



## Decentralisation and the Strengthening of the State: A Case Study of the Province of Bihar

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### Abstract

This paper seeks to study a case of Panchayati Raj Institutions of the province of Bihar in general and Nawada district of Bihar in particular. The qualitative and quantitative methods have been used to study it. This paper delineates the dynamics of decentralisation and the shortcomings of the functioning of *Panchayats* in the province of Bihar, and it further argues that democratic and substantive decentralisation can really strengthen the institution of state. A state consists of people. If we empower the people by giving easy access to services at the local level by decentralising the power of the state, which is by and large populous and larger in geographical size, accompanied with proper election management and voters' education for a free and fair election, the state will in turn get stronger.

**Keywords:** Election Management, PRIs, State, Substantive Decentralisation, Voters' education.

### Introduction

The idea of decentralisation is at the core of any political system that is geographically large in size, populous, and democratic in nature. The Democratic Republic of India is one such kind of political system that is large in geographical size and populous too. Keeping in view the democratic nature of the Indian political system, the 73<sup>rd</sup> constitutional amendment has been introduced to decentralise the political system and introduce direct democracy at the grassroots level. After passing approximately three decades of this amendment, village panchayats have been, to what extent, able to fulfil the desired goals to establish direct democracy at the local level. If we observe at the micro level, the relevant questions start to come into our minds, like:

- From the functioning point of view, citizens of Panchayat do feel as part and parcel of the institution.
- From the service point of view, have the said services, like primary education, provisioning of roads and drainage, and primary health care facilities at Panchayat been dispensed or not?
- The management of free and fair elections has been established or not?
- The role of family head in individual opinion to vote matters or not?

The study further tries to understand and answer these questions pertaining to panchayats of

Bihar in general and Nawada district in particular. So, to study the panchayat of the province of Bihar, accompanied by keeping in view the ethical aspects involved therein, the political behaviour of voters has been analysed through questions pertaining to the functioning of the panchayat, the process of the election, the services provided at the panchayat, and the management of the election.

### History of Bihar Panchayat:

Panchayats have been multi-tasking bodies since antiquity, performing political, economic, and judicial functions. As a village institution, they acted as a catalyst for sociopolitical and socioeconomic developments, and the people abided by their rulings as a judicial body. However, later, with the arrival of the British and the imposition of a centralised administrative system, they undermined the status and legitimacy of panchayats. The panchayat for the village of India is of paramount importance, so for the province of Bihar. Keeping the importance of Panchayat in mind, the province of Bihar has started to work on this. This was the reason that just after the independence, Bihar was the first province in the country that introduced the Panchayati Raj in 1948, and regular elections had been conducted till 1978, but later on the Panchayati Raj had been reduced to a defunct state, and for that numerous factors were responsible (Bharati, 1989). Though amendments have been made to the provisions of Panchayati Raj introduced in 1948 in line with the recommendations of the Balwant Rai Mehta Committee in 1959, the consequence of this amendment was the introduction of a three tier Panchayat Raj system, i.e., village panchayat at village level, panchayat smiti at block level, and zila Parishad at district level. Since the grant of constitutional status to Panchayati Raj Institutions, the regular election has started to take place.

### The Panchayat of Bihar after the 73rd Constitutional Amendment:

The Bihar legislative assembly has passed the Bihar Panchayat Act to implement the provisions of **the 73rd** constitutional amendment act in the province of Bihar. The provisions under **the 73rd** constitutional amendment act provide reservation of seats for marginalised sections of society like SCs, STs, and women; not less than 1/3<sup>rd</sup> (the reserved seats for women of SCs and STs included) of the total number of seats reserved for women, and these reserved seats may be allotted in rotation in different constituencies thereon. But, under the Bihar Panchayat Act, the reserved seats for women are 50% of total seats, accompanied by the provision of up to an extent of 20% reservation of seats for Extremely Backward Classes.

To understand the present condition of village Panchayat of Bihar, a micro-survey has been conducted in different village Panchayats of Bihar, and primary data has been collected from 60 respondents in online and offline mode accompanied by personal visits to observe the villages, where questions and observations have been based on political literacy, political process, a few basic services like government primary health care, government primary school, road and drainage conditions, voting behaviour, and political culture.

