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Changes and Challenges

by

Prabhat Datta

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Democratic Decentralization through Panchayati Raj in Contemporary India: The Changes and Challenges.¹

Prabhat Datta²

Keywords: Panchayati Raj, Decentralization, Economic Development

ABSTRACT:

This paper seeks to make a critical review of the current status of the constitutionalised panchayati raj institutions (PRIs) in India as institutions of self government and as instruments of planning for economic development and social justice in the light of empirical evidence collected by the researchers and critical analysis of the some of the actions of state . The background of the rise of the "new" panchayat system has been narrated in a nut shell to enable the readers to have an idea of the conceptual and institutional framework of the panchayat system Keeping the central objective in mind the article focuses on the challenges faced by the third generation PRIs in India from within and without and attempts to make an assessment about the future of these institutions. Reference has been made to the experience of some of the states in order to support the comments and observations. The article argues that despite the constitutional amendment to regenerate the PRIs there is still lack of genuine and strong political interest and bureaucratic support to fuel the institutions. These have been manifested in the actions of the state after the constitution has been amended. The traditional factors rooted in the socio-economic structure and political dynamics of the rural society continue to plague the working of these democratic institutions. It has been contended that there is need for another round of constitutional amendment coupled with continuous political and administrative support to ensure steady growth of the PRIs. The author finds a ray of hope in the rise of civil society organizations which have started acting as watchdogs in some of the states. They are working not only for generating awareness among the stakeholders but also for organizing the villagers to assert their rights and in this respect, the right to information has come as great boon.

¹ I would like to acknowledge that the comments on the paper by the anonymous referee have been very useful in re-organising some sections of the paper. Thanks are due to the members of the Faculty of the Department of Political Science, South Asia Institute, Heidelberg University for their comments and observations on the presentation I made in the Institute. I have immensely benefited from the suggestions I received from the editors.

² The author can be contacted at dattaprabhat@gmail.com

INTRODUCTION

The idea of decentralisation is to a certain extent embedded in the democratic ideal as applied to political organisation. It is a contrivance of human wisdom in order to promote the democratic ideal. Democracy as a form of political organisation may be viewed as an attempt at the right ordering of people's partnership not merely in the sovereign power of the state but also in the day-to-day working of government. As J.S.Mill says, the only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate.

THE RISE OF THE PANCHAYATI RAJ IN POST-COLONIAL INDIA: THE FIRST AND SECOND GENERATIONS OF PANCHAYATI RAJ

Panchayati raj as a concrete form of democratic decentralisation in rural India, is a creation of the colonial rulers. The birth of PRIs (Panchayati Raj Institutions) in independent India, however, owes its origin to the Balvantrai Mehta Committee Report. The Committee stressed the need to develop a network of three-tiered elective institutions known as the panchayati raj and gave birth to what can be called the first generation panchayati raj in India.³ Outlining the concept, the report observes that PRIs would be representative bodies and vigorous democratic institutions in order to take charge of all aspects of development work in the villages. The committee proposed a model of panchayati raj with three tiers – Gram Panchayat at the base, Panchayat Samiti at the intermediate block level and Zilla Parishad at the apex.

The first generation PRIs encountered potent and widespread distrust from their very inception. The bureaucracy could not agree to share power with people but had to accept the panchayati raj system because of the existing political support for it. The process of bureaucratization gained considerable ground in the 1960s and more focus was given to production oriented programmes to meet the increasing demand for food which increased the hold of the bureaucracy and in the process, the PRIs were bypassed.

Added to this, was a growing centralisation of the Indian polity which reached its culmination during the days of emergency. The lack of constitutional sanction and conceptual clarity about the role of PRIs made it possible for policy makers to accept it either as an agent of government or as institutions of self-government. This paved the road towards the slow decline of the system and by the end of the 1960s, the PR (Panchayati Raj) system was moribund throughout the country. The Asok Mehta Committee, which examined the issue in 1978, prepared a blue print for the second generation panchayats. Having departed from the constitutional model, the second Mehta Committee conceptualized PRIs as instruments of rural development. It regarded the revenue district as the first point of decentralization below the state level and recommended two-tiered PRIs. Only four states namely, Andhra Pradesh, Karnataka, Kerala and West Bengal, began to try out the system but political changes in all the states except West Bengal stood in the way. The progress was so slow that the Indian State had to amend the Constitution in 1992 to revitalize the system of Panchayati Raj. Political exigencies seemed to have played a major role when Prime Minister Rajiv Gandhi started talking about the regeneration of Panchayati Raj. In the 1970s and 1980s the nation witnessed a series of movements across the country (e.g. militant movements in Punjab, the

³ Prabhat Datta (1998) *Major Issues in the Development Debate*, New Delhi : Kanishka, pp 14-19

Gorkhaland movement in West Bengal, the Jharkhand movement etc.) based on primordial loyalties like religion, ethnicity, language. It was difficult for the state governments to handle the issues efficiently, bringing the republic under great stress. It was then realised that power had to be shared with local communities. The autonomous local level of self-government was considered to be a safety valve, capable of preventing the recurrence of such incidents. The Constitution was therefore amended in 1992 to lay the foundation stone of the third generation of the Panchayati Raj in India.

RURAL INDIA: SOME BASIC FACTS

Before we analyze the dynamics of how PRIs function in India, it is useful to have a quick look at the rural, socio-economic scene for, as Gandhiji used to say, India lives in villages. This is true for India even today despite the second wave of urbanization which in this new millennium has been fast spreading across developing countries. India continues to be one of the least urbanized countries in the world for a little more than 70 per cent of the total population still lives in villages.

The rural economy of India continues to account for 49 per cent of the Gross Domestic Product (GDP). Agriculture is the mainstay of the rural economy and cultivation of land is conditioned by the varied geo-physical conditions of the country. Land being the basic asset, a rural Indian without land is reduced to the status of a seasonal labourer, working and harvesting the lands of others. Land distribution continues to be very much skewed. The top 5.2 per cent of the rural households today own 42.8 per cent of the area, and the top 9.5 per cent own 56.6 per cent of the area. The remaining 90.5 per cent of the rural households own just 43.4 per cent of the area. Among them, 41.6 per cent of the rural households who own no land other than their homestead land (10 per cent do not even have homestead land.)⁴

It needs to be kept in mind that the socio-economic structure of rural India varies from region to region, the cause for which lies embedded in colonial rule. During the colonial period government policy with regard to land settlement and the extent of commercial penetration in the agrarian economy differed from region to region depending on various considerations such as the extraction of raw materials, mobilization of revenues, defence etc. The eastern states were major contributors to the British exchequer. This extraction of revenue was facilitated by a large band of revenue collectors who later on became the absentee landlords. The zamindari system of land tenure was introduced throughout the eastern states. This led to sub-infeudation and the growth of a parasite class of landlords, merchants and moneylenders. In contrast, the western region comprising present-day Punjab, Haryana, Uttar Pradesh and coastal Andhra Pradesh and Tamil Nadu had a tenurial system based on peasant proprietorship which was conducive to personal initiative and entrepreneurship.

The Green Revolution added a new dimension to the rural socio-economic scenario by increasing the degree of inequality between perennially irrigated regions and those depended mainly on rainfall for cultivation. However, this benefited the upper middle and richer sections more than the middle and poorer sections as they have lands. Consequently, socio-economic inequalities have been

⁴ Vikas Rawal, "Aspects of India's Economy" ,*EPW* ,No.44-46, 2008

steadily increasing. About two thirds of India's more than one billion people live in rural areas and almost 170 million of them are poor. Three out of 4 India's rural poor live in large rural areas and for more than 20 per cent of them poverty is a chronic condition.

A class of rich peasant is today consolidating itself in different states, thanks to the support of the state. The technological and infrastructural modernization of rural India in terms of electrification, provision of artificial irrigation, chemical inputs, setting up of agricultural and other co-operatives and marketing institutions, and extensive development of rural banks has meant a consolidation of the rural rich. This land-based class captures the major benefits of the development programmes initiated by the state and exercises social and political domination over the villages through their economic clout and through pre-capitalist institutions like caste coupled with the tradition of domination.

Almost 50 per cent of the farming households are indebted as per the 59th round data of the National Sample Survey Organization. Nearly half of rural households are landless. In 1999-2000 almost 77 per cent of the rural people ate less than the international daily minimum of 2100 kilo calorie.

The introduction of the first generation grassroots democratic institutions in this kind of social structure failed to bring about any noticeable change in the life of the large mass of rural population, as they were captured by the landed gentry and high caste people. As expected the institutions fell easy prey to the dominant power groups in the class-caste divided society wherever they worked and remained dormant in most of the states.

