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RESEARCH ARTICLE

DEMOCRATIC DECENTRALIZATION AND DEVOLUTION OF POWERS AT THE GRASSROOTS LEVEL DEMOCRACY: ISSUES CHALLENGES AND IMPLICATIONS

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Abstract

This article attempts to evaluate the Grassroots democracy and the problems which are associated with the ineffective functioning of Panchayati Raj Institutions. It argues that how constitutional provision has created a scope for accomplishing development with social justice, which is the mandate of the new Panchayat Raj system. The new system brings all those who are interested to have a voice in decision making through their participation in Panchayat Raj Institutions. How it becomes the Panchayati Raj system is the basis for the "Social Justice" and "Empowerment" of the weaker section on which the development initiative has to be built upon for achieving overall, human welfare of the society. My research paper also analyses the working status and various issues and challenges of PRIs for 26 years after the 73rd constitutional amendment establishment of panchayats and municipalities as elected local governments devolved a range of powers and responsibilities and made them accountable to the people for their implementation, very little and actual progress has been made in this direction. Local governments remain hamstrung and ineffective; mere agents to do the bidding of higher-level governments. Democracy has not been enhanced despite about 32 lakh peoples' representatives being elected to them every five years, with great expectation and fanfare. My study would explore the grey areas such as lack of adequate funds, domination of bureaucracy, untimely elections, lack of autonomy, the interference of area MPS and MLAs in the functioning of panchayats also adversely affected their performance.

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Introduction:-

Grassroots democracy means the involvement of local people in governance at the village level. It is a people/community-driven contribution in elections, governance and decision making process. Grassroots democracy can be seen as a propensity towards designing political processes where as much decision making authority as practical is shifted to the lowest level of organization. Therefore, a local government is a government at the grassroots level of administration meant for meeting the peculiar grassroots need of the people. Appadorai also opined that the local government system as the government is by the popularly elected bodies charged with administrative and executive duties in matters concerning the populations of a particular district or place. sustainable development Panchayat Raj Institution (PRI) is a system of rural local self-government in India. Local Self

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Government is the management of local affairs by such local bodies who have been elected by the local people. Lord Bryce believed: "The best school of democracy and the best guarantee for its success is the practice of local self-government". Decentralization is the main mechanism through which democracy becomes truly representative and responsive. The 73rd amendment to the Indian Constitution (1992) prescribes that the Panchayats should be institutions of self-government through which powers are devolved to the people as to the participation in the process of planning for economic development and social justice, and implementation of schemes and programmes for these purposes. To strengthen and enhance the efficiency of local governance, PRIs were structured and designed as a three-tier system. In its present form and structure, PRI has completed 26 years of existence. However, a lot remains to be done to further decentralization and strengthen democracy at the grass-root level. Grassroots involvement is important for social accountability. It helps in civic engagement to promote sustainable development. Pressure by citizens can help to stimulate action. Thus, decentralization of power to the panchayats is seen visualized as a means of empowering people and involving them in the decision making process. Local governments being closer to the people can be more receptive to local needs and can make better use of resources. The democratic system in a country can be guaranteed only if there is huge participation in the governance. Therefore, the system of democratic decentralization commonly known as Panchayati Raj is considered as an effectual means to ensure democracy and socio-economic transformation. Problems and Prospects of Panchayati Raj Institutions to reach a viable Panchayat three hurdles have to be overcome. Due to several issues and challenges, these have remained what they always have been. **Some of the major issues and challenges that can be enlisted are as follows:**

Untimely Election to Panchayats:

it is a sorry state of affairs that several State governments have not taken the Provision of the Constitution to hold elections on the expiry of the five-year term of the Panchayats seriously. The constitution of Panchayats as mandated under the Act has also posed problems in some States. Under Article 243C (2), all the seats in a panchayat shall be filled by persons chosen by direct election from territorial constituencies in the panchayat area. Before the Act, some States had intermediate level panchayats consisting only of the elected representatives representing that area in the village as well as district panchayats. While the Chairman of this panchayat was directly elected in some States, in some other States the chairperson of this intermediate panchayat was either elected from among the members or nominated by the State government. There is debate regarding whether direct elections should be held to constitute the panchayats at all three levels or whether the intermediate panchayat at least can be constituted by the nomination of the concerned elected members belonging to the other two tiers. A related issue, raised in a recent Constitutional Amendment proposal is whether we could restrict direct elections to the village level only and have the village and intermediate panchayats elect members who will represent them in the next higher level panchayats.

