

**Civil Society and Local Governance:  
The Indian Scenario**

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### **Introduction**

India is a vast country, with a geographical spread of 3,287,263 sq. kms. and having a population of 1027 million (Census 2001). Despite rapid industrialization and urbanization over the years, urban population in India remains below 30 per-cent. The vast diversity embedded in its complex social history and cultural evolution manifests in the intricate play of relations across caste, class, community, language, religion and gender. The relationships within and across these categories have been complex marked by conflicts, cooperation or indifference, often depending on the contextual dynamics. Social and economic status does have a significant bearing on the patterns of political mobilization and political action at various levels as well as the state of civil society though the relationship between the two is not uni-directional.

With the attainment of independence in 1947, the task of defining the political framework and the space for citizen's rights began and after considerable deliberations the Constituent Assembly settled in favour of parliamentary form of government and a federal polity with central and state jurisdictions clearly marked by the Constitution and an independent judiciary to resolve any conflicts over jurisdictions which may arise from time to time. A framework of fundamental rights of citizens provided the space for democratic aspirations of people to shape politics and policy in significant ways. At present there are 28 states and 7 Union territories in the Union of States that India is called. States have been reorganized and reconstituted on several occasions following pressures and agitations for the purpose. In the federal set up of the country, district became the key administrative unit for putting into effect the policies and programmes of central and state governments in their respective jurisdictions.

### **I. Decentralization and Strengthening Local Self-Governments**

The ideal of local self-government which had been incorporated in the Constitution in the Chapter on Directive Principles of State Policy remained to be realized and efforts were on to give it a concrete shape. Though some states did opt for Panchayats, it was in 1993 that in an endeavour to move towards local self-governance, the 73rd and 74th Constitutional Amendments provided Constitutional support to the third tier of government by making it mandatory to have elected local bodies in urban and rural areas, giving them a functional mandate, a significant degree of autonomy and an element of self-reliance and self-sufficiency through

fiscal transfers, taxation powers and tax assignments and by ensuring the representation of the women and weaker sections of society through reservation of seats. These bodies are expected to work as units of local self-government.

The 73rd Constitutional Amendment provided for the rural areas, a three-tier structure of district Panchayats, intermediate Panchayats and village Panchayats. In states with population less than 20 lakh, the intermediate level Panchayat is not required. Panchayats have to be constituted through direct election from territorial constituencies. In the urban areas also, the 74th Constitutional Amendment Act provided for the constitution of elected Municipal Corporations, Municipal Councils and Nagar Panchayat, depending on the population. Not less than one-third of total number of seats and leadership positions in each rural and urban local body are reserved for women. There is also provision for reservation for the scheduled castes and scheduled tribes in proportion to their population in the State to enable due representation for them. The Legislature of a State may by law entrust on these bodies such powers and authority as may be necessary to enable them to function as institutions of local self government, including those listed in the Eleventh and Twelfth Schedule respectively. The Amendments also provide for the appointment of State Finance Commissions to make recommendations regarding the devolution of financial powers to these and recommend the possible ways of strengthening their financial position. Further, it recommends the constitution of District Planning Committees (DPCs) to prepare draft development plan for the district as a whole.

The most interesting feature of the devolution process is that in the Panchayati Raj set up, the Village Assembly or Gram Sabha has been provided a key role for effective functioning of Panchayats. Active functioning of the Gram Sabha is expected to ensure a participatory democracy by enabling the rural poor, the women and the marginalised people to take part in decision-making on matters affecting their lives. The Gram Sabha has been given the power to not only select the beneficiaries for the anti-poverty programmes of Central Government in the Panchayat area; it also has the power of social audit of government programmes. Quarterly meetings of Gram Sabha to decide developmental work to be undertaken by Panchayats based on needs assessment, suggest remedial measures for economy and efficiency in the functioning of the Panchayats, question and scrutinise the decisions of Panchayats and discuss the Annual Financial Statement of Gram Panchayats are aimed at ensuring not only accountability in local governance but also a genuine realization of local democracy.

There is a special arrangement for the recognition of the traditional rights of local communities and tribal areas. Under the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 40 of 1996, which extends Panchayats to tribal areas of eight states, namely Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan, Gram Sabhas have been vested with the power for ownership of minor forest produce, approval of development plans, selection of beneficiaries under various programmes, consultation on land acquisition, management of minor water bodies, control over mineral leases, regulation/prohibition of sale of intoxicants preventing alienation of land and re-

storing unlawfully alienated land of STs, management of village markets, control of money lending to STs and control over institutions and functionaries in all social sector. Except Rajasthan and Bihar all States have passed laws to give effect to the provisions contained in the Act, 40 of 1996.

The Eleventh Schedule of the Constitution provides for the devolution of 29 functions to the appropriate level of Panchayats. These cover significant areas like agriculture, including agricultural extension, land improvement, implementation of land reforms, land consolidation and soil conservation, minor irrigation, water management and watershed development, animal husbandry, dairying and poultry, fisheries, social forestry and farm forestry, minor forest produce, small scale industries, including food processing industries, khadi, village and cottage industries, rural housing, drinking water, fuel and fodder, roads, culverts, bridges, ferries, waterways and other means of communication, rural electrification, including distribution of electricity, non-conventional energy sources, poverty alleviation programme, education, including primary and secondary schools, technical training and vocational education, adult and non-formal education, libraries, cultural activities, markets and fairs, health and sanitation, including hospitals, primary health centres and dispensaries, family welfare, women and child development, social welfare, including welfare of the handicapped and mentally retarded, welfare of the weaker sections, and in particular, of the scheduled castes and the scheduled tribes, public distribution system, and maintenance of community assets.

