

CHAPTER - 02

2. Participatory Local Governance and Development: The Theoretical Framework

2.1.1 Theory of Local Self-Government

Section-1: The concept of local self government emerges from man's basic urge for liberty, and the power to make decisions. Contrarily, the concept of local self- government is to be conceived with in the dimension of a face - to - face interaction between man and man, man and society. The idea originated from the Greek word 'Libertus' by which Cicero translated the Athenian Privilege of citizenship. It signifies one's right to participate in the Government of one's own community and perform the duties with regard to it. J.S.Mill advocated local self-government on three grounds viz i) to divide labour between the central and local authorities ii) to spread political education among the masses and to cultivate general intelligence, iii) to enable people to share there common interests and manage them by them selves.(1) To James Bryce the best school of democracy and the best guarantee for its success was the practice of local self-government.(2) In Consonance with the ideas of Mill and Bryce, Harold J.Laski opines: "we cannot realize the full benefit of democratic government unless among the inhabitants of some given areas there is a consciousness of common purpose and common needs by which they are differentiated from the inhabitants of their areas. Administration from with out lacks the vitalizing ability to be responsible to local opinions. It can not group the genius of the place". (3) The practice of local self Government, however, evinces a good number of concepts viz, 'delegation' 'Devolution', 'de-concentration', decentralization', 'participation' which have a family resemblance. Transfer of authority is the common denominator in all these cases. 'Delegation' points to "relations in whom powers are formally conferred under law, as by the Constitution itself or by the legislative body to an executive agency or by an administrator to a subordinate, and from one level of government to another". (4) 'Devolution' refers to the process of the legal Conferring of powers to discharge specified or residual functions upon formally constituted local authorities. (5) 'De-concentration' means the delegation of authority adequate for the discharge of specified functions to the staffs of central department, who are situated outside the headquarters. (6) 'Decentralization' signifies a transfer of authority, legislative, judicial or administrative from a higher level of government to a lower one. It is a process whereby the government divests itself completely of certain duties and responsibilities and devolves them

onto some other authority. In other words, when delegation is consistently and systematically practised, it constitutes decentralization. (7)

Decentralization does not mean division of the functions of state between the state government and the local bodies, each discharging its functions independently of the other. Decentralization includes devolution of the functions of the state on local bodies, the latter discharging them subject to the Constitutional responsibility of the state in respect of law, order and development. As far as the functions are concerned, these local bodies has the full freedom in deciding upon the priority of specific undertakings and their suitable areas provided they conform to the general policy of the state.(8) Decentralization has four characteristic features i) statutory basis for obtaining systematic and consistent practices; ii) assignment of work or responsibility; iii) the entrustment of authority that equals the assigned responsibility; iv) the creation of accountability on the part of the decentralized agencies to whom the transfer of authority has taken place to perform in terms of the standards established. (9)

Democratic decentralization in simpler terms would mean a free popular management of local affairs. Thus it seeks to widen the area of people's participation, authority and autonomy through dispersal of powers. It has two fold virtues i) it is in keeping with democratic value system, ii) it is technically the most efficient method for formulating and execution of only developmental programme at local level. Evidently, the scheme of democratic decentralization gives effect to co-operation between official machinery of administration and non official leadership and control. Not only it associates the people with local administration but also recognizes people's right to initiate and execute policy decisions at a given level.

The rationale behind democratic decentralization consists of popular initiative, mass participation in the local affairs and generation of local leadership. Thus democratic decentralization is at the very base of the development of the people. It is a practical plan of action which will group human ideas and feelings together, weigh their merits, make rational judgment, initiate programmes and implement them.

The concept of democratic decentralization is intimately associated with the idea of local self-government. Democratic decentralization is a political idea and local self-government is its institutional form. Current efforts at decentralization from the beginning of the 1990s culminated at a time when discourse on governance together with that of economic liberalization was emerging as the dominant element of policy agenda. Decentralization was also seen as part of a wave of democratization that was sweeping many countries towards the end of 1980s. International donors were inspired to support numerous democratic local government programmes and by the end of the 1990s USAID was supporting about 60 and UNDP more than 250 such activities around the world. Thus decentralization was on both national and international agenda. But this also meant that decentralization acquired different meanings for different people. According to the liberal economist decentralization is a way of getting rid of the interventionist and the extended or predatory state. In the literature on structural adjustment and transitional reform, decentralization is sometime used as a synonym for privatization (10). In the governance discourse, it means dispersion of power at the local level and control by self governing communities. The efforts in the 1990s were in no way a response to any pressure building on the ruling elites from people below. They were a response to the demands of elites at the state level and opposition parties lobbying for greater devolution. This is not to deny that a social and political awakening had been occurring over the last three decades that persuaded central leaders to consider decentralization as a method to cope with the new social forces. Rajiv Gandhi was concerned with devolution for developmental reasons and therefore the amendment that was introduced by his government was limited in its financial and administrative scope even though guaranteeing periodic elections, but the act that was finally passed aimed at creating local self governing institutions. It is only in 2003 that some popular moves for more effective decentralization began to emerge.

