



# Organisation of Grass-Root Democracy in India: A reflection

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**Abstract:** Panchayats are basic units for experiencing the existence of democracy at the grass-root level. The institutions of local self-governance play major role in every arena of rural life. In Vedic societies such practices were prevalent in the form of sabhas and samitis. 73rd amendment act provided a constitutional recognition to the institution of Panchayati Raj. Folk-fare in rural areas were empowered to elect grass-root level of government to celebrate the spirit of democracy. PRIs have been instrumental in bringing phenomenal changes in the rural ecosystems in India. The present work deals with policy interventions to improve inclusion of tribal women and provide equitable access to benefits. In addition, the work analyses development of rural India vis-à-vis participation of tribal women in panchayats and others rural local bodies. Participation of every section of local-governance specially panchayats in nation building activities will increase their reach and recognize them for the efforts.

**Index Terms –** Grass-root democracy, rural development, panchayati raj, local self-governance.

## I. INTRODUCTION

The embodiment of the majority rules system is the decentralization of government and permitting administration to arrive at the basic level for government assistance of individuals. The concept of decentralised or local government chosen by individuals consequently assimilates popularity based on working for the general public including occupants of the erstwhile Sabha and Samiti. The idea of local government has been in India since the time beginning of growth in different structures at various level. It was in the year 1882 when Lord Ripon issued a proclamation on Local Self Government (LSG). Complaints were raised by the administration of those days against any augmentation of the forces of local bodies and giving them a character based on populist governance (democracy).

It was a major achievement that involved the management of territories, the constitution and formation of local bodies, their functions, funding, their duties and responsibilities. This was a significant milestone in the advancement of local self-government in India. This prompted the reinforcing of local establishment throughout some stretch of time prompting its mention in PART IV of the Indian Constitution. The enactment of the Parliament through the 73rd amendment in 1992 had an extraordinary progressive potential to make real vote based system at the grassroots level. It addressed a noteworthy chance to change the essence of rustic India. The change commands that assets, duty and dynamic force be declined from a centralised government to provincial grassroots individuals through Panchayati Raj Institutions. Their fundamental goal was to acknowledge Mahatma Gandhi's dream of providing capacity to individuals through Panchayats.

## II. FOUNDATION OF PRIs IN THE CONSTITUTION OF INDIA

Organisation of village panchayats is mentioned in the article 40 of the Indian constitution. It also bestows them with necessary autonomy and authority to assist them to serve as a local-self-government. The issue with enforcement of Article 40 was its placement in the part of Directive Principles of State Policy which has a shortcoming of not being justiciable directly. Later, the conceptualisation of the system of local self-government in India took place through the recommendation and effort of four important committees from the year 1957 to 1986. The first committee that was formed to examine the Community Development

Programme in 1952 recommended the formal organisation and structure of village panchayats. This was by Balwant Rai Mehta committee. In its report in November 1957, the Committee, recommended the establishment of the scheme of 'democratic decentralisation', which ultimately came to be known as Panchayati Raj. It endorsed for a 3-tier system at village, block and district level. Its recommendations also include a provision for direct exercise of universal adult franchise for electing a village level panchayat. Nagaur district in Rajasthan witnessed on October 2, 1959 the first place in India to establish a Panchayati Raj Institution.

After this, Ashok Mehta Committee on Panchayati Raj was named in December 1977 and in August 1978 presented its report with different suggestions to resuscitate and fortify the declining Panchayati Raj framework in the country. Its significant suggestion was the two-level arrangement of the panchayat, customary social review, the portrayal of ideological groups at all degree of panchayat raj, arrangements for political elections, reservation to SCs/STs in panchayats and a minister for panchayati raj in state assemblies. Further, G V K Rao Committee named in 1985 again prescribed a few measures to fortify Panchayati Raj establishments.

Appointed in 1986, the LM Singhvi Committee for the first time suggested for established status of Panchayati Raj Institutions by calling them 'a constitutional body' and it likewise recommended for constitutional arrangements to guarantee regular, free and reasonable elections for the Panchayati Raj Bodies. Because of the proposals of LM Singhvi Committee, a bill was presented in the Lok Sabha by Rajiv Gandhi's administration in July 1989 to constitutionalize Panchayati Raj Institutions, yet the bill was not passed in Rajya Sabha.

The V P Singh government likewise brought a bill, however, the fall of government brought lapse of the bill. After this P V Narashima Rao's government presented a bill for this cause in Lok Sabha in September, 1991 and the bill was passed as the 73rd Constitutional Amendment Act, 1992 and came into effect on 24th April, 1993.

