

## Issues of Exclusion and Inclusion in Decentralised Local Governance Institutions in India

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*This paper proposes to explore “the issues of exclusion and inclusion in decentralized local governance institutions in India”. It also tries to explore how the marginalized groups are excluded in the decentralized democratic process. It further tries to examine an important area relating to exclusion of Panchayat institutions in situations of political conflict or economic contestation. It also examines in detail the provisions for reservations for SCs, STs, OBCs and women; it analyzes the various dimensions of the interrelated concept of inclusion and exclusion. It also examines the problem of why the local governance institutions get excluded from the process of development and governance. Further it assesses the marginalized groups’ awareness of Panchayati Raj, their perception of Panchayati Raj, their participation in Panchayati Raj programmes as functionaries and as beneficiaries and the extent to which they are benefited in different areas of operation of Panchayati Raj institutions. In pursuance of this study the researcher also tries to solve the questions arises in the mind. The key research questions are: How do the larger political and economic forces isolate, bypass or even co-opt the local governance? Who crafts the politics and practices of exclusion and how are these are played out and perpetuated? What are the manifestations of exclusion in day to day functioning of local governments? Who excludes who? Who represents on behalf of whom? How exclusion is officially legitimized? How do marginalized groups get organized to target local governments to be more inclusive? What are different forms of violence that are directed against the marginalized when they attempt to enter Panchayat institutions? Who creates violence and in which manner? In-depth research on both macro political and economic contexts as well as micro social contexts as described above is expected to generate knowledge about the dynamics of exclusion – inclusion and the ways to promote substantive and meaningful inclusion of the marginalized in decentralized local governance. Finally in the concluding summary, observations and findings the author tries to delineate some important suggestions for further policy paradigms. In fact, the conclusion makes humble attempts to manifest the core aspects of the present research work relating to the topic for academic debate and policy dialogue.*

India is a country of villages. Panchayati Raj system has influenced the village life extensively as one of the most important units of democratic decentralization. Decentralization of powers is nothing but transfer of powers from one tier of governance to another and, in same way, from one segment of population to another. Power moves from the dominant to the oppressed, men to women, caste Hindus to Dalits, upper castes

to lower castes and bureaucrats to people’s representatives. Power will not move on its own. It has to be made move. So a driving force is needed. The task is not so easy as may be envisaged, particularly in an extremely unequal society.

All most all states have enacted their Panchayat laws in order to confirm with the spirit and content of the 73<sup>rd</sup> Constitutional

amendments. Accordingly the new laws, elections have been conducted. Reservations have been provided to the excluded and marginalized groups. With these developments an impression has been created that the whole representative democracy has been transformed into a participatory democracy and the hitherto excluded have been included in governance and administration through the device of reservation of seats in local bodies. However, there are still several problems when we examine the issues of substantive inclusion of the marginalized in the functioning of these elected bodies and in what they are able to achieve for their constituents in terms of promoting Good Governance. By merely creating institutions or providing formal training to people who hitherto lived and continue to live at the periphery of society and economy does not guarantee their entry into local governance. The forces of patriarchy and caste are the two socially powerful forces that deter women and Dalit participation respectively. Bringing such marginalized groups into the political sphere requires addressing the issues of dominance and exclusion both at the level of institutional structures and processes as well as at the larger social setting which the marginalized groups inhabit.

Secondly, Panchayats are engaged with service delivery diverting all their attention to the provisioning of developmental goods and services such as water, electricity, housing, education, sometimes at the cost of promoting social justice.

Thirdly, the rapid economic growth agenda of the state, particularly under neo-liberalism and globalization has unraveled a new set of questions on role and mandate of Panchayats relating to the governance of commons on which people's survival is dependent. Even the tribal regions which fall under Panchayat Extension to Scheduled Areas Act

(PESA) both the government and the industry have collaborated to negotiate directly with people without engaging Panchayats. PESA Act 1996 extends Panchayats to the tribal areas of eight States of India namely, Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Odisha and Rajasthan with the intention to enable tribal society to assume control over their own destiny to preserve and conserve their traditional rights over natural resources. However, most states have been indifferent to the Act as well as corresponding transfer of powers to the tribal population (to access and utilize natural resources for consumption and livelihood).

In this fast changing context, the state efforts have mainly focused on capacity building, primarily through training. Civil society effort has also largely remained confined to capacity building. In recent years, the role of Panchayats has gained prominence owing to their role in the implementation of the National Rural Employment Guarantee Programme.