2.1.2 Democratic Decentralization in the Era of Globalization: - ‘Globalization’ means integration of economics and societies through cross-country flow of information, ideas, technologies, goods, services, capital, finance and people. Anthony Giddens describes globalization as ‘intensification of world wide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa’. Globalization is accelerating interdependence and time space compression. Globalization means no world state-or to more precise, world society without a world state

and without world government (11). According to Indian scholar Srinivasan, globalization improves people's lives by making new products and ideas universally available, breaking down barriers to trade and democratic institutions, resolving tensions between old adversaries, and empowering more and people (12). Globalization has been linked with increased income inequality and pursuit of material interests by dominant states and multinational companies that exploit new technologies to shape a world in which they can flourish according to rules they set. Globalization widens the gap between the rich and poor, raise inequalities and mounts debt of developing countries (13). The World Commission report found unequal distribution of growth and disparities across the nations and increasing unemployment and poverty. According to the report, the per capita income of the 20 richest capitalist countries went up 121 times during 1985-2001. The inequality has increased in a large number of countries; while in 16 countries inequality has been static, and only in the case of nine countries the inequality has declined. The Human Development and the ILO studies found increase in unemployment worldwide.

However the impact of globalization among the developing countries is not uniform. Poverty and inequalities have increased in the post - globalization period. Inequalities and poverty have increased in many Latin American and African countries, while countries like China and the South Asian countries have improved their economic growth and social development. Globalization is also known to constrain the authority and autonomy of the state. Free trade limits the ability of states to set policy and protect domestic companies. Capital mobility makes generous welfare states less competitive; global problems exceed the grasp of any individual state: and global norms and institutions became more powerful. Globalization on the other hand leads to cultural homogeneity: and diminish difference; global norms, ideas or practices overtake local norms. Many cultural flows, such as the provision of news, reflect exclusively western interests and control; and the cultural imperialism of the United States leads to the global spread of American symbols and popular culture.

Decentralized governance can contain the negative implications of globalization on polity, economy and society, to some extent. Globalization removes decisions from the local and national stage to the global sphere of multi-national or non-national interests.

Decentralization on the other hand brings decision-making back to the sub national and local levels. Devolution of powers deepens democracy and enhances the legitimacy of the political system. It facilitates people's participation in the decision-making process and reflects their needs and preferences. It promotes representative and responsive grassroots level leadership. In decentralized governance, citizens find it easier to hold the government accountable through voter information, participation and monitoring. It promotes legitimacy, transparency and accountability. Devolution of powers, responsibilities and resources to local government facilitates better service delivery (14). Democratic decentralization tends strongly to enhance speed, quantity and quality of responses from government institutions. Local governments have both authority and resources to respond quickly to problems and pressures from below without waiting for approval from higher levels. It helps to mobilize both human and financial resources as well as to control corruption and ensure accountability. Decentralized governments have more and better information regarding their constituents and are better able to enforce and coordinate policies and programmes (15). Thus, the decentralization promotes expected improvement in allocative efficiency, welfare and equity through increased participation, transparency empowerment, responsiveness and accountability.

The expected outcomes from democratic decentralization in the context of globalization are processes and outcomes. Processes bring about the empowerment and autonomy of the local people and governments in influencing the policies benefiting the people and to bring political stability and social harmony. The second dimension is provision of various services to the people efficiently and equitably. The provision of affordable, accessible and appropriate services to all categories of a population in equal measures is a universal standard but a social justice perspective on service provision privileges the benefits that directly accrue to economically and socially marginalized groups. Democratic decentralization does not affect the outcomes - provision of service in terms of quantity, quality or equity – directly, but through its process variables like participation, empowerment, responsiveness and accountability.

India is one of the few developing countries which have been experimenting with democratic decentralization to promote development since its independence. A major initiative has been taken with the introduction of a three-tier structure of local self

government known as Panchayati Raj Institution at the district, Taluk and village levels in the late 1950s. After the 73rd Constitutional Amendment, PRIs are emerging as units of local self-government for promoting development.

Democratic decentralization, by making participation easier, makes empowerment more feasible at the local levels than it would be at the national level, especially for minorities and vulnerable groups. The democratic decentralization enables the people to participate in country's governance and influence policies that affect their livelihood. Decentralization has also opened a wider political space for the disadvantaged to act upon and paves way for their empowerment. Democratic decentralization not only generates allocative and productive efficiency but also accelerates better service delivery. Decentralization may promote economic activity via several routes including an increase in fusion of capital and other resources, the more extensive provision of infrastructure, and a more effective enabling environment would have been the case under a centralized system. Public goods can be provided to meet the diversified needs of the people across all sub-central units in a cost-efficient manner through proper decentralization (16). Then decentralization can act as a surrogate for market discipline and ensure efficiency in the production of public goods. Allocative efficiency is high in decentralized governance rather than in the higher level government. It facilitates perfect match between resources and needs. Local information and needs can be ascertained by local governments more accurately and there by identify project / schemes which have maximum utility or welfare gain. Selection / location of project / member are very effective, whenever they are selected by the people locally.

Productive efficiency is high in decentralized governance owing to participation of people in implementation and monitoring of the development programmes. People's involvement in formulation and implementation results in reduction in transactional cost. People's monitoring contributes to minimize wastages and leakages. Decentralization also contributes towards better compliance and enforcement with low cost, since decisions regarding selection of schemes and design of projects are taken in consultation with the various stakeholders. Democratic institutions monitoring mechanisms also help to improve the administrative efficiency. Productive efficiency increases with transparency and

accountability in delivery of service. It reduces corruption, and can also improve the decentralized governance and mobilise additional resources for promoting rural development.

‘Participation’ is a comprehensive concept embracing all the aspects and phases of development starting with people’s initiative and leading to their sustaining the activity. Cohen and Uphoff describe participation as ‘peoples’ involvement in decision making process about what would be done and how; their involvement in implementing programmes and decisions by contributing various resources or co-operation in specific organizations or activities, their sharing in the benefit of development programmes; and / or their involvement in efforts to evaluate such programme’ (17). Participation as defined in a UNESCO document is “collective and sustained activity for the purpose of achieving some common objectives, specially a more equitable distribution of benefit of development” (18). The foregoing review of different definitions reveals that participation creates a sense of awareness, belongingness, ownership and possession. It develops self-reliance self-confidence, competence and managerial capacity. Participation enables people to discover their strength, increases their aspiration level and mobilizes their resources for productive purpose. Participation brings people from periphery to the core, from a passive state to active state and moulds them as thinkers, decision makers, doers and implementers from their state as acceptors (19).

