

GOVERNANCE, DEVELOPMENT AND PANCHAYATI RAJ: SOME THEORETICAL IMPLICATIONS

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Abstract

The 73rd Amendment to the Constitution in 1993 was a landmark in the history of India. It brought democratic decentralisation at the grassroots to strengthen the roots of democracy in the villages. As a Constitutional mandate of decentralisation of power, it provided an opportunity for the socially excluded groups – particularly the Scheduled Castes (SC), Scheduled Tribes (ST) and women – to participate in the multi-federal institutions –the panchayats under the Panchayati Raj Institutions (PRIs). These grassroots institutions of local self-governance have come into existence with an obligation to ensure the empowerment of these groups excluded for centuries from the conventional socio-economic, cultural and political processes. Panchayati Raj is the re-experiment to bring democracy and democratic decentralised planning and strengthen its root in the villages of this country.

After two decades of PRI experiment, it is high time that we examined it with appropriate perspective and the complexities and inherent paradoxes involved in materialising democratic decentralisation through PRIs. The Panchayati Raj system has constitutional protection and sanctity, however, its development as organised institutions have been uneven across the different states, depending upon the political will of respective state governments. Since the British period, these institutions became the instrument of the ruling elite and, remained more or less; continue as caste panchayat still date.

Decentralisation through people's participation from election to planning to decision-making to implementation and availing the end result is the basic framework of Panchayati Raj. While social justice and empowerment of weaker section is the soul of this system, transparency and accountability are the tools to strengthen it. This paper examines the theoretical implications in practice particularly from the prism of oppressed and marginalised sections.

Keywords: Decentralisation, Development, Grassroot Democracy, Caste, Power

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Introduction

Democracy is considered as one of the best forms of the governance, which ensures and promotes the basic human values and rights such as justice, equality, liberty and fraternity. For Aristotle, freedom is the underlying principle of democracy and only in a democracy the citizens can have a share in freedom. There are two main aspects of freedom: (1) being ruled and ruling in turn, since everyone is equal according to number, not merit, and; (2) to be able to live as one pleases.¹

Participation and sharing of material and spiritual values is the core of governance in any democracy. Governance, as a concept, is as old as civilisation; evolving, growing and developing itself according to time and space. It is the process of decision making and the process by which decisions are implemented.² Good governance has become the buzzword in our day to day affairs. In order to institutionalise participatory democracy and decentralise planning (GoI 2011), many countries have given adequate attention towards decentralising governance. Contemporary debate on decentralisation has revolved around three important issues; issues of historicity, expanding democratic spaces, and inclusive growth vis-à-vis inclusive politics of socially neglected categories. Many developing countries witnessed the process of decentralisation, especially after 1980s, as part of policy prescription advocated by global agencies. Chile, Bolivia, Republic of Guinea Bissau, Mali and Niger are a few countries to name. However, there was no consensus as to whether granting too much power to the grass roots institutions would help in shifting the power politics from above to the lower level (Mahesh 2010).

From time immemorial, Indian polity has recognised the ‘*gram sabha*’ or ‘*janapads*’ (village councils), as the basic unit of the government. With the advance of imperialistic invasions, the powers and functions of the village units were curtailed or abolished and the executive or judicial functions were more or less centralised; and village organisation remain to function as a ‘Caste Panchayats’. The 73rd Amendment to the Constitution brought democratic decentralisation of planning at the grass roots level to strengthen the roots of democracy in the villages. As a Constitutional mandate of decentralisation of power, it provided an opportunity for the socially excluded groups – particularly the Scheduled Castes (SC), Scheduled Tribes (ST) and women – to participate in the multi-federal institutions. This constitutes the three tier Panchayati Raj Institutions (PRIs). Panchayati Raj is a re-experiment to bring democratic

¹Democracy in the Politics of Aristotle. See references

² UNESCAP. See references

decentralised planning and PRIs have come into existence with an obligation to ensure the participation and empowerment of these groups, excluded for centuries from the conventional socio-economic, cultural and political processes.

