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LOCAL SELF GOVERNMENT

COURSE -424

UNIT – V

Write a note on the system of Panchayati Raj in India. 20

POWER TO THE PEOPLE—THE SYSTEM OF PANCHAYATI RAJ INSTITUTIONS IN INDIA

The thought process behind the Panchayati Raj system was to make democracy functional at the local level, and driven by citizens' needs and participation. It was therefore introduced as a three-tier system that decentralised governance, decision making, and local development. Political decentralization generally means strong and vibrant means of local government. Decision-making being closer to the people, decentralization ensures decision-makers more effective accountability to the governed. Panchayat Raj, a synonym of democratic decentralization, was introduced in India in the late 1950s and early 1960s to restore to the erstwhile institution of Panchayat the pristine glory that it enjoyed in ancient India.

BACKGROUND

While the panchayat is an old concept in India—through its presence as caste-based panchayats in villages—the structure, processes, and functions of the PRI system today are totally different. Mahatma Gandhi was among the first and most important leaders to advocate for Panchayati Raj. His vision of a village panchayat was a small self-sufficient republic with individual freedom,

opportunities for all, and full participation of the people. While the idea seemed revolutionary at the time, it was Gandhi's endorsement of it that perhaps explains why the PRI system was partially accepted by the makers of our constitution. PRIs were mentioned in Article 40 only as a Directive Principle of State Policy in 1950. It stated that steps shall be taken to organise village panchayats, and endow them with the powers and authority necessary for them to act as units of self-government.

However, around the same time, the central government took a different route to facilitate local development, launching the Community Development Programme (CDP) as a pilot in 1952. The CDP tried to push expert-driven, top-down development processes, moving away from the idea of organising village communities and self-government. The CDP, however, was not very successful, despite strong government backing. The reason for this was that under CDP, people were neither involved nor did they participate in their own development. In fact, this was why the Balwant Rai Mehta Committee was formed five years later, in January 1957, to review both the CDP and the National Extension Service, and suggest measures for improvement. The committee's report recommended that, "the government should divest itself completely of certain duties and responsibilities and devolve them to a body which will have the entire charge of all development work within its jurisdiction, reserving to itself only the functions of guidance, supervision and higher planning".

HOW DO PRIS FUNCTION?

The amendment made it obligatory for the states to establish PRIs in accordance with the act, and the Gram Panchayat, Panchayat Samiti, and Zilla Parishad were introduced as elected local bodies. The Sarpanch, also known as *panch* or *pradhan* in different states became the elected head of the Panchayat through a formal electoral process.

The Gram Sabha is recognised as the people's parliament at the village levels—the lowest level of administration and comprises all adult members of the village. It has the power to plan, approve, and monitor various development programmes for its village. It has a constitutional mandate, and the elected PRIs are accountable to the Gram Sabha.

There have been further iterations since, such as the Panchayat Extension to Scheduled Areas (PESA) Act of 1996, which gave greater autonomy to people residing in tribal and forest areas.

- Panchayati Raj Institution (PRI) is a system of **rural local self-government** in India.
- Local Self Government is the management of local affairs by such local bodies who have been **elected by the local people**.
- PRI was constitutionalized through the **73rd Constitutional Amendment Act, 1992** to build democracy at the grass roots level and was entrusted with the task of rural development in the country.

GENERAL WORKING:

⇒ *TENURE:*

Article 243 E is a provision on the duration of members in Panchayat. A clear term for 5 years has been provided for the Panchayats and elections must take place before the expiry of the terms. However, the Panchayat may be dissolved earlier on specific grounds in accordance with the state legislation. In that case, the elections must take place before the expiry of 6 months of the dissolution.

⇒ *DISQUALIFICATION*

Article 243F makes provisions for disqualifications from the membership. As per this article, any person who is qualified to become an MLA is qualified to become a member of the Panchayat, but for Panchayat the minimum age prescribed is 21 years. Further, the disqualification criteria are to be decided by the state legislature by law.