There are four types of participation .These are: ‘nominal participation, ‘instrumental participation, ‘representative participation, and ‘transformative participation’. In the nominal participation, people are included in the development programme for securing legitimacy of the decisions taken by the higher authorities. In the instrumental participation, the people are considered as an instrument for the local development. Representative type of participation assumes a representative form, being as effective means through which the people come express their own interests. Transformative participation leads to a greater consciousness in the people as to what makes and keeps them poor, and also infuses greater confidence in their ability.

The rationale behind the participation is being an integral part of the process of overall development of a nation; its objective must not be merely political or economic, as is

often the case; but it should also be aimed at satisfying social, cultural and ethnic demands. Moreover, in this process people are involved at every stage of development i.e. initiations, conception, planning, decision making, implementation, management, supervision, evaluation, revision of the plan, fresh initiatives and sharing of benefits.

2.1.3 Theory of Participatory Local Governance and Development

Section-2: The idea of participatory governance has gained enormous popularity in recent times in academic discourse and actual practice. Despite earlier views given by some who have considered participatory development as just another fashion, it has found its place not only in mainstream development thinking, there are also indications of its increasing adoption in development practice. Of late the debate has shifted towards empowerment and governance, implying participation not just at the local level but at variety of levels as a flexible and at least partly demand driven approach to governance. Participation of the stakeholders in the process of decision making, as against more passive form of participation is the hallmark of participatory governance. Furthermore participatory governance embodies those central elements of good governance which most directly serve the participatory agenda, namely accountability and rule of law.

A cold systemic definition of governance lies in the Oxford dictionary. It is the act or manner of governing or the way of control. The term governance can be used in several contexts such as corporate governance, national governance and local governance etc. since governance is the process of decision making and process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement decision. Government is one of the actors in governance (20). Thus, governance refers to those processes that involve setting the rules for exercises of power and solving conflicts over rules. In 1989 the concept of 'governance, was for the first time highlighted in a World Bank document on sub-Saharan Africa. As the bank's document entitled 'Governance and Development' (1992), puts it, "governance is defined as the manner in which power is exercised in the management of a country's economic and social resources for development". The bank has attempted to

focus on some of the key dimensions of 'governance' such as a public sector management, accountability, the legal framework for development, and information and transparency. 'Governance is now being defined in terms of an autonomous administrative capacity, reminding one of the first generation administrative theories centered on administration politics dichotomy. Governance is sought to be "detached from the turbulent world of politics and the structure and purpose of the state". The key components of 'governance' were identified as: (a) legitimacy of government (b) accountability of political and official elements of government (c) competence of governments to make policy and deliver services and (d) respect for human rights and the rule of law. (21)

The emanation of the concept of 'good governance' in the modern world and in India too is not even 25 years old although the concept of 'good governance' in India as old as the Indus valley civilization. But the modern concept of 'good governance' is started not more than before 25 years. This term was used in public administration in Indian contexts by Dr. Mohit Bhattacharya. Good governance is the keyword in the current development discourse. The concept of good governance emerged as a broad reform strategy started through the structural adjustment programme, whose primary aim was to strengthen the institutions of civic society by making the governments more democratic, more accountable to people and more transparent in its functioning . In simple term, good governance can be described as the citizen friendly, citizen caring, and responsive administration. (22)

Pai Panandiker sees 'good governance' as it pertains to a nation state which handles its people to lead peaceful, orderly, reasonable, prosperous, participatory lives. (23) Vivek Chopra defines 'good governance' as unambiguously identifying the basic values of society and pursuing these.(24) Minochea quotes World Bank guidelines and more operationally defines its criterion as "political accountability, availability of freedom, law abiding , bureaucratic accountability, information available transparently, being effective and efficient, and cooperation between government and society" .(25) The Human Development Report (2002) says, good governance is democratic governance. Democratic governance is ensured when people's human rights and fundamental freedom are respected allowing them to live with dignity and in an environment where people have a say in decisions that affect their lives and decision- makes remain accountable to the people . At the same time people are free from

discrimination based on race, ethnicity, class, gender etc. (26) The United Nations' Development Programme (UNDP) has identified a number of key elements of good governance which include participation, transparency, responsiveness, rule of law, equality, accountability, efficiency and consensus orientation. The UNDP documents state that these aspects cannot stand alone, they are mutually reinforcing. (27) In the specific Indian context, 'good governance' has involved the goal of empowerment of citizens, particularly the disadvantaged groups along with decentralization, delegation, devolution of political and economic power. (28) Good governance requires wide participation in making public choices and regulations. Such participation involves not only government agencies but also different non-governmental and people's organization. One of the objectives of good governance as it relates to participation is to encourage political leadership that reflects and promotes itself as an ideal of good citizenship.