The Twelfth Schedule of the Constitution lists the functions of the urban local bodies, which cover urban planning, including town planning, regulation of land-use and construction of buildings, planning for economic and social development, roads and bridges, water supply for domestic, industrial and commercial purposes, public health, sanitation, conservancy and solid waste management, fire services, urban forestry, protection of the environment and promotion of ecological aspects, safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded, slum improvement and upgradation, urban poverty alleviation, provision of urban amenities and facilities such as parks, gardens, playgrounds, promotion of cultural, educational and aesthetic aspects, burials and burial grounds; cremations, cremation grounds and electric crematoriums, cattle pounds, prevention of cruelty to animals, vital statistics including registration of births and deaths, public amenities including street lighting, parking lots, bus stops and public conveniences, regulation of slaughter houses and tanneries.

Providing a Constitutional status to Panchayati Raj Institutions and urban local bodies and giving them powers to prepare and implement their own plan for economic development and social justice, to implement schemes in relation to the devolved subjects and to levy, collect and appropriate taxes, duties, tolls and fees indeed meant taking a significant step towards committing the nation to local democracy and locally sensitive development. Constitutional framework, however, left it to the state governments to pass their own conformity legislation to ensure the three-pronged devolution of functions, functionaries and finances in respect of the subjects indicated under the XI and XII Schedules of the Constitution. While all

states except Jharkhand have held elections to the local bodies, the position of states in respect of devolution varies considerably. Some states have taken significant steps in the direction of devolution, most others have failed to go very far. There is not enough consistency in the pattern of devolution of these across states.

The process of devolution in fact is full of challenges and there is little clarity on many aspects of the process that should be taken up. Thus, for instance, while 29 subjects have been allocated to the PRIs, there is still very little clarity about the distinct roles of the three different tiers of the PRI system in relation to these subjects. The principles of functional demarcation between the various tiers of Panchayats are not specified by the 11th Schedule. Mapping of activities is still at very preliminary stage.

In order that the rural and urban local bodies can perform the functions assigned to them, the State Legislatures are expected to assign them specific taxes, duties, tolls and levies and authorise them to impose, collect and appropriate the same. In effect, however, due to lack of financial resources, PRIs depend on State governments for funds. Only in three States- Kerala, Karnataka and Madhya Pradesh- resource transfers to Panchayats are significant. In Kerala, in fact, 40% of the State budget is placed at the disposal of PRIs. In Karnataka allocations are made largely to the District Panchayats. Local resource mobilization has largely remained poor. The power of taxation is vested in the lowest tier of Panchayats—the Gram Panchayat- and this has not been used by most Panchayats.

The DPCs are expected to consolidate the plans prepared by Panchayats and municipalities in the district and then prepare a draft plan for the district as a whole. This has not really happened. Several states have yet to set up DPCs and even where these have been constituted, their effectiveness is under question. The large number of central sector schemes make a mockery of decentralization discourse. Though there is an attempt to involve the PRIs in the implementation of some central sector schemes, this does not go very far towards realizing the goals of local self-government. PRI involvement in central schemes does enhance their engagement but fails to add to their autonomy or enhance the local relevance of the schemes. The sanctions under various centrally sponsored schemes are accorded on project basis by the central ministries. This implies a neglect of participatory planning at grass roots level, only in Kerala and M. P., the practice of keeping a separate district budget has been followed.

Most state governments have passed enabling legislation to give effect to PESA. However, rules necessary for its operationalisation have yet to be framed and notified in many states. A review of State Acts shows that most states have not assigned such a role to Gram Sabha/Panchayats in scheduled areas. In many states these powers have been entrusted to the intermediate or district Panchayats. In many states Gram Sabha has been given the power of control only in forests located within the revenue boundaries of village and reserve forests are excluded. Forest products like cane, bamboo and Mahua seeds are excluded from the category of MFP in order to keep these under the control of forest department (Planning Commission 2005: 490). While PESA gives powers to Gram Panchayats in Schedule V Areas, and Gram

Sabha has to be consulted to recommend and enforce prohibition, ownership of major forest produce, prevent alienation of land in Scheduled Areas and control of local resources for state plans including tribal sub-plan, there is a need to modify/repeal other existing laws which conflict with this.

There is no doubt that as a consequence of the 3rd and 74th Constitutional amendments, the political base of Indian democracy has been widened. With the coming into existence of 231,895 Village Panchayats, 6,087 intermediate Panchayats and 537 District Panchayats (as in April 2004), more than 2 million representatives stand elected to the three levels of Panchayats, and 40% of them are women, 16% belong to the SCs and 11% belong to the STs. The urban local bodies too have widened participation considerably and provide for the election of around 70,000 representatives at various levels. It is quite significant that a very large number of women have assumed a leading role in decision-making on local issues and space has been created for the sharing of political power at local level with the less privileged or historically under-privileged *dalit* and tribal people in various parts of the country.

