

25 YEARS OF PANCHAYATI RAJ INSTITUTIONS

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Abstract: *Democratic decentralization is barely alive in India. Over 25 years after the 73rd and 74th constitutional amendments (they mandated the establishment of panchayats and municipalities as elected local governments) devolved a range of powers and responsibilities and made them accountable to the people for their implementation, very little and actual progress has been made in this direction. Local governments remain hamstrung and ineffective; mere agents to do the bidding of higher-level governments. Democracy has not been enhanced in spite of about 32 lakh peoples' representatives being elected to them every five years, with great expectation and fanfare. India's efforts in decentralization represent one of the largest experiments in deepening democracy. Decentralization is always a messy form of democracy, but it is far better than the operation of criminal politicians at the higher level who appropriate huge sums of tax-payer money, without any of us having a clue. We can keep track of corrupt local government representatives; at the higher level, we will never know the extent of dirty deals that happen. We have given ourselves a reasonably robust democratic structure for local governance over the last two decades and more. It is for us to give life to this structure, through the practice of a robust democratic culture. Be warned; if we do not tell our higher-level governments to get off our backs so that we can better govern ourselves, they will not. It is as important to tell higher level governments to stay away as it is for us to hold our local governments to account.*

Keywords: *Representation of Women, Gram Sabha Area, State Water Boards, Revenue Share, Devolution Index, Constitutional Spirit.*

We live in a time when we celebrate ceremonial values and neglect instrumental Values. The outcome of the 73rd / 74th Constitutional Amendment has been a classic case of upholding ceremonial process rather than instrumental process. The political scientist Alexis de Tocqueville famously said that for democracy to succeed it should take roots in the "habits and hearts" of the people.

24th April marked the 25th anniversary of the 73th Amendment, a good time for some examination and introspection on Panchayati Raj. Panchayati Raj institutions (PRIs) are simultaneously a remarkable success and a staggering failure, depending on the goalposts against which they are evaluated. If the goal was to create another layer of government and political representation at the grass roots level, then there is no parallel to the PRIs, then there is no parallel to the PRIs. And if the goal was to provide better governance, then PRIs are a failure and not equipped to succeed anytime in the foreseeable future.

Success of PRI:**Grass root Democracy:**

It is very important to recognize how deeply the roots of grassroots democracy are embedded in the country. Till the 90's that ended our being the "largest but least representative democracy in the world", the total number of elected MPs and MLAs was about 5,000 to represent a population then approaching a billion.

Today, we have in our 2.5 lakh panchayats and municipalities some 32 lakh elected people's representatives. Uniquely, SC/ST representation is proportional to SC/ST population ratios in villages, taluks / blocks and districts respectively. Approximately one lakh sarpanches are SC/ST. Most staggering of all is the representation of women; comprising about 14 lakh members, with some 86,000 chairing their local bodies, there are more elected women representatives (mostly from economically weaker and socially disadvantaged sections) in India alone than in the rest of the world put together!

Government at the Door:

The panchayat Act Has empowered the rural voters to actively participate in planning, budgeting, execution and supervision of development activities, identification of beneficiaries under various welfare schemes, effective functioning of government institutions / facilities in the concerned Gram Sabha Area. In fact, this is a quantum jump in the empowerment of people from being mere voters or electors to be the rulers.

Women Empowerment:

While India has always had reservations for elected representatives from disadvantaged groups like SC/STs, this is the only level of government with reservation for women. And this is the only level of government, where SC/ST candidates have a genuine voice in governance (unlike the candidates from reserved constituencies at the parliamentary level). Research using PRIs (by Laksmi Iyer, Andi MANI, Prach Mishra, and Petia Topalova) has shown that having female political representation in local governments makes women more likely to come forward and report crimes.

Further, Female Pri Leaders are more likely to focus on issues pertinent to women. R. Chattopadhyay and E. Duplo show that in districts with female sarpanch / pradhans, significantly greater investments are made in drinking water, a priority public goods issue for women.

Caste Based Development:

Reports also show that SC sarpanch / pradhans are more likely to invest in public goods in SC hamlets – an important change in the severely segregated villages of India. In a country where access is determined by gender and caste, even more than economic status, these changes are remarkable.

Failures of PRIs

Transfer of Governance Functions:

The first failure of the 73rd amendment was the transfer of various governance functions – like the provision of education, health, sanitation and water was not mandated. Instead the amendment listed the functions that could be transferred, and left it to the state legislature to actually devolve functions. There has been very little devolution of authority and functions in the last 25 years. PRIs cannot govern unless they are given the authority to actually perform functions related to governance.

