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LOCAL GOVERNMENT, EFFECTIVENESS AND HUMAN RIGHTS: INDIA

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GENERAL CONTEXT FOR DECENTRALISATION

Historical Background

1. Although the sub-state level rural and urban decentralisation has gathered particular momentum throughout India since the early 1990s with the passage of the two major federal constitutional amendments, namely, the 73<sup>rd</sup> and the 74<sup>th</sup> Constitutional Amendment Acts of Indian Parliament (1993), the process of decentralisation in India evolved historically. In pre-British India (1757), a centralised state *a la* the absolutist states in Europe (Anderson, 1979) did not take shape. Two features stood out about the nature of governance in India since ancient times. First, the 'state' was marginal to society, and hence the changes in the 'state', from one ruler to the other, did not affect the society in a major way. Second, the society was self-governed through indigenous institutions and practices, mostly notably, by a kind of decentralised government known as *panchayats* (literally the assembly of five).
2. Autonomous, local self-government was thus an age-old cultural tradition of the Indian people. Traditional India was essentially ruled by its village-government. Studies made by anthropologists and historians provide ample proofs about the existence of village self-government in India. Historically, India rarely experienced a truly centralised state. Attempts made by the Moghul rulers to centralise all powers met with revolts and led to the disintegration of the very empire itself in India. The Moghul rule in India (since the 16<sup>th</sup> century) was not the replica of European absolutist states as analysed so brilliantly by Perry Anderson. [Anderson: 1979] Historically oriented scholars of state formation have found no conception of an absolutist state in India for "there developed within India, a concept and practice of sovereignty, which emphasised the multiple rights of different groups and sectors of society and not the existence — real or ideal — of a unitary, almost ontological existence of the state" [Eisenstadt and Hartmen, 1997: 41].
3. During the period of British colonial rule, the district administration and the District Collector was found to be the effective unit of decentralised administration in the last quarter of the 18<sup>th</sup>

century. [Jha and Mathur, 1999: 16-17] After the Sepoy Mutiny of 1857 as a major revolt of the Indians against British colonialism, the direct rule of the British Crown over India was formalised in 1858. Whenever the Indian nationalists demanded autonomy and democracy at the nationalist level, the colonial government sought to meet this demand by offering concession at the lowest level, by giving powers of self-government to *panchayats* in rural areas and municipalities in urban areas, under various enactments such as the Bengal Local Self-Government Act (1885), the Bengal Village Self-Government Act (1919), and the Bengal Municipal Act (1884). Basu [Basu: 1997] has recorded that under the provisions of the Government of India Act 1935, many provincial legislatures enacted new Acts vesting powers of administration, including criminal justice, in the hands of the *panchayats*. [Basu, 1997: 267]. The Ripon Resolutions of 18 May, 1882, for instance, wanted among others, to make use of that “intelligent class of public-spirited men whom it is not only bad policy but sheer waste of power to fail to utilise.” [Webster, 1992: 13] Mathews called them the Magna Charta of local democracy in India. [Mathews, 1996: 126] As an attempt to reform such institutions, the above Resolutions provided for the establishment of local rural boards with two-thirds of its members being composed of non-official representatives, elected where possible. Such ideas were implemented differently at different provinces. Mathew reported that by 1925 as many as eight provinces in British India passed Acts for the establishment of Village Panchayats, and by 1948, 20 native states had Village Panchayat Acts. [Mathews, 1996: 126] In Bengal, for instance, the Bengal Local Self-Government Act of 1885 was passed, the same year the Indian National Congress was born, which provided for setting up of district boards, local boards at sub-divisional level, and union committees for groups of villages. Elected though by a very limited electorate (on the basis of age, education, residence, and taxation), 9 to 10 members of the district boards were to look after primary education, water supply and number of other public service functions through standing committees. This was an instance of attempts to combine the British system of administration with the Indian traditional system. The idea behind this was to re-establish self-governing bodies after some modification, with an element of democracy in their constitution. The (British) Royal Commission on Decentralisation, formed in 1909, emphatically reported: “it is most desirable, alike in the interest of decentralization and in order to associate the people with local tasks of administration, that an attempt should be made to constitute and develop Village Panchayats for the administration of local village affairs.” [Jha and Mathur, 1999: 09]