THE THIRD GENERATION PANCHAYATS IN INDIA

The 1992 Constitutional amendment seeks to give panchayats a new meaning and a fresh lease of life. The basic features of the amendment are as follows:

1. Article 243G defines panchayats as institutions of self-government meaning that they have the autonomy and power to govern in an exclusive area of jurisdiction.
2. The amendment defines the role of panchayats as instruments of economic development and social justice. Incidentally, earlier there was confusion about the role of panchayats. Thus this clarification through constitutional amendment is significant.
3. The amendment requires States to hold panchayat elections through the State Election Commission at regular intervals of five years. If a State Government dissolves a panchayat before the expiry of its full term, it is mandatory on the part of the State Government concerned, to hold election within six months from the date of dissolution.
4. The Act provides for the reservation of one-third seats and posts of chairpersons for women and weaker sections, i.e., Scheduled Caste (SC) Scheduled Tribe (ST).
5. According to the provisions of the Constitutional amendment the State Government shall constitute State Finance Commission, which will review the financial position and recommend the principles for fund devolution on PRIs and the distribution of funds between the State Government and the PRIs.

CHALLENGES TO THE THIRD GENERATION PANCHAYATI RAJ IN INDIA.

The MP Local Area Development (MPLAD) Scheme

Under this scheme a sum of Rs. 1,580 crores per year is placed at the disposal of the MPs. The MPs are allowed to spend the money to undertake local area development schemes outside the purview of panchayats and municipalities. In this way the constitutionally mandated local government institutions are bypassed. Under the scheme each MP can suggest to the District Collector works worth up to Rs. 2 crores in a year. The Ministry releases the funds directly to the Collectors who get the works done on the advice of the concerned MP.

The Report of the Comptroller and Auditor General (2001) showed that the scheme was plagued not only by the inadequacy of funds but also by the increasing underutilization, misuse and diversion of money earmarked for the project. Most of the plans undertaken form part of the 11th and 12th Schedules incorporated in the 73rd and 74th Amendments of the Constitution which clearly refer to the functions that are to be transferred to the local bodies. The Report noted that out of Rs. 5018 crores only Rs. 3221 i.e. 64 per cent of the released amount could be spent. Also, the release of funds was not linked to their end-use, with utilization certificates being received for only 29.78% of the projects taken up and completed by the implementing agency. While during 1993- 97, 89% of the work sanctioned by the collector was taken up, only 56.13% of it could actually be completed. The corresponding percentages further declined to 86.41% and 39.42% respectively during 1997- 2000. This was due to the fact that the Ministry often released funds without any co-relation with the end use and it did not insist on the utilization certificates from the implementing agencies.

Similarly, the findings of the sample study of audit in 106 constituencies found that out of total expenditure of Rs.265 crores reported by the Collectors, a sum of Rs. 82 crores, that is, 31 per cent of the total money was, in fact, not spent at all. The guidelines seem to have been observed more in their breach. In Nagaland, for example, the money was spent for building roads connecting the Church, in Orissa temples were built, in Madhya Pradesh money was spent for building housing complex for the police officials.⁵

The Centre for Budget and Governance (CBGA), 2004 in its report titled *The Rhetoric and Reality of MPLADS* reviews the working of the said scheme in seven constituencies spread across six Indian states- Rajasthan, Madhya Pradesh, Gujarat, Uttar Pradesh, Jharkhand and Orissa. The report holds the members of both the houses of Indian Parliament responsible for the underutilization of funds. While Lok Sabha members (till 2003) have used only 77% of their total entitlement, the amount used by the Rajya Sabha members has not exceeded 50%. The report also studied the scheme's beneficiaries across six states. The overall picture that emerges is that a lion's share of the MPLAD funds is spent in a top- down manner without taking into consideration people's actual needs. Beneficiaries also alleged that they were paid much less than the specified minimum wages in employment

⁵ Era Sezhiyan (2002) Development Directions, *Frontline*, March, 15.

Purnima S.Tripathi (2004), "The Case Against MPLADS" *Frontline*, November 5

works under the scheme and an overwhelming number (62%) agreed that the quality of assets created was either bad or very bad.

Even in the face of widespread public criticism of the administrative and financial mismanagement of funds under MPLADS, continued recommendations for the abolition of MPLADS even by the Administrative Reforms Committee (ARC) in its successive reports have failed to produce any positive impact. As most of the MPs openly expressed their unwillingness on the floor of the Parliament to give up the scheme, it was finally decided to continue the scheme but with new and stringent safeguards. As a result, a set of new guidelines was framed in the middle of November, 2005. Several legal and constitutional experts have dubbed the new Guidelines as '*unconstitutional*' on the ground that they defy and distort some of the basic features of the constitution such as public audit. For instance, the attempt to do away with a CAG (Comptroller and Auditor General) audit of the scheme accounts, as stated in the guidelines, is actually an attempt to disempower the Parliament in exercising control over public expenditure. Moreover, the list of permissible works under the scheme still contains items such as roads, sanitation, drinking water, education and public health that form a part of the Eleventh and Twelfth schedules of the constitution meant for the PRIs.⁶

Legislative Inadequacies and Absence of Enabling Rules and Orders

Although the Seventy Third Amendment of the constitution aims primarily at offering certainty, continuity and strength to the panchayats, inadequacies in the drafting of legislation have created only a set of paper laws for them. In most of the cases the laws fail to reflect the spirit of the CAA (Constitutional Amendment Act) and even where they do, they cannot be effectively implemented for want of enabling rules and orders. The main lacuna of the CAA, however, is that instead of clearly specifying the powers and functions of the panchayats, it has left it to the whim of state governments. It is clearly evident in Article 243(G) which states that the state legislature may, by law, endow panchayats with such powers and authority as may be necessary to enable them to function as institutions of self government. The repeated usage of the word 'may' in the article fails to make it mandatory on the part of the state government to implement these provisions, thus leaving power-sharing with the state government solely at the disposal of the political leadership at the state level. This explains the varying degrees in the performance of panchayats across different states.

It is pertinent to note here that the constitution spells out the functions of the PRIs in very broad terms - in most cases covering the entire possible expanse of a subject without clearly indicating specific items of responsibility, activities or sub-activities under the broad functions.⁷ In line with the irregularities in the Central Act, the statutes governing PRIs in the states while devolving functions to the panchayats continue to word them generally without detailing out functional responsibilities of each tier of panchayats for each of the subjects.

Mere legal enactments are not enough unless they are backed by enabling rules and orders. Even in states where conformity legislation has been enacted rules

⁶ Era Sezhiyan (2006) New Guidelines worsen MPLAD Scheme, *Mainstream*, April 14-20, 2006

⁷ *Report of the Task Force on Devolution of Powers and Functions upon the Panchayati Raj Institutions*, Department of Rural development (Panchayati Raj Division), Ministry of Rural Development, GoI, 2001

and bye-laws for their day-to-day functioning are yet to be formulated. In the absence of necessary operational laws, the states are often found to misinterpret the provisions of delegated legislation as a device for deferring legislation. In Rajasthan, for example, the whole range of powers and functions that have been legally assigned to the PRIs are either made subject to 'such rules as may be prescribed' or 'to the extent and in the manner as may be prescribed' and since then no rules have been framed or orders/ guidelines issued to this effect.

Centrally Sponsored Schemes

The creation of a large number of programmes (more than 200 schemes currently) called centrally sponsored schemes (CSSs) sponsored by the Union Ministries has posed a serious challenge to democratic decentralization by distorting the multilevel planning process and inter governmental transfer arrangements within the federal set up. This is mainly because many of the subjects they deal with are either included in the State list or the 'local list' mentioned in the 11th and 12th schedules. The share of the CSSs in the plan budget of the federal government has shot up to 70 per cent against less than 30 per cent in the early 1980s. Besides the CSSs there are also 26 sectoral programmes falling under the 29 subjects of the 11th Schedule which the central ministries handle. The schemes are drawn up at the centre and implemented at the local level. The association of local bodies with the implementation processes does not really serve the purpose because the implementing bodies only implement according to the rules laid down elsewhere. The local government has to accept them because the centre has financial clout.

Undermining Elections

Attempts to undermine elections for panchayats continues. Some of the states have taken years to hold elections. Postponing elections under one pretext or another has become a routine matter. The elections to panchayats have been completed in almost all the states after a series of legal battles and interventions by civil society organizations. The case of Orissa is interesting. Elections to PRIs were due to be held before February 2002. The SEC had promptly intimated the state government its preparedness to conduct elections on time and suggested a delimitation of wards and reservation of seats beforehand, if required. The district magistrates had in fact done the work and the state government had ordered a limited delimitation of seats in consonance with the Orissa Gram Panchayat Act, 1964. To cause further delay in this regard the state government brought a bill in the monsoon session for the reservation of seats in favour of the OBCs. The SEC chose to file a case in the High Court. At this stage the state government decided to hold elections.⁸

Gujarat has recently set a unique example. The State Government has announced incentives to the extent of Rs. 1 lakh to those panchayats, which would be able to hold elections on the basis of consensus. The scheme called *samras gram* (harmonious village) is clearly anti-democratic and is regarded as a recipe for reward-induced guided democracy.