Thus 'Inclusion of the marginalized groups in local governance' has been a serious problem in our civil society. 'Inclusion' in this context means the inclusion of the marginalized sections - women, Dalit and tribals- in local governance. However, 'inclusion' can not be understood, without having any reference to 'exclusion'. Exclusion needs to be countered to promote inclusion. Since exclusion and inclusion are inter-related, new insights on inclusion through sincerely analysis requires on both: causes, consequences and means of exclusion as also the ways in which marginalized groups work towards their inclusion. Women, Dalit and tribal have suffered social and economic marginalization for a long time and therefore are considered for affirmative action. Particularly in the rural setting, the socio-economic hierarchies are inter-related. Hence, the groups

who occupy low position in social hierarchy such as Dalit, women, and tribal also invariably occupy low position in economic hierarchy.

While the focus on exclusion - inclusion has largely centered on how they take place within local governance institutions, an important area needing further solution relates exclusion of Panchayat institutions in situations of political conflict or economic contestation. More study needs to address this field to generate insights on what happens to inclusion when local governance institutions themselves get excluded from the processes of development and governance.

From the above discussions it is clear that there are two aspects that have significant implication for inclusion of the marginalized:

**FIRST, THE LARGER MACRO POLITICAL AND ECONOMIC CONTEXT IN WHICH LOCAL GOVERNMENTS OPERATES:**

How local governments can or cannot promote inclusion in the contexts of *(a) violent conflicts and political unrest, and (b) neo-liberal economic growth, globalization and commoditization of commons such as land, water and forests.*

**(a) Violent conflicts and political unrest:**

We have a stable democracy in India and India is the largest democratic country in world. Despite this political conflicts have aggravated in specific regional contexts. Two types of conflicts have raised in the recent times - the armed conflict in the North Eastern region which has taken the shape of separatist movements; and conflicts between the state and the Maoist groups (popularly known as Naxalites) in Chhatisgarh, Jharkhand, Odisha and Andhra Pradesh, West Bengal where the Maoist groups claiming to be *messiahs* of the poor have launched violent assault

against the government. It is imperative to explore how political contexts as described above affect the functioning of local governments and implications of this for the resource poor communities and those considered being most vulnerable to unrest such as poor and women.

**(b) Neo-liberal economic growth, globalization and commoditization of commons such as land, water and forests:**

In the present scenario of neo-liberalism and globalization we are witnessing economic conflicts between those whose resources are threatened by rapid economic growth and those who are actively pursuing these have intensified immensely. In pursuing economic growth Panchayats as local decision-making institutions are either bypassed or co-opted by the economically powerful forces in executing their agenda. In many parts of India people are protesting against the establishment of special economic zones whose resources are to be loosed on which their survival depends. For examples, people of Singur and Nandigram in West Bengal and Kalinga Nagar in Odisha are protesting against the establishment of the Special Economic Zones. Similarly in tribal areas of Odisha mining operations by multinationals have faced opposition from local people. In other parts of India, it is not entirely unknown for financial incentives in the short run inducing a peaceful cooption of the Panchayats in the neo-liberal agenda of the state but in the long run carrying with the possibility of the communities loosing control over their natural resources.

**SECONDLY, THE LOCAL MICRO SOCIAL CONTEXTS IN WHICH THE LOCAL GOVERNMENTS FUNCTION:**

How inclusion takes place in the contexts of social and economic inequalities in which Dalit, tribal and women lives. Within the micro sphere there are three critical problems:

(a) **Manipulation of structures and process underlying the functioning of local governments :** The Constitution Amendment Acts and the confirmatory acts passed by the State Governments have created opportunities for inclusion of the marginalized through affirmative action. There is a clear and unequivocal conceptualization of the local governments as inclusive of those who have been in the periphery of society and have largely been isolated from the decision-making process. In practice however, when Panchayats interact with the local socio-economic structures the possibility exists for the power structures to get mirrored within the governance institutions. The marginalized groups who occupy weak positions in social and economic hierarchy can find themselves weak even within the local governments. While the representation of the weaker sections is officially sought through affirmative action, in the actual practices that take place within the institutions, they are subjected to multiple types of discrimination and exclusion. In many instances the actual decision is taken before hand without giving consideration to the opinion of the marginalized members, or their voices could be rendered silent through verbal abuse and other symbolic practices ( e.g- making them sit on the floor while others sit in chairs) Hence, we find women getting excluded in a predominantly male space; and low castes and poor getting excluded when the locally dominant caste and economically powerful groups occupy the positions of power in Panchayat institutions.

In the sphere of local governance, there are many spaces that are significant for exclusion to be played out right from the stage of calling of elections to the holding of the Gram Sabhas.

