

## **State of Panchayat Raj in India: Not just Government Apathy!**

Revolutionary political developments in our country like amendments to the Constitution, promulgation of new policies and rules are most of the time an outcome of Civil Society movements and perhaps is the driving force behind a vibrant democracy like India. Likewise the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments which paved the way for institutionalizing Local Bodies in Rural and Urban India have been an outcome of a mass political zeal which might have also drawn its strength from Civil Society voices. However it need to be examined as to how much the Civil Society was behind this Constitutional Amendment and how much was owned and followed in the later years.

I look at the above Constitutional Amendments as another 'Rights' promulgation in the early nineties – the 'Right to Govern oneself'. It was a welcome step and where on one hand the economic liberalization during the same time ushered in an era of change and loosening of archaic rules and laws to push India towards economic growth and be an active player in globalization, the 'Right to Govern' also implied loosening of power structures in the erstwhile power hungry and centralized national and sub-national territories of the Indian sub-continent. So where on one hand it was envisaged that India would benefit from the globalization and liberalization boom economically and would contribute towards increase in GDP and foreign reserves, the two Constitutional Amendments (in discussion) were aimed to deepen and strengthen democratic decentralization. The later was done with an objective of translating the fruits of the economic boom into real time socio-economic development and balanced growth at far flung remote corners of our country which had otherwise been away from even mere benefits of State sponsored welfare programmes.

On a second thought it might seem to be a bit optimistic to expect that economic benefits acquired in the post liberalization era would immediately translate into better social and public goods through local bodies but that did'nt even seem to happen substantially almost close to 25 years of economic liberalization and decentralized governance in our country. And who is to be blamed for this – the Central Government (which did'nt had Local Bodies in its purview but controlled bulk of the kitty of development programmes that were to be implemented by the State Governments) or the State Government (which were made solely responsible for ensuring that decentralization takes place with transfer of Funds, Functions and Functionaries as per the 11<sup>th</sup> and 12<sup>th</sup> Schedule with hardly much financial resources and decision making at its own disposal) or the Non-Government sector – which comprises of the Civil Society Organizations, Private Sector, Academia, Media etc.(which were expected to play a role of a facilitator and community mobiliser for empowered local Governments).

**My write-up would focus on the role of the Non-Government sector so far and its contribution towards the current State of Panchayat Raj.**

The Protagonists of the movement on decentralization (mostly from the Civil Society) has been up in arms against the Government quite often for failing to empower local bodies for them to be able to

function effectively. However such criticisms have been confined to media galleries, conference rooms and academic discourses and has not yet been transformed into a full-fledged movement/campaign where the State Government is held accountable and a pressure group created to ensure that the local bodies do get their share of autonomy. If I were to perceive the Constitutional Amendments as a 'Right to Govern oneself' where people decide to have their own elected Government within a framework of roles and responsibilities, then perhaps this is the only 'Rights' regime which has not seen a sustained and coordinated support from the Non-Government sector as against the Right to Employment, Right to Information, Right to education etc. Seldom has it been reported that CSOs have sat on a 'dharna' or have staged a demonstration to support local bodies and enforce the implementation of the State Panchayat Raj Acts which very categorically states the rights and duties of the Panchayats. On the other hand limited protests and demonstrations for more autonomy by local body representatives at state capitals have drawn criticisms from the civil society terming them as power grabbers and corrupt let alone supporting such movements.

This being the tip of the iceberg, CSOs did't just stopped here. As per a study commissioned by the Government of India, the number of Non-Government, Not for Profit Organizations accounted till 2009 stands at 3.3 million....that is one NGO for less than 400 Indians and many times the number of Primary Schools and Primary Health Centres in India. The total number of Gram Panchayats in our country are a mere 2.5 lakh (approximately) which implies on an average around 13 NGOs per Gram Panchayat. Estimates from within the sector suggested that NGOs or Non-Profit Institutions raise anywhere Rs. 40,000 to Rs. 80,000 crore in funding annually with the Government being the largest contributor – Rs. 18,000 cr. being set aside for the social sector in the XIth Plan. This does not takes into consideration the funds channeled through parastatals to NGOs as implementing partners. Around 9700 cr. was from foreign contributors in 2007-08 and 1600-2000 cr. donated to established religious bodies.<sup>1</sup>