Interestingly, what is happening in some states in the name of achieving unanimity is a cause of serious concern. During the panchayat elections in Karnataka in 2000 some of the seats were auctioned. The Election Commission

⁸ *Panchayati Raj Update*, August, 2003

could not interfere on the ground that if the voters made an arrangement among themselves to ensure unanimous election it was beyond the legal competence of the Commission to intervene. In order to augment the resources some of the seats were put up for bidding in Andhra Pradesh in 2001. Even the reserved seats were not spared. The highest amount for the post of the Sarpanch in Velpur village under Guntur district was 10.10 lakh. Seats are auctioned in Madhya Pradesh and Rajasthan. In 2005, auctions were held for the post of Sarpanch in at least two gram panchayats. In Rajasthan it was the caste factor which mattered most. The panchayat dominated by Gujjars was reserved for the SCs. Disturbed by the sudden loss of power, some of the influential Gujjar leaders decided to extract a price for the post. An announcement for open sale was made at the village Chaupal assuring unanimous election of the highest bidder. The auction took place two weeks before the day of polling. The reserved price was fixed at Rs.50, 000. One person offered Rs.2.7 lakh and the seat was allotted to him. However, the effort proved to be abortive due to intervention by the District Collector who got three of them arrested.⁹

There was large scale distribution of gifts and allurements offered by candidates in the UP elections held in 2005, some of them financed by non-resident Indian relatives. There was a free flow of money and liquor in many villages. Hand pumps were installed outside each house in one of the villages and voters in one of the villages received silver rings and glasses. A candidate in one village called Pratapgarh promised gold rings to each woman in the GP if he won. In several constituencies whisky bottles were distributed liberally. There was hardly any serious candidate who did not exceed the expenditure ceiling fixed by the SEC. The local newspapers were splashed with advertisements by the well-to-do candidates.¹⁰

It is interesting to note that the holding of elections at regular intervals can bring about significant change in the socio-political profile of rural India.¹¹ Studies have shown that the caste system in Tamil Nadu has weakened following the elections.

Devolution in the Conformity Legislations.

The 73rd Amendment of the Constitution of India stipulates the transfer of powers and functions to panchayati raj institutions (PRIs) as a part of the decentralization process. The State Governments were supposed to transfer 29 subjects listed in the Eleventh Schedule of the Constitution. While the states like Kerala, Karnataka and West Bengal have carved out a clear path of devolution to PRIs, other states like Rajasthan, Maharashtra, Gujarat and Bihar have variations in their initiatives in this regard. States like Haryana, Uttar Pradesh have still to set the ball rolling. As per the information available in November 2006, only eight states and one Union territory have formally transferred all the 29 functions or subjects to PRIs.¹² The Working Group on the Decentralised Planning observes, “..... items listed as responsibilities in the states are couched in vague terms. A glance at the variety of these items reveals that they are a shopping list of sectors and sub-sectors, broad

⁹ *Panchayati Raj Update*, Jan.2005

¹⁰ *Panchayati Raj Update*, Aug. 2005

¹¹ *EPW*, July 21, 2001

¹² Government of India (2002) *The Report of the Working Group on Decentralised Planning and Panchayati Raj Institutions for the Tenth Five Year Plan (2002-2007)* Planning Commission, New Delhi, P.9.

activities in a sub-sector and activities, sub-activities/specific responsibilities under a broad activity, with no role clarity.... In some states the line departments still exercise the powers of supervision and control over the scheme of subjects transferred to the panchayats” The Parliamentary Committee in its 37th report submitted in 2003 has expressed concern over the pace at which states are working in this direction. The Report of the Task Force on the Devolution of Powers and Functions to the PRIs brought out by the Ministry of Rural Development has admitted that the mandatory provisions of the 73rd Amendment Act are yet to be implemented in letter and spirit by most of the states/UTs even eight years after the said Act came into force in April, 1993”. The conformity legislations of most of the States have not significantly altered the functional domain of gram panchayats as is shown in the Table No.1. The studies emphasize the need for a uniform accounting system and a uniform grant structure to ensure transparency in the functional transfers to the rural local bodies.

Table No.1

Sl. No.	States/UTs	No. of Departments/subjects Transferred to Panchayats with		
		a) Funds	b) Functions	c) Functionaries
1.	Andhra Pradesh	5	17	2
2.	Arunachal Pradesh	-	-	-
3.	Assam	-	29	-
4.	Bihar	-	20	-
5.	Jharkhand	-	-	-
6.	Goa	6	6	-
7.	Gujarat	15	15	15
8.	Haryana	*		-
9.	Himachal Pradesh	2	26	
10.	Karnataka	29	29	29
11.	Kerala	15	26	15
12.	Madhya Pradesh	10	23	9
13.	Chhattisgarh	10	29	9
14.	Maharashtra	18	18	18
15.	Manipur	-	22	4
16.	Orissa	5	25	21
17.	Punjab	-	7	-
18.	Rajasthan	-	16	-
19.	Sikkim	24	24	24
20.	Tamil Nadu	-	29	-
21.	Tripura	-	12	-
22.	Uttar Pradesh	12	13	9
23.	Uttranchal	-	11	11
24.	West Bengal	12	29	12
25.	A&N Islands	6	6	6
26.	Chandigarh	-	-	-
27.	D&N Haveli	-	3	3

28.	Daman & Diu	5	9	3
29.	NCT Delhi	**		***
30.	Pondicherry	-	-	-
31.	Lakshadweep	-	6	-

* Almost all the 29 subjects

** Panchayati Raj System is yet to be revived.

*** No functionary has been transferred. However, GPs and ZPs have been made the appointing authorities with regard to 9 functions on contract basis.

Note: Provisions of the Constitution (73rd Amendment) Act, 1992 are not applicable to the States of J&K, Meghalaya, Mizoram and Nagaland.

Source: *Government of India (2001b)*

The preambles of only three conformity legislations viz. those of Bihar, West Bengal and Tripura unequivocally mention that the objective of the panchayat legislations is to endow panchayats with functions and powers so as to enable them to function as vibrant institutions of self government. The Acts of Tamil Nadu, Kerala, Sikkim, UP and Maharashtra make some commitment to self-government. The Haryana Act spells out that the panchayat system is meant for better administration of rural areas. Similarly, the MP Act treats janpad panchayat (middle tier) only as an agent of the government. Other states like Karnataka, Punjab, Goa, Arunachal Pradesh, Manipur have carefully refrained from making any specific commitment to self government for their panchayats.

The lack of clarity in functional allocation and absence of disaggregation into detailed activities, as the Panchayati Raj Development Report 1995 mentions, has led to considerable overlapping and duality of control in most cases. It has been argued in the report that functional autonomy is rendered difficult because in almost all states, the state governments retain the power to assign, amend or withhold functions which, as per the 73rd Amendment of the Constitution, is a job only the state governments are authorized to do.

More recently, however, the Government of India decided in favour of undertaking activity mapping to ensure effective devolution of functions (as listed in the Schedule XI) to all the three tiers of the PRIs. This is indeed a welcome move whereby every activity can be attributed to the appropriate level of panchayat so as to enable a more effective delivery of public services and a better quality of life for the citizens. Devolution of powers, (as declared in the First Round Table of Ministers- in- Charge of Panchayati Raj, Kolkata, July 2004) was to be based on the principle of subsidiarity which means that “any task that can be done at the lower level should not move to a higher level.”

