CHAPTER 2

DEMOCRATIC DECENTRALIZATION AND EMPOWERMENT THROUGH LOCAL GOVERNMENTS

Democratic decentralization is a political ideal that recognizes the right of the people to initiate and execute policy decisions independently at lower levels of the administrative hierarchy. Decentralized governments at the local level more commonly referred to as local self-governments are autonomous units of administration responsible to as well as representative of the grassroots and at the same time accountable to the State. Local self-governments enable people to participate in the democratic political process, increase their political consciousness and educate them about their roles and responsibilities as citizens. The Classical theory of Local Governance developed by J. S. Mill, Bryce, Tocqueville and others emphasized the above aspects and referred to local governments as a means of political development of the masses. The Liberal theorists believe that local self-governments contribute to political education, leadership training and political stability at the national level and equality, liberty and responsiveness at the local level. Local self-governments provide opportunities for participation in electing and being elected to the local political institutions. The democratically elected decentralized governments provide a valuable training ground for local politicians. People participation in public policy making strengthens political stability of governments at every level. The local self-governments thus offer a forum to the electorate for decision-making and efficient management of local affairs.

AN OVERVIEW OF RURAL LOCAL GOVERNMENTS IN INDIA: FROM INCEPTION TO LEGISLATION

Indian village communities have a long history of local-level management of public affairs. In ancient India, panchayats existed as a body of five (panch) wise, judicious and distinguished men representing the entire village. In those days panchayats functioned as the pivot of village administration, a forum for justice and an important economic force in the village societies but the caste-ridden feudal structure of those days made it impossible for the democratic participation of all the community members. Local self-government in India, as an organized
representative institution accountable to the community members emerged for the first time during the British regime in the 1880s. The guiding philosophy of Lord Ripon’s Resolution of 1882\textsuperscript{11} was democratic decentralization as a means of political development of the masses. The primary proposition of the aforementioned Resolution was political education of the grass-root Indians to effect an improvement in local administration. But Ripon’s concept of local self-government remained on paper only. The colonial rulers were skeptical about the competence of Indian people to self-rule and the provincial bureaucracy was loath to share power with the common people. The conditions in rural India were inconducive for implementing Ripon’s idea of local self-government.\textsuperscript{12}

The village panchayats were central to the ideological framework of the national movement for political freedom of the country. Mahatma Gandhi, the architect of ‘gram swaraj’ (village sovereignty) believed that decentralization was essential for the success of representative democracy and for enabling individuals at the grass-root level to participate in decision-making and implementing processes. Gandhi felt, “the greater the power of the panchayats, the better it was for the people.”\textsuperscript{13} But despite the history of the village as the basic unit of administration since the ancient times and Gandhiji’s propagation of panchayats as an embodiment of local democracy, the Draft Constitution of independent India in 1948 made no mention of panchayats. The provision for village panchayats was finally included in the Directive Principles of State Policy that is not legally enforceable. The Part IV of the constitution under Article 40 stated that “The State should take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.” It was recognized that village panchayats could play an important role in social transformation and implementation of development programs.

**RECOMMENDATIONS OF THE BALVANTRAY MEHTA COMMITTEE ON PANCHAYATS**

The community development program inaugurated in 1952 to augment rural development failed to evoke people’s response and participation. The government realized that without a representative body at the village level that “would represent the entire community, assume responsibility and provide the necessary leadership for
implementing development programs" (observations made by the Committee headed by Balvantray Mehta constituted in 1957 while examining the working of Community Development Projects) real progress in rural development was not possible. The Committee emphasized public participation in community works should be organized through statutory representative bodies. The Committee underlined the need for building grass-root democratic institutions in the villages for purpose of implementing the community development programs. The Committee defined decentralization as “a process whereby the government divests itself completely of certain duties and devolves them on to some other authority.” The Committee recommended that decentralized local government units should be equipped with necessary executive machinery and in possession of adequate resources.

The Committee offered a blueprint of the three-tier panchayat system with the gram panchayat at the base, zilla parishad at the top and panchayat samiti at an intermediate level. The lowest tier would be the directly elected body while the samiti and the zilla parishad would consist of indirectly elected members. The Committee sought to assign compulsory functions pertaining to civic amenities to the gram panchayats and advocated they would act as agents of the samitis for executing development program. The samitis would be the primary units of development planning and implementation. The zilla parishad would be responsible for bringing co-ordination between the various samitis in the district.

