

Panchayati Raj System And Community Development In India

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ABSTRACT

The **Panchayati Raj** in India generally refers to the system introduced by constitutional amendment in 1992, although it is based upon the traditional panchayat system of South Asia. The modern panchayati raj and its gram panchayats are not to be confused with the extra-constitutional khap panchayats (or caste panchayats) found in some parts of northern India. While the panchayati raj system was formalized in 1992, leading up to that change, a few Indian committees studied various ways of implementing more decentralized administration. Mahatma Gandhi advocated *panchayati raj* as the foundation of India's political system, it would have been a decentralized form of government where each village would be responsible for its own affairs. The term for such a vision was *Gram Swaraj* ("village self-governance"). Instead, India developed a highly centralized form of government. However, this has been moderated by the delegation of several administrative functions to the local level, empowering elected gram panchayats. There are significant differences between (1) the traditional panchayati raj system, (2) that envisioned by Gandhi, and (3) the system formalized in India in 1992.

KEYWORDS: Panchayati Raj, Self-Government, 73rd Amendment of Constitution.

INTRODUCTION:

The Institution of Panchayats in India dates to ancient history when it performed the role of a village government. During British regime, these Panchayats were relegated a sub-servient position as the foreign rulers set up local self-governments on the pattern of their own country. Mahatma Gandhi, Father of the Nation, conceived village Panchayats as a potential instrument for the socio-economic and political transformation of the rural society and cultivation of democratic way of life at the grass-root level. Accordingly, the directive principles of state policy in our Indian Constitution enjoin the State to take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.¹ Pursuant to this Constitutional provisions many States enacted suitable legislation for setting up village Panchayats, while others amended the already existing law with a view to promoting quicker development of Panchayats and giving them a larger role than before. The community development projects, started by the Government of India on October 2, 1952, imparted a momentum to the movement of Panchayats. In 1958, Balwant Rai Mehta Committee recommended a three-tier Panchayat system: Gram Panchayat at the lowest level, that is, the village; the Panchayat Samiti at the Community Development Block Level; and the Zila Parishad at the District level. These recommendations were endorsed by the National Development Council and consequently the Government of India's policy was based on these recommendations.²

It is to be noted that Panchayat Raj was not introduced all over the Country on a particular day. Being State subject it was introduced according to their own policy and convenience. Rajasthan state was the first State to introduce Panchayat Raj on October 2, 1959 by giving effect to the Rajasthan Panchayat Samitis and Zila Parishad Act, 1959. It was followed by Andhra Pradesh³ which set up 235 Panchayat Samitis and 20 Zila Parishads in the same year i.e. 1959. The Mysore Village Panchayats and Local Board Act, 1959 envisages a three-tier system in the Panchayats at

Village Level, Taluka-Board at Taluk level, and Development Council at District level.⁴ In Assam, Panchayats used to exist under the Assam Panchayat Act, 1958. Under the new “Assam Panchayat Act, 1959” the State has adopted a three-tier structure of local-governing institutions. In Madras, the Madras Panchayat Act, 1958, which came into force on January 1, 1960 provides for Panchayats at village level, and Panchayat Union Council at the Block level. In Orissa, the State has introduced a three-tier system of Panchayat Raj under the Orissa Zila Parishad Act, 1959. The Act has been given effect to by constituting Panchayat Samitis all over the State on January 26, 1962. In Punjab, the Punjab Panchayat Samitis and Zila Parishad Act, 1960 contemplates Panchayat Samitis at the Block or Tehsil level and Zila Parishads at the District level. In the State of Maharashtra, a uniform system of Panchayat Raj has been introduced in the entire State under the Bombay Panchayat Act, 1958. In Bihar, Panchayats exist under the Bihar Panchayat Raj Act, 1947, as amended by the Bihar Panchayat Raj (Amendment and Validating) Act, 1959. The State of Jammu & Kashmir has also introduced Panchayat system on a two-tier level namely, Gram Panchayats at Village level and Block Panchayats at Block Level.⁵ In Kerala, the Kerala Panchayat Act, 1960 has brought the whole State under a uniform legislation on Panchayats. In Madhya Pradesh, the Panchayat system was introduced from the year 1962.⁶ In other States as well as in the Union territories, Panchayats are functioning under their respective legislative enactments. The State of Haryana has adopted the Panchayat system under the Punjab Gram Panchayat (Haryana Amendment) Act, 1972. In Himachal Pradesh, the Panchayats are functioning under the Himachal Pradesh Panchayat Raj Act, 1968.