The contribution of governance perspective in shifting the focus away from government has been to recognize the inability of traditional political institutions to govern society through a top down approach. It was widely accepted that in a democracy, the political values and preferences of the government reflect the will of the people. The government translates this will of the people into laws and then implements it through its bureaucracy. The governance perspective directs attention to the role of multiplicity of actors and institutions in political decision making and stresses that state; market and civil society were in a kind of network relationship in steering the society (29). Public policy is formulated and implemented through a plethora of formal and informal institutions, mechanisms and processes. The architecture of governance is a complex one and there are many centers of power and many actors and agencies that influence decision making. (30)

The notion of dispersal of power in society gives rise to the conception of decentred government. At one level, there is considerable debate on the space that state, market and civil society occupy. The increasing reports about the failure of state directed economic development and failure of bureaucratic welfare state prompted the neoliberals to push for 'less state and more market'. Market would help better allocation of resources and more efficient production and provision of public goods and services. Thus, in the context of neo-liberal economic policies governance came to mean reduction of the role of the state and

increase in the roles of market and civil society. At another level, governance has meant recognition of spatial distribution of power and its multiple centers. These multiple centers can be at various spatial levels rising from the local community itself. Thus, the traditional political question raised issues about the capacity of state and its institutions in 'steering' society. Question in governance are regarding issues concerned with society and the focus is on coordination and self governance as such, manifested in different types of networks and partnerships (31).

In this perspective the focus is on the capacity of society to govern itself. This capacity is related to its ability to make choices and articulate its preferences so that multifarious societal institutions including the state can translate them into action. But state is not the exclusive institution among the many institutions of market and civil society to take collective action. For this to happen, people must have institutional opportunities to participate in these processes. Participation and decentralization are key elements in the current discourse on democratic governance.

Concept of 'participation' now has been widely used in the discourse of development. The concept has referred to participation in the social arena, in the 'community' or in development projects. Increasingly, however, the concept of participation is being related to rights of citizenship and to democratic governance. World Development Report (2000-01), indicates that there is a crisis in governance. Institutions play important roles in poor people's lives in a vast sense, but they are excluded from participation in governance. State institutions, whether represented by central ministers or local government are often neither responsive nor accountable to the poor, rather the reports detail the arrogance and disdain with which poor people are treated; they see little relief from injustice, criminality, abuse and corruption by institutions. Not surprisingly, poor men and women lack confidence in the state institutions even though they still express their willingness to partner them under fairer rules (32) Another study team of Commonwealth Foundation (1999) also found a growing disillusionment of citizens with their governments, based on their concerns with corruption, lack of responsiveness to the needs of the poor, and the absence of participation or connection with ordinary citizens. Another study team, Joseph Rowntree Foundation of the United Kingdom, points to the need to build a new relationship between local government and local

people. There are two reasons, i) alienation and apathy, ii) attitudes of the public, as customers or citizens, towards local government. This is a symptom of a deeper malaise, the weakness or lack of public commitment to local democracy (33). Robert Putnam of the United States also pointed out that the decline in civic participation and the growing distance between citizens and state institutions has increased in the United States.

Fung and Wright (2001) observe, the right has taken advantage of the decline in legitimacy of public institutions to escalate its attack on the affirmative state. Deregulation , privatization , reduction of social services and curtailments of state spending have been the watchwords, rather than participation, greater responsiveness , and more effective forms of democratic state intervention (34). They argue that the response to the crisis should focus not on dismantling the state, but on deepening democracy and seeking new forms for its expression. They also argue that the institutional forms of liberal democracy plus techno - bureaucratic administration seems increasingly ill suited to the novel problems we face in the twenty-first century .However those who have sought to deepen democratic governance have often been divided in their approach to the problem. On the one hand, attention has been given to strengthening the processes of citizen participation - that is the way in which poor people exercise voice through new forms of inclusion, consultation and mobilization designed to inform and to influence larger institutions and policies. On the other hand, growing attention has been paid to ways of strengthening the accountability and responsiveness of these institutions and policies through changes in institutional design, and a focus on the enabling structures for good governance. As participatory approaches are scaled up from projects to policies, they inevitably enter the arenas of government, and find that participation can only become effective as it engages with issues of institutional change. And, as concerns about good governance and state responsiveness grow, questions about how citizens engage and make demands on the state also come to the fore.

All over the world, there is a growing consensus that the way forward is found in a focus on both a more active and engaged civil society which can express demands of the citizenry, and a more responsive and effective state which can deliver needed public services. The focus groups around the world; the Commonwealth Study group, for instance, believe that despite their disillusionment with the state as it is, poor people would like to see strong

government which will provide services, facilitate their involvement and promote equal rights and justice. The Commonwealth study argues that a strong state and strong civil society are needed to develop both 'participatory democracy and responsive government'. These two are mutually reinforcing and supportive –strong, aware, responsible, active and engaged citizens along with strong, caring, inclusive, listening, open and responsive democratic governments (35). Similarly, Heller discusses the limits of both of the 'technocratic vision' with its emphasis on technical design of institutions and of the 'anarcho – communitarian model', with its emphasis on radical grassroots democracy. Rather he calls for a more balanced view which recognizes the tensions between the need for representative working institutions and the need for mobilized and demand making civil society (36). The solution is not found in the separation of the civil society and good governance agendas, but in their interface. Goetz and Gaventa (2001) extend this argument further by examining over sixty concrete cases of citizen voice and state responsiveness and discuss further the mechanisms and conditions through which they intersect and interact.

