

Dependency versus Autonomy

Identity Crisis of India's Panchayats

This essay tries to analyse historically the roots of the basic contradictions which have haunted the rural self-governing institutions of India. These contradictions have been further sharpened by the 73rd constitutional amendment. Though the concept of self-government at the local level has been guaranteed by the Constitution, it has been given a go by in practice by the ruling establishment. Institutional changes brought about by the 73rd amendment have helped create a space at the grass roots level for these contradictions to be challenged by disadvantaged sections. This might create a ground swell demanding autonomy of panchayats to ensure responsive and accountable governance at the local level.

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Local Government under British Rule

The apologists of British rule in India generally aver that whatever might be the deficiencies of colonialism, it was the colonial government which had introduced several modern institutions on which the post-colonial state could rebuild itself. According to them, the local self-government institutions set up by the imperial government provide one such example, because it was that government, which, for the first time in India, created a forum for participation of people in the public sphere. Such a position is untenable. For, the local government institutions created by the imperial state were, no doubt, locally based, but they were far from self-governing units of administration. In fact, they had been instrumental in the crystallisation of a mindset and an administrative system, which have stifled the possibility of the emergence of genuine local self-governing institutions based on democratic participation. Before we elaborate the point further, let us have a quick look at the various stages through which the so-called institutions of 'local self-government' had evolved

during the British rule. We shall cite the specific case of Bengal, which then included permanently settled areas of Bihar and Orissa.

Local Government in Bengal

The first step towards the introduction of local government in rural areas of Bengal was taken in 1870 by way of constituting a new type of village panchayat under the Bengal Village Chowkidari Act. The objective of this panchayat was to collect local tax for maintaining village chowkidars and had nothing else to do in respect of providing services at the local level. A full-fledged policy statement with regard to the setting up of local self-government units came in 1882 with a government resolution passed by Lord Ripon, then viceroy of India. Ripon's resolution contained democratic principles in respect of setting up local government institutions and associating people in them to provide municipal services. But when Bengal Local Self-Government Act was passed in 1885, it had little correspondence with the lofty principles of the resolution. The act envisaged constitution of a district board at the top and union committees below for a group of villages. At the middle or subdivision level, there was the provision for setting up of local boards. The members of the district board were indirectly elected by the local boards. Members of

the local boards and union committees were elected, but the electorate was very restricted. Provisions were made for accommodating government officials both in district boards and local boards. As a matter of fact, the real authority was exercised by them. The district magistrate was the chairman of the district board. The system continued till 1916 when rules were changed for the appointment of non-officials as chairmen, on an 'experimental basis'. The local boards were made agencies of district boards with no autonomy of their own. In fact, the local boards were soon found redundant and they were abolished altogether in 1936.

In 1919, the Bengal Village Self-Government Act was passed. It contained provisions for the formation of elected union committees for a group of villages. They were called union boards. Members of the union boards were elected, but the electorate consisted of only the ratepayers. Thus only the property owners had the voting right. Women as well as the poor were denied the right to vote. The functional jurisdiction of union boards was quite wide. Apart from municipal functions, it included the responsibility of construction or maintenance of roads and ferries, establishment of primary schools and libraries and promotion of cottage industry. However, the resource base of union boards was very weak. Property tax was the main staple of the revenue of these bodies. In the impoverished agricultural economy of the villages, the scope of this tax was severely limited. There was no system of sharing provincial revenue with the local government institution, as 'local taxation for local development', was the time-honoured principle of the British rule. On top of it, salary of chowkidars and dafadars was the first charge upon the union board's revenue. Therefore, the boards suffered perpetually from lack of resources. Accordingly, they did not have the capacity to perform the developmental functions as provided in the act. Besides, the boards had to function strictly under the control of district bureaucracy, so that they do not cause any problem for the imperial rule. Thus the union board was a far cry from any genuine initiative towards the introduction of self-government. The position of the municipalities in the urban areas was no better insofar as the representative character,

autonomy and financial viability of these institutions were concerned.

Motive of the Raj

A question may be raised as to why were the British rulers at all interested in setting up these institutions. For a satisfactory answer, we need to understand the complexities of the British rule in India. The timing of the introduction of these institutions also requires to be noted. Attempts to introduce local government institutions started soon after the annexation of India by the British Crown. It was a time when the trauma of the uprisings of 1857 was still fresh in the minds of the colonial rulers. It was also the time when the business of governance passed almost in its entirety to the provincial governments. As the arm of the government stretched to the remotest parts of the countryside, the local communities lost whatever power they had in managing their own affairs, if not on democratic basis, at least on the basis of some caste or communal norms.

It was at this historical juncture that the British invented a form of 'modern' local government for the country. There were several compulsions for this. The first and foremost was a fuller political and economic integration. Second, it was necessary to build a reliable information system extending right up to the villages, because even after 1857, there were sporadic peasant movements in different parts of India. The chowkidari panchayats, and later the union committees and union boards, made it possible for the state to penetrate deep into the countryside and simultaneously put in place a reliable information system. (It is interesting to note that one of the obligatory functions of union boards was to keep the district magistrate informed about the law and order situation of the villages. Similarly, the dafadars had to report to the officer-in-charge of the local police station on a regular basis.) All these could be ensured without putting any additional burden on the state exchequer.