4. Be that as it may, revived village *panchayats*, as units of self-governance, also became integrated with the ideology of India’s national movements, and the *sine qua non* of Mahatma Gandhi’s concept of India’s liberation and Indian nationhood. Against the notion of a centralised western nation-state, he idealised the case of ancient Indian society where political power was inferior to society, in which people lived and enjoyed an organic social existence in small villages independently of the abuses of political institutions. He thought that if India were to evolve along non-violent lines, it would have to decentralise. He advocated for the maximum possible decentralisation of the political and economic power and resources of the state.
5. Urban decentralisation in India, unlike the indigenous institutions of *panchayats* (rural decentralisation), was a British colonial legacy, introduced, for example, in Madras Presidency, as early as 1687 when Madras received its municipal charter from the East India Company, then ruling India. Madras was joined by Bombay and Calcutta in 1720. [Jha, 1999: 16] They received the proper ‘municipal status’ not until the middle of the 19<sup>th</sup> century. By 1870, as many as 200 municipalities were found throughout India. The Decentralization Commission (1909), and the Government of India Acts of 1919, and 1935 gave further fillip to urban decentralisation along with the rural one. But the most distinctive part of municipalities as urban self-governing institutions was that they were largely undemocratic bodies, and remained a ‘provincial’ competence.

*Post-Independence Period: Indian Constitution and Decentralisation*

6. In the Indian Constitution (January 26, 1950), decentralisation was made a state competence, and it remains so. In Indian federal polity, the powers between the Union and State governments are distributed by three Lists (Union, State and Concurrent). Under Item 5 of the State List, it has been stated: *Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities, and other local authorities for the purpose of local self-government or village administration.* [Basu, 1997: 460]
7. It means that the state governments in India will have legislative as well as executive powers and authority over the above item in respect of the structures and functions of the decentralised bodies so constituted. The subject of *panchayats*, i.e., rural self-government bodies, was placed under Article 40 of the Constitution, which fell under the Directive Principles of State Policy (DPSP) (chapter 4 of the Constitution). The directive in the above article was as follows: “The state shall take steps to organise village *panchayats* and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.” [Bhattacharyya, 2001: 147] The DPSP in chapter 4 then provided for the over all policy framework for the *panchayats*. The importance of chapter 4 of the constitution relative to chapter 3 (relating to fundamental rights of citizens) needs to be specified, to some extent. The chapter 4 (Articles 31-56) contains certain principles and ideals, both social and economic, which the state is supposed to strive for, and certain rights of citizens, which, though not enforceable by the Courts, the state nonetheless should aim at securing by regulation of its legislative and administrative policy. [Basu, 1997: 139] According to Basu, the famous constitutional expert of India, most of the directives aim at economic and social democracy: securing for the citizens, social, economic and political justice; human conditions of work; free and compulsory education; to organise village *panchayats* as units of self-government; to protect and improve the environment and so on. [Basu, 1997: 139]
8. Basu [Basu, 1997: 446] believes that the following (non-justiceable) rights of citizens follow from the Directive Principles of State Policy:
  - right to adequate means of livelihood;
  - right of both sexes to equal pay for equal work;
  - right against economic exploitation;
  - right of children and the young to be protected against exploitation, and to opportunities for healthy development;
  - right to equal opportunity for justice and free legal aid;
  - right to work;
  - right to public assistance in case of unemployment, old age, sickness etc;
  - right to humane conditions of work and maternity relief;
  - right to living wages and decent standard of living;
  - right of children to free and compulsory primary education; and
  - right of workers to participate in management of industries.
9. The special significance of the DPSPs consists in the following. First, the DPSPs are ‘Instruments of Instructions’ upon all governments. Second, they are (under Art. 37 of the Constitution) “fundamental in the governance of the country and it shall be duty of the state to apply these principles in making laws.” [Basu, 1997: 142]