PART IX and IXA were added to the Constitution after the revision to the Constitution. It accommodates the constitution of Panchayat at three levels, the village, the town, and the Zila level. Gram Sabha at the village level comprising of people listed in the voting list of the village. Reservation of seats for Scheduled Castes, Scheduled Tribes, women; constitution of Finance Commission to audit financial assets of Panchayats and make appropriate suggestions for devolution of finances to panchayats. The formation of State Election Commission in every state to oversee elections for 3-tier institution. PART IXA accommodates the constitution and creation of Municipalities; ward committee; power to impose and collect taxes; Finance Commission to audit financial standing of municipalities and recommend devolution of funds from state treasury; its elections; District Planning Committee and Metropolitan Planning Committee.

#### *PESA Act of 1996*

The need of PESA Act lies in the fact that the provisions of Part IX are not applicable to the areas enlisted in Fifth Schedule of the constitution.

Only, the Parliament is empowered to extend this Part to such areas with modifications and exceptions as it may specify. Hence, under this situation, the Parliament enacted Provisions of the Panchayats (Extension to the Scheduled Areas) Act, known as PESA Act.

#### *Objectives of the PESA Act:*

1. To extend the provisions of Part IX to the scheduled areas.
2. To provide self-rule for the tribal population.
3. To have village governance with participatory democracy.
4. To evolve participatory governance consistent with the traditional practices.
5. To preserve and safeguard traditions and customs of tribal population.
6. To empower panchayats with powers conducive to tribal requirements.
7. To prevent panchayats at a higher level from assuming powers and authority of panchayats at a lower level.

### III. ISSUES WITH PANCHAYATI RAJ INSTITUTIONS IN INDIA

Though the Panchayati Raj Institutions have been in existence for a long time, the participation of people at the grass-roots level have become more of just a formal exercise. There have been various instances in the past where approval from Gram Sabha has been either forced or forged for acquisition of land for various commercial purposes including mining. Even the local bureaucracy has not helped much in nurturing the institution to grow and sustain at ground level. Merely by making panchayats a part of Constitution will not solve the case of grass-roots democracy unless its limbs are empowered.

The 73rd amendment only mandated the creation of local self-governing bodies, and left the decision to delegate powers, functions, and finances to the state legislatures, therein lies the failure of PRIs. The major failure of the Amendment is the lack of finances for PRIs. The grey area is the lack of adequate funds. Local governments can either raise their own revenue through local taxes or receive intergovernmental transfers. 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. There is a need to enlarge the domain of panchayats to be able to raise their own funds.

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. The reality is that there has been very little devolution of authority and functions in the last 26 years. Because these functions were never devolved, state executive authorities have proliferated to carry out these functions. The most common example is the terrible state water boards.

PRIs are often unable to solve even the most basic local governance needs. The interference of area MPs and MLAs in the functioning of panchayats also adversely affected their performance. PRIs also suffer from structural deficiencies i.e. no secretarial support and lower levels of technical knowledge which restricted the aggregation of bottom up planning. There is an existence of *ad hocism* i.e. lack of clear setting of agenda in gram sabha, gram samiti meetings and no proper structure.

Though women and SC and STs has got representation in PRIs through reservation mandated by 73rd amendment but there is a presence of husband of Women *Panchs* and proxy representation in case of women and SC and STs representatives respectively.

Accountability arrangements remain very weak even after 26 years of PRIs constitutional arrangement. The issue of ambiguity in the division of functions and funds has allowed concentration of powers with the states and thereby restraining the elective representatives who are more aware and sensitive to the ground level issues to take control.

### IV. CONCLUSION AND WAY AHEAD

The 2<sup>nd</sup> Administrative Reform Commission in its 6<sup>th</sup> report calls for precise demarcated role of each tier of panchayati raj institution. This is yet to be followed in practice. Backward linkages have to be brought out by linking highly successful states like Karnataka and Kerala to backward ones. These forward states have taken some steps in this direction. There is need for bottom up planning especially at the district level, based on the inputs received from grass root levels.

The state of Karnataka has created a separate bureaucratic cadre for Panchayats to get away from the practice of deputation of officials from other cadres who are seen overpowering the elected representatives. Such practices needs to be replicated in other states for strengthening the true character of local self-governance. The center also needs to financially incentivize states to encourage positive changes, such as effective devolution to the panchayats in functions, finances, and functionaries.

Training should be provided to local representatives to develop expertise so that they contribute more in planning and implementation of policies and programmes. To solve the problem of proxy representation social empowerment must precede the political empowerment.

Thus, The core issues of local self-governance involves the principle of subsidiarity which means that what can best be done at the lower levels of government should not be centralised at higher levels; a clear

delineation of functions entrusted to the local bodies; effective devolution of financial powers and functions and convergence of services for the citizens as well as citizens centric governance structures.

#### V. ACKNOWLEDGMENT

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