truly born'.⁶ All may not agree with this extreme assessment, but the fact remains, as evident from the reports of various committees and commissions, that 'nowhere has their working been satisfactory, meetings are thinly attended, a quorum is seldom attained'⁷. Added to it was the factor that the institutions wherever they had worked, came under the control of the landed rich and high caste people. People at large stayed away.

Land is the basic asset in rural India. Many surveys conducted during the fifties had shown that three-fourths of the rural households owned less than one-sixth of the total area, each household owning less than five acres of land. One-fourth of the rural households held as much as 65.28 per cent of the total area. The same was true of the distribution of cultivated area. At the bottom, 72.23 per cent households cultivated only 15.60 per cent of the total cultivated land in the size groups of less than 5 acres, while at the top a small minority of 14.48 per cent of the households operated upon 65.85 per cent of the

total cultivated area in the size groups of 10 acres and above.

The bureaucracy, imbued with colonial tradition and values, had a reservation for sharing power with the people. They had helped in a subtle way the process of bureaucratisation of rural administration. In their keen desire to retain their stranglehold over administration they had designed rural development programmes in such a way as to dissociate the Panchayat bodies from the process of rural development administration. One author correctly observes: "Nothing has done greater harm to Panchayat institutions than the effort to bypass them institutionally in launching target-oriented development programmes and in this effort, international funding agencies have contributed to a great extent". Mr Ashok Mehta, while referring to the phases of ups and downs in the short span of the first generation Panchayats, identified three distinct phases, namely the phase of ascendancy (1959-64), the phase of stagnation (1965-69) and the phase of decline (1969-77).

Rise of second generation Panchayats

The concern for revival and revamping of the Panchayat bodies was noticed when the Indian political scenario witnessed a fundamental change in 1977. The new Janata government installed at the Centre appointed a Committee under the Chairmanship of Mr Ashok Mehta to report on the status of Panchayat institutions and to suggest measures for revitalisation. The Committee submitted its report in 1978. Unlike the existing three-tiered structure it stood for two-tiered Panchayati Raj system to make Panchayat bodies effective and efficient instruments of rural development.

The recommendations of the Ashok Mehta Committee initiated the rise of the second generation Panchayats in India with emphasis on regular elections on the basis of open participation of political parties, devolution of more powers and resources on them, etc. Three States, namely Karnataka, Kerala and West Bengal led the new movement for Panchayati Raj, although it was West Bengal which emerged successful, while the others had either lagged behind with marginal achievements or stayed away from the movement after governmental change had taken place.

Karnataka: Karnataka under the Janata government took up the matter of revitalisation of Panchayats seriously. The Panchayat bodies were made very powerful and were given financial and administrative autonomy. All functions and functionaries of the development departments at the district and lower levels were transferred

to Panchayati Raj institutions. All registered societies dealing with the implementation of the Centrally-sponsored programmes in the anti-poverty sector were merged with the Panchayat bodies. The bureaucracy was brought under the control of Panchayats. No government official had power to suspend resolutions of Panchayat bodies. They were given autonomy in respect of formulation of plans and budgets. Elections were held. But the leadership thrown up by the elections showed no signs of change in terms of social background.

Kerala: Kerala under the Leftist regime had moved forward by passing the Kerala District Administration Act, 1979. The district councils were vested with enormous powers. The bureaucracy was brought under the control of the elected representative institutions which were made powerful. Elections were held along party lines in 1991 and the leadership represented the cross section of the population. The poor people were also represented. The study done on the district council members elected in 1991 had shown that 17 per cent of the members belonged to SCs and STs, much higher than their population. Members belonging to the Other Backward Castes were 31 per cent; 71 per cent members had assets like lands, livestock, pump and 5 per cent were reported to have had no assets⁹. But later the Congress government restored the dual membership of the Members of the State Legislature. The earlier government had given 29 subjects to the council. It took away 14. The staff was taken away. The council was made dependent on the State government for funds.

West Bengal: West Bengal under the Left Front government joined the movement in 1978 by holding elections to the Panchayat bodies along party lines after more than a decade. It adopted a different approach to Panchayati Raj and rural development. The approach has two legs. In the first place, it aims at involving the people not only in the process of implementation of development programmes but in the process of preparation and monitoring of development plans. Secondly, it seeks to bring about a change in the correlation of class forces in favour of the poor and working people by involving them in an organised manner in the process of development. Thus Panchayats in West Bengal are not simply instruments of rural development and preparation of plans for development, they are also the instruments of struggle to bring about social change. West Bengal also emphasises a model of development where land reform receives top-most priority.

The most distinguishing feature of the second generation Panchayats in West Bengal is the social composition

of the leadership. The rural leadership that was thrown up by the elections, had no parallel in India's Panchayat leadership. Many studies¹⁰ have demonstrated that the agricultural labourers, share-croppers have come in large numbers.

A macro-study on the social background of Gram Panchayat leaders elected in 1978 done by the Government of West Bengal had shown that 80 per cent of them came from such occupational groups as owner cultivators, teachers, landless labourers, sharecroppers and artisans. Among the owner cultivators, over 71 per cent came from the small and marginal farmers with land holdings below five acres. The next elections were held in 1983. The study conducted by the government showed that 51.8 per cent belonged to the owner-cultivator group of which 73.3 per cent belonged to the small farmers. The micro-study undertaken by ILO revealed the domination of small and marginal farmers in most of the Gram Panchayats. Lieten's study had shown that poor peasants, agricultural labourers, and also the SCs have come to the forefront in the elections held in 1988. The field survey done by other researchers, namely Sen and Chattopadhyaya had brought out that 87.8 per cent of the members were either landless or had a holding size of less than five acres. There are no such studies of the members elected in 1993. A macro-study being conducted by the State Institute of Panchayats, however, confirms the earlier situation. Panchayats have become the pivot of all rural development programmes in West Bengal, the core of which is land reforms. The government laid stress on two aspects of land reform, viz recording of names of share-croppers and redistribution of surplus lands among the landless. Of the total agricultural land redistributed through land reforms in India nearly 20 per cent has been contributed by West Bengal, although in the total agricultural land in our country the State's share is less than four per cent.

Non-land input support: In order to make land reforms measures effective it is essential to support these measures with the provision of non-land inputs such as irrigation, implements, manures and fertilisers and infrastructural facilities, particularly credit and marketing. Otherwise, the beneficiaries would be left to the mercy of the market. These programmes are also administered by Panchayat. In the provision of all these non-land inputs there is again a question of choice of technology. In West Bengal, this has been done keeping in view the interests of the poor farmers.

Rural development programmes in almost all the States in our country are administered by the bureau-

crazy. L.C. Jain says that the bureaucratic dominance could have partly been justified had it at least provided some superior technical or economic expertise in the formulation of development scheme/projects, if it had added to speed, efficiency, economy and honesty in the implementation.¹¹ According to various studies on the anti-poverty programmes the achievements have not been commensurate with the objectives and the funds spent because the 'people' have not been associated with the processes of programme implementation.

Panchayats in West Bengal are today responsible for implementation of all rural development programmes. The programme of integrated rural development has been entrusted to the Panchayat Samiti which has a subcommittee for this purpose. The involvement of Panchayats in the IRDP has yielded satisfactory results. A sample study done by the NABARD on the implementation of IRDP in 15 States had shown that there was no case of wrong identification of beneficiaries in the districts in West Bengal. The implementation of anti-poverty programmes through Panchayats has gone a long way. In 1977, the percentage of people below the poverty line in rural areas was 58.3 higher than the corresponding national figure of 51.2. There has been a decline of poverty in West Bengal as a result of implementation of anti-poverty programmes through Panchayats. The percentage declined to 30.3 in 1987-88.

Revitalisation of Panchayats in 1980s

The concern of the Indian State for revitalisation of the moribund Panchayats in all States was heard during mid-1980s when Rajiv Gandhi was the Prime Minister. He wrote the following letter to all the Chief Ministers: "After initial enthusiasm in the establishment of these institutions they have been allowed to languish in many States. Elections when due, have not been held¹²." The elections have been put off on flimsy grounds. In his search to identify reasons for which elections were put off in Tamil Nadu for 15 years, Malcolm Adiseshiah found 20 pretexts which included flood, drought, cyclone, school examination, student unrest, etc.¹³ The Committee on Existing Arrangements for Rural Development found in 1986 that elections became overdue for one or more tiers in 11 States and even in eight States elections to the Gram Panchayats became overdue.

The Rajiv Gandhi government appointed a Committee under the Chairmanship of L.M. Singhvi to suggest measures for revitalisation of Panchayat institutions. The Committee felt that Panchayats had to be organised as part of the process of democratic decentralisation for

building institutional edifice not as a gift of devolutionary process. It recommended "for Constitutionalisation of Panchayats, and looked at the system as a vehicle for homogenisation, secularisation and socialisation of national goals". The government approached Parliament in 1989 for amending the Constitution to constitutionalise Panchayats, and make them more powerful and broad-based. But the Bill evoked sharp public protests because there were many features which sought to tighten Central control, and was subsequently withdrawn.

The V.P. Singh government which replaced the Rajiv Gandhi government, made an attempt to push through the Bill after deleting the controversial sections. But the life of the government was too short to do this work. It was the present Narasimha Rao government which has been able to enact the 73rd (Constitution Amendment) Act, 1992 which meant, inter alia, for Constitutionalisation of Panchayats. This certainly marks a watershed in the history of the village self-government in post-colonial India.

Basic features of Constitutional Panchayats

The 73rd (Constitution Amendment) Act, 1992 has brought the Panchayats under the jurisdiction of the justiciable part of the Constitution. The formation of Panchayats or holding of elections at regular intervals no longer depends on the sweet will of the State government. Article 243E(1) says, every Panchayat shall continue for five years, and if it is dissolved before the expiration of its duration, election has to be held within six months from the date of such dissolution. Some scholars have started arguing that Panchayats will now emerge as the 'third stratum' of the country's federal structure¹⁴.

The Constitution Amendment Act, 1992 defines Panchayats to mean institutions of self-government to which State legislatures are required by law to endow 'powers and authority as are necessary to enable them to function as (such)'. It is also provided that 'such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level' with respect to:

- (a) preparation of plans for economic development and social justice;
- (b) implementation of schemes of economic development and social justice, as may be entrusted to them in relation to matters included in the XI Schedule. This Schedule contains 29 items such as agriculture, land improvement, soil-conservation, fisheries.

The third distinguishing feature of the Amendment is the reservation of seats and posts of office-bearers for women and Scheduled Castes and Scheduled Tribes. Article 243D(3) says that not less than one-third (including the number of seats reserved for women belonging to SCs and STs) of the total seats to be filled in by direct election in every Panchayat, shall be reserved for women. Seats will be reserved for SCs and STs in every Panchayat in proportion to their population. Of the seats so reserved not less than one-third will be reserved for SCs and STs and women. The office of the Chairpersons in the Panchayats at all levels will also be reserved for the STs, SCs and women. Thus the Constitutional Panchayats will have a different look.

The Act also takes care of the resources of the Panchayats and leaves the matter to the State legislature to decide (a) what taxes, duties, tolls, fees the Panchayats would levy, (b) to assign to Panchayat such taxes, duties, tolls and fees levied and collected by the State government, (c) to provide for making grants-in-aid from the consolidated fund of the State. Article 243-I(1) requires the Governor of a State to constitute a Finance Commission for reviewing the financial position of Panchayats, and to make recommendations to the Governor on the principles governing the distribution between the State and Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State; determination of taxes, duties, tolls and fees assigned to or appropriated by the Panchayats and grants-in-aid to the Panchayats from the consolidated fund of the State.

There is no doubt that this Amendment is an important step forward, but it cannot alone bring in a vibrant system of Panchayati Raj. Given the nature of distribution of resources between the Centre and the States in India it is difficult to improve the financial position of the Panchayats without improving the financial health of the State government through reallocation of resources. Secondly, as the experience suggests without changing the objective conditions in rural India through effective land reforms the Panchayats will be captured by the rich and high caste people who would be cornering all benefits.

Rise of third generation Panchayats

But the fact remains that this Amendment has given rise to what might be called the third generation Panchayats. As in June, 1994, out of 25 States and seven Union Territories only four had elected Panchayats at all levels. The scenario would change, and is in fact changing. All the States and Union Territories covered by the Act have either amended their existing Acts or brought in

new legislation to be in conformity with the provisions of the 73rd (Constitution Amendment) Act, 1992. A number of States have since completed elections to PRIs.

State Acts: undesirable trends

Here again, the changed legislation of some of the States have undesirable features, and have raised a lot of hue and cry. Interestingly, States like Karnataka and Kerala which led the movement for the second generation Panchayats, have changed their Acts in such a way as to ensure come back of the bureaucracy. For example, Karnataka had earlier gone in for a kind of district level government by having, among other things, the post of a Chief Secretary at the Zilla Parishad under the control of the Chairman, Zilla Parishad. The present amended Act will make the Chief Secretary designated as chief executive officer (CEO), accountable to the State government. It seeks to reinstate the members of the Legislative Assembly at the *taluka* level, and gives him greater authority over the village Panchayats¹⁵. The chief executive officer of the Zilla Parishad shall not implement any resolution which, in his opinion, is inconsistent with the Act. He thus becomes 'a resident exerciser of veto'¹⁶. The Zilla Parishad head is an ordinary member of the District Planning Committee, while the CEO is the secretary. The government has been given sweeping powers for the suspension of Zilla Parishad resolution on the basis of report of the CEO.

Kerala took steps backward after the fall of the leftist government. The process should have been halted following the Amendment of the Constitution, but is going on unabated. The Kerala Panchayat Amendment Bill, 1994, for example, provides that 'the government shall appoint an officer not below the rank of a secretary to government as Commissioner under this Act in respect of Panchayats'. At the district level he would be assisted by the deputy commissioner, who besides superintending the operations of the Panchayats in his jurisdiction shall exercise such powers and perform such duties as are vested in him by or under this Act and Rules made thereunder. The government has also been given powers to appoint such other officers as they may consider necessary for the purpose of inspecting or superintending the operations of all or any of the Panchayats. Thus the village, block and the districts would be brought under the complete control of the State level bureaucracy, paving the way for bureaucratic centralisation rather than democratic decentralisation¹⁷.

Before the 73rd Constitution Amendment Act came into being, West Bengal had amended the relevant Panchayat Act in 1992 to make room for reservation of

seats and participation of people at the grass roots level. The legislation provided for reservation of one-third seats for women and creation of a new body at the village level called Gram Sabha to be constituted at each electoral constituency.

The West Bengal Panchayat Act has been amended to conform to the requirements of the 73rd Constitution Amendment Act. The Gram Sabha has been replaced by Gram Sansad (a) to guide and advise the Gram Panchayats in regard to schemes for economic development and social justice; (b) identify or lay down principles for identification of the schemes to be taken up; (c) to identify or lay down principles for identification of the beneficiaries for anti-poverty programmes; (d) to constitute one or more beneficiary committees with people who are not members of the Panchayat for ensuring active participation of the people in implementation, maintenance and equitable distribution of benefits of one or more schemes; (e) to mobilise mass participation for community welfare programmes and programme for adult education, family and child welfare; (f) to promote solidarity and harmony among all sections of the people and (g) to record objections to any action of the village head or any members for failure to implement any development schemes.

The Gram Panchayat is required to place in the meeting of the Gram Sansad the budget of the Gram Panchayat, a report on the work done in the previous year and the work proposed to be done in the following year. The Gram Panchayat shall consider every resolution adopted at the meeting of the Sansad and decisions and actions taken by it will be reported to the next meeting of the Sansad. There will, however, be a Gram Sabha for every village. It will meet annually after the completion of the half yearly meeting of the Sansad. The Gram Panchayat is required to place before the Gram Sabha the resolution of the Sansad and its views on them along with a report on action taken or proposed to be taken. The proceeding of the Gram Sabha meeting will be recorded and read out there. The government of West Bengal has also given the Zilla Parishad head the status of Minister of State. This status will help him to exercise effective control over the bureaucracy. The Gram Panchayat has been strengthened by providing for each of the Gram Panchayat a subordinate staff called Gram Karmi.

Elections and the third generation Panchayats

Elections pump political blood into the democratic body politic, no matter at which level it operates. One of the basic problems of grass roots democratic political

institutions in our country is the unwillingness of the State government to hold elections at regular intervals. As we have noted above, the recent Constitutional Amendment seeks to put an end to this situation. As in June 1994, out of 25 States and seven Union Territories only four had elected Panchayats at all levels. Immediately after the 73rd Constitution Amendment Act came into being, Panchayat elections were held in one State only. There were also three other States where elections to Panchayats were held in 1993, eg Punjab and Orissa. Strangely enough, one prominent leader-State of the second generation Panchayat movement, Karnataka has been for quite some time showing unwillingness to hold elections to Panchayat bodies. About a dozen States including Karnataka have since completed elections to PRIs (March 1995).

Panchayats and women

Women's empowerment is one of the objectives of the third generation Panchayats in India. Women in India as in many other countries are awfully underrepresented in political institutions. The question of women's participation in politics in general and rural politics in particular assumed importance following the formulation of the National Perspective Plan for Women (1988). It was argued that political power and access to decision-making and authority are critical prerequisites for women's equality in the process of nation building. The Committee recommended reservation of 30 per cent seats for women in all rural self-governing institutions at all levels and reservation of 30 per cent posts of Chairpersons in all these bodies for them. The Committee also suggested that a more effective step would be to declare a certain percentage of constituencies in the lower levels of Panchayati Raj as exclusively women's constituencies and all executive positions in a certain number of territorial jurisdiction reserved for women candidates.

73rd Amendment and women

The 73rd Constitution Amendment Act provides:

- 1) "Not less than one-third of the total number of seats reserved for SCs and STs in every Panchayat shall be reserved for women belonging to SCs or STs".
- 2) "Not less than one-third (including the number of seats reserved for women belonging to SCs and STs) of the total seats to be filled by direct elections in every Panchayat shall be reserved for women and allotted by rotation to different constituencies in a Panchayat".

3) One-third of the total number of offices of Chairpersons in the Panchayats at all levels is also required to be reserved for women including women from the SCs and STs.

This has set the ball rolling. Orissa was the first State in the country to implement 33 per cent reservation of seats for women in Panchayats. The State has now about 25,000 women representatives in 5,263 Gram Panchayats and 314 Panchayat Samitis.

The second State to follow suit was West Bengal where last elections to Panchayat bodies were held in 1993. According to available information, 24,799 women were elected to the different tiers of Panchayat. Of them, eight are the Chairpersons of the Zilla Parishad, 81 of the Panchayat Samiti and 191 of the Gram Panchayat¹⁸. According to one estimate about 36 per cent of the total members in the Panchayat bodies in West Bengal are women.

Women's representation has been quite encouraging in Karnataka where elections to the grass roots tier were held in 1994. It is reported that out of total 80,627 seats in 5,640 Gram Panchayats 43.77 per cent are women¹⁹.

But what needs to be stressed is that reservation of seats for women is not an end in itself, it is a means to an end, the end being women's development and empowerment. In order to examine how far significant representation of women alone will facilitate, the process may be examined in the light of past experience. What needs to be found out is what is the social background of the women members and their role in Panchayats.

There was provision for representation of women through reservation of seats in the second generation Panchayats like Karnataka, Andhra Pradesh and Kerala. Manikyamba studied the role of women Presidents of Mandal Praja Parishad in Andhra Pradesh. She had studied 18 Presidents out of which 38.9 and 22.2 per cent belonged to two dominant communities. It was also found that 66.7 per cent of them came from well-to-do families and 33.3 per cent belonged to middle class families²⁰.

Karnataka had 25 per cent reservation of seats for women at the Zilla Parishad level. A study had shown that it was difficult for women members to attend meetings²¹ regularly because of their domestic commitments. Another study²² revealed that a factor that had throughout hampered their functioning as elected members was their traditional status in society *vis-a-vis* men.

The Kerala District Councils Act, 1984, reserved 30 per cent seats in the district councils for women. In the elections held in 1991, 35 per cent women were elected. One survey revealed that five per cent of them did not have any land²³.

From the research studies it is evident that in the second generation Panchayats women in all the States except Kerala came from the upper income bracket families. Kerala set a different kind of record because of land reforms, higher literacy rate for women and active women movements. The participation in Karnataka had not been encouraging at the initial stage, but it registered improvement at a later stage.

There are now no studies either on the social background of women members or on the role performance of women elected to the Panchayat bodies through recent elections. But given the general social background of members elected to Panchayat bodies in West Bengal, it may be expected that there is significant representation of poor women. A small study has shown that a good number of women have either the experience of participating in movements or in the literacy campaigns either as trainers or as trainees. What is remarkable is that even in a backward State like Orissa, as the Bhubaneswar (State Capital) meet²⁴ showed, the women members raised their voice in the presence of the Chief Minister. They blamed the government for not giving them sufficient power and resources. The upsurge of women's power was visible at the Bhubaneswar meet. They boldly came forward to give vent to their feelings and frustrations. Even before the reservation of seats for women in States like Maharashtra, women came forward to submit women panels for Panchayat elections in 1994²⁵. It evoked sharp reactions from the males under whose pressure some of the prospective women candidates withdrew. But the battle was fought, and those who refused to oblige males came from backward caste and Muslim background. In West Bengal, a Muslim woman who was elected to Gram Panchayat in the 1983 election, was forced to resign after her husband was murdered. But she contested the 1988 elections²⁶. These are silver-linings.

Concluding observations

It is clear from the foregoing discussion that the healthy growth of village self-government in India today cannot be ensured simply by giving it a Constitutional sanction. In the ultimate analysis it is the political will of the State governments which determines the future of the village self-government in India. What is, however, not

now left to the sweet will of the State governments is the indefinite postponement of elections to Panchayat bodies. This has very significant implications for Panchayats in India because elections which are the red blood cells of a democratic body or to use Tocqueville's words, 'institutionalised revolutions' have not been held earlier at regular intervals. The process of holding elections has been completed in many States and is on in some States. This is a salutary feature of the third generation Panchayats in India and has far reaching consequence. *Holding of elections at regular intervals will not only supply political blood into Panchayats but also help increase political awareness of the people and the general image of the institutions before them.* Local-self government as it was originally conceived by its founding fathers, and in our country, more than a century ago by Lord Ripon, has to act as an instrument of political education of the masses. The relatively successful functioning of the rural self-governing institutions in West Bengal shows that without effective land reforms for changing the correlation of class forces in the village society, the basic objective of self-government cannot be achieved. This should be followed by clipping the wings of bureaucracy gradually and improving the status of the heads of these bodies. It should not be forgotten that overwhelming dependence of the Panchayats on the State government for funds would take away their potential to function as units of self-government as proclaimed in the Amendment of the Constitution. They will at best be instruments of development in terms of implementation of programmes assigned to them by higher tier government, but will fail to grow as units of self-government. The West Bengal experience suggests that despite many achievements the village level body called Gram Sabha where the people at large get opportunity to voice their demands and grievances in meetings at specific intervals in between elections, have not been very effective. In fact, this calls for a change of values, a new culture the socio-economic basis of which is absent.

References and footnotes

1. For the analysis of the colonial phase see, Hugh Tinker, 1976, *The Foundations of Local Self-Government in India, Pakistan and Burma*, Bombay: Lalvani Publishing House.
2. See M. Bhattacharya and P. Datta, 1991, *Governing Rural India*, New Delhi, Uppal Publishing House.
3. For Gandhi's views on decentralisation, see C.V. Raghavulu and R. Ananda Rao, 'Gandhian Approach to Decentralisation', *Indian Journal of Public Administration*, July-September, 1978.
4. See *Panchayati Raj As the Basis of Indian Polity*, 1962, New Delhi, Association of Voluntary Agencies for Rural Development.
5. A village Panchayat has population of about 20,000. A block is a geographical location consisting of about 10-12 contiguous Gram Panchayats.
6. L.C. Jain, 1984, *Grass Without Roots*, New Delhi: Sage (India).
7. Ram Reddy (ed.) 1977, *Patterns of Panchayati Raj in India*, New Delhi: Macmillan and Co., p. 5.
8. Iqbal Narain, 1987, 'Revival of Panchayati Raj', *ICSSR Newsletter*, July-September, P. 6.
9. G. Mathew, 1988, 'Social Background of the Members of the District Council', *EPW*, October 1-7.
10. See, Prabhat Datta, 1993, *The Second Generation Panchayats in India*, Calcutta, Calcutta Book House, pp.
11. L.C. Jain, 1989, *Grass Without Roots*, Delhi, Sage (India).
12. *Anti-Poverty Programmes: Role of Panchayats: Correspondence between Shri Rajiv Gandhi, Prime Minister of India and Shri Jyoti Basu, Chief Minister of West Bengal*, Calcutta, Government of West Bengal, 1985.
13. Malcolm, Adishesiah, G. Mathew (ed.) *Panchayati Raj in Karnataka* New Delhi, Concept, 1986.
14. Nirmal Mukarji, 'The Third Stratum', *EPW*, May 1, 1993.
15. K.S. Krishnaswami, 'Karnataka's New Step Backwards', *EPW*, May 1, 1993.
16. L.C. Jain, 'Panchayati Act: Clerical in Outlook', *The Decan Herald*, August 2, 1993.
17. E.M.S. Namboodiripad, 'Kerala Panchayat Bill: An Exercise in Bureaucratic Centralisation' *People's Democracy*, April 24, 1994.
18. Department of Panchayats, Government of West Bengal.
19. Parvathi Menon, 1994, 'Ground to a Halt: Elections to Karnataka's Local Bodies', *Frontline*, April 22.
20. P Manikyamba 1990, 'Women Presiding Officers at the Tertiary Political Levels: Patterns of Introduction and Challenges in Performance', *Journal of Rural Development*, Vol. 9, No. 6.
21. Mumtaz Ali Khan and Noor Ayesha, *Status of Rural Women in India: A Study of Karnataka*, New Delhi: Uppal Publishing.
22. G. Mathew, 1994, 'Panchayat in India: From Legislation to Movement', New Delhi: Concept Publishing.
23. G. Mathew, 1991, 'Social background of the Members of the District Council in Kerala', *EPW*, May 25.
24. The Chief Minister of Orissa had convened a meeting of the newly elected Panchayat members on March 5, 1993. 16,000 elected representatives had participated. Incidentally, March 5, was the birth day of the Chief Minister.
25. Gail Omvedt, 1987, 'Women and Maharashtra Zilla Parishad Elections', *EPW*, November 1.
26. See G.K. Lieten, 1992, *Continuity and Change in Rural West Bengal* New Delhi : Sage (India). □

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Democratic decentralisation in Kerala : problems and prospects

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Local institutions constitute the strength of nations. A nation may establish a system of free government but without local institutions, it cannot have the spirit of liberty” (De-Tocqueville).

A cursory glance through the history of local bodies in India which dates back to the Resolution of Lord Ripon in 1882 will show that decentralisation of power was only paid lip service. Gandhiji was disappointed that there was no mention of Panchayats in the Draft Constitution and it was sought to be justified by Ambedkar who described the villages as “nothing but a sink of localism, a den of ignorance and narrow-mindedness”. Be that as it may, Article 40 of the Constitution provided that 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. This provision is meant to have an active participation of the people through devolution of governmental power and authority.

People’s participation : still ‘a neglected child’

Contrary to the concept of democratic decentralisation, the process of bureaucratisation, politicization, criminalization and casteism has been strengthened in rural India. Local participation in decision-making both on economic and political grounds, is far away from reality, though the Panchayati Raj bodies are by and large based on the guidelines provided by the Balwantray

Mehta Committee. Programmes like food for work, soil conservation, etc have gained popularity in rural areas but the control of official machinery has prevented the

poor masses from coming nearer to the system. The deprived classes still remain undeveloped, neglected and alienated from the benefits of these programmes. This has really hampered the process of democratic participation.

The system of Panchayati Raj has failed to realize the dreams of its archi-

tecs. The system heralded in 1959 with great enthusiasm appears to have become a ‘neglected child’ of the State governments with the passage of time.

The beginning

Democratic decentralisation in Kerala has a chequered history. The process was initiated by the first Communist ministry headed by E.M.S. Namboodiripad. The Administrative Reforms Committee headed by him submitted its report on July 26, 1958. It suggested the formation of district councils which would through a three-stage growth “assume full authority over development work in the district, except very important schemes which may be specifically retained in the government’s direct control, and function as full-fledged local self-governing units for their area.”

The report was followed by the introduction of the Kerala Panchayat Bill and the Kerala District Council

Contrary to the concept of democratic decentralisation the process of bureaucratisation, politicisation, criminalisation and casteism has been strengthened in rural India, observes the author. The system of Panchayati Raj has failed to realise the dreams of its architects and has become a ‘neglected child’ of State governments. Without a strong political will to back the decentralisation process at the grass roots level and without guaranteeing a certain degree of financial autonomy to village Panchayats, no development worth the name can take place under the PRI system. The Kerala Panchayat Raj Bill, 1994 would result in bureaucratic centralisation rather than democratic decentralisation, the author laments.

GRASS ROOTS DEMOCRACY : CHALLENGES AHEAD

Bill in the Assembly in December 1958 and April 1959 respectively but both the measures fell through when the Assembly itself was dissolved on July 31, 1959.

The government headed by Pattom Thanu Pillai enacted legislation in 1960 and 1961, covering the Panchayats, the municipalities and the city corporations. Though mainly intended to unify the system in the three regions of the State, (Travancore, Cochin and Malabar) the measures entrusted the Panchayats with vast responsibilities. In 1964, the R. Sankar ministry introduced the Kerala Panchayat Union Councils and Zilla Parishads Bill, drawn up on the lines suggested by the Balwantray Mehta Committee. As the government fell in a few months, the Bill died a premature death.

In August 1967, Chief Minister E.M.S. Namboodiripad introduced the Kerala Panchayat Raj Bill in the Assembly. The Bill envisaged a two-tier system: the Panchayats at the basic level and the Zilla Parishads at the districts. The select committee of the Assembly studied the Bill and in its report submitted to the House in March 1969 suggested drastic changes which included renaming the measure as the Kerala Local Government Act. The Zilla Parishads were to be called district councils. However political developments overtook the government and the Assembly was dissolved in August 1979 with the result that the Bill lapsed.

The next government headed by C. Achutha Menon introduced the Kerala District Administration Bill in the Assembly in 1971 with great elaboration of the functions. Again the Bill lapsed despite the fact that Achutha Menon's had been the only government till then to complete its full five year term and more. The Kerala District Administration Bill was presented by the ministry headed by A.K. Antony on August 1, 1978. When the legislature finally passed the Bill in 1979, the Chief Ministership was in the hands of the CPI leader P.K. Vasudevan Nair. When it received the Presidential assent in May 1980, the stewardship of the State had passed on to the CPI (M) leader E.K. Nayanar. With breathtaking speed a number of rules and notifications were issued giving the impression that the district councils were going to become a reality but again the Ministry collapsed in 1981.

The next government that came to power in May 1982 did not have any pretensions in this direction, preoccupied as it was with more crucial and urgent issues on which hinged the government's survival. In March 1987, E.K. Nayanar returned as Chief Minister. The implementation of the District Administration Act was one of the

promises of the Left Democratic Front in its election manifesto and it did implement it in 1991. Until then there were only village level Panchayats functioning under the Kerala Panchayat Act 1960. Strangely enough elections to the Panchayats were never held on time in Kerala.

The District Administration Act has vested the district councils with vast powers and responsibilities covering as many as 151 items under 18 heads, from administration of land revenue, irrigation in all its various branches, soil conservation, agricultural co-operation and credit and development of regulated markets to social forestry, fisheries, household and small industries, the minimum needs programme, housing, education including control over administration of government and private aided schools, welfare of Scheduled Castes, community development, etc. Although the district councils started functioning, they were rendered powerless as soon as the State government under Karunakaran took over in June 1991.

