

## PANCHAYATI RAJ SYSTEM IN INDIA: A WAY AHEAD

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### ABSTRACT

*In India, most of its population resides in rural areas and therefore the democracy should begin thereon in order to ensure good governance and a better functioning of democracy that we desire. To extend democracy to the rural India, the system of Panchayati Raj was established in India. The Panchayati Raj system is not a new concept and therefore is considered as one of the best ways of governance of the rural India. However, the system of Panchayati Raj, despite having derived their powers and existence from the Constitution of India, faces a lot of challenges in their day to day working because of various reasons and therefore this third tier of government has not been able to serve the purpose with which it was introduced in India. Therefore, in this paper, the author discusses the structure of Panchayati Raj in India and the challenges that the present Panchayati Raj institutions faces in their proper functioning.*

### INTRODUCTION

India, primarily, is a land of villages and around 72% of the total population of India resides in the rural areas. The rural areas thus forms the roots for the governance in India and the democracy should start thereon. Mahatma Gandhi also said that the main element for the development and for the governance should not be the big cities rather the village because it is where India resides.<sup>2</sup> In India, we have a unique system for governance at the village level. The governance of such small unit of India is by the Institutes, called the Panchayati Raj Institutions. The Panchayati Raj Institute derives their existence from the Constitution under Part IX under the head *The Panchayats*. The story of Panchayat is not just a few decades old; rather it has been prevalent in India from ages.

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<sup>2</sup> Available At: <http://www.Yourarticlelibrary.Com/Politics/The-Historical-Backdrop-Of-Panchayati-Raj-In-India-1179-Words/4793/>; last visited on May 16, 2015.

In the Rigvedic period, i.e. around 1200 B.C. there were *Sabha* that has the primary function of the administration of the area. This concept of *Sabha* gradually converted to the *panchayat* and it was so called because it was headed by 5 people. In the Medieval period, the *panchayati* system deteriorated because of the increase in the *Zamindari system* in the rural areas. The task of administration slowly got converted to tax collection as a result thereof. At this time also the village had a separate mechanism for its administration though the concept of panchayati raj got deteriorated.<sup>3</sup>

With the change in the dynasties ruling India, the concept of *Kotwal* came with the Mughal era whose task was to undertake the administration of the area assigned, to collect tax and other incidental functions. But the concept of *Kotwal* also got deteriorated with the inducement of cast system and feudalism in India especially after the British invention. In the British era, the Government was not in favour of any decentralization, therefore after the mutiny of 1857, they came with the Government of India Act, 1858 and removing the decentralization. Lord Mayo in 1870 advocated for decentralization, but it was unapproved. Subsequently, Lord Rippon advocated for decentralization but the same was approved till the extent of urban areas. Then came the Royal Commission in 1907 which advocated for village panchayat but it was not accepted due to various reasons.<sup>4</sup>

Further in the Montego Chemsford Reforms that were carried out in 1919, right after the World War I wherein England was not in a strong position, some autonomy to the provincial government was given to the provincial government and some powers were given to the elected representatives. There were two separate Lists under the laws, one for the Governor and second for the elected local representatives. Further, under the Government of India Act, 1935 all the powers were taken back because both the lists that were legislated were repealed and therefore the decentralization was again withdrawn.

Meanwhile, during the formation of the Constitution of India, in the Constituent Assembly, Panchayati Raj was kept under the heads of Directive Principles of State Policy under Part IV of the Constitution mainly because of the political instability of the new government and the paucity of funds and therefore it was not practically possible for the newly formed India to

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

have a third tier of the Governance which was right at the lowest tier in the country.<sup>5</sup> After the Indian independence, there were various committees that tried to give a proper structure to the Panchayati Raj in India. These are:

- *Balwant Rai Mehta Committee, 1957*: this committee mainly it advocated for the basic level of administration be at the Block level.
- *K. Santhanam Committee, 1963*: advocated that the Panchayati Raj Institution (PRI) be given the powers to levy tax and it should become as the main source for the funding of the institution.
- *Ashok Mehta Committee, 1978*: This committee suggested that the Panchayati Raj Institute shall be a two tier body which should operate at the Zilla level and the Mandal level. The nodal area would be at the Block Level (taken care of by the Block Development Officer) and Zilla Parishad shall have an advisory role to both, the State Government and to the Block level institution.
- *G.V.K. Rao Committee, 1985*: this committee again advocated for a three tier system. It said that the PRIs should be at district and local level. The District Development Officer (DDO) shall be appointed for the main administration of the village units.
- *L.M. Singhvi Committee, 1986*: this committee advocated that in order to establish a governing body for any part of India, it must be given a Constitutional structure. As a result, 73<sup>rd</sup> Amendment was made to the Constitution and Part IX A was inserted as THE PANCHAYATS.<sup>6</sup>

## STRUCTURE OF THE PANCHAYATS

In spite of the fact that the essential structure of the PRIs is indistinguishable over the conditions of India, it is portrayed by means of various classifications in various states. Panchayats in each state has its own attributes and even race strategies to these establishments are at fluctuation from area to area. A District Panchayat or Zilla Parishad is established for every region. Every district has one Zilla Parishad. Likewise Block Panchayats or Panchayat Samitis are established for the said area.

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<sup>5</sup> Supra 1.

<sup>6</sup>Available at: <http://www.yourarticlelibrary.com/politics/the-three-tier-system-of-panchayati-raj-in-india/4827/>; last accessed on June 2, 2015.

A Block might have a few towns under its jurisdiction, on the other hand Gram Panchayats are not inexorably co end with every town. Contingent upon the measure of populace (in actuality, number of voters) a Gram is characterized under the law with a particular geological zone, which might comprise of a solitary town or a group of connecting towns.<sup>7</sup>

Panchayati Raj Institute has the following bodies under it:

### **ZILLA PANCHAYAT**

Every Panchayat under a Zilla Parishad chooses one/two/three individuals directly (contingent upon number of voters inside of it). Presidents of all the Block Panchayats are likewise ex-officio individuals from the Zilla Parishad. In a few expresses the Member of Legislative Assembly (MLA) and Member of Parliament (MP) of the locale/body electorate are additionally ex-officio individuals.<sup>8</sup>

### **BLOCK PANCHAYAT OR PANCHAYAT SAMITI**

Every Gram Panchayat under a Block Panchayat chooses one/two/three individuals specifically to the Block Panchayat. Gram Pradhans are ex-officio individuals from the Block Panchayats.<sup>9</sup>

### **GRAM PANCHAYAT**

A Gram as characterized under the Act (which means a town or a bunch of towns) is separated into at least five voting demographics (again relying upon the quantity of voters the Gram is having). From each of these voting demographics one part is chosen. Body of these chose individuals is known as the Gram Panchayat. Size of the Gram Panchayats fluctuates generally from state to state. In states like West Bengal, Kerala and so on a Gram Panchayat

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<sup>7</sup> Available at: [http://www.arthapedia.in/index.php?title=Structure\\_and\\_Major\\_Functions\\_of\\_Panchayati\\_Raj\\_Institutions\\_%28PRIs%29\\_in\\_India](http://www.arthapedia.in/index.php?title=Structure_and_Major_Functions_of_Panchayati_Raj_Institutions_%28PRIs%29_in_India); last accessed on June 2, 2015.

<sup>8</sup> Available at: [http://www.arthapedia.in/index.php?title=Structure\\_and\\_Major\\_Functions\\_of\\_Panchayati\\_Raj\\_Institutions\\_%28PRIs%29\\_in\\_India](http://www.arthapedia.in/index.php?title=Structure_and_Major_Functions_of_Panchayati_Raj_Institutions_%28PRIs%29_in_India); last accessed on June 2, 2015.