The local government institutions in the villages also helped the imperial government to recruit a new group of collaborators in the countryside apart from the erstwhile permanently settled zamindars. They came from the ranks of big intermediaries and the traders cum merchants cum moneylenders whose economic power had been increasing over time and now increased further because of commercialisation of agriculture. These

groups came to enjoy additional power and prestige by virtue of their position as elected representatives in different tiers of the newly introduced rural local government structure. By becoming a part of the imperial system of governance to which the local government institutions were integrated, their distance from people was now complete. It is an irony that technically they were representatives of the citizenry. In reality they were the new patrons in a crystallised network of patron-client relationship of which the imperialist rulers were the highest patron. They not only emerged as powerful but also as legitimate mediators of both public and private affairs of people in the countryside.

Colonised Local Government

It should also be noted that the period we are talking of was the period of full blown imperialist exploitation of India when the Indian countryside was being opened up simultaneously as sources of commercial crops and raw materials on the one hand and as markets for British merchandise on the other. For this peace in the countryside had to be maintained. But it was also a period of imperial expansion outside India and imperialist wars in different parts of Asia. The charges for these were borne substantially from Indian exchequer. These were in addition to other administrative expenses and the so-called 'home charges'. Against the continuously increasing demands the budgetary resources were limited and inflexible. Land revenue had already reached its highest point. The rates could be increased further only at the risk of upsetting the imperial apple cart. The customs, excise and other duties had also to be kept at a minimum level lest they adversely affected the British industrial and trading interests. But the public facilities and infrastructure had to be maintained and improved. The information-communication system had to be developed and maintained for administrative, commercial and military purposes.

Against these contradictory sets of demands the local government provided a satisfactory solution. The purpose was never to democratise local governance. The new innovation helped the provincial governments to divest themselves of a few expenditure items, which were now transferred to the local government. Cess was levied on provincial taxes and the local governments were allowed to impose local taxes to cover such expenditure. But while the local government's powers extended

all over the locality and all the people living in the locality, the franchise was strictly restricted to the local magnates and their compatriots. It created a situation by which both the traditionally entrenched rural elite could join forces with the newly emerging economically powerful sections in the countryside – the merchants, moneylenders, and the jotedars – and entrench their positions firmly on the rural society by using the new local government platforms and through an intimate nexus with the imperial rule. These sections began to get liberal support and patronage from the district administration. As a consequence, the stranglehold of the high and mighty in the countryside became far more oppressive. The system, in fact, consolidated the bureaucratic rule of colonial government even further. To flaunt these institutions as precursors of modern rural self-government in India is a travesty of truth. That apart, they created a system and conditioned the thinking of local governance in such a manner that they continue to thwart local democracy in India even after independence.

It needs to be noted that the institutional framework of local government introduced in India by the British raj was not the outcome of an orthogenetic process. It was imposed from above. As a consequence these institutions remained loosely grafted to the indigenous rural society. They did not have any linkage whatsoever with the existing social institutions and community-based organisations. They were, indeed, looked at with an eye of suspicion by the local people. A colonial government can integrate the colonised people and their institutions only bureaucratically. That is what they did. The key words of such an arrangement are control and subjugation, as people are considered as 'subjects' and not 'citizens' enjoying political and legal equality. The institution of rural local-self government bred within such a framework, therefore, did not have either autonomy or a representative character. As such, they remained distant from the people and created little enthusiasm among them. They never considered these institutions as their own, which, if not totally unnecessary, were, in substance, extrinsic to their life process. The old community-based self-governing institutions and the newly created and superimposed bodies of local government failed to develop any creative relationship.

This tradition of viewing local government institutions as non-autonomous appendages of superior government and as superimposed bodies on an essentially

bureaucratic local administration persists even after more than five decades of independence.

II Local Government in Independent India

At the time of independence, the Indian rulers did not think it necessary to build new institutions or to reform the existing ones for governing the local. Hence, they could not develop an appropriate concept of local government that could be integrated with the governments at the national and state levels. The question as to whether democracy should be extended to the governance of the strata below the 'state' was not considered at all. This explains why local government received such shabby treatment in the original scheme. In fact it was equated with any 'local authority' as defined in the General Clauses Act (see entry 5 of List II of Seventh Schedule of the Constitution).

Those who gave us the original Constitution had retained an entrenched administrative system in the districts and at the levels below the district. There was a strong pressure to retain the pre-independence system in independent India. The system was so deep rooted in the elitist understanding that it seemed to be immutable at least for the time being. On the top of it, as already explained in the previous section, the local self-government institutions in the districts and in the villages had a weak foundation and were accustomed to serve under the surveillance of local bureaucracy. The political leaders of the country found it difficult to think of an alternative system under which the representative institutions at the local level could take part in governance independently. Additionally, it should be remembered that the most important goal the early political leaders of free India set for themselves was the task of building the nation. Hence the uppermost concern in their minds was that of maintaining the unity and integrity of the country. This concern was so great that the Indian Constitution retained a strong unitary bias, even though in form it created a federal structure. Where even the autonomy of the states was unreasonably curbed, the question of decentralisation at the local level did not arise.