Table No. 2

State/ UT	No. of Subjects transferred	Details of AM (Activity Mapping undertaken)	Notes
Andhra Pradesh	17	9	AM for critical subjects like housing not done. Only 8 depts. have passed orders for transfer of funds and functionaries.
Arunachal Pradesh	-	29	
Assam	29	29	
Bihar	25	-	
Chhattisgarh	29	27*	Executive orders not issued
Goa	6	18	18 functions devolved to GPs, 6 to ZPs
Gujarat	15	14	Only 5 subjects partially devolved
Haryana	-	10	Subjects yet to be transferred
Himachal Pradesh	26	-	15 departments have issued orders delegating powers to panchayats
Karnataka	29	29	AM implemented through fiscal devolution in 2005-06 budget with regard to 26 subjects
Kerala	26	26	119 activities relating to 19 functions devolved. AM has been revised with complete details.
Madhya Pradesh	23	7	AM prepared by an NGO, Samarthan. Yet to be considered by government.
Maharashtra	18	-	No move to undertake AM
Manipur	22	22	
Orissa	25	7	Fiscal transfer yet to be made

Punjab	7	-	Draft AM prepared
Rajasthan	29	12	AM done for agriculture, soil conservation, PHED, elementary and secondary education, health and family welfare, irrigation, forest, industry, food, tourism, PWD, energy, technical education
Sikkim	28	-	
Tamil Nadu	29		Instructions issued for devolving all subjects to panchayats but no actual devolution
Tripura	29	21	Orders were issued for the devolution of 21 subjects in 1994
Uttar Pradesh	12	-	AM completed in respect of 32 departments. implementation yet to take place
Uttaranchal	14	9	Orders for devolution of 3 departments issued
West Bengal	29	15	Orders issued in respect of 15 subjects for which AM has been completed
A & N Islands			
D & N Haveli	3		AM completed
Lakshadweep	-	-	
Chandigarh	-	-	

* (Except forest and drinking water supply)

Source: Ministry of Panchayati Raj, Government of India

Transfer of Funds

The transfer of functions without corresponding transfer of funds does not make sense but this has nevertheless, happened. Mahi Pal rightly says that before listing the functions to be performed by the panchayats, the states have introduced certain qualifying clauses.¹³ In Andhra Pradesh, Haryana and Tamil Nadu it is “within the limits of its funds”. In Punjab “it is to the extent its funds allow to perform”. In Madhya Pradesh and Himachal Pradesh, it is “as far as the gram panchayat funds at its disposal”.

A close examination of the provisions in the Acts of the different states regarding tax assignments, tax sharing, non- tax revenues makes it very clear that the PRIs at the level of the samiti and parishad do not have independent taxing powers. Most of the taxes are assigned at the GP levels. A provision for independent budgeting by the three tiers is another prime requisite to ensure autonomy. In some states like Andhra Pradesh and Orissa for PS, Punjab for ZP, Rajasthan for PS and ZP, Tamil Nadu for all tiers, the preparation and presentation of budgets is left to the executive authority rather than to elected representatives.

The Constitution provides for setting up of the State Finance Commission (SFCs). By mid –1990s the first SFCs had submitted their reports. Referring to the role of the SFCs the mid-term appraisal of the Ninth Plan pointed out, “more buoyant taxes like sales tax and excise are kept out of the purview of the PRIs. All SFCs have put great emphasis on internal revenue mobilisation but none has suggested any effective mechanism for PRIs to generate their revenue..... Indeed, the absence of attention to the elementary principle, that expenditure assignment must precede any tax or revenue assignment, has made most of the SFC’s recommendations suspect”¹⁴ The State Governments have also been slow and hesitant in accepting the recommendations where they are useful in terms of improving the revenue generation capacity of the local bodies. Only two states – Karnataka and Sikkim – have devolved funds to the panchayats for the 29 subjects. In some states several of the basic services which traditionally belonged to the panchayats like street lighting, provision of drinking water supply, sanitation and drainage, primary health care etc. have not been entrusted to the GPs. For example, in Haryana, GPs practically deal with only drinking water and construction and maintenance of roads to the exclusion of all other basic services.

The balance sheets of panchayats reflect either financial scarcity or a lack of control over budgeted finance. Except for a few states where the panchayats have access to some funds, the financial position of the PRIs is in a bad shape. Panchayat finances are fragile in most states where the total receipts of tax revenue is only 3.5 per cent from 1997-98 in the 15 select states. It is about 5 per cent in Orissa, Punjab, Andhra Pradesh, Madhya Pradesh, Gujarat and Haryana and between 10 per cent and 20 per cent in Assam, Goa and Kerala.¹⁵

PRIs across the states do not have any control over their own physical and human resources. The SFCs have recommended the transfer of those powers, which are less effective, although there has been emphasis on internal resource mobilisation. This is a matter of concern because embedded in the question of financial viability is the issue of self - reliance. The financial autonomy ratio

¹³ Mahi Pal (2004) *Panchayati Raj and Rural Governance*, EPW, Vol. XXXIX, January 10.

¹⁴ Nilkanta Rath (2004) ‘Twelfth Finance Commission and Minimum Needs’, *EPW*, June 4

¹⁵ *The Status of PR Finances in India*, PRIA New Delhi, 1999

(FAR) for the selected Gram Panchayats (GPs) is below 1 per cent, indicating almost total dependence on the grants from the higher-level governments. Even in the states like Andhra Pradesh, Gujarat, Kerala, Karnataka and Maharashtra, the FAR of the selected GPs is not more than 50 per cent. In Kerala perhaps the best performing state in terms devolution to local bodies, the own revenue of an average GP is only 33 per cent.

A study of 15 select states, namely, Andhra Pradesh, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu, Orissa, Punjab, Haryana, Assam, Goa reveals that where middle or top tiers have been constituted, states have not endowed them with adequate functional responsibility. Most states have granted a plethora of functional responsibilities but no executive follow up of granting adequate powers, staff and financial resources. Except for four major states where the intermediate and apex bodies have adequate staff, in most other states, either the staff is not directly relevant or inadequate. A study of panchayats in 15 states done by the National Institute of Rural Development, Hyderabad, shows that the political parties are reluctant to devolve powers. Jean Dreze has shown that in most States the main responsibility of a *sarpanch* is to oversee the implementation of development programmes.¹⁶

The Kolkata conference of ministers in-charge of the departments of panchayats and rural developments in different states, held in July 2004, reaffirmed its commitment to the best traditions of fiscal federalism in which the Union and the states would co-operate to strengthen local government finances. It was agreed to develop a framework of co-operation between Union Government and the state government and to devise a mechanism, but nothing significant has emerged so far.

Transfer of Functionaries

To function effectively as institutions of self government the PRIs need to have the power to recruit and control staff required for managing its functions. Staff is a resource that an organization must possess to perform its activities. Strangely, Part IX and IXA of the Indian constitution remain silent on this vital aspect of institutional autonomy. Viewed from this perspective the state panchayat legislations too present a gloomy picture. The state governments still have retained for themselves the power for inspection, inquiring into the affairs of the panchayats, the suspension of panchayat resolutions and issuing directions. Besides in most states the key functionaries, namely, the secretaries and executive officers at all the three levels of panchayats are state government employees who are appointed, transferred and controlled by the state government. Being under the direct control of the state administrative hierarchy they are often reluctant to work under the administrative control of the elected panchayats. Moreover, provisions for the deputation of officials from the state government to the panchayats have been made in the state panchayat acts without consultation with the panchayats. The tenure, transfer and the promotion of deputationists are also decided by the state government without consulting the panchayats.

Kerala is the only state which has completely transferred the control of functionaries to panchayats. More than 100 officials of different line departments have been devolved to district panchayat which exercise supervisory and administrative control over these functionaries. Only two states – Karnataka and

¹⁶ Cited by Richard Mahapatra (2003) 'Toothless at 10', *Down to Earth*, January

Sikkim – have transferred functionaries pertaining to all the 29 subjects to the panchayats. But in Karnataka too the panchayats have no power of recruitment, transfer and discipline over their staff. Here, the zilla parishads and the taluka panchayats are filled with state government officials resulting in dual loyalties and needless friction in the day-to-day functioning of the panchayats. Although in a few states the GPs have been given the power to recruit and control their own staff, this power remains largely unutilized due to the weak financial position of the GPs. States like Arunachal Pradesh, Assam, Bihar, Jharkhand, Goa, Gujarat, Haryana, Punjab, Rajasthan, Tamil Nadu, Tripura, Andaman and Nicobar Islands, Chandigarh and Pondicherry have not transferred any functionaries to the panchayats. The rest of the states and Union Territories have transferred functionaries of some departments/ subjects to the panchayats ranging from 2 in Andhra Pradesh and 18 in Maharashtra. But even in states where the process has just been initiated the efforts seem to be half-hearted. In Maharashtra, for instance, this has led to role confusion as the transfer has not been made for the entire staff of respective departments. Instead, they are being shared between the line departments and the panchayats. Nilkant Rath has pointed out that this has complicated the role of the Twelfth Finance Commission which has been asked to recommend measures for the augmentation of the resources of the local bodies in light of the recommendations of the SFCs.¹⁷

Administrative Autonomy of the PRIs

In addition to what has been stated above relating to the lack of control by the PRIs over their staff, most state Acts arm themselves with omnibus clauses and penal provisions which make administrative autonomy of the PRIs a mockery. For example, it has been laid down in the Rajasthan act that the state government shall be the chief superintendent and controlling authority in respect of all matters to PRIs. Interestingly, according to the provisions of the Act if a panchayat fails to perform its duty, it will be given time to do so and, if it fails again the work will be given to an agency at the cost of the panchayat. In Orissa the collector can direct any officer to attend any meeting of the GP. If the collector is of the opinion that the GP is unable to discharge its functions, he may direct the PS to function on behalf of the GP.

