

ACCOUNTABILITY AND GOVERNANCE: LOCAL GOVERNMENT IN KERALA AND KARNATAKA

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Abstract

Transparency and accountability are vital factors in the effective performance of local government—including both political representatives and the bureaucracy. Conceptually there is little disagreement on the political and administrative dimensions of accountability, and their relation to the institutions of local government. Transparency and accountability are expected to reduce rent seeking in development activities. There is, however, a wide gap between normative principles and the actual manifestation of accountability. Political and bureaucratic processes, hierarchical social environment, low citizens' participation and lack of deliberation have influenced accountability in governance.

The decentralisation reforms in India, effected through the 73rd Constitutional Amendment [1992] provided a common framework for the Panchayati Raj institutions to be devised by the state governments. Issues pertaining to transparency and accountability have been left to the discretion of the respective state governments. The measures to ensure accountability of representatives, therefore, varied across different states. Kerala for instance has instituted participatory planning and budgeting. On the other hand Karnataka, which had the earlier advantage of having established decentralisation reforms in the 1980s, even before the Constitutional Amendment, had not taken specific measures to enhance accountability, other than the minimal requirements through the grama sabhas. This paper examines the factors that determine accountability in the institutions of local government in Kerala and Karnataka.

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Conceptually there is little disagreement on the political dimensions of accountability in local government. The representatives have clearly defined functions and duties to perform. They have a tenure of five years, to represent the interests of their constituencies, and to be instrumental in the planning of developmental activities. Under these circumstances, a non-performing representative is as culpable of not carrying out the duties and functions of a representative as another who may be actively engaged in rent-seeking activities. Transparency and accountability go a long way (or at least are expected to) in reducing the less desirable activities such as rent-seeking. There is, however, a wide gap between normative principles and the actual manifestation of accountability. Clearly, there is every reason to assume that representatives are not inherently predisposed towards being answerable for their actions during their tenure. Thus, the principle of including accountability within the functions of representatives is to ensure that they act in a manner that is above reproach. However, while accountability could be seen as an essential component of the role of a representative, this function cannot be taken for granted. Specific institutions have to be created to ensure the accountability of representatives. As there are conditions that hinder accountability, or variations that are clearly evident from place to place due to social and political situations, it is necessary to take account of local existential realities. Institutions that facilitate accountability include the scrutiny of political parties [in opposition], citizens' forums, the media, regular elections, as well as specific institutions created to enhance accountability such as ombudsman, audits of various kinds, and the gram sabhas. The judiciary is also a system that is expected to ensure that individuals function with probity and within the limits of the law. In this sense, it affects [or is intended to] the functioning of representatives and answerability for their actions.

While accountability is expected from the representatives as well as the bureaucracy, in this paper we are particularly concerned with political accountability, i.e. accountability of the representatives. Accountability implies that the representatives are not merely to communicate to the electorate the activities that they have carried out in their capacity as representatives, but also that they are answerable for these actions. This accounting involves not only electoral accountability, where the citizens can vote out their representatives or the party they belonged to, but also legal, institutional and procedural features to enforce accountability (Shiviah 1994). The paper examines the measures of accountability and their effectiveness in local government in two states, viz., Kerala and Karnataka. The analysis is based on data collected in two districts in Karnataka [Mandya and Udupi] and Kollam district in Kerala. Both these states, to varying degrees, have instituted legal, regulatory and participatory measures through which the accountability of the representatives in local government can be enhanced. The effectiveness

of these measures is discussed. Also discussed are the political and social processes that hinder or reduce the effectiveness of the institutions of accountability, and any institutions or practices that facilitate or enhance accountability, whether these are formal institutions or informal dealings among the people who constitute the panchayats. Finally, the implications these have for the quality of representation, the legitimate role of the bureaucracy, and rent seeking are discussed.

Political Determinants of Accountability

Accountability entails the process of carrying out the representatives' assigned mandate, and the willingness to face the consequences of their official actions, which would be publicised through acts of periodic reporting (see Helgason 1997; Polidano and Hulme 1997; Inbanathan 2001). The process through which accountability gets established is, however, an empirical question, which is reflected in various forms (on different forms of accountability, see Blair 2000). The notion of accountability has two interrelated dimensions—direction and essence. The former implies there is an agent who exercises control through sanctions and the latter refers to the method through which the relationship is established. In a democracy, representatives are accountable to the citizens and one of the methods of accountability is elections, where the electorate can exercise its power on whether to retain the representatives in office or replace them with others (on electoral accountability see Prewitt 1970; Ferejohn 1999). Where electoral accountability is more or less the only means by which the electorate can directly influence the course of democratic representation, the responsiveness to the voters is higher if the political party ensures accountability, or the representatives have the intention of contesting and winning the next elections through voters' approval of their record in office. The electorate has an opportunity to indicate its views about governance between elections.