The Committee identified lack of people’s initiative as the basic reason for the failure of the community development program and sought to institutionalize people’s participation in local administration through elected local bodies. But the Committee stood for non-politically elected panchayats ignoring the presence of political parties in representative democracy. The Committee perceived the question of developing Panchayati Raj Institutions as participative institutions in isolation from the objective conditions in rural India. The Committee overlooked the fact that without breaking the stranglehold of the rural elite comprising high caste leaders and landed gentry it was difficult to ensure the growth of participative institutions. The Committee also overlooked the constraints of the constitutional structure while emphasizing the development of panchayats “as instruments of local people’s will with regard to local development.” But in spite of these lacunae, the recommendations of the Balvantray Mehta Committee favouring democratic decentralization formed the basis of the
panchayat acts that initiated the First Generation Panchayati Raj Institutions (PRIs) in 1959.

The first few years proved promising in so far as people felt they had say in affairs affecting their daily lives. There was also fulfillment of a much-awaited expectation as local seats of power were to be filled through democratic elections. A report of the Ministry of Community Development (1964-65) highlighted another positive aspect of the new system - that of an emerging young and better local leadership. The establishment of new Panchayati Raj Institutions enabled a large number of people to acquire leadership at the local levels who in the earlier traditional socio-political set-up had no access to local political or administrative organs. In the next few years the panchayati raj system moved downhill. The most critical problem was the domination of the Panchayati Raj Institutions by economically and socially privileged classes. On many occasions consensus candidates were put up by the vested interests with the help of money or muscle power and sometimes both to retain the traditional power equations. In the words of the Mehta Committee Report (1978) "this facilitated the emergence of oligarchic forces yielding no benefits to the weaker sections." The rural political elite and bureaucratic interests realized that devolution of power and empowerment of grassroots could mean dissolution of their authority and political clout. They naturally sought to resist the decentralization process. Political education and participation eluded the general masses and more so because of the irregular elections to the local bodies. Elections to the local bodies were frequently postponed or never held in many states as part of the deliberate plan of the bureaucracy, the local vested interests and elected representatives in the state legislatures and in the parliament to cripple and eventually discard Panchayati Raj Institutions. These people feared the ascendancy of new elected local leaders.

The national and state-level politicians and the bureaucracy were the first to discredit the new system alleging it was infested by corruption, ineptitude and dominated by upper castes but did nothing to remove the ills, resist the stagnation and revive the system. Their objective to first discredit and then discard the Panchayati Raj Institutions became clear in the early 1960s when the Central government independently launched the Intensive Agricultural District program (IADP) bypassing the Panchayati Raj Institutions. It was a calculated snub to the role of panchayats as 'agents of change and agencies of development'. In the words of the Asoka Mehta Committee, "the idea that all developmental activities should flow only through the..."
block-level organization lost ground." It may be added here that all the development programs became bureaucracy-centered with hardly any participation of the grass-root panchayat representatives. Thus the bureaucracy gained the upper hand in a grand alliance with the state and central-level political elite. The role of the bureaucracy in bringing discredit to the Panchayati Raj Institutions is indicated in the Asoka Mehta Committee Report (1978)\(^\text{27}\):

> [The] bureaucracy had probably its own objective in dissociating the PRIs from the development process. Several factors seem to have conditioned their perception. The system of line hierarchy would find favor with them as an organizational principle. The officers would feel that they are primarily accountable for results and financial proprieties to the state government. They would on the one hand be averse to the PRIs being entrusted with additional functions and on the other would not easily get adjusted to working under the supervision of elected representatives.

A proposition was developed during this time that a centralized bureaucracy could benefit the rural poor rather than the locally elected 'vested interests'. Rajni Kothari aptly summarized the situation, "we have ended up creating an impregnable alliance of urban officialdom and rural rich, and have excluded the rural poor from it."\(^\text{28}\)

The political elite played to the tune of the bureaucracy, as they were also not willing to see the erosion of their power by a breed of new local leadership. Mathew (1994)\(^\text{29}\) observed, "Nobody likes to see another centre of power emerging as a challenge, nor does one like to see one's existing powers being diluted." Thus it is legitimate to conclude that a combination of the bureaucracy, the political elite and the rural rich ganged up against democratic decentralization.

**RECOMMENDATIONS OF THE ASOKA MEHTA COMMITTEE ON PANCHAYATS**

The decline of the First Generation panchayats since 1964 could not stop the discussion on local self-government. The formation of the first non-Congress government in post-independent India led to the appointment of a high-powered Committee in 1977\(^\text{30}\). The Committee, chaired by Asoka Mehta, was asked to make a macro-level review of the panchayat system and suggest steps for its revival. The
Asoka Mehta Committee identified 3 distinct phases in the evolution of panchayats — the phase of ascendancy (1959-64), the phase of stagnation (1965-69) and the phase of decline (1970-77). While diagnosing the ills, the Committee noted that a number of developments had conspired to undermine the panchayat structures and make them ineffective. Most state governments run by the Congress party showed unwillingness to adopt and implement measures to strengthen the Panchayati Raj Institutions (the frequent postponement of elections or withholding of elections for long periods were cases in point). Added to this was the attempt of bureaucrats and central leaders to dissociate the PRIs from the development process. The Committee identified the apathetic attitude of the political elite as the crux of the decline of the panchayat system. It pointed out that the lukewarm response of those in the higher echelons of power (namely the MPs and MLAs) followed from a perceived threat to their position by the emerging panchayat leaders.