The pressure to retain the existing system of district governance came from other sources also. B R Ambedkar who represented the dalits strongly argued against the empowerment of village panchayats, as, according to him, the landed gentry of the upper castes would

invariably dominate them and these institutions would be utilised for perpetuating the exploitation of the lower caste people and the poor. It is an irony of history that Ambedkar, who was one of the principal architects of the liberal democratic framework of our Constitution, found himself in the company of those who did not find any incompatibility between the bureaucratic district administration and democratic governance. Such was the complexity of the historical legacy left by the imperial rulers.

Ideology of Panchayat Raj

By retaining the existing system of district administration, the Indian Constitution-makers ignored not only the political principles of liberal democracy from which they borrowed substantially in drafting the Constitution, they also chose to turn a blind eye to the rich body of thought developed by Indian thinkers on the question of organising the polity of free India. There were two streams of thought that emphasised the need for decentralised and participatory governance. One was that of M N Roy, the philosopher-revolutionary, who developed an alternative model of democratic framework for the country after rejecting the Westminster model of representative government. Roy noted that under the system of representative democracy as practised in the west, power gets concentrated in the hands of a few and most people, being reduced to 'atomised individuals', are deprived of any power to control the actions of the state. He felt strongly that 'to be real, democracy must be direct'. In the Constitution he drafted for free India, Roy envisaged creation of a network of 'local people's committees in villages, towns and cities' to discharge the local level functions of government and to exercise control over local bureaucracy.

Roy's ideas, however, remained confined within a very small group of his followers drawn from the urban intellectuals. But when Gandhiji developed his concept of gram sawaraj based on the refreshingly new meaning he gave to the concepts of 'individual freedom' and 'democracy', it became difficult for the leaders of the Congress to ignore the call he gave to establish panchayat raj. Not that they subscribed to the idea, but they did not oppose it publicly, given the moral influence Gandhiji exerted on the minds of the people. Gandhiji's panchayat raj effectively meant self-rule of the village community, leaving minimal functions to the governments of the provinces and the

centre. There was a strong anarchic element in Gandhiji's conceptualisation of organising Indian polity based on communitarian principles where power does not flow from the top to bottom, but travels from the village communities to the districts, and then upwards to the provinces and the centre.

Response of Political Elites and Its Effect

Gandhiji's gram swaraj was too radical for the Constitution makers to be accepted as a guide for practical policy. Even, the ideas of M N Roy did not create any impact upon them. Their minds, as mentioned, were working in a different trajectory. Hence in the battle between the ideology of panchayat raj and the forces of the entrenched system of district administration, the political elites sided with the latter. This led to a situation where we had democratic form of governance at the national and state levels and bureaucratic governance at the district and sub-district levels, that is democracy for the elites and bureaucracy for the masses. This contradiction between democracy at the top and bureaucracy at the bottom created serious distortions in the functioning of Indian democracy.

First, the scope of enriching the practice of democracy through participation at the local level governance was stifled because bureaucracy was not made accountable to the local people. A wide chasm was also created between the people and the representative governments at the higher levels. As such, the MLAs/MPs slipped into the role of linkmen between the people and the governmental machinery. They began to neglect their constitutional role as legislators and devote more energy in meddling with local administration. The unintended consequence of this was the emergence at the local level of groups of people whom Rajiv Gandhi termed the 'power brokers' who drew their strength from the MLAs/MPs and the parties they represented. They played the role of middlemen to reach the state's benefits meant for the masses. It is a situation where an ordinary villager cannot approach the state, represented by the most proximate district administration, as an empowered and autonomous individual, but needs a patron to intervene on his behalf. Thus appeared on the scene the spectacle of political clientalism, which is being reinforced continuously.

Secondly, the Indian state after independence emerged as a developmental state. It made many interventions for social and

economic development and also entered in an unprecedented manner in the production of public goods and services. There was no dearth of well meaning schemes for the villages also particularly after the 1970s. But those were conceived at the top and implemented by the local bureaucracy with no accountability to the people. People were only at the receiving end. They had no say in determining what should be done for their development or how the fruits of development programmes should be distributed or even how they should be monitored. The system created a situation in which at the cutting edge level, administration appeared to the people as unresponsive and unsympathetic, signifying continuity of the colonial tradition.

Politics of Panchayati Raj

Even though Gandhiji's vision of organising the Indian polity was not shared by the political elite, several attempts were made to make the institution of panchayat functional. However, none of these attempts was directed to correct the distortions in the functioning of Indian democracy. The motives were different and the panchayati raj institutions continued to be superimposed upon the existing bureaucratic local administration.

As is well known, the first major attempt to institutionalise panchayats came from the report of the Balwant Ray Mehta study team. Its terms of reference had nothing to do with the question of rural local government. Its brief was to assess the performance of the community development programme of India and to suggest measures for improvement. But the Mehta team found that the programme of community development could not succeed unless people rallied behind it. Panchayats, which were representative institutions of the local people, would be in a better position, the committee thought, to generate people's support for the programme. This realisation prompted them to suggest a three-tier panchayat system for the country.