Electoral accountability in the context of local government in these two states has severe limitations mainly because the reservation of seats often prevents the re-election of candidates to a second term (see Vijayalakshmi and Chandrashekar 2002; Inbanathan 1999, 2000).¹ Also, electoral accountability alone does not take into consideration the reaction of the constituents to specific issues. Under the circumstances, to what extent would there be any accountability if the possibility of re-election is relatively low? While carrying out certain actions may be considered objectionable (if they were corrupt acts, for example, in which case legal provisions can come into force), there is virtually no provision for the voter to take action against a representative who is not doing anything at all—i.e. who is completely non-functional. In a state such as Madhya Pradesh, the right to recall has been brought into existence, though how it functions in practice is not clear. There is, however, the recognition (in

Madhya Pradesh) that the voter need not wait for five years to replace an elected official who is not carrying out the functions of a representative.

Notwithstanding the principles related to accountability, is it likely that representatives would accept their failures or any contention that they have abused their official position and public resources. If one of the yardsticks of their performance is the fulfilment of the expectations of the electorate, ascertaining the effectiveness of the representatives is problematic since there is no indication that communication between the electorate and the representatives is sufficiently well established. While the expectations and demands of the citizens who voted the representatives to power are not binding (Manin et.al 1999), accountability cannot be seen entirely in isolation from representation of peoples' interests. Accountability and responsiveness have overlapping areas of 'obligation' to the electorate (Shiviah 1994), which may not always have a bearing on effectiveness. It is important, therefore, that the representatives explain their actions [questions of how and why] and do not assume that pointing out the output alone is sufficient 'accountability'.

There is also the question of whether the assertions of the representatives can be fully accepted or supported by physical evidence. How should the effectiveness of the representatives be assessed? The actual accountability to the citizens depends primarily on the output that is visible, and the availability of adequate information. However, since output alone is not indicative of the effective utilisation of public funds, the citizens should have more information. Transparency in the process of governance facilitates citizens' comprehension of the functioning of the representatives. Even if the procedures of accountability remain the same, a crucial element here is the communicating of how the various issues are handled.

In local government where the re-election of representatives is limited, political parties, both those in power and those in opposition, have a more enduring presence in the polity. It is therefore in the interest of the political parties that representatives who are party candidates play a more effective role in governance and representation. While the ruling political parties would like to hide their wrongdoings, the opposition political parties would want to emphasise them to gain political advantage. In both Kerala and Karnataka there was more than one political party at the local level, and their influence in local government largely depended on the number of seats each occupied in the panchayats. The composition of the party has a significant influence in local government, i.e., intervention would be high if there is less difference in numerical strength between the ruling and the opposition political parties..

The impact of *de facto* politics (non-representatives taking over the functions of representatives, who now remain only as nominal representatives), and elite capture of the political space, reduces

representatives' accountability. In institutions of local government, often individuals not elected to panchayats are involved in carrying out or influencing panchayat activities, for political gains, and/or commissions. Elected representatives get caught between the social and political imperatives of the elite and party-centred politics.

A crucial factor in the accountability chain is citizens' involvement in the process of governance. The implication here is the 'demand factor' that the citizens are aware of what is legitimately due to them from the elected representatives and the officials. It entails not only communicating their preferences to the representatives but also being informed about the management of public funds and the outcomes of panchayat decisions on development works. The important distinction here is between fulfilling the interests of the constituents, which is an important facet of representation, and of being 'responsive' (see Pitkin 1967; Phillips 1995),² and answerable to them. In being responsive, the development programmes have to be more oriented to citizens' needs, and avenues such as grama sabhas are effective for the constituents to articulate their preferences, and indicate their views on issues concerning local governance.

There is, however, a political dimension to responsiveness, *ex-ante* accountability as referred by Moncrieffe (2001: 27).³ Responsiveness is not to be seen in abstraction but is related to representation. Being responsive involves representing the interests of the constituents, and acting towards improving the welfare of the citizens. Since interests are not identical, it is not an easy task to decide which section of interests should be represented. In a *minimalist perspective of democracy* the representatives can use their discretion in representation and the form of responsiveness that is considered appropriate by them (Burke 1774, quoted in Presworski et.al., 1999; Schumpeter 1942; Manin 1997).⁴ While such a perspective is not acceptable in participatory democracy, representatives can be accountable even without being responsive and vice versa.

Considering the intended participatory nature of local governance, accountability and responsiveness are seen here as related, with an identical core area, that is answerability. Whether accountability or responsiveness leads to good governance is a larger question, something that needs to be ascertained. The level of responsiveness and accountability indicates the participatory nature of local government. Understanding the factors that contribute to or constrain such a process is important to our understanding of accountability itself.

Accountability - Kerala and Karnataka

Measures of accountability in Kerala and Karnataka can be broadly classified as legal [legal framework where the direction of accountability is clearly

specified] and regulatory [accounts audit, performance audit, ombudsman, vigilance and technical committees]; and participatory measures [grama sabhas, beneficiary committee, development seminars]. Of these measures, convening grama sabhas is mandatory under the 73rd Amendment, and to be followed by all the states. Measures to promote transparency such as right to information, publishing information on the finances of the panchayats, and display of information at the work site of the project being implemented are intended to enhance accountability.