Though the term ‘Panchayati Raj’ was coined by Jawaharlal Nehru, it was the idea and the dream of Gandhi’s ‘*gram swaraj*’ (village autonomy), who visualised these autonomous villages as a self-sufficient, self-reliant and little republic. He portrayed the ‘gram panchayat’ as the ideal unit to uphold India’s democracy. He observed that ‘*I have not pictured a poverty-stricken India containing ignorant millions. Establish gram swaraj make each village self-governing and self-contained as regards to the essential needs of its inhabitants for food and cloth*’ (Jain 2005). He portrayed this system as an arena for transforming an unequal local society into democratic community. But, this ideal concept of *gram swaraj* can only be possible in an egalitarian society (Sanilkumar 2001).

Ambedkar was strongly against giving power to village panchayats. He observed during the debates in the Constituent Assembly on November 4, 1948 that ‘I hold that these village republics have been the ruination of India... What is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism? I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit’ (Mathew 1995; Baviskar and Mathew 2009; Mishra 2010). Ambedkar adhered to the view that panchayats were a vehicle for elite dominance not rural emancipation as Gandhi held (Robinson 2005). Even Nehru, the first Prime Minister of India, had the same opinion and conveyed the same to Gandhi in a reply to his letter. He wrote that ‘I do not understand why a village should necessarily embody truth and non-violence. A village, normally speaking, is backward intellectually and culturally, and no progress can be made from a backward environment. Narrow minded people are more likely to be untruthful and violent’ (Baviskar and Mathew 2009; Tendulkar 1953). Despite the strong disagreement with Gandhi, Ambedkar had to accommodate the provision regarding panchayats in the Constitution.

Historical Evolution and Institutionalisation of Panchayati Raj

Early Traced in Indian History

India has a long history of ‘government by discussion’³ and the evidence can be traced dates back to *Vedic* periods in the form of ‘*Sabha*’ (Councils of assemblies) and ‘*Gramins*’ (senior

³LokrajAndolan. See references.

person of the village). But it flourished during Buddha's time. The decisions of governance were taken in the assemblies, called 'Sangh', and it was respected by the king too. Even SiddharthGautam had to leave and was sentenced to exile after a motion was passed against him, for disobeying the decision of the *sangh*, over the dispute of sharing water of Rohiniriver. Though the rulers were not elected that time but they had to follow the decision taken by the *sangh*.

In the course of time these bodies took forms of 'village panchayats' and lost its prestige and power until the end of Medieval and Mughal periods. Till then, they had been pivot of administration, the centre of social life, and above all, a focus of social solidarity (Mathew 2000). The local self-government of present day began with the establishment of Madras City Corporation in 1687. Sir Charles Metcalfe, the Provisional Governor General of India, had called them 'the little republics'. It is the creation of British Rule with a sense of an accountable representative institution, to which Mayo and Lord Ripon (Ripon's resolution of 1882) later provided the much-needed democratic framework to these institutions. The Government of India Act, 1935 provided it the provincial autonomy.

The Dichotomy of Caste and Self-Rule

Caste as an institution has remained the lifeline of Indian social fabric since time immemorial. There exists the question of self-rule in a caste ridden society like that of the Indian, where the dominant forces would probably take and make decisions to favour the dominant castes. With the caste-ridden feudal structure at the village level, these institutions were not remained ideal institutions where every section of the society can participate democratically⁴ (Singh and Choudhary 2013; Mathew G and Mathew A 2003). But, still Gandhi emphasised on giving powers to these institutions and succeeded in incorporating it in the Constitution under Article 40 under the Directive Principles of State Policy. Consequently, the uniform three-tier pattern and to organise panchayats have been left to the discretion of the states.

The Panchayati Raj Act

The new Panchayati Raj system, based on the recommendation of BalwantRai Mehta Report, had failed to empower the marginalised communities, provided nominal share in the power structure through co-option. During the period from the 1960s to 1980s, practical politics undermined the PRIs and political power became more centralised (Widmalm 2005). Rajiv

⁴Decentralisation and local governance in India. See references.

Gandhi failed to provide adequate representation through 64th Constitutional Amendment Bill, but his efforts to provide reservation to the weaker sections got realised in 1992, when the later government passed the 73rd Amendment Bill. It became an Act in 1993 and started implementation from 1994 (Singh 2014; Mathew 1995).

