



PANCHAYATI RAJ INSTITUTIONS IN INDIA: PROBLEMS AND CHALLENGES

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Abstract:

“India is a vast country, India is second in the world in terms of population and in terms of area, India is seventh in the world”. India’s civilization and culture are very ancient many civilization and culture emerge from our country and spread across the world. According to Gandhi ‘Our country resides in the village’. The village has always been an important entity of social, cultural, political and economic life as well as an important Institution of administration from the past to present era. Indian history is replete with evidence of decentralized governance. In the literature of vedic period, meetings (sabhas) and committees (samitiyan) have been mentioned, jatak stories (jatak katha) are beautiful depicting of the villages in the fourth and fifth century BC.

Keywords: population, culture, village, agrarian, civilization

The Rigveda, also mentions about the existence of village communities across the subcontinent that were self-governing and serving as the main interface between the predominantly agrarian village economies and their higher authorities. Such councils or assemblies called “sabhas ” slowly assumed the form of ‘the panchayat’ (an assembly of five respected elders). These panchayats in north and south India became the pivot of administration, the focus of social solidarity and the principal forum for the dispensation of justice and resolution of local disputes. During the medieval and mughal periods these characteristics of the village panchayats remained unchanged. According to the Ramayana and the Mahabharata, the king did not interfere in the affairs of the Villages. “The village was mention as the fundamental unit of administration under the Gramini. The Gramini had to protect the village and its lands” 7 . During the period of Budha and Mahavira, the villages were classified according to the size and mode of habitation. The villagers were self-sufficient and self- dependent. The village headman (Bhojak) collected the revenue for the state to organize constructive programme. Villages were self-governing⁸ . The institution of panchayat was in prevelance in India from time primeval. It was vested with administrative, legislative and judicial functions there were several changes in its structure and function from time to time but it was an effective instrument of local self-governance till the middle of 19th century. With the colonial administration taking over the control over village economy and society, the Panchayats ceased to be functional. Mahatma Gandhi’s (1942) concern for Gram- Swaraj ⁹pinpointed that it cannot be achieved without implementing local self-governance in the villages, It was Gandhiji, who for the first time in the 20th century articulated the need to revive the Panchayats with democratic basis and invest them with adequate powers so that the villagers could have a real sense of Gram- Swaraj(village self-government). In his opinion the village would be a complete republic with its governments conducted by the Panchayat of five persons which will be the legislature, judiciary and executive combined to operate for its year of office.

Foundation of Panchayati Raj Institution

According to “Article 40 of the Constitution of India included village panchayat in part IV of the constitution which contain the non- mandatory Directive Principles of State Policy it reads as follows. The state shall take steps to organize village panchayats and endow them such powers and authority as may be



necessary to enable them function as units of self- Government. States have established Gram panchayats of villages or groups of villages with equality, civic and economic activities for a village community as one of the functions.²⁴ ” “In 1992, 73rd amendment the Constitution of India has placed local government in the State List which empowers the State Legislatures to make laws with respect to local self- government or village administration. The Constitution nowhere defines 'local government'. Schedule Seven, List II (State List) item 5, says, Local Government, that is to say, the Constitution and power of Municipal Corporation, improvement trusts, District Boards, Mining settlement authorities and other local authorities for the purpose of local self-government or village administration”.²⁵ Thus, it may be inferred that a panchayat role was infact envisaged in the attempt to democracy to the village and empowering villagers. In 1959 on Mahatma Gandhi's birth anniversary on 2nd October the first prime minister of India Nehru formally launched the new system of Panchayati Raj at Degana village in Nagaur district of Rajasthan at the same time Panchayat was created in Andhra Pradesh as well.²⁶ In 1959, Nehru led Congress Party had an overwhelming majority at the union and was ruling in all states hence appropriate legal provisions for panchayats were made all across rural India. “The first organized effort to tackle the problem of rural India was made through Community Development Programme (CDP) in 1952 and National Extension Service in 1953. The programme was based on an integrated approach to the various aspects of rural development. The objectives were to promote self- help and self- reliance among the rural people, to generate a process of integrated social, economic and cultural change with the aim of transforming social and political life of the villagers. Initially Community Development Programme was launched in 55 selected blocks”²⁷. The programme was based on an integrated approach to the various aspects of rural development. The programme made provisions for appointing Block Development Officers (B.D.O.) and Village Level Workers (V.L.W). This programme was intended to bring socio economic development of the rural masses on democratic lines, but failed to take off along the expected lines due to the absence of an effective instrument for people’s participation. So to look into reasons of their failing governments appoint a committee under supervision of Balwant Rai Mehta.²⁸ Panchayati raj system in India, after independence, is implemented on the report of Balwant Rai Mehta committee.