(b) **Mobilization for inclusion :** In many cases Panchayats are manipulated to keep the

marginalized excluded. But there is a continuous effort to counter such exclusion. Marginalized groups now a day are questioning their exclusion and mobilized towards inclusion. Efforts are underway in recent times to address the 'power and politics' played out in the spheres of local governance. Such mobilizations in recent times are visible in several ways. These include (i) Forming collectives by discriminated groups such as federations of women elected representatives (ii) Alignment with political parties (iii) Occupying alternate (and sometimes competing) spaces available for local development such as water users group, village education committees, self help groups / micro-finance groups etc.

(c) **Violence against the marginalized to prevent their inclusion :** Violence against the marginalized by locally powerful groups to prevent their inclusion is the extreme form of exclusion. Such type of violence are often happens to women and Dalits. In this regard, patriarchy and caste are the two most dominant socio-cultural forces that determine positions of women and Dalits in social hierarchy. Violence in the sphere of local governance can manifest as physical, verbal (e.g abusive language), and even symbolic (e.g spreading rumors). Women have often faced such violence both within their homes and outside for entering local governance. Dalits have faced violence from high castes. Violence creates fear among the victims and the groups they belong so that they do not dare challenging the power structures within local governance.

In reality many State Governments have reluctantly fulfilled the formalities to satisfy the Constitutional requirements. Beyond that, they have not looked at the spirit of the Constitutional Amendments. Hence, the inclusion of marginalized groups could not take a concrete shape as

envisaged in the Constitutional Amendments. Still it is in a budding stage. It will take time to institutionalize the marginalized groups in the fold of decentralized democratic process. Further, marginalized groups have not been mobilized to participate in the process of development and governance.

Some scholars have observed that changes have been taken place in the caste structure. Villages where all castes were living as separate groups in the past are now coming closer and, with the lessening of negative aspects of casteism, a process of cooperation has started. Evelyn Wood has clarified that as a result of the Panchayati Raj System, villagers have now got the right to vote, and different castes now get many chances to get closer. Andre Beteille, in his studies, observes that political power in villages and outside villages is not connected with the ownership of land and, up to certain extent; it is also independent of any caste and group. Possibly the important factor in this change is the numerical support. Panchayati Raj has also lessened the importance of caste Panchayats. There is a decrease in the exploitation of villagers by the landlords, money-lenders and upper castes; participation of Scheduled castes, Scheduled tribes, and Backward Classes has increased in rural development. With the introduction of new Panchayati Raj system; there is an increase of women's participation in leadership.

If the new Panchayati Raj system has resulted in increased participation of lower and backward castes on the one hand, it has also created discontentment among the higher castes on the other. They point out that what is the use of this system when all the powers are reserved for the lower castes. It has given birth to a new dimension of difference between different castes. It is now higher castes versus backwards, versus

scheduled castes and tribes and it has given rise to a new type of groupism in the villages.

As the most marginalized groups are uneducated, untrained the power equation is still in the hands of higher castes. Nevertheless, a process of political socialization has begun within the society. The bureaucratic resistance is visible in many matters. The stereotype and routine mind-set of local bureaucracy has understood that the Panchayat will remain forever and the bureaucracy has to work within the changed scenario.

Political decentralization does not mean participation only in the electoral process. Therefore it calls for active involvement of marginalized groups in the functioning of rural local self-government institutions and pursuit of collective decision-making process, and their own transparent governance.

Grama Sabha is the only Direct Democratic device in India. Effective planning at the grassroots level can only be envisaged if a large number of Grama Sabha members actively participate in the planning process. At present 50 per cent members (women) are virtually outside the Grama Sabha meetings because they are not allowed to participate by their male family members and another big chunk mostly SC/ST and other weaker sections do not attend due to some social compulsions. These members are less motivated to attend meetings because they do not expect any gain from such meetings but lose their one-day wage.

Participation cannot be imposed on the marginalized from above; it should be voluntary and based on good will to participate. Here by participation we mean direct involvement of people and not indirect involvement through their representatives. An equitable sharing of the benefits of development by marginalized groups is possible only when there is equitable

participation by them in the process of development. By doing so, marginalized groups can influence the decisions at the higher levels through their joint efforts and common voice. This may be termed as “bottom up approach to integrated rural development.” The process can be accelerated only when the marginalized groups become conscious on their rights and privileges and build up strength to achieve justice for themselves in the sharing of benefits of development.

Marginalized groups’ participation or involvement can better be understood as: (a) participation in Decision-Making; (b) participation in implementation of development programmes and projects; (c) Participation in monitoring and evaluation of development programmes and projects (d) and Participation in sharing the benefits of development.

Direct participation of the marginalized groups in decision making is possible only at the village level. Even at the village level, discussion regarding community development projects such as drinking water, social construction etc, is confined in the hands of small caucus of so called village elites. These schemes must be discussed freely in the open assemblies in the presence of all the villagers so that marginalized groups have some say in the decision-making and execution of these schemes.

