



## Direct democracy to the grassroots people: An overview the Madhya Pradesh panchayat raj act 2001

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### Abstract

Madhya Pradesh took the lead in implementing the panchayat raj system as envisaged in the 73<sup>rd</sup> Amendment and was the first state to conduct elections to panchayats in 1994. The state government continuously devolved powers and authority to the panchayat institutions and initiated innovative measures to empower, strengthen and institutionalise the panchayat raj institutions. An analysis of six years of functioning of panchayat raj in the state clearly indicates that despite several attempts by the government, civil society and other concerned actors, the panchayat raj institutions could not truly emerge as people's institutions. Unfortunately, the distortions of the existing political systems at the state and union levels were replicated at the panchayat level and a new class of elite and power centres led by the sarpanch emerged within the panchayat system undermining the spirit of democratic decentralisation at grassroots level.

**Keywords:** 73<sup>rd</sup> amendment, panchayat raj institutions, Madhya Pradesh panchayat raj (sanshodhan) adhiniyam 2001

### Introduction

The Amendment related to Gram Swaraj is discussed here in detail. Since the study is devoted to understand the Gram Swaraj, it appears appropriate to provide the detailed elaboration of the Amendment package to interpret the prime motive behind extending direct democracy to the grassroots people.

The 73<sup>rd</sup> Amendment to the Constitution of India not only gave a constitutional status to the panchayats; it also provided uniformity and formal structure to these traditional institutions of self-governance for the sake of their effective functioning. The earlier attempts at institutionalising the panchayats were half-hearted and failed due to the absence of supportive constitutional measures and lack of political will. The 73<sup>rd</sup> Amendment initiated a fundamental restructuring of governance and administrative system of the country, based on the philosophy of decentralisation and power to the people. The new panchayat raj institutions have the potential to usher in a new era of change and development in accordance with people's needs and priorities, and to revitalise a deeply troubled system of democracy (Behar & Kumar: 2002)<sup>[4]</sup>.

Madhya Pradesh was the pioneer state, which implemented the 73<sup>rd</sup> Amendment by enacting panchayat law, and conducted panchayat elections in 1994. The panchayat raj system in Madhya Pradesh has constantly evolved during the past decade and half, supported by a strong political will. There were several amendments to the Act and government orders were issued from time to time, which supported and strengthened the decentralisation process. The panchayat raj system in Madhya Pradesh has a dynamic growth, which has constantly responded to the needs emerging from the field. Through panchayat raj, an attempt is being made to initiate a new era of people's empowerment. Importantly, the Madhya Pradesh government perceived decentralisation and people's participation as central to its governance agenda, of which the

panchayat system is living example of democracy at the grassroots level (Sisodia: 2007)<sup>[28]</sup>.

From the point of view of democratic governance, there are two basic propositions. First that the society with its structural rigidities would get a legal and institutional space through panchayat raj in order to operate in an accountable as well as meaningful manner. This means, the introduction of panchayat raj should be able to homogenise the difference existing in the society owing to its stratification on caste, class and gender lines. This homogenisation will result in an informed decision making at the grassroots level. Secondly, the policymakers, at the macro level, have faith in the new system's capability to deliver, and the development process, thus will be more responsible as well as dependable than any of the earlier tested systems of governance. Even if these hitherto untested propositions are true, the fluidity in acceptance of a macro decision to reform the governance will depend on how the micro functionaries at the grassroots are interpreting and adopting the macro process. It is quite likely that traditional power centres still have overbearing influence on the new system of governance for it to operate democratically. More anxious, however, will be situations where decisions in the newly created institutions succumb to pressures of traditional power centres.

Madhya Pradesh took the lead in implementing the panchayat raj system as envisaged in the 73<sup>rd</sup> Amendment and was the first state to conduct elections to panchayats in 1994. The state government continuously devolved powers and authority to the panchayat institutions and initiated innovative measures to empower, strengthen and institutionalise the panchayat raj institutions. An analysis of six years of functioning of panchayat raj in the state clearly indicates that despite several attempts by the government, civil society and other concerned actors, the panchayat raj institutions could not truly emerge as people's institutions. Unfortunately, the distortions of the

existing political systems at the state and union levels were replicated at the panchayat level and a new class of elite and power centres led by the sarpanch emerged within the panchayat system undermining the spirit of democratic decentralisation at grassroots level. The state government recognised the growing distortions in the panchayat system and they were in the open criticism of the existing the panchayat raj has degenerated into sarpanch raj. A comprehensive process of evaluations and assessment was initiated by the state government to address the deformity in the panchayat system and to look for possible solutions. The new system of Gram Swaraj is a result of this process.