10. Since decentralisation is a state subject, in the post-independence period, the structures of decentralised local government, both urban and rural, have varied enormously across the states. Not all states have introduced them, especially the rural ones, at the same time. In many cases, even if they have been introduced, they have been kept inoperative due to power politics. Some states even did not care to introduce them at all. In many states, such bodies have been nominated rather than elected, and remained the centre of vested interests, of dominant classes and castes, and male-dominated. Even if some such bodies have been formed democratically, on the basis of multi-party competition, they have been the first casualty by a rival party to power at the state level. In the 'Statement of Objects and Reasons' to the 73<sup>rd</sup> Amendment Bill (1992), it was also admitted ruefully: "Though the Panchayat Raj Institutions have been in existence for a long time, it has been observed that these institutions have not been able to acquire the status and dignity of viable and responsive people's bodies...". (Constitution of India, 2001: 338) The state of West Bengal in India's east (population around 80 million), as we will see, in greater detail, later, is a lone case of having regularly democratically elected decentralised governments (urban and rural) since 1978 in the case of *panchayats*, and the early 1980s in the urban local self-government. Within one year, after the passage of the 73<sup>rd</sup> Constitution Amendment Act (1992), all the states passed the conformity acts to the above amendment act, and *panchayat* elections have taken place in most states. [Mathew: 2003]
11. The Union government has continuously reviewed the issue of the local self-government institutions and to operationalize Article 40 of the Indian constitution. The series of committees and commissions that the government has set up for the above have always recommended for the furtherance of decentralisation of power and authority through more effective *panchayats*. The issue of the absence of involvement of the local self-governing institutions in the national development programme (i.e., Community Development Programmes) was diagnosed as a weakness of such a programme. The Balwantarai Mehta Committee Report (1957) thus proposed the development of participatory democracy through local institutions i.e., *panchayats* for the improvement of Indian villages: *So long as we do not discover or create a representative and democratic institution which will supply the local interest, supervision and care necessary to ensure the needs and wishes of the locality, invest it with adequate power and assign it appropriate finances, we will never be able to evoke local interest and excite local initiative in the field of development.* [Webster, 1992: 15-16]
12. The Union government persisted in its emphasis on implementation of the *panchayat raj*. Mathews reported (1996) that by 1959, all the states had passed Panchayat Acts, and by the mid-1960s *panchayats* had reached all parts of the country. [Webster, 1992: 128] There was enthusiasm in rural India, and the people felt they had say in affairs affecting their lives. Those were the optimistic days of the *panchayats* in India. A report of the Ministry of Community Development in 1964-65 happily noted that younger and better leadership was emerging through *panchayats*, and that there was a fairly high degree of popular satisfaction with the working of such institutions. Reports from some states were very encouraging. It was reported, for instance, from Rajasthan: *It was reported that the people felt that they had sufficient powers to enable them to mould their future. They are fully conscious of the fact that such privileges and favours which were formerly under the control of the Block Development Officer (BDO) are now under their control. In this sense, full advantage of democratic decentralisation has been secured.* [Mathews, 1996: 128]
13. The introduction of *panchayats* and the consequent empowerment of the people in the same state resulted in various positive developments: improved attendance of teachers in primary schools, more responsive block development administration, decline in corruption among the local politicians and subordinate staff of the block office and so on. [Webster, 1992: 128-29]
14. However, the Union government's positive interest in the devolution and dispersal of power, as recommended by various committees set up by it, was often at variance with the attitudes and inclination of many state governments, which often regarded the proposal with distrust because

that might lead to the relative loss of power for the vested interests running such governments. As a result, many such governments were less keen to create such grassroots political institutions. Ironically enough, the implementation of such scheme in decentralised planning in such states as Maharashtra and Gujarat in the late 1960s was so successful that fearing the rise of new local centres of power and authority such experiments were terminated. [Webster, 1992: 19]

### **Decline of Local Government**

15. Local democracy can operate only when there is a democratic political atmosphere at the national as well as the state levels as its sustaining environment. During the 1960s and the mid-1970s, due to the growing political instability in the national political system in India that culminated in the declaration of an authoritarian emergency rule (1975-77) and the virtual suspension of democracy in India for eighteen months, the system of local democracy also suffered major setbacks. Restoration of democracy that characterised the major slogan of all opposition parties and forces against the emergency and Congress (ruling party responsible for declaring the emergency) had as its sub-text decentralisation through *panchayats* and devolution of power for decentralised method of development. Many political forces especially the leftists campaigned vigorously for the restoration of democracy, more state autonomy and decentralisation through *panchayats*. The issue thus began to re-appear in the discourse of the Indian state, which again harped on it from 1977 onwards through similar institutional measures such as the Ashok Mehta Committee (1977), Hanumath Rao Working Group on District Planning (1983), G. V. K. Rao Committee (1985) and L. M. Singvi Committee (1986) for the preparation of the concept paper on *panchayat*. [Singh: 1994] The Sarkaria Commission (1983-86), a federal commission set up to review the relations between the Union and the states in India, also recommended, going beyond the terms of its reference, for devolution of power through institutions of popular participation.