The Asoka Mehta Committee report underlined the significance of reorganizing the Panchayati Raj Institutions as both an end and a means of local democracy. As an end it would be an inevitable extension of the democratic system at the national and state level, as a means it would continue to be responsible for discharging obligations entrusted to it by the national and state governments. The Committee recommended a two-tier system of the panchayati raj. The first point of decentralization below the state would be the district that was traditionally a unit of administration, resource allocation and implementation of projects. Below it there was to be a mandal panchayat, to be constituted by grouping a number of villages, which would raise the possibilities for meaningful participation of the people in development.

The Committee broke new ground in the conceptualization of panchayats in India by recommending party-based organization of the panchayat elections. It was an acknowledgement of the grass-root reality and aspiration. This recommendation paved the way for the Second Generation Panchayati Raj Institutions in states like Karnataka, Kerala and West Bengal. The Committee was of the opinion that the participation of the political parties in the panchayat elections would make panchayats, “an organic and integral part of our democratic process.” The vital difference between the First and Second Generation panchayats was the shift in emphasis from development per se to local government in its entirety. The Balvantray Mehta Committee and the panchayat bodies constituted on its
recommendation made development central to the panchayat system. The First Generation panchayats were conceived as local bodies meant to ensure people's participation in development. The attempt in West Bengal, Karnataka, and Kerala and later in Jammu and Kashmir, in line with the Asoka Mehta Committee recommendations, was to make panchayats genuine political institutions and the focal point of local self-government. This would not have been possible without the direct participation of political parties.

IN Volvement OF POLITICAL PARTIES IN Panchayat Elections OF WEST BENGAL

The 1978 panchayat election held in West Bengal witnessed the official participation of political parties for the first time in India. Although there was no legal bar on the participation of non-party candidates, according to the National Institute of Rural Development (NIRD), the prevailing political climate in West Bengal and administrative arrangements discouraged such participation. There was considerable opposition from several quarters to the involvement of political parties in the local elections but the Left Front, the coalition in power in 1978 preferred the official recognition of political parties in the panchayat election. The Left believed that the direct involvement of political parties in the Panchayati Raj Institutions would make the local leadership more disciplined and responsible while administering the institutions of local democracy.

The NIRD study recognized two noteworthy features of the panchayat elections in West Bengal in 1978 - the presence of high degree of political perception among the rural voters and the emergence of a new youthful rural leadership. The background for the above change was attributed to the promises made by the Left Front government for substantial devolution of powers and resources to the local bodies and to the large-scale involvement of the people following the participation of political parties. There was discussions and debates in public places on implications of the panchayats and people's issues during the election campaigning. The assessment and perspective of the competing political parties on the public issues also became evident during the campaigning. Till then the ideal situation was to have consensus candidates in panchayat elections as it ensured maximum cooperation. But it was not difficult to construe that in such 'congenial atmosphere' the power of
traditional caste alignments made it impossible for a person without adequate competence to be re-elected as a consensus member year after year and the marginal groups were left in the lurch. As E. M. S. Naamboordripad (1964) observed “when people align on the basis of the policies and programs of political parties their representation become more plausible.” Political parties are considered indispensable for parliamentary democracy so it is imperative that they take part in the elections to the village panchayats that are nurseries of political leadership and bedrock of democracy. Party-based local elections not only guaranteed a wider democratic participation in the decentralization process but also a responsible local leadership. The party-based elections to the local bodies generated great popular interest when it was introduced in West Bengal, Karnataka and Andhra Pradesh.

CONSTITUTIONAL VALIDITY TO THE PANCHAYATS

The Asoka Mehta Committee favored according constitutional sanction to Panchayati Raj Institutions. The apathy shown by most state governments to formulate and implement PRIs through regular elections justified the Committee’s urge to reduce state control over the panchayats. The super-session of local bodies, withholding of elections to local bodies year after year were attempts on part of the vested interests to paralyze the process of democratic decentralization. It was only in Andhra Pradesh, Karnataka and West Bengal that the Panchayat Act was framed and Panchayat bodies were constituted through election but in the other states the process of democratic decentralization remained in the nascent stage. The observation of the GVK Rao Committee (1985) is noteworthy, “Development has come of age and the time has come to take the planning, decision-making and implementation process nearer to the people through democratic bodies. The inevitable need to transfer power from the State to the local level democratic bodies has to be recognized.”