Since the local government institutions in both urban and rural areas are expected to serve as powerful mechanisms for the participation of people in governance and in shaping the state of local development, it is important to assess these in terms of the actual possibilities unfolded by these for the exercise of power by the local representatives and the local people themselves through the Gram Sabhas. A close look at the status of devolution in different states suggests the disappointing reality that in effect, very little devolution of functions has taken shape in most states. Even where formal transfer of functions did take place on significant issues, this has not been matched by the transfer of funds and functionaries in most states, leaving little scope for people's participation in managing their local contexts.

The effectiveness of these local bodies depends as much on the powers vested in them as on the capacity of the representatives and the people who are represented in these bodies. Both technical and political capabilities are significant in this regard. The challenges before the local bodies are multiple and call for (a) efforts towards making democracy genuine and effective by ensuring not only that free and fair elections are held at various levels but also that participation in the Gram Sabhas is not symbolic but vested with the capacity to challenge the power structures founded on social hierarchies and economic disparities, (b) efforts towards addressing local problems more effectively through local planning and execution through people's participation, working on the possibilities of locally sensitive and locally based development strategies, (c) efforts towards creating supportive policy framework which may facilitate genuine and effective participatory development by challenging the basis for social and economic hierarchies and facilitate striving towards equitable and sustainable patterns of development.

## II. Civil Society in India

These are challenges facing the nation, which aspires to put into effect a model

of genuine local self-government by means of political rights in a context ridden with enormous social and economic disparities and power conflicts. While power dynamics may gather a momentum of their own often they bear the influence of socio-economic structures and the latter do interfere with the exercise of equal political rights, necessitating mobilization and actions at levels and in forms other than those vested in or by the formal political structures. The space that permits these processes – autonomous, confrontational or supportive of state – is the space that falls in the realm of civil society.

It is important to mention here that while civil society discourse itself poses a challenge of definitional accuracy, it is important to settle for conceptual ambiguity if clarity is at the cost of overlooking the multifarious and often unbounded nature of reality. There are, however, grounds for hope as considerable conceptual understanding has evolved on the issue with reference to the specificities of Indian context through the efforts of scholars as well as civil society actors over the years (Chandhoke 2003 and 2005; Tandon and Mohanty 2003 and 2005; Elliott 2005; Varshney 2005). Disagreements on perspectives apart, there is a growing realization to admit and understand the implications of the fact that civil society space in India belongs to not only the growing number and variety of non-governmental organizations of a wide variety, with different social base and diverse sources of support; it also belongs to the everyday forms of engagements on the one hand and the social and political movements which pose a challenge to both state and many elements of civil society which it supports on the other. It is the dialectics of the discourse of these multiple constituents of civil society which give effect to the political reality that shapes power, politics and policy, and is, in turn, shaped by it towards a renewal or reassertion of positions and the space itself.

There is a growing realization that the conceptual understanding thrown up by a western liberal context needs considerable rethinking and many presumptions regarding the inherent democratic context of civil society formations become questionable. In a country where ascriptive ties are quite intense and widely prevalent, the lines between the civil and political society as traditionally drawn by scholars may not be of much relevance in comprehending the socio-political reality. For many groups, which do not claim a political status in effect, do have strong links with the political groups and also play an indirect role in their contest for political power. It is argued that associational forms of civil society *per se* can not be equated with the strengthening of democracy. For organizational and associational bonds may themselves impinge upon democratic values and even give rise to repressive or anti-democratic mobilizations. It is therefore suggested that civil society should be seen to have a dual character, providing space for autonomous citizen action outside the state and being the site for contestation between organizations pursuing conflicting ideological agendas (Robinson 2005).

The notion of civil society autonomy has come under criticism on the ground of its incapacity to take into account the wide range of organizations and groups in civil society which depend on external support from state or non-state services, and whose agenda and action processes are conditioned upon the support of their fund-

ing organizations yet which may have serious implications for the state of the people and their position in relation to politics and policy as much as the space and options available for other organizations to pursue specific programs of action. The state of civil society is influenced by internal dynamics, State policies and actions as well as external support in the form of funds, much as it influences these in turn.

Civil society in India, in that sense, is a complex arena of numerous processes and relations. Embedded as much in mutual trust as conflicts, shaping through acts of resistance or cooperation, or even hand-holding exercises by the more active, it manifests in multiple shades and forms. This arena is in continual renewal, shaping and reshaping for the emerging challenges, often as perceived, experienced and interpreted by those at the active end, but also posing challenges itself due to the contradictory pulls towards undemocratic thrusts rising from within through associational forms. It is an arena where conflicts take shape or are resolved and one, which also experiences re-writing of power lines for the various elements in it. The challenge of analytical comprehension for the variations as well as their meaning for the socio-political reality on the one hand and policy dynamics on the other is enormous. It is this challenge that this paper seeks to address, with particular reference to local governance contexts and issues.