⇒ *State legislature on Panchayats:*

- The state legislature can confer power upon panchayat systems (A.243G to 243H) and the 11th schedule enshrines the distribution of powers between the State legislature and the Panchayats.
- The State can authorize a Panchayat by Law to levy, collect and appropriate taxes, duties, etc

- To review the financial position and status of the Panchayat the state legislatures are authorized to appoint a Finance Commission.
- The main source of income of the panchayat samiti is grants-in-aid and loans from the respective State Governments.

⇒ ***BAR ON INTERFERENCE BY COURTS:***

Referring to Article 329 of the Constitution, the courts cannot interfere in matters relating to allotment of seats, delimitation of Constituencies as under article 243K. Any matters relating to the election of panchayats can be questioned only by means of Election petition following certain procedures prescribed by the State legislature.

COMPOSITION OF PANCHAYATS

The Panchayati Raj system, as established in accordance with the 73rd Amendment, is a three-tier structure based on direct elections at all the three tiers: village, intermediate and district. Exemption from the intermediate tier is given to the small States having less than 20.

Exemption from the intermediate tier is given to the small States having less than 20 lakhs population. It means that they have freedom not to have the middle level of panchayat.

All members in a panchayat are directly elected. However, if a State so decides, members of the State Legislature and Parliament may also be represented in a district and middle-level panchayats.

The middle-level panchayats are generally known as Panchayat Samitis. Provisions have been made for the inclusion of the chairpersons of the village panchayats in the block and district level panchayats.

The provision regarding reservation of seats for Scheduled Castes/Scheduled Tribes has already been mentioned earlier. However it should also be noted here that one-third of total seats are reserved for women, and one-third for women out of the Quota fixed for Scheduled Castes/Tribes.

Reservation is also provided for offices of Chairpersons. The reserved seats are allotted by rotation to different constituencies in a panchayat area. State Legislatures can provide for further reservation for other backward classes (OBC) in panchayats.

TERM OF A PANCHAYAT

The Amendment provides for the continuous existence of Panchayats. The normal term of a Panchayat is five years. If a Panchayat is dissolved earlier, elections are held within six months. There is a provision for State Election Commission, for superintendence, direction, and control of the preparation of electoral rolls and conduct of elections to Panchayats.

POWERS AND RESPONSIBILITIES OF PANCHAYATS

State Legislatures may endow Panchayats with such powers and authority as may be necessary to enable the Panchayats to become institutions of self-government at the grassroots level.

Responsibility may be given to them to prepare plans for economic development and social justice. Schemes of economic development and social justice with regard to 29 important matters mentioned in XI schedule such as agriculture, primary and secondary education, health and sanitation, drinking water, rural housing, the welfare of weaker sections, social forestry and so forth may be made by them.

THREE-TIER STRUCTURE OF PANCHAYATI RAJ

PANCHAYAT SAMITI

The second or middle tier of the Panchayati Raj is Panchayat Samiti, which provides a link between Gram Panchayat and a Zila Parishad.

The strength of a Panchayat Samiti also depends on the population in a Samiti area. In Panchayat Samiti, some members are directly elected. Sarpanchs of Gram Panchayats

Sarpanchs of Gram Panchayats are ex-officio members of Panchayat Samitis. However, all the Sarpanchs of Gram Panchayats are not members of Panchayat Samitis at the same time.

The number varies from State to State and is rotated annually. It means that only chairpersons of some Gram Panchayats in a Samiti area are members of Panchayat Samiti at a time.

In some panchayats, members of Legislative Assemblies and Legislative Councils, as well as members of Parliament who belong to the Samiti area, are co-opted as its members. **Chairpersons of Panchayat Samitis are, elected indirectly- by and from amongst the elected members thereof.**

ZILA PARISHAD

Zilla Parishad or district Panchayat is the uppermost tier of the Panchayati Raj system.

This institution has some directly elected members whose number differs from State to State as it is also based on population. Chairpersons of Panchayat Samitis are ex-officio members of Zilla Parishads.

Members of Parliament, Legislative Assemblies and Councils belonging to the districts are also nominated members of Zilla Parishads.

The chairperson of a Zilla Parishad, called Adhyaksha or President is elected indirectly- by and from amongst the elected members thereof. The vice-chairperson is also elected similarly. Zilla Parishad meetings are conducted once a month. Special meetings can also be convened to discuss special matters. Subject committees are also formed.

