

CHAPTER 12

LOCAL SELF-GOVERNMENT : (PANCHAYATI RAJ/RURAL LOCAL GOVERNMENT & URBAN LOCAL BODIES)

The success of a democratic system largely depends upon the existence and efficient operation of a system of Local Self-Government at the grassroots levels. Local Self-Government, which is also known as 'Local Government', is a system of direct and active involvement of the people of a local area into the administration of local affairs for the satisfaction of local needs with the help of local resources and through organized local efforts.

Local Self-Government is always a means for providing political education and training to the people without which they cannot become well-functioning and active participants in the democratic system. Through their participation in the administration of Local Self-Government, the people get psychologically and socially involved in the process of politics and their achievements at the local level always contribute towards the achievement of the goal of nation-building. Local Self-Government provides a very useful opportunity to the people for receiving self-education and training. It has been because of this quality that all the political scientists accept and advocate the importance of Local Self-Government as the training school for democracy and development.

The democratic ideals of decentralisation, development and increased continuous and active popular participation in the process of nation-building can be secured only through the organisation and working of an efficient system of Local Self-Government. Without a well organised system of Local Self-Government no democratic political system can be expected to become stable and really developed.

The makers of our constitution were fully aware of the imperative necessity of organising a system of Local Self-Government at the grassroots level and using it as a solid foundation for ensuring the stability, strength and health of the Indian liberal democratic political system.

"Local self-government must be the basis of any true system of democracy. We have got rather into the habit of thinking of democracy at the top and not so much below. Democracy at the top will not be a success unless it is built on the foundations from below".

—Jawaharlal Nehru

The Constitution of India gives a directive to the state to establish, maintain and operationalise a system of Local Self-Government, and the Indian state has been maintaining a system of Local Self-

Government in both Urban and Rural areas. In fact, each part of India, whether Urban or Rural, is being locally administered for the satisfaction of local needs by a Local Government.

We can study the organisation of Local Government in India in two parts : Rural Local Government and Urban Local Government.

I. RURAL LOCAL GOVERNMENT IN INDIA : PANCHAYATI RAJ

Rural Local Government in India is known by the popular name Panchayati Raj. It has been in operation since the early years of independence and it has the responsibility to satisfy the local needs and aspirations of the rural people who constitute more than 70% of the whole population. Acting under the constitutional directive given under Art 40 for organising village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government, the Indian state took immediate steps for systematically organising Panchayati Raj in India.