**Table: 01**

#### Questions asked to the People about Process of Gram Panchayat Election:

| S I .<br>No. | Questions   | Responses  |
|--------------|---|--|
| 01.          | For how many posts, EVMs (Electronic Voting Machines) are being used in Bihar Panchayat Election 2021 | Approx. 51% 'Do not know', 34% replied correctly and 15% incorrectly |

|    |  |  |
|----|--|--|
| 02 | For how many posts, Bihar Panchayat Election 2021 have been conducted                          | Approx. 69 % replied 'Do not know'   |
| 03 | Before voting your bio-metric verification has been done if election is over in your Panchayat | Approx. 22 % voters have been verified, Approx. 15 % do not know, Approx. 17% has not been verified and approx. 46% responders said election yet to be held. |

The first and most important question for any democratic political system is the voting process; so is for the ongoing Bihar Panchayat election 2021, where EVMs have been introduced for the first time for four posts and ballot paper for two remaining posts. To cast a vote on an EVM is not new for voters, but there have been ambiguities among the voters due to the availability of both EVMs and ballot boxes at polling booths and the number of symbols of different candidates on four EVMs and two ballot papers, unlike in Vidhan Sabha and Lok Sabha elections, where symbols have been based on party lines, which used to be known among the majority of voters. Though remembering the number of symbols for voters in the Panchayat election was an issue earlier, during this election, keeping ballot papers and EVMs together has aggravated the problem of voters.

In the survey, it has been found that approximately 34% of literate respondents and voters knew that for how many posts EVMs have been used, and 69 % of respondents do not know how many posts there are in the panchayat election. It is quite obvious that either they have not been interested in the Panchayat election or know about it. So, there should be uniform tools for voting for all six posts and a state-sponsored awareness campaign programme to be organised at panchayats by the State Election Commission of Bihar pertaining to the election process accompanied with encouragement of youth participation in such activities as the Systematic Voters' Education and Electoral Participation Programme, better known as *SVEEP*, which is the flagship program of the Election Commission of India for voter education. For the first time, *biometric verification* has been introduced in the panchayat election of Bihar to stop bogus voting, but , due to lack of awareness and network and power supply issues , it has not been operational at many places, and as per the survey, the purpose for which it has been introduced is not successful. To make it successful, it should be incorporated with the polling party instead of a separate entity or agency.

From the above analysis, voting is the only way that most panchayat citizens are involved in politics. The lack of knowledge among panchayat members about their roles and responsibilities, along with the daily tasks that go along with them, makes people even less interested in panchayats (Aiyar, 2006). The persistence of lack of interest and unawareness in activities of Gram Sabha except voting function by the citizens have been impacting the province of Bihar at large because approx. 97 % area of Bihar is still rural, and this is a type of "parochial political culture (Almond & Verba, 1963).

**Table: 02**

**Questions Pertaining to Services Provided at Panchayat:**

| S I . No. | Questions  | Responses   |
|-----------|--|---|
| 01        | How is the Condition of road and drainage in your Panchayat              | Approx. 68% replied 'Good' and approx. 32% replied 'Bad'.             |
| 02        | The government primary health care facility is available in your village | Approx. 23% 'Yes', approx. 59% 'No' and approx. 17% in bad condition. |

|    |   |   |
|----|---|---|
| 03 | How is the condition of education facility of primary government school in your village | Approx. 36% 'Good', 56% 'Bad' and 8% facility not available |
|----|---|---|

In the survey, approx. 68% of voters have responded that the condition of roads and drainage is good and it can further be improved if maintenance services are provided during the period for which roads and drainage have been made. The primary health care facility provided by the government at panchayat level is very poor, as only 23% of voters replied that there is such a facility, 59% replied that there is no such facility, and others replied that it is in bad condition. A common school system that provides an equitable access to quality education to every child irrespective of their different identities like caste, creed, community, language, gender, and socio-economic status where minimum infrastructure like land and buildings; well furnished class rooms; drinking water and toilets; playgrounds and sports facilities; libraries, laboratories, and teaching aids; easy and other requirements accompanied with trained teachers and conducive teaching and learning environments that are intended for nation-building and the creation of social capital for the country (Dubey, 2007).