To make matters worse, because their functions were never devolved, State executive authorities have proliferated to carry out these functions. The most common example is the terrible state water boards, performing tasks that should have been left to elected representatives of local governments who best understand local water problems and can be disciplined through the democratic process.

Lack of Finances for PRIs

The second failure of the 73rd Amendment is the lack of finances for PRIs. Local governments can either raise their own revenue through local tax or receive intergovernmental transfers. The 73rd Amendment recognized both forms of public finance, but did not mandate either. The power to tax, even for subjects falling within the purview of PRIs, has to be specifically authorized by the State legislature. The 73rd Amendment let this be a choice open to the State legislatures – a choice that most states have not exercised.

A second avenue of revenue generation is intergovernmental transfers, where state governments devolve a certain percentage of their revenue to PRIs. The constitutional amendment created provisions for State Finance Commissions to recommend the revenue share between State and local governments. However, these are merely recommendations and the State governments are not bound by them. Though Finance Commissions, at every level, have advocated for greater devolution of funds, there has been little action by States to devolve funds.

Flouting the Constitution:

It has become clear that States can flout the Constitution with impunity. The mandate to establish a district planning committee to prepare a draft development plan has been violated and distorted in most states. In all states, parallel bodies encroach on the functional domain of LGs and continue to grow unchecked. States like Punjab, Haryana and Rajasthan abolished local taxes. Haryana created a rural development agency under the Chief Minister. Throughout India there is a swing towards centralization.

The only long-term solution is to foster genuine fiscal federalism where PRIs raise a large portion of their own revenue and face hard budget constraints, i.e. fiscal autonomy accompanied by fiscal responsibility.

Gender Inequalities Persists:

The stark reality is that the empowerment of women and inclusion with dignity of the excluded (inclusion on the terms of the excluded) is a distant dream despite a quarter century of Decentralized governance. Women, Adivasis and Dalits remain largely excluded. Certainly, this is to be treated as a social failure. Women's agency is as important as their wellbeing. Women have to be made agents to social change. Instead, they continue to suffer iniquities and inequalities.

Inter – State differences in the Implementation:

In a study conducted by the ministry of Panchayati Raj in 2014-15 on the Panchayat Devolution Index, which looked at the devolution of powers to Panchayati Raj Institutions (PRIs) in terms of the three Fs – Funds, functions and functionaries, Kerala topped the list in all parameters except funds while Karnataka was best in transferring funds to PRIs. Though Sikkim did well in transferring functions, it was low on other parameters. Andhra Pradesh, Bihar, Chhattisgarh, Himachal Pradesh, Jharkhand, Kerala, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Tripura and Uttarakhand have implemented 50% reservation for women in PRIs.

Also, it must be noted that while the pace of implementation of genuine Panchayati Raj is highly variable – Karnataka and Kerala well in lead, up consistently bringing up the rear – every state is progressing some at snail's pace, others leapfrogging.

What could be done?

First Activity Maps should be incorporated in the guidelines of all centrally sponsored schemes and that the massive amounts of money earmarked for poverty alleviation in all its dimensions be sent directly to gram panchayat accounts, reinforced by detailed activity maps to ensure genuine "local self-government". Kerala showed the way in activity mapping and amended the Panchayat and Municipality Acts as early as 1998.

Second, financial incentivization of the States to encourage effective devolution to the panchayats of the three Fs- functions, finances, functionaries. The funds allocated to local bodies should go into the account of panchayats municipalities and corporations, and should be spent in accordance with the resolutions of the respective bodies, and not by other agencies like the Jal board or development authorities.

Third, district planning based on grassroots inputs received from the village, intermediate and district levels through people's participation in the gram and ward sabhas.

Fourth, following the example of Karnataka, to establish a separate cadre of panchayat officials who would be subordinate to the elected authority, not lording it over them, as it happens far too often, especially in states with weak panchayat systems. The states on their part should understand the constitutional spirit and devolve the three Fs funds, functions and functionaries – to the local bodies without exception. Also, the elected bodies should have supervisory powers to monitor and execute schemes. Fifth, elections to local bodies should be held every five years and should be made mandatory and there should be no discretion or scope for the states to either postpone or advance them.

The morning of April 24, 2016 – also known as National Panchayati Raj Day came to a close with a speech made by Prime Minister Narendra Modi, who addressed gram sabhas across the country. His opening remarks were “I want to leave a legacy. People should talk later that I did this for the villages. I urge panchayat representatives to initiate transformative changes in villages and bring a positive change in villages and bring a positive difference in society during their terms”. The PM launched Rastriya Gram Swaraj Abhiyan to strengthen PRIs. How much effective this scheme proves remain to be seen.

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