While both people's mobilization and collective action for social justice and voluntary organization or association for charity or social reform/upliftment purposes form a significant feature of Indian history and the prevailing context of civil society, it is significant to briefly trace certain developments. Pre-independence era witnessed strong social and religious reforms movement, questioning the rigidities of caste system and the status of women, taking up issues like child marriage, sati, female infanticide, widow remarriage. There were movements for workers' rights, forest people's rights, reforming the land revenue system and other specific issues in various parts of the country. Some of these were integrated with the nationalist struggle for independence at a later stage. There were also many charitable trusts and organizations engaged in social work, with the intent to render service to the society.

The post-independence India also experienced both social movements as well as voluntary organizations activated in multiple directions. However, there have been many new developments evident in respect of both. While voluntary organizations or non governmental organizations have proliferated beyond imagination, there has been a simultaneous rise in anti-state movements too often these are focused of policy issues and seek a change in the stance of state. Even more interesting is the fact that many movements build on the support offered to them by the NGOs and voluntary groups. The link between the nature and direction of certain movements and the nature of supporting organizations and their strength is quite evident in many cases. As one looks at the eighties, the traditional movements for the rights of the workers or agrarian movement have given way to the new social movements focusing on the issue of identity-based exclusion of tribals, dalits or women, or the environment movement, bringing to the fore issues of deforestation and environmental degradation. Even when these build on specific local struggles, support of an

NGO or a network of them often becomes instrumental in making them central to the wider movement.

There is also a significant growth of state-supported voluntary agencies, which engage in service delivery or in implementation of rural development programmes. In official parlance, civil society in India has historically been perceived more in the spirit of cooperation and self-service rather than struggle and resistance. It continues to be largely equated with its formal associational manifestations, especially those founded on a voluntary and non-profit orientation and registered as societies, associations, organizations, trusts or companies under the Societies Registration Act, 1860, the Indian Trusts Act, 1882, the Charitable & Religious Trusts Act, 1920 or as a charitable company under Section 25 of the Companies Act, 1956.

While soon after independence, the government recognized the value of voluntary organisations for providing services to the disadvantaged people and the Central Social Welfare Board provided assistance to voluntary organizations for the purpose, it was in the early 1980 that a major shift in government approach to the voluntary sector became evident. Not only did the Seventh Five Year Plan increase its resource commitment to the voluntary organisations, a new agency Council for Advancement of people's Action (CAPART) was set up to strengthen the capacities of NGOs to participate in development efforts of the State and introduce new technology inputs. CAPART is an autonomous body within the Ministry of Rural Development, registered under the Societies Registration Act and at present it is providing assistance to 12,000 voluntary organisations. Since its inception it has sanctioned 18,126 projects of Rs. 295.20 crore value. The setting up of the National Wastelands Development Board (NWDB) further strengthened the process of state NGO cooperation. In view of the growing ecological problems and deforestation, the Board was expected to make use of NGOs to carry out its programmes and work closely with the government to promote productive use of wastelands and support afforestation and rural employment. These organizations funded many NGOs to implement government schemes in the areas of social welfare, rural development and environmental programmes. Soon enough, several government departments also increased their commitment with the NGO sector and sought implementation of their schemes through them.

In March 2000, Planning Commission was declared nodal agency for the GO-VOs interface. This was a step needed to have a focal point from where an integrated and holistic view on the voluntary sector could be taken. As a nodal agency, the first task assigned to the Planning Commission is to create a database on VOs. On the website of Planning Commission, now we have information on about 16,000 VOs/NGOs which have received grants from different Departments/Ministries. In addition, information on about 1,000 VOs perceived by various bilateral, multilateral, intermediary and governmental agencies as good/valid VOs/NGOs is also available at the Planning Commission website. It is estimated that there are about 12 lakh voluntary organizations in the country.

Government thinking on the role of voluntary organizations at the time of Third Plan was quite different. It saw a role for the voluntary sector in view of the enor-

imity of the unsatisfied needs of the people, and the limits of public and private sectors investments which required that properly organized voluntary efforts may augment the facilities available to the community for helping the weakest to a somewhat better life. The wherewithal for this has to come from time, energy and other resources of millions of people for whom VO's can find constructive channels suited to the varying conditions in the country. Sixth Plan build on the success stories and underlined the need for greater utilization of the energies of the voluntary sector. Later, however, there was an admission of the failure of state policy and need for attention to voluntary sector and people's organizations was linked up with the need for alternative visions and strategies to address certain problems.

In the Ninth Five Year Plan, it was admitted that private initiative, whether individual collective or community based, forms the essence the development strategy articulated in the Plan and efforts to be made to remove disadvantages which had prevented some segment of our society in participating effectively in the development process. The Steering Committee on Voluntary Sector in the Tenth Plan underlined the need for "fullest possible communication and cooperation between national, state and local governments and the non-governmental organizations." It emphasized that the process of social mobilization and development of people's initiatives cannot be achieved without the active support and involvement of voluntary organizations and supported efforts to remove roadblocks and irritants to the growth of voluntary action, which has deep roots in the country. Increasingly, grounds of economy, efficiency and effectiveness are also being involved to engage the NGO sector in the process of development. These are expected to enter where state has failed. The Approach Paper to the Tenth Plan also sought to address scarcity of government resources and personnel through the NGOs. These were now expected to bring in externally aided projects and help meet the objectives of Plans. It is not surprising to find that the growth of funded NGOs has been phenomenal in terms of both number and outreach, often supported by donor agencies or intermediate NGOs: much of this support is from external sources. It is noteworthy that a large proportion of external development assistance is in fact channeled by the donors through the NGO sector.

