

Local Governments and Human Rights – Inputs in respect of Rural Local Bodies in India

Background

Fundamental rights are the basic human rights enshrined in the Constitution of India guaranteed to all citizens, without any discrimination on the basis of race, religion, gender, etc. The fundamental rights that are guaranteed by the Indian Constitution are rights to equality, freedom, education, protection against exploitation, and practice of religion & culture.

The 73rd Constitutional Amendment Act, which inserted Part IX in the Constitution, provides the constitutional basis for rural self-governance in India. The Articles under the amendment have features for strengthening the grassroots level democracy, namely, direct election by the people, reservation of seats for women, Scheduled Castes and Scheduled Tribes, conduct of elections through independent Election Commission and constitution of Finance Commission to ensure financial viability of the institutions. These provisions are in the nature of ‘basic provisions’ which are to be supplemented by conformity laws to be passed by the Legislatures of the states.

Features of Rural Local Self-Governance

The Constitutional provisions along with the various State Laws enacted towards fulfilment of these provisions, provide for the following enablers of rural self-governance institutions:

1. Provision for Gram Sabha (village assembly) for each Gram Panchayat (Village Council) comprising all the adult members registered as voters;
2. Reservation of at least one-third of the total number of seats and posts of chairpersons for women;
3. Reservation of seats and offices of the chairpersons for scheduled castes (SCs) and scheduled tribes (STs) in proportion to their population (in which sub-quota of one-third for women would be applicable);
4. Liberty to the state legislatures to provide reservation of seats and offices of chairpersons in favour of backward classes;
5. Specific responsibilities in respect of the functions listed in the 11th schedules
6. Constitution of state finance commissions and elections commissions to ensure financial devolution and elections respectively.

Challenges to Human Rights of Rural Citizens vis a vis Local Rural Governance

Social transformation through democratic process is an evolving process. The rural parts of the country have traditionally encountered many challenges to ensuring equality in human rights because of existence of differences in class, caste, social and economic living standards. However, participation, for over two decades, in Panchayati Raj System, through conduct of regular elections and participation of large number of elected representatives, in providing governance support to the rural citizens, have helped in overcoming many of these challenges in a regular manner.

Ministry of Panchayati Raj (MoPR) initiatives towards strengthening Human Rights vis-à-vis Rural Self Governance

MoPR has implemented many initiatives to help the Rural Local Bodies administer their constituents guaranteeing the constitutionally enshrined human rights, as given below:

- Advocating for Vibrant Gram Sabhas (Village Assembly) wherein the rural citizens would be able to express their concerns in fearless manner and also seek ways and means of achieving their aspirations. MoPR has issued a detailed advisory in which aspects of frequency, agenda, quorum, nature of participation, awareness generation etc for Vibrant Gram Sabhas at the grass roots level are ensured.
- Enabling the Gram Panchayats to publish their citizens' charter vide which the rural subjects can be made aware about the quality and service standards for the various services being delivered by them and also incorporation of a grievance redressal system.
- The Guidelines on Gram Panchayat Development Plans have been provided to the States which emphasize the effective utilization of the resources available to the Panchayats towards meeting the priority needs of the vulnerable sections of the society, namely SC, ST, women, children, minorities, differently abled, senior citizens etc.
- Provision of a digital online platform of eGramSwaraj vide which all the plans and financial transactions of the rural local bodies are made available in public domain thus providing a base of transparency and accountability.
- Provision of AuditOnline platform for enabling of online audit of Panchayat annual accounts to ensure financial integrity of the rural local bodies.
- Follow up for regular and peaceful conduct of elections to the Panchayats in the States and provision of induction and follow-up training to the elected representatives to enable them carry out their mandates in effective manner.
- Follow up for implementation of PESA Act that provides special dispensation to the tribal areas, who form vulnerable section of the population.

Way Forward

MoPR is presently involved in the task of "Localisation of Sustainable Development Goals (SDGs)". The report on the subject has been prepared after detailed deliberations with all stakeholders and it identifies nine themes, covering all the SDGs relevant to the rural local bodies, which would be systematically taken up for implementation at the Gram Panchayat level in the coming times. Out of these, the theme 7 on "Socially Secured Village" and theme 9 on "Engendered development in Village" would pave the way for greater roles to be played by the rural local self-governments for human rights.