73rd Constitutional Amendment and its Impact on Panchayati Raj

In 1988, government constituted a sub-committee of the Advisory Committee of Parliament under the chairmanship of P.K. Tungan, presented a number of recommendations to strengthen the Panchayati Raj system, in which a main recommendation was that Panchayats should be given legal status, “May 1989 Rajiv Gandhi's government introduced the Constitution 64th Amendment Bill in Parliament.”³⁸ “This act was passed in the Lok Sabha but it was not passed in the Rajya Sabha.”³⁹ The opposition accused the government of ignoring the state governments, saying that through this, the central government wants to directly establish relations with panchayats, which is undemocratic In the meantime during December 1989, the general elections took place in which the National Front government came to power, this government recommended the creation of an alternative bill under the chairmanship of S.R. Bommai, the bill was kept in the Chief Ministers meeting in June, 1990. The meeting approved the bill This government placed the 74th Constitution Amendment Bill 1990 in the Lok Sabha on 7th September 1990, but could not pass in Parliament due to the dissolution of the Lok Sabha on 7th November 1990, after the Congress returned to power in 1991, the ministerial level Based on the recommendation of the committee, the Constitution 73rd Amendment Bill was introduced on 16th September 1991, which was passed by Parliament on 22 December 1992. After the signing of the President on 24th April 1993, it was finalized in the form of the Constitution



73rd Amendment Act, 1992. This Act has provision that within one year of its coming into existence all the states governments should implement the changes in their Panchayati Raj Act. In this way, before 24th April 1994, all the states have amended their Panchayat Raj Act.

Objective of 73rd Constitutional Amendment act

The objective of the 73rd Amendment Act was that the Panchayat Raj institutions in India have existed for a long time but due to their non- consecutive elections, due to the Inactiveness of the State Government in the name of the powers, the proper representation of the weaker sections especially the Scheduled Castes tribe was null and also women's participation was uneven. To provide equal opportunities to all the section of society and providing legal status to Panchayati raj institution the 73rd amendment came in existence⁴¹. The motive may be political or administrative, but the fact is that the 73rd constitutional amendment act "1992 undoubtedly has become a landmark in the history of Indian democracy. With this, the concept of multi-level decentralization on democratic lines was transformed into a practical reality and had let greater autonomy reach the grassroots through these PRIs, making the structure more participative and substantially decentralized. This has visibly changed the contours of decentralized planning for the Indian democratic federalism. The structural framework of the amendment has been prepared keeping in view the past experiences of the PRIs and thereafter establishing an effective People's institution. Constitutional status to the PRIs has brought a paradigm shift in the very nature of the role of government. It has changed from being provider to the facilitator for people's participation in the development process.

PROBLEMS AND CHALLENGES

Panchayati Raj is not a new concept. The Panchayats have been a part of rural cultural heritage of India. From time immemorial the panchayats have enjoyed the confidence of the people. The system survived in spite of turmoil and changes, because the village folk were fully confident of their capabilities of sound thinking and right approach to problems. Panchayat 'literally means an assembly of five (Pancha) wise and respected elders chosen and accepted by the village community. They were considered as the incarnation of God (Panch Parmeshwar). Historically, every village in the country had a panchat which was responsible for finding solutions to local problems within the village itself. The Panchayat' of the institution of village council is as old as India's history and is a part of her tradition. The ancient panchayat, serving as units of local government, discharged most of the functions that affected the life of the village community. In Discovery of India Pandit Nehru had provided a fairly exhaustive idea about the working of village panchayats in ancient India. In the ancient India, the village panchayat or elected council had large powers, both executive and judicial and its members were treated with great respect by the kings' officers. Land was distributed by the panchayats. The panchayats collected taxes out of the produce and paid the government's share on behalf of the village. Under the pachayat, village was heaven of peace where the national culture developed. Thus, the Panchayats had a wide spectrum of activities covering executive, administrative, developmental and judiciary in ancient India. They breathed health into the rural society. Our Constitution in Article-40 directs to form village Panchayat as the unit of self governance. In 1958 to make Community Development Programme a reality Balwant Ray Committee recommended to introduce 3- tier Panchayati Raj in the entire country with the objective of removing illiteracy, poverty and diseases. It was however amended in 1962, 1965 and 1968. The 1965 amendment provided direct election of the Sarpanch of the Gram Panchayat by the people. The 1968 amendment substituted the District Advisory Council in the place of Zilla Parishad. The Panchayati Raj system during 1950's and early 1960s was under the control of different departments like Board of Revenue, Dept. of Agriculture and Community Development and