People's Participation: The Gram Sabhas

As an institution of direct democracy, it may be recalled that Rajni Kothari has visualized the role of the Gram Sabhas in the following words:

"Representative bodies have their inherent dynamics of power politics and willy-nilly end up vesting effective authority in the politician-bureaucracy nexus. The only way of making this nexus responsible and accountable is to provide larger citizen involvement in new variants of old institutions like the Gram Sabha which can combine older forms of informal consensus-making mechanisms with the more formal, institutionalized and legal forms decreed by legislations. With the new awakening in rural areas these bodies have the potential to oversee the working of elected bodies and over time, with the

¹⁷ Nilkanta Rath (2004), op. cit

growing confidence that they cannot be brow-beaten by dominant individuals or castes, they become a force to reckon with."¹⁸

The Ashok Mehta committee observed that "the gram sabha has an important role in activating the democratic process at the grassroot level, in inculcating community spirit, in increasing political awareness and enabling the weaker sections to progressively assert their point of view" Gram sabha is useful not only as vigilance mechanism in the hands of the people but also as a tool to restore the lost credibility of the panchayat in India.

Gram Sabha literally means village meeting – a meeting of the villagers to discuss their common problems. In many ways, it is comparable to a citizens' forum, a forum of direct democracy, which existed in Greek city states.¹⁹

While the constitution makes it mandatory to establish Gram Sabha at the village level, it does not stipulate any details regarding the structure, powers, and functions of this institution. In terms of Article 243G these details are to be spelt out in the panchayati raj legislations passed in each state in compliance with the 73rd amendment of the Constitution. Accordingly, all the state governments have provided for the institution of gram sabha in their respective panchayat legislations. There are variations across the states with regard to composition, functions and other matters. In Andhra Pradesh and Karnataka the Gram Sabha has been defined in relation to revenue village, whereas in Maharashtra and Rajasthan the unit is much larger and coterminous with the village panchayat. In Kerala there is Gram Sabha for every ward.

None of the State Acts empowers the GS to have control over the GP and to take final decisions in matters of village development. Its role is only advisory. The accountability of the GP to this body has also not been clearly spelt out in most of the state legislations. In Kerala, however, it is obligatory on the part of the head of the GP to explain to the GS why a particular decision or a set of decisions could not be implemented.

In most of the states the functional domain of the GS is limited to discussions of annual statement of accounts, administration report, and selection of beneficiaries for anti-poverty programmes. Only in a few states like Haryana, Punjab and Tamil Nadu the GSs enjoy the powers to approve budgets. The Gram Sabhas are yet to take off in almost all the states.²⁰ Reports from the states indicate that Gram Sabha meetings are not being held regularly. The Institute of Social Sciences team found in a village in Madhya Pradesh (MP) that by December 1995, only three meetings were held as against the legal requirement of six meetings.

Nirmala Buch conducted a study of Gram Sabhas in 11 Gram Panchayats in MP in December 1997 and found that far from an adequate number of GS

¹⁸ Rajni Kothari, *State Against Democracy: In Search of Human Governance*, Ajanta Publications, Delhi

¹⁹ J.M. Cohen and N.T. Uphoff " Participation's place in Rural Development: Seeking Clarity through Specificity, *World development*, Vol8, pp.213-235

²⁰ Prabhat Datta, (2003), *Towards Good Governance and Sustainable Development*, Das Gupta & Co. Kolkata.

members attending the meetings not even all the panchs were present.²¹ To cap it all, there was no quorum of more than 50 per cent in the GS meetings. There is a provision for mandatory attendance of one-tenth members in the Gram Sabha. Women find it difficult to attend as the timing is sometime in the forenoon i.e. between 11 a.m. and 1 p.m. Most of the women are not aware even of the rudiments of the Gram Sabha. The issues discussed do not seem to interest a large number of the villagers and hence, except careful and knowledgeable stakeholders, others shy away from the Gram Sabha.

A study conducted in two Panchayats in Kerala has shown that the people are in favour of expanding the role of the Gram Sabhas.²² They want the Gram Sabhas to give the final seal of approval to the activities of the Gram Panchayat. The people interviewed have suggested that the Gram Sabha will perform its duties in time provided people are made aware of its role in development activities. Once their felt needs are taken into consideration, they will automatically attend the meetings in large numbers and participate effectively in the activities of the Gram Panchayats.

In some of the States Gram Sabha meetings are generating a new atmosphere in the countryside. Social auditing at the Gram Sabha meetings has also started yielding desirable results. The Gram Sabha meeting in Karnataka successfully combated the time-honoured Devdasi system, which prevailed in 167 villages of Belgaun district.²³ The UMA Research team of Bangalore had witnessed a Gram Sabha meeting at Indore Gram Panchayat in Uttar Kanada district.²⁴ The Sabha witnessed uproarious scene when the people demanded an explanation from the secretary about the activities. Only a handful of members were familiar with the Act. The presence of the women members was very insignificant and those who did come were passive observers. Many were hesitant to confront the elected representatives. Most of the questions were raised by the youth. The elders hardly opened their lips.

The Participatory Research in Asia team studied the working of the Gram Sabhas in Gujarat, Haryana, Himachal Pradesh, Kerala and Uttar Pradesh.²⁵ The team has noticed that although meetings are being held almost regularly, a quorum is hardly achieved. Surprisingly, despite the lack of quorum, the proceedings are prepared. The team is generally of the opinion that there is a lack of awareness on the part of the members not only about the time and venue of the meetings but also about the usefulness of such meetings.

The team points out that except in Kerala and Madhya Pradesh, the advice and suggestions of the Gram Sabha are not even binding to the Gram Panchayat. In reality, Gram Sabha meetings do not serve the purpose of either establishing village priorities and overall policy framework for Gram Panchayat or regular monitoring and accountability of the resources and the decisions of the Gram Panchayats.

²¹ Cited by K. Jayalakshi in her paper 'Role of Gram Sabhas in Betul district in MP' presented at the national conference on Gram Sabha held at NIRD, Hyderabad during July 28-29, 1999

²² John Oommen, "Gram Sabhas : The Live Wire in the Planning Process in Kerala" *Journal of Rural Vo Development* 1. 18, No.2

²³ P.Menon (1996) "Sex Slaves no more : Devdasis of Belgaum District break free", *Frontline*, February, 9

²⁴ See, *Uma Prachar* (1997) January-March.

²⁵ PRIA, *ibid*.

The scholars observe that most of the heads of the panchayats lack skills in conducting meetings in a manner that could promote wider participation and discussion of the issues affecting the village. Issues of social justice and internal dynamics of the village have rarely been agenda items in the Gram Sabha meetings.

An authoritative survey of panchayati raj by NIRD reports follows: almost all the State Acts have provided for Gram Sabha but its functions have not been spelt out in detail. Consequently, these institutions by and large continue to function ineffectively, though the meetings are generally held as prescribed. The purpose is hardly served in the absence of a clear and direct mandate. More often, there is a tendency to conduct the meetings in a formal manner and finalize the proceedings in haste. The prescribed quorum is also not given due importance. The absence of women folk in the meetings has been a common feature. The participation of the people belonging to the weaker section has been marginal.

In West Bengal, the Gram Sabha created by an amendment of the West Bengal Panchayat Act in 1992, started working well. Webster's research demonstrated that apart from the compulsory meetings of the Gram Sabha, the informal mighty discussions in some localities, regular public meetings were other forms of participation.²⁶ Lieten remarked that although the *boktrita* culture was not altogether absent in the Gram Sabha meetings, participation used to take place.²⁷ In other words although the leaders used to deliver long speeches, they did not stand in the way of active participation of the villagers in the meetings. Around one-fourth of the males he spoke to, stated that they had participated in meetings. In West Bengal, there is another body called Gram Sansad the geographical location of which is the electoral constituency of the members of the GP. According to the available information and the findings of the studies the Gram Sansad meetings are attended by people of all age groups. In most of the meetings, the Gram Panchayats publish the reports. There had been many occasions when the meetings generated lot of heat. The author himself witnessed a situation where a group of members walked out when the Pradhan refused to concede their demand. The formation of the beneficiary committee had been more often than not an issue of debate and discussion. This body is now replaced by the Gram Unnayan samity. There is still a lack of awareness on the part of the Pradhan and the members about the legal provisions relating to the Gram Sansad and Gram Sabha meetings. This has been the finding of another study done in Gujarat.²⁸ The officials present in the meeting have to correct them.