As compared to the huge figures in the domain of the NGOs, lets take a look at those in the realm of Panchayats. The 13<sup>th</sup> Finance Commission estimated that approximately Rs. 60,000 crore would be channeled to PRIs over the five year period<sup>2</sup>. That comes to around Rs. 12,000 crore annually approximately. The 14<sup>th</sup> Finance Commission will ensure that availability of untied finances to PRIs almost doubles to 1,20,000 crore thus translating into an average availability of Rs. 4.0 crore or Rs. 80 lakh annually to each of the 2,38,000 PRIs across the country<sup>3</sup>. This is not even 1 crore per Panchayat per year being a Constitutionally mandated Local Self Governing Institution and also notwithstanding the fact that the Finance Commission report is mere recommendatory in nature. Except offcourse in a few states, others do not even have a Panchayat window as part of the State Budget. State Finance Commission recommendations are far from being implemented in many states which otherwise would have helped in augmenting Panchayat resources. And for those whose favourite argument is that a huge

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<sup>1</sup> Source: <http://www.indianexpress.com/news/first-official-estimate-an-ngo-for-every-400-people-in-india/643302/>

<sup>2</sup> Expert Committee on Panchayat Raj Report, 2013 – Vol. I, pp. 81.

<sup>3</sup> Expert Committee on Panchayat Raj Report – 2013 – Vol. I, pp. 82

amount of funds under MGNREGS are being sent to the Panchayat's account do not realize that not even a single penny is untied and can be spent as per the Panchayat's priorities.

The above comparison points to the fact that although there have been steps to strengthen the local bodies though at many places half-heartedly, the mushrooming of NGOs have been at quite an appreciable rate and is continuing unabated. Even if that fact were to be swallowed, what cannot be justified is the complete or rather widespread arrogance amongst CSOs to bypass the Local Bodies and create an empire of their own. There are no doubt a few (as compared to the enormous number) CSOs which have dedicated programmes and activities towards strengthening local self-governance but they too have failed in creating a hype and a consensus amongst their counterparts except working in their own little area of influence. Creation of parallel bodies in villages bypassing Panchayat members, non-disclosure of income and expenditure statements, lack of proper consultation with local bodies in programme design and workplan, lack of involvement of Panchayat members in programme monitoring and evaluation etc. are some of the features that underscores the way NGOs have been operating since the last 2 decades. Those which are mandated to involve Local Body representatives either because of donor priorities or out of a mere formality to escape public criticism, concerns themselves only with the Sarpanch (President) and the Secretary with minimal or no involvement of the other Panchayat members (representing the various wards). This goes true in the name of training which has been more of a training for Sarpanches thus contributing to 'Sarpanch or Mukhiya Raj' and not Panchayati Raj in many states. There have hardly been an emphasis by implementing organizations towards formation and strengthening of Panchayat standing committees in states where they have not been formed even after a year or two of Panchayat elections.

A common alibi given by the NGOs many a times for escaping their responsibility of involving local bodies in their programmes are that they are politically motivated and involving them will polarize the programme and will result in inequitable distribution of benefits. Though this might be the case in some places, these anomalies can very well be overcome with tactics of oversight and strengthening of the Gram Sabha. Equally true is the fact that the same NGOs or Voluntary organizations will not hesitate in approaching the higher echelons of the political establishment and succumbing to their tactics and pay-offs in order to get their proposals passed and budgets sanctioned.

It will be however not fair to single out NGOs in this regard. Equally responsible has been the media which have very rarely endeavoured to raise issues and problems being faced by Panchayats on a regular basis. Except off-course tailor-made and time bound programmes intended to enthuse the print and electronic media about local bodies and its importance. On the contrary the media has many a times played an anti-panchayat role by highlighting issues of corruption and malgovernance without an in-depth analysis into the cause and effect and thus creating negative sentiments amongst the common public towards Panchayat Raj.