I. Establishment of Panchayati Raj in India.

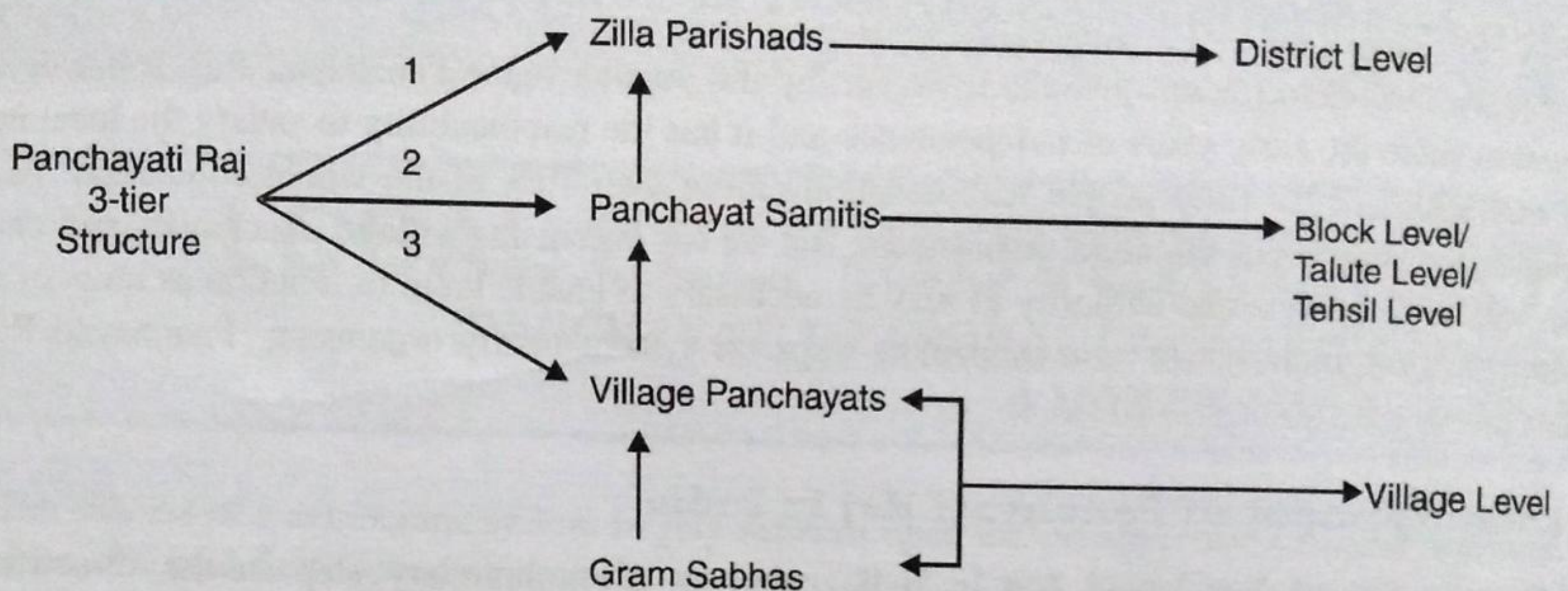
Organisation of Panchayati Raj in India came as a revolutionary step in the direction of democratic decentralisation and rural development. The launching of Community Development Programme on 2nd October, 1952 set the stage for the organisation of Panchayati Raj. On 2nd October, 1953 the National Extension Service was launched. These were initiated as government programmes but were designed to secure the involvement of the rural people in the task of rural development. However, the inadequate success registered by these programmes during the first Five Year Plan period necessitated the need to review their working. This task was assigned to the Balwant Rai Mehta Committee.

In October 1957, this Committee submitted its report and suggested the organisation of Panchayati Raj System. It was to act both as an instrument of rural local self-government as well as community development. The committee recommended the creation of a three tier structure—Panchayat at the village level, Panchayat Samiti at the block level and Zila Parishad at the district level—for securing the objectives of local self-government and rural development through the efforts of the rural community under the guidance and help of the government.

The recommendations of Balwant Rai Mehta Committee were accepted by the National Development Council in 1958 and the Central Government called upon the States to implement these recommendations in their respective areas through appropriate legal enactments. On 2nd October, 1959, Rajasthan came to be the first State of the Union to provide for Panchayati Raj. Andhra Pradesh, Assam, Madras (Tamil Nadu), Maharashtra, Mysore (Karnataka), Uttar Pradesh, Punjab, West Bengal, Gujarat, Madhya Pradesh, Orissa, Bihar, Kerala, J & K, Himachal Pradesh and in fact all States gradually followed the example set by Rajasthan. In Punjab, the Panchayati Raj was organised under the Punjab Gram Panchayat Act 1952 and the Punjab Panchayat Samitis and Zilla Parishads Act 1961. Likewise the other states also introduced Panchayati Raj by enacting appropriate legislative acts. Thus the whole of rural India came under the Panchayati Raj System. It still continues to be in operation.

(A) Organisational Structure of Panchayati Raj. Panchayati Raj is a three tier system designed to secure the creation of institutions of self-government :

- I. Panchayat at the village level acting as a directly elected local organisation entrusted with the task of securing local needs and civic amenities for the people living in the village, i.e. the Panchayat area.