### **Current Constitutional-Legal Status of Decentralisation**

16. The 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Acts (1993) provide today the constitutional bases for rural and urban decentralisation respectively in India. These two famous amendments inserted Part IX and IXA respectively in the Constitution. The former contains Articles 243 to 243-O, and Part IX A contains Articles 243P to 243 ZG. Both have more or less analogous provisions. The common features of both are to be noted: direct election by the people; reservation of seats for women, Scheduled Castes and Scheduled Tribes; an Election Commission to conduct the elections; a Finance Commission to ensure financial viability of the institutions. Second, the provisions in both the amendments are in the nature of 'basic provisions' which are to be supplemented by conformity laws to be passed by the Legislatures of the states. It also means that the Union government cannot enact any laws to create rights and liabilities relating to the subjects in the above provisions, since local government is exclusively a state competence.

### **Panchayats (Rural Local Government)**

17. A three-tier system of local government, one each at village, block and district levels, has been provided for. Each member at all levels must be elected on the basis of universal adult franchise. The electorate for the Village Panchayat has been named 'Gram Sabha' (literally village assembly). The provision has been made for the reservation of seats for the Scheduled Caste and Tribes, socially discriminated and disadvantaged, in proportion to their demographic strength in the area, and for women for at least one-third of all seats at all levels. Provision has also to be

made for reservation of seats for the above socially disadvantaged sections (including women) for the offices of Chairpersons, and Deputy Chairpersons at all levels of *panchayats*.

18. The duration of *panchayats* is five years, but it can be dissolved earlier in accordance with a state law. However, if it is dissolved prematurely, elections to form a *panchayat* must be held within six months, which shall continue for the remainder of the term. It is the State Legislatures, which have the power to confer powers and authority to *panchayats* as may be necessary to enable them to function as institutions of self-government. (Arts. 243G-243H) The state government has to pass conformity laws to the 73<sup>rd</sup> Amendment Act (1993) for the above purpose, and entrust the *panchayats* with the preparation of plans for economic development and social justice, and for implementation of programmes on matters enlisted in the 11<sup>th</sup> Schedule added to the Constitution. The 11<sup>th</sup> Schedule provide for the distribution of powers between the state government and the *panchayats* on as many as 29 items listed in it: agriculture, land reforms, minor irrigation, water management, rural housing, drinking water, roads, animal husbandry, small scale and cottage industries, poverty alleviation programmes, electrification, women and child development, welfare of weaker sections of society, primary and secondary education, public distribution system, public health and sanitation and so on.
19. Apart from the above a state law may authorise a *panchayats* to levy, collect and appropriate such taxes, duties, tolls and fees, and provide for grants-in-aid to the *panchayats* from the Consolidated Fund of the State. A provision has also been made in the above 73<sup>rd</sup> Amendment Act for forming after every five years, from 25 April 1993 (when the amendment act came into effect) a (Panchayat) Finance Commission:
  - to review the financial situation of the *panchayats*, and to make recommendations regarding the distribution of net proceeds of taxes, duties etc leviable by the state, but which may be distributed between the state government and the *panchayats*, and the manner of such allocation;
  - what taxes, duties, tolls etc may be assigned to the *panchayats*; and
  - grants-in-aid to the *panchayats*.
20. The powers that *panchayats* have today after 1993 are more extensive and autonomous in nature. But they do not compare with those of either the state or the union government. In the Indian federal system, the Union government, constitutionally speaking, is very powerful although given the fact that it does not have the machinery of implementation of its policies, it has to depend on the state government. Today, with the establishment of *panchayats*, most of the Union government schemes of rural development get implemented by the *panchayats*. Politically and administrative, *panchayats*' powers are autonomous since at each layer, they are able to take decisions, (constitutionally they are defined as institutions of *self-government*) on matters fiscal, and administrative. However, the *panchayats*' own resources are limited although attempts are being made by them to generate resources. *Panchayats*' activities comprise mostly many states' and Union governments' programmes of development. Today it is mandatory on the state government to devolve powers to *panchayats* in terms of the 11<sup>th</sup> Schedule of the Constitution, because the allocation of funds to the state government by Union Finance Commission depends on this too.
21. The following two figures describe the location of local government in India's governmental structure.

Figure.1 **Governmental Structure in India**

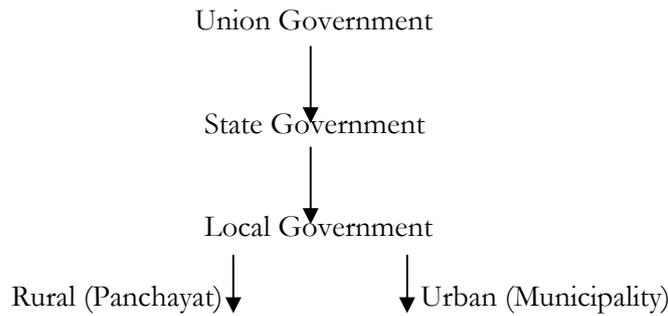
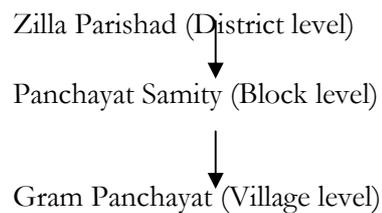