Although the objective of creating local self-governments in India and the concomitant process of decentralisation of power and administration as envisaged by Gandhiji was accepted by all political parties ever since the days of the freedom struggle, it took more than forty years to give it the necessary Constitutional support. The 73rd Constitutional Amendment Bill on Panchayati Raj and the 74th Amendment Bill on Nagar Palikas were adopted by Parliament in December 1992. The Panchayati Raj Act came into force on April 24, 1993 and the Nagar Palika Act came into effect on June 1, 1993. These Acts mandated all States to create a three-tier Panchayat structure at and below the district level for rural areas and Nagar Palikas for urban areas.

Kerala Panchayat Raj Act

The Kerala Panchayat Raj Bill adopted by the Legislative Assembly on May 22, 1994 seeks to replace the existing laws governing village Panchayats and district councils, viz the Kerala Panchayat Act 1960 and the District Council Act 1991. The Bill while seeking to create a three-tier structure of Panchayats at the village, block and district levels has placed the entire Panchayati Raj under tight bureaucratic control.

Drastic powers for supersession

An examination of the provisions of the Bill underscore the tendencies for centralisation running through it. According to clause 159, the President, Vice-President or any member of the Panchayat can be removed from

office by the State government if such a member, President or Vice-President has been guilty of misconduct in the discharge of his duties or abuses his powers or makes persistent default in the performance of his duties and functions under this Act. The government may disqualify such persons for a period not exceeding five years. *This provision is more drastic than the power of the President to dismiss a State government under Article 356 of the Constitution.*

Clause 191 states that the government may by order or in writing cancel any resolution passed or decision taken or action initiated by a Panchayat or any committee thereof, if in their opinion the resolution, decision or action is not legally passed or initiated.

Clauses 187 and 188 empower the government to trample the democratic rights of the Panchayat Samities and to freely interfere in the preparation of the budget.

The State government has the power to nominate members with voting rights to the elected bodies at three levels and thereby control the administration of the local bodies. Even with regard to the 29 subjects enumerated in the XI Schedule of the Constitution and proposed to be transferred to the local bodies, the government will ultimately decide as to which of them should be given to the Panchayat Samitis. The village Panchayat alone will come under the jurisdiction of the district Panchayats and not the municipalities and corporations.

Bureaucratic delay

The total dependence of the Panchayats on the State government can be seen in the provisions regarding grass roots level planning. The Gram Panchayats have to submit their schemes to the block Panchayats and the latter in turn have to submit their schemes as well as the schemes of the Gram Panchayats to the district Panchayats. The district Panchayats will then submit their schemes as well as the ones obtained from the block Panchayats to the District Planning Committee. The District Planning Committee after scrutinising the scheme will prepare an integrated district plan which will be submitted to the government for final approval. One can very well imagine the delay involved in the bureaucratic exercise.

The Panchayat Raj Bill consists of 287 clauses. With regard to 91 clauses including the clauses relating to devolution of power, government has to frame rules and regulations in detail for the implementation of the Act. As stated by the Minister for Local Self-Government, the rules and regulations have been framed but the details are not known.

A mockery of decentralisation

The objective of transferring powers for rural development has been reduced to a mockery of decentralisation. For instance in the case of minor irrigation the village Panchayats will have power for construction and maintenance of minor irrigation schemes and lift irrigation schemes benefiting upto five hectares. It may be noted that even a middle-sized village tank will have the capacity to irrigate more than five hectares. The helplessness of the village Panchayats in playing a meaningful role in irrigation is too obvious to be mentioned.

Once functions are transferred, there should be provision for the transfer of resources as well. There is no question of transfer being "subject to availability of resources".

Control over staff

State government employees working for the Panchayats will be under the control of the State government and the latter may transfer them. Only the contingency staff is treated as employees of the Panchayats. This will create problems in the day-to-day functioning of Panchayats since State government employees are unlikely to place their full loyalty and commitment to local government.

In short, the Panchayat Bill would result in bureaucratic centralisation rather than democratic decentralisation and tend to convert local self-governments into departmental appendages.

Despite these shortcomings, the Bill if implemented sincerely can bring about significant transformation in rural areas in the political, social and economic fields.

Action plans

Planning to be effective must start from the grass roots level. Development must be need-based and resource based. At the time of launching the Eighth Plan, the Panchayats were asked to prepare action plans for their development and nearly 900 Panchayats in Kerala had accordingly drawn up their plans. It would be possible for the Panchayats to effectively address their development needs on the basis of these action plans and they could also mobilise expertise locally by roping in the services of retired engineers, agronomists, teachers and others.

Benefits of decentralisation

Decentralisation will effectively minimise corruption and reduce governmental expenditure. Transparency is the hallmark of local institutions and as such there is

hardly any chance for corruption. Decentralised development is the only alternative for an improved agriculture sector, food production, management of soil and water, unemployment and power sector.

Democratic decentralisation apart from accelerating the process of development in the areas of agriculture, land improvement and soil conservation, minor irrigation and watershed development, animal husbandry, dairying and poultry, fisheries and social and farm forestry ensures peoples' participation at local levels. The potentialities of thousands of unemployed men and women available in the villages can be harnessed for socially useful projects provided they are assured of a minimum amount for subsistence. If they can be mobilized and put to work by way of developing agriculture, fisheries, social forestry, that would give reasonable dividends by way of creating assets for the country and solve to some extent the problem of lack of resources. Assistance of voluntary, non-official organisations like Kisan Sabhas, agricultural labour unions, trade unions, students and youth organisations can be mobilised for the purpose of development at the local level.

Due to the high level of political consciousness, it would be difficult for a majority of the people in Kerala to participate in the planning process and set their priorities independent of political organisations. Therefore, the structure, style of functioning and priorities of political organisations assume great importance in determining the level and mode of participation of people in development planning.

Factors affecting people's participation

When planning becomes participatory and decentralised, it may also become localised both in terms of issues taken up and in sharing powers to tackle them. Thus it involves devolution of powers of the political organisations also from top to bottom. Therefore, willingness and ability of political organisations to devolve power from the top to bottom and flexibility in advocating local priorities, affect the prospects of participation of people in decentralised planning in a highly politicized state like Kerala. If there is no participation of people in identification of problems they encounter, there can be no sense of their participation in planning strategies to solve them.

A positive approach

One of the most important requirements to make participatory planning more effective from the point of view of the weaker sections is a more positive approach and involvement of the rural elites in the process. In

Kerala, with higher rates of literacy among men and women possibility exists for involving them in the process.

In order to manage local self-government effectively there should be suitable and stable institutions at the local level where the decision-makers will be the people. Local self-government should not be allowed to degenerate into the village level agencies of government.

The tenure of Panchayats in Kerala had expired on February 8, 1993 and since then the Panchayats are run by administrative committees.

Elections overdue

It is more than nine months since the Panchayat Raj Bill was adopted by the Kerala Assembly and that too one month after the expiry of the target date suggested by the Central government. Elections to 1,000 Gram Panchayats, 156 block Panchayats and 14 district Panchayats are overdue and the State government is postponing the elections under some pretext or the other. In a desperate bid to get the funds for rural development released, the State government had informed the Centre that it was willing to hold the local bodies poll on April 17, 1995. Now that the Centre has decided to make release of funds unconditional the State government can well decide to postpone the elections to a future date !

The amount still due to the State from the Centre is the last instalment of the total amount of Rs. 120 crore sanctioned for 1994-95. Had the Centre not decided to delink the elections from fund release, the State would have received the first instalment of Rs. 60 crore for the coming fiscal year, due in April, only after the elections to the Panchayati Raj institutions.

Conclusion

In fact, Panchayat polls are a kind of mini-general elections—the single most important factor for holding the State governments in leash. And it is precisely this very aspect which has been resented by them and Kerala is no exception.

Unless there is a strong political will to back the decentralization process at the grass roots level and unless a certain degree of financial autonomy is guaranteed to village Panchayats no development worth the name can take place in Kerala under the Panchayati Raj system. □

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Constitutionalisation of Panchayati Raj : the case of Tamil Nadu

Dr B.S. Bhargava and V. Venkatakrisnan

The efforts taken by the various governments at the national level to 'Constitutionalise' the local government system culminated in the passing of twin Constitutional Amendments—73rd Amendment for Panchayati Raj institutions and 74th Amendment for urban bodies such as Nagar Panchayats, municipalities and corporations. The 73rd Amendment Act was assented to by the President on 20th April 1993 and brought into effect on 24th April 1993. As per Article

243 (N) of this Amendment, all the State governments had to modify or repeal their existing Panchayat Acts within one year and re-enact them in consistent with this Amendment. It is reported that almost all the States have either modified their existing Acts or enacted new Acts. In the case of Tamil Nadu, a new piece of legislation entitled Tamil Nadu Panchayats Act, 1994 was enacted by its Legislative Assembly on 19.4.1994 and it was assented to by the Governor on 22.4.1994. This paper presents the important changes that have been brought into effect in the Panchayati Raj System in Tamil Nadu.

Gram Sabha

As per Article 243(A) of the (73rd Amendment) Act, Gram Sabha, consisting of persons in the electoral rolls relating to a village comprised within the area of Panchayat at the village level, may exercise such powers and functions at the village level as the Legislature of State may by law, provide. There is no provision for 'Gram Sabha' in the Tamil Nadu Panchayats Act, 1958.

Even prior to the 73rd Amendment, provisions for 'Gram Sabha' as an institution for 'direct democracy' were there in a majority of Indian States except Kerala and Tamil Nadu¹. They

are statutory in the case of Assam, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Uttar Pradesh and West Bengal. Gram Sabha consisted of all voters in the concerned village in States such as Orissa and Maharashtra. In the case of Gujarat, the membership of Gram Sabha was not

Analysing the reforms introduced in various States with particular reference to Tamil Nadu in the wake of the 73rd Amendment Act, the authors opine that a new approach towards PRIs is the need of the hour. They have suggested the setting up of a Committee comprising experts and grass roots level leaders to recommend measures to restore people's confidence in PRIs. The Tamil Nadu Panchayats Act, 1994 has only incorporated the 'letter' and left out the 'spirit' of the 73rd Amendment Act, they point out. MLAs and MPs should be debarred from contesting the PRI elections as their becoming office bearers of PRIs would block the emergence of another set of leaders, they strongly feel.

clearly defined in its Act. In the case of Madhya Pradesh, as per section 6 of the Act passed in 1990, 'for every Gram Sabha there shall be a list of voters to be prepared in accordance with the provisions of the Act'. With regard to Bihar all adult residents of the Gram Panchayat areas were members of the Gram Sabha. Hence there are broadly three categories of membership in Gram Sabhas in different States, viz all adult residents of the village, all voters and a list of voters to be prepared for the purpose. As Gram Sabha (GS) is considered as the only means of 'direct democracy' where all important decisions have to be arrived at, it may serve the purpose of training ground for all the people, especially the younger generation. Hence it is suggested that all those who are willing to attend the meeting may be allowed to do so. However, the 'actual participation' in deliberations may be left to the persons above 18 years of age in consonance with the voting age at Panchayat, Assembly and Lok Sabha elections.

GRASS ROOTS DEMOCRACY : CHALLENGES AHEAD

While analyzing the Panchayat Acts of various States as they were prevailing before the 73rd Amendment, it is noticed that the functions of the Gram Sabha generally include considering and making recommendations with regard to matters such as the annual statement of the accounts, administrative report of the preceding financial year, the last audit report note and replies, report of the development programmes of the preceding year, development programmes proposed to be undertaken during the current year, mobilizing voluntary labour and contributions in kind and cash for the community welfare programmes and identification of beneficiaries for the implementation of development schemes pertaining to the village.

Many consider that Gram Sabha may be compared to the Legislature of Parliament and the Panchayat to the ministry. In such a proposition the Panchayat has to be 'accountable' to the Gram Sabha consisting of all people of that Panchayat area. It may be interesting to note that as per the Bihar Panchayati Raj Act, 1947 and Punjab Gram Panchayati Act, 1952, there are provisions for 'recall' of the Sarpanch by the Gram Sabha². Similar provisions of 'recall' were possible in Tamil Nadu, even though there was no specific mention about Gram Sabha in its Act.

Gram Sabha has been accorded its place in the new Act of 1994, in the case of Tamil Nadu. Every village Panchayat will be having a Gram Sabha and it will consist of persons registered in the electoral roll relating to the Panchayat village. The Gram Sabha shall approve the village budget for the year and review the progress of the implementation of all schemes entrusted to the village Panchayat. In addition to these, the State government may, entrust to Gram Sabha such other functions as may be specified. The village Panchayat has to prepare a development plan every year for the Panchayat village.

It is to be noted that the recommendations of the Gram Sabha are not having any statutory binding on the Panchayat concerned. Generally, the Panchayat may not be willing to go against the popular will. In this connection it may have to be decided as to whether the role of Gram Sabha is mere advisory or executive or deliberative cum executive³.

The Gram Sabha has to meet at least thrice in a year but six months shall not intervene between any two meetings. The quorum for its meeting shall be one-third of the total number of members of the Gram Sabha. The meetings of the GS shall be presided over by the President of the Panchayat and in his absence, by the Vice-President and in the absence of both the President and Vice-President,

a member chosen by the members present at the meeting. It is not clear as to whether this reference to 'member' is to the 'member' of the Panchayats or 'member' of GS. It has been observed that there are Panchayats of varying size according to their population. It ranges from a minimum of 500 and a maximum of more than 10,000. While some of these Panchayats have been formed in single revenue villages, many of them are formed for a group of revenue villages and it is a common fact that many of the revenue villages will be comprising many hamlets. These halets may at many times have different caste groupings. Some of them are exclusively for Scheduled Castes. In such a situation doubts may arise about the place of meeting of GS and consequently about the success of the meetings. Whether the meetings will be conducted in the main hamlet, which will invariably be dominated by the rural elite, or in all the hamlets in a fixed order of rotation? If the meeting is held at the main village/hamlet, it may not be accessible to people living in other villages/hamlets on various grounds such as distance and caste considerations. The same problems may arise if the GS meetings are conducted in a hamlet numerically dominated by the Scheduled Castes.

The following issues may have to be sorted out before constituting Gram Sabhas. How, where and when the Gram Sabha will be convened in the case of village Panchayats existing under similar conditions mentioned above? A possible solution for this may be constitution of ward committees as has been proposed vide Article 243(S) of the Constitutional (74th) Amendment Act relating to urban bodies or constitution of Palli Sabhas as in the case of Orissa, wherein for every village constituting one or two wards, within a multi-village Gram Panchayat, a Palli Sabha (sub-Gram Sabha) will be constituted. This Palli Sabha will perform the same functions as that of Gram Sabha, but within its limited area of ward.

Village Panchayats/Town Panchayats

The position of village Panchayats has not undergone much change in the new system. In the earlier system, a maximum of three seats were reserved for Scheduled Castes and Scheduled Tribes for membership of Panchayats. This has been revised to enable them to have as many seats in proportion to their population to the total population of the Panchayat area. Similarly, the reservation for women has been increased from 30 per cent to not less than one-third of the total number of seats. Another important aspect of this reservation is that this has been extended to the office of the Chairpersons at all levels in the new system. There has been no change in the pattern

of election of President and Vice-President at village Panchayat level.

The town Panchayats (TPs) have been removed from the ambit of the Panchayats Act and they have been brought under the Tamil Nadu District Municipalities (Amendment) Act, 1994⁴. Though they formed part of the earlier Panchayati Raj system in the State, they have been classified as urban bodies as per the Article 243 Q(1)(a) of the Constitution (74th) Amendment. There were about 648 town Panchayats (including Panchayat townships) as on 1991 and they served almost one-fifth of the total population of the State. By placing the TPs within the scope of the urban bodies, the possibilities of linking small town and their hinterland through administrative integration have been given up leading to 'administrative fragmentation'. Previously the TPs were represented in the Panchayat Union Councils by their Presidents. Though there were not strong linkages, both functional and structural, between them, opportunities were available for co-operation among them. In addition to that one TP President among all the TP Presidents in the district was used to be nominated to the District Developmental Council.

Due to the changes effected as mentioned above, the horizontal and vertical linkages between the TPs and other institutions in the Panchayati Raj system will be severed thus leading to isolation of TPs. This will become more pronounced in view of the fact that there is no coordinating institution for urban bodies at higher levels. The new classes of urban bodies such as Town Panchayats and Municipalities do not have any meeting point other than the Act by which they are constituted.

As per certain provisions of the 1958 Act, village Panchayats could be upgraded into town Panchayats and they in turn could be upgraded into town municipalities. Thus channelisation of evolution process was ensured. These provisions are absent in the Tamil Nadu Panchayats Act, 1994 and the Tamil Nadu District Municipalities (Amendment) Act, 1994.

Apart from the above, the TPs have been deprived of the benefits of having the institutions such as Gram Sabha or ward committee. Gram Sabhas are to be constituted for areas coming under village Panchayats and ward committees have to be brought into force in the case of municipalities having a population of three lakhs or more. There has been no such provision for TPs. This shortcoming has to be rectified.

Panchayat Union Councils

Apart from the extension of reservation to SCs/STs and women similar to that of village Panchayats there are

a few other changes in the constitution of the Panchayat Union Councils (PUCs). As per the earlier system which was based on the 1958 Act, all the village Panchayat Presidents of the concerned Panchayat union area will be ex-officio members of the Panchayat Union Council. This has undergone a change in the new Act, wherein, a new category of 'directly elected members' is brought into the Panchayat Union Council. One member for every 5,000 population of the Panchayat union area, will be elected by the voters. The Presidents of the constituent village Panchayats will elect among themselves such number of members to Panchayat Union Council which will be equal to one-fifth of the total number of 'directly elected members' as mentioned above.

The association of Legislators and Parliamentarians with the Panchayat Union Council with voting rights is also a new phenomenon of the 1994 Act. The Members of the House of the People (MPs) and the Members of the State Legislative Assembly (MLAs) whose constituencies comprise wholly or partly of the Panchayat union area will become members of the Panchayat Union Council. In addition to them, the Members of the Council of States (MLCs) who are registered as voters within the Panchayat union area will also be members of the PUC. All these categories of members will be entitled to take part in the proceedings of and vote at the meetings of PUC. There is no specific provision in the new Act, which will disentitle the above category of members from contesting and getting elected as 'directly elected members' of the wards of the PUC. If they are so elected they may contest the elections of the Chairman or Vice-Chairman to the PUCs.

In the earlier system, only the MLAs whose constituencies comprised the whole or any part the Panchayat union area were entitled to take part in the meetings of the PUC but they were not entitled to vote. However, such MLAs were eligible to contest the elections for the office of the President of the constituent village Panchayats and thereby they could get elected as Vice-Chairman of the PUC. Again, there was no bar on them from contesting the election of Chairman of the PUC. It is felt that if the MLAs or MPs are allowed to become the President of the village Panchayat or Chairman or Vice-Chairman of the PUC, then it may block the emergence of another set of leaders. Hence, they may be debarred from contesting the Panchayat elections.

In addition to the above mentioned changes, the modes of election of Chairman and Vice-Chairman of the PUC have also been modified. Previously the Chairman was elected by the voters directly through party-based

elections. It is reported that through this method the evils of horse-trading or 'special camps' to the Presidents of the village Panchayats in order to get their support in the election of Chairman or Vice-Chairman, were eliminated. Apart from that the people's preference for a particular party could also be ascertained by this method. By imposing the Article 243 C(5)(b) of the Constitution (73rd) Amendment Act, wherein it has been mentioned that the Chairperson of a Panchayat at the intermediate level or district level shall be elected by and from amongst the elected members thereof, the much better method of direct election of Chairman of PUC has been dispensed with. In this regard, modifications are essential in the relevant parts of both the Constitution and the Panchayat Acts of various States.

District Panchayats

The Chairman of the municipal councils and President of co-operative central bank will no longer be associated with the apex tier of the PR system in Tamil Nadu in view of the new Act. Though the MPs and MLAs have been retained as members, the majority of the Chairmen of the Constituent Panchayat Unions, who hitherto were members of this body at the district level, will be kept outside. Their representation now depends upon the number of wards of the district Panchayat. A new category of 'directly elected members' similar to that of PUC will be added to the district Panchayats. The number of the Panchayat union Chairmen to be elected to the district Panchayat will be one-fifth of the total number of 'directly elected members' of the wards of the district Panchayat. As in the case of village Panchayat and Panchayat Union Council, there is no bar on the MLAs and MPs from contesting the elections to the office of ward members of the district Panchayat and thus they could aspire to become Chairman or Vice-Chairman of the district Panchayat simultaneously.

The position of the District Collector as the Chairman of the district level body of the PRIs in the former system had given way to elected Chairman, thereby providing more opportunities for popular participation. However, the role of the District Collector with regard to the district Panchayat is not clearly spelt out. However, it may be noted that they have been designated as the Inspectors of the Panchayats at all levels in their respective districts.

There is no mention about the DRDA which is entrusted with the development schemes to be implemented in the district. The District Collector has been functioning as the Chairman of the DRDA. The position of the DRDA vis-a-vis the district Panchayat has to be decided.

Executive authorities

In the case of village Panchayats, the Presidents functioned as the executive heads till recently. However, it will be the Secretary of the village Panchayat, who will perform the functions of the executive authority hereafter. As on date there are Panchayat Assistants in the village Panchayats and they were expected to collect the taxes, maintain the records and accounts. However, they were subordinate to the Presidents in view of the fact that the Presidents were the executive authorities. By introducing the new institution of 'Secretary' at village Panchayat level, the pre-eminence of the Panchayat President is virtually abolished. How far this will be acceptable to the rural elite, who had been dominating the village politics, is to be observed. A clear picture about the position of the Secretary in relation to the President and the Panchayat will emerge only when the new system is brought into operation. Some other issues to be sorted out with regard to the Secretary are, the nature of his appointment, his appointing authority and the source from which his salary will be paid. At present, the Panchayat Assistants have been appointed on an adhoc basis by the Commissioner of the Panchayat Union and their consolidated salary is drawn from both the concerned Panchayats and the Panchayat unions.

There is no change with regard to the position of the Panchayat Union Commissioner. In the case of the district Panchayat, a new post of Chief Executive Officer (CEO), not below the rank of Joint Director of Rural Development, has been proposed. The position of the CEO vis-a-vis the Chairman of the district Panchayat and the District Collector is not clearly defined in the new Act. Many complications may arise if two different authorities are created over the same jurisdiction of functions and area of operation.

Elections

The major failure with regard to the PR systems throughout the country was non-conduct of elections and inordinate delay in conducting elections. However, this was sought to be overcome by ensuring regular elections to the Panchayats vide Article 243 (E) of the 73rd Amendment Act and this provision has been incorporated in the Tamil Nadu Panchayats Act of 1994. The major lacuna with regard to this provision is that there is no specific mention about the time frame within which the first elections to these bodies are to be conducted. The Tamil Nadu government is reported to have passed an ordinance postponing the elections till December 1995. There have been suggestions from many quarters that the Centre should withhold rural development grants in

respect of the States where elections to the PRIs were not held so far. Will this alone be sufficient to ensure elections? Should any other method has to be devised to solve this problem?

There is no change in the mode of elections to the offices of President, Vice-President and members of the village Panchayats and the term of these offices will coincide with that of the Panchayat. However, certain doubts arise about the term of the Chairman and Vice-Chairman of the Panchayat Union Councils and district Panchayats. As per section 54(3) of the Act of 1994, an outgoing Chairman or Vice-Chairman is eligible for re-election and it leads to some ambiguity. Does it indicate that the terms of office of Chairman and Vice-Chairman are different from that of the Panchayat Union Council and District Panchayat? In such a case it may lead to discontinuity of the political leadership of the bodies.

There is a different view point of this situation, wherein it is argued that as the term of the Chairman or Vice-Chairman of these institutions depends upon the pleasure of the 'directly elected members' of the wards of these bodies, it will be difficult to fix a term of five years. Apart from that it is felt to control self-seeking Chairman or Vice-Chairman; these types of provisions are essential. Another set of opinion which also supports this position assumes that there is a need to have circulation of elites at all levels and due to this proposition of having a shorter term, many will get opportunities to gain greater experience at higher levels.

The proposed election process is also likely to add confusion to the electorate. Each voter of the Panchayat area will have to elect four representatives, viz ward member of the Panchayat, President of the Panchayat, ward member of the Panchayat Union Council and ward member of the district Panchayat. Once this process is over, the ward members of the Panchayats have to elect Vice-President and the ward members of the Panchayat union and district Panchayat have to elect the Chairman and Vice-Chairman of the respective institutions. By installing new institutions such as 'directly elected ward members' as mentioned above and modifying the mode of election of the Chairman and Vice-Chairman of the Panchayat Union Council, the already tenuous hold of the village Panchayat Presidents over the functioning of the Panchayat Union Council will be further weakened.

While abolishing the direct election of the Chairman of a relatively smaller area of a Panchayat Union, in consonance with the provisions of the 73rd Amendment Act, ironically, the Mayor of Madras city (the largest city

in Tamil Nadu) municipal corporation is proposed to be elected by the voters directly.

Functions and finance

There is no specific mention in the Constitutional (73rd) Amendment about the functions to be performed by different institutions at different levels of the PR system. However, a Schedule entitled 'Eleventh Schedule' has been appended as per Article 243(G), wherein 29 functions have been brought under the PR system. However, it is noticed that while a few items such as drinking water, roads, culverts, bridges, ferries, waterways and other means of communication, poverty alleviation programmes, libraries, markets and fairs are at present dealt with by the PRIs in this State, most of the other activities such as agriculture including agricultural extension, land improvement, animal husbandry, dairying, poultry, small-scale industries including food processing industries, rural electrification and public distribution system are under the control of State departments/corporations.

Prior to the Constitution Amendment, the functions of the apex tier of PRIs, known as District Panchayat or Zilla Parishad (ZP) or District Development Council (DDC) were widely varying from State to State. In Maharashtra, the ZP had been assigned executive functions and in the case of Tamil Nadu the DDCs had been functioning as advisory bodies. Other States were in between these two extremes. In view of the assignment of a very long list of functions vide the Eleventh Schedule of the 73rd Amendment to the PRIs, a redistribution of activities among various tiers has to be carried out.

A comparison between the Panchayat Acts of 1958 and 1994 reveals that as far as the functions are concerned, the position of the apex tier of the Panchayati Raj system in Tamil Nadu has not undergone any major change except some changes of window-dressing type. They will continue to be advisory bodies in the proposed set-up also. It is considered that it will not be wrong to conclude that the functions of the erstwhile DDCs have been transferred verbatim to the district Panchayats of the new set-up.

This is the case with the functions of the village Panchayats also. Section 63 of the 1958 Act which dealt with the duty of the village Panchayat to provide for certain matters (obligatory functions) have been literally transferred to the new Act of 1994 (section 110). Similarly, section 64 of the earlier Act has also been transposed word by word into section 111 of the latest Act. Identical conclusions could be drawn in the case of the

functions of the Panchayat Unions also. Marked resemblance between the old system and the proposed system can be observed with regard to the taxation and finance of the village Panchayats and Panchayat Unions.

In an earlier paper on the Panchayati Raj System in Tamil Nadu⁵ it was discussed about the need to revise some provisions of the 1958 Act. The same problem persists with the new Act also as the sections from 144 to 158 dealing with these provisions, except for a few minor modifications, have been religiously transmitted as in the case of most other sections.

The Panchayat Development department was separated from the Revenue department at the divisional level as per the G.O. Ms No. 142 dated 12.6.1974 of the Rural Development and Local Administration department. As per this decision, the Divisional Development Officers (DDOs) were appointed for each Revenue division. These DDOs are assigned the duties and functions relating to Panchayat Development department hitherto attended to by the Revenue Divisional Officers (RDOs). However, the numerous references to the RDOs in section 151 and Tahsildars in section 149 of the earlier Act of 1958 have been retained in the new Act of 1994 also. There may be two different explanations for this phenomenon. These references would have been continuing inadvertently or the Revenue department officials would have continued to have a role to play in the functioning of Panchayat Development department. If the former case is true, these references should have been dropped at least when the new Act was drafted. If the latter point of view is found to be correct, the dual control of the PRIs by both the Revenue department officials and 'divisional development officers' of the Panchayat Development department will not augur well for the functioning of these grass roots organizations.

These observations may lead us to conclude that though the Constitutional obligation of modifying the old Act and re-enacting it after incorporating all salient features of the Constitution Amendment, has been fulfilled by the State of Tamil Nadu, by passing the Tamil Nadu Panchayats Act, 1994, only the 'letter' of the Amendment has been incorporated and the 'spirit' is missing.

Although many other mandates of the 73rd Amendment, such as, provisions to constitute an Election Commission to conduct Panchayat elections, Finance Commission to decide the funds to be devolved upon the local bodies and District Planning Committee for consolidating the plans of all the rural and urban local bodies and thereby preparing a draft development plan are fulfilled

in the new Act of 1994, a lot is left to be done in realising a truly 'decentralized district governance'.

Nyaya Panchayats

As on date there is no provision for Nyaya Panchayats either in the Tamil Nadu Panchayats Act, 1994 or in the Constitutional Amendment under discussion or in the Tamil Nadu Panchayats Act, 1958. However, it is noticed that there are 'informal judicial institutions' functioning in almost all the parts of the State. Previously, village Panchayat courts were functioning in some parts of the State as per the Madras Village Courts Act, 1888. As per this Act, Panchayat courts were to be constituted for any village or group of villages or a part of a village. They were consisting of a minimum of five and maximum of twelve members, one of them elected by themselves as President of the court. In 1950, every Panchayat was constituted as a Panchayat court in the area. However, these powers were taken away in 1958. As has been decided in the recently concluded conference of State Secretaries of Rural Development and Local Administration held at New Delhi, the 'informal' Nyaya Panchayats will gain legitimacy and help in decentralization of justice delivery systems also if they are bestowed with legal/Constitutional status.

Concluding remarks

Taking into consideration the reforms recently carried out in the States such as West Bengal, Karnataka and Andhra Pradesh and the spirit of the Constitutional (73rd) Amendment, a new approach towards these institutions is the need of the hour. It is further suggested that a committee consisting of legislators, administrators, academicians, grass roots level leaders and experts may be constituted for recommending reforms and it may be directed to submit its report within a reasonable short span of time. The reforms advocated by such a committee should be analyzed and implemented without much delay. Then only people's confidence in these institutions can be restored; resultantly the Panchayati Raj system will regain a reasonable level of legitimacy.

Notes and references

1. Henry Maddick, *Panchayati Raj, A Study of Rural Local Government in India*, Longman, London, 1970, p. 75.
2. *Ibid.*, p. 76.
3. For more details in this regard see *Panchayati Raj in Rajasthan*, edited by M.V. Mathur, Iqbal Narain and others, Impex India, Delhi, 1966, pp. 340-376.
4. Town Panchayats were in existence in Karnataka prior to 1983. For details refer to a scientific and comprehensive study entitled "Working of Town Panchayats in Karnataka, Problems and

(Contd. on page 116)

The new Panchayati Raj Act in Andhra Pradesh : an analysis

Dr C.P. Vithal

A new Panchayati Raj Act, Andhra Pradesh Panchayati Raj Act, 1994 (henceforth known as the Panchayat Act or the Act) was enacted in the State a few months ago by replacing the erstwhile Andhra Pradesh Gram Panchayats Act, 1964 and Andhra Pradesh Mandal Praja Parishads, Zilla Praja Parishads and Zilla Abhivrudhi Sameeksha Mandals Act, 1986. The new Act made—taking cues from the Constitution (73rd Amendment) Act—is a comprehensive one and covers all the three-tiers of the Panchayati Raj system in the State. An attempt is made in this paper to analyse the salient features of the new Panchayati Raj dispensation in the State in the light of the new Act.

