

## 1. How far does the 73rd Constitutional Amendment succeed in fulfilling the potential of local self-governance?

### Introduction

The 73rd Constitutional Amendment Act of 1992 was a landmark reform aimed at empowering rural local bodies, or Panchayats, by granting them constitutional status. This amendment sought to promote democratic decentralization and enhance local self-governance in India.

### Success of the 73rd Constitutional Amendment:

#### 1. Decentralization of Power

- The 73rd Amendment Act decentralized power by granting constitutional status to Panchayati Raj Institutions (PRIs), enabling them to govern local matters and make decisions that reflect the needs of their communities.
- Example: Article 243G article empowers PRIs to function as institutions of self-government, allowing them to prepare and implement plans for economic development and social justice.

#### 2. Increased Participation

- **Explanation:** The Amendment mandated reservations for women, Scheduled Castes (SCs), and Scheduled Tribes (STs) in PRIs, leading to increased political participation from marginalized communities.
- **Example:** As of 2021, approximately 1.4 million women hold positions in PRIs, making India one of the countries with the highest representation of women in local governance.

#### 3. Regular Elections

- The Act ensures the regular conduct of elections to Panchayats every five years, strengthening democratic processes at the grassroots level.
- Example: Since the implementation of the 73rd Amendment, Panchayat elections have been regularly held in most states, with participation rates often exceeding 70%.

#### 4. Autonomy in Governance

- PRIs were empowered to prepare and implement plans for economic development and social justice, giving them greater autonomy in governance.
- Example: States like Kerala, which have implemented the decentralized planning process effectively, have seen significant improvements in human development indicators.

#### 5. Improved Service Delivery

- Decentralized governance under the 73rd Amendment has led to improved delivery of public services such as water supply, sanitation, health, and education in rural areas.
- Example: FDR report on local government show that states with empowered PRIs, such as Karnataka and West Bengal, have better health and sanitation outcomes.

#### 6. Creation of State Finance Commissions

- The Amendment mandated the establishment of State Finance Commissions to ensure the financial viability of PRIs, enabling them to function effectively.
- Example: Article 243-I article provides for the establishment of State Finance Commissions, which recommend measures to improve the financial status of PRIs.

## 7. Promotion of Accountability

- The Amendment introduced mechanisms like social audits and Gram Sabhas, empowering citizens to hold their local representatives accountable.

### Lacunae of the 73rd Constitutional Amendment:

**1. Limited Devolution of Powers:** Despite constitutional provisions, many states have been reluctant to devolve substantial powers and functions to Panchayats.

**Example:** Inadequate transfer of funds and functions related to 29 subjects, as observed in states like Uttar Pradesh and Bihar.

**2. Financial Dependence:** Panchayats often remain financially dependent on state and central grants, limiting their autonomy.

**Example:** Delay in the release of funds from centrally sponsored schemes like MGNREGA.

**3. Capacity Building:** Lack of adequate training and capacity-building initiatives for Panchayat members hampers effective governance.

**4. Political Interference:** Excessive control by state governments and political interference undermine the autonomy of Panchayats.

**Example:** In Telangana, the state government dissolved the Dubbaka Panchayat prematurely in 2019 and appointed a special officer to oversee its administration.

**5. Accountability Issues:** Weak accountability mechanisms and insufficient public participation in decision-making processes.

**Example:** A study by PRIA in 2019 found that less than 25% of the rural population in Telangana actively participated in Gram Sabha meetings, indicating a low level of public engagement in local governance.

## Conclusion

The 73rd Constitutional Amendment has reinforced grassroots democracy by decentralizing power to the village level, thereby enabling participatory governance. It has transformed local bodies into "schools of democracy," fostering political awareness, leadership skills, and civic responsibility among the rural populace.

## 2. "Examine the crucial role of constitutional bodies such as State Election Commissions and Finance Commissions in enhancing local governance, with specific reference to their functions and the challenges they face."

### Introduction

Constitutional bodies like State Election Commissions (SECs) and Finance Commissions (FCs) play a pivotal role in strengthening local governance in India. They ensure democratic decentralization, financial autonomy, and effective functioning of local self-governments, such as Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs). Their functions and challenges are critical to understanding their impact on grassroots democracy.

### 1. State Election Commissions (SECs)

#### Functions:

- **Conducting Elections:** SECs are responsible for conducting free and fair elections to PRIs and ULBs, as mandated under Article 243K of the Constitution. This ensures that local governments are democratically elected and representative of the people.
- **Delimitation of Constituencies:** They oversee the delimitation of constituencies and prepare electoral rolls for local body elections.
- **Ensuring Accountability:** By ensuring regular elections, SECs promote accountability and transparency in local governance. In Kerala, the State Election Commission has been praised for its efficient conduct of local body elections, ensuring high voter participation and transparency.

#### Challenges:

- **Political Interference:** SECs often face pressure from state governments, which can undermine their independence. However, in West Bengal, allegations of political interference in the functioning of the SEC have raised concerns about the fairness of local elections.
- **Resource Constraints:** Limited financial and administrative resources can hinder their ability to conduct elections efficiently.

- **Low Voter Turnout:** In many states, voter turnout in local elections is low, reflecting a lack of awareness or interest in local governance.

## 2. Finance Commissions (FCs)

### Functions:

- **Resource Allocation:** FCs, particularly the State Finance Commissions (SFCs), recommend the distribution of financial resources between the state government and local bodies, as per Article 243I and Article 243Y of the Constitution. The 14th Finance Commission (2015-2020) significantly increased the devolution of funds to local bodies, empowering them to undertake developmental activities.
- **Grants-in-Aid:** They suggest measures to improve the financial health of PRIs and ULBs by recommending grants-in-aid from the state's consolidated fund. In Karnataka, the SFC has been instrumental in ensuring timely devolution of funds to PRIs, leading to improved local governance.
- **Fiscal Decentralization:** FCs promote fiscal decentralization by ensuring that local bodies have adequate funds to perform their functions effectively.

### Challenges:

- **Delay in Implementation:** Recommendations of SFCs are often delayed or ignored by state governments, affecting the financial autonomy of local bodies. However, in Uttar Pradesh, the recommendations of the SFC have often been delayed, affecting the financial stability of local bodies.
- **Inadequate Devolution:** Many states do not devolve sufficient funds or functions to local bodies, limiting their effectiveness.
- **Lack of Expertise:** SFCs sometimes lack the technical expertise to assess the financial needs of local bodies accurately.

### Conclusion:

State Election Commissions and Finance Commissions are indispensable for strengthening local governance. While SECs ensure democratic representation through free and fair elections, FCs provide the financial backbone for local bodies to function effectively. However, challenges such as political interference, inadequate devolution of funds, and resource constraints need to be addressed to fully realize their potential. Examples from states like Kerala and Karnataka demonstrate the positive impact of these bodies, while issues in states like West Bengal and Uttar Pradesh highlight the need for reforms. By addressing these challenges, India can achieve true grassroots democracy and effective local governance.