Many non-governmental organizations are working at national or state levels but a very large number of them are found to work on issues which have a significant bearing on local governance issues. Some of these organizations are small and work only in the local context; others are large networks and operate in several settings. Some of these work more as policy advocacy groups, others are awareness raising or capacity building groups. Still others are focused on service delivery and monitoring and evaluation of state delivery processes. A large number of them work in the area of health, education, food security and micro-finance, some of them in traditional outreach type of activities other seeking to experiment with alternative approaches in their areas of interest. Many of the groups in local contexts are also engaged with livelihood support systems and seek to promote comprehensive local development processes which are in harmony with local natural resource systems.

A large number of civil society groups work towards facilitating the implementation of Constitutional mandate on decentralization and devolution of powers and not only suggest possible interventions for the purpose of strengthening the PRIs but also lobby and mobilise public opinion to create pressure to ensure that actual devolution does materialise. Others focus on the challenges, which face these institutions in discharging their responsibilities and suggest possible ways of addressing these. Some are interested in providing training to PRI representatives, others seek to build the capacity of people to effectively participate in the gram sabha meetings and extract responsiveness from the representatives. Some organizations take up multiple activities but many of them are issue-specific. How far these groups strengthen the capacity of communities to resolve local problems in a sustainable manner through the institutions of local self-government is the real test for those who take up capacity building as the key to comprehensive development and empowerment.

One of the organizations which has been on the forefront on the issue of strengthening PRIs and urban local bodies has been the Participatory Research In Asia (PRIA). PRIA began a programme of strengthening Panchayati Raj Institutions (PRIs) in collaboration with its partners in the Network of Collaborating Regional Support Organisations (NCRSOs) in mid-1995 in 9 States of the country. PRIA began a programme of strengthening Panchayati Raj Institutions (PRIs) in collaboration with its partners in the Network of Collaborating Regional Support Organisations (NCRSOs) in mid-1995 in 9 States of the country. At present it has 62 networks operative in 95 districts in 12 states of India. The total number of local bodies covered are 3,637, of which 53 are urban, the rest rural. It claims to have oriented more than 48,000 elected representatives, more than 28,000 of them being women leaders. Realising that the goal of effective local self-governance would remain partial if the strengthening initiatives were limited to the rural panchayats alone and that urban areas are the centers of demand and market for rural hinterland and providers of specialized services in the region, PRIA also worked out a framework for urban governance interventions that were loosely knit but focused on its core competencies in the context of the 74th amendment.

One of the primary strategies of PRIA's work comprises capacity building. It aims at direct strengthening of the capacities of citizens, citizens' organizations, voluntary development organizations, support organizations and networks and coalitions of such organizations. Voluntary agencies are considered important strategic intervention in its strategy to promote democracy at local level. Group building and promotion of local leadership among marginalized sections through the efforts of voluntary organizations and activities have also been among its objectives. It underlines the need for a more judicious and synergistic mix of a range of interventions available to strengthen Panchayati Raj Institutions as institutions of local self-governance needs to be applied differently in different contexts and stages of development of Panchayati Raj Institutions in view of their uneven development in different states in terms of the socio-political, environmental and civil society engagements. Four broad categories of interventions are designed to respond to the programmatic priorities and strategies for strengthening PRIs. These categories are:

(a) promoting public ownership, which is executed through information dissemination, public education, linking civil society, and accountability (b) building capacity of gram sabha, elected representatives, new leadership (c) local development focusing on micro-planning, resource use etc and (d) research and advocacy which involve monitoring strategies, on-line feedback, policy implementation, policy reform, creating enabling environment and knowledge building. PRIA has been quite influential in policy circles and exercises considerable influence on the planning and action processes with regard to local governance in India.

There is a growing interest among the civil society groups in areas of administrative structures, expenditure patterns, improved service delivery and new approaches are being evolved. Some of them have built further towards evolving innovative approaches to arrive at solutions. Organisations like the Public Affairs Centre (PAC), Bangalore, and CSS are engaged on the issue of citizen involvement for improving service delivery by preparing Report Card based on the feedback offered by citizens on the performance of various agencies. Right to Information has been one of the demands, which emerged from the work being done by a group Mazdoor Kisan Shakti Sangathan (MKSS) which began its work in 1990 in the rural areas of the State of Rajasthan. The Right has since been conferred through a legal enactment by the Central Government: even prior to that several state governments had passed their right to information act. There is, however, considerable anxiety among civil society advocates regarding the implementation of the Act.

It is important in this context to look at the manner in which groups themselves are transformed both in terms of issues and strategies in the process of struggle with the people in society. MKSS began its work on issues of drought-prone villages with the objective of using modes of struggle and constructive action to change the lives of the rural poor. It mobilized people on issues of re-distribution of land and minimum wages, which were considered important by the rural landless and poor people in the area. Soon it discovered that laborers at the famine relief sites were not paid their full minimum wage. When they demanded to be paid minimum wages, they were refused on the grounds that "they did not work", and that this was evident from the records. This led to the demand for right to see official records which could not be accessed due to the existing official secrets Act of 1923. This struggle became the pioneer of the movement for the right to information, first in Rajasthan, then in India as a whole, enveloping in its folds a very large section of civil society organisations.