<sup>9</sup> Available at: [http://www.arthapedia.in/index.php?title=Structure\\_and\\_Major\\_Functions\\_of\\_Panchayati\\_Raj\\_Institutions\\_%28PRIs%29\\_in\\_India](http://www.arthapedia.in/index.php?title=Structure_and_Major_Functions_of_Panchayati_Raj_Institutions_%28PRIs%29_in_India); last accessed on June 2, 2015.

has around 20000 individuals on an average, while in numerous different states it is around 3000 as it were.<sup>10</sup>

## **GRAM SABHA**

In a large portion of the states, every voting public of the individuals from the Gram Panchayat is known as the Gram Sabha and every one of the voters of the same body electorate are individuals from this body. In any case, in a few expresses this is called Ward Sabha/Palli Sabha and so on. In West Bengal it is called Gram Sansad (town parliament). Gram Sabha in West Bengal has an alternate importance. Here every one of the voters of the Gram Panchayat overall constitute the Gram Sabha. Under the Constitution, there can be just three levels of the Panchayat. The Gram Sabha is not a level of the Panchayati Raj framework. It doesn't have any official capacity and works as a suggesting body as it were.

Gram Sabhas hold gatherings ordinarily 2 to 4 times each year, however they can meet as and when important. In a few states dates of these gatherings are altered (Madhya Pradesh, Gujarat and so on) while in others dates are settled by the Gram Panchayats. Issues to be talked about in the gatherings can be far reaching yet the crucial motivation ought to include: Annual Action Plan and Budget, Annual Accounts and Annual report of the GP, choice of recipients for various social administration programs (Pradhan Mantri Awas Yojana , various Pension Schemes to name a few), recognizable proof of plans for planning of Annual Plan for advancement programs (e.g. MGNREGA) of Gram Panchayat, thought of the Audit reports, investigations of Gram Panchayat's execution and so forth.

## **FEATURES OF 73<sup>rd</sup> AMENDMENT OF THE CONSTITUTION**

After the recommendations of the L. M. Singhvi Committee, the Panchayati Raj Institutions were a given a Constitutional status under Part IX of the Constitution. The Part was added by the virtue of the Seventy Third Amendment Act.<sup>11</sup> Some of the features of the Act are:

- It did not apply to Schedule V areas of 9 states, schedule VI areas of North East, Darjeeling District and Jammu & Kashmir.

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<sup>10</sup> Available at: [www.yourarticlelibrary.com/politics/the...tier...panchayati...india/4827/](http://www.yourarticlelibrary.com/politics/the...tier...panchayati...india/4827/); last accessed on June 2, 2015.

<sup>11</sup> Available at: [www.indiacode.nic.in/coiweb/amend/amend73.html](http://www.indiacode.nic.in/coiweb/amend/amend73.html) last accessed on June 2, 2015.

- Panchayati (Extension to Scheduled Areas) Act, 1996 was brought to extend the Panchayati Raj Institutions to the Scheduled and Tribal areas under Schedule V areas of 9 states. It also recognises the control of the Panchayati Raj Institutions over the natural resources of the area.
- The Panchayati Raj Institutes should be a 3 tier body for the State having population more than 20 lakhs, making to get some uniformity in the structure in the country.
- The election for the Panchayats takes place every 5 years and the elections are conducted by the State Election Commission, under the supervision of the State Election Commissioner.<sup>12</sup>
- The Amendment provides for the reservation for women and SC/STs for effective participation in the rural areas and to make people reinstate their faith in the governance of the country.
- There is a provision for the constitution of the State Finance Commission to make recommendation to the State Government as far as the fiscal matters and other allied matters relating to the Panchayats are concerned.
- To establish the District Planning Committee.

## ISSUES IN PANCHAYATI RAJ TODAY

Even after the implementation of the Panchayati Raj Institutions in India in almost every state, still there seems to be various issues that are yet to be dealt in order to ensure effective participation of these institutions.<sup>13</sup> Some of them are:

- In India, there are around 2,32,278 panchayats at the village level; 6022 at the intermediate level; 535 at the district level still the panchayats has minimal powers to generate revenue. They do not have the powers to levy taxes and therefore they are hugely dependent on the State Government for funding. Therefore it is just a functional autonomy as it seems to be an extended form for the State Government and no other governing body even after having a Constitutional status.<sup>14</sup>

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<sup>12</sup> Available at: [www.tnrd.gov.in/panchayatraj\\_inst/Constitution\\_Act\\_1992.html](http://www.tnrd.gov.in/panchayatraj_inst/Constitution_Act_1992.html); last accessed on June 4, 2015.

