



# Local Governance In India: Contextualizing Development Through Inclusion And Participation

Moitree Bhattacharya

Associate Professor

Department of Political Science

Daulat Ram College, University of Delhi, Delhi, India

**Abstract:**

The idea of development, today, covers varied dimensions, significant among them being economic, social, political and human development. These development goals can be achieved only when changes happen in the lives of the poor at the grassroots level. For it is these people who could never take the centre-stage in the process of development and languished only in the peripheries. The idea is to bring these hitherto excluded people to the centre of development process and thereby empower them. A significant section of people believes that a way to actualizing the development paradigm in India is to achieve it through democracy and democratic decentralization. Good Governance marks a paradigm shift in the sphere of governance and the relationship between government and society. Decentralization of governmental power may be understood as a change in the organizational model; a change that could bring efficiency at the delivery end by improving inclusion through increased participation. It is also a process by which governance could be brought nearest to those who live at the lowest rungs but have continued to remain in the periphery in the whole process of development. In India local bodies and local self-governing institutions are functioning at this end. Although their efficiency level needs marked improvement it is equally true that without them one cannot think of implementing these development parameters in such huge States as ours. The proposed paper will look into the various dimensions of participation that may be considered sine qua non for development through local bodies and the potentials of and challenges to participation at the local levels pertaining to rural India and the resultant inclusion or exclusion thereof.

**Keywords** - Decentralization, development, inclusion, local body, people's participation

**Introduction**

For Right to participate in decision making plays a significant role in improving conditions of common men and women. It is, therefore, critically important that we strive to have a democracy where people will be participants in the process of development as far as possible rather than being mere recipients of the benefits of development. Strengthening grassroots democracy can be a significant way of improving the potential for participation of the people and thereby making it possible to have inclusive development. Right to inclusion is a significant factor and the assumption is that very often lack of participation leads to a strong feeling of exclusion. How does decentralization and local government fit into the discourses of inclusion through participation? To some, these democratic institutions constitute the zenith of political development. As they provide opportunity to the people at the local levels to be part of the decision making process, there is a lot of expectation from these bodies that they can provide an answer to the sense of disempowerment that prevails among people at the lower rungs in general. Therefore, when local bodies were constitutionally mandated with mandatory reservation of seats it was done with the goal of compulsory participation and resultant inclusion of the backward and vulnerable sections of society. While it is true that communities still sustain

the forces of domination by local elites, local institutions of governance have to be seen from the perspective of overcoming social and political inequalities. Overcoming inequalities is in itself a struggle and its success depends upon increasing democratic consciousness. In other words, the concept of local democracy has to be revisited in the context of expanding democratic consciousness. 'Struggle for local democracy will rise with rising democratic consciousness' (Mohanty and Selden 2007, pp. 459-477).

Participation in local governance involves poor and ordinary citizens assessing and expressing their own needs and participating in local projects, planning and budget monitoring. To ensure strong participation of citizens in local governance, citizens need to understand the significance of participation and want to exercise their right to participate in local political issues. They need to feel confident and know where and how to participate. The local institutions should be prepared to facilitate citizen's participation. The local bodies, therefore, should not be seen as mere administrative arms of government but as arena for exercise of autonomy and self-determination by local people and local areas. Understandably, the focus of discourse has today shifted from local governance to local democracy. If any section is to be benefitted from this process it is those who hitherto existed in the margins of human existence. They will have the opportunity to come forward, participate in the decision making process and thereby help in the process of inclusion that is considered so important in the discourses of development today.

Active and meaningful participation is considered a good practice. Engaging citizens in local governance improves accountability and ability of local authorities to solve problems, creates more inclusive and cohesive communities, and increases the quality of initiatives made by communities. At the local level it allows information to reach local stakeholders, provide them with a holistic view of the actors involved and help local actors make better and informed decisions on strategic issues of participation and development in local settings. It makes the development process free from coercion and manipulation. When citizens participate in development activities it enables them to engage with development agencies, this in turn helps them, as local stakeholders to exercise control over decision-making and resources. According to a study made by the Asian Development Bank, participation fundamentally supports good governance, active citizenship, and accountability of the State. It promotes social inclusion of disadvantaged groups and equitable economic growth (Asian Development Bank, 2012, p5). Engaging local people helps to harness local and specific knowledge. Locals can contribute ideas and resources and also allow alteration of programmes and plans at early stages. It enables people to understand plans and, therefore, accept projects. Thus participation reduces dispute, it is an excellent protection against dissent and protests, even if it does not guarantee full agreement. Participation in local governance can be effective if it is context-appropriate. Such nuanced analysis of appropriateness involves knowledge of the local context that is available among local people. Thus participation constitutes an inherent component of development. It can bring tremendous benefits to development projects. So the demand is not only to have a right to development but also right to meaningful and active participation in the process of development. Exclusion of the weak and powerless from decision-making is a cause of poverty because it denies them rights and creates unequal power relationships.