Inspection of government records, when it was permitted, revealed irregularities and malpractices. These were made public during public hearings which became the strategy for mobilization of support also. Sit-ins, rallies, public hearings, etc. were quite effectively used to widen support for the movement. Using communication channels from folk traditions like puppet show, people were increasingly mobilized towards raising the issue of information about development spending as a matter of right. Public hearing, or *Jan Sunwai*, became an effective instrument to bring the issue of people's right to know and verify the public expenditure which was claimed to have been incurred on certain developmental activities. Usually, in a public hear-

ing the MKSS first obtained the records pertaining to the public works carried out by the Village Council in the last five years. These records were then taken to each village where the work was said to have been executed and then testimonies were sought from the villagers and the labourers who were employed on the site. Site verifications with the labourers and villagers were also done. On the day of the public hearing in front of the general assembly of the villagers the details were read out and testimonies sought.

A panel of public people, including lawyers, journalists, academicians and government officials, was generally invited to the public hearings. The panel could cross-examine and seek clarifications, and with the administration present attempts were made to try and bring about corrective measures for the irregularities identified. The malpractices usually uncovered were purchase overbilling, sale overbilling, fake labor rolls, under-payment of wages and in some cases ghost works, i.e. works which were there only in the records and did not exist. In many cases, public hearing caused swift payments in cases where these had been denied for long and in some cases, payments which had been diverted towards personal ends, were returned to the panchayats. These hearings are still a part of many local contexts in Rajasthan and have been organized elsewhere too.

The techniques of public hearing have been used by another group *Parivartan* in Delhi and significant issues concerning the lives of people have been taken up with the help of right to information legislation. The challenges thrown up by this strategy are significant as it results in intensification of power conflicts and makes public exposure the instrument of struggle. Activists also face threats from vested interests, especially in urban settings, and without taking the shape of people's movement such a strategy is unlikely to deliver results in terms of effective implementation of right to information and actual speeding up of mechanisms for remedial action.

There are alternate forms of confrontations which Panchayat institutions are faced with. In many contexts, for instance, people have also organized in the form of Self Help Groups (SHGs), Pani Panchayats, Watershed Associations, Water Users Associations, Joint Forest Management Committees (JFM), Village Education Committees (VECs), etc. to address specific issues in their local context. Many of these are engaged in doing extremely meaningful work also. However, since these structures also derive their power from state policy or law in many contexts, Panchayats look at these as parallel structures improving upon the authorities of Panchayats.

### III. Civil Society and Local Governance

The relationship between the local government institutions and Civil Society institutions is quite complex. In some contexts it manifests in a collaborative or supportive indulgence; in others, the two operate independently without any interference with each other's domain of concerns. In still others it is quite problematic, sometimes knotty, at others disentangled, sometimes enhancing each other's potential, as through capacity building or consultative efforts; at others debilitating and

contemptuous. Civil society institutions do pose a challenge to the authority of local government institutions not necessarily because these disapprove certain acts of the latter in the exercise of authority vested in them, but simply because they obtain their own power or authority to indulge with the community from alternate sources. This is particularly evident in case of specific issue-based groups and in case of externally-aided development projects, including some of the centrally or state funded programmes, which are sought to be implemented by these organizations.

With the emergence of PRIs as a third tier of governance, the relationship between these and civil society has become even more problematic. Since Panchayats are gaining strength in terms of overall supervision of development activities at the district and sub-district level, the tension is growing in many areas. Often when projects approved and funded from outside- whether by central or state governments or by the donor agencies- are carried out without consulting the Panchayats, this is considered by the latter to be violative of their jurisdiction and local plans. The conflicts are quite strong either because these embody conflicting ideological commitments or because these pursue contrary interests.

There are certain groups, which assume a more collaborative role and tend to work towards capacity building of Panchayat institutions themselves. Training or capacity building programmes for Panchayat functionaries to improve their awareness of rights and responsibilities as representatives on the one hand and by helping them address local problems and improve local planning and participation on the other. When such efforts are directed towards strengthening the capacity of Gram Sabhas by facilitating access to information, group mobilization and issue-based campaigns, tension can grow further between the civil society group and Panchayats, which are faced with increased pressure from the Gram Sabha for taking up certain programmes of action, which they may not wish for reasons of power structure or interest structure. There is a suggestion that NGOs can also be nominated to the District Planning Committees (DPCs) so that they can contribute to planning at the district and sub district levels as also provide technical and other expertise, as was done by the Kerala Shastra Sahitya Parishad (KSSP) in the State of Kerala but this has not materialized in most states.

The task force set up by the Planning Commission to look into the Panchayati Raj institutions underlined the need to conceptualize the relationship between PRIs and NGOs suggesting that NGOs should work under the direction and supervision of the PRIs especially if Subjects dealt with by the NGOs fall under jurisdiction of the Panchayats as they are financed by the public funds. Keeping in view the larger interests of the poor, it suggested that NGOs could help PRIs ( i ) in capacity building through training, exchange programmes and information sharing with PRI functionaries; ( ii ) play a vital role in the exercise of District Planning specially in village planning, resource mapping, identification of schemes for development; ( iii ) in activating the gram sabha which is the basic tier of panchayati raj structure.

