

Local Government: Challenges Faced in the implementation of 73rd constitutional amendment act 1992

Dr. Sumanpreet Kaur

Assistant Professor Desh Bhagat University Punjab

Indu Sharma

Research Scholar at Desh Bhagat University Punjab Department of Public Administration

Email: sharmaindu600@gmail.com

Abstract

By introducing 73rd Constitutional amendment act 1992, Government of India made an attempt to decentralize Panchayati Raj Institutions. Thirty years of decentralization of local government has been completed by India after its implementation in 1992. This was the foundation of real democracy. Local Government is a platform through which common man can take part in decision making process of the country. There was an inclusion of deprived sections of the society to the mainstream. Decentralization of local government has a direct link with rural development. A rural society has local culture and local needs. It is only at the gram panchayat level that local problems or needs of the people can be identified. As a result of 73rd constitutional amendment act, the reservation policies for SC, ST and women have been introduced.

This research paper has made an attempt to analyze the challenges faced in the implementation of 73rd constitutional amendment act 1992. Many important provisions were introduced and a uniform structure at Gram panchayat, Panchayat Samiti and Zila Parishad level came into existence. Findings of the study shows that local government is not functioning well and there are lot of problems faced by general public.

Keywords: Local Government, Decentralization, Grassroot Democracy, Gram Panchayat, Welfare State, Democracy, Gram Swaraj.

Introduction

Over the last three decades in India a wave of local government transformation started with political changes at the grassroot level. Empowering local government and making them responsive and accountable to local people is the main aim of democratic decentralization. Policy makers designed the policies by keeping in mind the advantage of delivery of services to the local people in an efficient manner. The concept of participation of local people is directly linked with development. Citizen participation at the state and grassroot level shows the nature of democracy of any country. Participation involves political participation which involves interaction of people with the state or government.

There is a need of transparency to know about governmental activities at the local level. Citizens have more local issues related to crime and use of land issues. Governmental transparency is an effective tool to achieve accountability. So local government can better deal with problems of local people.

Democracy is a best form of political institution which provides opportunity to the local people for participating in day-to-day functioning of the government. Creation of local government is the best way to know the real meaning of democracy. 73rd Constitutional amendment act have introduced democratic process in local level bodies.

The major prerequisites which was necessary to make local government to function in an efficient manner were:

- . a clear- cut demarcation should be there between the state and local level bodies.
- . adequate financial resources to local bodies for the developmental responsibility.
- . functional autonomy to local bodies.

Seventh schedule of the constitution says that legislature of a state may by law endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self- government. Panchayati raj institutions have been constituted to fulfill the objective of democratic decentralization. Functions listed in 11th schedule have been assigned to be fulfilled by gram panchayats. The provisions related to the welfare of Women, SCs and STs, have been provided for their upliftment in the society. Implementation of 73rd constitutional amendment Act the corner stone for the welfare of masses in independent India.

Welfare State and Decentralization

India is a welfare state where governmental activities deal with welfare of people. In earlier times welfare state had its identification with centralized system of the country where power belongs to the top authorities for the decision- making process of the country. But this type of system was not efficient in dealing with the real meaning of the welfare state. State or government was not able to make its reach to the common people of the country. Decentralization depicts the real meaning of welfare state. Local policy choices and local participation are the main features of local government.

An ideal Welfare state has universal and egalitarian ends. It offers primary means to provide equal provision irrespective of place and gender. Decentralization is an effective tool to achieve the goals of a welfare state. A centralized system is very much crucial to its administrative structure. A strong local government can provide a strong vision to carry out the desirable ends of the welfare state in a country like India. Any government at the local level provides the services in the same manner as the services provided by national government in its defined territory. An effective and responsive local government is the foundation stone of any country. It eradicates the spatial inequalities by dealing directly with the issues and difficulties of the people. Secondly, an efficient local government has a direct support from its communities which is a necessary component for

the program of egalitarian welfare state. The link between local government and civil society is a symbol of strong political process. Then the central government has more reasons to deal more efficiently with the elements of welfare state.

The strong relationship between central and local level governments resolves many issues and helps in achieving the objectives of a welfare state and national policies. Control and supervision by central government on its local units where local governments can take their own decision is called as flexible government. Supervision of top management without local capacities will results in monopoly of policies.

Politically empowerment of local level helps in construction of the social democratic welfare state. A strong administrative and legal infrastructure of local government have resulted in building great administrative and political structure for welfare state. Although growing of welfare state created a larger role for central governments also.

Link between decentralization and efficiency

India is a developing country and one of the largest democracies in the world. In a country like India focus comes on political decentralization and federal state. Because it is proclaimed that decentralized systems are very much able and efficient in the provision of better delivery of services. There is a close relationship between efficiency and decentralization. Decentralized units are more transparent and accountable and increases political democracy at the grassroot level. Local needs of the citizens are identified by the government so the responsibility of the government increases. A decentralized system is less time consuming in the process of decision making for the welfare of local people.