Another feather in the cap has been the donors and international funding agencies which have rarely focused on funding projects towards improving democratic / decentralized governance. Except a few whose core mandate has been governance (UNDP, The Hunger Project, Ford Foundation, Swiss

Development Corporation etc.) others involved in areas like education, health, women's empowerment etc. etc. have to a large extent bypassed the involvement of local bodies even in implementation and monitoring let alone project design. One of the reason could be the lack of focus on governance related issues right at the point of fund raising. However that should not stop them from making their partners agree towards involving local bodies in certain aspects of project management and sharing all project related information. Imagine if an average of 13 NGOs per Panchayat puts in their coordinated efforts through the Panchayat, miracles can happen and substantially change the lives of the population living there.

It was a similar observation during my brief stint in Bangladesh wherein local bodies and NGOs hardly have a synergistic link except offcourse at monthly district level meetings chaired by the Deputy Commissioner where reports are shared and new equations are forged. Under the Local Governance Support Project (LGSP) of the Govt. of Bangladesh, Union Parishads (which are Rural Local Bodies) receive an annual amount to be spent as per an agreed upon budget prepared in consultation with the local population. Very few international donors (in a country where bulk of the development aid comes from them) are interested to be a part of the planning and budgeting process to understand the combined kitty and have a coordinated action. Rather they are more interested in their own set of projects most of the time leading to duplication and complete disregard towards the Local Bodies' initiative. Similar is the case in India. Lack of emphasis on the part of funding agencies gives an easy way out and excuse to the NGOs to work without the consent and involvement of local bodies.

The profit making sector chiefly involving the corporates have been rather opportunists. They have openly violated rules laid down by PESA in Schedule V areas which mandates one to seek the due consent of the Gram Sabha before initiating any commercial operations apart from respecting the exclusive right of the community over natural resources. Private companies with the support of the Government in many places have openly plundered tribal areas and have destroyed natural reserves for commercial operations thus resulting in displacement and loss of livelihood. Most of them do not even have an idea of legislations like PESA or have ever read the State Panchayat Act or the least, have bothered about finding out the intricacies of undertaking developmental action in eco-sensitive zones inhabited by tribals. This has resulted in not only criticism of such corporates but at the same time huge resentment amongst the affected population with the result that the Supreme Court had to intervene off late to uphold the rights of the tribals in Odisha and left at their discretion whether or not to allow commercial operations in their territories.

At the same time, the private sector has been quite active in grabbing the lion's share of the Government's resources for conducting trainings of PRIs in a couple of states without even having a basic understanding of how Panchayats work and the socio-cultural milieu. At the end of the day it was nothing different than a show of logistical strength with inefficient planning, last minute outsourcing to NGOs who equally didn't had any understanding of the functioning of local bodies, hurriedly prepared materials without any value addition and a drive to register the elected members for training as the reimbursement was based on attendance.

However not all is bad with NGOs. There are a few who have dedicated their entire programmes towards strengthening local governance with field level teams for the support of local bodies. There are quite a few which have volunteered to work with Panchayats although not as part of their funded programmes and have helped create a synergistic link between the Panchayat and the community. There have been NGOs who have been instrumental in running leadership programmes for aspiring Panchayat Presidents with a result that young, educated and committed people are now part of those Panchayats. There have been efforts to prepare accounting softwares for better financial management of Panchayats, setting up information centres, facilitating participatory planning, removing superstitions and archaic social practices to facilitate innovative actions by the Panchayat, providing basic literacy to elected ward members and standing committee members, strengthening women's collectives for greater support to women elected representatives, creation of youth clubs, farmer's associations and linking them with the Panchayats, bringing out newsletters, conducting AV shows, running community radio stations – exclusively for strengthening and empowering PRIs so that they are able to fulfill their mandate in a more inclusive and effective way. All this and may be more have mostly been as part of state or international supported initiatives which has had its timeframe and had thus questioned the sustainability, upscaling and replication of such innovative efforts. Rarely have such initiatives translated into mass campaign involving CSOs on a larger scale and thus putting up a unified face to the Government.