The Task Force also suggested that that PRIs should identify NGOs and provide them better opportunities to get involved in development processes and that Panchayats with their regulatory functions and emphasis on policy making can also

entrust implementation of some of these development programmes and plans like agricultural marketing, dairing development etc. to the NGOs. The PRIs can help in providing sustainability to the NGOs initiatives, as was evident in case of several watershed development programmes already implemented have shown that they have become unsustainable after a period of time, owing to lack of maintenance. Unless they are brought under the overall supervision and management of the panchayats, which are permanent in nature, the assets created under most of these projects cannot be put to use effectively over a period of time. As a general policy, it is suggested, it may perhaps be desirable to get assets built up through the community with NGOs assistance and thereafter transfer them to the local bodies for maintenance at the end of the project. West Bengal Government has decided to transfer the assets created under their scheme for construction of dug wells, shallow wells, tube wells and river-lift irrigation schemes (taken up with World Bank assistance) to the panchayat for maintenance. This experiment needs to be evaluated for evolving a clear policy on the question of maintenance of assets.

A significant suggestion is that NGOs should be made directly answerable to the Gram Sabha. This will give Gram Sabha/Gram panchayat an opportunity to assess the competence of these organizations in the field of delivering development benefits. If NGOs implementing different development programmes of the Government report to the basic tier of the Panchayati Raj structure namely the Gram Sabha, this is likely to strengthen the Gram Sabha as well as ensure proper implementation of the programmes. This would be a step in the direction of true grassroots democracy.

Another important suggestion worthy of implementation in this regard has been that the NGOs working in the area should inform the local village Panchayats and block Panchayats of their area of activities, source/sources from which the assistance has been received and components of programmes implemented by them. Where the area of activities of a NGO covers more than one village, all concerned village Panchayats should be informed. In case of larger NGOs, the local block Panchayats as well as Zilla Panchayats also be informed. NGOs should seek assistance of Panchayats in forging linkages with various development programmes in order to provide optimal benefits of their activities to beneficiary individuals/areas. NGO should offer assistance or indicate the assistance they can render to local PRI bodies in respect of training, capacity building, social mobilization, monitoring impact of programmes, social audit and creation of awareness.

Another significant suggestion which also puts to test all claims about civil society being the bearer of democratic values is that at the annual/biannual meetings of the Executive Committee which reviews their activities the NGO should invite the representative of the village Panchayat. Simultaneously, whenever the block panchayat or the village panchayat is discussing sectoral programme, which touches upon the areas of activities of the local NGO, the concerned panchayats should invite the NGO and NGO should.

## Concluding Remarks

It is important to mention here that while civil society cannot be reduced to the NGO sector, it is not possible to ignore the latter because of both its rapid expansion and the state policy towards it. It is important in this context to comment on three issues of debate, which has assumed considerable significance in recent years.

The first issue involves the possibility and limits of considering the NGO sector as a substitute for state and facilitate state withdrawal from service delivery in certain sectors. This argument for treating the NGO sector as a possible alternative to state builds on both state inefficiency argument and NGO efficiency assumption. There is also the additional argument of resource constraints faced by the state and its partisan approach in service delivery. NGOs or voluntary sector can not be considered a substitute for state in respect of service delivery both because of the limited spread of this sector and the selective approach of specific groups. Any move to facilitate state withdrawal from service delivery sector would be at the cost of ignoring the basic needs of the people. Accountability issues involved in the argument for substitution of state by the NGOs are quite complex and cannot be overlooked without compromising on the commitments of democratic framework.

The second issue relates to creating space for the autonomous growth of the NGOs and support their capacity to innovate and offer solutions to specific development problems. These innovations may be related to technological developments or social remedies. There is indeed considerable scope for such experiments offering new perspectives, approaches or techniques to address complex issues of development. While replicability of these may be difficult in many other context, these do carry considerable significance both as embodying the value of locally centered and participatory approach to development and as an evidence of its process. These may also throws up wider policy questions which need to be addressed by the State at a bigger scale.

Such a space must be made available by the state by way of creating a conducive legal environment and there is a possibility of offering financial support to such effect in specific contexts. However, the issue of bureaucratic interference in case of monitoring of use of public funds and misuse in case of its absence is not easy to handle. Since a large number of programmes and schemes of various ministries are at present implemented through voluntary agencies or NGOs, the question of organizational effectiveness, efficiency and responsiveness is as relevance for NGOs as State agencies in this regard. Accountability for proper utilization is also equally important and the effectiveness of NGOs would depend on how they perform in these regards. One of the arguments which is used to advocated regulation or setting up accountability systems for the voluntary sector which makes use of tax payers money builds on this very fact of public money being involved. The issue of monitoring and accountability of the NGO sector further weaken the very grounds of autonomy and economy which are offered in support of NGOs entering the domain of service delivery where state is accused of partisan approach or uneconom-

ical and unsustainable. There is also the apprehension of bureaucratization making an entry even if responsibility is shifted to the non-state sector. One of the suggestions put forth to address accountability issue is the system of self-regulation and third party monitoring and peer review—sound management practices, standardization, transparency and accountability should be promoted by them on their own. Capacity building for the voluntary sector and capability maturity assessment systems have also been advocated, besides a commonly agreed code of conduct or ethics or guidelines on best practices. However, these alternatives look quite impractical when one looks at the large number of fake NGOs in existence, which simply exist on paper and are finally black listed.