Grama sabhas and accounts audits are found in both Kerala and Karnataka. The two states have incorporated elements of citizens audit, in the grama sabhas in Kerala and *jamabandhi* in Karnataka. Kerala's interest in transparency and accountability can be traced to the vision document on decentralization of power in the state [Sen Committee's recommendations]. Measures to enhance transparency and accountability were instituted within the functioning of the panchayati raj institutions. The people's campaign on decentralization, which worked closely with Kerala Shastra Sahithya Parishad [KSSP], a state wide movement on popularizing science, oriented the people to various provisions of the Panchayati Raj Act. Although Karnataka had brought in several innovative measures through the 1983 Panchayati Raj Act, the efforts to enable transparent, accountable and participatory governance were not sustained over a period of time. When the 1983 Act was framed the concept of accountability was not discerned in the manner that it now is. Hence, grama sabhas were considered adequate for accountability in the panchayats. While comparing Kerala and Karnataka it may be pointed out that Karnataka's efforts at decentralisation have been more in the political sphere and less in the administrative and fiscal areas. Kerala has made substantial efforts towards fiscal decentralization in addition to political decentralisation ⁵

Kerala

Kerala has incorporated several participatory measures. The Kerala Panchayati Raj Act has provisions for participation of the citizens in planning and made it a requirement that the reasons in support of a decision should be evident, with sufficient information made available to the public. This was furthered by the Sen Committee's recommendations, following which amendments were made in the year 2000 to the Kerala Panchayati Raj Act. One of the recommendations was to increase the participation of the people in the decision-making process and minimize the role of the bureaucracy in the implementation of development programmes. Creation of new structures of accountability and transparency, such as scrutiny through a beneficiary committee were intended to facilitate a greater role of citizens in governance and enhance the answerability of the representatives. The institution of ombudsman made it possible for citizens to file petitions on any irregularities in the planning and

implementation of the development programmes. The high awareness among the people of the various measures of accountability can be attributed to the efforts of the Left Democratic Front [LDF] government, which carried out an intensive campaign to disseminate information on the new panchayati raj system.

Performance audit is intended to be independent of government control and has set its own standards.⁶ Despite this, the audit was conducted by state government officials, thereby reducing the scope for independent functioning. The performance audit is meant to be a corrective mechanism, and the panchayat officials were of the view that it was more of a facilitating exercise. How it actually works is that the report is not a public document, although elected representatives have access to it. Despite the emphasis on transparency, information on the official performance continues to be a closed area.

The institution of ombudsman, first introduced by Kerala, comprised seven members, including a high court judge, two district judges, two secretaries to government [all retired officials], and two eminent public citizens nominated in consultation with the leader of the opposition party.⁷ The ombudsman takes action on the complaints made by the citizens, and this essentially works as a redressal mechanism. It is also empowered to order corrective measures. One of the problems with the institution of ombudsman was that it was overloaded with complaints on the beneficiary selection, and technical aspects of projects undertaken by the panchayats. In the year 2001, out of the 3,244 complaints received by the Ombudsmen, only 799 [34 per cent] were disposed. The redressal time was too long to have any positive impact on the issue at hand. Even complaints about misappropriation of funds and corruption charges were looked into after protracted delays, long after the project was completed and the bills cleared. The composition of the institution of ombudsman was reduced from seven to one by the present United Democratic Front [UDF] government further reducing the effectiveness of the institution of ombudsman. Where petitions were filed with the ombudsman and technical committee, alleging misappropriation of funds and poor quality of work, they were not pursued by the petitioners. When the delay in examining petitions resulted in the work being completed, the petitioners did not consider it worthwhile to pursue the matter. Besides this, appellate tribunals constituted at the district level are to receive appeals from the citizens against decisions made by the local government. The tribunal is meant to act as a redressal cell on complaints related to the issue of licence and permits.

The other important measure was the formation of beneficiary committees to implement public works. According to the Act, after the plan document is approved, grama sabhas / ward committees should be convened to discuss the project to be implemented. A committee of 7 to 15 people and a chairperson will be constituted by the grama sabhas.

The Beneficiary Committee enters into an agreement with the gram panchayat, and is paid the expenses of the project in installments with periodic review by the expert committee. Implementation through beneficiary committees is intended to minimize the role of contractors and middlemen in carrying out public works, and enable speedy completion of the work undertaken.

While the idea is well conceived the extent to which it succeeds in containing corruption largely depends on the nature of the formation of these committees and their effectiveness. In the eight grama panchayats that we studied, the beneficiary committees existed only on paper for the purpose of official records. The individuals listed as members did not take interest in the actual implementation of the public works undertaken.

The formation of beneficiary committees was not uniformly based on formal rules and procedures. Some were formed without any consultation in the grama sabhas/ward committees (as we observed in two gram panchayats that we studied). Beneficiary committees that existed only for official records were found in five out of the eight grama panchayats studied and the citizens were aware of it. The citizens also considered it a formality in carrying out the development work and were not concerned with the composition of the committee. Although the main aim of the beneficiary committees was to minimize the role of the contractor, it was found that the public works, in most cases, were awarded to contractors. The representatives were of the opinion that it was not possible for the beneficiary committee members to take time off to fulfil the administrative procedures, and get clearance from the technical committee. The beneficiary committee in some panchayats has become a disguise for the engineer, contractor, official and elected member nexus in the implementation of the development work.

