

Panchayati Raj in India

Mandakini Naik, Ph. D. Scholar, Department of Political Science, KIIT School of Social Sciences, KIIT University, Bhubaneswar

It is now widely accepted that self-governing institutions at the local level are essential for national growth and for effective people's participation and that they are an integral and indispensable part of the democratic process. "Grassroots of democracy", based on small units of government, enables people to feel a sense of responsibility and to inculcate the values of democracy. At the same time, it also offers a unique opportunity to participate in public affairs, including development work. In a vast, diverse and complex, subcontinent, decentralization is also a political and administrative imperative.

The Evolution of Panchayati Raj in India

Panchayati Raj Institutions (PRI) in India refers to a statutory multi-tier administrative structure entrusted with the developmental duties and responsibilities by the state legislatures. This form of local self-government has its origin in Lord Ripon's famous Resolution of 1882 in which he recommended 'The smallest administrative unit, the subdivision or taluka or tehsil shall ordinarily be placed under a local board, Article 40 of the Constitution directs states to make panchayats and endow them with such powers and authority as may be necessary to enable them to function as responsible units of self-government.

The National Development Council constituted a Committee on plans projects under the Chairmanship of Balwantray Mehta and its report was submitted in 1957 with the main suggestion of instituting democratic decentralisation in rural areas with the help of a three-tier system-the Village Panchayat, Panchayat Samiti at the block-level and Zilla Parishad at the district level. The same three levels have been retained even now but with a new vigour. Interestingly enough, another committee, known as Ashok Mehta Committee, looked into the functioning of democratic decentralisation during the period 1959 to 1964. The Committee found that the institutions have suffered a serious set-back in the absence of regular elections and due to perfunctory audit.' Therefore, it suggested that the PRIs should be reconstructed, reinforced and

revitalised as an organic integral part of our democratic process and that they should be accorded appropriate constitutional status and recognition.

Recommendations along the same lines were made by the G.V.K. Rao Committee in 1985 and L.M. Singhvi Committee in 1987, as also the Chief Minister' Conference on Panchayats held in May 1989. The Committee under the Chairmanship of Dr. L. M. Singhvi, formed in 1987, reviewed the functioning of PRIs in order to suggest measures for their revitalisation. The Committee recommend reorganisation of villages to make village panchayats more viable. It suggested that should have more financial resources and that there should be judicial tribunals in each state to adjudicate controversies about election to these local bodies, their dissolution, etc. including wanted to vest panchayati Raj with a constitutional status, saying that a separate chapter should be added in the constitution of India so as to make the identity and integrity of the PRIs reasonable and substantially inviolate.

In response to the above suggestions, the Union Government introduced in Parliament on 16 September 1991 a Bill to amend the Constitution. Ultimately, parliament approved the 73rd Amendment to the Constitution along with the Nagar Palika 74th Amendment Bill. So this Amendment Act is the culmination of various proposals made by the earlier committees on Panchayati Raj bodies, and thus giving PRIs a viable shape.

The Concept of Panchayati Raj

The concept of Panchayati Raj is unquestionably Indian in origin. Panchayati Raj bodies, which are genuine and effective democratic decentralised institution, provide ample opportunities for a large number of rural people to take genuine and effective participation in the development and democratic decision-making process and to infuse in the minds of the rural people a spirit of self help, self dependence and self reliance and to obtain the experience in the art of local self government. The concept of Panchayati Raj, since its inception, faced various interpretations both from its protagonists and antagonists. On the one hand, the emphasis was on maximum local authority and minimisation of supervision and control by the higher authorities, especially

the state government, and on the other hand, some consider it to be ruination for the country. Another controversy relates to the role of political parties in the PRIs.

In this light, the constituting (73rd Amendment) Act 1992 has provided a new dimension to the concept of Panchayati Raj. In the present scenario, the concept of Panchayati Raj has come to be accepted as an extension of democracy up to the village, and has found favour with politicians. It is often said that mere exercise of the right to elect representatives to the Central and the State Legislatures is not enough for the ordinary citizen. In other words, the concept of participation of the people should be considered as an ideological commitment and, therefore, what is needed is a legislative and structural measures to give legitimacy to people's participation.