<sup>13</sup> Available at: [www.yourarticlelibrary.com/india-2/9...panchayati-raj...india.../4823/](http://www.yourarticlelibrary.com/india-2/9...panchayati-raj...india.../4823/); last accessed on June 4, 2015.

<sup>14</sup> Available at: [https://socialissuesindia.wordpress.com/2012/09/06/panchayat-raj-system-in-india\\_/](https://socialissuesindia.wordpress.com/2012/09/06/panchayat-raj-system-in-india_/); last accessed on June 4, 2015.

- The recommendations of the State Finance Commission are not accepted. The State Finance Commission is meant to ensure an effective mechanism for the Panchayati institutions but it seems as if these institutions are merely on papers and not otherwise.<sup>15</sup>
- There is no uniform system of election across the country as it is conducted by the State Election Commission. This leads to a functional deformity as the Constitution gives them an equal status and therefore there should be uniformity in the procedure followed in the functioning of the panchayati institutes throughout India.
- Out of the total panchayats, 27 lakh people are elected throughout India wherein 37% are women; 19% are SC and 12% are ST.<sup>16</sup>
- Till November 2006, 8 states and 1 U.T. have transferred all 29 functions or subjects to the PRI. This clearly shows that in India the panchayats are merely an extension of the State and are not like a separate administrative unit, having a unique constitutional status. Kerala is the only state which has developed 40% of its plan outlay to the PRIs. It is important to note that only 13 states and 4 U.T. have constituted the District Planning Committee.<sup>17</sup>
- Even in the daily functioning of the panchayati there are various lacunas like the problem of the proxy role exists because there are a few recognized people in the village that only run the system and not the actual elected candidate.
- Even after the legislative of keeping the panchayats clean from politics, there still exists influence of the bureaucracy and the political parties.

## CONCLUSION AND SUGGESTIONS

The concept of panchayati raj is not a recent one in India. There have been traces wherein the said system has been found working effectively in administration of the small units of the countries, like the villages. This concept has been acknowledged by various Constitutional framers and keeping in mind the Constituent Assembly's intent in mind, this has been given a Constitutional status under Part IX by the virtue of the Seventy Third Amendment. Even after

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<sup>15</sup> Available at: [www.yourarticlelibrary.com/india-2/9...panchayati-raj...india.../4823/](http://www.yourarticlelibrary.com/india-2/9...panchayati-raj...india.../4823/); last accessed on June 4, 2015.

<sup>16</sup> Available at: <https://socialissuesindia.wordpress.com/2012/09/06/panchayat-raj-system-in-india/>; last accessed on June 4, 2015.

<sup>17</sup> Available at: [www.yourarticlelibrary.com/india-2/9...panchayati-raj...india.../4823/](http://www.yourarticlelibrary.com/india-2/9...panchayati-raj...india.../4823/); last accessed on June 4, 2015.

two decades of the working of the panchayati raj in India constitutionally, there have been various issues in its effective functioning.

It would not be wrong to say that the panchayati raj institutions have started playing their administrative role in the manner it was thought to be. But the problem comes at the stage of the input from the major stakeholder, i.e. the public at large. The institution is today induced by various ill practices like the proxy voting or the corruption at large or the influence of the political parties. It is thus important to start the reform initially targeting the people, which include educating the voters as far as making them competent to understand their rights and duties.

Even the functioning of the panchayat in India needs a structural change as it does not have any powers to levy tax, and therefore it is dependent on the State Government for financial assistance and loses its independency. The role of the political parties is also very persistent in the panchayati raj system and thus these issues needs to be addressed at the earliest. Therefore, it can be seen that the Panchayati Raj Institutions have worked a long way in implementing the objective that they were thought with. Yet there comes various problems today that need to be addressed. In India, the majority of the population belongs to the rural areas and therefore it is needed that the administration of such units is made effective.