While there existed problems in the participatory implementation of development activities, there are no measures taken to strengthen the beneficiary committees. On the other hand, the UDF government, which is in power in the state, reduced the ceiling for the development work to be implemented through contractors from rupees one lakh to Rs.25,000 which earlier did not have any such ceiling. Community participation is minimised with the new regulation, which has specifications for even the development work which costs Rs.25,000. The community can only be involved if seventy per cent of this is mud work.

For greater transparency in decision-making in governance several measures were institutionalized. All the plan documents, papers related to prioritization of beneficiaries, bills and vouchers of public expenditure are open to public scrutiny and/or reference. While it is also mandatory that the statement of expenses and other important details of public works be displayed at the site in Malayalam [the local language], it was not successful as an information source. Often it was only displayed for a

day to fulfil the requirement, and was later removed. We did not encounter cases where members of the public objected to lapses in transparency.

One of the measures taken to reduce corruption in development work is by vesting grama sabhas (also considered as a mechanism of 'social audit') with multiple responsibilities of providing forums for accountability, monitoring the performance of the beneficiary committees, deciding the norms and criteria for beneficiary selection, and identifying the needs of the local people.⁹ The grama sabhas were not effective as a forum of accountability or in exposing and reducing corruption.

While there is scope for direct participation of the citizens through grama sabhas convened three times in a year, the question is whether the people made use of this forum to demand more effective governance. In all the panchayats, attendance in the grama sabhas was below the required quorum (which is 10% of the adult population). There was however, a higher proportion of women who attended the grama sabhas. One of the reasons for this was that women who were members of self-help and micro-credit groups promoted by the panchayat were asked to attend the grama sabhas by the panchayat representatives, to fulfil the requirement of quorum, but they still did not meet the 10 percent figure.

For greater accountability and transparency in beneficiary selection, the panchayats in Kerala developed a format of giving points to the various applicants based on certain criteria. A local committee comprising the president, the ward member and selected members of the public scrutinized the applications. The beneficiary list with the scores obtained by each applicant was to be read out in the grama sabhas. The final list of beneficiaries should be displayed in the GP for a minimum of 15 days. If the criteria of awarding points was not adhered to, the applicants for the beneficiary scheme can register their protest in the grama panchayat office. Opinion on the scoring scheme being followed was mixed. Despite the elaborate procedure of giving scores, it was not uncommon for applicants to submit fictitious medical reports, to score more points. Also, there were instances where the list presented in the grama sabhas was later altered in the grama panchayat. There were a number of complaints about the beneficiary selection, indicating greater public awareness of the various schemes, and protests against patronage politics.

The panchayats have also set aside one per cent [mandatory] of the total allocation of funds for disseminating information on income and expenditure. This includes publicizing the proposed plan of action by distributing copies of it to all members of the village one week before the grama sabhas. Similarly, the statement of expenditure of the grama panchayat is to be printed and made available to the constituents who were interested in such information. While the statement of expenses was available in all panchayats, the agenda for action was not circulated a week in advance of the grama sabhas.

Karnataka

One of the problems in the case of Karnataka is that accountability and transparency did not get adequate emphasis in the Karnataka Panchayati Raj Acts, or the subsequent amendments. The grama sabhas, which were constituted through the 1983 Act and even before the 73rd Amendment, were intended to be a forum where accountability could be manifested. When the 1983 Act was formulated the concept of grama sabhas was well ahead of what then existed. It was expected to function quite effectively in transparency, accountability and, most importantly, participation. Subsequent years have shown that grama sabhas have not served this purpose.

The two important measures of accountability adopted by Karnataka are grama sabhas and *jamabandhi* [has been in existence for the past two years]. Grama sabhas were envisaged as deliberative forums where the constituents meet and indicate their preferences and needs on development activities. They were also to assess the performance of the representatives and the activities of the panchayats. They are the only formal channel for people to communicate with elected members and officials. Earlier it was mandatory that the grama sabhas be convened at least twice a year, but this has been increased to four times a year in every village, and *jamabandhi* to be conducted once in a year.

As in Kerala, the grama sabhas in Karnataka too were associated with government programmes and were attended mostly by those who were eligible to be selected as beneficiaries in the programmes. People's participation in planning of the development programmes of the panchayats was low. While there were exceptions in some parts of Karnataka [for example, Dakshina Kannada, Udupi] in most other places the grama sabhas were a mere formality where those who attended were either reduced to being spectators or were consumers of the beneficiary programmes. Although it is required that the grama sabha be convened in every village, the venue was usually the panchayat headquarters. Grama sabhas, thus, failed to be a deliberative forum and a channel of communication between the representatives and the constituents, and far from being an effective means of accountability. Except for the members of the grama panchayat who attended the grama sabhas in their village, the representatives of the upper tiers did not attend the grama sabhas.

Jamabandhi was introduced in the year 2001 and is an assessment of the functioning of the grama panchayat by the electorate. While it is meant to enhance the accessibility of citizens to information, the objective was not achieved in the panchayats we studied, as the citizens were not aware of the programme. Conducted once a year, and for just one day between 15 August –15 September the method of public audit of the grama panchayat financial records has several limitations. The *Jamabandhi* is conducted by the officials at the taluk level, and the executive officer

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has the responsibility for preparing the report of the public audit. Citizens were informed about the contents of the public audit report as there is no provision for public discussion, for example in grama sabhas (See Sivanna and Babu 2002).