Figure.2 **Three-Tier Panchayats (Rural Government) in India**



### Urban Local Government: Municipality

22. The 74<sup>th</sup> Constitution Amendment Act (1993), in order to develop a common framework, has provided for urban local self-government, generally to be known as ‘municipalities’ of three types: (a) Nagar Panchayat for a transitional area from the rural to the urban areas; (b) Municipal Council for a smaller urban area; and (c) Municipal Corporation for a larger urban area. It is now obligatory on the part of the state to form such bodies. Members of the urban local government are to be elected on the basis of universal adult franchise. Seats are to be reserved for Scheduled Castes and Scheduled Tribes in proportion to their demographic strength in the area. One-third seats have to be reserved for women. The state government may by law can provide for reservation of offices of the urban bodies for women and other socially and economically disadvantaged sections of society. The duration of municipality is five years, and if dissolved earlier, it has to be so done according to law, and a reasonable opportunity must be given to the municipality to be heard. If it is dissolved earlier, elections must be held within six months to constitute a new body, which will continue for the remainder of the term. No amendment of a law in force can dissolve a municipality.
23. It is also obligatory on the part of the Municipality having a population of 300,000 or more to form *Ward Committees* consisting of one or more Wards with the Councillor (s) elected from the Ward (s) as Chairperson (s) of such Committees.
24. According to Article 243W, the Legislature of a State, by law, may endow the municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government, and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities with respect to the following:
  - preparation of plans for economic development and social justice, and
  - performance of functions and the implementation of schemes as may be entrusted to them including those list in the 12<sup>th</sup> Schedule.

25. The 12<sup>th</sup> Schedule (Article 243W) has listed 18 items on which the Municipalities will have powers and authority: urban planning, roads and bridges, public health, sanitation, drinking water, slums development, urban poverty alleviation programmes, protection of the environment, and so on.
26. A Provision has been made (Article 243-I) for a *panchayat* Finance Commission to review also the financial situation of the Municipalities, and to make recommendations with regard to the distribution of fiscal powers between the state government and the Municipalities, grant-in-aid to the Municipalities, and any other matter referred to it by the Governor.

## SPECIFIC CONTEXT

### **Local Government Authorities to be Studied: Two Gram (Village) Panchayats, and one Municipality in the district of Burdwan/Bardhaman (West Bengal), India.**

27. The first post-independence local self-government act passed by West Bengal Legislative Assembly was the West Bengal *Panchayat* Act of 1957 following in the footsteps of the Balwantarai Mehta Committee Report of 1957, and the first elections to such bodies as *gram panchayat* (village level), *anchal panchayat* (block level) and *zilla parishad* (at the district level) took place in 1958. Webster (1992) reported that until 1962, 19,662-gram *panchayats*, and 2,926 *anchal panchayats* were formed in West Bengal. [Webster, 1992: 21] Appropriate district level bodies were also formed, but none of the above were able to ensure popular participation. On the contrary, the way they were treated by the state government, they became institutions of rural vested interests, and a collusion of the bureaucrats, landed gentries and local politicians saw that they did not represent popular participation. As Webster rightly reported: *Participation was minimal, powers and responsibilities devolved were few, financial support was lacking, departmental and administrative officials continued to function as before, and Panchayati Raj remained little more than a distant idea given the absence of political will on the part of the state government.*
28. The West Bengal *Panchayat* Act of 1973, a further attempt to reorganise *panchayats*, also recognised the moribund state of such institutions in the state. But the act remained an act, and in the growing political instability in the country as much as in the state that ushered in the declaration of Emergency Rule (1975-77) that suspended democracy, all hopes for the formation of *panchayats* evaporated into thin air. Decentralisation through the *panchayats* was to become a hallmark of the popular mobilisations against the authoritarian regime. In West Bengal, the CPM and other leftists carried on the mantles and made them the top agenda in the post-Emergency elections in 1977 (Lok Sabha as well as Legislative Assembly). The restoration of democracy and decentralisation through the establishment of *panchayats* were vigorous electoral pledges of the Left Front, a coalition of left parties governing the state since 1977.