With this we have 598 district panchayats, 6568 intermediate (block) panchayats and 240028 village panchayats to govern rural India.⁵ The 1993 Act provided the legislative framework for the introduction of a three-tier system of elected councils at district, block or tehsil and village level. The incorporated Twelfth Schedule covers a broad range of rural development functions necessary to enable panchayats to function as institutions of self-governance (Robinson 2005; Aiyar 2005).

The affirmative action provisions distinguish them from earlier decentralisation efforts. The Act has created space for SC, ST and women providing reservations on the regular rotation basis, as determined by the state election commission. One third of total seats are reserved for women candidates. SCs and STs are allocated reserve seats in proportion to the population, and women one-third of these (Agrawal 2012; Robinson 2005). Similarly, various states have also made provisions for the reservation for the Other Backward Castes (OBC)⁶ category. However, exclusion is clearly visible in every sphere of activities of the PRIs. It is visible even when the Constitution has empowered the panchayats, with the powers, authority and responsibility under Article 243 (G) and 243 (W) to prepare the plans and implementation of schemes for economic development and social justice, and inclusive development of weaker sections (Baviskar and Mathew 2009).

The Philosophy of Panchayati Raj

Gandhi believed that democracy could be ensured only through the ‘*Gram Swaraj*’ with people’s participation. He visualised gram swaraj as a village, which is a complete republic, independent of its neighbours for its own vital wants and yet interdependent for many others in which dependence is a necessity (Gandhi 2014). The affairs of the village would be done by the people themselves through elected representatives and decision would be taken unanimously by gram sabha of the village. He believed that true swaraj cannot be achieved by power to a few people. People should have the capacity to prevent misuse of power.

⁵ GoI, Ministry of Panchayati Raj. See references.

⁶ OBC is yet another conglomerated group of backward castes in India. During ancient period they were clubbed under the category of Shudras – the fourth Varna within the four-fold caste system.

They should also have the capacity to get hold of power and regulate it. But how to give power to the people has been an issue of concern and debate in the country.

After independence, India assumed the role of 'welfare state' and many of the functions were included in the 'state list'; including education, health and family welfare, transport, social security, poverty alleviation and employment generation, agriculture extension, animal husbandry, irrigation and power, rural development and so on the list goes. Many new departments were created to implement these programmes and schemes, but development did not reach to rural areas. It became very essential for the state to decentralise its powers, in sense of planning and implementation in addition to social service functions and building their competencies, so that they can bear the fruits of development.

Accordingly, the new Act created an opportunity for socially excluded groups to share and participate at the grass roots democracy. The PRIs are entrusted with sufficient powers and functions, and with powers to collect taxes, as resources, at the local level to make them institutions of self-government. Giving power to people, to plan and implement programmes with the consensus and in cooperation of the people, to awaken collective consciousness of the masses by giving them the feeling of participation, to bring transformation by strengthening gram sabha through elected representatives, and through integrated approach are the basic underlying principles of Panchayati Raj (Joshi and Narwani 2002). These principles have universal value and have strength to transform rural polity into concrete reality of gram swaraj.

Theoretical Implications and Concerns

According to Mill (1861), 'the best form of government for a people is the one that best achieves two goals: first, improving the virtue and intelligence of the people under its jurisdiction, and second, organising such good qualities of the people to promote as far as possible the long-run common good (the legitimate purposes of government).' Democracy, as a system of governance, is based on egalitarian principles, which provides and protects the equality and freedom of citizen's; both have been identified as important characteristics of democracy since ancient times. Mill further noted that 'the pure idea of democracy, according to its definition, is the government of the whole people by the whole people,⁷ equally represented.' But in practice it is the government by a majority people, exclusively represented

⁷ This is identical with a phrase of Abraham Lincoln '... of the people, by the people and for the people'

as of the whole people. It strangely gives the sense of equality of all citizens but in practice it is a government of privileged (who has numerical majority, possess and control power practically and they voice in the state). In nutshell 'there is not equal government, but a government of inequality and privilege, contrary to principles of democracy, which professes equality as its very root and foundation.' Though, democracy is not only a rule of majority people, John Rawls believes, it is also to ensure the justice to the minority. The new Panchayati Raj system is based on these principles.