On the 21<sup>st</sup> January 2001, Madhya Pradesh government amended the Madhya Pradesh Panchayat Raj Adhiniyam (Act), 1993, to rename it as the Madhya Pradesh Panchayat Raj (Sanshodhan) Adhiniyam 2001. The citation of the amended Act substituted the words 'Panchayat Raj and Gram Swaraj' in place of the words 'Panchayat Raj'. In fact, the new system of governance, Gram Swaraj, enacted by the Madhya Pradesh Panchayat Raj (Sanshodhan) Adhiniyam 2001 and operationalised from 26<sup>th</sup> January 2001, is the most significant change and experiment in the system of governance since the adoption of representative parliamentary democracy in India. The operationalisation of Gram Swaraj in Madhya Pradesh will herald the beginning of a new system of governance based on direct democracy instead of indirect representative parliamentary democracy. The experience and operationalisation of Gram Swaraj will also have serious implications for discourses on governance, democracy and modernity.

Gram Swaraj is a new system of self-governance at village level, which moves from indirect to direct democracy. It is based on the premise that in a village people can assemble and sit collectively and therefore representatives to representatives to represent the views, aspirations, needs and interests of the people are not required. The new system intends to give power to the people and not to their representatives. To operationalise this system in field, it has been decided that Gram Sabhas shall be strengthened, which under the new structure will exercise all the powers of Gram Panchayats and many more powers will also be devolved to Gram Sabhas. Gram Sabhas will function as decision-making bodies and to discharge their duties and implement decision (Behar & Kumar: 2002)<sup>[4]</sup>.

### **Composition of gram sabha**

There shall be a Gram Sabha for every village. The Gram Sabha shall be a body corporate by the name specified therefore having perpetual succession and a common seal and shall by the said name sue and be sued and shall be subject to the provisions of this Act.

There shall be held at least one meeting in every month, of the Gram Sabha, which shall be convened by the Secretary of the Gram Sabha. The date, time and the place of the first meeting of the Gram Sabha shall be fixed by the Sarpanch. Special meeting of the Gram Sabha could be called if the Sarpanch, or more than ten per cent of the members or fifty members of the Gram Sabha whichever is less, give requisition in writing. The secretary shall call such a meeting within seven days.

Not less than one-fifth of the total number of members of the

Gram Sabha shall form a quorum for a meeting of Gram Sabha, out of which not less than one-third shall be women members and members of Scheduled Castes and Scheduled Tribes shall be represented in proportion to their population in the Gram Sabha. Quorum shall be necessary for each and every meeting of the Gram Sabha.

The meeting of the Gram Sabha shall be presided over by Sarpanch or in the absence by Up-sarpanch. In the case of both Sarpanch and Up-sarpanch being absent, the meeting of the Gram Sabha shall be presided over by a Panch to be elected for such meeting.

### **Decision making in gram sabha**

If any dispute arises as to whether a person is entitled to attend a meeting of the Gram Sabha, the same shall be decided by the person presiding on the basis of the entry in the list of voters of the Gram Sabha area and his decision shall be final. Any dispute arising between Gram Sabhas or any matter concerning more than one Gram Sabha comprised within the area of Gram Panchayat and all matters contained shall be brought before a joint meeting of all Gram Sabhas.

The decision taken at the joint meeting shall be deemed to be the decision taken by each of the Gram Sabha. If the Sarpanch, or more than ten per cent of the members or fifty members of the Gram Sabha whichever is less, give requisition in writing for a special meeting of the Gram Sabha, the Secretary shall call such a meeting within seven days of the receipt of such requisition. The Secretary of the Gram Panchayat shall also be the Secretary of the Gram Sabha. The Secretary shall be under the control of the Gram Sabha and perform such duties as assigned to him by the Gram Sabha. All matters brought before any meeting of Gram Sabha shall be decided, as far as possible, unanimously, failing which by general consensus of the members present; provided that where there is difference of opinion on any issue such matter shall be brought before the next meeting. If a decision is not taken unanimously or by general consensus in successive two deferred meetings then such matter shall be decided by majority. (6 C) If any dispute arises as to whether a person is entitled to vote, the same shall be decided by the person presiding on the basis of the entry in the list of voters of the Gram Sabha area and his decision shall be final.