## **I. RIGHT TO PARTICIPATION IN INTERNATIONAL LEGAL FRAMEWORK**

Participation and inclusion is considered an important human rights principle. (Among the human rights principles are universality and inalienability; indivisibility; inter-dependence and inter-relatedness; non-discrimination and equality; participation and inclusion; accountability and rule of law). It implies that every person and all peoples are entitled to active and free and meaningful participation in, contribution to and enjoyment of civil, economic, social, cultural, and political development in which human rights and fundamental freedoms can be realized. Though a single human right to participation is not explicitly spelt out in international human rights instruments, there are numerous international conventions that outline the different aspects of participation as a human right, including for specific groups such as women, children, the disabled, minorities and indigenous people. (GI-ESCR Practitioner Guide, 2014, p.2). The international documents that emphasized upon this right to participation are numerous. These include the Universal Declaration of Human Rights (Art. 21); the International Covenant on Economic, Social and Cultural Rights (Art. 8); the International Convention on the Elimination of All Forms of Racial Discrimination (Art. 5 (c)); the Convention on the Elimination of All Forms of Discrimination Against Women (Arts. 7 and 8); the Convention on the Rights of the Child (Art. 15); the Convention on the Rights of Persons with Disabilities (Arts. 4 (3), 29, 33 (3)); the International Convention on the Protection of All Migrant Workers and Members of Their Families (Arts. 41 and 42); the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Art. 2 (2)); the United Nations Declaration on the

Rights of Indigenous Peoples (Arts. 5 and 18); the Durban Declaration and Programme of Action (Art. 22); the Declaration on the Rights to Development (Arts 1.1, 2 and 8.2); and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Art. 8). At the regional level, equal political rights are protected in several instruments, including Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Art. 3), the American Convention on Human Rights (Art. 23) and the African Charter on Human and Peoples' Rights (Art. 13). (GI- ESCR, 2014, pp.19-21).

Public participation is based on the freedoms of expression, assembly and association, coupled with the right to take part in public affairs. All are well-established provisions in international human rights law. However new elements, supplementary to these rights, are emanating from the instruments of special groups as well as from social and economic rights.

Participation in development has been a widely established practice since the 1990s. Most organizations working in the sphere of development — from large international agencies, such as the World Bank, to smaller nongovernmental organizations (NGOs) — at least profess the inclusion of local peoples, stakeholders, and beneficiaries in one form or another in some stage of their development activities. Though a single "human right to participation" is not explicitly spelt out in international human rights instruments and declarations, there are numerous international conventions that point out to the ways in which participation, in political, public and other spheres, is indeed a human right. Thus, participation is more than just good practice: people have the right to have a say in decisions which affect their lives. This guide seeks to provide an outline for how development practitioners can implement human rights based approach to participatory development. Political participation rights are inextricably linked to other human rights such as the rights to make peaceful assembly and association, freedom of expression and opinion and the rights to education and to information.

Political and public participation rights play a crucial role in the promotion of democratic governance, the rule of law, social inclusion and economic development, as well as in the advancement of all human rights. The right to directly and indirectly participate in political and public life is important in empowering individuals and groups, and is one of the core elements of development aimed at eliminating marginalization and discrimination. Since local bodies bring a lot of people into the process of decision making it can take advantage of many sources of information, and critical assessment of laws and policies. It teaches people to stand up for themselves.to think carefully, and do things carefully and rationally.