It is now more than two decades since the 73rd Constitutional Amendment came into effect. It is high time that we examined it with appropriate perspective and the complexities and inherent paradoxes involved in materialising democratic decentralisation through PRIs. The Panchayati Raj system has constitutional protection and sanctity, however, its development as an organised institution has been uneven across the different states, depending upon the political will of successive state governments. Since the British period, these institutions became the instrument of the ruling elite and, remained more or less, continue as 'caste panchayats' in most of the states. Ex-Panchayati Raj Minister Mani Shankar Aiyer (2005) believes that 'the reformers regard Panchayati Raj as being as irrelevant to their purposes as the people regard reforms as being irrelevant to their lives'. Decentralisation, through people's participation from election to planning and in decision making processes, is the basic framework of Panchayati Raj. While social justice and empowerment of weaker section is the soul of this system, transparency and accountability are the tools to strengthen it. In this section, we will examine the Panchayati Raj system from this perspective.

The Question of People's Participation

Social Status and Domineering Power

'Panch' or 'panch-parmeshwar', in ancient time, are similar to elected representatives of a panchayat in modern time. Earlier they used to get nominated or selected from the elderly and respected people of the community or village. However, this basic criterion of becoming 'panch' (based on one's social status or position) has been disproved by the Indian Constitution. Now they have to contest and have to get elected through secret ballot voting system.

The Constitution has given every individual, equal right to contest and universal franchise, free from fear and in fair manner. But in spirit, participation in panchayat elections, either for contesting or for voting, is not free, fair and independent. The State Election Commission

is responsible for holding elections once in every five year. In all the states, the panchayat elections happened regularly. Even if any PRI is dissolved for any reason, elections must be held within six months. In many cases in the panchayat elections, only seats are transferred from one family member to another of same caste person (Patil 2009), unless the seat is reserved and that family continue to enjoy power and dominates the panchayat.

Dalits, Women and Participatory Space

In panchayats, women are generally subject to all forms of discrimination, Dalits are specifically subject to abject discrimination (Buch 2005). Participation (as a voter as well as contestor) directly with other upper caste members in the panchayat, is a new experience for these socially excluded groups under this new system, which gave them some sense of empowerment. Since, the election is a number game it is difficult for everyone to manage minimum votes to win the election. Traditional village elites, with the influence of money and muscle power dominate the elections, even in reserved seats⁸ and caste plays a key role. When the seats are constitutionally reserved for women (open category), dominant elite makes sure that women from their family must contest and win the election to keep the powers in their hands. When it comes to the seats of socially backward communities, they always supported the weakest candidate to keep him or her under their dominance and obligation, so that they can rule the panchayats, whosoever may the sarpanch be. They use money and muscle power to win the elections. The other candidates win only when factionalism is very acute within the dominant castes (Singh 2006). When any independent candidate wins against them, who is not under their control, they will not allow him or her to function independently.

They will always try to defame and demoralise them by bringing no confidence motion or making issues relating to their functional capability. Even now, the women headed panchayats are branded as '*pati-panchayats*' (husband led panchayats). But, all kinds of fissures and fragmentation, representation of the Dalits and Adivasis has provided self-confidence, which has enable them to assert against upper-caste, patriarchal domination and oppression (Pai 2005) due to enhanced educational status, social movements and mostly due to inspiration from Ambedkar (Baviskar 2009).

Election versus Selection

⁸ For detail case studies see Baviskar (2009) and Patil (2009)

In an interview, Anna Hazare (Sharma 2006) said that ‘in the gram sabha, representatives to the panchayat as well as of the cooperative societies are nominated. Elections were not allowed here, as they bring party politics and divide the people. Electioneering also destroys the unity in the village’. In many villages, like Hazare’s one – Ralegan Siddhi, people’s representatives are selected through mutual consensus without a direct election. The elections did not happen since there was no opposition and the sole candidate was declared the winner.