When I have personally visited different schools of different panchayats accompanied by responses received during a micro-survey of 60 persons from different districts of Bihar, what I found are as follows:

- In most of the primary government schools , there are school buildings, for name sake, but without a playground, library, benches, insufficient number of classrooms, and toilets in bad condition.
- The kitchen for a midday meal is either non-functional or in very bad condition.
- In most of the schools , there is no boundary wall or even wire fences.
- It seems that most of the schools have been used for conducting elections and like activities, not for providing educational services.

**Table: 03**

**Questions Pertaining to Voting Behaviour, Reservation Pertaining to Women:**

| SI. No. | Questions  | Responses  |
|---------|--|--|
| 01.     | If you are not head of the family, while voting opinion of head of family matters  | Approx. 57% replied 'Yes' and 43% 'No'.                          |
| 02.     | While casting your vote, which one of the following factors is the most important for you in choosing a candidate in Panchayat election 2021 | Approx. 90% 'Education', approx. 5% 'Caste' and approx. 5% 'Sex' |
| 03.     | There should be reservation for women in Panchayat Election  | Approx. 75% replied 'Yes' and 25% 'No'.                          |

Approx. 57% of voters in panchayat elections have been casting their votes based on the opinion of family heads, which shows a kind of "Vernacular democracy" (Wouters, 2018) in Bihar. Around 90% of voters give preference to candidates who are educated among the available candidates. Under the PRI Act, 1/3<sup>rd</sup> of the seats have been reserved for women, and in the

case of Bihar, it is 50%. This provision intends to bring the women at the front to lead at the panchayat level, and the same intention has been seen among the majority of respondents on the reservation for women, i.e., 75% reservation for women. So, it is a good sign for inclusive democracy, at least at the grassroots level.

**Table: 04**

**Questionnaire Pertaining to Management of Bihar Panchayat Election 2021:**

| S I .<br>No. | Questions   | Yes<br>(%) | No<br>(%) |
|--------------|---|------------|-----------|
| 01.          | There should be basic facility of food and bedding for polling party at booth level to avoid any conflict with locals and to conduct the election free and fair?  | 80         | 20        |
| 02.          | There should be 50 % security forces from CAPF to control any conflict?   | 90         | 10        |
| 03.          | Age of polling party and PCCP (Patrolling-Cum-Collecting Party) Magistrate should not be more than 55 year?   | 70         | 30        |
| 04.          | As an observer, do you think that there should be proper display through banner or TV screen of internal set up and procedure of room where EVMs and Ballot Boxes are kept and casting of vote will take place so that confusion among the voters can be minimized? | 80         | 20        |
| 05.          | There should be 50% women polling agents at booth level?  | 50         | 50        |

When it comes to the management of elections, it is the most important part of electoral politics of any democratic political system, so for the Panchayat election. If, due to mismanagement of the State Election Commission in general and district administration led by the district election officer, i.e., the DM (District Magistrate) of the district in particular, the election would not have been conducted free and fair, then it is a mockery of democracy at large. During the ongoing Panchayat election 2021 of Bihar, responses from ten (10) patrolling magistrates as observers have been collected in questions based on the management part of the election, in which 80% of respondents have replied 'Yes' for provisioning of a "basic food and bedding facility" and "50% security forces from CAPF (Central Armed Police Force)" at booths during polling so that a free and fair election can be conducted.

For "*Display of Procedure to Avoid the Confusion among the Voters at Booth Level*," 80% of respondents replied "Yes." So, it is the responsibility of the SEC (State Election Commission) to provision a replica of the internal setup of the polling room on a banner or TV screen just outside the room so that voting time and unintended voting can be minimised.

The safety and security of EVMs and people associated with them is of prime importance. So, those who are collecting the EVMs should be physically agile to cater to the needs of sensitive situations during the collection and submission of EVMs without getting any kind of injuries. For the same reason, 70% of respondents have replied 'yes' to the question that "the age of people should not be more than 55 years." In elections, 50% of voters are women, and it has been observed that rarely any polling booths have women as any polling agent. 50 % of respondents agreed that there should be 50 % polling agents at booth level to verify and help in verifying the voters so that an inclusive environment can be created.