The question of validation of NGOs as good NGOs by State or donor agencies also raises questions of both autonomy of both autonomy and innovation. For where conformity with an accepted approach is valued more than experimentation on grounds of the risk and returns argument, some initiatives may not find the required space for growth. This also has a bias towards history and past performance rather than future vision and commitment assume precedence. The bias of validating agencies may also result in increasing hardships for some while things would become easier for others. The issue of validation has, however, acquired significance because of the growing number of fake NGOs or paper NGOs being created for appropriation of the large funds that are readily available from state as well as donors to carry out their respective agendas for development. Many of them have been black listed by the donors from time to time and it is considered important to ensure that meaningful work does not get displaced because funds are taken away by them.

The third issue is that of the relationship of NGOs to social movements itself. This becomes significant in as much as many of the movements draw on the energy and work of these NGOs. At the same time, however, there is also the question of these being challenged by the more activism oriented groups, which distinguish themselves from the NGOs because of their wider social base. Contradictions which mark the social movements on account of the competing claims being made on these from different angles are important too and need to be understood if the complex nature of civil society in general and social movements and NGOs in particular is to be understood in all its complexity.

In a context marked by wide social and economic disparities, the challenge for civil society lies in addressing the issues of power distribution in society. How various movements and groups relate to these issues and where they are placed in the power dynamics of local contexts can make a difference to how significant these may be in the framework of realizing democratic aspirations of and socio-political vision of the constitution of India. How they relate to the local self-government institutions whether local bodies are confronted, challenged or bypassed matters indeed. But it matters with reference to the issue of social justice. Whether these further the aspirations of citizens towards an equitable and socially just system or not is the real test, which the various constituents of civil society need to clear their validity hinges on that as much as the fact of their being there to stand the test at

the hands of the public.

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## State-wise number of Panchayati Raj Institutions in Three Tiers and its Representatives

Sl. No.	Name of State/ Union Territory	No. of PRI in position (as on 1. 4. 2004)				Total number of members	number of male members	Number of female members
		Village Panchayat	Intermediate Panchayat	District Panchayat	Total			
1	Andhra Pradesh	21913	1095	22	23030	224007	149988	74019
2	Arunachal Pradesh	1747	150	15	1912	6013	**	**
3	Assam	2489	203	20	2712	17295	8581	8714
4	Bihar	8471	531	38	9040	128802	83774	45028
5	Chhatisgarh	9139	146	16	9301	127144	84230	42914
6	Goa	190	***	2	192	1015	541	474
7	Gujarat	13819	225	25	14069	86525	43872	42653
8	Haryana	6034	114	19	6167	57390	38083	19307
9	Himachal Pradesh	3017	75	12	3124	20458	12987	7471
10	Jharkhand	3746	211	22	3979	*	*	*
11	Jammu & Kashmir	#	#	#	#	#	#	#
12	Karnataka	5659	175	27	5861	56174	18538	37636
13	Kerala	991	152	14	1157	9669	4134	5535
14	Madhya Pradesh	22029	313	45	22357	213139	104241	108898
15	Maharashtra	28553	349	33	28935	181946	102333	796113
16	Manipur	166	***	4	170	1150	517	633
17	Orissa	6234	314	30	6578	94628	60730	33898
18	Punjab	12445	140	17	12602	50717	22707	28010
19	Rajasthan	9189	237	32	9458	120547	78825	41722
20	Sikkim	159	***	4	163	965	614	351
21	Tamil Nadu	12618	385	29	13032	76560	48436	28124
22	Tripura	537	23	4	564	4037	2008	2029
23	Uttar Pradesh	52028	813	71	52912	412146	161913	250233
24	Uttaranchal	7227	95	13	7335	246192	226899	19293
25	West Bengal	3360	333	18	3711	46926	33350	13576
26	A & N Islands	67	7	1	75	560	264	296
27	Chandigarh	17	1	1	19	187	123	64
28	D & N Haveli	11	***	1	12	136	87	49
29	Daman & Diu	10	***	1	11	61	34	27
30	Lakshadweep	10	***	1	11	63	25	38
31	Pondicherry	*	*	*	*	*	*	*
	Total	231895	6087	537	238519	2186452	1287834	890605

Meghalaya, Mizoram & Nagaland have Traditional Councils.

\* Elections to these are yet to be conducted.

\*\* Panchayat Elections held on 2/4/03 except in Tirap District. Detailed information is awaited.

\*\*\* Intermediate Panchayat does not exist (2 Tier).

# Has not adopted the Constitution (73rd Amendment) Act, 1992.

NCT of Delhi—Panchayati Raj System is yet to be revived.

Source: Ministry of Rural Development, <http://panchayat.nic.in/pris.htm>