Traditionally in representative democracies, the assumption has been that citizens express their preferences through electoral politics and in turn, it was the job of the elected representatives to hold the state accountable. Everywhere in world, new voice mechanisms are now being explored which argue for more direct connections between the people and the bureaucracies which affect them. Clark and Stewart (1998) say that local authorities are based on the principles of representative democracy, yet representative democracy has become passive. Rather than expressing a continuing relationship between government and citizen, the citizen is reduced to being a periodic elector. It is as if the idea of representative democracy has served to limit the commitment of the citizen to local government. At the same time, representative democracy and participatory democracy have been argued about as mutually exclusive opposites .In fact, an active conception of representative democracy can be reinforced by participatory democracy all the more easily in local government because of its local scales and its closeness to the local communities (37). Similarly, the Commonwealth study argues that in the past the relationship between the state and citizens has tended to be mediated and achieved through the inter mediaries, elected representatives and political party structures. But this aspect of participation in governance for a good society requires direct connection between citizens and the state. This interface has been neglected in the past. The connection between the citizen and the state must be based on participation and inclusion

(38). Increasingly around the world, a number of mechanisms are being explored which can expedite these more inclusive and deliberative forms of engagement between citizen and state. These go under various labels, ranging from 'participatory governance' to deliberative democracy, to empowered deliberative democracy. Fung and Wright define them as, 'democratic in their reliance on the participation and capacities of ordinary people, deliberative because they institute reasons - based decision making and empowered since they attempt to tie action to discussion' (39). Such an approach, later re-labeled 'empowered, participatory governance' by Fung involves linking 'bottom - up' and 'top-down' forms of governance to create 'a new architecture of governance that acts a middle path between the dichotomy of devolution and democratic centralism' (40).

Around the world, there are numerous examples of innovations which incorporate this approach, ranging from provisions for participation planning at the local government level in India and the Philippine, to participatory budgeting in Brazil, to citizen monitoring committees in Bolivia, to forms of public referenda and citizen consultation in Europe. Most of these approaches involve new legal frameworks for local governance which incorporate a mix of direct forms of popular participation with more representative forms of democracy (41). In the past, within development studies, the drive for 'participatory development' has focused on the importance of local knowledge and understanding as a basis for local action, and on direct forms of participation through assessment planning, implementation, monitoring and evaluation. Work on political participation growing out of political science and governance debates has often focused on issues largely underplayed by those working on participation in the community or social spheres. But the political participation literature has paid less attention to issues of local knowledge, participatory process, or direct and continuous forms of engagement by marginalized groups.

In the development field the concept of 'citizenship' links up participation in the political, community and social spheres. But the concept of 'citizenship' itself has long been a disputed and value - laden one in democratic theory (42). On the one hand, citizenship has traditionally been cast in liberal terms, as individual legal equality accompanied by a set of rights and responsibilities and bestowed by a state to its citizens. Newer approaches aim to bridge the gap between citizen and the state by recasting citizenship as practised rather than

as given. Placing an emphasis on inclusive participation as the very foundation of democratic practice, these citizens are ‘makers and shapers’ rather than as ‘users and choosers’ of interventions or services designed by others (43). As Listen suggests, the right of participation in decision making in social economic, cultural and political life should be included in the nexus of basic human rights.....citizenship as participation can be seen as representing an expression of human agency in the political arena, broadly defined; citizenship as rights enables people to act as agents (44). At the same time, there is a growing recognition that universal conceptions of citizenship rights, met through a uniform set of social policies, fail to recognize diversity and difference, and may, in fact, serve to strengthen the exclusion of some while seeking inclusion of others. The D F I D paper on Human Rights for poor people calls for participation of the poor in decisions which affect their lives to be included in the list of universal human right (45). The right to participate is also linked to rights of inclusion and to rights to obligation, through which poor people may expect to hold governments more accountable and responsive.

‘Local’ and related themes of ‘participation’ and ‘empowerment’ are increasingly part of the development discourse, the local has many conflicting political meanings, and is itself a problematic concept, especially in an era of increased globalization. In the present climate, the focus on the ‘local’ is increasingly problematic, for at least two reasons. First, as Mohan and Stokke (2000) remind us, we need to carefully examine the concept of locality, and how it is being used by a variety of non-local actors (46). Increasingly, ideas of participation and local governance are being promoted by a wide variety of actors, ranging from grassroots social movements and political parties to mainstream development organizations, such as the World Bank, UNDP, UCAID, and many others. As concepts of local participation are being mainstreamed throughout development discourse, they are also being used to support and justify a variety of agendas, ranging from consolidation of central powers to support for a neo-liberal agenda and structural adjustment, to promotion of more progressive nations of development and democracy building. Mohan and Stokke also argue that the paradoxical consensus over the role of local participation in a globalizing world is fraught with dangers. Local participation can be used for different purposes by very different ideological stakeholders. It can underplay the role of the state and transnational power holders and can overtly or inadvertently cement Eurocentric solutions to third world development.

A second problem surrounding a narrow focus of the local is the way in which the discourse may screen out the importance of extra local factors that equally shape the possibilities for democratic participation locally. At one level, of course, this is seen in the importance of national legal frameworks, and stronger central governments, for making local democratic innovations more effective. In the present day, global governance and global citizenship are also taken into account. Increasing assertions of universal global rights may shape or conflict with understanding of local rights and citizenship. Local actors may use global forums as arenas for action, just as effectively as or more effectively than they can appeal to institutions of local governance. Conversely, expressions of global civil society or citizenship may simply be vacuous without meaningful links to the local. The challenge is not only how to build participatory governance at different levels, but how to promote the democratic and accountable vertical links across actors at each level. As Peieterse puts it, this involves a double movement, from local reform upward and from global reform downward – each level of governance, from the local to the global, plays a contributing part (47).

2.2 Evolution of Panchayati Raj in India

Section -3:- Panchayati Raj, in its modern form, is of recent origin. But Panchayats have been in existence in one form or the other from the days of the Vedic period. During this period disputes were settled through ‘Salaka’ system. Panchayats were very powerful during the Mahabharata period. The king had to accept the decision in the Mahabharata period of the members of the ‘Sabha’ on Panchayats. In ‘Manusmriti’ and Chanakya’s ‘Arthashastra’ the head of the village was called ‘Gramik’. During the Mauryan period Gram Panchayats existed and were very well organized. Chanakya established Panchayats in the village and they had all the powers to deal with issues relating to social and religious behavior. They could interfere and express their opinion in the day to day affairs of the ‘Sabhas’. They could punish their members and were also empowered to manage their financial system. The village was considered the basic units of self govt. The ‘Arthashastra’ also outlines the functions and duties of local self governing institutions. The Village Panchayet enjoyed a lot of autonomy. Most of the religious, cultural and economic activities were handled with care and efficiency by them.