The point to be noted here is that the basic motive for the support given to the panchayats was to enlist in a very limited way people's participation in a programme conceived and directed by the central government. Legitimising a central government-led development programme was the hidden agenda behind the move. In the process, if the rural local government institutions get even slightly empowered, then the limits of their operations were to be determined by the requirements of the programme. It is not, therefore, surprising

that of the three tiers of panchayat, the Mehta team made the intermediary tier, namely, the block panchayat most powerful, marginalising both the gram panchayat and the zilla parishad, because it was the block that was the focal point of community development programme. It is worthwhile to note also that the necessity of a central programme of rural development led to the earmarking of a geographical space for making a new administrative unit to implement the programme. In the interest of the programme again, this newly created administrative unit, namely, the block, was converted into the boundary of one of the tiers of rural local government structure. Thus, even the definition of 'local' was determined by a bureaucratic fiat, and was not left to the 'imagination' of the community. Even though Nehru termed Balwant Ray Mehta's three-tier panchayats as panchayati raj or governance by the self-governing institutions, the whole attempt appears to be manipulative in nature basically to legitimise the programme of a centralised developmental state. There was no attempt to replace the bureaucratic administration by democratic governance at the bottom level even for development purpose.

The forces in favour of centralisation of political power were so strong that even the little concessions given to these first generation panchayats were not tolerated for long. The system collapsed almost in all the states, except Maharashtra and Gujarat, soon after Nehru's death in 1964. The idea of panchayati raj was once again revived following the report of another government of India committee headed by Asoka Mehta. Incidentally this committee was the first panel consisting of many eminent persons to examine exclusively the question of institutionalisation of panchayats. Two interesting points require to be noted here.

First, the committee was set up by the first non-Congress government at the centre. The coalition of several opposition parties, which came to power, had promised to pursue some populist ideas. Decentralisation and extension of local democracy formed part of them. But they did precious little to achieve this goal except appointing a committee for panchayats. Secondly, only three states, namely, West Bengal, Andhra Pradesh and Karnataka, accepted the recommendations of the committee seriously and established and empowered the panchayati raj institutions. In West Bengal and Andhra Pradesh, where regional opposition parties had just come to power after dislodging a long rule of the Congress, there was a definite political

design to create power-centres at the local level. For West Bengal, panchayats became a convenient means to extend the influence of the left parties in power. Besides they were under the constant threat of being overthrown by the central government. The left parties thought that by capturing the rural local government institutions they would be in a better position to initiate a political struggle against any arbitrary use of constitutional power under Article 356 by the central government. In Andhra Pradesh similarly, N T Rama Rao who won the election on the strength of his charisma was in urgent need of consolidating the influence of his party in the countryside. Panchayats were useful institutions for the purpose. In none of these states, there was an agenda of decentralisation of governance by allowing the panchayats to develop into powerful and autonomous institutions of self-government.

Only in Karnataka, it seems, there was a genuine attempt to build autonomous local government institutions in the villages and in the districts. The state even came up with the idea of district government. However, the experiment was short lived, as the party, which launched this radical programme, was voted out of power and the new regime reverted back to the old system.

Constitutionalising Panchayats

In 1992, the most important development in the career of India's local government institutions took place when a constitutional status was given to it by amending the Constitution. The 73rd and the 74th constitutional amendments declared the three-tier panchayati raj institutions and the municipalities respectively as institutions of self-government, implying their rights to be treated as autonomous institutions. The amendments also made mandatory provisions to hold regular elections to these bodies and gave directions to the state legislatures to devolve powers and responsibility to them, so that they could discharge certain local level governmental functions in respect of development in an autonomous manner. Initiated by the then prime minister Rajiv Gandhi in the mid-1980s, these constitutional amendments marked the terminal point of a process. They reflect an attempt to initiate a basic change in the administrative system at the district level and below, from a non-representative, autocratic and bureaucratic administration to a representative and responsive elected system of governance. Since such an idea was first mooted by

Rajiv Gandhi and was placed before the conference of chief ministers by him for obtaining consensus, it would be appropriate to examine briefly the reasons that prompted him to suggest such a radical reform measure.

The manifest reason was of course his search for an efficient delivery system. Initially he thought that the outreach of the government's development programmes could be enhanced and the leakage or misuse of huge resources for rural development curbed if panchayats were put in place as supplementary to the existing administrative structure. Later, after he toured the entire country, met the local leaders and interacted with the district magistrates in several regional seminars, he gradually realised that the district administration needed a systemic change – a change from bureaucratic district administration to democratic governance at the district level and below.

When Rajiv Gandhi became prime minister, he was a greenhorn in the political arena, which is why he could take an independent view untrammelled by the compulsions of electoral politics at the distortions created in the district administration and stridently advocate for local democracy. Had he been a diehard politician within the Indian political system of clientelism, probably he would not have come with such a radical reform proposal. However, it would be too simplistic to assume that his advocacy for local democracy was inspired only by his convictions. In converting his conviction into practical policy of the state, political exigencies also played a major role.