## **II. IS PARTICIPATION IN LOCAL BODIES FREE FROM DETERRENTS?**

Obstacles to equal political and public participation exist in many contexts. These barriers may include direct and indirect discrimination on grounds of race, sex, descent, religion, language political opinion, national origin, property, disability, nationality or other status. Even when there is no formal discrimination in connection with political or public participation, inequalities in access to other human rights may impede the effective exercise of political participation rights. As many development workers have found, "communities" are not homogeneous units. There are often internal divisions and hierarchies which lead to the marginalization of certain groups - such as women, disabled, and minorities - and these groups get excluded from meaningful public life. Including participants from marginalized groups can ensure that they have the opportunity to express their opinions and reduce the incidences of discrimination. Empowerment of the marginalized is thus central to participative development. (GI-ESCR Report, 2014, p.4) Seeking participation is not simple or a neutral act. It has been described as "the organised effort to increase control over resources and regulative institutions . . . by those hitherto excluded." (Stevens, Bur and Young, 2003, pp. 85-95)

Political societies are characterized by extensive disagreement. It becomes a major challenge to arrive at a consensus. The challenge further intensifies when the community taking decision is extensively heterogeneous. Often it is witnessed that one fails to respect reason of other members of society and that defeats the purpose of collective engagement in decision making. The problem further aggravates when one fails to treat others as equals. Since a complete consensus is not possible those in majority try to gather maximum support and in that process subdue the views of the rest.

#### IV. MIXED EXPERIENCES IN INDIA

The empowerment of the previously marginalized is central to participative development. Not that everything changes with participation, but the potential for change definitely appears. In India local governance bodies mandated by the Constitution may be considered a major step taken in this direction. It tried to draw the poor villagers towards participation in governance thereby deepening democracy further. In doing so it particularly focussed on participation of the women, SC and tribal population. The experience over the years remained varied and mixed.

Let us first analyse the case of the Scheduled Castes. Till a few decades back they could never think of becoming sarpanches or panchayat members. Living in villages along with persons of upper castes sometimes became a nightmarish experience for them. Free elections could not be held in gram panchayats with majority population from Scheduled Castes. Nomination papers could not be filed in the face of threats from upper-caste people in many of these villages. In case they did, they continued to live in fear for defying the dominant caste of their villages by filing their nomination papers for different posts in the village councils. In worst cases voters from backward castes were found to be prevented from voting in many villages.

It should be noted that empowering these marginalised groups through participation in the decentralised mechanism was one of the stated objectives of the Seventy-third Amendment. Thus with mandatory reservation of seats the picture changed drastically and lower caste participation in local bodies became a common affair. After coming to positions of power, these elected representatives are exercising their power being seated in leadership positions. In many cases it was observed that the presence of a sarpanch or member from Scheduled Caste category has contributed to increased participation of lower caste community in gram sabha meetings. Even the women SC members are exercising effective role in many villages although instances are also seen where the women SC sarpanches sit on the floor during the course of the panchayat meetings while the male upper caste members sit on chairs.

The experience with women's political empowerment through the Seventy Third Constitution amendment has also been a mixed one. In various cases it broke the myth and belief that women are generally passive and disinterested in participating in political institutions; only the well-to-do, upper strata women will participate if reservation for women is introduced; only the kin of powerful politicians will enter panchayats through political connection; and lastly and most importantly, women are only proxy members and they do not participate in the panchayats, in their place who participates is the male members of their families. Notwithstanding the fact that there are panchayats where there are some women who do fit into this patriarchy-oriented framework, one can say that these myths have now been exposed. Today the buzzword is that 'women can do it' (Mathew, G 2003, pp.155-161).

The improvements in the conditions of SCs and women, mentioned above, is however not an absolute phenomenon. Although there is evidence that panchayat elections have strengthened position of women in rural society there is, however, no evidence that women's issues were prioritised in election campaigns (Mohanty and Mark, 2007, p. 266) and post-election policy making. In other words although inclusion of women could bring significant shift in exercise of rural power particularly in favour of women the question that remains unanswered is whether in the long run it will help women to cement a grip over politics in villages and bring shift in existing power balance.

Local bodies in India constitute a mixed experience. Participation of the people in the grassroots and improvement in the conditions of poor and backward was a mixed bag of experience. Fundamental constitutional changes aimed at creation of viable local governments, regular elections and reservation of seats for the marginalised sections were some steps taken to introduce participative and inclusive governance through decentralization. However, what one observed in the past decades is that it is one thing to change law and another to transform actual practices. Law brings about the potential for change but that is not all. Institutional design constitutes a necessary but not sufficient condition for successful local bodies. Things that need to be remembered are: Firstly, no country-wide judgement is possible or desirable, success or failures vary from place to place and need to be recorded accordingly. Secondly, initiatives need to be taken beyond institutional arrangements; these include capacity building of the stake holders, regular training sessions, making the people at grassroots more organised by encouraging them to coordinate with voluntary organizations, civil right bodies and the like (deSouza 2004). Thirdly, these local bodies do not go uncontested. All facets of development, including participation, do not occur in a vacuum; they are influenced by political factors and other power dynamics that can hinder participation and damage the rights of marginalized groups. When the participation of a certain group challenges monopoly on power, the more powerful groups may start asserting themselves and create problems for the participation of marginalized

