

Local Self Government

- Grass-Root Democracy,
Panchayat,
Municipal govt.
- Significance of 73rd & 74th C.A.
 - Evaluate the working of Panchayats.
 - Critical evaluation of 73rd & 74th C.A. Act.
 - Panchayats & women empowerment Short
Panchayats & Dalit empowerment. note.
Panchayats & Rural development

Panchayats & Grassroot Democracy

Context of Panchayati Raj : why it was proposed ?

- The issue of Panchayati Raj emerged in the context of development strategy to be adopted for alleviation of rural poverty. Gandhi proposed democratic decentralization. Gandhi was not alone in prescribing grassroot democracy. M.N. Roy also suggested Radical Democracy. However Nehru & Ambedkar were against Panchayati Raj for different reasons. Ambedkar opposed because of the stronghold

of caste system in villages & Nehru was not in favour because he was attracted towards Soviet model of development.

Constitution & Panchayat

- Gandhian approach could find place in Art. 40 in Part IV of Indian Constitution.
- At least Panchayats were mentioned. Municipal governance was not even mentioned.

17th schedule

Introduction of Panchayati Raj

- Panchayati Raj was inaugurated in 1959 by Nehru at Nagore district in Rajasthan. on the recommendations of Balwantrai Mehta Committee, setup by Planning Commission after the failure of Community Development Programme introduced by Nehru in 1952.

Community Development Programme 1952

Nehru had gone for development administration model where civil servants were to play the role of vanguard in rural development.

Country was divided into community devt blocks. Block was headed by Block Development officer. National Extension Services (NES) also introduced. Officials were supposed to create awareness, inform

govt. programmes, train rural people & to involve them in development projects. However civil servants were not suitable. Civil servants had colonial mindset. They were trained only for law & order and not for developmental role. Rural people also could not establish any connection with bureaucracy.

View of Balwantrai Mehta Committee.

"Community Development" takes place only when community understands its problems, realizes its responsibilities, exercises necessary power through chosen representatives, maintain constant & intelligent vigilance on administration.

Community recommended introduction of representative institutions.

Phases of Panchayati Raj

1st phase: 1959 - 62

Phase of enthusiasm.

2nd Phase 1962 - 1977

Phase of stagnation.

Both internal & external circumstances didn't favour Panchayati Raj.

• 1962 & 1965 war

- Breakdown of Congress system & Congress becoming insecure
- Centralized federation. Indian states are themselves known as 'glorified municipalities'.
- The ground situation in rural areas.
Rural areas continued to be controlled by dominant castes.
- Failure of Land Reforms.
- State leadership was fearful of the rise of new leaders.

Stagnation in Panchayats because the attention of Central govt. was diverted & state govt.s were apprehensive. Panchayats constituted at the time of Nehru, there was no new initiatives to constitute new Panchayats, to conduct elections, no transfer of power & funds.

With some exceptions in Kerala, West Bengal & Karnataka.

IIIrd Phase: 1977 - 79

Phase of Revival.

Janta Party constituted Ashok Mehta committee. However with the fall of Janta Party govt & the rise of secessionist movements in the country, nothing significant could take place.

2nd phase of revival.

Rajiv Gandhi govt presented 64th C.A. Bill. However it was defeated in Rajya Sabha. States viewed as if it is an attempt to bypass the states.

73rd C.A. Act

Introduced at the time of Narsimha Rao. Held as a revolutionary step towards strengthening of democracy. It started a new phase of Panchayati Raj.

Passed in 1993.

In 2013, Manishankar A Iyer Committee gave its report on the 20 years of functioning of Panchayati Raj. Title of the report,

"How to leverage Panchayati Raj institutions for better service delivery in rural areas".

Observations of Manishankar Iyer Committee.

Gave very pessimistic view of the functioning of Panchayati Raj. They pointed towards disillusionment existing with PR & held that "bad" Panchayati Raj is worse than no Panchayati Raj.

- It is believed that there is a conspiracy to defeat the very idea of democratic decentralisation to prove that it is unworkable.

What has happened is not decentralisation of power but decentralisation of corruption. Instead of Panchayati Raj; 'Sarpanch Raj' has come into existence. There is an urgent need to deal with the disillusion which prevails w.r.t. these institutions by giving them sufficient funds, functions & functionaries.