A potentially viable and useful structure of the Panchayat Raj, thus, exists in form, but its effectiveness has been limited in practice. There has been considerable erosion in the powers and functions of these institutions in many states. They suffer from inadequacy of financial resources. The external sources in the form of aid or assistance from the State Governments have been found inadequate to meet the rural requirements. For raising internal sources in the form of “local taxes, fees etc. the Panchayats have shown little inclination. Thus, starved of financial resources, the Panchayats cannot deliver appropriate results, as required.

The crucial question is: how to rejuvenate the Panchayat institutions and to activate the dormant dynamism of the people in rural areas to bring about development of democratic methods. In 1977, the Janata Government appointed a high-powered Committee under the Chairmanship of Ashok Mehta to examine the functioning of Panchayat Raj, to review its present status and to suggest ways for its involvement in the planning and implementation of programs of rural development. The Committee submitted its report in 1978, which was considered by a conference of Chief Ministers in May, 1979. Besides suggesting larger devolution of funds and functions to these bodies, the Committee had recommended in favor of making Zila Parishad as the principal executive organ of Panchayat Raj with the Block Panchayat Samiti being converted in effect to a Block level Committee of the Zila Parishad. Regarding the lowest level unit, the Panchayat, the Committee recommended the concept of Mandal Panchayats comprising of 15,000 to 20,000 population and 10 to 15 villages, with a somewhat smaller size in tribal and other sparsely populated areas.⁷ There was general agreement in the Chief Ministers Conference to the need for increased devolution of functions and funds to be given to these institutions. The idea of setting of Mandal Panchayats was however disfavored. As regards Zila Parishad *vis-à-vis* Block Development Samiti, it was found very difficult to recommend this structure which was indeed, an impossible task. The Conference, however, agreed on preparing a Model Bill which the States could consider in their own context and adopt the same with such modifications as it considered necessary.⁸ With the expansion of antipoverty programs⁹ in the 1980s and the creation of district rural development agencies (DRDA) and other similar organizations¹⁰ at lower levels, it was necessary to integrate the PR system with these programs. The C.H. Hanumath Rao Working Group on District Planning was set up in 1983¹¹ and then the G.V.K. Rao Committee in 1985 to review the existing administrative arrangements for rural development and poverty alleviation programs.¹² The latter recommended strengthening the

Zila Parishad-level, endorsed the recommendations for district-level planning of C.H.H. Rao's working group, and suggested better integration of block and lower-level planning with lower-level PR councils. Another committee headed by L.M. Singhvi in 1986 prepared the concept paper on Panchayati Raj¹³ that said PR institutions should be closely involved in the planning and implementation of rural development programs at lower levels, and recommended that the Panchayats should be made financially viable by combining two or three villages in one Mandal Panchayat. It also supported the recommendations of the G.V.K. Rao Committee for integration of the Government's administrative structures with the PR institution.¹⁴

The Constitutional base for PR was required because State Governments were not enthusiastic about the creation of PR bodies and having to share power with them. In fact, some States have taken power back from PR bodies. Status and dignity are essential to make these bodies viable and responsive institutions, and this requires Constitutional support. In India's Constitution, local self-government and Panchayati Raj was a state subject, and the Central Government could not pass any legislation concerning them. Hence, the 73rd Constitutional Amendment Act has been passed in 1993.¹⁵