peoples. In other words, by dictating the nature and boundaries of participation, the powerful groups can further exclude the already marginalized groups. It is the government's responsibility to ensure organizations, both private and public or non-profit, respect the right of marginalized groups to participate in development that affects their lives. Non-participation can lead to further marginalization, conflict, and non-compliance, which can harm the social and economic well-being of people. Challenges that come from within should also be strictly tackled. In the struggle for power, dominant groups respond by attempting to change the rules of game by manipulating records, threatening marginalised groups when they stake claims (Mathew G, 2003). The marginalised also compete amongst themselves to occupy the new power space and try to take maximum opportunity of the space provided to them by the Constitution by combating unequal powers found in villages. No village is absolutely homogenous and harmonious. Differences on grounds of income, caste, status creates conflicts and frictions and true participation amounts to exercise of power by conflicting groups (Moitree Bhattacharya, 2002, p.7). Fourthly, public reaction towards decentralised local bodies remains varied. While some support the decentralised mechanisms in a way as if they are the answer to all ills, there is a second group who brush off these bodies altogether saying that they have a very weak existence, they do not constitute the constitutional federal design and division of powers thereof. For them localisation leads to fragmentation. Therefore, although they have constitutional status they have very weak position in terms of finances, they do not have police powers or even power to legislate, and so unable to function as self-governments. There is a need to recognize the centrality of the people and the need to include them in the process of governance and strengthen the principles of local governance, inclusion and participation.

Participation and inclusion in development should include three important aspects. One, people should not be forced or coerced to arrive at a decision. There should be openness in decision making. Two, all people should be equally valued and opportunity for participation should be distributed fairly. Three, diversities in society should be celebrated as a key to improved participation rather than considering them as barriers to participation. Participation requires that participant has to devote time but in turn it renders a feeling of ownership of projects and therefore increases effectiveness and sustainability in implementation. But all this depends on the internal dynamics that exists within the local bodies.

## REFERENCES AND NOTES

1. Asian Development Bank (2012), *Strengthening Participation for Development Results: An Asian Development Bank Guide to Participation*, Manila, Phillipines, (from <http://www.adb.org/documents/strengthening-participation-development-results-asian-developmentbank-guide-participation> as on 24.4.2017)
2. Bhattacharya, Moitree (2002), *Panchayati Raj in West Bengal: Democratic Decentralisation or Democratic Centralism*, New Delhi, Manak,
3. deSouza Peter Ronald (2004), The Struggle for Local Government: Indian Democracy's New Phase, *PUBLICUS : The Journal of Federalism*, vol 33 no.4.
4. Global Initiative for Economic Social and Cultural Rights (GI-ESCR) Report, 2016, ( from <http://globalinitiative-escr.org/> as on 24.4.2017)
5. The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR), (May 2014) *A Rights Based Approach to Participation*, GI-ESCR, ( from <http://globalinitiative-escr.org/> as on 24.4.2017)
6. Institute of Social Sciences: *Panchayati Raj Updates*, New Delhi

7. Mathew George (2003), Panchayati Raj Institutions and Human Rights in India, in *Economic and Political Weekly*, January 11.
8. Mohanty Manoranjan and Selden Mark (2007), Reconceptualising Local Democracy: Reflections on Democracy, Power and Resistance in Indian and Chinese Countryside in Mohanty, Manoranjan, Baum, Richard, Ma Rong and Mathew George, (eds) *Grassroots Democracy in India and China: The Right to Participate*, New Delhi, Sage.
9. Stevens, Bur and Young, 2003, People, Jobs, Rights and Power: The roles of participation in combating social exclusion in Europe, in *Community Development Journal*, 1 April, 2003, (retrieved from <https://academic.oup.com/cdj/article-abstract/38/2/84/30060> as on 28.4.2017)
10. United Nations Development Programme (2001), *Decentralisation in India: Challenges and Opportunities*, Human Development Research Centre, UNDP, New Delhi