The 1970s and 1980s witnessed a series of movements in different parts of the country based on ethnic, religious or linguistic assertions of regional communities who had developed a feeling of alienation from the mainstream Indian society. There were militant movements in the north-east and in Punjab. The demand for Gorkhaland was raised in the north of West Bengal and the tribal communities of Bihar were agitating for a separate state of Jharkhand. There were demands for separate states in central India and in the hilly region of Uttar Pradesh. It was becoming difficult for the state's enforcement machinery to resist these movements and disturbances. The republic was under stress and it became clear that power had to be shared with local communities, as it was beyond the capacity of the centralised state machinery to ensure enforcement of its writ by using its coercive power alone. The autonomous local government institutions with sufficient power, responsibility and

resources were considered to be a safety valve for preventing occurrence of such separatist tendencies. The thinking of the political elite on the question of maintaining the unity and integrity of the country thus turned a full circle. At independence, centralisation was considered as a means of keeping the nation safe. In mid-1980s, the danger of such policy for India's multicultural society became apparent and a need was felt to share power with the communities at the grass roots level.

Added to the above, there were considerations of power politics. In the mid-1980s, Congress was out of power in many major states, even though it was in power at the centre. The opposition parties, which held the state governments, were mounting pressure for more administrative and fiscal powers for the states. Their opposition to accept centre's decisions affecting the states without obtaining consensus was causing sufficient irritation to the central government. The prime minister's position as the supreme leader of the nation was in danger, as many stalwarts among the state-based leaders were asserting their views forcefully on national issues. It is possible that panchayats were sought to be constitutionalised with the hope that the autonomous local-self government institutions would create similar problems for the ruling parties of the states, as these bodies also would claim devolution of powers and resources from the states. The objective, therefore, was to create alternative power-centres within the states. In fact, this possibility cannot be ruled out for two reasons. First, even though Rajiv Gandhi and his party advocated for decentralisation at the local level, nothing was done for devolving more powers to the states. Even such small steps as reducing the number of centrally-sponsored development schemes in the areas constitutionally reserved for the states were not taken. Secondly, the central government tried to establish direct linkages with the district collectors or the panchayati raj bodies bypassing the state governments for the implementation of centrally sponsored development schemes. The agenda behind such unusual move was quite clear – empower the local government institutions and marginalise the states in order to establish hegemony of the centre, as it would be impossible for the numerous grass roots institutions of this vast country to challenge the central authority.

Whatever may be the motive, constitutionalisation of the panchayats and municipalities in 1992 undoubtedly happen to be the most important landmark in the history of local democracy in India.

In Article 243(d) 'panchayat' has been defined as an institution of self-government. In Article 243G, direction has been given to the state legislatures to endow the panchayats with 'such powers and authority as may be necessary to enable them to function as institution of self government'. Article 40 also endorses the principle of endowing village panchayats with such 'powers and authority' as would be necessary to enable them to function as institution of self-government.

Panchayats after 73rd Amendment

Constitutionally the panchayat has not been conceived as an appendage of superior government, functioning merely as the agency of state government to implement its policies and programmes. It is entitled to have autonomy in respect of functions devolved upon it. In respect of such functions the panchayat should have adequate 'power and authority', so that it can function independently and without any outside interference. In fact, the Constitution has taken the position that the panchayat must have an exclusive set of functions and they would be enabled to discharge such functions autonomously. 'Power and authority' over such set of functions imply not only 'authority' to discharge such 'functions', but also power to access the administrative and financial resources to enable them to discharge those functions independently. If in Article 40, which is a part of the directive principles of state policy, this view of panchayat is in the nature of a guiding principle that may or may not be accepted by the legislature, in Article 243G mandatory direction has been given to the state legislatures to treat panchayats as autonomous institutions. Not only this, the Constitution has also given these local government institutions the crucial mandate of preparation of plans for 'economic development and social justice'.

Thus the 73rd constitutional amendment envisages 'devolution' type of democratic decentralisation, and not the 'deconcentration' type of administrative decentralisation under which the superior body retains various types of control including the power of withdrawing the power and authority given to a lower body. Accordingly, some observers noted that with the 73rd amendment, a 'third stratum of governance' at the local level had been institutionalised. (see Nirmal Mukarji, 'The Third Stratum' in *Economic and Political Weekly*, May 1, 1993, pp 859-62.)

However all the acts, excepting the one of Kerala, passed by the state legislatures

to conform to the requirements of the constitutional amendments have chosen to deny the status of self government to the panchayats. In fact, except the mandatory constitutional provisions, these panchayat acts of different states have nothing new to offer. Like before, they visualise panchayats as nothing more than a local authority which will exercise such delegated power and authority as may be given to them by the state acts or rules or executive orders. Even such delegated power could only be exercised by panchayats, subject to the bureaucratic control of the state government. *There is no attempt at devolution type of transfer of functions, functionaries and financial resources from the state government to the panchayats.* True, every act gives lists of wide range of functions to be performed by the panchayats. But no exclusive functional area for these bodies is carved out. They are merely 'permitted' to work within the functional domain of the state, subject to such conditions as the state government may deem fit to impose. Moreover, financial and administrative resources necessary to discharge such functions continue to remain with the state government and are not transferred to the panchayats. In the absence of these resources, the lists of function that every panchayat act religiously provide remain sterile. Going against the spirit of the Constitution, the panchayats are used by the state governments only as their 'agencies' to implement some of their development or welfare schemes.