Creation of Parallel Structures making PRIs Powerlessness:

Parallel Structures are also known as parastatals are institutions/organizations which are wholly or partially owned and managed by the government (either autonomous or quasi-governmental). They may be formed either under specific State enactments or under the Societies Registration Act. These bodies are generally formed for delivery of specific services, implementation of specific schemes or the programmes sponsored by the State/Union Government/International Donor Agencies. They bypass the Panchayati Raj Institutions through the creation of registered societies. Funds are placed under their disposal by ministries and departments and, if at all, they allocate it to the Panchayat Sanities or Gram Panchayats, they do so as "tied grants". The line ministries at the centre and the line departments in the states also undertaken many centrally-sponsored or state-sponsored schemes. These schemes have the staff belonging to the line departments in the state going right down to the block or village level. They bypass the Panchayati Raj Institutions all the way. Some of the important parastatals/ parallel structures are District Rural Development Agency (DRDA), the District Health Society (DHS), District Water and Sanitation Committee (DWSC) and the Fish Farmers Development Agency (FFDA). At the higher levels, some of the parastatals are the State Water & Sewerage Board, Khadi& Village Industries Commission (KVIC) and the State Primary Education Board. Their functions impinge directly on the local institutions.

Lack of Autonomy to PRIs:

while framing laws on Panchayats under **Article 243G**, State Legislatures should endow these institutions 'with such power and authority as may be necessary to enable them to function as institutions of self-government. Thus, Panchayats are 'governments at their level and have autonomous jurisdiction of their own. However, the problem arises when we find government functioning at various levels thereby creating overlapping jurisdiction and autonomy. In such a case, the autonomy of one may rub against the autonomy of another in similar jurisdictions. Thus, providing autonomy to panchayats will also mean withdrawal of certain activities or functions from the State

Government and transferring them to local bodies. This will give panchayats a truly independent and autonomous identity independent from the State government to perform their powers and functions.

Reservation Related Issues in Panchayat Raj System:

many studies have shown that democratic decentralization achieved considerable success but the extent to which the Dalit's gained from it remain doubtful. The Gram Sabha did not serve as an effective formal platform to promote grassroots democracy and the tiny proportion of SCs, STs and Women did not inspire confidence in its functioning. But, the study suggested that in the states where the Dalit's have asserted themselves, the chances of reservation of seats for this group could be useful. Dalit's voted in only slightly smaller numbers, were active in campaigning. They believe the elections were fair and had a fairly high level of participation in village associations. Elected Dalit members approached the members of the Mandal and district councils with petitions.

An Issue of the inadequacy of funds:

the local bodies rely heavily on their respective State governments for financial inflows. the lack of adequate financial resources to carry out the administration. Grant in-aids is the major component of the PRIs revenue. This need to be supplemented with the adequate collection of taxes by the PRIs and a compulsory transfer of some of the state government's revenue on the recommendation of the state finance commission duly established for the purpose. The major sources of income for local governments like property tax are not properly collected due to the lack of a proper mechanism of levying and collection of such tax. This makes the coffers of local bodies extremely inadequate to meet their operational needs. Provision of civic amenities falls short of expectations due to the inadequacy of funds. Thus, the local governments have to stay at the mercy of their State government for allocation of funds through grants to meet their needs including the salary of the staff. In this respect, Article 243H and 243X make it obligatory for the State government to authorise the local bodies by law to impose taxes, duties, etc. and assign to the local bodies such taxes/duties levied and collected by the State government. Grants-in-aid of Rs.15187.50 crore released, another instalment of Rs.15187.50 crore expected to be released shortly; State governments generally take a long time to implement the reports of SFCs which further delays the process of devolution of funds. The unconditional grant aims at strengthening local health infrastructure. Local bodies will get Rs 70,051 crore from it. In 2020-21, as per the 15th FC recommendation, local bodies have received Rs 90,000 crore. Of this, Rs 60,750 crore is for rural local bodies and Rs 29,250 crore for urban bodies. Under the 14th FC, grants for local bodies included only the village Panchayat, excluding the block and district panchayats. It also excluded the village Panchayats in areas under the Fifth and Sixth Schedule of the Constitution. Thus, apart from principles of devolution of taxes, even fiscal administration of every State needs to be improved as it involves levy and collection of taxes at the local level. State governments generally take a long time to implement the reports of SFCs which further delays the process of devolution of funds.

Ambiguities in the Panchayat and local Administration Relationship:

the relationship between the panchayats and these local administration has been interpreted differently across States. The Government of Rajasthan amended, by ordinance, some of the provisions of the conformity act to increase the control of the government over the two higher tiers. However, this is by no means definitive evidence of the superiority of elective over appointed authority. On the contrary, evidence is to be found in virtually all States of the dominance of the bureaucracy over the people's representatives. In Haryana, the bureaucracy is seen to exercise inordinate control, as it substantially guides and directs the developmental activities of the panchayats, instead of merely facilitating these. This relationship can become especially stifling concerning panchayats headed by women, and even more so those headed by Dalit women. Further, lower-level government functionaries, attached to the panchayats, are also confused as they are simultaneously accountable to their superior in the government as well as to the elected leaders of the panchayats. A notable exception in this regard is the Conformity Act of Gujarat which provides for sectoral development staff of the gazetted.