Local Government: The vision of Gandhiji

Rural development and Panchayati Raj are the main elements of Gandhi's vision for independent India. Gandhi ji said that "India lives in villages. Progress of a country like India highly depends on the self-sufficiency of its village units". According to him villages should be self-sufficient and economic and political power must be decentralized to the grassroot level so that the grassroot democracy get strengthened. Gandhiji used the term "Gram Swaraj" and focused on the Democratic decentralization for strengthening of local governments. Gandhiji had a vision for Swaraj and Swadeshi. He always wanted to make India a self-reliant.

Research Methodology

The present study highlights the significance and the challenges faced in the implementation of 73rd constitutional amendment act 1992. The secondary data and information for this study has been collected through books, newspapers, published research papers, research articles, research reports and important websites.

Objectives of the study

1) To Analyze the main provisions of 73rd Constitutional Amendment Act.

- 2) Challenges faced in the implementation of 73rd constitutional amendment act 1992.
- 3) To suggest measures to improve the working of provisions of 73rd constitutional amendment act.

Main provisions of 73rd constitutional amendment act 1992

The article 40 of Indian constitution in the directive principles of state policy states that the state should take steps to organize village panchayats and endow them with such power and functions so as to enable them to function as units of local self- government. Many states constituted their local government according to the provisions of article 40 of the Indian constitution. But the structure of local government was not uniform in these states.

After the implementation of 73rd constitutional amendment act, there is a uniform pattern followed in the country for the establishment of local bodies at the village, block and district level.

Structure of local government:

Three tier structure of local government has been provided by 73rd constitutional amendment act Panchayats at the village level, Panchayat Samiti at the Block level and Zila parishad at the top level.

Women Reservation

This act has brought political empowerment to the Women. This political empowerment gives them an opportunity to take part in decision making process for the sake of nation building. It provides for not less than one third reservation of seats for women, this includes number of seats reserved for women belonging to SCs and STs also.

Economic empowerment is also an important aspect for women at the village level. Women are becoming economically independent and taking part in rural area development. Women self -help groups are the main source of their income. This inculcates leadership qualities among village women and has also improved their status in the family. And gives them confidence and self-respect. Political empowerment which has been provided by 73rd constitutional amendment act to women has a great effect on their economic empowerment or independence also. Because of political empowerment women are taking part in policy making process.

Reservation for SCs, STs and OBC:

Reservation of seats for SCs, STs, and OBCs is another major outcome of 73rd Constitutional amendment act 1992. This act provides social upliftment of the weaker sections of the society.

Gram Sabha:

The act provides for establishment of Gram Sabha at the village level. Gram Sabha is a village assembly of group of people from the Gram Panchayat area who are above 18 years of age. It

enhances the participation of general public and strengthens the decision- making process through the regular arrangement of meetings at local level.

State Finance Commission:

Financial autonomy has been given to panchayats for collecting and imposing some local taxes in order to perform functions and responsibilities entrusted to them. State Finance Commission to be set up in every state for the transfer of funds to Panchayati Raj Institutions.

State election commission:

State Election commission is an important body to conduct elections at the local level. Elections to be held at regular basis.

District planning committee:

After the implementation of 73rd constitutional amendment act District Planning Committee should be constituted in every district to consolidate the plans prepared by panchayats and municipalities and sending them to state government for action.

Eleventh Schedule:

Through the implementation of 73rd constitutional amendment act Eleventh schedule has been added in Constitution of India. Twenty -nine functional items placed in eleventh schedule to be performed by Panchayats. Some of the items are as following:

- . Agriculture
- . Rural Housing
- . Drinking water
- . Education, including primary and secondary schools.
- . Non -conventional energy sources.
- . Fisheries
- . Public Distribution system
- . Libraries
- . Family Welfare
- . Women and child development.
- . Adult and non -formal education.

- . Technical training and vocational education.
- . Health and sanitation.

These are some of the main functionary items provided through 73rd constitutional amendment act 1992 which have to be performed by panchayats at the local level. Much needed changes have been taken place after the implementation of 73rd Constitutional amendment act 1992. When India got independence, Gandhi ji had a vision to make Villages self- governing units so that local needs can be fulfilled at the local level only. So can say that 73rd Constitutional amendment act is a major step in that direction.