Patterns of Panchayati Raj

Gram Sabha : The Act provides for a three-tier structure of Panchayati Raj—a Gram Panchayat at the village level, a Mandal Parishad at the *Mandal* level, and a Zilla Parishad at the district level. Further the Act also provides for the constitution of Gram Sabha for every village. In sum, Gram Sabha is a body which consists of all persons whose names are included in the electoral roll of a Gram Panchayat. A Gram Sabha is usually required to meet at least twice in a year. The meetings of the Gram Sabha are presided over by the Sarpanch and in his absence by the Upa-Sarpanch. A Gram Sabha has to consider the following matters in its meeting placed before it by the Gram Panchayat:

- a) Annual statement of accounts and audit report;
- b) Report on the administration of the preceding year;
- c) Programme of works for the year or any new programme not covered;
- d) Proposals for fresh taxation or for enhancement of existing taxes;
- e) Selection of schemes, beneficiaries and locations;

- f) Such other matters as may be prescribed;

It can be observed from a comparative analysis of the Acts that except clause (e) all other matters to be considered by the Gram Sabha are the replica of the provisions of the A.P. Gram Panchayats Act, 1964.

Composition of Gram Panchayat

A Gram Panchayat consists of 5-21 elected members inclusive of its Sarpanch depending upon the size of its population. The members of the Gram Panchayats are elected by all the registered voters of a Gram Panchayat from wards through secret ballot system. The term of office of members elected at ordinary election is five years from the date appointed by the Commissioner for the first meeting of the Gram Panchayat after the ordinary election.

Reservation of seats

- a) The Act provides for the reservation of seats in a Gram Panchayat to persons belonging to SCs/STs in proportion to their population to total population by rotation.
- b) One-third of the total seats in a Gram Panchayat are also reserved for persons belonging to Backward Classes (BCs) and by rotation.
- c) Not less than one-third of the total number of seats reserved under clauses (a) and (b) are reserved for women belonging to those respective categories.
- d) Not less than one-third of the total number of seats (including the number of seats reserved for women belonging to SCs, STs and BCs) are reserved for women and by rotation.

Under the 1986 Act, 20 per cent seats were reserved for Backward Classes, nine per cent for women, 15 per cent for SCs and six per cent for STs.

GRASSROOTS DEMOCRACY : CHALLENGES AHEAD

Election of Sarpanch

The Sarpanch of a Gram Panchayat is elected by all the registered voters of a Gram Panchayat and continues in office for a period of five years unless or otherwise removed from office. So, the Act provides for the direct election of the Sarpanch. However, the Upa Sarpanch of a Gram Panchayat is elected by the elected members of the Gram Panchayat. The principle of reservation for the office of Sarpanch as in the case of ward members of a Gram Panchayat has been provided in this Act.

The 1986 Act had provided for direct elections to the offices of Sarpanch, Gram Panchayat, President, Mandal Praja Parishad and Chairman, Zilla Praja Parishad.

Disqualification of members

The Act provides for the disqualification of members on some specific grounds.

A person who is sentenced by a criminal court for offences involving moral delinquency is disqualified for election as a member for a period of five years from the date of conviction.

Similarly, a person who begets more than two children after one year from the date of commencement of this legislation is disqualified to become a member in the PRIs. Such a measure is a welcome step as it encourages the small family norm among the rural leaders in the countryside. It will be a good beginning if such a method is adopted even at the higher echelons of power in the country to have a positive outlook towards family planning and the small family norm.

Powers and functions of Gram Panchayat

Apart from the functions mentioned in the XI Schedule of the Constitution (73rd Amendment) Act, the Panchayat Act listed out a wide array of functions of the Gram Panchayat. They included 12 obligatory functions and 27 optional functions.

Functional committees

The Act provides for the setting up of functional committees of Gram Panchayat on various subjects like water supply, family planning and education in addition to the functional committees on agriculture, public health, sanitation and communications. These committees are expected to play a vital role in effectively discharging the functions of the PRIs at the grass roots level.

Transfer of property

The Act provides for the transfer of *poramboke* lands to the Gram Panchayats. Adequate measures are also

taken for the transfer of forest lands to the Gram Panchayats which are proximate to the forests. In fact, these provisions have been incorporated in the Act in line with the recommendations made by Narasimham Committee (C. Narasimham : 1981).

Taxation powers

The taxation powers are vested with the Gram Panchayats. House tax, *kolagaram* and surcharge on stamp duty are made compulsory taxes while the rest continue to be optional taxes. The new taxes incorporated in this Act are advertisement tax and special tax on houses for the construction, maintenance, repair, extension and improvement of water or drainage works or the lighting of the public streets.

Constitution of Mandal Parishad

The Act provides for the formation of Mandal Parishad for each Mandal. The nomenclature of this intermediary tier in the State earlier was Mandala Praja Parishad which has been changed to Mandal Panchayat by the Act and finally coined as Mandal Parishad following the suggestions made by the Select Committee.

Composition of Mandal Parishad

A Mandal Parishad, inter alia, consists of the following members:

- i) Members elected from territorial constituencies;
- ii) Members of Legislative Assembly representing a constituency which comprises either whole or part of the Mandal concerned—*ex-officio*;
- iii) Member of the House of the People representing a constituency which comprises either whole or part of the Mandal concerned—*ex-officio*;
- iv) Member of the Council of States who is a registered voter in a Mandal—*ex-officio*;
- v) One member belonging to minorities and co-opted by the elected members; and
- vi) Sarpanches of Gram Panchayats as permanent invitees.

For the purpose of election of members from territorial constituencies, each constituency consists of population between 3,000-4,000. The elected members of the Mandal Parishad only are eligible either to contest or vote in the election to the offices of President/Vice-President of Mandal Parishad.

Reservation of seats: Seats are reserved for the election of members (Mandal Parishad) from different

territorial constituencies to the following social segments.

- i) Seats are reserved to the persons belonging to SC/ST categories in proportion to their population to total population and by rotation to different territorial constituencies in the Mandal Parishad. And out of them one-third seats are reserved for women belonging to SC/ST categories.
- ii) Seats not exceeding one-third are reserved for persons belonging to the Backward Classes which may be allotted by rotation to different territorial constituencies which also include one-third seats reserved for women.
- iii) Not less than one-third seats are reserved for women (including the number of seats reserved for SCs, STs and BCs) and by rotation from different territorial constituencies.

Election of President: The President of the Mandal Parishad is elected by the elected members of the Mandal Parishad. The office of the President is reserved to different social segments like SCs, STs, BCs and women. The term of office of the President is for five years. Any vacancy arising in the office of the President or Vice-President has to be filled within a period of six months by fresh election and a person elected against the vacancy shall continue for the remaining period.

Permanent invitees: The Collector and the Presidents of Agricultural Marketing Committees are the permanent invitees to the meetings of the Mandal Parishad with the right to speak but are not entitled to vote in any meeting.

Special invitees: The President of a Mandal Parishad may for the purpose of consultation invite any person other than an office bearer of any political party having experience and specialised knowledge of any subject under the consideration of the Mandal Parishad to attend the meeting of the Mandal Parishad. Such a person has the right to speak but not entitled to vote.

Powers and functions of Mandal Parishad

Every Mandal Parishad can exercise such powers and perform such functions as may be entrusted to it by rules made in this behalf in regard to the subjects enumerated in Schedule I and particularly exercise powers and perform functions specified in Schedule II. There are 29 items under Schedule I whereas the functions under Schedule II are classified under broad categories of (1) community development; (2) agriculture; (3) animal husbandry and fisheries and (4) health and rural sanitation.

In this way a wide range of subjects have been entrusted to the Mandal Parishads without demarcating the sphere of action of each item.

Constitution of Zilla Parishad

A Zilla Parishad can be constituted for each district through a notification issued by the government.

Composition: A Zilla Parishad consists of the following members:

- i) Members elected from territorial constituencies which obviously is a Mandal;
- ii) Member of the Legislative Assembly of the State representing constituency which forms part or a whole of the district concerned;
- iii) Member of the House of the People representing a constituency which forms part or a whole of the district concerned;
- iv) Member of the Council of States who is a registered voter in the district;
- v) Two members belonging to minorities and co-opted by the elected members of the Zilla Parishad.

Permanent invitees: The following are the permanent invitees to the meetings of the Zilla Parishad.

- i) Chairman, District Co-operative Marketing Society;
- ii) Chairman, Zilla Grandhalaya Samstha;
- iii) Chairman, District Co-operative Central Bank;
- iv) District Collector; and
- v) All Presidents of Mandal Parishads in the district.

All permanent invitees are entitled to participate in the meetings of the Zilla Parishad without the right to vote.

Reservation of seats: Seats are reserved for the election of members from different territorial constituencies to different social brackets.

- a) Seats are reserved for SCs/STs in proportion to their population to total population and by rotation;
- b) One-third seats are reserved for persons belonging to Backward Classes;
- c) One-third seats reserved under clause (a) and clause (b) shall be allocated for women belonging to their respective classes and by rotation;
- d) Not less than one-third (including the seats reserved for SC, ST and BC women) seats are reserved for women by rotation.

Election of Chairman: The Chairman of the Zilla Parishad is elected by the directly elected members of the Zilla Parishad.

The principle of reservation in respect of the election of the office of Chairman, Zilla Parishad is followed in the manner prescribed above.

Standing committees: There are seven standing committees of the Zilla Parishad. All the standing committees barring the one on agriculture and two other committees are headed by the Chairman. The Chairman, Zilla Parishad is the ex-officio member of all the standing committees. The members of different standing committees are nominated by the Chairman. The standing committees are:

1. Standing committee for planning and finance;
2. Standing committee for rural development;
3. Standing committee for agriculture;
4. Standing committee for education and medical services;
5. Standing committee for women's welfare;
6. Standing committee for social welfare; and
7. Standing committee for works.

Power to cancel resolutions of PRIs

The government assumed powers to cancel or suspend any resolution passed by the Gram Panchayat or Mandal Parishad or Zilla Parishad or any standing committee of Zilla Parishad if in their opinion any such resolution is not legally passed or is in excess or abuse of the powers conferred by or under this Act or on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

Power to dissolve PRIs

If, at any time, it appears to the government that a Gram Panchayat or a Mandal Parishad or a Zilla Parishad is not competent to perform its functions or has failed to exercise its powers or has exceeded or abused any of the powers conferred upon it by or under this Act or any other law for the time being in force, the government may dissolve it with effect from a specified date and reconstitute it either immediately or within a period of six months from the date of dissolution.

Removal of non-officials

If in the opinion of the District Collector the Sarpanch or the Upa-Sarpanch and in the opinion of the govern-

ment the President or Vice-President as the case may be, the Chairman or the Vice-Chairman (i) wilfully omitted or refused to carry out the orders of the government for the proper working of the concerned local body (ii) abused his position or the powers vested in him or (iii) is guilty of misconduct in the discharge of his duties or (iv) persistently defaulted in the performance of his functions and duties entrusted to him under the Act, the Collector as the case may be, the government may remove such Sarpanch or Upa-Sarpanch, President or Vice-President or as the case may be the Chairman or the Vice-Chairman after giving him an opportunity for explanation.

A Sarpanch or Upa-Sarpanch, a President or Vice-President or a Chairman or Vice-Chairman removed from his office under this section shall not be eligible for re-election as Sarpanch or Upa-Sarpanch, President or Vice-President or Chairman or Vice-Chairman for a period of two years from the date of removal.

Motion of no confidence

A motion expressing want of confidence in the Upa-Sarpanch or President or Vice-President or Chairman or Vice-Chairman may be made by giving a written notice of intention to move the motion in such form and to such authority as may be prescribed signed by not less than one-half of the total number of members of the Gram Panchayat, Mandal Parishad or Zilla Parishad.

No notice of motion under this section can be made within two years of the date of assumption of office by the person against whom the motion is sought to be moved. Further, no such notice can be made against the same person more than once during his term of office.

If the motion is carried with the support of not less than two-thirds of the total number of members in the case of Upa-Sarpanch, the Commissioner shall and in the case of President or Vice-President, or Chairman or Vice-Chairman, the government shall by notification remove the person from office and the resultant vacancy shall be filled in the same manner as a casual vacancy.

It is pertinent to note that there is no provision in the Act to move a no-confidence motion against the Sarpanch of a Gram Panchayat for the apparent reason that he is directly elected by all the voters of a Gram Panchayat. However, the government can remove him from office for gross irregularities specified in the Act.

Constitution of State Election Commission

The Act provides for the constitution of an Election Commission for the superintendance, direction and control of the preparation of electoral rolls for, and the

conduct of elections to all the PRIs governed by this Act. The Government of Andhra Pradesh through a notification published in the Andhra Pradesh Gazette with No. 240 dated June 18, 1994 appointed Mr. S. Kasipandian, a retired IAS officer as Election Commissioner for a period of five years.

No party-based elections

The State Election Commission shall not allot to any contesting candidate any symbol reserved for a recognised political party by the Election Commission of India. Thus the new Act (1994) does not provide for party-based elections to PR bodies.

The elections to PRIs in the State were fought on party lines with party symbols for the first time in 1987. Although party-based elections to PRIs have their own merits and demerits, it is widely believed that such elections may trigger off large-scale violence with factions and feuds already widespread in the villages.

Election proceedings

Notwithstanding anything in the civil procedure code or any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll for the conduct of any election. Hence election disputes are placed out of the purview of law courts in the normal circumstances.

Reservation till AD 2000

The provisions of this Act relating to reservation of offices of Sarpanch, President and Chairman and members of Gram Panchayats, Mandal Parishads and Zilla Parishads for the Scheduled Castes and Scheduled Tribes shall cease to have effect after 25 January, 2000.

Finance Commission

The Governor shall on the recommendations of the State government constitute a Finance Commission as

soon as may be within one year from the date of commencement of Constitution (73rd Amendment) Act, 1992 and thereafter on the expiry of every five years. The Finance Commission shall consist of a Chairman and other members.

The government through a notification issued on June 24, 1994 appointed Mr Laxmana Swamy, former Registrar of Dr B.R. Ambedkar Open University as Chairman of the State Finance Commission and three other members of the Commission for a period of three years.

State usurps more powers

Despite the demand for more decentralisation of powers to the duly elected grass roots level democratic institutions, the State has usurped more powers under various provisions of the new Act. The result is that the government can suspend or cancel any resolution passed by the PRIs or the standing committees if they are not in conformity with the legal framework or against public interest. This apart, if the PRIs fail to exercise their powers, exceeded or abused powers conferred on them the government can dissolve such Panchayats. The government has also assumed powers for the removal of Sarpanch, Upa-Sarpanch, President, Vice-President, Chairman and Vice-Chairman.

The enormous powers given under the foregoing provisions of the Act to the government to remove and suspend the non-officials of the PRIs may enable it to have effective control and supervision over these bodies. At the same time, doubts have been expressed in certain quarters that these provisions would destabilise these bodies due to political overtones or even hamper their functional autonomy. □

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"India will progress only when the people living in the villages become politically conscious. The progress of our country is bound up with the progress in our villages. If our villages make progress, India will become a strong nation and nobody will be able to stop its onward march.

...If you flinch from your determination and get involved in mutual quarrels and petty factions, you will not be able to succeed in your mission."

—Jawaharlal Nehru

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Karnataka Gram Panchayats' one year in office : experiences from the field

Narayana K.S.

The Karnataka Village Panchayats and Local Boards Act was enacted in 1959. This Act did not provide for greater devolution of power from the State to the Panchayats. People's participation was also not up to the desired level. The erstwhile PRIs, therefore, could not make much headway in the formulation and implementation of rural development programmes. Based on the Ashok Mehta Committee recommendations (1978), the then Janata government, for the first time, took a bold step

to design a reform system to democratic decentralisation to accord "power to the people" by enacting the 1983 PRIs Act. Under this Act significantly greater political and financial powers were transferred from the State to PRIs. As a result, the PRIs in the State started embodying vibrant qualities as institutions for promoting socio-economic activities in rural Karnataka. Again due to political changes the Congress government modified the earlier (1985) Act with the 1993 Act. Accordingly, elections to Karnataka Gram Panchayats were held in December 1993. By January 1994 the Gram Panchayat office bearers were elected. The elections to the other two-tiers (district and Taluk levels) were held in March 1995. The present Janata Dal government is again contemplating to amend the 1993 Act to modify the reservation of seats to be proportionate to the SC/ST population. Furthermore, the government has set up an Experts Panel to suggest modifications so as to enable the State government to amend the 1993 Act.

Gram Panchayat functionaries in Karnataka feel that the Centre and the State should strive to strengthen the PRIs both financially and politically through genuine transfer of power and funds. A series of interviews the author had with the Gram Panchayat functionaries on completion of the first year in office have thrown up very useful suggestions to overcome the impediments faced by them. They are of the view that elections should be held to all the tiers simultaneously and PRIs should be allowed to function as autonomous mini-republics and agents of rural transformation. By invigorating PRIs as viable institutions, the social evils in rural India can be effectively tackled, they opine.

In the meantime, the Gram Panchayats have completed one year in office. To have insights into the working of Gram Panchayats it was felt necessary to interview some elected members and Chairmen of Gram Panchayats. Accordingly, the author conducted extensive informal interviews with Chairmen and members of two Gram Panchayats (Kattepura and Basavapattana Gram Panchayats in Arakalagud taluk, Hassan district) in the first week of February 1995. The interview was cordial

which threw up certain very useful suggestions to overcome the limitations being experienced by the Panchayats. The people's perception was also obtained about the functioning of Panchayat during the past one year.

The respondents included a young woman of 26 years (Vokkaliga community) who is elected unopposed from a block where the SCs are in a majority, a Muslim youth of 26 years who is elected from the general category by defeating a dominant Vokkaliga and five others, a Brahmin (43 years) who is elected as Chairman of Gram Panchayat which is dominated by non-Brahmin members. He is a graduate, the woman member has completed 8th standard while the Muslim member has completed 4th standard in Urdu medium school. They were elected to Panchayat for the first time.

The Basavapattana Gram Panchayat has 15 members and five villages and the Kattepura Gram Panchayat has 13 and 9 coming under their jurisdiction, respectively.

GRASS ROOTS DEMOCRACY : CHALLENGES AHEAD

The interview was mainly focused on the elected representatives' knowledge about the Gram Panchayat's role and responsibilities in rural development, their participation in Panchayat activities, their capabilities, opinion on financial viability, powers and size of Panchayat, need for educational qualification for members, policy of reservation, pattern of training being given to members, partyless Panchayats, corruption, if any and means by which it could be curbed, problems faced by Panchayats in tapping local resources and effectualising the Constitutional intent.

Powers vested with Gram Panchayats

The members opined that the powers vested with Gram Panchayats (GPs) were very limited. They feel that the Mandal Pradhan in the previous Act enjoyed more powers. The drawing (financial) power of the present GP Chairman is a paltry Rs. 250. The GPs should have supervisory power particularly in regard to school and hospital maintenance. The village accountant should also come under the control of the GP. If these three essential units are properly toned up, half the problems of the village could be solved, they feel. The GP Chairman's power should be raised to Mandal Pradhan's (in the previous Act) level so as to make the GPs more effective.

Size of Gram Panchayats

Members' views were sought about the present size of the Gram Panchayats. They were of the view that the present size of the GPs was ideal and manageable. The Mandal (under the previous Act) had large area and it was difficult to manage it effectively with the limited staff attached to the lowest tier. If the size is unwieldy, it would be difficult to manage the rural development programmes thanks to financial crunch.

Convening of Gram Sabhas

Under the present Act, the Gram Sabha should be convened once in six months. So far not even one Gram Sabha has been convened at the GP levels in the entire district. Since the middle and the higher tiers of PRIs are not in existence, the GPs have not received any circular directing them to convene Gram Sabhas from the Taluk Panchayat. However, the GPs are hesitant to convene Gram Sabhas as they apprehend difficulty in facing people without fulfilling their aspirations. A fear was observed among the elected representatives that they had not been able to fulfil even part of their promises mainly due to paucity of funds. They are, however, hopeful of doing some tangible works once the elections to the Taluk and district level tiers are completed and all the three-tiers of PRIs start functioning.

Level of participation of GP members

The GP members (respondents) were of the view that the members have been quite enthusiastic in participation in the GP meetings. They have a feel of what should be done at village level. They long to do their best for their villages by placing their demands at the meetings. It is interesting to note that women members were found not interested in power-toppling games. Rather, they were more interested in rural development works. In contrast, a few male members involve more in horse-trading activities. This poses problems in carrying out GP activities. However, as revealed, the women members have been more co-operative and positive in approach than men members in the GP activities. They lend a helping hand to the Chairman in the meetings. The gender hesitation is fading away faster. Every member, by and large, is interested in getting tangible rural development programmes implemented in his/her village. They also are aware of the fact that the financial crunch is a compelling limitation the GPs are facing. The SC/ST and women members are also showing interest in the implementation of social welfare programmes. Very few women members are escorted and vocally supported by their husbands at the meetings.

Financial viability of Gram Panchayats

As ascertained, almost all Gram Panchayats have been experiencing financial crunch and were also not able to tap the sources effectively. With the GPs' existing level of revenue, the members felt that it would be difficult to pay even for the street-light charges, salary of the staff, etc. It was not possible, therefore, to undertake any major development programme. The grants being received by the GP from State/Central governments are not sufficient to meet the socio-economic developmental needs of the people. Hence the GPs are not able to embark upon big rural development works. The GPs are not getting a share from the sales tax collection, licensing of quarrying, etc. Also, about 30 per cent of the village houses are built on the revenue lands adjoining the village on which GP has no jurisdiction to levy tax. Even the revenue authorities are not serious in collecting revenue from these households. However, the GPs cannot prevent these households from using the facilities from the GPs as are available to other households lying in the GP area. Hence it is suggested that these revenue areas adjoining the village should be transferred to the GPs' jurisdiction so that they could levy tax on them for the services provided. It is also opined that the sales turnover are under-reported by business establishments in rural areas, to evade tax. The sales tax machinery should associate the Panchayat

Chairman while assessing the business turnover. By this, tax receipts could be enhanced. GPs desire a share from out of this receipt so that the GPs' financial position could be improved slightly.

JRY, other rural development programmes

Members were of the view that JRY has been under implementation and through this the Panchayats could get grants directly from the Centre. Since there is a delay it is essential to streamline this programme in respect of expeditious release of grants. They felt that there was a need for a nodal organisation through which all types of rural development programmes could be financed. By this, GPs need not waste time and correspondence with several grant-giving agencies.

Training to elected GP members

The respondents, by and large, were of the view that the training camp was organised only once so far in nearby village. It evoked very poor response as out of the expected 45 members only very few attended. Alternatively, a suggestion worth considering is that the Taluk Panchayat could send a resource person to orient the members at the Gram Panchayat level which would enable equipping the members properly with the goals of GPs and responsibilities in realising these goals. This would save a lot of money involved in organising training camps. The members who had attended the Training camp were critical about the very poor arrangement. They also conceded that without proper training the GP members might not be able to discharge their responsibility effectively.

Educational qualification of contestants

All the respondents were unanimous in strongly endorsing that education was essential for the effective understanding of GP's roles and responsibilities. Without education the members cannot function as effectively as is expected of them. Instead, there is likelihood of their becoming dependent on the subordinate officials of the GP for almost everything. Further, the members felt that at least for the contesting candidates matriculation should be an essential qualification which could be raised upto degree level in the coming decades. In the meetings the interaction between the members would be smooth and broad-based if they are educated. If the Chairman/Vice-Chairman of Gram Panchayat are well educated, they would find no problem in establishing a good and positive link with the higher two tiers (at the district and Taluk levels). Without this link the GPs may not be able to get proper co-operation of higher tiers.

Partyless democracy at GP level

The members were of the view that the GP elections should not be fought on party lines which would divide the people. Partyless democracy is ideal in the rural society. They opined that the partyless elections have several good features as there will not be any party involved in financing the election. However, they also admitted that people were labelled as belonging to one party or the other. This they attribute is mainly because of their party loyalty at Assembly or Lok Sabha elections.

Indirect election of Chairpersons

The members were of the view that the indirect election of the Chairpersons should be replaced with direct election. This, in their view, would avoid horse-trading of elected members to buy loyalty. Further, if people elect their representatives there would be every likelihood of electing a better and able person to occupy the Chair. And, the Chairperson would thereby be made responsible to all the electorate. By this, persons endowed with ability would be more likely to occupy positions of power. Such personalities could contribute actively for rural development.

Reservation for SC/ST/women

There is unanimity that reservation should be continued as otherwise women and SCs/STs would be underrepresented as they do not come forward in good number. However, they were against the reservation of positions of Chairman and Vice-Chairman as long as qualification was not made compulsory for the candidates. Their fear is that by the reservation method even the illiterate is likely to occupy the Chair who may not be effective in handling the responsibilities of GP. Holding of meetings, controlling of officials and establishing of proper profile and relationship with the higher-tiers would be difficult for an uneducated Chairperson which would defeat the very purpose of GP. Without the reservation provision, participation, and empowerment of women/SCs/STs may not be forthcoming in large measure.

Composition of Taluk Panchayats

The members were of the view that this tier could be formed without elections. They feel that the Chairman of each Gram Panchayat could be made ex-officio member of the Taluk Panchayat (TP). The ex-officio members of GPs could elect the Adhyaksha/Upadhyaksha of Taluk Panchayat by indirect method. The Taluk Panchayat could have nominated members from the Taluk level development departments like horticulture, sericulture,

fisheries, irrigation, forest, health, education, public works, etc so that they could provide useful expertise to the Taluk Panchayat. By this, enormous amount of expenditure involved in the process of election could be avoided. Further, the GPs could establish direct link with the TP through the GP Chairman who is proposed to be an ex-officio member of Taluk Panchayat. This would strengthen the effectiveness of the lowest tier as there would not be much hitch between the GPs and TPs. However, the members were not in favour of making MLAs Taluk Panchayat Presidents. Establishing effective link with separately elected TP members would be difficult which could cause delay and thereby hamper smooth functioning of GPs.

People's perception about functioning of GPs

The general opinion of the people was ascertained informally about the effectiveness of GPs. A majority of them felt that the villages are lacking in essential services. In a few villages, water supply is being managed properly while in a few others pipe water is not available. An extra room to the existing school building has been added while they do not have money to repair the other existing dilapidated school buildings (in a few villages at least) and to provide other reading and sports material. There are several villages without middle or high school facilities. Sewerage facility is almost nil in every village. Good all-weather roads, hospitals, maternity homes, veterinary hospital, bathing *ghats* are not found in several villages. Telecommunication, postal and such other facilities are available only in big villages. Villagers do not know that the GPs have an obligation to convene Gram Sabha once in six months. They are also not aware that the GPs are experiencing severe financial crunch which prevents them from translating the people's aspiration into reality. People are, therefore, losing faith in the PRIs' effectiveness in tackling the socio-economic problems. *It is time, therefore, that the governments do not lose any more time in reinvigorating the PRIs by genuine transfer of political power and funds by keeping aside their political ideologies so that the PRIs could be an effective machinery for rural reconstruction.*

At the time of the interview only the lowest tier, i.e. the GPs were functioning. Hence perception of members about the problems, if any, between the Taluk Panchayat and the Zilla Panchayat could not be ascertained. Members felt that proper co-operation of TP & ZP was essential at the time of project planning, preparation of budget, etc at the grass roots level as the GP Secretary is not a technical man.

Corruption

The members are worried about corruption which is inching into every facet of village life. To control this menace, some members suggested that there should be a directly elected Village Justice Committee which should be a wing of the Gram Panchayat. The size of this Committee could be one-fourth the size of the GP. While electing members of the GP, the electorate should also elect members to function on the Village Justice Committee. This Committee, along with the GP Chairman should be empowered to settle rural disputes (revenue and civil). This could be evolved as a small court at GP level. This Committee, according to them, could solve several problems at the local level without loss of time or money.

An optimistic note

Every member was optimistic that given proper political power and funds the GPs could act as an effective rural socio-economic development machinery. The services like health, education, water supply, housing, rural roads, rural electrification and other essential items could be provided within a foreseeable future. Therefore, they expressed that the governments, both at the Centre and the State, should strive honestly to strengthen the PRIs with necessary political and financial powers for rural reconstruction.

An overview

Whenever the leadership at the State level changes it has invariably indulged in amending the PRI Acts, prompted by political considerations. Such frequent changes of the Acts are creating difficulty among GP members in fully understanding the implications of these Acts. The members, therefore, felt that the State government should strive honestly to strengthen the PRIs both financially and politically through genuine transfer of power and funds than wasting a lot of time in amending the Acts so frequently. The State should hold elections to all the tiers simultaneously and allow them to function as autonomous mini republics and agents of rural transformation. Otherwise, the PRIs cannot function effectively. In Karnataka, the elections were held to Gram Panchayats in December 1993 while the Taluk and the Zilla Panchayats elections were completed by March 1995. Virtually, the PRIs were functioning with one leg for about 15 months. This is not at all a very healthy trend. Only in a very congenial atmosphere the Gandhian ideology of building desirable village republics would be possible. This is a Constitutional obligation. Anything short of this would only amount to the betrayal of both the Constitution and the promise to the people.

In recent decades, rural India has been facing an ugly rise of social violence. The government machinery has not been able to tackle this social menace effectively. The police and the courts have not been effective in finding solution to these rural societal problems. If the situation is allowed uncontrolled, the problem may pose dangerous consequences by damaging the social fabric severely. Peace and social harmony are, therefore, at stake. Under this juncture, it is essential to seriously think of orienting and vitalising the PRIs as viable institutions by suitably empowering them to tackle the rural social evils. The policy must shoulder this responsibility by invigorating the PRIs to be an effective machinery not only for rural development but also to tackle social tension and violence so that peace and social harmony prevails in rural India.

The 73rd Constitutional Amendment has made it compulsory that every State should have PRIs, periodic election should be held regularly, that the PRIs accounts should be subjected to proper audit, and that every State

should appoint a Finance Commission to examine the financial problems, etc of the PRIs. Though belated, a new environment has been created for the growth of PRIs. Essential rural development responsibilities have thus been passed on to the people's representatives. Under this circumstance, the local bodies should act as self-governing institutions, in true spirit. Since the government-run rural development programmes have not been quite successful, the PRIs are the only hope. They have to function effectively as people-oriented grass roots level institutions. It is hoped that the PRIs would grow from strength to strength in the coming years as a very vibrant rural development people's institution. If this becomes a reality, at least in the distant future India would emerge out of the ashes as a developed country. Only then India could stand among the comity of worthy nations. □

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1. introduce appropriate structural bulwarks which will force State governments to comply with regulations;
2. make the system a win-win game for both State governments and for Panchayats;
3. free Panchayats from the risk of being commandeered by anti-social elements;
4. enrich Panchayats both in money and in human capital.

All this is possible provided we accept that the situation is not satisfactory, and yet, that it can be rectified—but only through drastically innovative measures. □

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adequate staff competent enough to handle such tasks. What is more, as per the Amendment, no State government has been able to set up State Finance Commission and therefore, sharing of resources between the State and the PRIs has been done only in an arbitrary manner. It is felt that State Finance Commissions will take yet another three to four years before they see light of the day. Till then the financial administration of the State and the PRIs has to remain in shambles and uncertainty.