**The Panchayati Raj Institution in Nawada district:**

The number of Naxal-affected districts of Bihar has come down to 10, and Nawada is one of ten

districts; others were Rohtas, Kaimur, Gaya, Jamui, Lakhisarai, Aurangabad, Banka, Munger, and West Champaran (Ministry of Home Affairs). Nawada District is comprised of 187 panchayats spread across all 14 blocks of the district. The proximity of the Nawada district to the state of Jharkhand caused its panchayats to differ from those of other districts because Gobindpur, Kowakole, Rajauli, Roh, and Sirdala blocks were sensitive due to Naxal activity.

During the micro survey specific to panchayats of Nawada district, the following facts have been found:

- The majority of respondents are not aware of the changes made, i.e., for how many posts EVMs are being used?
- Most of them have given education as a preference over religion, caste, and sex in casting their votes.
- The majority of them and every woman have supported the ongoing reservation for women in panchayats, but their male relative has used their faces to exercise real power.
- All responders have replied that the condition of government primary health facilities and education at panchayat level is bad and that in many villages there is no facility for primary health and primary education.
- Most of them replied that the meeting of Gram Sabha has rarely been conducted and a meeting may have been called if any dispute has taken place.
- Roads and drainage have been made in most of the panchayats but need improvement and regular maintenance.
- Biometric verification has been introduced but has had little success.
- In many panchayats, conflicts with local villagers have been reported during the election. So, deployment of 50 % of CAPF along with Bihar police forces is required; though, a dedicated rapid action force has been formed to control such conflicts, but this is mobile forces, and they have been called when such conflicts have been reported to a zonal or sector officer by the many casualties that may take place.

During election season, candidates have primarily used money and few in-kind services to entice voters who are economically underprivileged. But it does not mean that voters do not prefer the candidate who will work better for the Panchayat. Corruption at panchayat level indicates a nexus between the representative and block officers, and sometimes it becomes a compulsion for the representative or BDO (Block Development Officer). Caste and sex based reserved seats under the panchayats have been patronised in the majority of the cases. In the case of upper caste women, their male relatives have used the reserved seats, and for other women, it depends on their financial situation. If they are economically successful, their male relatives will take care of them; if not, upper castes and a few backward castes like Yadav and Kurmi will. For reserved male representatives, the situation is by and large the same except for economically well off candidates because they hold substantive authority, unlike most of the women.

### **Conclusion**

Since the grant of constitutional status to the third tier of government, i.e., Panchayati Raj Institutions (PRIs) in India, procedural decentralisation has come into existence. But the real

powers under the 11th schedule of the Constitution have not yet been given to Panchayat Raj Institutions (PRIs). In our parliamentary representative democracy, power has been shared between the union and the provinces. This is how it will be given to local governments by changing the meaning of “the states” in Article 12 of the Constitution (Gosawami, 2015). State or province bureaucratic machinery should be in the monitoring role and devolution of power under the 11th schedule to be transferred to local bodies so that the development work in Panchayat can take place according to the needs of villages decided by Gram Sabha, like Vidhan Sabha, not based on the directions of provincial government and much bureaucratic control because it has been seen in many cases, and it seems that “*Mukhiya*” is not the constitutional authority as treatment meted out to them by bureaucrats.

Gram Sabha is an instrument of direct democracy at the local level, but due to a lack of voters’ education at the grassroots level, voters’ participation has just been limited to voting. But even after three decades of its implementation, the substantive sense of democracy is by and large missing due to negligence by the state government in terms of financial grants initially, persisting social structure at village levels, and political illiteracy among the villagers related to the functioning of the panchayat. If the proper election management, by inculcating a political culture to be an active, participatory, and interested citizen to empower them and creating a conducive environment for easy access to services like basic education, primary health, roads, and drainage facilities at the local level, is planned, executed, and maintained in the long run and in true sense, then it can strengthen democracy at the grassroots level and it will further educate and prepare the citizens for Vidhan Sabha and Lok Sabha elections in a better way. The politically aware citizens based on democratic values can strengthen the institution of the state.

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