### **Functions of the gram sabha**

The Gram Sabha shall perform the following powers and functions (7) – sanitation, conservancy, prevention and abatement of nuisance; construction, repair and maintenance of public wells, ponds and tanks and supply of water for domestic use; construction and maintenance of sources of water for bathing and washing and supply of water for domestic animals; construction and maintenance of village roads, culverts; bridges, bunds and other works and building of public utility; construction, maintenance and clearing of public streets; latrines, drains, tanks, wells and other public places; filling in of disused wells, unsanitary ponds, pools, ditches and pits and conversion of step wells into sanitary wells; Lighting of village streets and other public places; removing of obstructions and projections in public streets and places and sites not being private property or which are open to use of public, whether such sites are vested in the panchayat

or belongs to the State government, regulating and control over entertainment shows, shops, eating houses and vendors of drinks, sweet meats, fruits, milk and of other similar articles; regulating the construction of house, latrines, urinals, drains and water closets; management of public land and management, extension and development of village site; regulating places for disposal of dead bodies, carcasses and other offensive matters; disposal of unclaimed corpses and carcasses; earmarking places for dumping refuse; regulation of sale and preservation of meat; maintenance of Gram Sabha property; establishment and management of cattle ponds and maintenance of records relating to cattle; maintenance of ancient and historical monuments other than those declared by or under law made by Parliament to be of national importance, grazing lands and other lands vesting in or under the control of the Gram Sabha; maintenance of records of births, deaths and marriages; rendering assistance in the census operation and in the surveys conducted by the State Government or Central Government or any other local authority lawfully constituted; rendering assistance in prevention of contagious diseases; rendering assistance in inoculation and vaccination and enforcement of other preventive measures for safety of human beings and cattle prescribed by Government Department concerned; rendering assistance to the disabled and destitutes; promotion of youth welfare, family welfare and sports; establishment of Raksha Samiti for - safety of life and property; prevention of fire and extinguishing fire and safety of property during outbreak of such fires; plantation and preservation of village forests; removal of social evils like dowry.

Granting loans for the purposes of providing medical assistance to indigent persons in serious and emergency cases; disposal of dead body of an indigent person or any member of his family; or any other purpose for the benefit of an indigent person as may be notified by the State government from time to time subject to such terms and conditions as may be prescribed.

Carrying out the directions or orders given or issued by the State government, the Collector or any other Officer authorised by the State government in this behalf with respect to the measures for amelioration of the condition of the Scheduled Castes and Scheduled Tribes and Other Backward Classes and in particular in regard to the removal of untouchability; perform such functions as may be entrusted to it by Zilla Panchayat or Janpad Panchayat by general or special orders; to exercise and perform such other powers and functions as the State government may confer on or entrust to under this Act or any other law for the time being in force in the State; Provided that where any such function is entrusted to the Gram Sabha, it shall act as an agent of the State government, Zilla Panchayat or Janpad Panchayat, as the case may be, and necessary funds and other assistance for the purpose shall be provided to it by the State government, Zilla Panchayat or Janpad Panchayat, as the case may be.

Plan and manage basic amenities; select beneficiaries under various programmes; implement, execute and supervise development schemes and construction work within the Gram Sabha area; control and monitor beneficiary oriented schemes and programmes; promote general awareness amongst the people at large; organise voluntary labour and contribution for

community work and promote the concept of community ownership; to plan, own and manage minor water bodies up to a specified water area situated within its territorial jurisdiction; to lease out any minor water body up to a specified area for the purpose of fishing and other commercial purposes; to regulate the use of water of rivers, streams, minor water bodies for irrigation purposes; to exercise control over institutions and functionaries in all social sectors transferred to or appointed by the Gram Sabha.

In the post 73<sup>rd</sup> amendment phase different states have responded with varying degrees of enthusiasm. Madhya Pradesh responded with innovativeness and remarkable commitment to making the system sustainable and successful. The state's effort to institutionalise the system is evident in the number of amendments that have been made to the State Panchayat Act as a dynamic response to the problems at the ground level. During the implementation of the panchayat raj system, Madhya Pradesh has faced several opportunities and difficulties. The experience of the State is extremely rich and provides vital insights into the process of institutionalising panchayat raj. On the negative side, is the story of bureaucracy resistance, functional, political and institutional challenges, financial inadequacy and mismatch of capacities and roles. On the other hand, it involves the grassroots people in a democratic and participative governance system and therefore potentially unleashes its considerable energy (Sisodia: 2012)<sup>[30]</sup>.

The gram sabha at the lowest rung of village is the first modern political institution, which seeks to place direct political power in the hands of people, with ought the mediation of elected representatives. The vision of gram sabha in a village situation can be compared with the Parliament and Assembly. Gram Sabha is the most powerful foundation grassroots governance but unfortunately it could not become a vibrant and important institution at grassroots level because of local leadership and bureaucracy. Mostly gram sabhas were dominated by sarpanches and a small group of their associates.