Continued resistance from certain sections of State political leadership and bureaucracy:

for instance, the recently concluded "Expert Committee on Leveraging Panchayat Raj Institutions for more Efficient Delivery of Public Goods and Services" revealed that except for the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and the Backward Regions Grant Fund (BRGF), none of the over 150 centrally sponsored schemes had provided a role for the PRIs despite the Cabinet Secretary's explicit directions through a circular dated November 8, 2004, and the guidelines of the Planning Commission. These are still managed by line departments of respective States. In short, Panchayats are yet to evolve into full-fledged self-governing institutions of local governance, largely

because of the continued resistance from certain sections of State political leadership and bureaucracy which feel panchayats' rise will lead to their redundancy. No wonder, studies and reports (including the Second Administrative Reforms Commission, 2008) blame the reluctance on the part of State Governments and higher bureaucracy to share powers with panchayat bodies following the principle of subsidiarity to the continued low momentum of the decentralisation process.

The domination of the bureaucracy over the PRIs:

the agent for implementation of all major programmes (CDP or IRDP, to name a few) has been the bureaucracy. Various parallel bodies such as the DRDA have grossly undermined the importance of the PRIs. Either they have to be disbanded or made accountable to the PRIs. Government officials generally prefer to work with a remote control mechanism that is, the state capital. They do not want to be closely supervised by the elected representatives of the Panchayati Raj. Therefore, their non-cooperative attitude towards the elected Panchayat members is a major issue. For instance, the All India Association of Primary School Teachers had passed resolutions expressing its members' unwillingness to work under Panchayats. Even in a state likewise, Bengal along with the history of Panchayati Raj, whenever government employees are placed under Panchayats, they succeed in getting court injunctions against such a transfer. A related issue is that the officials who work at the district level and below are found to be reluctant to take orders from the elected Panchayat executives like the District Panchayat President, Block Samite President or Village Panchayat President. We need to create a new culture of democracy among our bureaucratic set up to make the local governments strong.

Political interference into the PRIs domain disempowering Panchayats:

"the major reason why panchayats are not functioning to their potential is the political influence of ruling MLAs. "Political interference starts from the election process its process itself, making it undemocratic. However, of late, panchayat elections have captured national attention. They attract equal political and media attention as compared to state elections, All the national and regional parties are investing heavy resources to contest panchayat elections. Political parties cannot field candidates for such elections, so they just support them. The foremost reason could be that the Panchayati raj form of government has matured into a solid political forum at the village level. Often, panchayat leaders work as political parties' foot soldiers during state and national elections. Earlier regimes in West Bengal and Kerala have been known to use panchayat leaders to consolidate political influence. However, a study in the Mysore and Dharwad districts of Karnataka has revealed that Contrary to popular belief, there has not been a unilinear displacement of customary panchayats by the formal structures of local governance such as gram panchayats. Rather there is evidence to suggest that customary institutions both influence and adapt to the existence of formal structures.

The reluctance of state-level politicians to recognize the importance and autonomy of PRIs:

as a result, their powers and their areas of functioning- is creating problems in devolving powers. Ministers, MLAs and senior political leaders are worried that the power they enjoyed so far will diminish if Panchayats and municipalities become powerful. State-level leaders do not like the emergence of local-level leadership as it would pose challenges to them in due course. MP and MLAs put hurdles in the smooth functioning of Panchayats to prevent them from blossoming into full-fledged local governments. MLAs are impatient to wrest full control of large sums of money coming to the Panchayats from Central Government schemes through agencies like the District Rural Development Agency. When Panchayats function with a large number of elected representatives under the critical eye of the opposition, people will become aware of their rights through regular participation in the Panchayat programmes and activities. It will result in the decline of the inflated powers now being enjoyed by the MLAs. Efforts have to be made to change the present attitude of the MPs and MLAs towards Panchayati Raj Institutions.

Lack of Capacity Building for Self-Governance:

the crucial issue of capacity building in rural local bodies remains a largely neglected area in decentralised self-governance. several States have not paid any serious attention to building the capacities of newly elected representatives, many of whom are first-timers and many belong to the most marginalised sections. So, the lack of capacity has come hard on the credibility of this very promising institution. No wonder, many elected representatives remain dependent on officials to perform even rudimentary responsibilities, often becoming subject of ridicule. This is more evident in the poorest and backward areas wherein the elected representatives find it extremely difficult to perform well in implementing rural development schemes. Ironically, such lack of capacity is being used as a smart pretext by the political and bureaucratic leadership to not devolve many functions to these

bodies. The crucial issue of capacity building in urban and rural local bodies remains a largely neglected area in decentralised self-governance.

Conclusion:-

We can conclude that Empowering Panchayati Raj Institutions at the grassroots level is very important as it involves people at the local level which helps in strengthening democratic decentralisation and devolution of powers. However, for the local bodies to function efficiently, they must be provided autonomy in their functioning. Local bodies having administrative, legislative and financial autonomy with a dedicated bureaucracy at the lower level will help in realising the dream of Mahatma Gandhi. Moreover, there should be no interference from the government and local political leaders into the domain of the Panchayati Raj Institutions for their effective functioning at the grassroots level of democracy. Then only the essence of democracy is decentralisation and devolution of power and allowing governance to reach the grass-roots level for the welfare of people. Local self-government elected by the people thus imbibes democratic functioning of the PRIs involving residents of the locality.

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