### **Khano Gram Panchayat (KGP)**

29. The KGP is located in Khano village, close to Khana Junction Railways Station about ten km west of the Burdwan Municipal town, and well-connected by roads. Under the jurisdiction of Galsi II Panchayat Samity (Block level *panchayat*), the GP has, under its jurisdiction, 8 villages whose total population is 14, 828. Of the total population, 31.84% are Scheduled Castes, and 1.6% are Scheduled Tribes, both considered to be socially disadvantaged sections. Males are 7,556 and females are 7,272 in number. The rate of literacy is 56.19% (male=58.98% and female=41.01%). There are, under the jurisdiction of this gram *panchayat*, 12 primary schools, 2 High Schools, 3 child health education centres, and 2 such sub-centres, and 2 animal health care centres.

30. Since 1978 elections have been held regularly to form this *panchayat* at the interval of five years. The KGP is a 14-member body. The current body was elected in 2003. The distribution of seats among political parties is shown in *Table.1*
31. Of 14 members, 4 belong to SC and 3 to ST, and 6 are women. The Prodhan (Chairperson) of the KGP is a (Muslim) woman. The KGP is governed by the ruling CPI-M.
32. On the basis of a sample of 08 interviews with the elected members of the *panchayat*, *panchayat* officials, local civil society leaders and the more articulate village elders, it was found that the services (*that panchayat should deliver*) easily identified by most are: public health, sanitation, safe drinking water, housing for the rural poor, roads, education. A few identified the following: irrigation facilities for agricultural development, loans for the rural poor, formation of self-help groups, old age pension for the rural poor.
33. Health care, sanitation, drinking water and road have been most commonly identified (Table.2) by the respondents of Khano *panchayat* areas.

### **Methods responsible for the delivery of services**

34. There is a lack of consensus among the respondents regarding the methods, or factors that have been responsible for the delivery of services in this *panchayat*. One common factor that has been identified is democratic local government and devolution itself. Associated with this is the role of *gram samsad* (assembly of the electorate of each constituency) to decide upon the beneficiaries of development, and the prioritisation of development activities. Most interviewees admitted the role of popular participation in *gram samsad* as the key factor in service delivery. One respondent, a defeated opposition candidate, complains of the lack of transparency, and highlights the need for more effective *gram samsad*. The secretary of the KGP, the government official, believes the following were responsible for the delivery of services in the area: ‘rule-following; political co-operation; popular participation at the *gram samsad*; and the role of Beneficiary Committee formed out of it with members of the public.
35. Regarding the methods that can improve upon the activities of *panchayat* in its service delivery, the following were identified: more effective *gram samsad*; efficiency, particularly more efficient supervision of official works by the Prodhan; adequate publicity for information-sharing; to improve upon the resource bases of the *panchayat* (at present very limited); and to form self-help co-operatives for the sake of self-reliance among the rural poor, more particularly the women.
36. Despite the absence of an explicit human rights framework in the service delivery of the *panchayat*, the respondents were found to be able to identify nonetheless a number services which, when delivered, may ensure human rights. (Table. 3) Of the 08 interviewed, 02 admitted having no idea of human rights, or their relations to services that *panchayats* delivered.

### **Srirampur Gram Panchayat (SGP)**

37. Srirampur Gram Panchayat is located some 70 km east of the Burdwan Municipal town. The number of villages under its jurisdiction is 10. The total population is 22, 886 (of which males are 11,647 and females are 11,239). 20.50% are Scheduled Caste, and 2.70% are Scheduled Tribes. The rate of literacy over all is 54.10%. Elections have been held regularly since 1978 to form this *panchayat*. The current body was elected in 2003. This is a 24-member body of which 20 seats have been obtained by the Trinamul Congress (TMC), the main opposition party in the state,

and 04 by the CPI-M, the dominant partner in the ruling Left Front government in the state since 1977. The post of Prodhan is held by a woman belonging to Scheduled Caste community.

38. The tables 4-7 contain information on the summary of responses that 09 respondents of Srirampur gram *panchayat* offered while identifying (1) the services that are essential to the local community (Table 5), (2) services that *panchayat* should deliver (Table. 6), (3) methods that have been helpful in the delivery of services (table 7), and (4) the services that are consistent with a human rights framework. As regards the answer each one above, it was found that most identified safe drinking water, education and road as essential to the local community. The other services mentioned by some are public health care and sanitation. The same set of services has also been identified as the one, which the *panchayat* should deliver. Regarding the methods that have been helpful in service delivery, democratic participation through the platforms of *gram samsad* (assembly of the electorate of each constituency), *gram sabha* (the electorate of the whole gram *panchayat*), and gram *panchayat* meetings have been identified as the most common. The specific factors are the role of NGOs, local clubs, and the political party. Despite the absence of an explicit human rights framework in the activities of the *panchayat*, the respondents were found able to identify, most commonly, the following service as being consistent with a human right framework: education, health, road. Some have identified water supply and health. Only one has identified protection o women's right, and sanitation to ensure human dignity.