Participation in gram sabha meetings has been low. Low participation can be mainly attributed to the strong and invincible caste, class and gender divide in villages. Sarpanch and other influential people dominate in decision-making process. Two prominent and sharply contrasting groups leading the panchayats-one is group of traditionally influential representatives and other that of new entrants. The performance and efficacy of panchayat members is strongly influenced by the caste and class distinctions. Gram panchayats are not adequately accountable to gram sabha. The gram sabha is not aware of the gram panchayat functioning. The concept of participation as an important part of panchayat raj has been rarely seen in practice. In fact, in retrospect, it seems inevitable that persons of influence would look at larger community participation with hostility.

The state government was unhappy with gram panchayats mainly because they tend to be dominated by sarpanches and small groups of their associates. The then Chief Minister Digvijay Singh was said to have remarked, I did not expect panchayat raj to become sarpanch raj (Manor: 2001). Decentralised governance at grassroots level has given both positive and negative sign in Madhya Pradesh, Gram Swaraj

has emerged after an extensive process of deliberations, refinements and dialogue. It is also a result of the grassroots experiences of functioning of panchayat raj coupled with Madhya Pradesh government's stated commitment to democratic decentralisation. (Behar: 2001)<sup>[5]</sup>

It is certain that unless we have a vibrant gram sabha, but we can not have empowered and accountable panchayats (Nambair: 2001). The gram sabha are empowered in tribal regions with all powers since 1997 but a study concludes that the people at large are least informed (Sisodia: 2002)<sup>[26]</sup>. The gram sabha is a people's Institution and has been made a statutory body through a Constitutional Amendment. Gram Swaraj system has provided all powers and duties to gram sabha. The resource flow to gram sabha and its ever-increasing powers authority have generated a lot of interest in people. This interest is likely to translate into a more broad based and participative leadership at grassroots level.

### Conclusion

It has been evident from the working experience of panchayat raj institutions and also as the above mentioned responses of respondents indicate that the level of participation of people at grassroots level has been relatively low. Despite knowing the procedural aspect, gram sabhas are almost a formal institution. There is a clear cut gap between macro level decisions and grassroots reality.

The grassroots experiences suggest that the majority of the panchayat representatives and villagers are aware about the procedural aspects of gram sabha meetings. Keeping in view the indicators of governance, the understanding towards different aspects of panchayat raj is of mixed nature. In majority cases where present panchayat raj representatives endorsed the adherence to many procedural dimensions whereas the gram sabha members on the country gave their note of dissent on many issues and very specifically and categorically brought out the hegemonic position of sarpanch and secretary. This scenario has revealed an adverse kind of grassroots reality which has hampered the process of governance in term of participation, inclusiveness, transparency, accountability etc.

It seems that only amendment in the State Act from time to time and specific provision for the system will not change the scenario. There is an urgent need to opt for an effective device whereby maximum people can be informed, made aware and motivated to come forward for the proper implementation and execution of panchayat raj. There is an urgent need to break the culture of silence and to strive for capacity building; sensitisation and orientation toward improve the grassroots scenario.

The above analysis clearly depicts that the prominently prevalent process of decision making is by sarpanch which denotes a very specifically that the hold of sarpanch which is not in tune with the spirit of panchayat raj. The analysis clearly depicts that the prominently prevalent process is decision making by sarpanch which denotes a very specifically that the hold of sarpanch is extraordinary and not in tune with the spirit of panchayat raj.

### Suggestions

- The provisions of the State Acts should be translated into

simple Hindi and local dialect and be distributed to all panchayat functionaries in the form of pocket booklets as ready beckoners. Posters can also be prepared and displayed on the walls of Gram Panchayat building.

- The Panchayat Raj Institutions have specially empowered people to work as units of self-governance but it has been observed that the level of awareness and exposure among panchayat raj representatives and gram sabha members are very low. It is therefore important to initiate special training packages, awareness campaigns and capacity building programmes.
- Gram Sabhas have been provided supreme position in the new system but people at large are least informed about these provisions. They are still accepting the supremacy of gram panchayat. It is important to make them aware about such provisions. For this purpose public awareness campaigns can be launched through NGOs. Electronic media (Community Television) can also be an effective medium.
- Panchayat expected has to perform a very specific role to tackle social issue as well. The panchayat through the gram sabha should also take lead to minimise the social evils. Use of liquor and practice of dowry are to be discouraged.
- The study suggests that merely by resorting to amendment in the State Act and specific provisions for new system cannot change the scenario of villages. There is an urgent need to explore effective devices whereby maximum people can be informed, made aware and motivated to come forward for the proper implementation and execution of panchayat raj to achieve the goals of good governance.

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