In Karnataka it was mostly the informal channels of communication between the representatives and constituents that were in operation, and no measures have been institutionalised for transparency in the utilization of public funds. The Karnataka Right to Information Act-2000 enacted by the state is yet to be operationalised. While the citizen may in principle have the right to information, various provisions in the Act restrict the process of acquisition of information. For example, the citizens are expected to specify the purpose for which the information from the government is sought.⁹ The time taken to provide it is often too long. The form in which the data is given is not complete and difficult to comprehend because of inconsistency in presentation.

Factors Affecting Transparency and Accountability

We examined some factors that affected the level of accountability and transparency in panchayats. While comparing Kerala and Karnataka it is important to note that they have different levels of financial devolution. While this in itself is not a decisive criterion for greater or lesser accountability, it influenced the perception of representatives and citizens on the activities of the panchayats. The explanatory factors in accountability are presented in Table. Accountability level was the dependent variable [the accountability score was arrived at using indicators on measures of accountability and their effectiveness]. The independent variables that were used include—civil society participation [both citizens and representatives], participation in the political party, transparency measures, participation of the citizens in grama sabhas, gender, de facto politics, political orientation of the citizens, different tiers of the local government, and the composition of ruling and opposition parties. Dummy 1 was given to Kerala where 40 per cent of the funds are devolved to panchayats and the measures of accountability are institutionalized. The R^2 was .947, indicating a high correlation (see Table).

The institutional measures acted as a catalyst in accountability. There was a significant relationship between the institutional measures and representatives' accountability in governance. In Kerala the various measures of accountability, and the wide campaign about them has created an environment where citizens were aware of these issues.

In both the states the accountability measures are more at the level of grama panchayats, without adequate focus on the upper tiers. In Karnataka, there are no participatory measures involving the

representatives of the district and taluk panchayats, and our studies have shown that the representatives of the upper tiers hardly attended the grama sabhas. Although not a common pattern in Karnataka, public forums comprising the representatives and the citizens were formed in Udupi and Dakshina Kannada districts at the taluk and district levels, to deliberate on issues related to development and governance. *Janasamparka sabhas* were convened by MLAs about once a year, and attended by local people, panchayat representatives, and officials, to discuss local problems.

Table: Multiple Regression Analysis of Accountability

	Un-standardized Coefficients	t
	B	
(Constant)	0.238	0.231
Transparency Measures	0.934	33.484*
Representatives' participation in civil society	3.27E-03	0.135
Participation in grama sabhas	-9.01E-02	-1.417
Information level of the citizens	5.25E-02	2.286**
Citizens participation in civil society associations	4.66E-02	1.148
Political orientation of the citizens	8.75E-02	2.139**
Taluk/Block panchayat	-0.679	-2.636***
Zilla/District panchayat	-1.142	-3.856*
De facto politics	-1.713	-3.856*
Composition of the ruling and opposition parties	1.139	2.664***
State-Karnataka	-0.815	-3.445*
R ² .947		

Dependent Variable-Accountability level

Number of observations - 380

Note: * Significant at 1%
 ** Significant at 5%
 *** Significant at 10%

Political interest among the citizens contributed to the demand for accountability. In both the states there was a high correlation between the interest shown by the constituents [in matters related to political parties, campaigning, attending political meetings, demonstrations,

interaction with the representatives and officials and filing petitions or writing letters of protest] and their perception of accountability. Political activity generates more interaction in the public domain acting as a channel of accountability. Engagement in political activity was low among citizens in Karnataka, (the exception being coastal Karnataka), as compared with Kerala. A related factor in the greater political activity in Kerala, which we have also seen in coastal Karnataka, was the active media—publishing of the activities of the panchayats in the newspapers at the local level.

The political activity of the citizens not only fulfilled a part of the requirement of accountability through interaction with elected representatives, but also enhanced citizens' information about the funds available to the panchayats. In Karnataka the low levels of political activity and the absence of transparency measures limited peoples awareness of the panchayat activities and the funds they received. The correlation between information level about the activities of the panchayat [including the funds received] and accountability was .739 in Kerala, which is significant at 0.01 level; and -.678 in Karnataka, significant at 0.01 level.

There was no significant relationship between civil society participation and accountability in governance [see table 1]. Although civil society participation scores of the representatives and the constituents in Kerala were much higher compared with those in Karnataka, it was not a significant factor in explaining the level of accountability. When participation in political parties was considered independently of other kinds of associational activity, it was significantly related to accountability.

While associational activity did not significantly influence accountability [see table], our analysis indicates that it enhanced the information level of the people. In Kerala and Karnataka the correlation between associational activity and citizens' information level was .691 and -.572 respectively which was significant at 0.01 level. The difference in the information level of the citizens of Karnataka and Kerala can be largely explained by the variation in civil society participation. Although Kerala has institutionalised transparency measures, the culture of organising (associations and group formation) in Kerala influenced the way people responded to institutions of accountability. A similar pattern is evident in the way people in Kerala responded to decentralisation. In Kerala the people were informed about the activities of the panchayats, and there was interaction between citizens and the panchayat members. The relationship with associational activity therefore cannot always be seen in linear terms. One of the factors that explains citizens' interest in issues of governance in Kerala is the higher level of associational activity and people's movements such as KSSP.