According to 'Shuka Neetiser' in ancient India members of the Panchayats were elected by the common man. At that time disbursement of land, recovery of taxes, law enforcement was under Panchayats full control. The head of the Panchayat was seen as a man of justice. After the 10th century, when Muslim influence started increasing, there was a change in the traditional face of Panchayats. Tughlaks had not to interfere in the working of the Panchayats. But during the Mughal period there was a decline in the power of Panchayats. This was very crucial period for the existence of Panchayats.

2.2.1 Panchayats in British Era: - During the British rule in India, from the very beginning Panchayats were better organized. 'Committee of Society' of the East India Company accepted the fact that people of India had been leading a comfortable life since long through this autonomous system of administration. The British government felt that it was necessary to establish some organization to maintain order in the village. A beginning of local self government may be said to have been made in 1687 when, for the first time, a local governing body a 'Municipal Corporation, was set up for the city of Madras. The modern rural self government has a long history. It was introduced in United Bengal, in 1870, when the Bengal Village Chowkidari Act was passed. Actually in India democratic decentralization as a means to political development was the guiding philosophy of Lord Ripon's Resolution of 1882. But the colonial rulers were not ready to accept Ripon's version of local self government. So Ripon's concept of local self government remained on paper only. Simon Commission and Royal Commission on decentralization, 1909, in their reports recommended that Panchayats be once again organized as autonomous bodies. This resulted in the passing of "Bengal Gram Panchayat Bill" in the year 1919. But the Panchayat organized on the British model could not get any cooperation from the people in the village and therefore failed.

2.2.2 Panchayats after Independence: - During the days of the struggle for India's independence the nationalist leaders promised to give the people of rural India after independence a vibrant system of village self government to be known as Panchayats. Gandhiji felt that the greater the power of Panchayats; the better it was for the people. According to him, decentralization was essential for the realization of the ideal democracy and for enabling each individual to participate in decision making and implementation processes. But the draft Constitution made no mention of Panchayats. The matter had

generated a lot of heat in the Constituent Assembly. K. Santhanam moved an amendment motion in Constituent Assembly. The amendment which forms part of article 40 in the Directive Principles of State Policy of the present Constitution runs thus: “the state shall take steps to organize Village Panchayats and endow them with such power and authority as may be necessary to enable them to function as units of self government”. This article of Constitution clearly highlights two distinct interrelated perspectives on local self government as the unit of government and as instrument of rural development. This article had not made local self govt. a self institution.

Indian state had made no effort to develop Village Panchayats until the Balvartay Mehta team underlined the need for building up grassroots democratic institutions in the villages for the purpose of implementing the development programmes. The committee was appointed in 1957 by the National Development Council to suggest measures for better working of community development programmes and national extension services. The committee recommended democratic decentralization to a three-tier Panchayats system based on universal adult suffrage to ensure people’s participation in development programmes and genuine transfer of powers, responsibility and resource to Panchayat Raj Institution. The govt. of India set up the Ashok Mehta Committee in 1977 to review the working of Panchayats and to make recommendations for strengthening the existing system. The committee found Panchayats as most appropriate instruments of rural development and recommended introduction of two-tier Panchayats, favored open participation by political parties in Panchayats elections, direct involvement of elected bodies in development programmes and Constitutional provision for further decentralization of power, and transfer of certain taxes to Panchayati Raj Institution to augment resources . The GVK Rao Committee, 1985 argued that “development has come of age and the time has come to take the planning, decision making and implementation process nearer to the people through democratic bodies. The inevitable need to transfer power of the state to the democratic bodies at the local level has to be recognized”. The committee stood for a unified development administration structure at the district level and below. The committee envisaged restoration of the original concept of integrated development at the block level through a directly elected body like the Panchayats Samiti to be responsible for planning and implementation of development schemes under the guidance of the Zilla Parishad. There should also be a ‘Gram Sabha’ at the village level consisting of all the voters of the village. It was felt that with

democratic decentralization of development functions as suggested by the committee, the country would be taking the first important step towards a district government.

The L.M Singhvi Committee, 1986, conceptualized Panchayat Institutions as basic units of self government and considered 'Gram Sabha' as embodiment of direct democracy. In the opinion of the committee the concept of Panchayat must draw its inspiration from the concept of 'Gram Swaraj'. The Committee felt the need for reorganization of villages in order to make Village Panchayats more viable. The Panchayat Institutions have to be organized as a part of the process of democratic decentralization for building up institutional edifice, not as a gift of devolutionary process. The Panchayat bodies are instruments of public participation in the process of planning and development flowing from and as a part of the concept of self government. The committee also conceptualized Panchayats as vehicles for homogenization, secularization and socialization of national goals. The committee pleaded for Constitutional recognition of Panchayats system as the third tier of government. The Indian state had accepted the major recommendations. This led to presentation of the 64th Constitution Amendment Bill in the Parliament. This amendment bill could not be passed because of opposition in the Parliament. But it set the ball rolling and made the country realize the need for amending the Constitution and adopting important measures for regeneration of the Panchayat bodies.