The L. M. Singhvi Committee (1986) also criticized the approach to PRIs as tools of administering local development programs thereby downgrading their role as units of local self-government. The Committee considered “gram sabhas” as embodiment of direct democracy. The Committee argued for reorganizing the panchayat institutions as part of the democratic decentralization process and recommended constitutional recognition of the panchayat system as the third tier of government.
It was realized long ago that full-fledged panchayati raj could not be established without adequate constitutional safeguards. In the states where devolution of power was attempted the concentration of power at the centre worked as an impediment. It was no different with many federal governments when it came to delegation of power to the PRIs. Political interference was rampant in cases where the government at the state level belonged to the opponent side. The proper functioning of democratic decentralization demanded that the power of super-session and dissolution should not rest in the hands of either the central or the state governments. The need therefore was to build a horizontal control system by the members of the local community.

The constitutional provisions for local self-governance would ensure freedom from the stranglehold of political leadership and dilute the importance of bureaucracy. These were pre-requisites for the effective functioning of the PRIs.

It is often said that political will and people’s participation are crucial for bringing democratic decentralization. But it is also true that constitutional backing can create necessary condition for the expected outcome. For example, following the report of the Balvantray Mehta Committee (1957) almost all the states had passed legislations by 1959 to establish panchayats. But after 1964 the well-meaning measures of the governments fizzled out. Consequently PRIs were rendered non-functioning and they brought disrepute to the entire concept of panchayati raj and its practice. There was a growing realization that it was the lack of constitutional support that led to the sad state of affairs. In 1978 the Asoka Mehta Committee emphasized the need for a constitutional amendment. The constitutional acts like the West Bengal Panchayat (Amendment) Act 1978 were passed following the Committee’s recommendation and formed the basis of the Second-Generation Panchayati Raj Institutions. These acts gave more effective powers to the local bodies and since their orientation was political they evoked widespread participation in their implementation.

It is against this backdrop that the Constitutional (64th Amendment) Bill was drafted and introduced in Parliament on 15th May 1989. But the bill faced stiff resistance on two accounts a) it overlooked the state governments and was seen as an instrument of the Union government to deal directly with the local self-governing institutions and b) it sought to bring about uniformity without consideration for local circumstances. This led to the abandonment of the bill. But this bill definitely raised
the realization that constitutional amendment is one of the important pre-requisites for revival of panchayat bodies. After correcting the minor lapses in the previous bill a bill was finally passed. The 73rd Constitutional Amendment Act became effective in 1993 making way for Third Generation Panchayats.

Panchayati raj in India got a new impetus and direction with the passage of the 73rd constitutional amendment and subsequent legislations by various states. This Act not only constitutionalized panchayats but also reflected a change in the perspective on panchayats. The constitutional perception of panchayats as institutions of self-governance is clear from the Act. The Act empowered the State legislatures to legally endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-governance. The Act also viewed panchayats as instruments of economic development. The Third Generation Panchayats thus combined both institutional and instrumental perspectives on panchayats.

CONCLUSION

The institutionalization of local self-government was necessary to empower the people and ensure their participation in the decision-making process. But while constitutionalization is a positive step towards realization of democratic decentralization in rural India the ‘instrumentalist perspective’ controls the reinforced constitutional perspective. The highly centralized structure of India’s federal system will be a perennial threat to grass-root democracy in India. Regular elections to the local bodies can be a safeguard to grass-root democracy. The constitutional amendment Act (1993) clearly mentioned that elections to panchayat bodies have to be held at regular intervals and in case of super-session elections have to be held within six months. The contention behind this regulation of the Amendment Act was that periodical elections can stall the emergence of “oligarchic forces” in the panchayat bodies. It was observed that the sway of class forces weakened where the tradition of panchayat elections was strongly embedded. The panchayat bodies and panchayat elections in West Bengal were an indication of the above. It led to the growing democratic consciousness of the grass-root people. The elected gram sabhas offered a new participative structure at the grass-root level. They not only increased the scope of people’s participation in governance but also led to improved
transparency in local governments.\textsuperscript{61} The decentralization of administrative powers reduced the domination of bureaucracy. The new Amendment Act set in motion a new phase of decentralization of administrative powers to the local bodies. It delegated authority to the elected members at the grass-root level. The basic thrust of the enactment was to allow elected local governments to accomplish their task.\textsuperscript{62} Besides people’s representation through democratic elections, the Amendment Act had provisions like reservations for the weaker sections of the society (women and SCs and STs) which could prove beneficial for participation of different sections in the political process.

It was hoped that changes brought about by the Amendment Act would make grass-root institutions effective and responsive instruments of rural development while involving a greater cross-section of masses in the formulation and implementation of their own policies and programs. But the success of these bodies was also dependent on the political autonomy and economic independence granted to them by the State governments and control over the feudal structure and parochial organization of our society.\textsuperscript{63} These forces had the potential to play havoc with the purpose of participatory democracy and the success of the decentralization process was very much dependent on the abovementioned factors.

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