Unfortunately, most States have not yet decided on the modalities of passing on the grant-in-aid from the State government to Zilla Parishad and downwards. Time has now come when financial autonomy must be respected and this can be achieved only by laying down clearly the

norms of devolution of funds to the various levels of PRIs from the State government. The grey areas in this matter must be dealt with and removed. Only then there would be democratic decentralisation in its true sense. Unless financial management of PRIs is consolidated, strengthened and optimally handled, the different objectives of the new dispensation of Panchayati Raj would get stuck up in their proper implementation. It is for the State governments to take up this challenge and bring about the necessary changes and improvements by regular and effective steps taken in a time-bound frame. □

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Evaluation in the planning process at the district level

Dr. B.N. Sahay

Evaluation and planning process

The planning process, be it at the national, State, district, or even block level, is basically the efficient management of the scarce resources for which structures are created. These structures are to function efficiently in an integrated manner for optimal results¹. Plan formulation, Plan administration, and Plan evaluation go as a continuous planning process.

Evaluation is an assessment or judgement or appraisal of the value or worth of a programme or a project. The assessment has to be on the basis of the norms fixed for the programme. A good evaluation plan tries to establish cause and effect relationship (valid), arrives at reasonably consistent conclusions provided the same method is used (reliable), and it covers what it intends to cover. Thus, the objectives of an evaluation would include assessment of programme and its impact, finding out areas of successes and weaknesses and the reasons thereof, ascertaining people's acceptance of the programme benefits and their reactions, deriving lessons for improvement in the formulation and implementation of the programme. In this sense, evaluation is distinct from progress analysis, review, and monitoring and becomes a management tool. The major steps in evaluation include: development of evaluation planning; pre-testing of the planning; collection and analysis of data; comparison of the findings with those of the standards; and taking suitable actions based on the findings. The various tools and techniques for evaluation have been: observations—

both participant and non-participant, interviews—both individual and group, schedules, questionnaires, case studies, case histories, process records, interview guides, etc².

Underlining the key role of the district planning process in the wake of the 73rd and 74th Constitution Amendments, the author says that evaluation which forms the very basis of decision-making to bring about desirable changes should provide guidelines to plan formulations and plan administration agencies. With democratic decentralisation, the responsibility of all developmental programmes vests with the people themselves. The aim of the evaluation report is to act as a catalytic agent and not to come in the way of implementing the programme, says the author.

Evaluation—a feedback mechanism

Evaluation forms the very basis of decision-making for bringing about desirable changes. It has to be based on objective evidence and element of subjectivity must be avoided while inter-

preting and passing judgements. Better information for improvement is the key-note to an evaluation.

The purpose of evaluation may be immediate or short-term or long-term but its ultimate objective is continuous feedback for ongoing improvement. Feedback through evaluation results is an important requirement for assessing the performance, compare the intended with actual operations, and use this information to guide the future line of action. The principle of feedback is a requirement of all the self-governing and goal-seeking systems³.

It may be reiterated that evaluation should provide feedback on the achievements of targets set, long-term objectives, impact of the programme, the bottle-neck experience, corrective measures to be taken, and reactions of the participants to the programme. In particular, evaluation of a plan scheme should provide the basis for necessary correctives to planned efforts, whether assumptions are justified, directions are correct, efforts adequate, pace of implementation satisfactory, and whether the progress obtained is as envisaged as per the

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given time schedule. Besides, in the event of non-achievements vis-a-vis targets, evaluation should tell us why results have not been forthcoming, where have we gone wrong, what are the reasons for slippages, and what can be done to remedy the situation. Thus, it is important that a workable mechanism is evolved for a quick and timely feedback to guide the future line of action as the basis for major planning and investment decisions.

Evaluation and district planning process

Evaluation should provide guidelines to plan formulation and plan administration agencies particularly at the district level. In the event of Panchayati Raj (73rd & 74th Amendments to the Constitution), it would be the Zilla Parishad and Nagar Nigam/Palika which may be charged with the responsibility of; formulation of the major objectives of the district Plan, compilation of data, bringing out the profiles of the district in relation to the basic objectives, formulating the main strategy for the district planning, analysis of the existing programmes and projects with reference to the strategy outlined, assessment of resources for allocation to various programmes, statement of physical and financial components, statement of spatial dimensions, and relationships and linkages of the district plan with those of State and national Plans⁴.

The VIII Five Year Plan (1992-97) recognises 'human development' as the core of all developmental effort⁵. With democratic decentralisation, the responsibility for planning, implementation, and evaluation of all developmental programmes, rests with the people themselves through their elected representatives. Obviously, the developmental functions may have to be separated from the regulatory functions and placed at the district level with the Zilla Parishad. It needs no emphasis that the essential pre-requisites for decentralised district planning, apart from political commitment, would include defining the scope and content of district Plan measures for disaggregation of allocations, delegation of administrative and financial powers, evolution of new patterns of administrative behaviour, a reorientation of attitudes and relationships, building up capabilities and instruments of control, establishment of participatory structures and umbrella mechanisms, continuous training and re-training of personnel, and in-built mechanism for review, monitoring, and evaluation. A community-based system, therefore, must develop.

While evaluating a programme at the district level, it is quite likely that some of the observations may create adverse effect on its implementation. To illustrate, a sudden death of a child immediately after polio or DPT immunisation, if given wide publicity, may adversely affect the implementation of the programme. Similarly,

death following vasectomy or tubectomy, if given wide publicity, may adversely affect the family welfare programme. There should be a passing reference on such observations and details of such happenings should be confidentially reported to the head of the implementing agency to take corrective measures. The aim of the evaluation report is to act as a catalytic agent and not to come in the way of implementing the programme⁶. Evaluation is not a fault-finding device. It is always an input to planning.

The foregoing discussion goes to suggest that evaluation involves an element of skill, the systematic and methodological acquisition which provides an optimum efficiency to an evaluator. A sound training in evaluation methodology and techniques may help to acquire specific skill and specialised knowledge necessary for the satisfactory performance of the job. Besides, the knowledge of the fundamental subject(s) (such as; economics, sociology, statistics, and allied disciplines), an interdisciplinary approach with good grounding in social science research methodology is essentially needed for the evaluation of the social development programmes⁷. An evaluator, therefore, must have adequate grip over the subject-matter under evaluation, be able to formulate the problem, delineate the objectives, frame the hypotheses, determine the methods of approach, develop a sound sampling design, select the most appropriate tools of data collection, scrutinise and process the data efficiently, analyse them objectively and scientifically, and adhere to the time schedule for enabling "purposive" and "timely" feedback.

Some issues

In view of the multi-dimensional nature of the problems connected with the social development programmes vis-a-vis heterogeneity in population (including the various socio-economic levels), the quality of evaluation results depends upon the extent to which in-depth probing and analysis of the latent factors responsible for successful implementation (or otherwise) of the programmes have gone into. This would also mean going in for different types of evaluation at different levels and stages of development so that continuous feedback for necessary improvement in the planning and administration of the social development programmes is possible in time. While evaluating, the focal point would be to ascertain whether the programme could achieve what it intended to achieve. Thus, in terms of purpose of evaluation at the district level the following questions become very pertinent⁸:

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Initiatives for strengthening Panchayati Raj institutions

Sushma Singh

The Constitution (73rd Amendment) Act, 1992 provides for decentralised administration through local self-governing Panchayati Raj institutions (PRIs) at the district, sub-district and village levels. It seeks to ensure self-governance through directly elected people's representatives and provides a forum for direct participation of the people themselves in the Gram Sabha. One-third of all seats are to be reserved for women and for Scheduled

Castes and Scheduled Tribes in proportion to their population. Similar reservation has been provided for in the office of Chairpersons. These provisions in the Constitutional Amendment have been instrumental in bringing out these socially and educationally disadvantaged groups into public life as no other legislation or movement has been able to do. It is a powerful instrument of empowerment and social justice which they need to seize and wield skilfully.

Under the amended Constitution, security of tenure and holding of regular elections have been ensured. The term of PRIs is for five years and elections have to be held under the supervision of Constitutionally mandated State Election Commissions before the expiry of the term of a Panchayat.

The Panchayats are expected to manage their resources and to plan and implement schemes for economic development and social justice; indeed, they are expected to be the institutions of self-government. However, much will depend on the functions assigned to the

PRIs and the funds devolved upon them. Much will also depend on how the elected representatives use these resources for the benefit of the community and how skilfully they perform the functions as also on how vigilant and active the Gram Sabhas are.

Command over resources, powers and authority along with administrative measures will strengthen the PRIs and make them responsive to the needs of the people, says the author. Without resources it is not possible to make grass roots democracy work. Raising and management of own resources will go a long way in reinforcing the concept of local self-government. Stressing the importance of training in making the PRIs a success, the author says it is to be seen as a facilitator in the process of empowerment. The focus on Gram Sabha has to be sharpened to make it functional and participative, she observes.

Panchayat poll: present status

While all the States and Union Territories, wherever the Constitutional Amendment is applicable, have either brought in new legis-

lation or amended their existing legislation to be in conformity with the Constitutional provisions by the stipulated date of 23rd April, 1994, elections to constitute Panchayats under the new State legislation have yet to take place in some of the States. The PRIs in Arunachal Pradesh, Maharashtra, Assam and Sikkim are protected under Article 243N. Gram Panchayats and Panchayat Samitis in Orissa and Himachal Pradesh and Gram Panchayats in Manipur and Goa are similarly protected. West Bengal also has Panchayats at all levels in position. The States of Tripura and Madhya Pradesh have held Panchayat elections to constitute new PRIs at all levels. Punjab had conducted elections to Gram Panchayats in 1993, and to the Panchayat Samitis and Zilla Parishads in September, 1994. Haryana and Rajasthan conducted elections to PRIs in December, 1994 and January, 1995 respectively. Karnataka too conducted elections to Panchayat Samitis and Zilla Parishads recently—March, 1995; elections to Gram Panchayats were held in December, 1993. Andhra Pradesh also is conducting elections to Zilla Parishads and Mandal Panchayats in March, 1995. Among the Union Territories, Andaman & Nicobar

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Islands, Dadra & Nagar Haveli and Daman & Diu had held elections to Gram Panchayats in 1990 and therefore, they have only to constitute Zilla Parishads. Elections to PRIs are due in Bihar, Gujarat, Kerala, Tamil Nadu and Uttar Pradesh. In Goa, Himachal Pradesh, Manipur and Orissa elections are due only for Zilla Parishad. Elections are also due in Chandigarh, Lakshadweep and Pondicherry (see Table 1).

Twenty-five lakh members

The spirit of the Constitution is that PRIs must be in position at any given point of time; therefore, elections to

constitute Panchayats have to be held as soon as the necessary procedural formalities are completed. The Ministry of Rural Areas & Employment has been constantly in touch with the States on the question of holding of elections as soon as possible. It is expected that all the States and UTs, wherever elections are due, will constitute Panchayats within the next few months. About 25 lakh elected representatives are expected to be in position once elections are held in all States and Union Territories. One-third of the members will be women and the SCs and STs would enjoy representation in proportion to their population.

TABLE 1
Progress of Panchayati Raj Elections in the States and Union Territories (March 1995)

S.No.	State/UT	Last elections held			Election Due
		GP*	PS**	ZP***	
1.	Andhra Pradesh	1988	1995	1995	Due for GP
2.	Arunachal Pradesh	9/92	9/92	9/92	No
3.	Assam	1992	1992	1992	No
4.	Bihar	1978	1979	1980	Due
5.	Goa	1991			Due for ZP
6.	Gujarat	1988	1988	1988	Due
7.	Haryana	1994	1994	1994	No
8.	Himachal Pradesh	12/91	1/92	—	Due for ZP
9.	Jammu & Kashmir	—	—	—	Not ratified u/a 371
10.	Karnataka	12/93	3/95	3/95	No
11.	Kerala	1988	—	—	Due
12.	Madhya Pradesh	1994	1994	1994	No
13.	Maharashtra	—	2/92	2/92	No
14.	Manipur	9/91	—	—	Due for ZP
15.	Meghalaya)				
16.	Mizoram)	Part IX of the Constitution is not applicable			
17.	Nagaland)				
18.	Orissa	1992	1992	—	Due for ZP
19.	Punjab	1/93	9/94	9/94	No
20.	Rajasthan	1995	1995	1995	No
21.	Sikkim	1993	—	1993	No
22.	Tamil Nadu	1986	1986	1986	Due
23.	Tripura	1994	1994	1994	No
24.	Uttar Pradesh	88-89	88-89	88-89	Election notified
25.	West Bengal	1993	1993	1993	No
26.	Andaman & Nicobar Islands	1990			Due for PS & ZP
27.	Chandigarh	1983			Due for GP & ZP
28.	Dadra & Nagar Haveli	1990			Due for ZP
29.	Delhi	—			
30.	Daman & Diu	1990			Due for ZP
31.	Lakshadweep				Due for GP & ZP
32.	Pondicherry				Due for GP & ZP

* Gram Panchayat; ** Panchayat Samiti; *** Zilla Parishad.

Training : a high priority area

Since the PRIs have been entrusted with the specific responsibility of preparing plans and implementing various schemes for economic development and social justice, including the 29 subjects mentioned in the Eleventh Schedule, generation of awareness and imparting information to elected representatives is a matter of great importance. Thus, training and dissemination of information are high priority items for the Ministry. Three national institutions of eminence, namely National Institute of Rural Development (NIRD), Hyderabad; Lal Bahadur Shastri National Academy of Administration, Mussoorie; and Indian Institute of Public Administration, New Delhi, have been identified for conducting 'Training of Trainers' programmes. Prospective trainers selected by the States receive training at one of these institutions, and on their return impart training to the Panchayati Raj functionaries—both officials and non-officials—at the State, district and subdistrict levels. Six training modules for the training of different levels of Panchayat representatives have been prepared and circulated among all the States for their guidance. In fact, the Ministry is also extending financial assistance to the States for generating awareness and imparting training to orient the Panchayati Raj functionaries towards the new arrangements. States have chalked out comprehensive training programmes for the Panchayati Raj functionaries—elected representatives as well as officials—so as to equip them with necessary information and skill to enable them to discharge their new Constitutional responsibilities effectively. States like Madhya Pradesh, Karnataka, Orissa, Haryana, West Bengal, Assam, Tripura, Punjab, Rajasthan, Sikkim and others have embarked upon a massive training programme for Panchayati Raj functionaries. Table-2 gives an idea of the number of trainees already undergoing training in the States for which assistance has been given.

TABLE 2
Number of Persons Undergoing Training

S.No.	Name of State	No. of trainees		
		Vill. level	Middle level	Distt. level
1.	Assam	4,972	392	86
2.	Haryana	Total	53,239	
3.	Karnataka	Total	80,000	
4.	Kerala	1,120	280	105
5.	M.P.	92,772	10,472	1,100
6.	Orissa	Total	85,000	
7.	Rajasthan		9,173	60
8.	Sikkim	828	—	60
9.	Tripura	Total	10,000	
10.	U.P.	4,43,622	13,355	2,070
11.	West Bengal	19,830	5,085	450

The Ministry is also providing assistance for strengthening the State Institutes of Rural Development, the Panchayat Training Institutes, Extension Training Centres, etc.

An instrument of empowerment

Though structured training has its limitations, it is nevertheless important because the success of PRIs will depend on how these democratic institutions function. Training imparts information, develops skills for planning, implementation and supervision of programmes. Unless this is done, the resources and powers given may not be properly used. PRI members/officials must also be sensitised to their role in social awakening. Training has particularly to be viewed as a facilitator in the process of empowerment of SCs, STs and Women, many of whom will be first time entrants to public life. Elections and reservations do not automatically mobilise and empower them and entry into PRIs is not an end itself, it is an instrument of empowerment which must be used skillfully with discernment and with critical awareness to vend their cause. The Ministry is supporting non-governmental organisations (NGOs), either directly or through the Council for Advancement of People's Action and Rural Technology (CAPART) for the purposes of training grass roots level women PRI representatives or those belonging to SCs and STs.

Distance education package

Recognising that training of PRI representatives is a large and challenging task, the Ministry has been trying to bring in innovative methods for training and awareness generation. The Ministry, in collaboration with the Indira Gandhi National Open University, is in the process of developing a multi-media distance education package consisting of self-instructional training material to be supplemented by counselling and video and audio aids.

Gram Sabha and people's participation

Any discussion on empowerment is incomplete without a mention of the Gram Sabha which is the base on which the pyramid of the PRIs rests. It is the Gram Sabha whom the PRIs represent and to whose needs they must respond to and to whom they must also be accountable. The Gram Sabha in turn should be vigilant about the general functioning of the PRIs because without the participation of the Gram Sabha, PRIs cannot succeed. Focus on the Gram Sabha has to be sharpened to make it functional and participative. Village people now have a forum in the Gram Sabha for direct participation in managing their own affairs.

Devolution of powers

Ultimately, command over resources, powers and authority along with the administrative measures and funds will strengthen the PRIs and make them responsive to the needs of the people. State legislation provides the basis for devolution of powers and functions upon PRIs. Accordingly, Maharashtra and West Bengal and other States like Madhya Pradesh, Haryana, Tripura and Punjab have also chalked out a scheme of devolution of powers and functions upon the PRIs to enable them to plan for and implement schemes for economic development and social justice. States are also taking measures for administrative and financial strengthening of PRIs. The Ministry of Rural Areas & Employment had prepared a suggestive framework for devolution of powers, functions, authority and responsibilities upon PRIs. The suggestive framework has been placed before the National Committee of Panchayat Ministers which has offered its comments and resolved to invite comments from States as well. In principle, the Committee has approved the framework for circulation among all States for their consideration and guidance. While Panchayats will evolve gradually and go from strength to strength, a practical approach, concentrating on what can be done right now in the context of a particular State to make the PRIs functional is necessary. The principle of subsidiary, that is to devolve on PRIs, what can practicably be done at any given level keeping the three-tier structure in mind could be a guiding principle. Essentially, local level functions in the developmental, economic, welfare, social justice fields as well as local service functions, must be entrusted to PRIs. In fact, the Jawahar Rozgar Yojana is an outstanding example of a programme through which there is a major infusion of funds to PRIs along with the necessary authority for implementation.

State Finance Commission

The provisions of the Constitutional Amendment for the mandatory setting up of State Finance Commissions (SFCs) are historic. The recommendations of the SFCs will have grave implications on the functioning of PRIs because without resources it is not possible to make grass roots democracy work. All States and Union Territories are required to constitute SFCs and States have complied with this requirement. According to the provisions of the Constitutional Amendment, SFCs are expected to make recommendations on the principles which should govern the distribution and assignment of taxes, duties, tolls and fees between the State and the PRIs and the grants-in-aid to the Panchayats from the consolidated fund of the State as well as other measures needed to improve the financial

position of Panchayats. For the SFCs, this is a significant opportunity to ensure that the objectives of equity, efficiency and autonomy of PRIs are met. The Governor of the State has to lay before the legislature of the State the recommendations made by the Commission together with an explanatory memorandum as to the action taken thereon.

Back-up support for SFCs

At the initiative of the Ministry, a SFC cell has been set up in the National Institute of Public Finance and Policy (NIPFP), Delhi, to develop guidelines in respect of the tasks entrusted to the SFCs and to respond to them on various issues related to their functioning including the undertaking of specific studies on various aspects of Panchayat finances. The cell will develop a Panchayat data bank for dissemination of information and undertake studies on specific aspects of Panchayat finances and respond to SFCs' request for technical advice or assistance. For the purposes of municipal finances, NIPFP is collaborating with the National Institute of Urban Affairs and for Panchayat finances with NIRD where supportive cells have been set up. A resource group has been constituted for giving advice and guidance.

Transfer of funds : need for a sound system

Since a common approach is neither possible nor necessary, SFCs would be considering what can perhaps be generalised as a good system of transfer of funds devised on sound principles and rationale. No doubt, SFCs would like to work out their own distinctive approach to the issue. Since the PRIs are loaded in favour of development functions and programmes most of which are schematic, PRIs will largely be sustained by development funds and grants-in-aid. SFCs ought to be able to suggest measures to ensure that there is a certain predictability and regularity in what is being devolved. However, PRIs must also be able to levy and collect their own taxes. Raising and management of their own resources will reinforce the concept of local self-government which would strengthen PRIs. The SFC cell has so far held two workshops of Chairmen and members of SFCs and prepared conceptual papers on the broad approach that SFCs could adopt. Papers have also been prepared on the identification of minimum standards and norms for basic minimum needs and services, identification of gaps, identifying resources, studies on the nature of transfers to Panchayats, preparing formats, building-up data base and serving as a clearing house for dissemination of information.

Other measures

Certain other initiatives have been taken by the Ministry. A Committee of MPs mainly from Scheduled Areas and experts had been constituted under the Chairmanship of Mr Dileep Singh Bhuria, MP to make recommendations regarding the law for extending provisions of the Constitution (73rd Amendment) Act, 1992 to the Scheduled Areas. The Committee has submitted its report, which is now under the consideration of the government.

While a preliminary study of the basic features of State PRI legislation has been carried out, it is felt that a more comprehensive study of Panchayati Raj legislation needs to be undertaken. The Ministry has entrusted this task to the Indian Institute of Public Administration, New Delhi.

Panchayati Raj is a State subject and it is the State governments who have to eventually implement the provisions of their Panchayat legislation. The Confer-

ence of State Ministers and State Secretaries in charge of Panchayats held on 3rd July, 1993, made important recommendations on expeditious measures to be taken for giving effect to the provisions of the Constitutional Amendment. The recommendations have enabled all the States to progress towards implementing Panchayati Raj in the right spirit.

A National Committee of Panchayat Ministers under the Chairmanship of the Union Minister of State for Rural Development was constituted on 8 September, 1993 with ministers of seven States as members and three as special invitees. The Committee has been giving valuable suggestions and guidance regarding the course of action pursuant to the Constitution (73rd Amendment) Act, 1992. □

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and Sukhomajri have shown that Panchayats have inexpensive local solutions to the village problems. Pathetically this ecological initiative has escaped the attention of law-makers.

Last comes the ambiguity related to Article 243 E(3) and Article 243 N for regulating elections to PRIs. The situation that is emerging out of the behaviour of States is that these Articles are not powerful enough to prevent the arbitrary treatment of Panchayats. Article 243N sets a one-year limit for the continuance of any State provision inconsistent with the provisions of Part IX of the Constitution. Within this time the provision would either have to be amended or repealed. The Law Ministry has since then clarified that the one-year period is not only for bringing the existing laws in tune with the provisions of Part IX of the Constitution but also for fulfilling all obligations given in it. However, the election scare has prevented most States to delay them on one or the other pretext. Digvijay Singh of Madhya Pradesh had the courage to take the State to the polls, but Karnataka picked up the issue of reservation to elected offices—a sufficient excuse to put off elections. Gujarat got stuck on the desirability of having a common electoral roll for the local body and the Assembly elections. Tripura Assembly has yet to come out of their internal disagreements over the issue of elections to PRIs. Uttar Pradesh, the largest State is waiting to hold Panchayat elections. The issue on which the States can put off

elections to PRIs needs immediate clarification by the Supreme Court so that States may be compelled to show greater sincerity towards the new Panchayat regime.

Panchayats— a powerful future resource

The failure of representative democracy in the decade of '80s gave rise to people's movements all over the globe for better resource management. The high rate of corruption undermined the Governments of Brazil, the Philippines and Russia while the States in Eastern Europe and Latin America were given a timely warning to revitalize their grass roots structures by giving a greater voice to people in government spending. This is one of the best opportunities since Independence to the States in India to refurbish their management capabilities outside the Delhi framework. In this era of criminalisation of politics it is important that the States give a greater voice to people who really matter in resource decisions. By all means the global trend is that the decision to appropriate natural resources should be made by those who own them. Democracy actually breathes at the bottom which still retains some of the pristine purity of inexpensive gregarian living. □

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Planning and finance for Panchayati Raj institutions

A.K. Dubey and Sanjay Mitra

The Constitution (73rd Amendment) Act, 1992 has aroused great expectations with Panchayats becoming a Constitutional entity. In this euphoria, certain amount of scepticism still lingers on regarding their powers and functions and the meagre resources that they had been bestowed with, in the past. It is true that 'Panchayat finance' was among the major reasons attributed to the failure of the PRI system during the 60s and 70s. Dependence of Panchayats on States for almost everything, coupled with inadequacy of powers and functions rendered the Panchayats ineffective.

Earlier attempts

It is not that the Constitution (73rd Amendment) Act, 1992 alone has thought about the financial resources for Panchayats. Way back in 1951, the Local Finance Enquiry Committee had recommended certain measures for strengthening Panchayat finances¹. For example, they had recommended that the village Panchayat should receive by way of assignment, 15 per cent of the land revenue realized from the Panchayat areas. Similarly, surcharge on transfer of immovable property, allowing Panchayats to use common land, encouraging revenue collection by Panchayats, encouraging village Panchayat to remunerative ventures, etc were also recommended. In fact, the Committee had recommended that the local bodies should have independent power of taxation, subject to the prescribed ceilings.

Later, the Taxation Enquiry Committee² in its report in 1953-54 called for a cautious policy regarding allocation of funds. It had recommended substantial grants

from the State government to the Panchayats during the initial period of growth. It had also recommended that certain taxes should be exclusively reserved for realization by the rural local bodies. Such taxes would include land cess, duty on transfer of property, house tax, service tax, vehicle tax, tax on profession, entertainment tax, etc. Later, the

Underlining the need for financial independence for making PRIs effective tools of grass roots democracy, the authors say that many aspects of Panchayat finances warrant immediate attention. The planning process has become a casualty and perspective planning is too faint a concept for PRIs. Panchayat should be able to plan for the given time frame and chalk out an action plan for development keeping in view the financial constraints. This calls for a clearer presumption about tax administration and sharing the proceeds between the States and PRIs. The State Finance Commission can extend a helping hand to PRIs in tackling various financial problems, the authors note.

Team for the Study of Community Project and National Extension Service³ had pondered over the importance of Panchayat finances in its report in 1957 and had recommended certain measures for augmenting the resources of Panchayats. It had also made recommendations as to the administrative and other expenditure of Panchayats. Later the Ashok Mehta Committee⁴ had recommended in its report in 1978 setting up of State Finance Commission.

However, despite the realization and admission of the importance of finance, as far as Panchayats are concerned, it was only through the Constitution (73rd Amendment) Act, 1992 that a new Chapter (entitled Chapter IX) was added to the Constitution which contained inter alia, the provision of setting up of State Finance Commission.

Constitutional basis of Panchayat finances

Part IX of the Constitution contains provisions regarding Panchayats. Article 243 H authorizes that the State legislature may, by law,

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- (a) authorize a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to Panchayat such taxes, duty, toll, fees, levied and collected by the State government for such purposes and subject to such condition and limit;
- (c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
- (d) provide for constitution of such funds for crediting all moneys received, respectively by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law. Article 243 H, therefore, gives necessary power to the State for tax administration.

Article 243 I provides for the constitution of the State Finance Commission. It says:

(1) The Governor of a State shall as soon as, may be within one year from the commencement of the Constitution (73rd Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to:

- (a) the principles which should govern:
 - (i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State which may be divided between them under this part and the allocation between the Panchayats at all levels of the respective share of such proceeds;
 - (ii) determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Panchayats.
 - (iii) Grants-in-aid to the Panchayats from the consolidated fund of the State.
- (b) the measures needed to improve the financial position of the Panchayats.
- (c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Panchayats.

(2) The legislature of a State may, by law, provide for the composition of the Commission, the qualifications

which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this Article together with an explanatory memorandum as to the action taken thereon to be laid before the legislature of the State.

Article 280 (bb) stipulates that it shall be the duty of the Finance Commission (of India) to make recommendation to the President as to the measures needed to augment the consolidated fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State.

Simultaneous reading of all these Articles and stipulations thereunder make it clear that apart from current recoveries and receipts by way of taxation within the State and the apportionment of the proceeds therefrom, the State Finance Commission can be authorised to suggest measures to improve the finances of the Panchayats. Conventionally, the Finance Commissions have been dealing with the issues emanating from non-Plan financial resources. In this context, it is necessary to analyze in proper perspective, the duties which have been enjoined upon the Panchayati Raj institutions.

The functional basis of Panchayat finances

PRIs have been conceived of as institutions of self-governance which would be in charge of formulation and implementation of the schemes of economic development and social justice. In order to facilitate devolution of powers and functions upon the PRIs, a new Schedule, viz the XI Schedule has been added to the Constitution to give an illustrative list of subjects for the purpose. However, most schemes indicated there would be financed out of the Plan funds. It is once again the Plan expenditure which gets transferred as non-Plan expenditure after the Plan period is over unless it has been extended to the next Plan period.

Since the PRIs would also be the implementation agency (line agency) and not only the staff agency for development planning, it would mostly be executing the Plan schemes for which money would come from the Plan funds. Simultaneously, other expenditures which the PRIs would be duty-bound to undertake, would be financed from non-Plan funds. To this extent, it is neces-

sary to specifically ponder over the requirements and principles of assigning the resources to the PRIs so that this could contribute to the sound finances of the Panchayats.

Taxes and grants

Taxes, levies, etc for which Panchayats are having power under the State legislation would be shared between the State and the Panchayats on the one hand and between various levels of Panchayats on the other. This will form one portion of the total receipts for the Panchayats. There has to be adequate measures to augment the current receipt of Panchayats at various levels which should be in accordance with the requirements of the Panchayats, the scale of their operation and the duties and functions entrusted with them.

Grants-in-aid from the Central government or from the State government to the Panchayats for execution of the Plan schemes would continue as such. However, for the purpose of resource mobilization, it should be brought within the ambit of the consideration by the State Finance Commission. Therefore, it appears advisable that the State Finance Commissions not only deal with the non-Plan items, they also deal with the Plan funds.

There are many aspects of Panchayat finances warranting immediate attention. Apart from the levy of taxes and their collection, the sharing of tax between the State and the Panchayats and among the Panchayats themselves is also an important issue to ponder over. The Panchayat receipts can come from a host of taxes or cesses which can be levied by the Panchayats under the law. This would include house tax, building tax, market tax or cess, tax or cess on agriculture and allied activities like pisciculture, aquaculture, dairy activities, etc surcharge on stamp duty, land revenue cess, entertainment tax and other special purposes taxes. It would also include local taxes like profession tax, building tax, duty on transfer of property, service tax for the public conveniences and such other taxes exclusively for and by the local authority.

Reluctance to levy taxes: There have been cases in the past where even though the legislation on Panchayati Raj authorizes Panchayats to levy tax, Panchayats were either reluctant or totally unwilling to levy these taxes. Unwillingness to levy taxes led to the deflation of possibility of resource mobilization to that extent. In many cases, even though the taxes were levied, there was a covert unwillingness to realize them. This way the revenue recovery for the Panchayats suffered and to that extent it reflected directly on their resource

position, often resulting into resource crunch for the Panchayats.

Sharing tax revenue: There are many taxes which are levied by the State but the tax payers come from the rural areas. These taxes need to be shared between the State and the Panchayats on well-designed principles. This would include sharing of sales tax, motor vehicles tax, certain types of land cesses, irrigation cess, plantation tax on commercial crops, etc.

As already explained, taxation will form one portion of the total receipts of Panchayats. The rest would come by way of grant by the State government or by devolution of Plan funds and non-Plan funds. Depending upon the necessity and the predisposition of the Panchayats, PRIs are free to raise loans and to that extent increase their receipts. Of course, the loans will have to be shown as liability and necessary steps to discharge the same have to be ensured in the Panchayat's budget.