The study done by the author reveals that more than one third of the villagers are not aware of the Gram Sansad.²⁹ The reactions of the respondents tend to show

²⁶ N. Webster (1992) *Panchayati Raj and Decentralisation of Development Planning in West Bengal*, Calcutta : K.P. Bagchi p.99.

²⁷ G.K.Lieten (1998), 'Rural Development in West Bengal : Views From Below', *Journal of Contemporary Asia* Vo. 24, No.4, p 328. See his book *Development, Devolution and Democracy : Village Discourse in West Bengal* 1998, Sage, India.

²⁸ See Dr. Kartar Singh "The Role of the Gram Sabha in Village Development", *Kurukshetra*, October, 1999.

²⁹ Prabhat Datta (1996) 'Politicising Rural Development :m Lessons from India's West Bengal', *Asia – Pacific Journal for Rural Development*, December, 1997 and (1997) 'Politics at Blade and Grassroot', *The Telegraph*, July, 10. Prabhat Datta (2000) *Panchayats, Rural Development and Local Autonomy :the West Bengal Experience*, Dasgupta & Co., Kolkata.

that there are three reasons for the low attendance of the members in the meetings, namely, lack of time, the general impression that the decisions are not taken in the meetings and the reluctance on the part of a section of the Gram Panchayat members to listen to the suggestions generated during the meetings. The studies done by the author indicate that the meetings have been more successful in places where the GPs and the parties have taken an initiative in synchronising them with the cultural programmes in tune with local traditions. It is clear from the experience of functioning of the Gram Sansads that the modern institutional assemblies like Gram Sabhas and Gram Sansads in traditional societies like India need to be tuned with the natural rhythm of the rural life.

A study of the functioning of Gram Sansad in a cross-section of 20 villages in May 1999 brings out certain important issues.³⁰ The study shows that in analysing the occupational category of the voters who attended the meetings, the largest single category was agricultural labourers followed by farmers with less than two acres of land. Those with more land or with non-farming sources of income constituted about 16 per cent of those present. The analysis of the study's findings tends to show that the meetings were centred upon very practical and concrete problems within the village or cluster of villages. Proposals for road repair, where should a tube well be installed, who should receive loan are more common issues as opposed to broader themes which political parties, trade unions or peasant organizations in West Bengal are concerned with, such as, economic liberalisation, privatisation of public sector. In quite a few meetings, though not in all, the accounts of the previous year and the budgets for the next year for the entire Gram Sansad area were also placed. The researchers have noticed that the participants actively voice demands for new projects, suggest how allocated funds should be spent and debate how projects should be designed. The Pradhans and the local representatives are not spared. They have to answer a lot of questions and often face allegations about the misuse of funds and selection of beneficiaries. The responses of the panchayat leaders to the criticisms indicate that they could not take the voters present in the meetings for granted. There had been occasions when they had to make frank admission about their errors.

Women Empowerment

In order to add a new dimension to the process of democratic decentralization, namely, gender justice, the 73rd amendment of the Constitution provides for the reservation of seats and the posts of chairpersons for women. All the state Acts have incorporated this provision and elections are being held accordingly. But the studies indicate that women elected to PRIs are yet to play their roles properly.³¹ Conceptually it indicates a shift of attitude of the state towards women. Earlier women were generally viewed as objects of development. The amendment seeks to make women, actors in development.

This is a historic step, a sharp break from the previous practice. As many as 50 countries world over have quotas for women for their legislative bodies. Of the 20 countries with the largest number of women in parliament, 17 are using quotas in some form or other. However, following this amendment the number of elected

³⁰ M. Ghatak and M. Ghatak (2000) 'Recent Reforms in the Panchayat System in West Bengal' *EPW*, January 5.

³¹ Prabhat Datta with Panchali Sen (2003) *Women in Panchayats*, Dasgupta & Co., Kolkata.

women at the GP level has gone up to 35.92 per cent of the total numbers of the elected representatives. At the taluk panchayat level the figure is 40.14 per cent. Again at the ZP level, the total number of women members elected is 39.37 per cent. Some states elect more women than the one third mandated by the amendment. For example, Maharashtra and Karnataka have 43.7 per cent and 43 per cent women respectively in their village councils. In 2004 there were at least nine states where there was more than 33 per cent women in PRIs, Andhra Pradesh (33.04) Assam (50.38) , Chattisgarh (33.75) , Gujarat (49.30) , Kerala (57.24) , Karnataka (43.06) Tamil Nadu (36.73), Uttar Pradesh (37.85), West Bengal 35.15) Bihar has made a provision for 50 per cent reservation. Women are getting elected from general seats as well.

Findings from Some Cross-State Studies

Participatory Research in Asia (PRIA) studied women leadership in Panchayats in six states.³² The profile of the elected women leaders as brought out by the studies is given below:

- Majority of them are in the age-group of 35-45 years
- The proportion of unmarried women is negligible
- Only 20 to 40 per cent of the women are literate
- Incidence of joint and nuclear families is almost equal
- Less than 20 per cent of them are heads of the domestic households
- About 40 per cent of the members work in the field
- The educational and economic background of the chairpersons are better than those of ordinary members
- More than 20 per cent come from the families of past Panchayati Raj members
- About 40 per cent stood for elections on the insistence of their husbands and 20 per cent on that of the community (caste) etc.
- 25 per cent notice change in their status in the family after having elected
- About 60 per cent would like to encourage women to contest elections
- About 60 of these elected would contest next elections

Gram Panchayat meetings in the cases where women Pradhans are effective, have a presence of women members and a higher-level participation of members. Concerns of women in Gram Sabha meetings get discussed and more schemes and programmes related to women find their way into the Panchayats. These trends are visible in all the states.

The women Pradhans have been able to establish linkages with the block level government functionaries as well as the Panchayat Samiti. Initially they had some problems due to lack of proper exposure. Later on, their confidence increased as they continued to interact with them.

Several significant facts have emerged from a nation-wide study on elected women representatives conducted by ORG-Marg for the Union Ministry of panchayati raj. It is found that elected women members are generally younger than their male counterparts. Educationally, women lag behind men. Reservations have been found to be an important motivator for contesting the first elections. 43 per cent of the representatives did not receive any training. Interaction with local bureaucracy, officials in the line departments and police was found to be less

³² PRIA , op.cit

among the female representatives. A sizeable section of the female representatives perceive enhancement in their self-esteem, confidence and decision-making ability. Becoming a member or Pradhan augments respect within the four walls of families well as in the community at large. They also report an increased voice in decisions on economic matters as well as other issues in their families.³³

Nirmala Buch did a study on women's experience in Panchayats in three states, namely, Madhya Pradesh, Rajasthan and Uttar Pradesh.³⁴ The study has indicated that the level of participation of women is very high, though not similar to that of men. Women's attendance in the panchayat meetings ranged from 55.5 per cent to 74.4 per cent as against the men's average attendance range of 68.7 per cent. A majority of the respondents showed good level of awareness and knowledge about the working of the Panchayats. In order to argue their case in the meetings many of them take others into confidence and hold informal discussions. Empirical studies bring out both "narratives of courage" and "narratives of dislocation" that disrupt the presumed outcomes of women's political representation in PRIs. A field study in the five districts of MP covering 94 out of 188 sarpanches belonging to SC from the districts of Ujjain, Dewas, Ratlam, Shajahanpur and Mandsoar show that women were elected from families who were opinion leaders and continued to play their roles from behind the scenes. SC members face both caste domination and male domination.

It has been argued by Kumud Sharma that the language of state politics, procedures of political parties for recruitment and nominations and political socialization of men and women reflect a conflictual relationship between women's representation and political leadership. Most of the political parties remain institutionalized sites of patriarchal power. Women have to adjust themselves to the imperatives of party structures if they are to survive and in doing so some of them get co-opted in the process rather than influencing party structures and processes.

The issues get further complicated when they are understood within the framework of identity politics. Women come in with their social and economic disadvantages, poverty, illiteracy and dependence on wage labour.³⁵ Women sarpanches are prevented from completing their terms in office by using no-confidence motions. Sarkar says that whereas there are rules as to how no-confidence motions have to be handled, there is no requirement that the reasons for seeking a no-confidence motion have to be stated in clear terms.³⁶

Dalit Women

As we have seen above in the state-specific case studies, dalit women are facing greater difficulties as they are targeted by the upper castes apart from other odds. It has been difficult in states like Tamil Nadu to fill the posts of panchayat presidents reserved for dalits for three decades. Dalits were prevented from filing

³³ *Panchayati Raj Update*, May, 2008

³⁴ Nirmala Buch, 'Women's Experience in New Panchayats: The Emerging Leadership of Rural Women,' *Occasional Paper no. 35*, Centre for Women's Development Studies, New Delhi, 2000.