Civil Society Organizations greatly comprising of NGOs also known as Voluntary Organizations need to show their voluntarism when it comes to improving overall local governance in order for the initiatives to take ground, owned up and be sustainable over a period of time. It is to be well understood now that NGOs are not forever to be in the forefront of development actions and a systematic handover need to be done to local bodies with their regular capacity building so that they are able to take it forward as they are the Constitutionally mandated Institutions of Local Self Governance. We like it or not, we need to have an exit and handover strategy which also need to be internalized and accepted by national and international donors as much as by the Government. Local bodies are there to stay and it is our responsibility to support and strengthen them if the development sector is really serious of tangible outcomes and sustainability of actions.

**The Way Ahead:** The emphasis of the Civil Society need to change to more advocacy with the State Government for devolution to local bodies, create a support system for local bodies to work and deliver, provide regular information to the local bodies on various local and regional issues, strengthen their legal understanding on provisions in key legislations like PESA, State Panchayat Acts, Forest Rights Act and flagship programmes like MGNREGS, SSA, NRHM, PDS, ICDS etc., convert the very methodology of training from one-off classroom sessions to on-the-job learning by involving them in project planning and design, implementation and monitoring, participatory micro-planning, strategic support to District Panchayats in consolidation of rural and urban plans and developing a district plan, create audio-visual and electronic and other innovative means of capacity and perspective building etc.

NGOs can be instrumental in making the elected representatives aware of their role and the essence of decentralized governance as a lot many representatives do not even understand the purpose of their

getting elected and why they should be a part of local governance and what they are supposed to do. The organizations should play a role in creating a better synergy between the Gram Sabha and the Gram Panchayat rather than creating a rift which will enable in better support and understanding, better local resource mobilization by the Panchayat for enabling it to undertake development activities in its region and create a spirit of teamwork and voluntarism. There is a substantial deficiency of legal awareness amongst the Panchayat office bearers and NGOs can play a critical role by bridging the gap. Donors and funding agencies should endeavor and amend its policies to incorporate local bodies in a more creative way and should even consider provisioning of untied funds for Panchayats to enable them to sustain development actions. There should be efforts in creating a synergy and understanding between the three level of Panchayats for better coordination and the Urban Local Bodies – a role which can be played effectively by the NGOs.

The private sector too can play its role in strengthening local governance by imbibing leadership and decision making skills in elected representatives, facilitate better financial and inventory management skills, negotiation skills, create infrastructure for knowledge and experience sharing, better livelihood opportunities taking into consideration local needs, skills and resources.

#### **Conclusion:**

There is not even an iota of doubt that the Civil Society as a whole can prove to be a great motivator and supporter of the cause of decentralized governance. All fears and apprehensions of NGOs having to shut their operations if local bodies are strengthened need to be put to rest as there will be a continuous need of technical support, facilitation, community mobilization, conflict resolution, liasoning and networking – all towards a stronger Local Government. There will be a re-orientation of roles and strategies which will create a better support system for Local Governments and a meaningful existence for NGOs. All doubts about the performance of local bodies and corruption etc. being a basis of not enabling them to come to the forefront of public administration are unfounded as they should have equal opportunities to rule, to govern, to deliver basic services, to plan, to raise resources, implement and monitor and cater to the need of the poor and the most deprived.....just like any other level of Government in a democracy.

The Local Bodies should be allowed and given the space to commit mistakes for them to learn from those mistakes just like any other level of Government or autonomous institution would do. The Gram Sabha, most importantly, which had given unto itself the right to elect its own Government and the right to be Governed by the same, need to be respected and all efforts should be put in place to enable that right to be materialized. Civil Society Initiatives and Conglomerates like VANI, PACS etc. will have to seriously consider bringing in local bodies at the centrestage of their activities (like PRIA, THP etc.) and to act as effective advocacy platforms at the state and national level so that Institutions of Local Self Government gets institutionalized in the real sense – For the People, By the People and Of the People.

Thank you!

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*(Note: The terms Local bodies and Local Governments have been used alternatively in the write-up to avoid sounding being monotonous. The emphasis has been on Panchayat Raj but at times with the use of the word Local Bodies or Local Governments (in general) the effort has also been to address the issues of Urban Local Bodies and the responsibility of the CSOs towards them keeping in view the rising urban population and in turn a larger and significant role to be played by Urban Local Bodies in urban governance.)*