Cash management by Panchayats

The State Finance Commission can also suggest methods of cash management by the Panchayats. At the level of implementation of programmes, the distinction between the Plan fund and the non-Plan fund is only for the conceptual purpose and it really does not matter in practice while expending the amount. Therefore, the Finance Commission can help PRIs in conceptualising the problem and eventually educate them on expenditure on various items of economic development, social justice, establishment and other schemes. Now that the Zilla Parishad would be getting sizable funds for their plan work, their expertise in handling cash and attending to the financial proprieties will have to be sharpened. This should receive adequate attention both in terms of training of staff engaged in funds management and redeployment or expansion of the existing staff strength to facilitate effective funds management for the Panchayats. In fact, the need for professionalization in this respect would get intensified if the Panchayats go in for institutional borrowings for the projects prepared and on basis of prudent commercial practices.

Municipal finances & Panchayat finances: The issue of Panchayat finances is qualitatively different from municipal finances. Whereas the municipal finances are for the projects for an identified urban agglomeration, Panchayat finances relate to the people scattered over a much larger area. But, from the point of view of resource mobilization, the nature of tax collection, tax realization and application of funds and problems in an urban set-up would be qualitatively different

from those in a rural set-up. Moreover, the urban ventures, as they emanate from the XII Schedule to the Constitution are capital intensive and, therefore, the nature of project management has to be qualitatively different from rural project management. Hence is it advisable to have two distinct sets of terms of reference—one pertaining to the municipal finances and the other relating to the Panchayat finances. Accordingly, the State Finance Commission should make a clear distinction in all its deliberations.

The sceptic of Panchayat finances

In most States, Panchayats have been hibernating under prolonged suspension. Nevertheless, a few States like Maharashtra, Gujarat, West Bengal and Karnataka, have comparatively more developed system of Panchayati Raj. But even in these States there were certain common handicaps that bugged the Panchayat finances. These are briefly indicated below:

- (1) Own resources are limited in quantum. This is a result of both, poor taxation and poor realization of whatever tax has been imposed.
- (2) PRIs depend considerably on the State government for grants in various forms. Such grants would include matching grant, equalization grant, special grants, etc.
- (3) The programme funds are, in effect, controlled by the State governments. They normally follow the State's *diktats* about the break-up.
- (4) Substantial amounts of taxes like sales tax, motor vehicle tax, etc are not shared with Panchayats. Similarly, excise revenue is not shared.
- (5) Devolution of funds upon PRIs is meagre in quantum and inflexible in nature which hardly leave any room for the Panchayats to expend the amount as per their priorities.
- (6) Since the Panchayat finances qualitatively do not follow the principles of commercial finances, availability of institutional finances and Panchayats' willingness for availing the same are not all that encouraging.
- (7) While implementing the programmes, there has not been collateral emphasis on planning. In fact, finances have been portraying a grim picture and perspective planning is too a faint concept for PRIs. The planning process has become a casualty as it has become synonymous with the process of mere compilation of the break-up of funds as decided at the State level.

Decentralized planning

PRIs have now been entrusted with the responsibility of formulation and implementation of the programmes of economic development and social justice. This responsibility would, on the one hand, call for careful sectoral planning in view of the competing priorities in development resulting into institutionalization of inter-sectoral co-ordination, and on the other hand it would have to integrate the micro plans for the specific areas which develop into a common development plan for the entire district. The district has often been favoured as the most relevant and viable unit for the purpose of planning. Even the Committee to Review the Administrative Arrangement for Rural Development and Poverty Alleviation Programme had recommended in its report⁵ that PRIs at the district level and below should be assigned an important role in respect of planning, implementation and monitoring of rural development programmes. In fact, the Committee went to the extent of recommending that some of the planning functions at the State level could be transferred to the district level for effective decentralized district planning.

Article 243 ZD which is contained in part IX A of the Constitution provides for the setting up of the District Planning Committees. It is as under:

- (1) There shall be constituted in every State at the district level, a District Planning Committee to consolidate the plans prepared by the Panchayats and the municipalities in the district and to prepare a draft development plan for the district as a whole.
- (2) The legislature of a State may, by law, make provision with respect to:
 - (a) the composition of the District Planning Committees;
 - (b) the manner in which the seats in such Committees shall be filled, provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;
 - (c) the functions relating to district planning which may be assigned to such Committees;
 - (d) the manner in which the Chairpersons of such Committees shall be chosen.

- (3) Every District Planning Committee shall, in preparing the draft development plan:
- (a) have regard to (i) matters of common interest between the Panchayats and the municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation. (ii) The extent and type of available resources whether financial or otherwise;
 - (b) Consult such institutions and organisations as the Governor may, by order, specify.
- (4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the government of the State.

The conference of Ministers and Secretaries in charge of Panchayats held on 3 July, 1993, unanimously recommended inter alia that the provisions relating to the constitution of the District Planning Committee as provided in the Constitution (74th Amendment) Act, 1992 would form part of the new Panchayati Raj legislation of the States.⁶ It is, therefore, not surprising that legislation on Panchayati Raj enacted by most States have incorporated the provision regarding the District Planning Committee even though this is included in Part IX A of the Constitution which deals with the urban local bodies. This provision expects well co-ordinated efforts in planning for integrated development of the area with district as the basic unit and in this respect it is complementary to the delegation of functions regarding the subjects visualized under article 243 G and XI Schedule to the Constitution.

Summing up

Panchayat finances impinge upon the local resources of the Panchayats, grants and scheme funds and additional resource mobilization which have to be institutionalized on prudent financial lines. PRIs should be able to plan for the given time-frame and then chalk out an action plan for development keeping in view the financial constraints. But this would call for much more clearer presumption about tax administration and sharing the proceeds between the States and PRIs. Besides, it would also require full exploitation of potential areas for taxation and sincere realization of taxes already levied with functional insulation from the laxity in this effort driven by populist measures. If the Panchayats do not enjoy financial independence or at least stability, PRIs would not become as effective as they are expected to be.

References

1. Local Finance Enquiry Committee, *Report*, 1951.
2. Taxation Enquiry Committee, *Report*, 1953-54.
3. Team for the Study of Community Projects and National Extension Service, *Report*, 1957.
4. Committee on Panchayati Raj Institutions, *Report*, 1978.
5. Committee to Review the Existing Administrative Arrangements for Rural Development and Poverty Alleviation Programmes, *Report*, 1985.
6. Conference of Ministers/Secretaries in charge of Panchayats, *Proceedings and Papers*, 1993. □

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“Village people are members of Panchayats and should control them. We must realise that the Panchayat is the synthesis of all the forces of the village and must be kept free from casteism and factions, from any kind of partiality, jealousy, discrimination or quarrels. Members of Panchayats should see that others in the village are assured of their rights.

I have great expectations from Panchayati Raj institutions. Much depends on your work. I hope you will face the present challenges and serve our people with sincerity and efficiency.”

Indira Gandhi

Financial management by Panchayats

Ranjana Mukherjee

The Centre and the States together spent Rs. 9,000 crore in 1993-94 for rural development. The objective of such major expenditure was to help the rural poor to cross the poverty line. A greater part of these rural development funds is channelised through Panchayati Raj institutions. For cost-effectiveness in this substantial budget outlay it is essential that Panchayati Raj institutions—the vehicles of rural development expenditure—manage the finances efficiently. The author has had the opportunity of closely observing—one urbanized and two rural districts of West Bengal—as to how the Panchayats at district, block and village levels manage the finances. This paper, based on that experience, attempts to examine the weakness in the management aspects of finance and then suggests possible ways of remedying the inefficiencies. For an idea of the quantum of funds handled by the Panchayats, given below is an income and expenditure statement of Zilla Parishad. In this and other specific examples the name of the district has been replaced by Eureka.

Eureka Zilla Parishad, 1993-94

(Rs. in 10,000)

S.No.	Item	Budgeted receipt	Actual receipt	Actual expenditure
1.	JRY	640.0	701.0	633.0
2.	Public health	6.7	54.3	45.4
3.	Public works	55.0	15.8	20.9
4.	Land revenue & Forest	11.3	0.9	2.7
5.	Irrigation & Agriculture	12.0	0.3	1.4
6.	Small industry	16.2	0.1	1.2
7.	Education	81.0	—	—
8.	Power	3.0	—	0.5
9.	Fishery & Animal husbandry	0.1	—	0.2
10.	ZP establishment	35.2	32.9	102.9
11.	Own sources	28.6	19.6	19.6
	Total	889.1	824.9	827.9

Panchayati Raj institutions are now agents of much rural development expenditure. In West Bengal and Karnataka, almost all funds meant for rural development are placed with the district/block/village tier of the local self-government institution (The MPs' Local Area Development Scheme is one exception). In the example given on column 1, the Eureka Zilla Parishad received during 1993-94 a sum of Rs. 113.1 million including Rs. 31.4 million received by the District Rural Development Agency by way of IRDP subsidy/TRYSEM and infrastructure development. Of this, Rs. 70.1 million was on account of Jawahar Rozgar Yojana. During the same period, Eureka Zilla Parishad distributed Rs. 38.2 million to the 158 Gram Panchayats at village level and Rs. 25.1 million to the 14 Panchayat Samitis at block level out of the JRY funds. So each Gram Panchayat received on an average Rs. 0.25 million and each Panchayat Samiti Rs. 1.8 million on account of JRY alone.

Not only are Panchayati Raj institutions the main avenues of expenditure, they also have—by way of decentralised planning—a greater say wherein the expenditure ought to be incurred. In Gujarat and Maharashtra, nearly 40 per cent of the Plan expenditure are on the basis of decentralised planning. The 73rd Constitution Amendment, 1992 gives legal sanction to the States to empower the Panchayats in a variety of ways. In other words, the shift is towards imparting greater autonomy in matters of decision-making and increasing proportion of rural development expenditure by Panchayati Raj institutions.

The financial management of rural development funds by Panchayats can be examined in a number of ways. The total receipts from various heads of government accounts of different agencies could be studied against the different expenditures, taking into account the earmarked and untied components in each case. The functional or spatial distribution of expenditure could be examined, or an

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input-output analysis could have been performed. In this paper, however, the present author has looked at the financial management issues from three stand-points, namely budget, taxation and audit.

Budgeting

Whatever its position in the tiered Panchayati Raj system, every self-government intending to function rationally must have a budget of estimated receipts and expenditures. Most of the Zilla Parishads and Panchayat Samitis have a substantial opening balance on account of unspent funds carried over from the previous year. For Eureka Zilla Parishad the opening balance for the year 1994-95 was Rs. 18.9 million. The quantum of receipts is also known within the first quarter of the financial year. Yet many Panchayat bodies, unfamiliar with the budgeting exercise or unaware of its importance, leave it till the end of the financial year. During 1993-94, the Finance Committee of the Eureka Zilla Parishad examined the budget on 6 January 1994 which was passed by the total body of members as late as 10 February 1994. This is an example of the usual delay rather than an exception. The result of this delay was that the members were presented with the *fait accompli* with neither the time left nor the money for any corrective action. In such a situation the members may be forced to accept a disproportionately large allocation to any particular sector or area.

If a budget is timely and seriously drawn up and debated among the members, it will discourage imbalances and distortions. An early budgeting exercise has another advantage. Not only will the total expected inflow of funds be known, the rate of flow of funds can be monitored between the tiers and between the Zilla Parishad and the State government. The Integrated Rural Development Programme (IRDP) used to suffer from erratic fund flow until quarterly financial budgeting was introduced and strictly enforced in the District Rural Development Agencies in the Seventh Five Year Plan period. A clear awareness of the budget provisions transmits a bottom-up pressure from the lower tiers of the Panchayat bodies to the district tiers to release funds instead of merely holding on to them to tide over its own difficulties. Similarly, the Zilla Parishad can urge the State government to release its share in time. A delayed budgeting exercise, on the other hand, becomes cursory and the whole activity is rendered futile. The nature of expenditure is also not specified in the budget. At present the Eureka Zilla Parishad does not differentiate between the budget, between revenue and capital account; the different items of expenditure and income are merely listed together. This may lead to Panchayat members

approving schemes which sound attractive without fully examining the recurring costs.

Taxation

The budgeting exercise leads to another major advantage. It will force the Panchayati Raj institutions to take stock of their income and expenditure. In most of the rural local self-governments, all the income is on account of government receipts. The district level Zilla Parishad's receipts are from the State government and the lower tiers' receipts are on account of devolution of funds by the Zilla Parishad. In 1993-94, of the Rs. 82.5 million total receipts by the Eureka Zilla Parishad, Rs. 1.99 million, ie only 2.4 per cent was raised from income from own sources and public contributions. Few Panchayat institutions raise any resources on their own and depend entirely on government allotments. During the last financial year (1993-94) JRY accounted for 86 per cent of the Eureka Zilla Parishad's receipts and allotments from Public Health Engineering for rural water supply amounted to six per cent of receipts. In West Bengal, profession tax was previously collected by the Panchayats, but that is now collected by the State government and the Panchayats are given a small grant in lieu of it. The West Bengal Panchayat Act contains a wide variety of taxing areas for the Panchayats. Yet, a Gram Panchayat in Eureka, on an average, collected less than 50 paise in taxes per capita in 1993-94. When the operational vitality of a Panchayat body depends on external sources such as JRY funds, planning and execution of schemes may gradually become a mechanical exercise undertaken for the purpose of target fulfilment. The ideals of tapping local resources, planning for local needs takes a back seat in this office-driven approach. The lackadaisical approach found among the paid government servants can get transposed on the Panchayat bodies.

In States with a strong Panchayati Raj set-up where State legislation empowered Panchayats to collect taxes long before the 73rd Constitutional Amendment, the dependence syndrome has pervaded rural society in a ripple effect from the Panchayat bodies. Local initiative within the society in collecting resources for creating assets is stifled and people look towards the local Panchayat institution for the smallest piece of development. The psyche of losing popularity makes Panchayat institutions reluctant to use taxation for raising resources. They are equally disinclined towards introducing user charges. There is nothing to prevent a Panchayat institution from creating income-earning assets with the government receipts. Basically it is weak financial management which stands in the way of building assets which

can continue to generate income to maintain that asset. For example, the block level Panchayat could well develop a market, fishery tank, ferry, orchid, etc. with budgetary support from government and collect a user charge. The cost of constructing a fair weather bridge could be recovered by levying a toll on vehicles which use it. Of course, the collection should be efficient and its cost not too high. There is still a willingness to pay for services in rural society which may slowly turn into a 'refuse to pay' habit unless some changes are introduced. It is not enough for the local self-government to merely create the asset, they must manage the asset by providing the running cost. At this stage, State governments may even consider experimentally standing guarantor to market borrowing by a few Panchayat bodies with proven track record to encourage them to strike out on their own to build their own income generating assets.

Audit

When such large sums of government money are passing through the Panchayats, government naturally desires that accounts should be kept properly and that these accounts should be audited. The system of keeping accounts in the Panchayats and their audit has been laid down by government servants who are enveloped in the well-established government system of accounting. But superimposed on the Panchayat system it loses much of its meaning to the Panchayat members. They argue that unlike government, the aim of Panchayats is not to maintain status quo but to create development. Diversion of funds from one sector to another should not be looked upon with strong disapproval as Panchayats are flexible and need to adapt quickly to shifting local demands unlike the slow government system. The system of sanction orders, bills and vouchers of the conventional government system does not always work in the rural development set-up. When bricks are required for paving a village road, the supplier will demand payment on delivery and not wait long for proforma invoice, sanction of expenditure and passed for payment orders. Procedures for submission of utilisation certificates by Panchayat bodies needs to be made simpler. Entirely bonafide intentions can get thwarted by cumbersome procedure. Besides, the Panchayat body changes every five years. With elections to Panchayats being conducted along political party lines, a new body denies responsibility of actions taken by the previous body. At the Gram Panchayat level, the Pradhan (Chairman) handles the cash. In the event of mismanagement of finances, it is difficult to establish accountability. To minimise this difficulty, government staff can be employed for han-

dling cash and for accounting. It will, however, create a machinery parallel to government and impair the local self-governments with governmental tardiness and red tape.

Suggestions

The Constitution (73rd Amendment) Act lays down that once in five years a State Finance Commission will be appointed by the Governor which will review the financial position of the Panchayats. The commission will go into the measures needed to improve the financial position of the Panchayats. Expected to emerge is a clear picture of the Panchayat finance situation in each State. There can be no uniform model as Panchayats differ widely from State to State and even within each State. Earlier, both the Balvantray Mehta Committee in 1957 and the Ashok Mehta Committee in 1978 had made many recommendations for improving the financial position of the Panchayats. Regarding budget exercise, the Ashok Mehta Committee had suggested that the State governments should evolve a budgetary procedure to indicate transfers of different types of the Panchayati Raj institutions (chap. IX, para 13.4). It went a step further to add that each State government could, taking into account the local circumstances, prepare comprehensive guidelines for the use of their officers and Panchayati Raj institutions for preparation as well as for approval of budgets (chap. IX, 13.5). The different State governments could well devote time to this as the present perception of many Panchayat members is that budgeting is a routine exercise to be got over and done with, and best left entirely to the bureaucrats.

The 73rd Amendment authorises the State legislatures to empower Panchayats to levy, collect and appropriate taxes, duties, tolls and fees. Even without this legal sanction, as early as 1957, the Balvantray Mehta team had recommended that some sources of income should be assigned to the Panchayat Samiti such as percentage of land revenue collected within the block, cess on land revenue, tax on professions, net profit of tolls and leases, pilgrim tax, proceeds from fairs and markets, etc (para 2.21). The Ashok Mehta Committee went into the details of resources mobilisation in Chapter IX of its report. It emphasized that apart from budgetary devolution the State government, the Panchayati Raj institutions should mobilise enough resources of their own. The Committee discouraged the thesis "no taxation, only representation". The Committee recommended instead that all Panchayati Raj institutions should have compulsory powers of taxation. It spelt out that taxes like house tax, profession tax, entertainment tax, special taxes of land

and buildings should be levied compulsorily by the Panchayati Raj institutions at the appropriate level. The G.V.R.K. Rao Committee on Administrative Arrangements for Rural Development and Poverty Alleviation Programmes, 1985 observed that without the responsibility to collect the resources many Zilla Parishads were tempted to prepare plans widely beyond the availability of financial resources. Therefore, the resource base should be widened by the Panchayats taking advantage of all provisions of the States' Panchayat Acts and the 73rd Constitutional Amendment. At the same time, taxes levied should be seriously and efficiently collected. As those resources may prove inadequate, States will have to think of formulae for devolution of funds to the Panchayats from taxes collected by the State.

In respect of the audit functions, the Ashok Mehta Committee (chapter IX, para 14.1) recommended that every State should endeavour to present consolidated accounts of Panchayati Raj institutions to the legislature. It also recommended concurrent audit by the Examiner of Local Funds Accounts instead of post-audit. This last step would partially prevent denial of responsibility by one Panchayat body of actions taken by the previous body.

Studies on Panchayat finance are fewer and further between than for the municipal finances for instance. This can readily be understood because in the Panchayat set-up the decision and expenditure points are dispersed all over the State whereas a municipality is concentrated in one geographical area. The States also have varying Panchayat features beginning from number of tiers to the taxing areas. Many States were either unable or unwilling to hold elections to Panchayats for very long while Panchayat elections have been held regularly every five years in West Bengal for the last 16 years. Because the Panchayat bodies vary in size and type and are so dis-

persed, there is an urgent need to better manage the Panchayat information system so that distortions and imbalances are detected early. Given the nature of the Panchayati Raj institutions and the ideals according to which they were set up, it is naturally rare to find Panchayat members who are expert fund managers. The need for training newly elected Panchayat members has been neglected by States which have taken the trouble to orient elected municipal commissioners. In West Bengal, soon after the Panchayat elections of 1993, a three-day training schedule was arranged for all elected Gram Panchayat members; the course content sensitized members to women's development, health and family welfare, the Panchayat Act and the Panchayat finances. During the training it was difficult to locate adequate number of trainers who understood Panchayat finances sufficiently to explain to others.

Thus far, the role of Panchayat bodies in rural development finance has been that of an implementing/spending agency. The Constitution (73rd Amendment) Act, 1992 indicates that Panchayats have a larger role to play. To expand the present role to cover planning, earning and controlling will require many institutions such as the getting line departments of government to (unwillingly?) part with their powers. Whatever powers and monies are handed out to them as a result of legislation, to be taken seriously the Panchayat body must be financially viable and be able to stand on its own feet. For that the Panchayati Raj institutions must not only dispense but also gather funds. That will require some changes in the present system and some hard decisions. Whether these changes shall be forthcoming or not will depend on political will. □

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are able to provide the human resources for the purpose. Mere rules, regulations, procedures would not facilitate empowerment of the people. A healthy respect for the process of decentralization amongst the political leaders and bureaucrats is essential.

The present scenario is highly complex. The future does not hold any great promise. Various social, cultural and political impediments are in the way. These have a bearing on the performance of the Panchayati Raj. Only the depth of commitment and conviction will determine whether or not Panchayati Raj can become an effective instrument of governance in future.

Bibliography

Kumari Ranjana (ed); *Women Politics—Forms and Processes*, Friedrich Ebert Stiftung, New Delhi, 1992.

Kumari Ranjana (ed); *Women in Decision-Making*; Vikas Publishing House, CSR, 1992.

James Manor; *Panchayati Raj and Early Warning of Disasters*, EPW, Vol. XXVIII, No. 21, May 22, 1993 PP 1019-1020.

Amitava Mukherjee (ed); *Decentralisation: Panchayats in the Nineties*, Vikas Publishing House Pvt. Ltd., 1994. □

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The 73rd Constitutional Amendment and its implications for women

Dr G. Ramathilagam

The 73rd Amendment to the Constitution of India provides more power to people in the local self-governments, viz village Panchayats. Will the people, particularly women be able to exercise this power? What are the hurdles in their way? How can they overcome them? The background of this historic Amendment and its implications for women are highlighted in this article.

History of Panchayat development

The ancient India was a land of village republics. They manifested the highest democratic traditions in their constitution and functioning. Though the Panchayat members were nominated by consensus or at times selected by lots, their screening was very rigid. The Panchayat played a very vital role in promoting the material, moral and intellectual progress of villages (Sharma, 1993). They protected the people; raised their own resources through taxes; organised public activity works; functioned as trustees and bankers; rendered disaster management services; supervised the religious and cultural activities of temples and decided practically all civil cases. The institution of village Panchayat survived with some changes during the Mughal and British periods.

After Independence, Gandhiji expected that the Constitution makers will restore to the Panchayat their original position of dignity. He categorically stated that 20 men sitting at Delhi or Madras was no democracy. To be meaningful and realistic, he believed that democracy

must be practised in every village. Jawaharlal Nehru also held a similar view, "Democracy is not merely Parliament at the top or legislature in the States but something

Absence of regular elections, prolonged supersessions, insufficient representation of weaker sections, inadequate devolution of powers and lack of financial resources have prevented the PRIs from acquiring the status and dignity of viable and responsible people's bodies, the author observes. Anyone in power parts with it or shares it with others only grudgingly; so also the State governments. About women's representation in PRIs, the author feels that political parties also are not serious in fielding women candidates. Women have to improve themselves through education, if they have to take an active part in the politics and administration of the country, he suggests.

which excites every person and something that trains every person to take his proper role and indeed any place." However, the Panchayat found a place only in the Directive Principles of State Policy. Article 40 in Part IV of the Constitution enjoined upon the States to 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.

But did they develop into units of self-government? The Panchayati Raj institutions (PRIs) were visualised as instruments of community participation in developmental programmes at the grass roots level rather than emerging as real units of self-government. In 1957, the Balwantray Mehta Committee which reviewed the working of the Community Development Programme to examine the question of popular participation concluded that development cannot progress without responsibility and power and that community development can be real only when the community understands its problems, realises its responsibilities and maintains a constant and intelligent vigilance on local administration. Inter alia, it recommended a three-tier system of rural local government, namely village Panchayat at the village level; the Panchayat Samiti at the block level and the Zilla Parishad at the district level to evoke local interest. Rajasthan and Andhra Pradesh were the first to adopt the PR form of

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local government in 1959. For over three decades, different States had experimented with different versions of the PRIs.

While PRIs acquired stronger roots in certain States like Gujarat and Maharashtra, in others it is still struggling for legitimacy. It has not acquired the status and dignity of viable and responsible people's bodies because of absence of regular elections, prolonged supersessions, insufficient representation of weaker sections, inadequate devolution of powers, lack of financial resources ad infinitum. Anyone in power parts with it or shares it with others only grudgingly. So also our State governments. They kept on finding one reason or the other to postpone PRI elections: floods, drought, students' unrest and what not. In Tamil Nadu, for instance, Panchayat elections have taken place only thrice since the present system came into existence; in 1965, 1970 and 1986. Since 1991 elections are due.

Emergence of PRIs

It was against such a background that Panchayati Raj Institutions were Constitutionalised as the third stratum of government through the Constitution (73rd Amendment Act), 1992. Jain (1993) hails it as a tribute to the political commitment and sagacity of all the national political parties represented in Parliament as well as the Prime Minister, Mr P.V. Narasimha Rao that the 72nd Amendment Bill had been steered not only successfully, but also unanimously. He says that the State legislatures also deserve equal credit for having ratified the Bill promptly. In fact, 24th April 1993, the day when the Constitution (73rd Amendment) Act came into force is considered a landmark in our democratic history. Many consider that the Constitutional Amendments (73rd and 74th) for urban bodies will lead to radical changes in the Indian polity, restoring the local self-governing institutions their lost glory and pre-eminent position.

Features of the Amendment Act

This Central Act restricts itself to laying down certain items:

1. It provides for 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.
2. It stipulates that Panchayats shall be constituted in every State at the village, intermediate and district levels, thus bringing about uniformity in the PR structure. However, the States having population of less than 20 lakhs have been given the option of

not having any Panchayat at the intermediate level.

3. While the election of members of Panchayat at all levels will be direct, the election of Chairpersons at the intermediate and district levels will be indirect. The mode of election of Chairperson to the village level has been left to the State government to decide.
4. Reservation of seats for SCs/STs has been provided for in proportion to their population at each level. Not less than one-third of the total membership has been reserved for women and these seats may be allotted by rotation to different constituencies in a Panchayat. Similar reservations have been made in respect of the office of Chairpersons also.
5. A clear term of five years has been provided for every Panchayat unless they are dissolved earlier on specific grounds and in accordance with the State legislation. However, elections to the Panchayat will have to be completed within a period of six months from the date of its dissolution or before the expiry of its duration in the normal course.
6. The State legislatures have been given the power to authorise the Panchayats to levy, collect and appropriate suitable local taxes and also provide for making grants-in-aid to the Panchayats from the consolidated fund of the State. In addition, a Finance Commission has to be constituted in every five years to review the financial position of the Panchayat and to make suitable recommendation to the State on the distribution of funds between the State and the local bodies. The Central Finance Commission shall also suggest measures necessary to augment the consolidated fund of a State to supplement the resources of Panchayats in the State. Thus a large amount of assured funds will flow to the Panchayati Raj bodies which in turn will strengthen people's involvement in the planning process.
7. Besides providing for finance, the Act also indicates a set of items in the XI Schedule of the Constitution which may be entrusted to the Panchayats in addition to any other schemes for economic development and social justice that may also be entrusted to them by State government.

To ensure continuity, it has been provided that all the Panchayats existing immediately before the commence-

ment of this Amendment Act will continue till the expiry of their duration unless dissolved by a resolution to that effect passed by the legislative assembly of the State. The State legislatures have also been given time upto a maximum of one year from the commencement of this Amendment to modify their Panchayat Acts so as to conform to the provisions contained in the Constitution Amendment Act. After setting the core, the Act left it to the States to fill the rest of the details taking into consideration their peculiar politico-administrative codes.

Thus the Constitution Amendment Act has given a practical shape to Article 40 of the Constitution included in the Directive Principles of the State Policy casting a duty on the Centre as well as the States to establish and mould village Panchayats so as to make them effective institutions of self-government. The new model is a unique arrangement by the Centre which has made it mandatory on the part of the States to apply these principles in making laws without in any way jeopardising the federal polity of the country.

Some perspectives

Since its passage, the Constitution Amendment Act has been analysed from several perspectives; the mode of selections of the heads at various levels of Panchayat—whether it should be direct or indirect (Singh 1993); the role of Gram Sabha (Dutta 1994); should the Panchayats be apolitical or political? Should they not be developed as self-governing Panchayats as in West Bengal? Should the Panchayats be vested only with developmental functions? Can they function effectively without regulatory authority or powers? Should the bureaucracy decide on the dissolution of elected bodies?

Scholars believe that through this Amendment, the country has passed from democracy by consent to democracy by participation (Ramaswamy 1994). Unlike in Central and State governments wherein people have no way in decision-making except on the polling day, PRIs, particularly its lowest unit, Gram Sabha enables people to participate directly in the decision-making processes. This participatory democracy restores power to the people to whom it belongs.

It is also held that the addition of Eleventh Schedule to the Constitution indicating the list of functions to be performed by them abridges the PRIs as units of self-government. Jain (1993) for example says that the Centre must clear all the encroachments it has made in the area of rural development. The worst is the assumption that it can invent rural development and poverty alleviation programmes to meet the diverse needs of the people.

Logically it should devolve all the resources to the Panchayats through States to provide for the emergence of village sponsored plans and schemes. This alone can ensure efficiency and equity in the use of resources. As long as funds flow from the higher echelons of government to Panchayats, they may not be consistent with the felt needs and local requirements, as shown in Pande's (1994) study of Himachal Pradesh Panchayats.

Should not the Panchayats be responsible for their programmes? Why not they be permitted to borrow? What should be the pattern of flow of funds? At the moment only one half of one per cent of Panchayat's resources flow from their own taxes, 92.6 per cent being funds received for departmental schemes and 6.8 per cent being institutional finance (Pande 1994).

Possibilities and challenges for women

In the literature, one finds very few observations on how the women are to be mobilised to contest the elections. Srivastava (1994) says considering the fact that these institutions are going to shoulder greater responsibilities, there is an urgent need to impart appropriate training to the office-bearers and members of Panchayats, particularly for those from the weaker sections of women who have not had any exposure to the art of governance.

How do we make them aware of their roles? Suitable training programmes need to be developed for them. What should be the content of these training programmes? Who should conduct them? Obviously, the NGOs who have some experience in participatory development. What is the role of political parties? How do we make them accept women members? How do we help women overcome their social and cultural constraints? What sort of training institutions are needed at national, State and regional levels? What type of women should be extended such training? The Kerala and West Bengal experience shows that educated women with middle class backgrounds will make better candidates for PRIs (Abraham 1994, Maitra Sinha 1994).

It has been estimated that if women act as a body, they can form a government of their own choice. What does the track record of women's political behaviour in the higher legislative bodies show? Women have not exercised their franchise to the full extent. Their turn-out in the elections is discouraging, because, 1) they hesitate to vote, being tradition-bound and largely illiterate; and 2) they do not exercise their discretion and just behave as 'rubber stamp' of men and vote for the person or party their husbands/fathers/brothers tell them to vote for.

The women who enter public life are relatives (wives, sisters, etc) of male public figures and more often than not act as directed by them. Often they degenerate into party spokeswomen and hardly voice their own opinion on the floor of the house. Most of them remain as silent spectators to the proceedings of the house and rarely participate in its work.

Political parties also are not serious in fielding women candidates. They often resort to the practice of fielding 'dummy' women candidates just for the sake of statistics in constituencies where male candidates are almost sure to win. In 'safe' constituencies men are normally fielded rather than women. This discourages women aspirants (Maitra Sinha 1993).

Women's organisations are disenchanted with the national political parties for another reason also. These parties rarely give importance to their issues. In fact, a look at the election manifestos of the major national political parties (1991) shows that they are directed only to a particular category of women and not to women in general. For example, the CPI(M) talks of land rights for labour woman; the BJP's is directed to middle class women, and the Congress(I) speaks of woman related concerns around developmental issues.