³⁵ Poornima Vyasulu & Vinod Vyasulu, Women in PRIs: Grassroots Democracy in Malgudi, *EPW*, Dec 25, 1999

³⁶ Lolita Sarkar, Annual Survey of Indian law, the Indian law Institute, 1997-98

nominations. The caste Hindu standpoint is that dalits cannot be panchayat presidents because if they get elected they have to show respect to them.³⁷

In Tamil Nadu, for example, till August, 2000 as many 96 village panchayat Presidents were removed by district collectors, 66 of whom are women. A study conducted by the Human Rights Advocacy and Research Foundation has revealed that dalit women Presidents are forced to act under the control of the dominant caste of the area. Women panchayat members are treated as non-entities. In most cases, the Panchayat clerk proves to be a major obstacle. He is invariably male and refuses to hand over keys for the panchayat and withholds crucial information.

There is discrimination in the seating arrangements for dalit women. For example, in one panchayat in Haryana, all members sit in chairs while the female dalit Sarpanch is made to sit on the floor because she belongs to the lower caste. In a village called Gundaibhai in Madhya Pradesh the poor of the Panchayat who belongs to the lower caste and poor agricultural labourer was not allowed to unfurl the national flag. She was beaten up by men for 'polluting' the sacred national flag.³⁸ In some election campaigns the name of the husband is displayed more prominently than the wife's, even if she is a candidate. In one case when the wife won the elections her husband was paraded in the victory procession and she was nowhere to be seen.

A woman Panchayat President rarely gets the male vice-president to countersign the cheque without some resistance from the latter. When the roles are reversed, women vice presidents are forced to sign the cheque even if they disagree with the expense. The socio-political dynamics in villages hamper the gender equity in governance. The following is a case of harassment in a tribal sarpanch. Mishri Devi of Thikri village in Dausas district in Rajasthan was elected to the post of sarpanch. The upper class male villagers were unhappy. On August she was stopped from saluting the national flag in a public place. The upper caste males tried to strip her. In Rajasthan again, a women sarpanch her husband and two other family members were abused and injured in an attack by 12 persons.

No-Confidence Motions

Ramilaben from Gujarat faced numerous no-confidence motions. She holds masters degree in history and was advised by a state minister to join politics. She contested the district panchayat elections. She won and became the president of the district panchayat and as a result became an object of attack from the very beginning because of her being female. The Vice President told her that if she would refuse to work under his instructions he would force her to resign within 15 days. Ramilaben took it as challenge. They then initiated a series of no-confidence motions. Each time she emerged victorious. Ultimately the High Court issued a ruling that only one no-confidence motion could be brought against the President during her tenure. In 1996 as many as 16 writ petitions were filed against her in the court and she was suspended on grounds of incompetence. She moved the High Court and was re-instated by it.

Parties are yet to accept the role of reservation as a tool of empowerment. The interesting case of Adiamma from Karnataka is well known. She was the only

³⁷ *Panchayati Raj Update*, May, 2005

³⁸ *Outlook*, October 11, 2004

woman of the 18 SC members GP in Madya district. The Congress (I) decided to back her for the post of President. She got elected. Before the elections she used to earn her livelihood by cleaning toilets of the Police Stations and worked as an agricultural labourer. But after being elected she began to implement her agenda. All encroachments near the local bus stand were cleared and the issue of ration cards simplified. Many of the males were alarmed at the performance and tried to find fault with her. They conspired against her to make her resign and resorted to boycotting panchayat meetings. Three consecutive meetings had to be postponed due to a lack of quorum. When nothing worked they moved a no-confidence motion. The motion was passed with the support of Congress and Janata Dal.

Two Child Norm

Only in eight states viz. Andhra Pradesh, Haryana, Himachal Pradesh (HP), Madhya Pradesh, Orissa, Chhattisgarh, Rajasthan and Maharashtra the two child norm was seen as a way to regulate family size and thereby contain population growth. But this legislative measure has been causing serious concern. Very often it is being implemented in an environment of non-equal opportunity.

A study conducted in Andhra Pradesh (AP), Haryana, Madhya Pradesh (MP), Orissa and Rajasthan by the Bhopal-based Mahila Chetna Manch in 2002-2003 revealed that proper information dissemination about the norm was not in place. Economically and socially vulnerable sections were the worst affected. 78 per cent of all cases studied belong to the scheduled, castes, and Other Backward Classes.³⁹ Also, the rule was seen as a potential tool for misuse, with women facing a double-edged challenge.

It should however be pointed out that the political space provided to women in panchayats has started to bring about change, though slowly. The findings of a study of the working of panchayats in six states conducted by PRIA reveals that “..... 25 per cent woman notice change in their status within their family after they have been elected..... about 60 per cent of women said that they would encourage women to stand for election. The same percentage (60 per cent) is contemplating to contest PRI election again”.⁴⁰

Decentralised Planning: the District Planning Committees

Another important area where the State Governments have shown scant regard for constitutional provision is the area of district planning. The Constitutional Amendment requires State Governments to constitute District Planning Committees (DPCs) in order to facilitate decentralised planning. A decade has passed and progress is alarmingly slow as is evident from the table below:

³⁹ *Panchayati Raj Update*, Feb. 2003

⁴⁰ PRIA , op.cit.

Table No. 2

SI. No.	State/Uts	Whether DPCs have been constituted	If yes, who is the Chairperson
1	Andhra Pradesh	Not constituted	
2	Arunachal Pradesh	Not constituted	
3	Assam	Not constituted	
4	Bihar	Not constituted	
5	Chhattisgarh	Constituted	Minister
6	Goa	Not constituted	
7	Gujarat	Not constituted	
8	Haryana (No. of Districts : 19)	Constituted (Only in 16 Districts)	Deputy Commissioner
9	Himachal Pradesh (No. of Districts-12)	Constituted (Only in 6 Districts.	Minister)
10	Jammu & Kashmir	Yet to adopt the provision of 73rd Amendment Act.	
11	Jharkhand	Not constituted	
12	Karnataka	Constituted	Zilla panchayat president
13	Kerala	constituted	Zilla panchayat president
14	Madhya Pradesh	constituted	Minister-in-charge of district
15	Maharashtra	Not constituted	
16	Manipur (No. of districts : 4)	constituted only in 2 districts	Zilla parishad ,president
17	Meghalaya	73rd and 74th Amendments	not applicable
18	Mizoram	73rd and 74th Amendments not applicable	not applicable
19	Nagtaland	73rd and 74th Amendments	not applicable
20	Orissa	constituted	Minister
21	Punjab	Not constituted	

22	Rajasthan	constituted	Zilla panchayat president
23	Sikkim	constituted	Zilla panchayat president
24	Tamil Nadu	constituted	Zilla panchayat president
25	Tripura	Not constituted	
26	Uttar Pradesh	constituted	Minister-in-charge of districts
27	Uttaranchal	constituted	Minister
28	West Bengal	constituted	Zilla parishad president
No DPC in Darjeeling district. Metro Planning committee in Kolkata District.			
29	A & N Islands	constituted	Zilla parishad president
30	Chandigarh	Government has decided not to constitute DPCs as 90% of population is covered by municipalities	
31	D & N Haveli	constituted	Zilla panchayat president
32	Daman & Diu	constituted	Zilla parishad president
33	NCT of Delhi		
34	Lakshadweep	constituted	Development Commissioner
35	Pondichery	Not constituted	

Source: ISS Documentation and Information Centre Panchayati Raj Update July, 2003

In some states, the District Planning Committees (DPCs) are chaired by the minister of the State Government as in Madhya Pradesh, whereas in other states, the officials head the DPC, as in Tamil Nadu where the collector is the chairman. All these practices are inconsistent with the very spirit of the constitutional amendments on democratic decentralisation. The table below shows the composition of the DPCs in different states:

Composition of District Planning Committees in various States

Table No. 3

State	Total Members	Elected Members	Nominated Members	Chairperson	Secretary
Kerala	15	12	03	President of the Zilla Parishad	District Collector
Madhya Pradesh	15-25	Four-fifths	One-fifth	Minister nominated by the State Govt.	District Collector
Maharashtra	30-50	Four-fifths	One-fifth	Minister nominated by the State Govt.	District Collector
West Bengal	10-100 depending on size of the district	Four-fifths	One-fifth	President of the Zilla Parishad	District Magistrate
Rajasthan	25	20	5	President of the Zilla Parishad	Chief Planning Officer of ZP
Uttar Pradesh	20-40	Four-fifths	One-fifth	Minister nominated by the State Govt.	Chief Development Officer of the District
Karnataka		Four-fifths	One-fifth	President of the Zilla Parishad Mayor/ Municipal President of District Hq. Vice Chairman	CEO of ZP
Tamil Nadu		Four-fifths	One-fifth	Chairman - ZP President, Vice Chairman – Collector.	CEO of District Panchayat

Doubts have also been expressed about whether it would be possible on the part of retired or serving officials associated with the work of the government to play their roles properly. Interestingly, the Eleventh Finance Commission observed that the appointment of serving officers as chairman or members put a limitation on the SFC to act as an autonomous body to make recommendations in a free and independent manner.