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FUNCTIONS OF PANCHAYAT

All Panchayati Raj Institutions perform such functions as are specified in state laws relating to panchayati raj. Some States distinguish between obligatory (compulsory) and optional functions of Gram Panchayats while other States do not make this distinction.

- The civic functions relating to sanitation, cleaning of public roads, minor irrigation, public toilets and lavatories, primary health care, vaccination, the supply of drinking water, constructing public wells, rural electrification, social health and primary and adult education, etc. are obligatory functions of village panchayats.
- The optional functions depend on the resources of the panchayats. They may or may not perform such functions as tree plantation on roadsides, setting up of breeding centers for cattle, organizing child and maternity welfare, promotion of agriculture, etc.
- **After the 73rd Amendment, the scope of functions of Gram Panchayat was widened.** Such important functions like preparation of annual development plan of panchayat area, annual budget, relief in natural calamities, removal of encroachment on public lands and implementation and monitoring of poverty alleviation programmes are now expected to be performed by panchayats.
- Selection of beneficiaries through Gram Sabhas, public distribution system, non-conventional energy source, improved Chullahs, biogas plants have also been given to Gram Panchayats in some states.

FUNCTIONS OF PANCHAYAT SAMITI

- Panchayat Samitis are at the **hub of developmental activities.**
- They are **headed by Block Development Officers (B.D.Os).**
- Some functions are entrusted to them like agriculture, land improvement, watershed development, social and farm forestry, technical and vocational education, etc.
- The second type of functions relates to the implementation of some specific plans, schemes or programmes to which funds are earmarked. It means that a Panchayat Samiti has to spend money only on that specific project. The choice of location or beneficiaries is, however, available to the Panchayat Samiti.

FUNCTIONS OF ZILA PARISHAD

- Zilla Parishad **links Panchayat Samitis within the district.**
- It coordinates their activities and supervises their functioning.
- It prepares district plans and integrates Samiti plans into district plans for submission to the State Government.

- Zilla Parishad looks after development works in the entire district.
- It undertakes schemes to improve agricultural production, exploit ground water resources, extend rural electrification and distribution and initiate employment generating activities, construct roads and other public works.
- It also performs welfare functions like relief during natural calamities and scarcity, the establishment of orphanages and poor homes, night shelters, the welfare of women and children, etc.
- In addition, Zilla Parishads perform functions entrusted to them under the Central and State Government sponsored programmes. For example, Jawahar Rozgar Yojna is a big centrally sponsored scheme for which money is directly given to the districts to undertake employment-generating activities.

BENEFITS:

Each village has its own set of issues, which only the locals can understand. Members of a Panchayat are far more cognizant of the region-specific problems, and thus they are capable of taking a more informed decision in favour of the people of their village. Taking into consideration the specified needs of their inhabitants, the panchayats work accordingly. The panchayats undertake works of varied levels starting from creation of necessary establishments such as primary schools, to hygiene-related issues, to water requirements, to seek the central government's help towards generating jobs at the village level as well[16]. They also have a major share of contribution towards mobilization of local resources, encouraging, large-scale community participation, planning at the lower levels, reduction of corruption as well as improvement in quality of nations working.

BOTTLENECKS:

- Few states have not yet rested and delegated the powers to the panchayats to the true meaning and spirit of the 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 lack of manpower in the PRIs, particularly at the village level. With a limited number of officials, even after the complete devolution of powers, it may become difficult for the PRIs to look after all the works assigned to them by the State government [17]. Unless the PRIs are equipped with adequate staff to discharge their functions
- As required by the panchayat act, the gram sabhas have not been efficient in ensuring and empowering the participation of people at the lower levels to the fullest sense possible.
- Powers given to the State Election Commissions also vary from State to State. No uniformity is ensured in this regard. Also, Recommendations of State Finance Commissions (SFCs) are generally not taken seriously.
- While women got political representation, the real power was usurped by their husbands, “*The Sarpanch Pati*” depriving them of any meaningful gains. Caste and gender-based discrimination are still prevalent and despite earning a political position, women are denied their due respect [18]. Widespread illiteracy and ignorance further inhibit their capacity to perform.