The 73rd Constitutional Amendment Bill, 1992, took the shape of an Act in 1993 and paved the road for the new generation Panchayats. The Act had not only constitutionalized Panchayats but had reflected a change in the perspective of the Indian state on Panchayats. The Constitutional perception of Panchayats as institutions of self-government was clearly mentioned in the Act which empowered the state legislature to legally endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government. It was also provided that such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level with respect to the preparation of plans for economic development and social justice and implementation of plans for economic development and social justice as may be entrusted to them including those in relation to the matters incorporated in the Eleventh schedule. Clearly, the Act views Panchayats not simply as institutions of self-government but also as

instruments for planning and implementation required for economic development and social justice. All the states, except the exempted ones, have amended their respective legislations to make them conform to the requirements of the Constitutional amendments. This Constitutional amendment has definitely improved the situation. It has laid down that election to Panchayat bodies have to be held at regular intervals. The list of 29 subjects in the Eleventh schedule adds a new dimension to Indian political system. The reservation of seats and post of office bearers for women and the weaker sections will breathe new life into Panchayats. The provision of 'Gram Sabha' offers a new participative structure at the grassroots. The 'Gram Sabha' and 'Gram Sansad' enable the citizens to learn the rules of democracy not from books, nor from lectures but from practical experience of the people.

2.3.1 Evolution of Panchayati Raj in West Bengal

Section-4 West Bengal has a long tradition of rural local self government institutions. Statutorily constituted Panchayats were established in Bengal in 1870. These Panchayats were not democratic in nature. Chowkidari Panchayats were set up mainly for maintenance of law and order. On the 18 May 1882 Lord Ripon, the viceroy of India, issued a resolution encouraging the setting up of local government, although the impediments to true local government institutions within a colonial framework were many. According to Ripon's 1882 resolution, the Bengal Local Government Act of 1885 was passed. This act provided for a three-tier structure for rural Bengal, District Board at district level, and Local Board at subdivision level and Union Committees at the level of villages. This local government did not really introduce grassroots level democracy and Local Board had no independent authority and jurisdiction of its own.

In 1919, the Bengal Village Self-Government Act was passed. This act was passed on the basis of the report of Royal Commission on decentralization 1909, and the 1913 report of the District Administrative Committee. The act of 1919 had provided for the creation of Union Committees consisting of a group of villages. Each Union Committee was to have an elected body known as the Union Board. The electorate was to consist of all adult males having residence within the Union and paying tax. The Union Boards were given a variety of functions. There were normal municipal functions, some development functions, and this

board could also exercise control over the rural police. A new class of officers, known as Circle Officers was appointed by the government to supervise the functioning of the group of boards and to act as a link between the government and the self governing institutions. Thus from 1919 onwards, undivided Bengal had two sets of local self government institutions: District Board at the uppermost level and Union Boards at the lowest. Each tier had a distinct corporate status and a separate statute delineating its powers, functions and obligations, but there was no organic linkage between two institutions. The Union Boards continued to function for about four decades, and in the process created such lasting influence that even later developments introducing democratic decentralization could not alter some of the traditions created by them.

2.3.2 The Post Independence Panchayats in West Bengal: - The West Bengal Panchayat Bill was introduced in the State Assembly in 1956 and passed in 1957. This act helped to set up two-tier Panchayat system at village level and at the union level. The West Bengal Zilla Parishad Act was passed in 1963 to provide for re-modeling of local government with a view to bringing about democratic decentralization and people's participation in planning and development. This act provides another two-tier-Zilla Parishad and Anchalik Parishad, Anchal Panchayat and Gram Panchayat. Zilla Parishad and Anchalik Parishad died prematurely and the other two bodies did not play an effective role as institution of local government.

West Bengal chose a bad time for introducing Panchayati Raj. According to Ashok Mehta Committee it was the 'phase of stagnation' of the Panchayati Raj Institution. In 1965 acute shortage of food marked widespread strikes and bandhs. In such a situation, the government had little time to nurse the newly created Panchayat Institutions. In 1967 the United Front dominated by left parties come to power and did not see eye to eye with the Panchayati Raj system on introduced by the previous government. The previous government had not taken timely steps to hold elections of Panchayats bodies. The new government decided to hold election after remodeling this system. But the government was dismissed and the state was run under the President's rule. During this period nothing tangible could be achieved. In 1969 United Front again come into power and introduced a comprehensive Panchayat Bill in the Legislative Assembly. But this government again went out of office and

President's rule was re-imposed in the state in 1972. A strong Congress government was formed and promised a new Panchayat system for West Bengal. The West Bengal Panchayat Act was passed in 1973. This act of 1973, with amendments made from time to time, remained effective in the decades that followed. With this act the state's Panchayat system fell in line with the all India pattern of three-tier system.

The act of 1973 had earmarked a long list of functions for Gram Panchayats which were divided into three categories: obligatory, discretionary, and assigned. Apart from this, in all the three tiers there were provisions enabling the state government to assign its own schemes, programmes or works to the Panchayat for implementation and supervision. So far as the decentralization of power was concerned, the government of West Bengal turned towards devolution of power and recourse to the Panchayat bodies was taken in 1985-86 when the Block Planning Committee and District Planning Committee were constituted, headed by the Sabhapati and Sabhadhipati of the Panchayat Samiti and Zilla Parishad respectively. United funds under a new head in the state budget, that is, the District Plan scheme fund, was placed at the disposal of the District Planning Committees to meet the critical gaps between the requirements and the availability of funds out of the departmental allocations. Decentralization of planning and involvement of Panchayats in the same were, no doubt, very significant steps.