- II. Panchayat Samiti at the block level acting at the intermediate level as the main agency for handling the community development programmes designed for securing the development of rural areas. It is constituted by representatives of the Panchayat areas which fall within a block and some ex-officio members. It has at its disposal a team of trained officials headed by the Block Development and Panchayat Office (BDPO).
- III. Zilla Parishad at the district level forms the third tier of the Panchayati Raj. It performs, in most of the States, a coordinating role. It coordinates the working of Panchayati Samitis working within a district.

WORKING OF PANCHAYATI RAJ DURING 1954-1992 i.e. BEFORE THE PASSING OF THE 73RD AMENDMENT ACT

It was in 1959 that Panchayati Raj, as modelled on the recommendations of the B.R. Mehta Committee, was first introduced in Rajasthan. By 1968, almost all the States of the Indian Union had introduced it in their respective areas. Since each State passed its own Act for effecting its implementation, there came to be several different features of Panchayati Raj introduced by them. However, they quite faithfully kept the recommendations of the B.R. Mehta Committee intact.

Most of the States adopted the three tier system but within which some like Maharashtra decided to assign the development functions to the Zilla Parishads and not to the Panchayat Samitis, while other States like Punjab decided to assign these to the latter function in accordance with the recommendations of the B.R. Mehta Committee. In Odisha, the District Advisory Council was established in 1969 in place of the Zilla Parishad.

All states of the Union accepted the importance and potential of Panchayati Raj as a mechanism for democratic decentralisation and rural development. During 1959-92 the Panchayati Raj worked

successfully in achieving its objectives but only in some respects. However, its working also brought out several short-comings which prevented it from becoming fully successful. It virtually failed to produce a qualitative change in Rural India. Villages of India developed but not as expected. Living standards in the rural areas improved but only partially and that too only in some areas.

The inability of the Panchayati Raj to deliver the desired goods was largely due to the presence of several hindrances in its way. Besides some structural weaknesses, socio-economic limitations adversely affected its operation. Undesirable politicisation, unhealthy partisan politics and factionalism combined with the prevailing poverty, ignorance, illiteracy, lack of funds, superseding by state government, excessive governmental interferences and control, lack of resources and groupism together became responsible for the inadequate success that came to characterise the working of Panchayati Raj.

Defects noticed in the Working of Panchayati Raj during 1954-1992.

The following can be described as the major specific defects/ hindrances in the way of efficient and successful operationalisation of Panchayati Raj in India during 1959-92.

(1) **Illiteracy and Ignorance.** The widespread illiteracy and ignorance among the rural people remained a major hindrance in the way of the successful operation of Panchayati Raj. It prevented the people from becoming active and willing partners in this system.

(2) **Inexperienced Representatives.** The inability of the representatives elected by the rural people to comprehend fully the programmes and policies of the Panchayati Raj and their apathy towards their duties as representatives of the people together made the working of the Panchayati Raj institutions inefficient.

(3) **Groupism and Factionalism among the rural people.** Socio-economic backwardness of rural India combined with groupism and factionalism to adversely affect the working of Panchayati Raj. The power struggle resulting from the efforts aimed at capturing seats in Panchayati Raj institutions as status symbol, led to further groupism and factionalism.

(4) **Lack of Political Awareness.** Rural poverty, illiteracy, and ignorance were together responsible for a low level of a political awareness among the people of rural areas. This prevented the adoption of Panchayati Raj by them as a system of self-government and self-development.

(5) **Lack of Funds for the Panchayati Raj Institutions.** The Panchayati Raj institutions were allocated limited sources of income. These were expected to perform a large number of civic and development functions. However, shortage of funds always hampered their efforts. Shortage of funds kept these dependent upon government grants-in-aid. This dependence compelled the people to regard Panchayati Raj as a government programme, and they failed to accept it as a system of self-governance.

(6) **Small Size of the Block Area.** In the structure of Panchayati Raj, the responsibility to implement development plans and programmes was largely vested with the Panchayat Samiti, which worked at the Block or Taluk or Tehsil level. Each Block was a small area and its Panchayat Samiti often found the task of formulating development plans difficult and problematic for such a small area.