The numerical strength of the opposition party or parties at all levels affected accountability in the panchayats. Panchayats where a

majority of the members belonged to a single party and those where the margin of strength between the parties in the panchayat was less were examined. In the latter case where no single party had adequate numbers, there was more pressure on the representatives not only from other representatives but also from constituents of a different party background. In both the states, in those panchayats where the numbers of the opposition and the ruling party were close, there was greater accountability, compared with the panchayats where a single party was dominant. The role of opposition as a mechanism to keep things in check was less visible if their numbers were smaller. The findings point out that the practice of accountability and transparency was better in panchayats where the parties were of almost equal strength. In the case of those panchayats in Karnataka where the two major parties Janata Dal [S] [U] alliance and Congress (I) had an almost equal number of seats, the one in opposition kept a closer watch on the functioning of the panchayats and the observance of procedures. In Karnataka although there were consultations at panchayat meetings on how the funds are to be spent, the implementation of programmes was not transparent.

The expenses incurred during elections affected transparency. The higher the expenses the greater was the tendency to accept bribes and commissions, and to maintain secrecy. The election expenses of the representatives were higher in Mandya district than in Udupi [in Karnataka] and Kollam [in Kerala]. In Karnataka the representatives did not consider it wrong to accept commissions or *percentages* [as it was also referred to]. There was also an opinion that commissions paid were not bribes.¹⁰ While the election expenses varied across the three tiers, the representatives stated that they had to spend their personal funds on election expenses. In addition, the representatives elected to executive positions had to spend money to get the support of the panchayat members. Commissions were one of the ways of getting that money back. Also, representatives considered elective positions as an opportunity to make money to further their political interests and a source of income. While kickbacks were paid in the implementation of panchayat works in Kollam and Udupi districts, there was no justification given for accepting bribes. The representatives in Mandya know that it is wrong to take bribes, but as a defence mechanism they tried to justify the practice and talked about it more openly. On the other hand representatives in Kollam and Udupi districts, although they too accepted commissions and bribes, glossed over them by saying very little either in support of or against them.

While accountability is entailed in elective positions, the social and political processes constrain its manifestation. The following sections discuss clientelism and patronage politics, which affect the way representatives perceive accountability.

Clientelism and Accountability

Accountability among the representatives was weak, although it was not at the same level in Kerala and Karnataka. While patronage relations contributed towards limiting accountability in local institutions in both the states, in Karnataka (for detailed discussion see Inbanathan 2001) it was further aggravated by lack of transparency and low levels of information. The representatives did not consider accountability a crucial aspect of representation. In Karnataka the perception of accountability was such that they considered themselves accountable to their families [particularly among women] and patrons, while constituents rarely figured in their reckoning. For most women there were constraints in their interaction with the constituents and officials since male family members and patrons were involved in the actual functioning of the panchayats, rather than the women representatives. The justification was that their family spent money during elections and played a supportive role, and similarly the patrons and /or party gave them the opportunity to enter the panchayats and hence they should be accountable to them. In Kerala, however, the representatives were considered accountable to the constituents, although the manifestation of accountability varied. Among the left party representatives, accountability was to the party and its supporters while the representatives belonging to UDF [particularly the Congress I] did not demonstrate any overt accountability to the party. In neither case was there noticeable accountability to the people, notwithstanding the claims of representatives.

In both the states the representatives [including both men and women] were drawn into the *'culture of commissions'* in panchayats earlier in their career as panchayat representatives than into other responsibilities, or development of their skills. Part of the reason for this was the entrenched corruption network comprising officials and contractors. While the institutional structure is clear about the accountability of elected representatives to the people, and of the officials to the representatives, the operational reality does not always correspond to this. The inexperience of the representatives, their lack of awareness of the rules and procedures and the paucity of information on development activities contributed to a dependence on the officials. This largely reduced the accountability of officials to the elected representatives. Although it cannot be justified, the officials were of the view that their accountability to the elected representatives was low because of the poor administrative capability of the latter. Such a view cannot be generalised as the representatives in the taluk and district panchayats in Karnataka had relatively high levels of administrative and political skills, which had a bearing on the representatives' accountability in the utilisation of public funds.

Representatives at all levels of local government either received commissions themselves or indicated others who received commissions.

There was a difference in the magnitude of corruption between the grama panchayats in Kerala and those of Karnataka. It was not anything to do with the level of accountability but more related to the funds devolved to the lower tier of panchayats in these two states. In grama panchayats in Karnataka only a few members were recipients of commissions as the possibility of commissions being offered itself was limited. Representatives in executive positions [President] admitted to receiving commissions, while the ordinary members did not receive monetary benefits. In the upper tiers of panchayats in Karnataka the incidence of accepting commissions was high. The elected members gave an account of the money they received, or more often about what other representatives received for awarding contracts, and as commissions from panchayat programmes. Out of 67 taluk panchayat representatives 32 admitted that they received commissions. In the zilla panchayat 27 representatives [out of 47] admitted to having received money while carrying out their duties in elective positions. In Kerala, the representatives were not willing to admit having received commissions, although they indicated that commissions were part of the implementation of panchayats programmes.