Also most political parties have an ambiguous position with regard to the issue of 33 per cent of women's representation and none is fielding a big number of women candidates. In the Ninth Lok Sabha, the average proportion of elected M.Ps has been five per cent. At its height it has not reached 10 per cent. How are we going to achieve one-third representation for them in PRIs? In fact, this is the floor; ceiling has not been set. The District Council elections in Kerala showed that where women are literate and many of them well-educated, they can come up by themselves in public affairs. Out of the total of 2,277 candidates contested, 560 were women, a majority of them from ordinary families, only a few were full-time political workers.

Conclusion

In conclusion, women have to improve themselves

through education, take an interest in public and social affairs, and become popular leaders themselves, if they have to take an active part in the politics and the administration of the country. It is imperative that they come up by their own merit and not with the help of their male relatives. Only then can they stand up for the problems of the people in general and of women in particular.

Bibliography

1. Jain L.C. (1993) The next phase on to five lakh Krishi Bhavans. *Kurukshetra*, June pp. 11-12.
2. Bhargava B.S. and Venkatakrishnan V (1993) Panchayat Raj in Tamil Nadu-Issues and problems, *Kurukshetra*, June pp. 4-10.
3. Sharma, Shakunthala (1993) Status of poor and Landless in Rural Power Structure (A study of Himachal Pradesh) *Kurukshetra*, June pp. 23-24.
4. Srivastava K.B. (1994) Reconstituting PRIs after Constitutional Amendment, *Kurukshetra*, PP. 5-13.
5. Ramaswamy A.S. (1994), Decentralised Democracy or Despotism Democracy, *Kurukshetra* Jan-May, pp. 36-38.
6. Singh, Surat (1993), Mode of Panchayati Raj Elections, *Kurukshetra*, January pp. 19-22.
7. Mehta, Balwantray (1957) Report of the Team for the study of Community Projects and National Extension Service, Vol. 1, Government of India p. 23.
8. Mukarji, Nirmal (1993) 'The Third Stratum' *Economic and Political Weekly*, Vol. XXVIII, May 1, pp. 859-862.
9. Pande, Arvind Kumar (1994) Flow of Funds to Panchayats during Seventh Five Year Plan, *Kurukshetra*, January, pp. 24-28.
10. Abraham, Raju (1993) Socio-Economic and Political status of Panchayats, *Kurukshetra*, January pp. 15-18.
11. Dutta, Vijay Ranjan (1994) Gram Sabha—Role of Panchayati Raj, *Kurukshetra*, pp. 19-23.
12. Maitra-Sinha, Anjana (1993) *Women in a Changing Society*, Ashish Publishing House, New Delhi pp. 57-62. □

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occurred, and given their due authority and powers but they have to be run by people actuated by the true spirit of service to the villages. The future of India lies in the growth of the villages and the rise of the true villager who is fearless and conscious of his rights as well as responsibilities. The urban slums will not disappear from the Indian scene unless the people living there can go back to their villages in honour and dignity and with the assur-

ance that on return they will be equal partners in shaping their own future. The PRI scheme can perhaps achieve it. We have to make it successful. □

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Training : an aid to empower rural women leaders

Dr Subha K.

The introduction of Panchayati Raj institutions at the grass roots has led to the emergence of new forces in politics. Panchayats are statutory bodies and are supposed to establish modern democratic institutions and practices. The system thus demands a leadership which could effectively run these institutions.

Perhaps, it would not be wrong to say that when these institutions were introduced, the leadership at the grass roots was not trained to run them effectively through democratic ways and processes. As the rural leaders have direct links with the village communities and their influence is direct, their role as an effective agent of politicisation cannot be denied. It is thus an undisputable fact that the political, social and economic development of rural India depends on the successful working of the PRIs.

Role of rural leaders

Also, rural leadership has assumed significance in the context of the Constitution (73rd Amendment) Act and the massive programmes of planned change initiated by the government to achieve better standard of living. The village Panchayats having been perceived as the agencies of change, their leadership plays a vital role in implementing programmes. For this, the leadership has to be dynamic, articulate and progressive.

The crux of the problem is, therefore, to train the rural leadership in the art of running these institutions, so that the rural local government is strengthened and it becomes viable enough to deliver the goods as desired by the

objectives of Panchayati Raj and sustain the values of the system. This is more true for women leaders as they are new entrants to the field, illiterate and unexposed to the world around them.

Stressing the vital role of education and training in moulding effective and dynamic rural women leaders, the author says that concerted and vigorous efforts—both governmental and non-governmental—for training political leadership at the grass roots level is the need of the hour. Mere learning about the functioning of Panchayati Raj is not enough to empower women; they should be given a fair knowledge about the functioning of the political system as a whole and the interactions between the subsystems. The trainer has a dual role of an educator and a catalyst in the process of empowering women.

For training, it should be kept in mind that mere learning about the functioning of Panchayati Raj is not enough to empower women; they should be given a fair knowledge about the functioning of the political system as a whole and the interactions between the sub-

systems. Awareness should also be developed that in times to come the fate of the State and national political system depends on the emerging leadership at the grass roots. Continuous efforts should be made to train the leadership with a broader perspective than before.

Field test of a module

Concerted and vigorous attempts on the part of the Central government, State government, local government, voluntary organisations and the intellectual elite for training political leadership at the grass roots level is the need of the day. Realising all this the Department of Women and Child Welfare, Government of India conducted a seven-day training programme to field test a module designed for women representatives at H.D. Kote Taluk of Mysore district, Karnataka from October 24 to 30, 1994.

The sessions were broadly classified as follows:

1. Introduction to Panchayati Raj system.
2. Societal analysis which included social, economic and political understanding.

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3. Status of women in relation to society, health, education and law.
4. Leadership and personality development.
5. Communication skills.
6. Panchayati Raj with special reference to Gram Sabha, and all aspects of Gram Panchayat.
7. Resources mapping with gender perspective.

Resource persons and trainers (UMA Project, Institute of Social Studies Trust, Bangalore) together conducted the sessions.

The programme was intended to train 40 women participants. But the final list did not exceed 38. Consistency in attendance could not be maintained and a majority of the participants did not reside in the venue. Also, the late arrival of the participants delayed the inaugural function. The reasons were various—domestic, agricultural, and such other unavoidable ones.

Sharing of experience

After a simple inaugural function there was an icebreaking session in order to familiarise the members and to create an informal atmosphere. The trainers also got to know the participants closely. This led to experience sharing where the participants revealed their acquaintance with politics. *It became clear that rarely women contested on their own. It was mostly pressure from the people especially the elders of the village or the husbands of the women members.* Some were happy that they have become political representatives while some expressed unhappiness because of their own lack of knowledge. It was sad to hear a Chairperson say: "I have the inclination but I cannot do anything because the allocations are not in accordance with the demands. There is lot of groupism, and threats of 'no-confidence' within the Panchayats. I am thus bound by their dictates."

A tribal representative expressed anxiety: "I work as a coolie to earn my livelihood. But I cannot go to the fields because now I am the Vice-Chairman. This has affected me so much that sometimes my family goes hungry. I was assured that I would get some payment, but so far I have not received any. How to settle this?"

It was interesting to note a woman around 60 years of age saying: "It has been my wish since my childhood to become a Panchayat member. But only now I could contest and win. Reservation has made my dream come true."

In the session that followed, the participants could draw up the problems they face in their society. They

reflected well about social realities around them and attributed many of their sufferings to poverty and illiteracy. They admitted that poverty has its impact on every aspect of life. It appears that the rural society was not devoid of power dynamics. *Local decisions were influenced by the economically dominant and that economic background was directly proportional to prominent positions of power and decision-making. Their deep-seated beliefs and even perceptions thus came to light. It can, therefore, be said that women think about their condition and can decide what needs to be done and how.*

Participatory learning

One session was devoted to resource mapping and participatory learning through participatory rural approach (PRA) method. There was active participation by every individual and they got very much involved. The layout of the village, and various aspects of cultural, educational, health and agricultural significance was prepared. The participants used the local materials to express themselves. It helped them to locate the facilities available in the village, identify new problems and prioritise. The whole exercise was analysed leading to better understanding of the local situation. However, the time allocated for the exercise was too short and heavy rainfall added difficulties in the field. Yet it was felt that this method goes a long way in improving the understanding of the individual, and in preparing them for developing ways and means of solving various crucial issues they face in their day to day living and thus serves as an effective tool for rural planning.

Hurdles

In subsequent sessions, participants also discussed gender biases that prevailed in the system. They realised that women were less literate and that they were an excluded group. The discrimination against women through neglect of their health and nutrition, and maternal mortality rates were stressed. There was focus on experiential learning such as role-plays and games. The participants could thus explore their own views and attitudes about gender. *They condemned the caste feelings that were prevalent. They said that casteism was still deep-rooted. It was observed that a woman participant belonging to a higher caste did not eat or drink with the other members though she mingled with participants freely.*

Inferences and evaluation of the session

The session on Panchayati Raj explained the rural local government and every aspect of the Gram Panchayat. The participants seemed very attentive. The women were

able to discuss and deliberate on day-to-day issues in their functioning as Panchayat representatives. It was found that slides were effective with descriptions by the trainer followed by discussion. The participants were specially interested in the finances, allocation of funds, conducting of meetings and various government schemes. During the discussion, they came out with their practical problems and sought solution. They expressed their powerlessness vis-a-vis bureaucrats.

The importance of leadership qualities and the power of forceful communication skills was dealt with. This was of special significance to women because they are new entrants and the Panchayat is a window of opportunity that has opened for them.

The concluding part of the programme was evaluation of the session. About 20 questions were put forth and the women participants had to vote for or against the questions. They were very enthusiastic and the voting went on well. The answers revealed that the participants had a clear understanding of the issues dealt during the course of training. Certain facts that emerged and are important from the training point of view are, the participants find it difficult and cumbersome to attend a seven-day residential training programme. The number of days, therefore, needs to be reduced and frequency should be increased. While selecting the period for conducting training camps, the agricultural and harvesting seasons should be borne in mind. The frequent use of visual media, role-plays, games, slides and songs are preferred.

The government's initiative to train the women representatives of Gram Panchayat is to be appreciated. The training module worked out for the programme suits the present needs to a great extent. The programme was designed to be participatory and it was absolutely so. However, the importance of sanitation could be included as an integral part because the sanitation situation in rural India is highly unsatisfactory. Insanitation breeds and spreads communicable diseases which in turn cause morbidity and mortality. Imparting knowledge about hygiene and sanitation is thus essential. Emphasis also be laid on social evils such as untouchability, dowry system, child labour, child marriage and bonded labour.

The impressions about the programme

It may be too early to perceive a radical change but it is heartening to hear:

"We had power but were confused about its use. Training has helped us in clearing them."

"I have developed confidence to address all of

you. You have enlightened us about law and its usefulness".

"Though I am old (60), I never had an opportunity to address a group or even sit with a group. So, to talk was a big issue to me. But now I have overcome this fear because of training and here I am talking confidently to all of you".

Role of trainer

One logical derivation from this would be that the trainer has a significant role to play in making the representatives aware of their own rights and duties and to prepare them to shoulder their major responsibilities towards the masses. The trainer should be highly proficient and be able to revolutionise or rather transform the minds of women representatives to establish new social values devoid of misery, exploitation, corruption and domination and bring forth harmony because women's pressure can change traditional values. The trainer should build them up to think about alternatives and give impetus to develop collective and systematic thinking.

It is important that the trainer maintains constant contact with the field. Not much can be accomplished if 'trainers' suddenly appear on the scene, conduct 'training' and vanish. Such trends should be discouraged. What is necessary is to be one among them. For this links with established voluntary organisations with clear field knowledge is essential or the trainers themselves build rapport with the respondents by residing in the field for some period before conducting the training.

The trainer thus has a dual role of educator and a catalyst in the process of empowering women. Certain facts that emerged and are important from the training point of view are: a period of seven days is too long for the participants to attend and the participants find it difficult to attend a long residential training programme. The number of days, therefore, needs to be reduced. While selecting the period for conducting training camps, the agricultural and harvesting seasons should be borne in mind. The use of visual media, role-plays, games, slides and songs are preferred. Above all is the need of a well-equipped, eloquent and committed trainer to act as the pilot in regulating and speeding up the process of empowerment not forgetting the fact that the success of any programme to a large extent depends on the trainer's commitment. □

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“Reform from the bottom up” Rajasthan tribal women discuss Panchayati Raj Amendments

Dr Ginny Shrivastava

The Kotra block of Udaipur district, an interior tribal block bordering Gujarat, and Sirohi and Pali districts of Rajasthan is the field area of Astha Sansthan where organizing, training, and issue-based struggles have been going on for the last 6-7 years. The Bhil women are strong, sensitive, intelligent and alive. A few months ago, the author discussed with some of the women leaders there what they thought about the new Constitutional Amendments related to local self-government—in particular, what they thought about the increased women’s participation in Panchayati Raj institutions. The following is a summary of a rich and insightful discussion—one which gives hope for the Nation:

Question: Have you heard about the change in the law, by which women must now be at least 33 per cent of the persons elected to Gram Panchayats, Panchayat Samitis, and Zilla Parishads, and women will be 33 per cent of the leaders of these bodies—Sarpanch, Pradhan, Zilla Pramookh?

Gori Bai: No, we had not heard, but it’s great news! We are ready!

Moongli Bai: It is a step forward for our women’s rights, but we need even more equality—up to 50 per cent. But 33 per cent is all right as a start, I suppose.

Khemi Bai: Women need to come forward more—I think everyone will vote for women, men and women will both vote for women—I’m sure more women will vote for other women.

Kalu Bai: Women in Kotra are illiterate, but we know what their feeling is. I am sure all women welcome this new law. But we need full information and knowledge about Panchayats and other bodies. It may be that we cannot learn everything all at once, and we will make some mistakes just like a young bullock, when it is hitched to the plough for the first time to plough the field.

The furrow may go “this way and that” in a wiggly line at first (she waived her arm in the air to illustrate her point), but the new one learns, and soon the furrow is straight (the arm cut the air in a straight, definitive stroke). So too, we will learn.

Nappi Bai: We have to come forward—if not, the government will think that they gave responsibility to women and they did not take it up. We will come forward.

Question: What advantages for women and for the area will come when women are represented in greater number in Panchayati Raj bodies—what advantages for women, and what advantages for the community and for the area as a whole?

Chunri Bai: I think the problems of women will be heard more—we will go with our problems to the women representatives and they will hear us, more than men have done in the past. Women representatives will help to bring more development—some of the issues and concerns that men have not thought important, will now come out on the agenda—like chicken raising, or problems of teachers not teaching our children nicely.

Kesri Bai: Exploitation will be less, and women won’t be so exploited. We women, as elected representatives, will not exploit others—we will be honest. Now, if there are 10 names on the muster-roll of a JRY construction project, the situation is often that 5 names are of workers, and 5 are false imaginary workers whose wages are taken by the Sarpanch and other ward Panches. When we are there, 10 names on the muster-roll means that 10 people will be working! This will be a new and better situation. If anyone tries to stop us, we will not be stopped—we will continue to do what we think right.

Nathi Bai: Yes, we will be more honest—although we may have only Rs. 10 in our bag, and we are offered

GRASS ROOTS DEMOCRACY : CHALLENGES AHEAD

Rs. one lakh we will not take it—it is not ours. It is not right. Also, we will see about any laws not being implemented nicely, and put things right.

Question: What problems do you foresee when women will begin to come forward in greater numbers as candidates for Panchayati Raj bodies?

Homi Bai: People will laugh! Men will say that women cannot go running around to meet the police and all department people at any time of the day or night.

Badli Bai: But we have two hands and two eyes and we will meet any situation, we have *himmat* (confidence) that we can do this work.

Kalu Bai: Men will say: "We men are doing the work; what is the need for women to come forth." But we will answer them that we will do better work than you. We will not take bribes, and we will not give bribes to department people."

Tezki Bai: Men may say to those of us who will stand for election and get elected: "You go out, I do not need you any more." But (and she laughs), it is a false threat—when the children are small, men cannot even clean up them when they urinate or dirty the floor: Nothing will happen.

Kesri Bai: Men will try to stop women from attending meetings. But slowly, men will understand—just as when we started going to women's meetings in our villages, men objected, but now they don't. They see that we do all our work, and look after our children, before going to the meetings. It will be like that—we will not neglect our children, and men will slowly understand.

Reshmi Bai: Yes, it takes a new kind of understanding, but it can come. Like this year, our son did not come home for "Rakhi". Everyone was criticizing him, but I helped others to understand that he did not come because of work and responsibility he had where he was. There are many sisters in this country—he will be making sisters and celebrating "Rakhi" wherever he is.

Question: What help or preparation will you need in order to do this new work?

Moongli Bai: We have not done all this before. We will need full knowledge and information. We will need to know what to do and what not to do; how to fill forms and how to handle money.

Reshmi Bai: We will need this information in Kotra—we do not have money to go to the district headquarters and far-away places to learn about all this.

Kalu Bai: First, we need to make the women ready to vote for women and not for men. Usually, we are told how to vote by our menfolk. But we will help the women to learn that they must not let others control their vote. We will help them to learn how to let on (if forced to do so), that they are voting for the person of their husband's choice, but, in fact, secretly, vote for their choice. Women will vote for women.

Question: That is okay if, as you imply, women are running for election against men candidates. But there is some talk that the government will select one-third of the wards and Gram Panchayats, and designate which ones must have women Sarpanches, and likewise, select in a district, one-third of the blocks which must have women Pradhans, and in the State, which districts must have women Zilla Pramookhs. Then, for these leadership posts, women would be standing for election against other women. How will that be?

All: Oh no, that will never do!!

Moongli Bai: We want no voting against women. No. Before the election, everyone will decide who is the best person, and only one woman will come forward to stand for election. No voting against women.

Hopefully, these wonderful women are representatives of the strength of this Nation presently locked up in the villages, *bastis*, and hamlets of the country. You can hear from them, that they are ready to address the fundamental issues of political life in India today.

Corruption— "exploitation will be less",
"we will be more honest".

Public persons— "there are many sisters in this country—he will be making sisters wherever he is".

Consensus politics— "only one woman will come forward to stand for election".

I think they are on the right track. At first, the furrow ploughed may be a little wavy, but they have affirmed that they can do it!

"Reform from the bottom up"—and the sooner, the better! □

● The author is Co-ordinating Director of Astha Sansthan, Udaipur, Rajasthan.

Women in rural local government

Snehalata Panda

Orissa has 76,789 Panchayat wards represented by 25,000 women. A most significant aspect of the 1992 Panchayat election was the provision for reservation of one-third of seats for women. It was also extended to ST/SC women in their respective reservation categories. The Orissa Gram Panchayat Act, 1964 was amended to include a provision that if a male is elected as Sarpanch, then the office of the Naib Sarpanch shall go to a woman and vice versa. A similar Amendment was incorporated for the offices of Chairman and Vice-Chairman of the Panchayat Samitis. These provisions far surpass the provision for reservation of seats for women in the rural local bodies in any other State in India.

Reservation of one-third of seats for women in the local bodies in Orissa is intended for (1) Political empowerment of women, (2) Removal of isolation of women in the village political system and (3) Changing the quality of village leadership. Women's entry into the village political system would ensure change in the political system of the village, the familial and social perceptions of the role of women and develop grass roots leadership among women. At the Gram Sabha and Panchayat levels a new leadership would emerge which is expected to administer better the financial resources and would provide constructive thinking in village administration and its development.

The problem

But sceptics viewed that getting women for the reserved posts would be difficult in a State where traditional notions about the status and role of women have a firm grip in the village cultural milieu. There are too

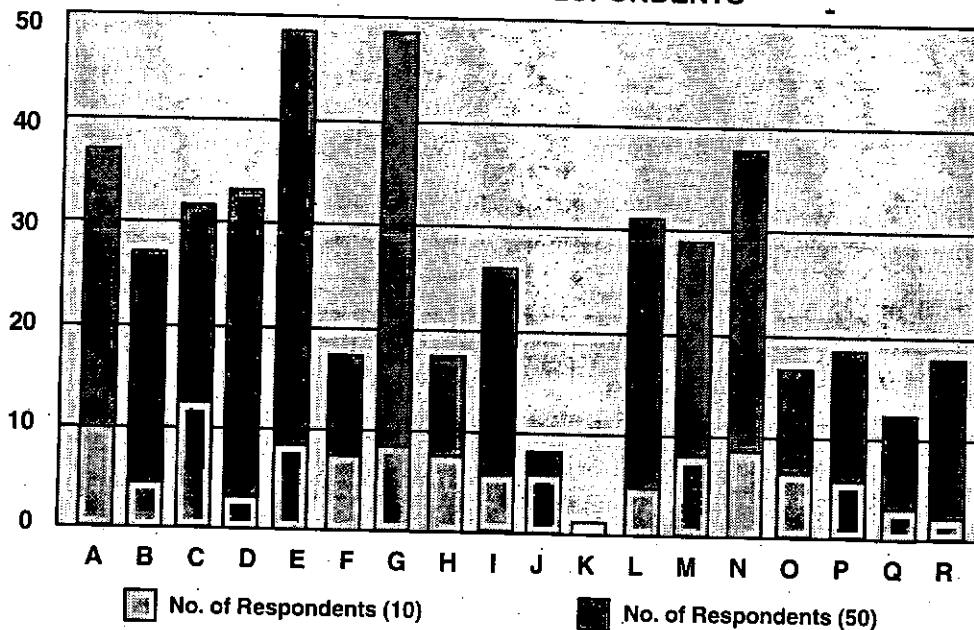
many structural and cultural odds which raised doubts about inducting women to the village local bodies. Some of these are:

A study conducted by the author has revealed that women's entry into the rural political system would ensure change in the political system of the village, the perceptions of the role of women and develop grass roots leadership among women. The uproar of difficulty in locating women to participate in election is unfounded. The author is optimistic about the emergence of a new leadership which would provide constructive thinking in village administration and ensure effective financial management.

- (1) Women are adversely affected by the caste and class divisions, feudal attitudes, patriarchal nature of the family and village social environment, ethnic and religious separatism, etc.
- (2) Women have to share responsibilities of village administration in addition to their responsibilities in the family and the farm. There is no culture of sharing of household work among men.
- (3) The myth that women after becoming the members of rural local bodies will disturb the harmony of home and family life is still predominating.
- (4) The family work schedule would be disturbed as there would not be fixed hours of work because women representatives have to attend to people's problems.
- (5) Women would not be physically secure when they will go out to attend Panchayat meetings or problems of the people. No villager would reconcile with the odds that women would face after becoming members of the rural local bodies. Therefore, women would not get co-operation from men.
- (6) They would not be free from male dominance in the administration of the village and therefore, no substantial change could be brought about.
- (7) The power equation in the village would not change because power would remain within the same family. The political recruitment policy in

GRASS ROOTS DEMOCRACY : CHALLENGES AHEAD

Figure-1
BACKGROUND OF THE RESPONDENTS



A - Rs. 5000-10,000 B - > Rs. 10,000 C - Upto 8 Hrs D - > 8 yrs. E - Regular F - Occasional
 G - 8 Hrs H - < 8 Hrs I - Primary J - Secondary K - Graduate L - Illiterate
 M - 3 Children N - > 3 Children O - Dwelling House P - Land Q - Cattle R - No Assets

Orissa was rarely free from nepotism. The selection of candidates in the villages too, will be of the same pattern as in the Assembly elections. Choice being limited in the villages, selection of candidates would be within the circle of the influentials. Therefore, selection of candidates would not be on the basis of merit.

- (8) Most women do not have freedom of choice in family or farm decision-making. Therefore, in the Panchayat administration their choice would be limited to the choice of the male members mostly the husbands or adult children.
- (9) Traditional concepts of gender roles in the family is so firm that the women representatives would engage themselves in household work as usual and the men in their families would discharge the political responsibilities on her behalf.
- (10) Women in Orissan villages suffer from a lower self-image because of social subjugation and lack of economic independence. Added to these they lack in formal education and knowledge of public affairs. Therefore, they would not like to burden themselves with the task of village administration. They are scared of being isolated in the family where traditional notions about the role of women still persist.
- (11) A majority of the women are employed in the

unorganised sector. They do not possess assets. Quite a few of them have to look after their families alone as the male members usually remain absent due to migration. Therefore, women would contribute but little to village administration.

- (12) The Panchayats are not free from the evils of party politics, *goondaism*, corruption and all other problems which have cropped up in electoral politics in India. The Panchayat accounts are often cooked up. Meetings are infrequent but minutes are prepared to overcome audit objections. These practices have been in vogue for a long time and the entry of women will not bring about any change.

Study design

In order to verify some of the structural and cultural odds restraining women's participation in public affairs and negative arguments for empowering women, a modest attempt was made to investigate the situation in selected villages of five Panchayats of Berhampur town in the district of Ganjam in Orissa. The investigation was conducted in two stages. First was immediately after the election and the second was after nine months of the first survey. In both the stages the responses were obtained from the same sample group of Sarpanches, Naib Sarpanches and ward members. But there was slight variation in the composition of villagers though the

Figure - 2
DECISION-MAKING IN HOUSE RELATED ACTIVITIES
 NO. OF RESPONDENTS = 15

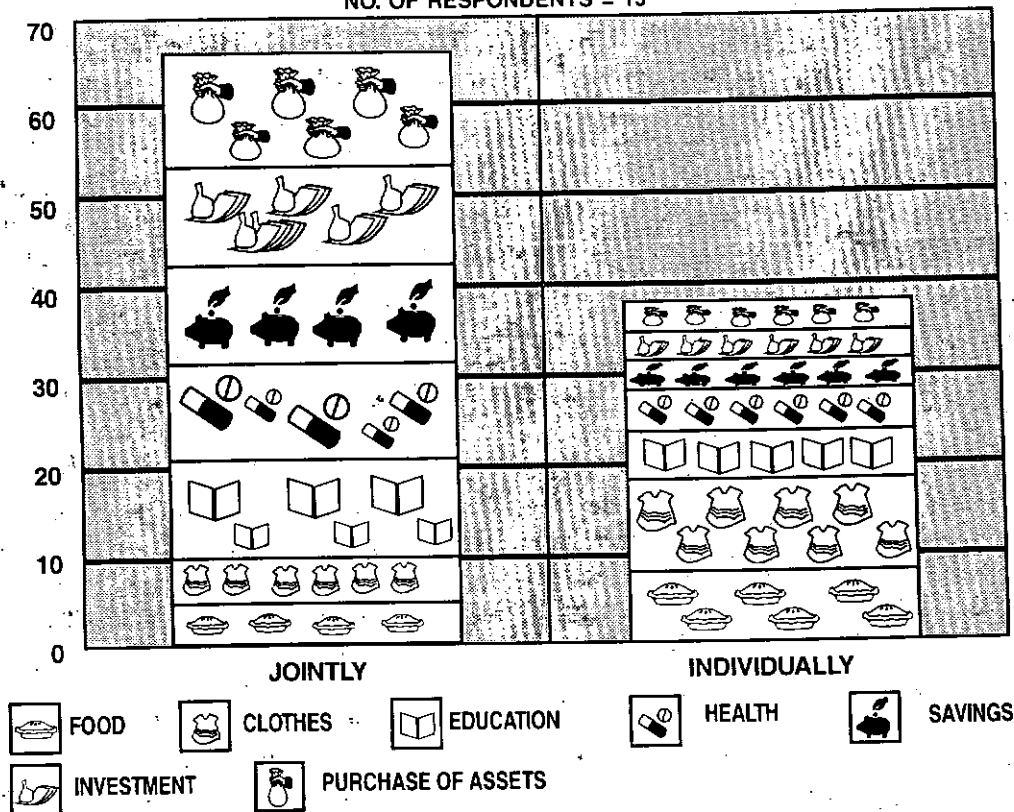
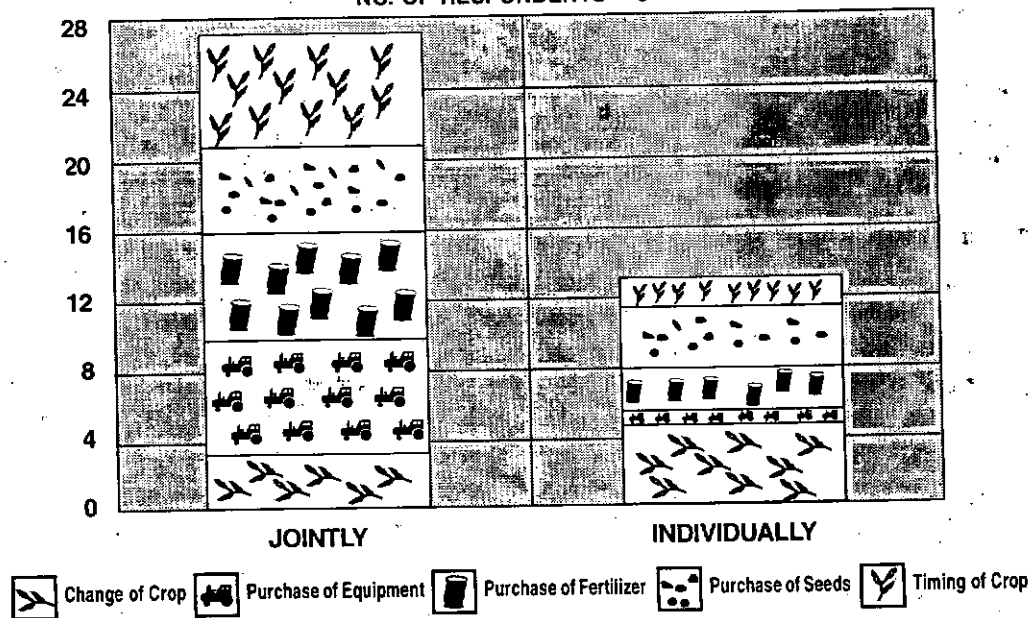


Figure - 3
DECISION-MAKING IN FARM RELATED ACTIVITIES
 NO. OF RESPONDENTS = 8



number remained the same, ie 50. The total number of respondents was 65 out of which 15 were elected representatives. Among the 50 respondents 26 were female and 24 were male.

The background of the respondents (representatives) reveals that a majority of them are not well placed economically. Even those who possess land have difficulty in meeting the expenses of their family round the

year. Most of them spend nearly eight hours in household work which is in addition to their work outside. It is rather encouraging that 11 of them are educated. It also reflects the preference of the voters for educated women. In the other category (non-representatives) too, the income level is low. A majority of them spend more than eight hours in their places of employment. Their education level is not discouragingly low. Personal interaction revealed that they were well informed and have a keen sense of perception about the problems faced in their respective villages.

Figure-2 shows that the women representatives prefer to decide jointly in matters relating to their family and children. In the preparation and purchases of food materials they enjoy considerable freedom. Individual preference is indicated by as many as 10 respondents in the purchase of cloth. Joint decision is taken when bulk purchases are made. In educating their children ten respondents have indicated that both the parents take decision jointly whereas in five cases women have themselves decided to educate their children. As regards health and savings joint decision is taken by ten respondents but in other five cases women take the decision. Matters like investment and purchase of assets are decided jointly by 12 respondents. As indicated by them women enjoy less freedom in making investment and much less of it in the case of purchase of assets.

Decision-making in farm related activities indicates that most of the important decisions regarding timing of crop, purchase of equipment, fertiliser, seed, etc are taken jointly. Where the decision was taken individually it was the male member of the household who decides important matters relating to the farm. In such cases women did not feel marginalised because they think that it is less risky if men take such decisions.