Salient Features of Panchayati Raj Act

The salient features of the Constitution (73rd Amendment) Act, 1992 are as follows:

- i) A three-tier structure a panchayat with a few exceptions.
- ii) Continuous existence,-the gap allowed being only six months.
- iii) A five-year term.
- iv) Disqualifications of members of Panchayats.
- v) Direct election of members of Panchayats.
- vi) Indirect election of chairpersons of the intermediate and district-level Panchayats.
- Vii) Reservation of seats to members of SC and ST as well as women not only in membership of panchayats but also for posts of chairpersons.
- Viii) Constitution of an independent Finance Commission with a provision to place its report before the State Legislature, and
- ix) Conduct of local elections by an independent state level Election Commission.

It is only mentioned that the State Legislature may prescribe its power and functions. Among the other non-obligatory items mention may be made of the following:

- i) Representation to MP's and MLA's.
- ii) Representation of the chairpersons of lower level Panchayat on the immediate higher level.

- iii) Representation of seats for membership as well as posts of chairpersons of Panchayats to the members of backward classes.
- iv) Conferring of powers and responsibilities to Panchayats to enable them function as 'units of self government.'
- v) Powers of Panchayats to prepare plans for economic development and social justice.
- vi) Implementation of schemes for economic development and social justice.
- vii) Power to impose taxes, and
- viii) Provisions relating to the maintenance of accounts and their audit.

Constraints

Illiteracy has been one of the most glaring stumbling blocks in achieving the laid down goals of the new Panchayati Raj system. There is a fair chance that many of the women representatives elected to all the three tiers of the PRIs may be illiterate. Further, with several social handicaps, most of the female representatives of these institutions do not feel at ease to visit the government offices for various works and their authority is exercised by others. Many States have not delegated the powers and functions to the PRIs in the true spirit of 73rd Constitutional Amendment. Even if the functions have been delegated, the required powers to execute the said functions are not with the PRIs.

There is a general reluctance on part of the bureaucrats and the ministers and MLAs to share their existing powers and authority with the newly created PRIs. As a result, while on paper the delegation has taken place, actually the PRIs are not in a position to perform the assigned functions. In other words, the objective of empowerment of people and women at the village-level has not been achieved.

There is a general lack of manpower in the PRIs, particularly at the village level. With a limited number of officials, even after the complete devolution of power, it may become difficult for the PRIs to look after all the works assigned to them by the State government. Unless the PRIs are equipped with adequate staff to discharge their functions, the objectives set forth under the 73rd Amendment may not be achieved.

Approach Paper to the Tenth Five –Year Plan (2002-07) had dealt with the PRIs at great length. It observed that the objective of enhancement of participation and empowerment at the village-level was not achieved. It was also observed that the excessive controls provided at three tiers have not been able to enhance the efficacy of the PRIs. The excessive controls at the three tiers have rather been found to be counter-productive. The Approach Paper has also made certain recommendations on the basis of experience of the previous few years. Some of the important recommendations made were: (i) Enable the States, by amending the Constitution, to abolish Block-level or the District-level tier, as the excessive control is providing counter-productive; (ii) Union Finance Commission funds and other PRI development funds from the Centre may not be released to the States unless the required powers were delegated to the PRIs by them; (iii) The PRIs should be empowered and encouraged to levy and collect taxes at their own level; (iv) It is also recommended to increase accountability of the PRIs, strengthen their financial management and audit procedures and provide the required orientation to the elected representatives so that the laid down objectives are achieved.

Even the strategies proposed by the 11th plan had turned around to (i) improving Panchayati Raj Institutions; (ii) Strengthening the administrative machinery; (iii) Convergence of resources; (iv) Alternative delivery mechanism and (v) Removing bottlenecks in scheme guidelines. Monitoring indicators for the Eleventh plan reflect on providing one electrified school building in each village panchayat, linking up SHGs that have obtained revolving fund with credit assistance and increasing resources to the rural local bodies.

The above would reveal that the policy makers at the highest level are fully aware that the goals of empowerment have not been met fully and serious thinking is required to be done by the Union as well as the State government. But it would also be wrong to conclude that the situation is hopeless. There are many success stories and at many places female and SC/ST representatives have done a wonderful job in the PRIs. The objective of empowerment is not far from being achieved. But some procedural and legislative changes may be necessary. Most necessary are the attitudinal changes.