73rd C.A. Act

Public Reasoning
Amartya Sen.

Reasons for introduction of 73rd C.A. Act.

External push factor:

Conditionalities attached by donor institutions to achieve good governance. Hence, Panchayati Raj to be introduced along with the new economic policy. Both introduced at the same time with same philosophy "Rolling back of the state". Introduced at the same time but PRLs are lagging behind for one reason India achieved fast economic growth but has not achieved inclusive growth.

Strengths & weaknesses

It's a half baked cake. though

Achievements / strength of 73rd C.A. Act.

- It is a step forward over the previous scenario & addresses some of the concerns.
- It gave constitutional status to Panchayats.
- Now it is mandatory to constitute Panchayats

in all states (with exception of 6th schedule).

- All states to have 3 tier Panchayats except having population less than 20 Lakhs.
- One of the weakness of earlier times was lack of regular elections. The new Act makes it mandatory to hold regular elections. Elections to be completed before the expiry of the term. State Election Commission to be constituted for this purpose. State Election Commission shall not be removed from office except in the manner & like ground of Judge of a High Court & terms & conditions of his office shall not be varied to his disadvantage.
- Panchayats at all levels to be the representative bodies.
- $\frac{1}{3}$ rd of the Not less than $\frac{1}{3}$ rd of the seats to be reserved for women at all level including chairpersons & seats are reserved in proportion of population for members of SC & ST community.
- It is mandatory to constitute Gram Sabha.
- It also creates State Finance Commission & Governor shall lay down the report for the recommendation before the Legislature of the state. Finance Commission has got an additional mandate to give recommendations to Union govt. wrt. the finances of the Panchayats.

Weaknesses of the 73rd C.A. Act

- States have objected to 64th C.A. Bill. Hence 73rd C.A. Bill is a compromise document. & it has 2 set of provisions.
 - Compulsory
 - Voluntary.
- Provisions on which states had objections were made voluntary.
- 2nd ARC Report on Local Governance titled "Local Self Government: An inspiring Journey into Future" has acknowledged that "Panchayats are overstructured & underpowered institutions".
- 73rd C.A. Act creates the skeleton & states are supposed to provide flesh & blood. Its not that all states have not empowered Panchayats. Kerala, Sikkim, Maharashtra, Karnataka, W.B. have powerful Panchayats. However progress is very uneven.

~~73rd C.A. Act~~

Weaknesses

- It creates a uniform structure but what powers Panchayats will have has been left on state legislatures. The 11th schedule is indicative. States are expected to transfer these functions to Panchayats. Its not that states cannot transfer more than these functions. But they are not willing to transfer not even these functions.

- It makes mandatory to constitute Gram Sabha. But what powers Gram Sabha has or what functions it will perform depends upon the state legislature. Like PESA ~~Per~~ Act 1996 (~~PR~~ Extension to scheduled Areas).
- 73rd CA. should also clearly enumerate powers of Gram Sabha.
- Gram Sabha is not to be constituted for each village but for all villages coming under Panchayat area.
- There is no mandatory provision for min. no. of meetings of Gram Sabha. Lot of irregularity is being reported.
- The Act provides reservation to the excluded section but does not ensure their participation.

Suggestions

- To have mandatory requirement of presence of reserved members & their consent in passing a resolution. Until & unless social relations in rural India do not change & govt. does not make serious attempt of the capacity building of the excluded sections nothing can be achieved.
- Act provides for presence of members of Ls, Rs & State Legislative Assembly at district level, which may impact the initiative & confidence of the local people.

- There is no regularity w.r.t. the recommendations of state Finance Commission. The 600
- It is suggested that State Election Commission should be brought under administrative control of Election Commission of India.
- Act provides for auditing of Panchayat funds but does not mention auditing institutions. Though in practice CAG also perform auditing of these institutions.
- It is suggested to create Panchayat ~~to~~ Ombudsmen to deal with corruption cases of Panchayat functionaries.

Amendment can be made in the provision of disqualification & persons with criminal background should be debarred from contesting elections.