These are only a few examples to cite (Baviskar and Mathew 2009; Patil 2009; Sharma 2006) in which elections are compromised in the name of so called ‘consensus’. Such models are conveyed as model democratic system. Dominant, powerful elites do so to maintain their hegemony and dominance in the villages. There are numerous examples where single family and/or single caste is dominating the local panchayats for decades, and on rotation/reservation, through puppet leaders (Patil 2009). In fact, this nomination/selection of representative is a traditional caste based hierarchical system of ruling, and theoretically, is against the principle and spirit of democracy.

Disfunctioning of Gram Sabha and the space of the Marginalised

Gram Sabha, the soul of Panchayati Raj, ideally provides a political platform for the people to ensure transparency and accountability in governance, where all decisions are made based on common consensus. Gram Sabhas are not taken seriously by the functionaries of the panchayats and even not properly organised. In a mixed panchayat, socially marginalised groups like Dalits, Adivasis and most backward classes are categorically excluded from planning, decision making and implementation process. Such groups are only permitted to follow the commands of the dominant castes. Women from both lower and upper caste are never consulted while preparing the agenda of the gram sabha. This seems to be the common case in many villages that comes under fifth schedule where Panchayat Extension to Scheduled Area (PESA) Act is in place. People are therefore reluctant to attend the same, majority of them are women, where they do not have any democratic space in the highest institution of democracy.

In most of the villages Gram Sabhas are organised only as a formality. Even in most of the panchayats these are hardly organised. These days in some areas a new system of fixing the agenda, recording the discussion, taking decisions, and noting resolutions are mostly done by a caucus. Once this is done the register is taken to every house in the village and the signatures of the villagers are taken. This is yet another format of organising the gram sabha in recent

times. Such exercises are done for the sake of showing the existence of gram sabha. The same happens with the panchayat meetings.

Another problem is that of agenda. In no panchayat the agenda is fixed by the village people. It is either prefixed by the government authorities or else by the dominant caste group in any particular village. Few powerful upper caste families dominated the village politics and people rarely resist and confront them due to high dependency on them for day to day needs. Village plans are also made by few without consulting others. People's participation is remains only on papers.

Empowerment and Development of weaker section in Panchayati Raj

An Alternative Model

Inequality is one of the biggest challenges faced by governments across the rural areas in India while discussing and debating on development questions. The Indian growth story has been full of exclusion and gap between rich and poor, which is widening at unprecedented rates. Participatory development has emerged as an alternative paradigm as a result of consistent criticism of the dominant models of development. In growth centred economies, even in welfare state such as India, the trickle down effects of economic growth and improved GDP failed to bring socio-economic change in the lives of impoverished and deprived sections of the society.

The worldwide discontent generated by development models forced to adopt the alternative models. The people's centred planning and decision making, the core principle of decentralisation, is the result of that process. The alternative paradigm of development necessitates the creation of pressure from bottom which can enable them to participate actively in planning, involve them in execution and monitoring and distribute resources more equitably (Joshi and Narwani 2002).

Limits of Reservation

Reservation has certainly enabled the socially excluded sections in getting adequate representation, however, this enhanced representation has not translated into the enhancement of the empowerment and development significantly (Singh 2006; Robinson 2005). Since independence, government was in need for an agency which represents the government and same time is nearer to the people to fulfil the role of welfare state; and PRIs have fulfilled

this gap. This design of PRI certain includes the historically weaker section like Dalits, Adivasis and Women, however, by default it fell off on various counts. By virtue of reservations, they could attain space as elected representative, however could never function independently. Another limitation is that reservation as a means could help an individual to attain certain representation, but to ensure the development of his/her fellow marginalised section is beyond his reach. In other terms the social groups that enter PRI spheres as 'reserved category' remain the 'unreserved category' in terms of development as a whole. This reservation as a mechanism to ensure representation has certainly succeeded but failed on development fronts as the centrality of decision making rests with the groups that hold the social power.

The Rural Development Programmes

Almost all the rural development programmes (also DRDA⁹) are being implemented through the PRIs from 1959 and they remained only as an executing agency. Since then the panchayats got direct grants under JGSY/SGRY¹⁰ for infrastructure development. Later the focus was on employment generation aiming towards poverty alleviation. Even after getting the constitutional status, the panchayats are treated as recommendatory and advisory bodies by upper bodies and gram sabhas are kept involved mostly in identification of beneficiaries under various schemes (Joshi and Narwani 2002). The identification process had the lacuna of favouritism, nepotism and caste narcissism and in result the benefits of these schemes mostly went to the same dominant sections who were already in control of power. Only very few members from the oppressed Dalits and marginalised Adivasis could access these benefits. Once again, in this process, marginalised groups remain neglected and excluded.