Thus, what is singularly absent in the state acts as well as in the policies of the states is the question of 'autonomy' of the panchayats, which is at the centre stage of conceptualisation of the institution in the Constitution. Only in the state of Kerala, there has been a genuine attempt to develop the institutions of self-government for local governance. In no other state there is any evidence of realisation of the fact that the panchayats of the 73rd constitution amendment are qualitatively different from the rural local government institutions of all previous generations. Although the amendments hold the promise of replacing the system of bureaucratic local governance by autonomous and representative institutions of local government, this promise has not been fulfilled, as the state governments refuse to share power and resources with the panchayats.

Identity Crisis

What then are the panchayats? Constitutionally they are institutions of self-government. In reality they are not. It is true that the state governments do not have unfet-

tered right over these institutions, as they used to have previously. There are mandatory provisions in the Constitution as regards direct election to all the three tiers, obligation to conduct election every five years, reservation of seats and the positions of chairpersons in all the tiers for women and SC/ST communities, constitution of state election commission and state finance commissions, etc. But in the matter of devolution of functions the Constitution left the matter to the state legislatures after giving an indication in the 11th Schedule as to the functional items that could be transferred to these bodies. The states have taken advantage of this and have chosen to keep the 'powers and authority' of panchayats unaltered. The dependence of the rural local government institutions on the superior government, which was a characteristic feature of these bodies during the British rule, remained unchanged after independence and still continues to be substantially so even after the coming into force of the 73rd constitutional amendment. The Constitution gives them autonomy. But this is a de jure position. As far as de facto position is concerned, they are, at best, nothing more than an agency of the state governments. Thus the panchayats of India suffer from an identity crisis. This crisis of identity results from our colonial mindset of treating the local domain as a dependent domain not fit for self-rule. The clientelist political culture of the country derives its strength from such a mindset.

Subservience of Panchayats: A Historical Legacy

Being burdened with a historical tradition of subservience, the panchayats do not yet seem to have taken cognisance of the contradictions effectively. They have been brought up in a culture in which spontaneous local initiatives and demands have been viewed with an eye of suspicion by the political and administrative authority. This has created over time a dependency syndrome, which has inhibited even the formation of a local political will for more power and autonomy for local government.

It is necessary to remember that the panchayats did not come into existence out of a popular demand and through a popular movement. It was a 'gift' from the top, superimposed on a very powerful and historically structured system of bureaucratic, non-accountable, non-responsive and autocratic district administration. In the colonial days, the district officer, variously known as the collector, the district magistrate or deputy commissioner, represented the imperial crown. He was, and even now is, in

the minds of the common people, a 'chota raja' – a prince. The populace of the district had no other option but to consider themselves as subjects vis-à-vis the 'prince'. Thus a relationship of the 'ruler' and the 'ruled', the 'overlord' and the 'subject', the 'patron' and the 'client' came to be structured over time. This has been so ingrained in the popular mind in the rural areas that the concept of panchayats as autonomous institutions of self-government failed to take roots in their minds. The situation did not change much after independence, because rather than promoting a democratic culture, the elected representatives preferred to project their image as a new set of magnates to the electorate they represent who can mediate between the state machinery and people both officially and unofficially. Thus instead of one, two sets of patrons emerged. Their goal is to perpetuate the traditional system of 'willing subjugation' of the common people to the established authority and, if possible, to reinforce it continuously. There is thus a systematic subversion of the panchayats both overtly and covertly by the bureaucracy and the MPs and MLAs who feel threatened by the emerging leadership of the three-tier panchayat system.

The bureaucracy, particularly at the local level, accustomed to overlord, resents the prospect of being lorded over by the elected panchayat personnel. Reins of power and authority are still held by it. It is not answerable to the people it serves, but the department of which it is a part. It manipulates the panchayats as per their needs and skilfully subverts them.

MPs and MLAs also, through a misrepresentation of their roles, often stand in the way of the proper functioning of panchayats. In the absence of powerful elected institutions of self-government, they try to establish their claim as superior if not the sole representatives of the genuine demands of the people, thereby endeavouring to firmly entrench themselves between a 'giver state' and a 'receiver electorate'. As ministers also, the people's representatives flinch from taking any significant step, which may in any way jeopardise the departmental prerogatives and strangleholds over departmentally fractured developmental decisions and developmental spending. Thus willy-nilly they become champions of status quo, the bureaucratic rule, though they officially cry hoarse against it.