In Karnataka the 'commission culture' was so pervasive in the panchayats that the representatives did not even regard it as corruption. Representatives in all the tiers of the panchayats justified accepting money. Accepting commissions was not considered as inappropriate since they spent money from their private funds during elections. For 32 per cent of the representatives the money they spent in securing positions in the panchayats was for the payoffs involved. Secrecy in how the money was spent still continues, even in the panchayats of Kerala, as the emphasis in accountability is on the outcome, rather than on questions of how and why such expenses were incurred.

Elites

There was a close relationship between elite dominance and accountability in the panchayats of Karnataka. The political network showed a central core of elites perceived as influential in the political and local community affairs. There were distinct segments of power with members of elites (which included panchayat members as well as those who were not panchayat representatives) at the centre, followed immediately by the bureaucracy, and at the periphery there were representatives other than those in the inner circle. The elites were from locally dominant caste groups who occupied leadership roles (such as community elders), belonged to prominent political families of the area and had access to and control over various structural resources. They had a political base and occupied important party positions, were members of civil society associations, and had contacts with prominent politicians, MLAs and MPs. By virtue of their social, economic, and political positions, these individuals

wielded considerable power. The elites at each level of panchayats had one or more of these characteristics.

While elite capture of panchayats was common in all the tiers, there was a difference in the perception of who among the elites influenced the functioning of the panchayats at different levels. At the grama panchayat, the elites were individuals who were community elders and were often from the land-owning group. Some of them [30 per cent] were also prominent party functionaries. The social, political and economic power enabled the elites to influence the functioning of panchayats whether or not they were representatives. They played a significant role in the selection of the candidates, mobilizing support for them during elections and in keeping the election competition under their control.¹¹

In some cases when members of the elites were not eligible to contest because of the reservations of seats, they ensured that their supporters, or women from their own families were elected. The vote in such cases was for one of the elites who could swing the votes in favour of the candidate. The elites supported several candidates in the grama panchayats, as their political reputation in local politics depended on the number of representatives who were elected through their support. In grama panchayats where a significant percentage of the representatives was elected unopposed, the local elites played a prominent role in choosing the representatives. The consensus arrived at was between the local elites, who selected the candidates, and was not the popular choice of the local people. Although in principle people had the right to contest it was not feasible to oppose the powerful elites. In taluk and zilla panchayats, women's selection as candidates was related to the identity of their patron and the political and economic standing of their families. Power was concentrated with the elites and not automatically derived from the elective positions.

There is a close link between elites and the patronage system. Despite the reservation of seats for various sections of the population, the control over panchayats and local politics by the elites continued and the patronage system has taken new forms. The elites who were in politics influenced the panchayats through the members they were instrumental in getting elected. Although in principle the individual who occupies the elective position is answerable, the representatives often found themselves in situations where they were not party to the decisions taken. Hence, they were not the decision making authorities, and the actual decision makers were not elected representatives, and therefore not accountable.

Kerala LDF – Party Centralization

One of the paradoxes of decentralization in Kerala is the party centralism in the functioning of the panchayats where the LDF was in a majority.

This was in contrast to the greater autonomy in the functioning of the Congress [I] and other UDF allies. While the LDF government played a vital role in furthering decentralization in the state, the strong influence of the party in the functioning of the panchayats continues [now that the state has a UDF government]. The party made important decisions of the panchayats. The grama panchayat representatives often did not have the choice to decide within the panchayat forums on issues such as beneficiary selection, awarding contracts, and other development work. Although it is not uncommon for political parties to take decisions regarding the candidates for executive positions, and suggest names for the committees [standing committee, sectoral committees, and the chairpersons of these committees], the role of the left parties was far more than a facilitating one. The CPI[M] and CPI have well-spread party organizational networks extending to the village. The left parties had weekly meetings to monitor the functioning of the panchayats. All the representatives of the party were expected to attend these meetings and report on the happenings in the panchayats.

One of our observations was the selection of inexperienced women representatives to committees such as public works and finance, when there were other representatives with more experience in public office. Since it was decided in the party forum there was less overt opposition to these nominations. The party functionaries, however, considered it easy to control the functioning of the panchayats by having weak candidates in strategic positions. This is similar to the elite domination of panchayats that we found in Karnataka.

The strong hold of the left parties in the functioning of panchayats in which their parties were in a majority has mixed consequences for transparency and accountability in governance. Accountability of the representatives was more towards the party.¹² While it can be argued that the party is an important factor in public accountability, there were some less desirable consequences. Since the support margins were close in Kerala, the political parties used the panchayats to keep their vote banks intact and this took the form of patronage politics. While patronage was also a factor in the Congress- I party, the LDF was more centralised in decision-making. Although the representatives were emphatic that they did not bring party politics into local governance, the bias towards their party supporters was evident in their functioning as representatives. Because of the close margin in the electoral support base for the two main political fronts [the United Front and the left parties], the left parties concentrated more on retaining the electoral base by supporting their party followers.¹³ While political parties can play a facilitating role in ensuring that institutions of accountability are effective, it can also become a hindrance if they have an overbearing presence in the functioning of the panchayats. There was a strong perception among the constituents not of the left party that the left parties were more biased towards their

own supporters. Such a perception of the party being biased was more prevalent in the left-dominated panchayats than among the left supporters in the UDF panchayats. Although the representatives belonging to the left parties did not like the control of the party, there was no open dissent and they usually accepted the party dictum quite voluntarily.