Political services Department before it was placed under the Department of Planning and Coordination with a secretary to head the Department. In July 1962, a new Department of Community Development and Panchayati Raj was created. The Panchayat Samities and Zilla Parishads and former District Boards came under its purview. In 1978 Ashok Mehta Committee offered some important suggestions on the basis of which some states introduced Panchayati Raj. The recommendations could not be implemented in all states due to the short-life of Janata Government. Rajiv Gandhi Government in 1989 had offered a proposal to introduce uni-pattern Panchayati Raj in all states. Strong opposition of some states and the sudden demise of Rajiv Gandhi brought an end to this effort. This Act gives constitutional status to the Gram Sabha. According to Article 234 B of the Constitution, Gram Sabha means a body consisting of persons registered in the electoral rolls of a village within the area of the Gram Panchayat. As per Article 243 A, a Gram Sabha may exercise such powers and perform such functions at the village as the legislature of a state, by law, provide. Accordingly all villagers over 18 years of age, have an inherent right to determine their own destiny. This is the forum where even a poor villager can make his presence felt. Moreover, Gram Sabha plays a very important role in functioning of the Gram Panchayats in ensuring transparency in the working and equitable distribution to benefits in creation of community assets bringing about social involvement in the developmental process. With the advent of British rule, however, drastic changes were made in the old pattern of village life. With the state dealing directly with the individuals in the villages panchayats languished; they were no longer effective units of local government. The British rulers opted for a highly centralized system where there was little scope for decentralized administration. After independence, the PRIs were established throughout the country. But the major thrust to the PRI system was given after the Balwanthrai Mehta Committee three-tier system. During the last five decades several steps have been taken by the central as well as state governments to strengthen PRIs. Keeping all the past attempts in views, the Union Government found the solution in the form of 73rd Constitutional Amendment Act, 1992 to remove the weaknesses of PRIs. The enactment of the 73rd amendment to the Constitution of India, with its focus on promoting village-level democracy, is an important landmark in the development of panchayati raj in the country. This Act seeks to enshrine democracy at the grassroots, and it intends to give power to the people, and it will end corruption and fight and remove powerbrokers and middleman in Indian development administration. With the provision of holding elections every five years to the panchayats governing India's half a million village, and with the reservation of the seats for women and for the scheduled castes and tribes in proportion to their population in each panchayat, a significant step has been taken for the empowerment of the underprivileged in Indian society. A congenial environment has been created with the implementation of the various provisions of the 73rd Constitutional Amendment Act by the states. However the performance of PRIs is not on expected lines due to a number of factors.

ISSUES OF PANCHAYATI RAJ INSTITUTIONS:

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. 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. 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. Till November 2006, 8 states and 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.

ILLITERATE SARPANCHS:

Another issue for Panchayati Raj system that illiterate Sarpanchs, They cannot represent their Panchayat body properly, neither they know talking with higher authority nor they can demand any Panchayat level scheme for village development due to the lack of education and knowledge it has been observed that illiterate Sarpanchs put there seal in any page and any document without knowing what is there written on.

FINANCIAL ALLOCATION:

The inadequacy of funds has also stood in the way of successful working of the Panchayati Raj. The Panchayati Raj bodies have limited powers in respect of imposing cesses and taxes. Further, they are generally reluctant to raise necessary funds due to the fear of losing popularity with the masses. As we are very much aware, almost all the states have made the PRIs a powerful and effective instrument of economic and social progress. Despite the competence given to them by law, few PRIs have shown a readiness to levy tax to the extent that will result in the availability of funds adequate for the proper discharge of the functions they are expected to perform. The reluctance to levy tax is mainly a reflection of local pressures which the PRIs have been unable to resist. They have very little funds doled out to them by the State Government. The share of land revenue made available to the PRIs by the state government has not proved substantial. The grants sanctioned to them have also not adequate. Thus, the resources provided to the PRIs are not enough to perform the functions entrusted to them.

CHALLENGES OF PANCHAYATI RAJ INSTITUTIONS:

Diverse and huge Challenges in the functioning and working of the Panchayati Raj system which are facing in the day to day activities can be broadly described as mentioned below: Initially there was domination of the bureaucracy over PRIs. The agent of implementation of all major programmes (CDP or IRDP) has always been the state administration, various parallel bodies that have grossly undermined the importance of PRIs. Secondly, inadequate financial resources to carry out the administration is a serious problem. The grant-in-aid is the major component of the PRI revenue. The Government should realise the difficulty and try to solve it permanently. A very peculiar thing is being observed that inspite of lot of powers given at grass root level, the actual development work is not being carried out. Corruption and groupism at village level, casteism, nepotism, in creating community assets is gradually becoming rampant. A lot in the fields of education, health, family planning, land improvement, minor irrigation, sanitation, animal husbandry etc are to be done, but instead of concentrating on development activities the elected representatives are found busy in fulfilling their personal interest, and benefiting to their caste men or other fellows which directly indirectly serve their vested interests. If the evil of corruption, casteism groupism be allowed to penetrate to grass root level, the whole system of Panchayati Raj will be collapsed one day and it shall be most disastrous to the democratic values envisaged in adopting the Panchayati Raj institutions.

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