### **Burdwan Municipality**

39. The Bardhaman (Burdwan) town is more than four hundred years old. Bardhaman was the seat of power of the landed gentry (Bardhaman Maharaja) until 1947. The Burdwan Municipality was first formed in 1865. The jurisdiction of the Municipality today covers an area of 34.17 sq. km. The population of the town was 2,85, 871 in 2001 (Census Report of India, 2001). The Scheduled Castes constitute a significant (about 13%) proportion of the population. The high growth in Scheduled caste population in population since the early 1970s (6.83% in 1971 to 12.50% in 1991) has been due to the influx of Hindu refugees from East Pakistan (now Bangladesh) in the wake of the Bangladesh liberation war in 1970-71. The Scheduled Tribes are insignificant in number (about 2%). Bardhaman is predominantly a Hindu town with Muslims comprising about 12% of the population. The Municipality has 35 Wards out of which 13 are reserved for women, 4 for Scheduled Castes and 1 for Scheduled Tribes.
40. Before 1947 i.e., India's independence, elections, if ever held, to form the Municipal board were on extremely limited franchise. Since the late 1930s, Indian National Congress (INC), the main party of India's independence, was found to be in control of the Municipality in association with local notables. From 1950 until about the early 1960s, elections were held to form the Municipal board (in 1950, 1955 and 1958) in which the INC was found to be in charge of the Municipality. From the late 1960s to 1981, no elections were held. It was from 1981 onwards that regular elections have taken place to form the Municipal Council at the interval of five years. The current Council was formed in 2003. (Table 8) There are 13 women, 04 Scheduled Caste and 01 Scheduled Tribe Councillors elected in 2003. The Vice-Chairman is a Muslim. The Municipality has been under the control of the CPI-M and its left partners (the ruling coalition at the State level from 1977) since the early 1980s.
41. The summary of responses of 10 respondents including 06 Councillors and one ex-Vice-Chairman of the Municipality is presented in Tables 9-11.
42. Services considered to be essential to the Local Community by most are: water supply (safe drinking water), roads and sewerage (drains). Some identified clean environment, and improvement of environment, and public health services. Regarding the methods that have been helpful in service delivery, 08 respondents out of 10 who have responded, the role of Ward and

*Nagarik* (Citizens) Committees has been highlighted. The activating and leading role of various organisational networks of the parties and civil society associations have been emphasised by one, who happens to be a veteran CPI-M politician, and an ex-M. P (Member of Parliament) from the district. Despite the fact that the Municipality is run by the left parties which have pro-poor agenda, and claim to fight for the rights of the down-trodden, there is no explicit human right framework here. Nonetheless, the services, which were considered to have human rights significance were identified by all 10 of them. (Table. 10) There is no consensus on services, but women' protection, child care, decent living, clean environment, safe drinking water supply, slum development etc are some of the common themes.

## NOTES

43. Quantitative Data on Services/ activities carried out are available at the offices of the Gram Panchayats of Khano and Srirampur, and at the Burdwan Municipal Office, and are accessible to researchers.

## APPENDIX I

Table. 1 **Political Parties in Khano Gram Panchayat** (Total seats=14)

Communist Party of India (Marxist)	11
Forward Bloc	01
Trina Mul Congress	01
Independent	01
<b>Total</b>	<b>14</b>

*Sources:* Khano Gram Panchayat Office Records.

Table. 2 **Services Essential to the Local Community (Khano)**

Interviewees	Services Identified to be Essential
1	Agricultural development; drinking water; housing for the rural poor
2	Health care facilities; school; drinking water
3	Timely delivery of services; resolution of disputes; sanitation and health care facilities
4	Health care; education; village development (roads, water, sanitation)
5	Surface water improvement; health care; sanitation
6	Sanitation; health care; education
7	Roads; water; health
8	Health; education; roads

Table. 3 **Services consistent with a human rights framework? (Khano)**

Interviewees	Services ensuring human rights
1	Agricultural development; drinking water; housing for homeless
2	Sanitation for human dignity; resolution of disputes
3	to fulfil human needs; agricultural development
4	Resolution of disputes properly; scientific education; transparent <i>panchayat</i>
5	Resolution of disputes; economic development (housing, health, self-help groups)
6	Old age pension
7	Have no idea
8	Have no idea