The 73rd Constitutional Amendment Act 1992 came into force on April 24, 1993. This amendment defines Panchayat to mean "institutions of self government to which the legislature of a state may, by law, endow power and authority as may be necessary to enable them to function as institutions of self government". However it goes to say that "such law may contain provisions for the devolutions of powers and responsibilities upon Panchayat at the appropriate level". The Act spoke of (a) the preparations of plans for economic development and social justice; (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the "eleventh schedule". West Bengal went ahead of the 73rd Constitutional amendment act by reserving one third of the seats for women and a proportionate number of seats for SC'S/ ST's in 1992 in the state act.

In 1988 a major amendment was made in the West Bengal Panchayat Act, 1973 to make the grant of limited autonomy to Darjeeling hill areas with the formation of Darjeeling Gorkha Hill Council in the hill areas and the Siliguri Mahakuma Parishad with all the persons and authority of the Zilla Parishad of Siliguri Sub-Division. The 73rd amendment has attempted to institutionalize people's participation through a body called 'Gram Sabha' which had earlier existed in some states more in name rather than in action. Gram Sabha is an institution in the hands of the people to air their grievances and to watch the functioning of the Panchayats. It also offers the Panchayat an opportunity to share their difficulties with the people who have elected them. Gram Sabha can be also an effective forum for mobilization of the masses for community activities by enabling the people to get together under one umbrella and to interact on issues of mutual interest. There are many success stories of Gram Sabha using the social audit for the good of the villagers preventing misuse of resources and corruption. The Gram Sabha in West Bengal meets ordinarily in December every year. The quorum of the meeting of the Gram Sabha is at least one-twentieth of the total members. All the voters of Panchayat area are the member of Gram Sabha.

The concept of Gram Sansad incorporated by the West Bengal Panchayat Amendment Act, 1994 has been widely acclaimed by the political observers as an epitome of participatory democracy. It consists of all registered electors of a constituency within the area of a Gram Panchayat. Under the law, the Gram Panchayat is required to convene at least two meetings of every Sansad in a year, an annual meeting in the month of May and a half yearly meeting in the month of November. The quorum of a Gram Sansad meeting is 10%. The main function of the Gram Sansad is to guide and advise the Gram Panchayat with regard to the schemes for economic development and social justice, identification of beneficiaries for various poverty alleviation and food security programmes, constitution of one or more beneficiary committees for ensuring active participation of people in implementation, maintenance and equitable distribution of benefits of one or more schemes in its area. A Gram Sansad may raise objection to any action of the Pradhan or any other member of Gram Panchayat for failure to implement any development work properly. It is mandatory for a Gram Panchayat to place in the meetings of the Gram Sansad the budget and audit report of the accounts of Gram Panchayats for deliberation, recommendation and suggestions of the Gram Sansad. The West Bengal Panchayat Amendment Act 2003 has made it obligatory for a Gram Panchayat

to act upon any recommendations of a Gram Sansad relating to prioritization of any list of beneficiaries or scheme or programme is so far as it relates to the area of the Gram Sansad.

The concept of Block Sansad has been incorporated in the state act by the West Bengal Panchayat Amendment Act 2003. Every Panchayat Samiti shall have a Block Sansad consisting of all members of Gram Panchayats pertaining to the Block and all members of the Panchayat Samiti and hold a half yearly and an annual meeting every year. Attendance of at least 10% of the members will make the quorum. The Block Sansad shall guide and advise the Panchayat Samiti on all matters relating to development including preparation of annual plan and budget.

The West Bengal Panchayat Amendment Act 2003 has made the provisions for Zilla Parishad to make a Zilla Sansad consisting of Pradhans of all Gram Panchayats; Sabhapatis, Sahakari Sabhapatis and karmadhyaksas of all Panchayat Samities and all members of Zilla Parishad. A half yearly and an annual meeting of Zilla Sansad shall be held every year. Attendance of at least 10% of the members will make the quorum. The Zilla Sansad shall guide and advice the Zilla Parishad on all matters relating to development including preparation of annual plan and budget, implementation of development programmes, schemes or projects, and for undertaking such activities for economic development and ensuring social justice as are undertaken by the Zilla Parishad.

The West Bengal Panchayat Amendment Act 2003 has made the provision for constitution of a Gram Unnayan Samiti in every Sansad area. Gram Unnayan Samiti shall be responsible for ensuring active participation of people in implementation and equitable distribution of benefits of rural development programmes within its jurisdiction. It shall be accountable for its functions and decision to the Gram Sansad. The Gram Sansad shall constitute this committee at an extraordinary meeting of the Gram Sansad and elect members by simple majority determined by raising or by division. The tenure of the Gram Unnayan Samiti shall be same as that of the Gram Panchayat. The Gram Sansad shall review the performance of the members of the Gram Unnayan Samiti in every year in its annual meeting and may renew the membership of the existing members or replace all or any of the members, other than the ex-officio members. A Gram Unnayan Samiti shall consists of the

following members: (a) member / members of the Gram Panchayat elected from the particular Gram Sansad, (b) person who has secured the second highest number of votes in the preceding Panchayat election, (c) one member from a non-governmental organization (d) one member from self- help group, (e) one serving or retired government employee, (f) one serving or retired teacher, (g) ten other members or one percent of the total members of the Gram Sansad whichever is higher to be elected from the remaining members of the Gram Sansad. The Gram Panchayat member elected from the Gram Sansad shall be the chairperson of the Gram Unnayan Samiti.

The performance of Panchayat Raj Institution of West Bengal is not mere paper organization. This institution has been given substantial responsibility in rural development. As a result, this local body is today an indispensable part of the delivery system of the state government in the rural areas. Most studies show that poor peasants and agriculture laborers have come to the forefront because of the Panchayat and on the other hand most studies show that a middle class consisting of small or medium peasants, petty traders, school teachers is in command of the Panchayat.

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