- There is no code of conduct to be observed by civil servants towards the members of PRTs.
- There is no clear activity mapping w.r.t. the 3 levels of Panchayats. Activity mapping on the principle of subsidiarity should be done. | *emphasize*
- Capacity building & training of members of Panchayati Raj.
- There has to be devolution of power from Union to States & states to Panchayats.

21/12/14

John
Bourton
Complex mode

• Panchayats & Women empowerment

Empowerment means giving power to powerless. It has many dimensions Social, economic, cognitive.

73rd C.A. Act introduces reservation for women in Panchayats. Here political empowerment is seen as a means to achieve other dimensions of empowerment. Women have been excluded from decision making structure. Women representation in Parliament & Assemblies has been not more than 8-12 %, much less than the population.

• Patriarchy & caste system are strongest in villages. That is why this external catalyst has been required.

• When women reservation was introduced, the measure was criticised as it will give rise to 'pati panchayat'. Women will be mere mouth pieces of male members.

• Study has been conducted by Sudha Pai in Meerut, where she found that there was lack of clarity w.r.t. the role of women in Panchayats. It was assumed that women participation is limited to women related concerns. Study conducted by Ministry of Panchayati Raj show that there is an impact

of reservations on women. Initially women lacked confidence. But exposure has given them new confidence. Many representatives took autonomous decisions. Considering the positive impact at cognitive/psychological level argument for women reservation in Parliament & Assemblies has been strengthened. Govt. has to take capacity building actions, training of the representatives, if possible reserved seats should continue for at least 2 terms & constitutional status should be given to cabinet resolution which enhances min reservation from not less than 33% to at least 50%.

To promote women representatives, Ministry of Panchayati Raj has taken initiatives for training & generating awareness like 'Panchayat Sashaktikaran Yojana' empowerment schemes.

Dalit & Panchayat Empowerment

- Seats are reserved in proportion of population.
- Dalit members need training & capacity building.
- We have to ensure that they have a say in Panchayats.
- Amendment should be made that makes consent of some percentage of dalit members mandatory.

Look.
Mo Panchayati
Raj
website
schemes.
Mg Rural Dept.

Urban Governance

JNURM

refer
notes

- Urban Gov. has been a neglected area and municipalities are not even mentioned in Directive Principles.

- In India's electoral politics, urban development was also not a priority.

This has resulted into unplanned development in urban areas. Though rural development was a priority, failure to achieve rural development has resulted into unplanned migration to urban centres. Not only it puts pressure on urban infrastructure but it has given rise to many new problems.

There has been increase in criminal activities, social violence, growth of slums.

- It is unfortunate that India which had a tradition of one of the most developed city administrations is witnessing such a scenario in urban areas. Indus Valley Civilization is an example of Indian achievements in planned urbanisation.

The cities or mahajanpads have been centres of trade & economic growth since ancient times. Since adoption of new economic policy urban governance has acquired strategic dimensions.

The strength of Indian economy is its service sector where urban areas have a key role.

Whereas China & Singapore have revived their cities which have become a source of attraction to attract foreign investment. India is lagging behind.

- The situation of urban governance or municipalities is in no way better than that of Panchayats. In terms of representation Municipalities lag behind Panchayats.

Representatives to population ratio is 10 times higher than in rural areas.

No body similar to Gram Sabha exist in urban areas

- 74th C.A. Act does talk about ward committees. 1 ward committee represents many wards & represent 3-5 lakh population. Hence 2nd ARC has suggested to constitute 'Area Sabhas'. Area Sabhas will be comprising of the voter population of 2 polling booths. Aam Aadmi Party suggested 'Mohalla Sabhas'. There should be a demarcation of functions between Municipal Council, ward committees & Area Sabhas. Som
- The 2 recent measures to improve Urban governance in India include.

• Jawaharlal Nehru National Urban Renewal Mission (JNNURM)

- > The focus has been on creating urban infrastructure, specially transport & housing.
- > It is an incentive based programme.
- > It has benchmarks for state govt as well as municipalities for allocation of funds.
- > Benchmark for states extent of decentralization.

• Steps taken by state govt for community Participation

- ✓ Steps taken by state govt. to involve prt. sector.

> Benchmark for municipalities

- ✓ Introduction of e-governance
- ✓ Adoption of modern accounting
- ✓ Better recovery of service charges
- ✓ Improvement in property tax collection.
- ✓ Smart cities.