Following the passage of the 73rd Amendment into law, the States introduced in some cases radical measures, which delegated significant powers and responsibilities onto panchayats. Some states, notably Andhra- Pradesh, began to jump the gun and evolved legislation extending Panchayati Raj into scheduled (i.e. Adivasis) areas also, not always on favourable terms.

The A.P. was in fact struck down by the Andhra Pradesh High Court after an agitation launched by the Adivasi groups. In 1996 therefore the Lok Sabha passed a bill extending the proposed Panchayat system of the 73rd Amendment into all Scheduled (i.e. Adivasis) areas. This Act obliges state governments with scheduled areas in Andhra- Pradesh, Himachal Pradesh, Bihar, Maharastra, Madhya Pradesh, Gujarat, Rajasthan and Odisha to devolve responsibility in key areas onto elected Panchayats in tribal areas, not less than half of whose members had to be Scheduled tribes. Every village, furthermore, was to have Gram Sabha mandatory responsibilities were to include preservation of the traditions, customs and resources of the community and which was to be empowered to approve plans and projects for social and economic development.

They were also to have the right to be consulted in matters of land acquisition and in the exploitation of mineral resources, and State Governments were directed in section 4(m) of the Act to devolve onto the Gram Sabha powers which would enable them to become effective institutions of government, including control over prohibition, ownership of minor forest produce, the ability to prevent alienation of land, the power to manage village markets, to exercise control over money lending, social services, local plans and development resources.

Above all, the Extension Act recommended that the powers of the Gram Sabha should be protected so that Panchayats and state institutions at a higher level could not overrule them and assume their responsibilities, and their devolution of responsibilities should be in line with the 6th schedule of the constitution in other words that they should include legislative, administrative and judicial responsibilities.

Suggestions

Based upon the above constraints in the management and finance of PRIs, the following points may be suggested to make PRI's more challenge in an efficacious manner.

1. The elected representatives of the panchayats should exercise superintendence and control over government officials, i.e., serving the Panchayat instead of playing a subordinate role. Thus, there is an urgent need to educate local leadership about their legitimate role in nation-building and the governance of the country.
2. A standing committee on Panchayati Raj of the state legislature with an opposition leader as Chairman would go long way not only in the strengthening of Panchayati Raj but also in preventing undue interference of the State in the affairs of local bodies.
3. The chambers of Panchayati Raj at the district and the State levels should be established in states where they have not been created earlier and revived and strengthened in states where they are already in existence. They should be made truly representative of the panchayats.

Central grants should be provided to them on a liberal scale so as to enable them to independently deal with the government on behalf of Panchayats. The chambers should also

4. Conduct research into the problems of panchayats besides conducting training programmes for the functionaries of Panchayati Raj.
5. There is a strong case for the revitalisation of the All India Panchayat, Parishad as an apex representative body of the State chambers. The Parishad should act as a clearing house for the shift of information and experiences between different states. The Parishad should co-opt expert for taking up research work and training programmes.
6. National Finance Commission may strengthen the consolidated fund of the state keeping in view the devolution of state finances to the Panchayats.
7. The requirements of financial accountability should be designed and supervised by the CAG and the power of dissolution as well as accountability of lower levels of Panchayats units should rest with the next higher levels of Panchayats and not with government officials in order to establish peer group accountability.

8. A Constitutional Amendment for ensuring elections to co-operatives is a must, because a vibrant co-operative system is important for successful Panchayati Raj.
9. The voluntary organisations especially women's organisations should be encouraged by Union Government to take up the cause of Panchayats. The Union Government may provide incentive grants to such organisations.

Conclusion

It is no doubt, attempts at decentralisation through the 73rd Amendment Act ensures full freedom to plan according to its local needs and local potentials, but this requires not merely delegation of power and resources but also stimulation of local initiative within the community.

The comprehensive framework provided now, will truly transform the rural economy and give a practical shape to people's participation in the process of economic development with social justice. This lays the foundation of fulfilling Rajiv Gandhi's dream of Panchayati Raj and giving "power to the people" so that we walk united with hope and achievement into the twenty-first century.

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