Inferences and indications

In all these villages young women in the age group of 28-40 represented the ward. The two women Sarpanches and three women Naib Sarpanches were also young women except one woman who was 50 plus. Three of them belonged to the middle class and two were not having any perennial source of income. In these villages, on an average, five women contested for a ward/Sarpanch/Naib Sarpanch in the last election. They attributed their electoral success to their family members. Usually, a male member in their family persuaded them to contest the election. The female members had a positive attitude except in one village where a young woman was not permitted by her parents to contest the election. But her brother persuaded the parents and she was encouraged to contest.

After their success in the election they were overjoyed and their family members were also happy. They felt scared to attend the first meeting of the Gram Sabha. In two villages, they were escorted by the male members of their family. But in subsequent meetings they came unescorted. In the first three or four meetings they were passive listeners during the discussions. But in subsequent meetings they raised several issues. In one village, one of the women members was irregular in attending the meetings but whenever she attended, she raised several issues particularly employment in the village. During the meetings issues like water problem, communication, upkeep of the village forest and grazing ground for cattle, supply of commodities in the fair price shop, round the year employment, setting up of primary health centre and repair of school building, etc were raised. The women Sarpanches conducted the meetings effectively.

In the second phase of the study it was encouraging to observe that women representatives were more enthusiastic and happy with their performance. They succeeded in solving many problems of their villages. They approached the officials concerned several times for expressing their problems. The officials also had a favourable response to their demands. They got the money sanctioned in time for repair of the schoolhouse in three villages, digging of wells in two villages, repair of the road and supply of food to the school children. They were proud that they could get the work done which were pending for several years.

As indicated in Figure-4, six of the women members were attending the meetings regularly and four were attending occasionally. These four women were comparatively poor and had to work outside most of the time. But in the second stage of the survey all except one were attending the meetings which indicates their enthusiasm.

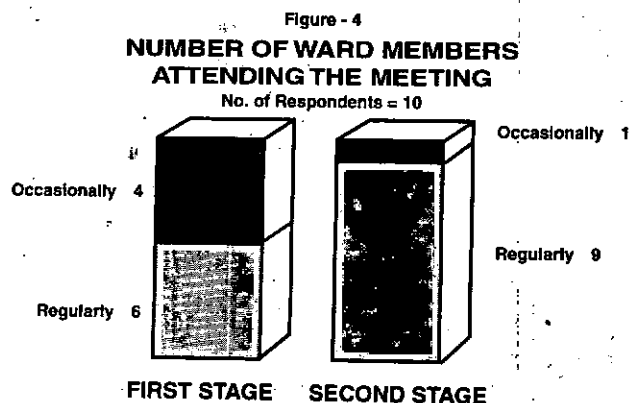
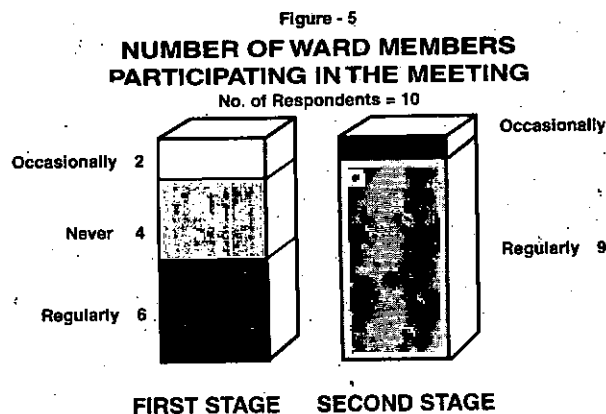


Figure-5 shows that women representatives have considerably increased their participation skills as nine out of 10 respondents were regularly participating in the discussions. This is a record achievement of the village women whose capabilities were doubted because of their lack of awareness and knowledge in public activity.



A favourable attitude

The responses from the villagers other than the representatives revealed that the villagers have a positive attitude towards reservation of seats for women in political bodies. There seems to be no male-female dichotomy in their attitude. Men favourably viewed the entry of women to the Panchayats. Twenty per cent of the women respondents were not satisfied with the participation of women in the village affairs. They were the mothers of defeated candidates in the polls. Sixty per cent of the male relatives of the female representatives co-operated in discharging issues on village administration and its problems. The Sarpanches and the Naib Sarpanches were also helped by their male relatives and predecessors. Neither the men nor the women thought that such co-operation was interference or dominance in the Panchayat affairs. Seventy per cent of the respondents stated that it was a process of mutual help. In subsequent meetings the women independently conducted the affairs. But none of the males helped them in house work or farm work except in two cases. Out of these, one man was working as a teacher and in another case the husband of a ward member held the ward member's post earlier. *The myth that women will not participate effectively due to assetlessness, illiteracy and ignorance does not hold good in these villages. It was the interest of the family, their own interest and consciousness about the problems of the village which motivated them to participate even though it was a totally new experience for them.*

Conscious about family planning

A most encouraging finding in the second phase of the study was that women were conscious about the increasing burden of a large-sized family. Many of them had undergone sterilisation after three or four children. Previously they were scared of it and did not allow the family

planning authorities to their village liberally. But an increasing number of women volunteered in one village to have sterilisation. The males were either not willing or they were scared of the propaganda that they would become weak if they go in for vasectomy. The change among the women was due to the efforts of the Naib Sarpanch who herself took the lead by undergoing the operation. Another noticeable change was the community feeling surpassing the caste and creed barriers. The woman Sarpanch in one village could mobilise all the villagers to attend a ritual which was restricted to a single caste in the village. The villagers have accepted her leadership who they say helped a lot in the development of the village by getting funds for digging up a well and setting up a high school in the village. In the first stage of the study, the women were not forthcoming to express their views about family planning, caste division, women's participation in public affairs, etc. But in the second phase respondents were enthusiastic to answer almost all the questions which were put to them. Most of them linked their poverty to the number of children. They had an interesting argument that children do not look after their parents or add to their income. Earning children do it for their own upkeep. After their marriage they do not look after their parents. Hence giving birth to children with the hope for their support in old age is meaningless.

Spectacular change: The changes in these villages are spectacular and the entry of women into the village affairs is mostly responsible for that. It indicates that women are willing to hold Panchayat offices, have a pragmatic approach to the problems of the village. *The uproar of difficulty in locating women to participate in election is rather unfounded.*

Conclusion

Women representatives included in the present study are apparently ambitious and assertive. An encouraging number of them are from non-political background. But they are aware of the problems of their respective localities. They dispassionately judged the situation and this was evident from their perceptions about family and firm decision-making, co-operation in the family and the community. They operate in a system of cohesiveness and division of work in the family or outside is not reflected in their performance in the local bodies which portends far-reaching changes in the social structure, perception about gender roles and attitudes relating to the dichotomy of private and public activity. It is too much to expect radical changes in the political practices which have taken deep root in the village political system. The study is circumscribed by survey of limited data but the findings indicate positive changes. An extensive survey would throw more light on the subject and probable direction of change. □

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Panchayati Raj : the Constitutional perspective

A.K. Dubey

Local government is a subject included in the State List under the VII Schedule to the Constitution. Article 40 of the Constitution which enshrines the idea of the village government reads as follows:

“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.”

Though the Article formed part of the Directive Principles of State Policy, no legislation was enacted to implement it.

The genesis

Balvantray Mehta Committee: The launching of a nation-wide community development programme for the all-round economic development of the rural areas necessitated an institutional mechanism to involve the local communities in the process of development. The Study Team on Community Development and Panchayati Raj—popularly known as the Balvantray Mehta Committee (1957)—recommended the establishment of a three-tier Panchayati Raj system with the middle tier, viz Panchayat Samiti, being the key level in the scheme of decentralization. The Samiti's jurisdiction was to be coterminous with that of a community development block, the members being directly elected. This system envisaged that the Pradhans of the Panchayat Samitis would together constitute the Zilla Parishad with the Collector/Deputy Commissioner as the Chairman. The Parishad was visualised as an advisory body at the district level. The village Panchayats would constitute the lowest level in the three-tier structure. Accordingly, most of the States had enacted their legislation on Panchayati Raj. While the Balvantray Mehta pattern was generally followed in most States, there were some local variations in accordance with the local needs and perceptions. For example, Maharashtra and Gujarat gave primacy to the

district tier by having strong Zilla Parishads with considerable administrative powers. Nevertheless, the idea of decentralization of political and administrative powers did get across the decision-makers.

Set-back: The first experimentation in Panchayati Raj was not encouraging. The flow of funds to the blocks for development reduced to a trickle after the close of the intensive stage of the community development programme. In many States, PRIs had to await elections for too long. In some States, parallel bodies at the district level sprang up which adversely affected the role of the PRIs in development, planning and implementation.

Ashok Mehta Committee: It was in this context that the Ashok Mehta Committee was set up to examine the entire issue afresh. The Committee's report (1978) re-emphasised the importance of Panchayati Raj, but in a significant departure from the Balvantray Mehta Committee's suggestions, recommended a two-tier structure—Zilla Parishad at the district level and Mandal Panchayat for groups of villages with a population of 20,000 to 30,000 below the *taluk* level with the Zilla Parishad as the key level. It also recommended that the district should be the first point for decentralisation under popular supervision below the State level and favoured the official participation of political parties at all levels of Panchayat elections. Though no action could be taken on the recommendations of the Ashok Mehta Committee at the Central level, three States—West Bengal, Andhra Pradesh and Karnataka—took steps to revitalise Panchayati Raj keeping the Zilla Parishad as the most important level and delegating substantial powers and functions to the PRIs.

G.V.K. Rao Committee: The G.V.K. Rao Committee appointed by the Planning Commission to review the existing administrative arrangements for rural development (1985), strongly recommended the revival of the PRIs so that greater responsibilities of the planning,

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implementation and monitoring of the rural development programmes could be assigned to them. It also contemplated delegation of State's planning functions to the decentralized planning units at the district level.

L.M. Singhvi Committee: The Government of India then set up a Committee in June, 1986 headed by Dr L.M. Singhvi to prepare a concept paper on the revitalisation of the PRIs. The Committee recommended that the PRIs should be Constitutionally recognised, protected and preserved by the inclusion of a new Chapter in the Constitution. It also suggested Constitutional provisions to ensure regular, free and fair elections to the PRIs.

64th Amendment Bill: The Government of India brought in the Constitution (64th Amendment) Bill, which was passed by the Lok Sabha on 10 August, 1989. This was a comprehensive Bill covering vital aspects of the PRIs including the constitution of a uniform three-tier Panchayati Raj system at the village, intermediate and district levels in all the States and Union Territories (UTs) having a population of not less than 20 lakhs; reservation of seats for SCs, STs and women; guaranteed term of five years for the Panchayats at all levels and election within six months in case of dissolutions ahead of schedule; specific powers, authority and responsibility to the PRIs; addition of a new Schedule (XI Schedule) to the Constitution indicating an illustrative list of subjects the functions on which could be entrusted to the Panchayats; conduct of election to the Panchayats by the Election Commission, etc. Although, the Lok Sabha passed the Bill, it was not approved by the Rajya Sabha.

Fresh initiatives: In 1990, the issues relating to the strengthening of the PRIs were considered afresh. It was brought up before a conference of Chief Ministers held in June, 1990, presided over by the then Prime Minister. The conference endorsed the proposals for the introduction of a fresh Constitution Amendment Bill. Consequently, the Constitution (74th Amendment) Bill was introduced in the Lok Sabha on 7 September, 1990. This Bill, however, was not even taken up for consideration.

Historic enactment: This matter was considered once again in 1991. The Constitution (72nd Amendment) Bill, 1991 was introduced on 16 September, 1991 which was subsequently referred to a Joint Select Committee of Parliament in December, 1991 for a detailed examination. The Joint Committee presented its report to Parliament in July, 1992. The Constitution (72nd Amendment) Bill was finally passed by the Lok Sabha on 22 December, 1992 and by the Rajya Sabha on 23 December, 1992. Seventeen States ratified the Act in a record time. The President of India accorded his assent on 20 April, 1993

and the Constitution (73rd Amendment) Act, 1992 came into effect on 24 April, 1993.

Salient features of 73rd Amendment Act

The Constitution (73rd Amendment) Act provides for establishment of three tiers of Panchayats as units of local self-government. It also contains provisions regarding regular elections to Panchayat bodies, setting up of a State Election Commission and a State Finance Commission, reservation for SCs, STs and women, enabling provisions for reservation for Backward Classes of citizens, etc. Adequate powers and responsibilities will have to be devolved upon these institutions at appropriate levels to enable them to prepare and implement the schemes for economic development and social justice.

Gram Sabha: The Gram Sabha has been envisaged as the foundation of the Panchayati Raj system. It shall perform such functions and exercise such powers as may be entrusted to it by the State legislatures.

Three-tier system: There shall be three tiers of Panchayats at the village, intermediate and district levels. Only States having population not exceeding 20 lakhs have the discretion not to constitute the Panchayats at the intermediate level. Under Article 243 L, the President can make special dispensation for Union Territories.

Direct elections: All seats in a Panchayat at every level are to be filled by direct elections from territorial constituencies demarcated for this purpose, with the ratio between the population of such constituency and the number of seats allotted to it being the same throughout the Panchayat area.

Reservation of seats: There shall be reservation of seats at every level for SCs/STs in proportion to their population in a given Panchayat area and for women to the extent of not less than one-third of the total number of seats. Similarly, office of the Chairpersons in the Panchayats at each level shall be reserved for women, to the extent of not less than one-third of the total number of office of Chairpersons in the Panchayats at each level, and, for SCs and STs in proportion, to the total number of Chairpersons of Panchayats at each level as the population of SCs/STs in the State bears to the total population of the State. In addition, the legislature of any State can make provision for reservation of seats in any Panchayats or office of Chairpersons in the Panchayats at any level in favour of the Backward Classes.

Five year term: The term of office of Panchayat at every level shall be for five years and if dissolved earlier or on expiry of the term, elections must be completed

within six months from the date of dissolution or expiry.

Finance Commission: Within one year from 24 April, 1993 ie, the coming into effect of the Constitution (73rd Amendment) Act, 1992 and thereafter, at the expiration of every fifth year, a Finance Commission shall be constituted in every State to go into the principles governing the distribution and devolution of financial resources between the State and the Panchayats at every level and the measures to improve the financial position of the Panchayats.

State Election Commission: The direction and control of the preparation of electoral rolls and the conduct of all elections in the Panchayats shall be vested in a State Election Commission, to be constituted by the State concerned.

Eleventh Schedule: Finally, the XI Schedule comprising 29 items has been added to the Constitution which ought to provide an effective role to the PRIs in the planning and implementation of works of local significance ranging from drinking water, agriculture, land and water conservation to communications, poverty alleviation programmes, family welfare, education, libraries and cultural activities, maintenance of community assets, etc.

States & areas kept out of the Act: The Constitution (73rd Amendment) Act, 1992 does not apply to the States of Meghalaya, Mizoram and Nagaland and certain other areas as specified in the Article 243 M. These areas include Scheduled Areas under Article 244(1), tribal areas under Article 244(2), hill areas of Manipur for which District Councils Act exists and the district of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists. It is interesting to note that the hill areas of Manipur which comprise the entire State except the three valley districts of Imphal, Thoubal and Bishnupur are neither covered by the V Schedule nor by the VI Schedule to the Constitution.

Article 243 M(1) stipulates that part IX of the Constitution would not apply to the tribal areas where provisions of the VI Schedule are applicable. These areas are as follows:

- (a) North Cachar Hill district and Mikir Hill district of Assam;
- (b) Khasi Hills, Jaintia Hills and Garo Hills district of Meghalaya;
- (c) Tribal areas of Tripura; and

- (d) Chakma district, Lakher district and Pawi district of Mizoram.

Article 243 M(1) also stipulates that the provisions of part IX of the Constitution would not apply to the Scheduled Areas which are notified under the V Schedule to the Constitution. Only eight States have the Scheduled Areas. They are as follows:

- (a) **Andhra Pradesh:** Certain specified areas of (i) East Godavari, West Godavari and Visakhapatnam Agencies, (ii) Mahbubnagar taluk (Mahbubnagar district), (iii) Adilabad, Kinwat, Boath, Utnur, Saifabad, Lakshatipet, Rajura and Sirpur taluks of Adilabad district; and (iv) paloncha, Mulug and Yellanadu taluk of Warangal district.
- (b) **Himachal Pradesh:** (i) Lahaul and Spiti, and Kinnaur districts; and (ii) Pangi tahsil and Bharmour sub-tahsil of Chamba district.
- (c) **Bihar:** (i) Ranchi and Singhbhum districts; (ii) Latehar subdivision of Palamu district; (iii) Bhandaria block of Garhwa district; (iv) Dumka and Jamtara subdivisions of Santhal Paragana district; (v) Pakur and Rajmahal in Sahebganj district; and (vi) Boarjor and Sunder Pahari blocks of Godda district.
- (d) **Gujarat:** (i) Dangs district; and (ii) Certain specified areas in Surat, Bharuch Valsad, Panchmahels, Vadodra and Sabarkanta districts.
- (e) **Madhya Pradesh:** (i) Jhabua, Mandla, Surguja and Bastar districts; and (ii) Specified areas in Dhar, Khargone, Khandwa, Ratlam, Betul, Seoni, Balaghat, Hoshangabad, Raigarh, Sidhi, Bilaspur, Durg, Rajnandgaon, Raipur and Chhindwara districts.
- (f) **Orissa:** (i) Mayurbhanj, Sundargarh and Koraput districts and (ii) Specified areas in Keonjhar, Ganjam, Kalahandi and Baleswar districts.
- (g) **Rajasthan:** (i) Banswara and Dungarpur districts; and (ii) Specified areas in Udaipur, Chittaurgarh and Sirohi districts.
- (h) **Maharashtra:** Specified areas in Thane, Nasik, Dhule, Jalgaon, Ahmednagar, Pune, Nanded, Amravati, Yavatmal, Gadchiroli and Chandrapur districts.

Interestingly, the Scheduled Areas and the tribal areas are, in fact, the metamorphosed transplantation of the concept of the "Partially Excluded Areas" and the "Ex-

cluded Areas" as contained in the Government of India Act, 1935 which were regarded as culturally backward areas.

The reality: The idea of distinctly different dispensation for these areas can hardly be disputed because these tribal areas had their own indigenous pattern of governance which was not confined to the social and customary regulation but extended much beyond to include dispensation of justice and social response to the individuals' behaviour and this process eventually upheld the tribal social values. The basic intention of this concept, therefore, is to preserve and protect the customary rights of these traditional groups or societies and yet afford to them the fruits of development. This perception seeks a complementarity between the tribal social processes and the development administration. But the picture that obtains in real life is tangential to these postulates; reality speaks only of exploitation and consequent misery and deprivation of the tribals.

Legislation for Scheduled Areas

Uniform application: The legislation on Panchayati Raj of the States of Andhra Pradesh, Bihar, Himachal Pradesh, Gujarat, Maharashtra, Madhya Pradesh, Orissa and Rajasthan uniformly applies to the entire State and no exception has been made for the Scheduled Areas. This has been viewed by many as a forcible application of the legislation to an area to which it does not apply automatically.

Here it can be argued that the application of law is one of the recognized forms of legislation. The power to apply laws is really to bring into legal effect the sections of an Act as if the same Act has been enacted in its entirety. Law can be made by referring to a statute or by citing a statute or by incorporating a statute or provisions or part thereof or any piece of legislation as the law which shall apply. The Governor has full powers to make regulations which are laws and just as Parliament can enact that piece of legislation which will apply to a particular State, the Governor can similarly apply the law/provisions as specified in modifications by him to a Scheduled Area under clause 5 of the V Schedule to the Constitution¹.

Governor's power: While pondering over this issue, the powers given to the Governor in the V Schedule have also to be kept in view. Clause 5(1) of the V Schedule to the Constitution provides that the Governor may, by public notification, direct that any particular Act of Parliament or of legislature of the State shall apply or shall not apply, with such exemptions and modifications

as may be specified, to the Scheduled Areas or to any part thereof. It is obvious that the new Panchayati Raj legislation passed by the respective States can be straightway extended by the Governor of the State concerned to the Scheduled Areas with such modifications as may be deemed necessary, after consulting the respective Tribal Advisory Councils.

Clause 5(2) of the V Schedule provides that the Governor may make regulations for peace and good government for any area in the State which, for the time being, is a Scheduled Area. This provision is, therefore, contained in the Constitution to cater to the need of peace and good government in these areas and in this regard the Governor alone can decide its necessity². The Governor's power in this regard has been interpreted to be extensive. His power to legislate extends to all the three lists of the VII Schedule to the Constitution.

Restriction: The only restriction on the exercise of powers conferred under clause 5 of the V Schedule is that the regulation must be in prior consultation with the Tribal Advisory Council if there is any such Council and should be submitted for the President's assent. Without the President's assent a regulation under Clause 5(2) would not have any effect³.

Universal application: Article 245(1) of the Constitution provides that an Act of Parliament or the State legislature applies of its own force, to the whole of the territory of India or the State, as the case may be. Clause 5 of the V Schedule to the Constitution is an exception to this generality. So long as the Governor does not make any exception, the general Act would apply to areas referred in the V Schedule⁴.

Therefore there is no difficulty in straightway making the general Act of the State applicable to the entire territory of the State including Scheduled Areas.

The alternative

While this is the substantive position obtaining from the V Schedule, the provisions contained in Article 243 M (4) (b) empower Parliament to extend by law, the provisions of Part IX of the Constitution to the Scheduled Areas and the tribal areas referred under Article 243 M(1) subject to such exceptions and modifications as may be specified in such law and no such law shall be deemed to be an Amendment of the Constitution for the purpose of Article 368.

Legislation proposed: In June, 1994, the Government of India in the Ministry of Rural Development constituted a Committee of select MPs and Experts to

make recommendations on the salient features of the law for extending the provisions of Part IX of the Constitution to the Scheduled Areas. This Committee submitted its report in January, 1995. It favours legislation by Parliament under Article 243 M (4) (b) of the Constitution⁵.

When analyzed in its entirety, the intention of the Constitution appears to be to extend to these areas suitable measures to be evolved after considering the special circumstances prevailing there. This could be achieved by the special provisions to be introduced by the Governor under Clause 5 of the V Schedule to the Constitution or through a Central law to be passed by Parliament under Article 243 M (4) (b). This intent of the Constitution does not appear to have been adequately appreciated by the States because Governors have rarely exercised the powers under Clause 5 of the V Schedule.

This prompts the perception that Parliament should legislate under Article 243 M (4) (b) although it sounds paradoxical that a Central law for decentralization is favoured.

References

1. Ram Kirpal Bhagat v. State of Bihar, 1969-3SCC 471.
2. Chhaturam v. Commissioner of I.T., 1947 FLJ 92.
3. Jatindra v. Lala Prasad A 1956 Pat 496.
4. Nil Madhab v. State, A 1955 OR 317.
5. Committee of Select MPs and Experts to make recommendation on the law for extending the provisions of the Constitution (73rd Amendment) Act, 1992 to the Scheduled Areas, Report, 1995. □

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(Contd. from page 79)

- (1) What to evaluate at the district level?
- (2) When to evaluate?
- (3) How to evaluate?
- (4) Who is to take up the work of evaluation? and
- (5) How evaluation could become a concomitant to planning at the district level?

References and notes

1. Metcalfe, L. & Richards, S.: *Improving Public Management*; European Institute of Public Administration, Sage Publication India Pvt. Ltd.; New Delhi; 1987 (pp. 30-33).
2. Vidyarthi, L.P. & Sahay, B.N.: *Applied Anthropology and Development in India*; National Publishing House Pvt. Ltd., New Delhi; 1980 (pp. 34-37).
3. *Report of the Committee for Training in Evaluation*; Programme Evaluation Organisation; Planning Commission (Government of India); New Delhi; 1979 (pp. 6-8).

4. *Report of the Working Group on District Planning*; Planning Commission (Government of India), 1984 (volume I, p. 4).
5. *Eighth Five Year Plan (1992-97)*; Planning Commission (Government of India); 1992, volume I.
6. Shah, M.H.: Reporting an Evaluation Study: *Nirnay*; Vol. 3, No. 1; March 1988; a Journal of Sardar Patel Institute of Public Administration, Government of Gujarat, Ahmedabad (pp. 3-5).
7. Including economic and infrastructural.
8. Modified version of the paper on, "Evaluation in Health Planning at District Level" written by the author for a seminar on District Health Management System, Puri (Orissa): 1993. □

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Gram Sabha in Karnataka : a non-starter?

Dr G.V. Joshi

The central purpose of this paper is to bring out as to whether the Gram Sabha has been an active body in Karnataka so far and to what extent it can emerge as primary democracy in action in future.

Since the inauguration of the First Five Year Plan, the main theme of the development process has been the problem of associating the people at the grass roots level with planning decisions and their implementation. It should be emphatically stated that labour is one of the biggest assets that India possesses; farming is still the biggest single occupation and the question of people's participation in the process of planning is the major pre-occupation because popular participation is to be treated as an investment in institutional democracy.

Gram Sabha

The Constitution (Seventy-third Amendment) Act, 1992 has recognised the Gram Sabha as a statutory unit. It is defined as a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level. However, it should be noted that the institution of Gram Sabha has been in existence in Acts, if not in action, since 1947 in many States. After making a study of functioning of the Gram Sabhas in various states The Diwaker Team in 1963 made the following observation:

"Our experience is that even in those States where the institution of the Gram Sabha has been introduced by Statutes as early as 1947, it cannot be said that the institution has been functioning there in any real sense of the term. Generally, these Gram Sabha meetings are thinly attended, and a quorum is seldom achieved".

Gram Sabha : Maharashtra's experience

The significance of the Gram Sabha was recognised in Maharashtra as early as 1959. The Bombay Village Panchayat Act of 1959 provided for a minimum of two

meetings of the Gram Sabha to be held in a year. It was obligatory on the part of the Panchayat to place before the Gram Sabha the annual statement of the accounts, the report of the administration of the preceding year, the development and other programme of work proposed for the year under consideration, the audit notes and replies thereto. In order to see that the democracy at the grass roots level was made more real, it was specifically provided that the Panchayat should consider the suggestions made at the Gram Sabha meetings. The significant role that the Gram Sabha could play in Maharashtra can be understood from the fact that the Maharashtra Land Reforms Review Committee recognised it even in the vital matters like the complementation of Tenancy Acts. Surprisingly, at a time when in the neighbouring State the Gram Sabha was emerging as a vigilant body, in the erstwhile Mysore State it was not given even a statutory status. The Karnataka State Village Panchayats and Local Boards Act, 1959 did not contain any term like Gram Sabha at all. It provided for a meeting of all the adults in the village once or twice a year to consider and approve the village Panchayat's administrative reports and budgets. But no fixed quorum was provided in this Act. The relevant provision reads as follows:

"Panchayat shall convene in such manner and at such time as may be prescribed by a meeting of the adult residents of the village and the statement of the accounts together with the report on the administration for the preceding year and the programme of the work proposed for the following year shall be read out and explained at such meeting."

There was nothing in the Act to state that the suggestions or proposals of the meeting of the adult residents were to be accepted by the Gram Panchayat. Certainly, the concept of Gram Sabha was a non-starter because the concept as such did not exist. Padmanabha's study clearly shows that the meetings of the village adults did not serve any purpose due mainly to poor attendance, indifference

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on the part of the village adults and the routine manner in which they were conducted.

Gram Sabha in 1985 Act

The Karnataka Act No. 20 of 1985 passed by the erstwhile Janata government introduced the body called Gram Sabha. The implications of some relevant sections of the Act may be probed:

1. The Mandal Panchayats and Zilla Parishads shall give due consideration to the recommendations, if any, of the Gram Sabha. Was it presumed then that there could not be any recommendation of the Gram Sabha? What was meant by 'due' consideration? Perhaps whatever consideration was given by the Mandal Panchayats and Zilla Parishads even as a matter of charity, could be conveniently construed as something that was due? Furthermore as early as 1963, The Diwakar Team had brought to light the difficulty caused by such innocuous words as 'consider' or 'discuss'. But even as late as 1985, such innocuous words were incorporated in the Act hailed by the then State government as a novel experiment to bring about decentralisation of power in rural Karnataka.
2. The list of functions of the Gram Sabha was as follows:
 - (i) prepare and promote development scheme of the village;
 - (ii) organise sanitation and drainage schemes of the village;
 - (iii) mobilise voluntary labour and contributions in kind and cash for the community welfare programmes;
 - (iv) assist the Mandal Panchayat in the implementation of developmental schemes pertaining to the village. Though at the outset the Gram Sabha was expected to perform some important functions, the Act did not spell out the specific manner in which these functions were to be performed. Hardly was there any mention of the actual relation between the Gram Sabha and the Mandal Panchayat.

Poor attendance

One of the major shortcomings of the 1985 Act was that it was totally silent about the quorum. The study of the functioning of the Gram Sabhas in seven villages of Mangalore taluk (1990-92) showed that the Gram Sabha could be held even when seven persons were present. The

members of the Mandal Panchayat themselves did not take keen interest in mobilising the people for attending the meetings of the Gram Sabha. It does not mean that in the meetings held no notice was taken of poor attendance. One of the minutes of the Gram Sabha held at Delanthabettu on 28 August 1987 stated that the members who were present should persuade the absentee members to attend the meetings of the Gram Sabha at least in the subsequent period. But, surprisingly in the subsequent meeting held on 10 May 1988 the number of members present was not even half of the number found in the previous meeting. On 26 December 1989 a meeting of the Gram Sabha was held at Kondemula. Just 12 members graced the occasion. One of the minutes brought out the need to persuade all the members of the village to attend the meetings of the Gram Sabha. Of course, the attendance in the meeting held on 28 November 1990 was a little better. But in the meeting held on 26 November 1991 the attendance declined. From the information presented in the Table it is very clear that the meetings of the Gram Sabha in all the seven villages could hardly serve any purpose because there was not any positive response to the need for gathering more and more members.

Violation of the Act

Another significant fact which has become clear from the proceedings of the various meetings of the Gram Sabha in the seven villages mentioned above is that even village level workers and the officials concerned were not present to listen to the grievances of the people. In the meeting of the Gram Sabha held at Permude on 28 December 1989 it was felt that various problems of the village could not be discussed because the government officers concerned were not present. A serious point to be noted was that there was violation of one of the provisions of the Karnataka Act No. 20 of 1985. The Act provided that: "Subject to the general orders of the government, the Gram Sabha shall meet from time to time but six months shall not intervene between any two meetings". However, from the data presented in the Table it is evident that the gap between the first meeting of the Gram Sabha held at Badaga Yekkar and the second meeting definitely exceeded six months. Similarly, the instances of a bigger gap between meetings of the Gram Sabha held in other villages also showed that there was violation of the above stated provision of the Karnataka Act No. 20 of 1985.

Promotion of development schemes

The Gram Sabha was expected to prepare and promote development scheme of the village concerned. Certainly there is no evidence to show that the Gram

Sabha had performed this function. There was no substantial proof to show that the Gram Sabha had mobilised voluntary labour and contributions in kind and cash for the community welfare schemes. An exception to this was found in one of the minutes of the meeting held at Badaga Yekkar on 26 August 1987. The minute stated the need for financial assistance and voluntary labour by the villagers to clear up the canal from kateel bridge to Javagarubettu. In Permude, the need for constructing a tank with the assistance of the people was felt but the major part of the cost of constructing the tank was demanded from the Zilla Parishad itself. Thus the defects found in the Karnataka Act No. 20 of 1985 and the realities revealed that the Gram Sabha in Karnataka remained a non-starter.