Conclusion

Lack of transparency and accountability are among the many interrelated problems in the panchayats of Karnataka and Kerala. While accountability enhancing measures are valuable, it is not simple to determine the efficiency of the panchayats from these parameters alone. The practices leading to effective governance, as we have seen in the case of Kerala, have the potential to bring citizens into direct interaction with the local government. Also the process of decision-making in government is more open to public scrutiny. However, accountability or lack of it in governance is not an isolated problem, but endogenous to the social and political process. An understanding of the social and political structures that sustain rent-seeking in local governance is useful for strengthening accountability practices.

There are multiple challenges to accountability in local government. Despite political decentralisation, there is limited administrative decentralisation often leading to an overbearing presence of the bureaucracy in local governance. The role of bureaucracy and elected members is an integrated one involving planning and implementation. The bureaucracy plays an advisory role in planning, and has a major role in the implementation of development works. The representatives have a crucial role in planning, but only a supervisory role in implementation. In practice, the lack of experience of the representatives and limited channels of information have led to an excessive dependence of the representatives on the officials. This dependence also leads to a nexus between officials and representatives in rent seeking.

Prior to the reservation of seats, the elites dominated elective positions, and voting was only one of the ways to legitimise their ruling position. When wider representation is enabled through the reservation of seats in positions of governance, there are two entities with differences in power and resource bases affecting the political process. A substantial number of individuals belonging to disadvantaged groups are elected to positions of decision-making in governance, but do not have power; and elites who are powerful because of their social and economic position, even if they were not elected representatives influenced governance. The commitment to effectiveness and responsiveness is often undermined when the same individual does not hold authority and power. In local governance electoral values attached to responsiveness and patronage

[either to individuals or the party] are far greater than the value attached to accountability.

Accountability was undermined when elites not elected to local institutions played an important or sometimes even decisive role in the functioning of the panchayats. Accountability and responsiveness thus get associated with different entities i.e., the representatives and elites or the representatives and the party. The elites and party influence the representatives into being responsive to their (i.e., elites/party) expectations of what the constituents wanted, that would give them political advantage. Accountability is diluted when there are conflicting factions restraining the functioning of the representatives. Populist politics and claims for credit for getting work done frequently clashed and became constraints to accountability. Thus, the need to have a central position for the ordinary members of the constituency lost out to the greater prominence given to other individuals and social entities. This is where the institutions of local governance showed a decided weakness. That, far from being responsive and accountable to the voters, these attributes were either completely absent or were corrupted to an extent that their real significance in local governance was very weak.

Notes

- 1 The reservation of seats brings into the election process candidates who are contesting panchayat posts for the first time and are not likely to contest again as their constituency may be reserved for a group to which they do not belong.
- 2 The dimension of representation is the expectation from the representatives and 'responsiveness' of those in government.
- 3 Moncrieffe refers to responsiveness as '*ex-post* accountability'.
- 4 Burke asserted that representatives should use their discretion and judgment, rather than always doing what their electorate told them to do (Burke, Edmund, 1774 'Speech to the Election of Bristol').
Schumpeter went even further and suggested that the electorate may not have the capacity to make rational judgments in governance, and hence, other than voting in their representatives, they (the people) had nothing else to do.
- 5 Transfer of power in these three areas—political, administration, and financial is considered essential for effective decentralisation. (See Manor 1999) The limitations of Karnataka's decentralisation effort are rooted in this asymmetrical devolution.
- 6 It was envisaged that its functioning should be similar to that of the Comptroller and Auditor General of India.
- 7 The Government of Karnataka also plans to introduce the institution of ombudsman.

- 8 In Kerala and Karnataka 'social audit' in panchayats is used in a loose sense to refer to people taking stock of the activities of the panchayats.
- 9 For a comment on the Right to Information in Karnataka see Nikhel Dey and Vinod Vyasulu, 2002, 'Setting the Rules for Engagement—Right to Information in Karnataka'.
- 10 In local parlance it is also referred to as *mamul*, which is the amount given for getting work done, although in principle nothing should be accepted for carrying out that work (See Vijayalakshmi, 2003).
- 11 Elites controlled the selection of the candidates and also ensured that not too many candidates entered the electoral competition. They often paid money to some candidates to make them withdraw their candidature.
- 12 It needs to be pointed out that in Kerala the LDF and UDF have had stable electoral support of a little over 45 per cent of the vote share, with minor swings in electoral fortunes in successive elections. This has often led to the practice of sectarian politics to retain the support base.
- 13 For example, it was pointed out by some Congress members that the call for tenders for purchase to carry out public works was published in the regional newspaper *Deshabimani* published by the left party, which was read by only leftist party supporters, and not in *Mathrubhumi* and *Manorama*, which were read by people belonging to all political parties.

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