Both technically as well as practically, panchayats as beneficiary identification bodies have had limited autonomy and local bureaucracy generally resistance to ceding power to elected representatives. Since constitutional reforms, the processes of deepening democracy and advancing development through these local bodies have received less concerted attention from government officials (Robinson 2005). Half-hearted efforts are being made to empower the gram sabha to involve the people in decentralised planning with meagre funds and sanctioning power at different levels. The PRIs failed to vouchsafe the development needs

⁹ District Rural Development Agency (DRDA) from 1978.

¹⁰ Jawahar Gram Smridhi Yojana (JGSY) renamed as Sampooran Gramin Rozgar Yojana (SGRY) in 2002.

and remained short at empowering them except for providing them with the number game. In most of the cases, the panchayats have even failed to generate a list of need based assessment.

The Gandhi-Ambedkar debate

Any debate, may it be on theoretical implications or practical application of Panchayati Raj in India would be incomplete without addressing the ideological and socio-political dichotomy between Gandhi and Ambedkar. Indian society is historically a caste dominated society and has its own inbuilt power dynamics. In reality, the political economy of caste along with patriarchy, governs the Indian social system. The idea of ‘gram swaraj’ is based on Gandhi’s sentiment, greatly influenced from the freedom struggle and he wants to begin it from the bottom. Therefore he wanted to see every Indian village as a republic. His idea stands on his personal sentiments and democratic village republics of ancient time. However he failed to acknowledge that rural society is governed by dominant caste the society, who claims their origin from a higher race. The debate between Gandhi and Ambedkar, is centred on these grounds.

Ambedkar was a staunch believer in democracy, where he focussed more on social democracy of free inter-exchange and interaction than the existence of political democracy. He believed that political democracy by force may not last long unless social democracy is established among the different social groups. His ideal was core to the principles of democracy but he did not see hope in transforming caste ridden rural society. He saw rural panchayats as institutions of oppression and inequality (Mishra 2010). For him, giving power to panchayats is giving power to caste elites only. His disbelief in the idea of ‘gram swaraj’ was based on the multiple conditions of the untouchables including social, economic, political and cultural. He believed that unless educated classes with wisdom are able to freely interact with each other, grassroots democracy would only be an eye washer in the name of panchayat and panch-parmeshwar. This realisation of Ambedkar seems to be much closer to the current day reality in rural areas, particularly after the Constitutional amendment of the Act.

Gandhi never recognised that the caste system is a problem rather admired it as a social system of regulating and controlling the Hindu religion. He had very little experience of acute and intrinsic dynamics of rural society. It is because his family was town based and he never experienced a first-hand harsh reality of rural life either in childhood or in adulthood. He turned to the village in adult life after he had formed a view of the world in which the

villagehood for the core values of Indian civilisation (Mishra 2010). Ambedkar bluntly and unsentimentally argued in Assembly that ‘Indian villages were devoid of equality, liberty and fraternity, and hence of democracy, it is the very negation of republic. If it is a republic, it is a republic of Touchables, by the Touchables and for the Touchables. The republic is an empire of the Hindus over the untouchables’ (Mishra 2010).

To Conclude

There could be multiple levels of discussions, debates, deliberations and arguments on the theoretical and practical implication on Panchayati Raj. This paper attempted to place the greatest dichotomy of Indian reality where a long run social system dominates all spaces and rights of others under whatever context. The way caste generated the power dynamics in India for centuries, no one wants to lose his social position, by giving up or even sharing the power. Dominant elites are ruling and controlling the society by capturing ownership over land and other resources. And this was made possible only through social stratification based on caste. Until we do not change caste based social order, there is no hope for Gandhi's dream of democratic through self-rule – the ‘gram swaraj’. If the current pattern continues, it would remain as the same where one set of people would rule the remaining, where the rulers would always be the dominant set as per socio-political and economic standards.

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