Karnataka Panchayat Act, 1993

In keeping with the Constitution Amendment relating to Panchayats for greater participation of the people and more effective implementation of rural development programmes, the Government of Karnataka enacted the Panchayat Raj Act, 1993 (The Karnataka Act No. 14 of 1993). The definition of Gram Sabha in this Act is identical with that provided in the Constitution (Seventy-third Amendment) Act, 1992.

Comparative study

The provisions relating to the Gram Sabha in the Karnataka Act No. 14 of 1993 are no doubt superior to those found in the Karnataka Act No. 20 of 1985. The Act states that subject to the general orders of the government the Gram Sabha shall meet from time to time but six months shall not intervene between any two meetings. If the Gram Panchayat fails to convene Gram Sabha, the executive officer shall convene the Gram Sabha. Such or similar provision was not found in the Karnataka Act No. 20 of 1985. The 1993 Act states that the Gram Sabha shall consider the following matters and may make recommendations and suggestions to the Gram Panchayat.

- (a) The annual statement of accounts of the Gram Panchayat, the report of administration of the preceding financial year and the audit notes and replies, if any, made thereto;
- (b) the report in respect of development programmes of the Gram Panchayat relating to the preceding year and development programmes proposed to be undertaken during the current year;
- (c) the promotion of unity and harmony among all sections of the society in the village;
- (d) programme of adult education within the village;

(e) such other matter as may be prescribed.

No doubt, this provision was not found in the Karnataka Act No. 20 of 1985. But one wonders how the Gram Sabha can promote unity and harmony among all sections of the society. This is nothing but verbosity particularly because the society in almost all villages in Karnataka contains divisive forces which many a time exacerbate whatever integrative forces that are at work.

The 1993 Act states that the procedure for convening and conducting the meetings of the Gram Sabha shall be such as may be prescribed. This provision is perfectly identical with the provision specific procedure for convening the meeting at all. It is also silent about the quorum.

In-built weakness

The 1993 Act specifies that every meeting of the Gram Sabha shall be presided over by the *Adhyaksha* of the Gram Panchayat concerned and in his absence by the *Upadhyaksha* or any member of the Gram Panchayat. This is not a sound way of strengthening the Gram Sabha. It is futile to expect a member of the Gram Panchayat to answer the queries to be raised in the Gram Sabha in the absence of the *Adhyaksha* and *Upadhyaksha*. The Act should have specified that at least *Upadhyaksha* should preside over the meeting of the Gram Sabha in the absence of *Adhyaksha*. There is every chance of both *Adhyaksha* and *Upadhyaksha* deliberately avoiding the meetings of the Gram Sabha. In other words, there is an in-built scope in the Act itself for both *Adhyaksha* and *Upadhyaksha* to avoid accountability to the Gram Sabha.

Identification of beneficiaries

The 1993 Act provides that the Gram Sabha shall identify the beneficiaries of the implementation of developmental schemes pertaining to the village. However, there is an additional condition. The Act states that if the Gram Sabha fails to identify the beneficiaries within a reasonable time, the Executive Officer shall, in consultation with the Gram Panchayat, identify the beneficiaries. Unfortunately, the reasonable time is not defined with the result that there is every chance of Gram Sabha being sidetracked by the Executive Officer and the Gram Panchayat in the vital matters like the identification of beneficiaries for the implementation of developmental schemes.

A soulless Act

No doubt, the 1993 Act is superior to the the Karnataka Act No. 20 of 1985 in certain respects so far as the Gram Sabha is concerned. However, it should be stated that the

TABLE

Meetings of the Gram Sabhas in Yekkar Mandal Panchayat Area

Badaga Yekkar		Delanthabettu		Kilenjur		Kondemula		Nadugodu		Perumde		Tenka Yekkar	
No. of people present	Date	No. of people present	Date	No. of people present	Date	No. of people present	Date	No. of people present	Date	No. of people present	Date	No. of people present	Date
26.08.1987	29	28.08.1987	34	27.08.1987	13	26.08.1987	27	27.08.1987	23	25.08.1987	100	25.08.1987	42
10.05.1988	11	12.05.1988	26	12.05.1988	20	11.05.1988	29	11.05.1988	17	09.05.1988	36	10.05.1988	28
25.04.1989	17	28.04.1989	16	28.04.1989	10	26.04.1989	16	26.04.1989	15	24.04.1989	17	25.04.1989	27
23.12.1989	56	29.12.1989	43	29.12.1989	42	26.12.1989	12	26.12.1989	65	28.12.1989	43	23.12.1989	53
27.11.1990	41	29.11.1990	12	29.11.1990	17	28.11.1990	40	28.11.1990	36	26.11.1990	77	27.11.1990	07
25.11.1991	14	27.11.1991	15	27.11.1991	15	26.11.1991	33	28.11.1991	24	23.11.1991	39	25.11.1991	13

Note: The villages, namely Badaga Yekkar, Delanthabettu, Kilenjur, Kondemula, Nadugodu, Perumde and Tenka Yekkar constitute the Yekkar Mandal Panchayat area. These villages are located in the Mangalore Taluk of Dakshina Kannada District (Karnataka). The author personally visited the above villages and studied the proceedings of all meetings of Gram Sabha.

Gram Sabha, even after the enactment of the 1993 Act, has no potential of becoming the 'soul' of Panchayati Raj system in Karnataka. M.Y. Ghorpade, the former Minister for Rural Development and Panchayati Raj, Government of Karnataka has pointed out: "The Gram Sabha is the soul of Panchayati Raj. It has been made mandatory to conduct the Gram Sabha at least once in six months. The annual statement of accounts and the report of administration will be reviewed by the Gram Sabha including selection of beneficiaries and all other development activities entrusted to it. The idea is to maximise accountability and transparency of administration and public awareness at the grassroots level." We find it difficult to agree that with Ghorpade's observation for there are no in-built statutory provisions to maximize the accountability of the Gram Panchayat to the Gram Sabha. To what extent the transparency of administration shall be maximised and how the public awareness at the grass roots level can be increased is anybody's guess.

Jayaprakash Narayan, a staunch advocate of a Rousseauian type of direct democracy at the village level once said: "To me Gram Sabha signifies village democracy. Let us not have only representative govern-

ment from the village upto Delhi. At one place, at least, let there be direct government—direct democracy.... The relationship between Panchayat and Gram Sabha should be that of Cabinet and Assembly." It is true that this was an impassioned speech. But the fact cannot be denied that the high hope of Ghorpade that there can be decentralisation on fast forward, cannot materialise unless the Gram Sabha in Karnataka emerges as a powerful and vigilant body.

Conclusion

To conclude, before the enactment of the Karnataka Act No. 20 of 1985 the Gram Sabha in the State was a non-starter because it did not exist. With the passing of the 1985 Act, the Gram Sabha came into existence only in Act but not in action. But if by Gram Sabha is meant an active and vigilant body or primary democracy in action, it shall remain a non-starter even after the enforcement of the 1993 Act unless miracles do not refuse to happen in all villages of Karnataka. □

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Prospects", a research project report (1983) by B.S. Bhargava, ISEC, Bangalore 72. A similar institution called Nagar Panchayat is existing in the State of Gujarat. In the recent legislation on PRIs in Madhya Pradesh (1990) provision has been made for Nagar Panchayats. For detailed information on Town Panchayats refer to B.S. Bhargava and V. Venkatakrishnan, 'Panchayati Raj in Tamil Nadu—Issues and problems, Kurukshetra, Vol. XLI, No. 4, Jan. 1993, pp. 4-10; 'Town Panchayats in Tamil Nadu; some problems and prospects', Quarterly Journal of All India Institute of Local Self-Government, Vol. LXIII, No. 3 & 4, July-December 1992, pp. 144-146 and 'Constitutional (74th Amendment) Act, 1993 and Nagar Panchayats in Gujarat and Tamil Nadu', Prashasnik, Vol. XXI, No. 2, July-December 1994, pp. 63-75.

- B.S. Bhargava & V. Venkatakrishnan, 'Panchayati Raj in Tamil Nadu—Issues and Problems', Op. cit.,
- S. Saraswathi, *The Madras Panchayat System, Vol. I, A Historical Survey*, Impex India, Delhi, March 1973, p. 28.
- B.S. Bhargava & V. Venkatakrishnan, 'Apex Tier in Panchayati Raj System: A Case study of a District Development Council (DDC) in Tamil Nadu', *Prashasnik*, Vol. XXI, No. 1, January-June 1994. □
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An overview of the Panchayati Raj system

Dr M. Venkat Reddy

Panchayati Raj is often believed to be the most important political invention of independent India. As the Panchayat is a very ancient institution, the little village republics were governed by their Panchayats. It is to be noted that the system was first introduced by King Prithu while colonising the Doab between the Ganges and the Jamuna.¹ In the *Manusmriti* and the *Shanti Parva* of the *Mahabharata*, there are many references to the existence of

gramsanghas or rural communities.² A description of these rural communities is also found in the *Arthashastra* of Kautilya who lived in 400 BC. In the *Ramayana* of Valmiki we read about the *Ganapada* which was perhaps a kind of federation of village republics. An account of the village commonwealths during the 17th century is found in Shukracharya's *Neetisara*. In fact, the village in India has been looked upon as the basic unit of administration since the earliest *Vedic* times.³

British period

The British government, through its ruthless methods of revenue collection and introduction of *Zamindari* and *ryotwari* land tenure systems as against the *Mahalwari* or village tenure system paved the way for the complete destruction of these ancient republics and dealt a death blow to their corporate life.

At the same time, it may be noted that from 1919, ie the acceptance of the Montague-Chelmsford Reforms to 1940, there had been a spate of legislation relating to the establishment of village Panchayats, covering a major part of the country including the 'native States' (princely

States). The British government adopted the policy of carrying the local government and administration through the officials of different departments of the provincial governments posted at the district level.

Post-Independence period

The dawn of Independence provided the real opportunity for materialising the dream of democratic decentralisation in our country. The idea was incorporated into the

'Directive Principles of State Policy'. In this regard, Article 40 of the Constitution confirmed a trend rather than presaged a new initiative. During the First Five Year Plan, the idea gained further impetus. By and large, the notion of active participation and involvement of people in the Plan process including Plan formulation, implementation and monitoring had remained a mere myth. This is in spite of the myriad pronouncements in the successive Plan documents as well as in the policies and programmes put forth by the Central and State governments from time to time. The Second Five Year Plan proposed to cover the entire countryside with National Extension Service blocks through the institutions of Block Development Officers, Assistant Development Officers, village level workers, in addition to the nominated representatives of the village Panchayats of that area and some other popular organisations like co-operative societies.

Balwantray Mehta Committee

All these arrangements proved unsatisfactory. Hence, the Government of India appointed a Committee under

Analysing the evolution of the Panchayat system in the country, the author says that with the enactment of the Constitution (73rd Amendment) Act, a pattern of nation building from the village level is emerging. The Act is a significant landmark in the evolution of grass roots institutions in India. Decentralisation of political power will lead the efforts of PRIs towards local and regional needs. The society can no more shirk its responsibilities and a massive programme of political education of the rural people should be undertaken to ensure the smooth functioning of the system, the author observes.

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the Chairmanship of Balwantray Mehta in 1957 to study the whole problem and suggest ways and means for implementing the scheme of Panchayati Raj on some uniform lines throughout the country.⁴ The salient features of the system of Panchayat Raj, as recommended by the report are: the Gram Panchayat at the village level; the Panchayat Samiti at the block level; and the Zilla Parishad at the district level were to be organically linked. This organic link was to be secured through the device of indirect elections. The recommendations of the Committee came into effect on April 1, 1958 and was first introduced in Rajasthan on October 2, 1959 and the State of Andhra Pradesh comes next. Later, it was introduced in almost all the States in the country.

A second look

The system of Panchayati Raj as established in the country failed to realise the dream of its architects. In particular, since the mid-sixties, it came to have a low profile. As a form of local government, it looked like falling out of favour everywhere. The Committee of the Government of India on PRIs (Ashok Mehta Committee), in its report (1978) regretted that the activities of PRIs were meagre, their resource base was weak, and the overall attention given to them was scanty. Therefore, the need for having a second look was strongly felt.

The Committee in its report submitted in August 1978 mainly recommended a two-tier system with Mandal Panchayats at the base and Zilla Parishads at the top. Seats for SCs and STs were to be reserved on the basis of their population. The Committee had made an attempt to revitalise the Panchayati Raj system. A remarkable feature of the report should be seen in the recommendations for having an open participation of political parties in Panchayati Raj affairs. The State governments should not be having absolute powers to supersede PRIs on political grounds. Moreover, it had also been desired that in case an institution was superseded, elections must take place within six months.

Over the last 30 years, several committees were appointed to go into the working of the Panchayat Raj institutions, and suggest changes in their organisational structure so as to remove the structural bottlenecks in their functioning and to revitalise them.

73rd Amendment Act

The Panchayati Raj set-up now being implemented is the result of the Constitution (73rd Amendment) Act, 1992 which incorporated suggestions from various parties and State governments. The suspicion of political motivation lingers given the ostentatious fanfare with

which the Congress is highlighting its commitment to Panchayati Raj and efforts to ensure its effective implementation. Panchayati Raj, on the other hand, is self-government with power vested in elected bodies at the village and district levels to ensure almost direct participation of the electors in the administration. The experiment caught on with a network of Panchayats established practically all over the country including the North-East. It seems a pattern of nation building from the village level is emerging. The idea is that integrated grass roots level development should be entrusted to the village bodies instead of being imposed from the top. The basic drawback is in the approach that the village level and other Panchayats are mere instruments of development as planned at the top.

Major features

The major positive features of the Constitution (73rd Amendment) Act are as follows:

- (i) Seats shall be reserved for the SCs/STs in proportion to their population.
- (ii) Not less than one-third (including the number of seats reserved for women belonging to SCs/STs) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in Panchayat.
- (iii) Provision for the devolution of powers and responsibilities upon Panchayats at the appropriate level with respect to the preparation/implementation of plans for economic development and social justice.
- (iv) The legislature of a State may authorise the Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits as may be specified in the law.
- (v) Constitution of a Finance Commission to review the financial position of the Panchayats every five years.
- (vi) Conduct of all elections to the Panchayats shall be vested in the State Election Commission.
- (vii) Inclusion of the Eleventh Schedule to the Constitution dealing with the following activities under the Panchayati Raj system: Agriculture including agricultural extension; Land improvement, implementation of land reforms, land

consolidation; Minor irrigation, water management and watershed development; Animal husbandry, dairying, poultry and fisheries; Social forestry and farm forestry; Minor forest produce; Small-scale industries including food processing industries; Khadi, village and cottage industries; Rural housing, drinking water, fuel and fodder; Roads, culverts, bridges, ferries, waterways and other means of communication; Rural electrification, including distribution of electricity; Poverty alleviation programme and public distribution system; Education including the establishment of primary and secondary schools; Technical training and vocational education; Adult and non-formal education, libraries, cultural activities, markets, fairs and maintenance of community assets; Health and sanitation including hospitals, primary health centres, dispensaries, family welfare, women and child development; Social welfare, including welfare of the handicapped and mentally retarded; Welfare of the weaker sections, and in particular of the Scheduled Castes and the Scheduled Tribes.

The new Act spells out the responsibilities to be vested in the Panchayat leaving out law and order. Against this background, calling the Panchayat a unit of self-government would be a misnomer. It will merely be an instrument for carrying out development schemes.

New initiatives in the States

In the late 70s and early 80s, Panchayat being the basic institution for rural development, was left to the will of the State governments. But it is heartening to note that since then a number of States have made sincere efforts to bring Panchayats back into focus.

Andhra Pradesh

In Andhra Pradesh, the former Telugu Desam government completely altered the Panchayat Raj administrative set-up. The emphasis of the N.T. Rama Rao government was particularly on local self-government institutions in rural areas. To achieve democratic decentralisation and to bring administration nearer to the people, the Andhra Pradesh government brought about reforms in Panchayati Raj as well as revenue administration by introducing Mandals. A new territorial unit with 20 to 30 villages covering a population of between 35,000 and 50,000 constituted a Mandal. In every Mandal headquarters, a primary health centre, veterinary hospital, high school, junior college, police station, library and market

yard were established so that all these facilities would be available to the people.

During the earlier congress regime, there were 330 Panchayat Samitis, each consisting of 70 to 80 villages. The people in the villages elected the village Sarpanch in a non-party election and the President was elected by the Sarpanches. The Samiti Presidents, local legislators and the MPs constituted the general body which elected the Zilla Parishad Chairman. Under the new set-up, the people in the Mandal directly elect the President of the Mandal Praja Parishad and the entire electorate in the district simultaneously elects the Chairman of the Zilla Praja Parishad. The present Mandal Praja Parishad and Zilla Praja Parishad are almost identical.

The necessary legislation to establish the Mandal Praja Parishads and Zilla Praja Parishads⁵ in the State was passed on January 15, 1987. There were significant departures in respect of elections to those bodies. First, the Chairman of the Zilla Praja Parishad was directly elected by people. So the constituency for his election is about twice the size of a Lok Sabha constituency. Such a large electoral constituency for direct elections had no precedent in India. Secondly, the principle of reservation had been extended to backward classes (25%) and women (9%). The Scheduled Castes and Scheduled Tribes were given 16 per cent and 6 per cent respectively. Thirdly, the elections to these bodies were to be held on party basis. The Chairman of the municipalities—urban local bodies also come to be directly elected and on party basis with reservation.

Karnataka

In Karnataka, Mandals were almost in line with the concept advocated by the Ashok Mehta Committee. According to the Committee a Mandal was a cluster of villages with a total population of about 10,000 to 15,000. The former Janata government led by Mr. Ramakrishna Hegde, had introduced major changes in the local self-government in Karnataka.

The creation of a two-tier set-up, the Zilla Parishad at the district level and the Mandal Panchayat at the Taluk level, were historic steps initiated by the Hegde government towards democratic decentralisation. Generally hailed as a model to the rest of the country, the Zilla Parishads and Mandal Panchayats—which have an elected President and an official secretary—are virtually what State governments are in comparison to the Central government in the Indian political set-up.⁶ They have been given complete autonomy in terms of their functioning and a fairly high degree of financial stability. The two

institutions together are in charge of the entire developmental activities of the district. The Hegde government had also come up with certain measures aimed at improving the Panchayati Raj system.

West Bengal

The first election to form the Panchayat institutions in West Bengal was held in 1978 following the installation of the Left Front government in the State. The State is not lagging behind any other State in fully implementing the Panchayati Raj system. The State has seen through four elections to the Panchayat bodies at regular intervals of five years which no other State in India can claim to have done.

In anticipation of the Constitution (73rd Amendment) Act, the main provisions of the Act were incorporated in a comprehensive Amendment of the West Bengal Panchayat Act in 1992. Among other features it provided for reservation of not less than one-third seats for women and also for the SCs and STs (proportionate to their percentage in terms of the total population). Panchayat elections in the State were held on May 30, 1993, as per the provisions of the 73rd Constitution Amendment Act—the first State to do so. There were on an average 2.84 women candidates per seat in the PRIs elections. This is a remarkable achievement and the credit for this goes to all political parties in the State.

Significant changes

The last two decades have been marked by significant political changes in the country. The growth of political consciousness among larger sections of the population had led to further sharpening of questions in social, economic and political fields. However, it is likely that increasing political pressure from grass roots levels would lead to a reorientation of India's Panchayati Raj system. Decentralization of political power is likely to generate

pressures to direct India's Panchayati Raj institutions' effort towards local and regional needs.

Conclusion

The Constitution (73rd Amendment) Act endowing PRIs with Constitutional status constitutes a significant landmark in the evolution of grass roots democratic institutions in India. But, will it succeed in that noble aim or merely give more power and influence to the touts and agents of the leaders of various political parties in rural areas? The ground for Panchayati Raj must be prepared by giving special training and facilities to the local poor. The larger society is now left with no alibi to shirk its own range and level of responsibilities. A massive programme of political education of the rural people and the rural political elite must be maintained for this. Political parties including their front organisations, voluntary agencies, enlightened citizens—all must accept the challenge. The new Panchayati Raj Act is a revolutionary concept to build democracy at the grass roots level.

References and notes

1. Johari, J.C., *Indian Government and Politics*, Vishal Publications, Delhi, 1974, p. 810.
 2. Ibid.
 3. Ibid., p. 811.
 4. The crucial part of the Mehta Team's Report is a chapter entitled "Democratic Decentralisation".
 5. *Telugu Naata—Velugubaata*, Department of Information and Public Relations, Government of Andhra Pradesh, Hyderabad, 1988, p. 88.
 6. Rajasekharaiah, A.M., Jayaramu, P.S. Karnataka: 'Ideology and Politics', *The Indian Journal of Political Science*, Vol. XLVIII, No. 4, Oct-Dec., 1987, p. 592. □
- *The author is Co-ordinator, School of Distant Learning & Continuing Education, Kakatiya University, Warangal-506009 (Andhra Pradesh).*

"It (Panchayati Raj Act) is a revolution that will bring democracy to the doorsteps of crores of Indians. It is a revolution that will bring development to lakhs of our villages. It is a revolution that will open doors of opportunity to millions of Scheduled Castes and Scheduled Tribes and half the population of our country—the women of India."

Rajiv Gandhi

Panchayati Raj—whose Raj?

Sonali Srivastava

Most of us optimists have welcomed the Panchayati Raj Bill. We translate the concept into imagining strong village leaders, possessing a deep understanding of the rural priorities. We imagine a change in the development process which stresses on issues which are relevant to 70 per cent of the population and not just a skewed process tilting more and more towards urbanisation.

Educating voters

My educational process has been through a close association with the Panchayat Samiti elections in Kishangarh block, Ajmer district as a member of the Social Work and Research Centre (SWRC), Tilonia, which has been working in this block for the last 25 years. My observations have been made from this block, where this organisation is in the process of educating voters of their rights and responsibilities. I shudder to think of the state of some other block, which may have been left on its own to cope with the change.

Election expenditure

My concept of a village leader is a person with an understanding of the grass roots priorities and a desire to use the government for the same. But then, let's have a look at the expenditure being incurred by party nominated candidates. One single candidate uses a minimum of five and a maximum of 20 vehicles. To make things more explicit, one vehicle means an outflow of Rs. 1,000 per day. It follows that the transportation costs alone for the 15-day campaigning period range from Rs. 75,000 to Rs. 3,00,000. In addition to this, expenditure on food, printing, publicity and other items easily adds upto Rs. 50,000. Even if we do not include the cost incurred in holding meetings and rallies and transporting 'big' leaders from neighbouring cities, the cost per candidate ranges from Rs. 1.25 lakh to Rs. 3 lakh. A few questions emerge from this:

Why should political parties be allowed to enter in this process, when the candidates vie with each other for the

party 'ticket' only because of the financial cushion the party offers and not because of any agreement or even understanding of the party's ideology? Or is that not important at all?

If we are putting a ceiling of Rs. 4.2 lakh per candidate in the Lok Sabha elections, can we turn a blind eye to such a scale of expenditure for Panchayat Samiti elections which cover at the most 7-8 villages, the voting population ranging from 4,000 to 5,000?

And to come to the crux, if these are the minimum standards of expenditure, how is an independent candidate (we are aware of the income standards in a village) not willing to get into the tangle of a political party, supposed to contest the elections? And moreover, is it fair? The image of the village leaders perforce changes.

Transporting voters and the caste factor

Certain arrangements linked with the election process reflect the seriousness with which we want to pursue fair elections. The polling booths are stationed only in the Gram Panchayat headquarters which means voters may have to travel 6-7 km to cast their vote. Some of the villages not even having a bus route, voters are expected to walk, women with infants et al to exercise their franchise. Inevitably, the candidates assume this responsibility of transporting voters to and from the polling booths. Even if we ignore the deeper question as to how this affects the voter bias, the immediate question to tackle is how is an independent candidate to provide vehicles to hundreds of voters? There are further questions which need to be tackled and which are to do with the sociological effects on the community. The process of allotting tickets is based on caste, attempt is made to choose a candidate from the dominant caste. Subsequently, the campaigning is done on the basis of caste. The entire process seems to exclude criteria like capability of the candidate. The parties encash on the religious and caste-based divides and seek to make the divide sharper during this period. After the election fever is over the already existing casteism is reinforced, and where it

GRASS ROOTS DEMOCRACY: CHALLENGES AHEAD

does not exist, it is created. Where is the moral responsibility of our leaders? Very surprisingly, the majority of the populace have strong loyalties to one party or the other. But when questioned on the reason for this, there is no clear answer. In fact, the loyalties seem to be based on caste or because some political party had fought for a noble cause generations ago. There is no linkage, whatsoever, with fact as to whether the funds allotted to the block in the last five years have been appropriately used. When this point is raised, there is a sense of resignation, because for the candidates, the development process and proper funds utilisation are low priority areas.

People's indifference

The lack of any tangible linkage between the political process and the development process has made people indifferent to the deeper issues concerning the political system. Most people see it as a once-in-five-years fever. The parties seem to be interested in perpetuating this indifference by showing the least interest in educating the voters. Instead, insulting tactics are used to lure the

voters. Absurd and hollow promises are made. Alcohol is distributed on a massive scale, so much so that it is futile to hold a meeting after 7 p.m. in a village, and this distribution increases as the polling date comes nearer. On the eve of the polling day, liquor is reached to the sensitive areas in crates. Attempt is made to bring people to such an inebriated state that their mental faculties cease to function. Thereafter, they are asked to take oaths on fire (*beedi* is used as fire for expediency!) that they will vote for a particular party only. The parties oblige further by transporting these voters to the polling booths the next day before the effect of alcohol wears off, perhaps assuming that in their right minds, the voters will exercise a different choice.

An aware and keen voter is to be avoided because he has a painful ability to look deeper. But are we offering him an alternative?

● *The author is associated with the Social Work & Research Centre, Tilonia-305816, Madanganj district, (Rajasthan).*

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Power to the people

Jawaharlal Nehru

We are going to lay the foundations of democracy or Panchayati Raj in our country.

Rajasthan is the heart of India, historically as well as geographically. The people of Rajasthan... have pledged themselves to take upon themselves the heavy responsibilities of democracy and the government of this State has, by an Act of legislature, handed over the responsibilities to the people. It is a historic event. It is fitting that the programme of Panchayati Raj should be inaugurated on Mahatma Gandhi's birthday.

After we became independent we established the rule of the people. Every citizen of India was given the right to vote. The people enjoyed the right to elect their representatives to the State legislatures and to the Lok Sabha. It was a step in the right direction, but real democracy did not come into being with it. India will make progress only when the people living in the villages become politically conscious. The progress of our country is bound up with the progress in our villages. If our villages make progress, India will become a strong nation and nobody will be able to stop its onward march.

...We have not been able to do as much as we expected. *The reason for our slow progress is our dependence on official machinery. An officer, who is an expert, may help but development works can be executed only if the people take the responsibility in their own hands.* Some people thought that if the responsibility was handed over to the people, they would probably not be able to shoulder it. But it is only by providing opportunity to the people that they can be trained to shoulder responsibilities. It becomes imperative that a bold step be taken whereby more and more responsibility could be transferred to the people. The people are not merely to be consulted but effective power is to be entrusted to them.

Therefore, we decided that in every village there should be a village Panchayat with more powers, as also a co-operative society which will help its economic effort.

The Panchayat is to help in the day-to-day administration of the village and the co-operative is to manage its economic affairs. The responsibilities of administration should not be only in the hands of big officials but should

be divided among our 400 million people. We should bring the people together to act in co-operation and in consultation with each other.

The third important institution which we need in our village is the school. Every village should have a school so that the villagers should be able to receive education. And women should get equal opportunities for education.

...The time has come when the responsibility for planning and executing development schemes should be entrusted to the people. I shall, therefore, ask you to shoulder such responsibility with faith and courage. The people of India are looking towards you. I am fully confident that not only in Rajasthan but in every part of India where responsibility is entrusted to the people, it will yield happy results.

You have taken a historic step on an auspicious day and I congratulate you and offer my good wishes. You should try to make your Panchayats a success.

Formerly in India the Maharajas and their people were divided into water-tight compartments but now the distinction between the rulers and the ruled has been removed. Nevertheless, sometimes our officers consider themselves to be masters. I hope that your presidents, Sarpanches and other officers will not function in that way. *An officer who becomes overbearing and employs bureaucratic methods will not be able to win the co-operation of the people. A good officer works in a spirit of equality. It is only then that he can train others. You should work in mutual co-operation...* In our Panchayats ... everyone should be considered equal; there should be no distinction between man and woman, high and low. We have to march ahead in a spirit of unity and brotherhood and with faith in our work and ourselves.

The world is watching you. If you flinch from your determination and get involved in mutual quarrels and petty factions, you will not be able to succeed in your mission. You have to awaken the masses of Rajasthan, and it will be a great step. The future generations will be able to say with pride that you laid the solid foundations of democracy. (*Excerpts from the speech while launching Panchayati Raj, Nagaur, Rajasthan, October 2, 1959.*)

4

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THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992

AN ACT

further to amend the Constitution of India

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Seventy-third Amendment) Act, 1992.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After Part VIII of the Constitution, the following Part shall be inserted, namely:—

Insertion of new Part IX.

PART IX

THE PANCHAYATS

243. In this Part, unless the context otherwise requires,—

Definitions.

(a) "district" means a district in a State;

(b) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;

(c) "intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;

(d) "Panchayat" means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;

(e) "Panchayat area" means the territorial area of a Panchayat;

(f) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(g) "village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243A. 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.

Gram Sabha.

243B. (1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

Constitution of Panchayats.

(2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

243C. (1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats:

Composition of Panchayats.

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and; for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population

of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by law, provide for the representation—

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;

(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;

(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within—

(i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;

(ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meeting of the Panchayats.

(5) The Chairperson of—

(a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

Reservation of seats.

243D (1) Seats shall be reserved for—

(a) the Scheduled Castes; and

(b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and

the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243E. (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

Duration of
Panchayats etc.

(2) No amendment, of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed—

(a) before the expiry of its duration specified in clause (1):

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243F. (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat—

Disqualifications for
membership.

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243G. Subject to the provisions of this 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—

Powers, authority
and responsibilities
of Panchayats.

Powers to impose taxes by, and Funds of, the Panchayats.

- (a) the preparation of plans for economic development and social justice;
- (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.

243H. The Legislature of a State may, by law,—

- (a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom.

as may be specified in the law.

Constitution of Finance Commission to review financial position.

243-I. (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to—

(a) the principles which should govern—

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;

(iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

Audit of accounts of Panchayats.

243J. The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

Elections to the Panchayats.

243K (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State

Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution the Legislature of a State may, by Law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

243L. The provisions of this Part shall apply to the Union territories and shall in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Application to
Union territories.

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243M. (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

Part not to apply to
certain areas.

(2) Nothing in this Part shall apply to—

(a) the States of Nagaland, Meghalaya and Mizoram;

(b) the hill areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part—

(a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

(4) Notwithstanding anything in this Constitution,—

(a) the Legislature of a State referred to in sub-clause (a) of clause (2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;

(b) Parliament may, by law, extend the provisions, of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

Continuance of existing laws and Panchayats.

243N. Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

Bar to Interference by courts in electoral matters.

243-O. Notwithstanding anything in this Constitution,—

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under article 243K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

Amendment of article 280.

3. In clause (3) of article 280 of the Constitution, after sub-clause (b), the following sub-clause shall be inserted, namely:—

“(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;”

Addition of Eleventh Schedule.

4. After the Tenth Schedule to the Constitution, the following Schedule shall be added, namely:—

“ELEVENTH SCHEDULE

(Article 243G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small-scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.

15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets."

K.L. MOHANPURIA,
Secretary to the Govt. of India.

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