The changes made by the 73rd and 74th Amendments in the Constitution are innovative and have given a new dimension to the system of governance at the local level in the country.¹⁶ However, the changes made in the Constitution do not create any new set of institutions but recognize afresh the role that these bodies can play in promoting economic development and social justice in urban areas and in the villages, and in improving services essential for better community life. The inclusion of the two new Schedules 11th and 12th has added a new dimension to local governance and has raised hopes that these bodies will be entrusted with the implementation of schemes on subjects included therein.¹⁷ This would be accompanied by consequential transfer of funds and staff. A few states like Kerala, Karnataka and West Bengal did much to devolve 3Fs (Funds, Functions and Functionaries) at the grass root level. But in most of the States a great deal of confusion as regards the nature of the transfer itself prevailed, as there has been a clamor for the transfer of functions, finances and functionaries to these bodies related, at least, to the subjects enumerated in the 11th and 12th Schedules.

The 73rd and 74th Amendments to the Constitution are only an expression of intention rather than a mandate to the States to transfer the functions and schemes relating to the subjects given in the Schedules, accompanied by funds and staff. The implications of the Constitutional changes brought out by these amendments have not been understood properly, leading to expectations which do not emanate from it. No wonder the States have not been highly enthusiastic in parting with powers, functions and finances for matters which are essentially of a local nature.¹⁸

The Constitution defines the Panchayats and the municipalities as institutions of 'self government' and has given a frame-work for fresh legislative action by the States. The State legislatures were and are competent to vest the rural and urban local bodies with powers, functions and responsibilities under Entry 5 of List II- State List of the Seventh Schedule of the Constitution. In fact, all the States had, as stated earlier, enacted legislations for the establishment of these bodies. Powers, functions and responsibilities, including the power to raise resources, were given to them in these legislations. However, the amendment has given emphasis to the theme of economic development and social justice. All States have either enacted new legislation or made the requisite amendments in the Panchayat and municipal laws; the subjects listed in the 11th and the 12th Schedules have been duly incorporated in the list of functions obligatory and optional for transfer to rural and urban local bodies. Powers for raising resources through tax, duties, toll and fees have also been conferred on these bodies subject to rates, instructions and rules to be framed by the State Government, but 'self government' has not been defined in the Constitution. There is no clear delineation of responsibilities, powers, and functions to be performed by the urban and rural local bodies on the one hand, and by the State Government on the other, in Part IX and IXA of the Constitution. In the

absence of any clarity on what is meant by 'self' government, the State Finance Commissions (SFCs), constituted under Article 243 I of the Constitution have had problems in determining the needs of urban and rural bodies and in making recommendations for devolution on that basis. The first reports of the SFCs, now available, for most States, covered by the 73rd and 74th Amendments reflect this position; the devolutions have been suggested based on what these bodies have been doing, and in some cases, the reports indicate only a percentage or amount from the State's resources for transfer to these bodies without any assessment of their needs or functions performed, or the resources generated by them.¹⁹

A clear definition of the term 'self government', used in the Constitution, is necessary before any exercise for devolution of 'powers, authority and responsibilities' could be meaningful. Any assessment of their requirement of funds and functionaries is possible only when there is a clear understanding of this term, accompanied by delineation of responsibilities between the various tiers of Panchayats in rural areas and levels of municipalities in urban areas. This will help to avoid duplication of efforts between the two levels of governance at the State and local level and will remove the confusion that prevails at the district and sub-district level. People would know where to look for the performance of specific public duties, and organize themselves to ensure that these are available.²⁰

In India constitutionally mandated PRIs have moved into the second stage so need is to set in motion second-generation reforms. Elections have been held (thrice in most places) and the relevant functions have also been devolved, as intended, in most States. However, there has been much less action in devolving funds and functionaries, which are the other two legs on which the structure much rest. The extent of financial devolution varies from State to State. While some have devolved a significant proportion of the State budget to the PRIs, many others have not yet done so. It was expected that local bodies would become financially independent along with a Constitutional guarantee of existence breathed through five yearly elections. But there are doubts and financially local governments are largely dependent on State Governments. State Governments have many powers to inspect, dissolve, remove and audit the functioning of local governments. Bureaucratic stranglehold may not be absolute but functioning of local government has been restricted.²¹