Table. 4 **Services Consistent with a Human Rights Framework**

<b>Interviewees</b>	<i>Services Consistent with Human Rights</i>
1	Education; water supply; roads; health
2	Have no idea
3	Education; roads; health
4	Safe drinking water; health; civil rights; law and order
5	Have no idea
6	Has not answered
7	Adjudication of disputes, esp., family; protection of women's rights; sanitation (human dignity); peaceful life
8	Education; health; roads; water supply

Table. 5 **Services Essential to the Community (Srirampur)**

<b>Interviewees</b>	<b>Services</b>
1	Revival of weaving industries; roads; water
2	Education; roads; health
3	Water; road; health; education
4	Road; electricity; water;
5	Education; water; road
6	Water; education; road
7	Road; industry (tourism); water
8	Education; health; sanitation
9	Water; food; education.

Table. 6 **Services Panchayat Should Deliver (Srirampur)**

<b>Interviewees</b>	<b>Services</b>
1	Water; road; education
2	Water; road; education
3	Water; road; public health; education
4	Road; work for the unemployed; housing; electricity
5	Self-reliance; road; education
6	Water; road; education
7	Road; water; sanitation
8	Education; public health; roads; water supply
9	Water; education; road; education.

Table. 7 **Methods Helpful to Service Delivery (Srirampur)**

Interviewees	Methods/Factors
1	Co-ordination of Panchayat and Political parties; local community support through Gram Samsad; non-partisan delivery; regularity in work and supervision
2	Popular participation in Gram Samsad, and Panchayat meeting;
3	Local community support through Gram Samsad; TMC's role; NGOs (Arsenic and folk cultures); local clubs; incorporation of opposition
4	Gram Samsad to form Beneficiary Committee (non-partisan); local clubs; village elders' role; efficient staff; adequate publicity.
5	Gram Samsad and Gram Sabha; Beneficiary Committee
6	Party and leaders; Beneficiary Committee
7	Beneficiary Committee; Tenders
8	Efficiency of Panchayat members; regular popular participation in Gram Samsad and Gram Sabha
9	Gram Panchayat meeting (80% regularly taken place); need for more publicity; and training of Members

Table. 8 **Party Position in the Municipality (2003)** (total seats=35) (Burdwan Municipality)

Political Parties	Seats obtained
CPI-M	26
Forward Bloc	03
R. S. P	03
C. P. I	02
Trina Mul Congress (TMC)	01

Source: **Natun Chithi**, a local Bengali weekly newspaper, 30 June 2003.

Table. 9 **Services Essential to Local Community (Burdwan Municipality)**

Interviewees	Services Identified
1	Road; drainage; water supply
2	Water supply; clean environment; planned development
3	Drainage; water supply; road
4	Public health; drinking water; education
5	Water; roads; electricity
6	Upliftment of weaker sections; tribal development; help to the poor
7	Drinking water; sewerage; garbage cleaning
8	Roads; drains; sanitation
9	Drinking water supply; roads; sewerage
10	To improve roads, and health services, and environment

Table. 10 **Services Consistent with Human Rights (Burdwan Municipality)**

<b>Interviewees</b>	<b>Services to Ensure Human Rights</b>
1	To help the poor and deprived; old age Pension for the poor
2	Public health; drinking water; protection of human dignity; clean environment
3	To protect dignity of women; sanitation for protecting human dignity
4	Protection to women; to deliver municipal services properly; to arrange for self-employment schemes
5	Drinking water; equity in the municipal Areas; electricity supply to citizens
6	Old age pension for the poor; housing for the poor;
7	To maintain peace and tranquil; to create Conditions for a decent living; to make life easier for the down-trodden; health and child care; women's power development
8	To ensure rights of the working people; slums development; to protect dignity of women.
9	Right to health; to lessen gender discrimination; universal education
10	To improve environment; education for the Illiterate adults; to improve public health care

Table. 11 **Methods/Factors in Delivery of Services (Burdwan Municipality)**

<b>Interviewees</b>	<b>Methods/ Factors</b>
1	Ward Committees
2	No answer
3	Nagarik Committee; Ward Committees; and party committees
4	Works done according to priority; Nagarik Committees; Ward Committees
5	Ward Committees
6	Ward and Nagarik Committees
7	Has not answered
8	Nagarik and Ward Committees, and party Committees
9	Ward Committees; AIDWA; DYFI; CPI-M
10.	Ward Committees and Nagarik Committees