The Rise of Parallel Bodies

Table No. 4

Added to the above is the emergence of a series of parallel bodies in different states as shown in the chart below.

No.	State	Parallel Body	Areas of overlap/substitution	Institutional Linkage with PRIs.
1.	Uttar Pradesh	Water User Group (WUG)/Site Implementation Committee (SIC)	<ul style="list-style-type: none"> Formulating, developing and approving plans of the area covered by the WUG Selection of beneficiaries (farmers) Construction, maintenance and management of link and main drains Policy decisions like decision on rates of water charges. 	Village Pradhan may be the ex-officio chairperson of the SIC.
2.	Haryana	Gram Vikas Samity	Supervision of construction of work out of the funds released by HRDF Board, decentralised planning or any other state government scheme.	The samity consist of 4 members of gram panchayat Chairperson – Sarpanch Elected Members – one panch each from SC community, BC community and a woman panch
3.	Andhra Pradesh	Janmabhoomi	Planning and implementation of development programmes at the local level	Sarpanch and the concerned ward member finds representation in the Habitation Level Committee of Janmabhoomi.
4.	Gujarat	Joint Forest Management	<ul style="list-style-type: none"> Cultivation, collection and sale of minor forest produce Conservation and maintenance of common property resources 	<ul style="list-style-type: none"> A representative of village panchayat will serve as one of the members of the mandal or committee Village panchayat itself may become a mandal or committee for the purpose of JFM.
5.	Rajasthan	Watershed	Minor Irrigation	Panchayats can become Project Implementing Agency (PIA) for watershed projects on priority basis.
6.	Himachal Pradesh	Vigilance Committee	Supervision of gram panchayat works/schemes costing upto Rs.50,000/-	Supervisory body within gram panchayat of the works, schemes and other activities of Gram Panchayat.
7.	West Bengal	District Primary Education Council	Overlapping with Standing Committee on Education at District and Intermediate level.	

Source: *Participatory Research in Asia (2002) Parallel Bodies and Panchayati Raj Institutions: Experiences from the States.*

Broadly speaking, the functions performed by the parallel bodies can be classified as ensuring user/beneficiary participation, convergence of programmes and promoting/ensuring efficiency. While these are the basic functions of the PRIs, the matters like irrigation, watershed management and development and minor forest produce come under the purview of the Eleventh Schedule which lays down the functions of the PRIs. The Gram Vikas Samity in Haryana and the Vigilance Committee in Himachal Pradesh encroach upon the statutory functions of the panchayat bodies as spelt out in the Panchayat Acts of the respective states. The Janmabhoomi (JB) programme tends to mobilize local people, the entire state administrative machinery and draws upon all existing central and state government schemes as resource for development work, thus substituting the functions of the Gram Panchayat. Although the Sarpanch is to preside over the JB Gram Sabha, the real player is the officer which has created another problem. The Gram Sabha meetings convened by the Gram Panchayat have become less important because of the realization on the part of the people that fewer benefits are available through panchayats.

There is another set of parallel bodies in states like Maharashtra where traditional panchayats exist with different legitimising sources. In Maharashtra, for example, there exist village “collectives” called “Gavki”. The ‘Gavki’ is constituted by the elite upper castes, the rich and undoubtedly, only the patriarchs of the village, women are excluded. Before the amendment of the constitution these bodies functioned alongside the elected panchayats. Unfortunately, they continue till today. Lele narrates an interesting case of how a ‘Gavki’ defied the panchayat. The ‘Gavki’ decided to auction the sand from the riverbed and the money earned was to be a contribution to its own fund. The GP raised objections to it and a conflict arose. The persons, who raised objection to this issue, were the more informed active villagers, some dalits and women, associated with a local NGO who were in favour of the panchayats. However, in the long run they failed to go against the ‘Gavki’. The ‘Gavki’ has been found to be more effective in areas where women or dalits are in power. Thus, as Lele rightly observes “reservations which intended to empower both these marginalised sections in rural governance are being made ineffective by the established powers in the rural areas”⁴¹

The general reaction against the parallel bodies is that they represent processes external to the constitutionally mandated role of panchayats and enable bureaucracies to override democratic bodies. Thus they pose serious threats to the effective functioning of local self-governing institutions.

Actions of Some of the State Governments

Legislative actions and decisions of some of the State Governments are undermining the process of democratic decentralisation. For example, the Chhattisgarh government has passed an order prescribing basic literacy as the minimum educational qualification for contesting a panchayat seat. This provision has dangerous implications as it will reduce the democratic space for ordinary people particularly poor women, minorities and the dalits, many of whom do not have basic literacy. It seems repugnant to the spirit of the constitutional mandate of panchayats as instruments of planning for economic development and social

⁴¹ Medha kotwal Lele, “Local Government, Conflict of Interests and Issues of Legitimation” *EPW*, December, 22, 2001

justice. It will thus impede the process of empowerment for a large mass of population in view of the fact there is still a chunk of population without basic literacy.⁴²

Another interesting case of similar nature is the constitution of the Third State Finance Commission by the Government of Kerala under the chairmanship of a retired IAS officer who was Chief Secretary earlier and is currently involved with the work of the Government of Kerala. The other two members are serving officers – Secretary, Expenditure and Secretary, Local Administration. The SFCs are modelled on the Union Finance Commission. It is intended to take an objective, enlightened and independent view in making recommendations in order to enable local government institutions as institutions of self government as envisaged in the 73rd and 74th Amendments of the constitution. The SFCs are required to fix the size of the divisible pool and to design methods for *inter se* distribution of the share of the local bodies on an equitable and efficient basis. It also has to evaluate the critical gap at various levels, taking into account the tax assignment, on the one hand and financial responsibilities on the other. It has been argued that the appointment of serving officers as chairperson or members might make it difficult for members to play the desired role.

The District Rural Development Agencies (DRDAs), which handle crores of rupees, should have disappeared from the scene following the 73rd amendment of the Constitution. However there is no such sign of this. The battle continues in some states. The DRDAs have been constituted as late as in 2002. Some State Governments have refused to comply with the Central Government guidelines to ensure that DRDAs are merged with the ZPs. The Central Government has failed to enforce this.

Transparency: Right to Information

One of the objectives of democratic decentralization is to make governance transparent. For that purpose a few state governments like Rajasthan and Madhya Pradesh have taken legal initiatives, such as, granting the right to information. What is happening in the field is a matter of really grave concern. The Majdoor Kishan Shakti Sanghatan (MKSS) in Rajasthan led by Ms. Aruna Roy sought all records pertaining to the five year development activities in the Janpad Panchayat in February, 2002.⁴³ The Gram Sevak refused to give information for 10 months. Later on, the Gram Sabha passed a resolution that the information asked for could not be provided because it would create tension in the area. The district officials took the plea of the resolution and expressed their helplessness. It was argued that the panchayat is a constitutional body. It is, therefore, not possible for officials to intervene in order to compel the panchayat to furnish information. The MKSS met the Chief Minister and the Panchayati Raj Minister without any effective results.

⁴² Rafi Ahmed “ A Retrograde Move by the Chhatisgarh Government, *Panchayati Raj Update*, Sept.2004

⁴³ *Panchayati Raj Update* (2001), March

Concluding Observations

Democratic decentralisation in rural India today faces a lot of challenges from within and without. These are strong enough to derail the engine of rural decentralization, if suitable steps are not taken in time by the central government and the union parliament, the state government and the legislature, the bureaucracy and the social structure.⁴⁴ Given this background, one has reasons to express doubts about the future of constitutionally ordained PR bodies as institutions of self-government and instruments of economic development and social justice.

There is nevertheless a certain silver lining. It has been realized by the Indian State that another round of Constitutional amendment is necessary to strengthen PRIs and for this purpose a high-powered committee consisting of selected Chief Ministers has already been constituted. Second, there has been an increasing interest of the people and the press in panchayati raj. Third, civil society organizations across the country have started taking an active interest in the promotion of democratic decentralization. These silver linings offer a ray of hope and, if they work well, one may envisage PRIs emerging as institutions of democratic power and governance with some strength and vigour in the days to come.

⁴⁴ G. Mathew (2000) 'Threats to Grassroots Democracy', *The Hindu* ; Feb.17

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