Reinforcing Clientage

The situation gets aggravated by the fact that the MPs and MLAs numbering less than 5,000, in a country of a billion, go on entrenching themselves with more

perks, privileges and power. The local area development fund of MPs go on increasing from one crore of rupees initially to two crore per annum. There is a proposal to enhance it to three crore rupees per MP's constituency, thus enabling an MP to spend Rs 15 crore in a period of five years. The MLAs also did not fall behind. Various state governments took care to introduce the local area development funds for the MLAs. The system is both undemocratic and unethical. First, the money is spent in the constituency of the MP or the MLA at his or her own sweet will. So, if the MP or the MLA comes from a rural constituency, to get a portion of the fund, the panchayat representatives will have to appeal to him or her, perpetuating a system of subservience. But that apart, the amount could have been given directly to the heads of the gram panchayats who have a legitimate claim on the amount for local development. That such an alternative has not even been thought of or debated in the public portrays glaringly the elitist mindset, which harbours an inherent distrust against the local level non-elite leadership. The system is also unethical, because it amounts to using public fund for private gains. It is also unconstitutional, because it creates a situation in which the sitting MP or the MLA gets an added advantage to please the electorate over his or her rival candidates during the election denying them a level playing field and thereby eroding the fairness of the electoral process. C Subramaniam, the veteran parliamentarian, had strongly opposed allotment of such 'pork-barrel' funds, since they have an inherent potential for misapplication and worse. Besides, as Subramaniam noted, such type of funding leads to the involvement of the members of legislatures in executive functions and this infringes the constitutionally mandated separation of the executive and legislative branches of government.

It is, therefore, no wonder that the state legislative assemblies failed in fulfilling the constitutional obligation of endowing panchayats with power, functions and finances to make them autonomous institutions of self-government. But it would be improper to blame the legislators or the ministers alone for this situation. They are a part of the political system, which has a vested interest in keeping the PRIs subservient. This is the reason why the issue of local democracy has not been on the agenda of public debate. Even the fourth estate, which has an elitist bias, fails to highlight the basic issues and problems of local democracy. In fact the silence about grass roots democracy is deafening. It amounts to an elite conspiracy intending to suppress the

emergence of an authentic voice of the marginalised people in the countryside.

III Local Democracy: Possible Scenario of the Future

Against this backdrop, certain vital questions about the prospects of grass roots democracy confront us. Will panchayats remain as playthings in the hands of the political and the bureaucratic elite for many more decades to come? Or will they start asserting themselves more forcefully in the coming days to become a genuinely representative third stratum of governance at the district level and below, as envisaged in the Constitution? Is there any public sphere other than the mainstream political system from where the demand for grass roots democracy can be effectively raised?

It is not easy to provide answers to these questions, but we should take note of the fact that for the first time in the history of our republic there are now over three million elected representatives in the panchayat bodies, thanks to the 73rd Constitutional Amendment. Over a million of them are women most of whom have come out of their homes for the first time in centuries to hold public office and to participate in public activities. This has been the most effective formal step towards political empowerment of women. There are, of course, stories about how women representatives have been manipulated by the male folk in the family, or by the political parties and power groups, but there are also numerous instances of women exercising political power thereby enhancing their standing both in the society and in the family against heavy odds. With elections every five years, larger number of women are coming into the political arena. It is not only those who get elected are getting empowered formally and substantively. All the women who participate in the election or in the election process are also getting empowered. The immobility of the rural society is changing, perhaps faster than many social scientists anticipate. Women so empowered are not going to let go the advantage easily. Progress made cannot be reversed. It has its own dynamics of moving forward much of which may not be discernible from the outside immediately.

Then there are reservations for scheduled castes and scheduled tribes in proportion of their population to total population. Most of the elected SC/ST men and women for the first time in generations, are occupying positions of power and authority over the whole population including their exploiters and tormentors. But the political power does not always match the social and economic

power in the countryside. So they might not have been very effective everywhere; but there is no denying that there are signs of assertion and independence. Quite a number of dalit gram panchayat chairpersons have been murdered by the upper caste/class persons for exercising their authority in favour of affirmative discrimination. But such gruesome incidents could not stifle their emerging independent spirit. In many places they are now more united and more assertive than before. The new panchayats have released a new liberalising force for dalits, scheduled tribes, women and members of the disadvantaged and economically exploited classes. It is a new phenomenon in the political field, which is likely to have its impact on the current political equilibrium dominated by the landowning propertied classes/castes in the countryside. Not that they are going to yield power easily. But panchayats have provided space to the politically excluded classes and segments of society to regroup and direct their energies to carve out a position in the existing power equation in which even though they may not dominate, they would not be subservient to the upper classes/castes. It is worthwhile to remember in this connection what Mahatma Gandhi thought about the inherent strength of public opinion generated from the grass roots in an ideal system of local government. He observed in *Harijan* (July 7, 1947):

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

With Hope and Not Despair

However, the wind of liberation is not quite visible and perceptible to the outsiders as yet. In the panchayat system the most important institution for direct popular participation is gram sabha (or palli sabha in Orissa, ward sabha in Kerala or gram sansad in West Bengal) where the entire electorate of the territory participate to debate and decide on the plan of activities and programmes of the gram panchayat. All over the country, attendance in these meetings has been unsatisfactory excepting in Kerala. Even in the politically conscious state of West Bengal, according to the latest government data, average percentage of attendance in the gram sansad meetings of May 2002, varied between the high of 18 per cent in Jalpaiguri district

and the low of 6 in Howrah district. The percentage of women attending gram sansad meetings was dismal. It varied between the high of 3 in Darjeeling, CoochBehar, East Medinipur and Burdwan and the low of one in North Dinajpur, South Dinajpur, Maldah, Howrah, Bankura, Purulia and Birbhum (*Panchatai Raj Samachar*, November 2002, Kolkata).