By contesting and getting elected to Panchayati Raj Institutions, women have shattered the myth of their own passivity that women are not willing to enter politics. For women, successful grassroots experience has meant a chance to form coherent voice, to be heard and to make a difference in their communities. However, women's representation in the decision-making positions with monitoring power is still negligible. The present rules of the game and decision-making procedure do not allow a greater participation of women and in the absence of women, there is no effort to recognize or change the game. The very absence of women at these levels thus leads to preservation and reinforcement of male-oriented and male benefiting types of decisions. The reservation in Panchayats has provided for the erosion of the traditional gender, caste, class roles and hierarchy but it has still to cover a long and difficult process.²² Women not only have to fight for their right to be more than proxy members but also to break the barriers of gender division of labour, illiteracy, low level of mobility, seclusion, lack of training and information, which continue to exist without enough support from the power structure. Women's low self-esteem at the household level and their new role in local politics where they are now expected to function as leader creates a contradiction between women's role at home and in local government. The fact that the participation of women could be better if they had functional education and training on the various intricacies involved in the political field.²³

There is much importance of Information Computer Technology (ICT) in enhancing Panchayat capacity so that they can perform their constitutionally and legislatively mandated functions better. When it comes to e-governance Gram Panchayat has unique importance for the reasons of Primacy of

Gram Sabha and its impact on the Gram Panchayat and requirement of keeping the Gram Sabha (the citizenry) well informed, by the GP. E-governance can help in dissemination of internal processes of Gram Panchayats: (agendas, resolutions, voting record); Proceedings of Gram Sabhas and action taken, Progress reports, Dissemination of data (family surveys, property lists, BPL lists, pensions, censuses), Service data: (education, health, water and sanitation), Natural Resources and biodiversity data, Databases on Panchayat members and staffing details.²⁴

Panchayati Raj is a silent revolution and most importantly, this system has included the marginalized sections, in the process of governance and these groups have found a place in Indian Polity and a new broad-based political leadership and wisdom is emerging. A large number of women and other marginalized classes have come to power as a consequence of reservation provided to them in Panchayats and it has rekindled the hopes of the local citizenry. The Constitutional specification of the role of Panchayats in 'planning for economic development and social justice' and 'implementation of schemes' towards these ends, and further, the critical role assigned to the 'gram sabha' and district planning are but the building blocks for creating a more just, equitable and vibrant society. It is here, in imaging the locality where lives and lived and everyday experience are produced and reproduced, that the conceptions of State, civil society and market must intersect privileging the democratic.²⁵

We can conclude that the present pattern of growth has the potential of widening the inequality. Such unequal opportunity structure weakens the positive role of growth, in reducing poverty and making growth inclusive. If this inequality increases further, social displacement will result and it will be a major obstruction to higher growth. To achieve inclusive growth, it is crucial that the poor are integrated with the dynamic sectors of growth. We cannot overlook the fact that being closet to the people, the Panchayats and their elected representative have the feel of the pulse, the sufferings of the people and local conditions. The effectiveness of providing services through local bodies cannot be overemphasized as they know their real requirements, and are familiar with every nook and corner of the village and, above all, they are answerable to the people. The Panchayati Raj institutions are eminently suited for service delivery as they can ensure equity and equitability in the provision of services (in view of their nearness to the people), inclusiveness (in view of the assured representation available to all sections of the society in the Panchayati Raj Institutions), accessibility, transparency, local participation, accountability and sustainability of services.¹⁰ It was clear in Article 40 of the Constitution that self-government for Panchayats was the central objective, but in giving powers to PR bodies, what exactly did State legislatures mean by "self-government?" With the 73rd Amendment, India is trying to create a meaningful and viable PR system to serve the cause of local self-government institutions in the countryside. The States now have no choice but to implement the constitutional provisions or face the wrath of the Union Government.

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