Challenges faced in implementation of 73rd constitutional amendment act 1992:

- . Finances of panchayats are not sufficient to carry out development works. They have to depend on their respective state governments for the release of finances.
- . Non availability of staff, lack of infrastructure has resulted in time loss. Staff members do not behave in a good manner with local people. They are not ready to listen their problems.
- . There is a lack of coordination between staff members of panchayats and employees of the state level. This creates huge problems in proper functioning of the panchayats.
- . There is a problem in devolution of powers by the higher authority to the panchayats.
- . Lack of participation of people in panchayat elections. People are not ready to contest the elections despite of the reservation policies. People don't even use their right to vote in the panchayat elections.
- . There is a lack of awareness among general public about the various policies and programmes which are implemented by the panchayats at the local levels.
- . Violence at the time of panchayat elections is another reason due to which democratic decentralization has failed to attain its objectives.
- . Panchayats has failed to implement some of the functions provided in 11th schedule of the constitution.
- . There is a delay in Panchayati raj elections in some of the states of the country. Election commission has failed to conduct elections on time. This the failure of real democracy to some extent.
- . There is a lack of security for panchayat leaders. Elections held in a very chaotic situation always.
- . The one of the major drawbacks of 73rd constitutional amendment act is that there is a rise of party politics at the village level.

- . Corruption is another issue at the panchayat level which results lack of development. Staff members take bribes to conduct a development work.
- . Panchayats have poor infrastructure to conduct their developmental works.
- . There is a misuse of reservations policy at the local level. When the seats are reserved for women, the real power is in the hands of their husband, son or brother. The concept of Sarpanch Pati system has emerged. And this is the major drawback of this reservation policy.
- . There is no standard for the minimum qualification required for the elected and non -elected representatives of the panchayats.

Suggestions to improve functioning of local government

Second administrative reforms commission made recommendations in its sixth report to improve the functioning of local government. It is advisable that state governments should encourage local authorities by providing rule and support.

- . It is essential to assign more power to local government to increase their revenue through taxes and non- tax revenues.
- . There should be no pressure or political control in fiscal process for the better performance of developmental works.
- . Training programmes for the panchayat officials should be conducted so that they deal properly with their day-to-day activities. And awareness programmes for the people should also take place so that they become aware of their rights at the panchayat level.
- . party politics should be avoided at local level.
- . Women should be educated to take the full benefit of reservation policy.

Conclusion

In modern state there is a great importance of local self -government as it reduces burden of national and state governments in order to deal with the complex structure of the society. Grassroot level becomes very much important when it has to deal with democracy for the country like India. Panchayati Raj Institutions plays an essential part in the rural development. In India democratic decentralization system becomes very essential for the delivery of services to the large masses. As a result of this 73rd Constitutional Amendment Act economically weaker sections received a large support. Panchayati Raj Institutions deals effectively with the local problems of the people because they are in direct touch with them. Decentralization of local bodies was a necessary step taken in order to give importance to the grassroot democracy. Earlier SCs and STs were totally in the provision of delivery of services due to their small share in the population.

Dr Ambedkar did not want to include the Panchayats in Constitution because they would be nothing but a sink of localism, den of ignorance, narrow mindedness and a source of oppression. Taking all these in mind certain changes were introduced through 73rd Constitutional Amendment Act to strengthen grassroot democracy. More -over it has failed in some of the areas. But by taking necessary steps in the right direction its functioning can be improved so that it can become Gandhi's Gram Swaraj.

References

- Bukhari, M. (2019). Panchayati Raj system of Jammu and Kashmir: Issues and challenges. *Think India Journal*, 22 (10) 4622-4634.
- Ratra, P., & Dahiya, J. (2022). Decentralization and Challenges Related to Panchayati Raj Institutions in India. *Asian Journal of Sociological Research*, 181-189.
- Gaventa, J., & Valderrama, C. (1999, June). Participation, Citizenship, and local governance. In Background note for the workshop "Strengthening Participation in Local Governance," University of Sussex, Institute of development Studies (Vol.21).
- Sellars, Jefferey M. and Anders Lidstrom. "Decentralization, local government and the Welfare State." *Governance*, 20(4), 609-632.
- Mandal, S. (2020). GANDHIAN IDEAS OF GRASSROOT DEVELOPMENT AND INDIAN DEVELOPMENT POLICY N 21ST CENTURY (SPECIAL REFERNCE OF PANCHAYATI RAJ INSTITUTIONS).
- Sarangi, A., & Mishra, G. (2013). 73rd Constitutional Amendment and Women's Empowerment Empirical Study in Tribal and Non-Tribal Districts, Odisha. *Journal of Rural Development*, 383-394.
- Sundaram, A. (2012). Impact of self-help group in socio-economic development of India. *IOSR Journal of Humanities and Social Science*, 5 (1), 20-27.
- Chattaraj, S. (2021). IMPACT OF 73RD CONSTITUTIONAL AMENDMENT ACT ON THE LOCAL SELFGOVERNMENT IN INDIA. *Galaxy International Interdisciplinary Research Journal*, 9(10), 453-459.
- Brahmanandam, T. (2018). Review of the 73rd Constitutional Amendment: Issues and Challenges, *Indian Journal of Public Administration*, 64 (1), 103-121
- Rout, B., & Sahu, N.T. (2013) Strengthening local self- governance in Odisha through empowerment of palli sabha/gram sabha Odisha Review, 103-109.