From this popular apathy, one could infer that the panchayats have not been able to create that ground swell of social and political mobilisation so necessary to bring about a significant change in the established political equation of the dominant economic, social and political forces. Prima facie, such an inference is well warranted. But one has to look at the other side also. Since the panchayats are treated as the extended arms of the state administration with very little of their own to do, due to lack of functions, finances and functionaries, people do not get enthused to attend such meetings. In Kerala when the ward sabhas had been given the task of formulating the plan, during the people's plan campaign for the Ninth Plan, there used to be large attendance in such meetings. Women also participated in large number. It seems that given a worthwhile creative task to perform, people would respond in large measure. Kerala's example gives one the confidence that assigned an appropriate task, gram sabhas would attract attendance of large number of persons. But, for that proper sensitisation and campaigning are also necessary. NGOs have a role to play in this context. In Kerala, Kerala Shastra Sahitya Parishad (KSSP) played a critical role in mobilising people, particularly women, in ward sabha meetings where area plans were debated and tentatively formulated. Elsewhere NGOs have hardly performed or been allowed to perform this function in an organised manner over a wide area. Since all NGOs are not likely to be co-opted by the existing political and the administrative system, it can be expected that they would play such roles increasingly in the coming years.

There is no doubt that the central and state governments are currently exercising, in a sense, usurped powers and functions, which belong to the different tiers of panchayat under the principle of subsidiarity. The political establishment at the centre and the states, cutting across political lines, would not part with these powers easily. Moreover money power of the market economy would find it easier to manipulate and operate the central and 26 state governments rather than to handle quarter of a million panchayat bodies. A gram panchayat in Goa prevented Du Pont from establishing a plant in its area in spite of all other clearances. A lady

chairperson of Bhanduvencheri gram panchayat in Tamil Nadu stopped mining operation in her panchayat as it adversely affected the groundwater level of the area. Some tribal gram panchayats of Rayagoda district of Orissa have so far successfully restricted giant national and multinational corporation combines from starting mining operations in their area. All these they did without being legally empowered sufficiently. There is also every possibility that through the political parties, beholden to money-bags, the industrial and commercial magnates would try to emasculate the panchayats and make them non-functional, sterile and para-statal entities. In this conflict of interest between the elite and the non-elite, one has to remember that the latter have tested some power. However insignificant it might look from the metropolis, for them it is significant. Chances are that they would hate to lose even this little advantage.

Today panchayats are acting as mere spending agencies implementing only some centrally-sponsored or state sponsored straitjacketed programmes with little autonomy of their own. With financial crisis overtaking both the central and state governments, such funding may become scarce in future. In such a situation, even to maintain a modicum of services, panchayats have to raise their own resources. If they so succeeded, the members of the gram sabha/gram sansad, in a sense the incipient civil society, would like to know how the taxes collected from them were being spent. This may lead to a ground level mobilisation for transparency, accountability and autonomy in local governance.

The wind of change is also blowing from another direction. The centralised state machinery of the country is clearly in stress. More and more it is becoming clear that a faceless and non-responsive bureaucracy alone cannot govern the countryside. The state machinery is being increasingly forced to involve the local community in providing the basic services like primary education, primary health care, environmental protection and, even in areas, such as, local resource mobilisation as well as community policing. The need for participatory local level development planning is being increasingly felt, after experiencing failures of centralised planning to respond to the grass roots realities. On the other hand, the social activists concerned with such vital issues as rural livelihood, food security, natural resource management, child rights and gender justice are raising demands through the civil society institutions for community empowerment and transparent and participatory government at the local level. The marginalised people

in the villages are no more meek spectators of the sufferings caused to them by arbitrary decisions of centralised state machinery. They are raising protests against the construction of big dams, which make thousands of poor families homeless or against arbitrary commercial forestry, which denies the rights of the local people to minor forest produce. All these are significant developments and clearly point out that a public sphere outside the main political system is emerging.

Conclusion

Our analysis clearly shows that from Ripon to Rajiv Gandhi the tendency of the ruling classes has been to control in various ways the potentially explosive countryside through shades of local democracy without reforming the bureaucratic framework of local governance. Even after the 73rd constitutional amendment things have not changed radically, because the same historically powerful forces are still in operation. They are out to deprive the panchayats the autonomy that has constitutionally been bestowed to them. They have denied the panchayats the 'three Fs' – functions, finance and functionaries. As a result, the panchayats have largely remained ineffective. People's participation in them has not gone beyond the formalism of voting. But, at the same time, it seems that a process of political and social churning has started for which panchayats are increasingly providing an institutional base. This may lead to the grass roots level demand for closing the gap between the de jure and de facto position of the panchayats. The social activists are also clamouring for community empowerment and local autonomy. Panchayats are, thus, emerging as a new force field where diverse forces and different types of players are contending. There is a possibility that the coming years will see the Indian political discourse being structured to a considerable extent around this conflict. The outcome of this conflict is still uncertain, still embedded in future. [E]

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