More specifically, most of SC/ST and women representatives were facing the problem of non-cooperation from the official and upper castes/ dominant sections of their Grama Panchayats. These problems have not only been obstructing developmental works but also not enabling elected representatives to participate in the Panchayats. These problems are not confined to Odisha only but exists every where in different degree of intensity.

However, experiences gained so far also show that the affirmative action for women and marginalized group in local governments has resulted in social identities and political awareness among them and created an urge to become a part of mainstream political, economic, and social life. After initial clashes between higher castes and lower castes, there are no indications of social cohesion at local levels. The political space given to marginalized sections has to some extent dealt a blow to the asymmetrical social structure and given greater space for their participation and involvement in decision-making at the local level.

Women comprise about 50 percent of country’s population. 73rd Constitutional Amendment Act has given women 33 per cent reservation in the political process of Panchayati Raj Institutions. In a path-breaking move to empower women at the grassroot level Government of India on August 27, 2009 approved a proposal to increase reservation for them in Panchayats to 50 percent. The Manmohan Singh government decided to bring a Bill to amend Article 243(d) of the Constitution to enhance reservation from the current one-third to at least 50 per cent. At present, out of the total elected representatives of Panchayats numbering approximately 28.1 lakh, 36.87 per cent are women. With the proposed Constitutional amendment, the number of elected women representatives is expected to rise to more than 14 lakh.

Many social scientists observed that due to reservation of seats many women were elected to local bodies. They have been given the opportunity to share power with men. But in spite of their representation it has been found that the elected women representatives are treated ‘as puppet’ in the Panchayati Raj Institutions. Most of them remain silent spectators to the proceedings of the Panchayat meetings and rarely

participate in the discussions. They hardly voice their own opinion regarding developmental administration. Simply sitting and listening to proceedings of the meeting have been their form of participation. Active participation in the form of involving in the decision making process was found to be rare in case of women representatives. Due to male dominance elected women members are functioning more or less as dummies –the husbands of women Sarpanchas are actively participating in the Panchayat matters instead of allowing their wives to take part in the decision making process. Financial matters are not tackled by the women representatives and for this they depend upon their husbands or sons or any other male relatives. Practically it has been found that two heads are functioning at Gram Panchayat levels-she head (de-jure)-the elected women Sarpanch and he had (de-facto)-the real Sarpanch. Most of the elected women Sarpanchs are regarded as a mere ‘Rubber Stamp’ and all the functions of the Panchayat are being performed by their husbands or local elites. Attendance of elected women representatives in Gram Panchayat meeting is found very low. Majority of them did not attend the meeting regularly.

Another important stumbling block on the way of women empowerment is family influence. Many families do not allow their elected women representatives to work together with government officials and others. The influence of casteism is also found to be another constraint in the process of women participation. It was noticed that upper caste people are either hesitant or unwilling to honour or implement decisions taken by a scheduled caste leaders. These women representatives were facing a lot of difficulties, harassment and humiliation at the hands of upper caste people and traditional power holders. Thus, there are so many factors upsetting the process of participation and level of performance of

women in the Panchayati Raj Institutions. Broadly these factors may be categorized as (i) internal Factor, and (ii) External Factor.

The *internal factors* which affecting the process of women empowerment and participation are identified as: lack of awareness, experience, knowledge, skill, leadership quality, low level of education, lack of exposure etc.

The *external factors* which affect the process of participation and empowerment of women are: influence of family, caste, social outlook, patriarch etc. On one occasion one elected male representative remarked “what do the women folk now? Their job is to cook and serve; governance is not their job, it is our exclusive privilege.” Patriarchal influences and traditional norms of our society hinder the path of women empowerment in the local government.

#### **Conclusion :**

The whole exercise of inclusion of marginalized is equivalent to that of transfer of power from the British to the Indians. The task of doing such an exercise is not so easy as it has to be carried out internally within our society. It requires a movement of the masses. For mobilizing the masses for the new task, the leaders are to be trained. Different stakeholders are to be prepared perceptively. With out support of the civil society organizations, the full potentials of the decentralization of powers can not be harnessed and hence preparing the civil society is the need of the hour. In order to make participation of marginalized groups effective, efficient and successful there is a need of vital change in traditional, social attitude. There is also need for positive attitudinal change and mental make-up of the dominant folk in favor of women participation. They should be given appropriate training to improve their knowledge base and capacity level relating to their rights, responsibilities

and duties in the functioning of Panchayat bodies. They should be made acquainted with the procedures of Panchayati Raj rules, regulations and financial management. There is also need for launching more and more awareness campaigning in favour of women empowerment. Mass media, NGOs, Political Parties, Self Help Group's (SHGs), Mahila Mandals have a significant role to play in this context.

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