“Blocks were too small to serve the needs of economic-planning and development.” That was why in some states, like Maharashtra, the Zila Parishads and not the Panchayat Samitis were assigned the responsibility of making and implementing the development programmes.

(7) Ineffectiveness of Gram Sabha. Gram Sabha, which was designed as village assembly of all the adult people inhabiting a particular Panchayat area, failed to become really operative. It existed only on papers. It did not come forward to undertake the stipulated task of maintaining supervision and control over the Panchayat.

(8) Party Politics. The role of political parties in Panchayati Raj elections remained negative and harmful. It acted as a source of factionalism and groupism. Party politics was responsible for dividing the village community along political lines. It was a source of intensification of social conflict into a violent conflict. Partisan attitude towards the issue of reforms and development adversely affected the working of the Panchayati Raj.

(9) Benefits mostly to one Class. The objective of securing the involvement of all the people of rural areas in the process of securing development through community efforts was put into practice but, it benefited only the rich landlords and the upper classes of the rural people. The rich landlords dominated the elections to the Panchayats and thereby became the dominant actors in the working of the other two institutions of the Panchayati Raj. The rural poor failed to really get involved in it. Most of them continued to live below poverty line and found little interest in the working of these ‘institutions of self-government’. The apathy on the part of the rural women and inadequate opportunities available to them, further acted as a big hinderance in the way of the working of Panchayati Raj.

(10) Structural Defects. There were experienced several structural deficiencies in the organisation and working of the Panchayati Raj institutions:

1. Ineffectiveness of Gram Sabha.
2. Nominated character of the Panchayat Samitis and Zila Parishad.
3. Lack of adequate powers, particularly for the Panchayat Samitis.
4. Lack of trained and efficient staff.
5. Excessive governmental interferences and control.
6. Economic dependence of the Panchayati Raj institutions upon the government.
7. Irregular elections.
8. Frequent and prolonged supersession of the Panchayati Raj institutions.
9. Small area of the Block.
10. Lack of good relations between the Panchayati Raj staff and the rural people.
11. Working of Panchayati Raj institutions more as governmental agencies and less as popular and public institutions.

All these hindrances were mainly responsible for the inadequate success of Panchayati Raj in India during 1959-92.

REVAMPING OF PANCHAYATI RAJ: 73RD AMENDMENT 1992 ACT

For eliminating the defects noticed in the working of Panchayati Raj as well as for giving a wider representative base and more powers to the Panchayati Raj institutions, the Parliament enacted the 73rd Amendment Act, 1992. Its purpose was to revamp the Panchayati Raj in such a way as should ensure its regular, active and efficient working in the rural areas and enable it to help the process of rapid socio-economic development of rural India. The new Act maintained the three tier structure of Panchayati Raj but at the same time amended their compositions, functions and powers.

SALIENT FEATURES OF 73RD AMENDMENT ACT

The main features of the 73rd Amendment Act have been :

1. Strengthening of Gram Sabha as the foundation level institution of Panchayati Raj.
2. To maintain and streamline the organisation and functions of the three tiers of Panchayati Raj i.e. Panchayat, Panchayat Samiti and Zilla Parishad.
3. The states whose populations were less than 20 lakh were exempted from organising the intermediate level i.e. Panchayat Samities.
4. Direct election of members of Panchayats, Panchayat Samities and Zilla Parishads and their heads (Sarpanches). However chairpersons of Panchayat Samities and Zilla Parishads were to be elected indirectly.
5. Reservations of seats in Panchayati Raj institutions for SCs, STs, women and women belonging to SCs & STs (1/3rd seats were reserved for women).
6. 1/3rd (Now one-half) offices of Sarpanches of Panchayats and heads of Panchayat Samities and Zilla Parishads of a state were also reserved for women.
7. The Panchayati Raj institutions were to enjoy a fixed tenure of five years. In case of every dissolution, the new institution was to enjoy the remaining tenure of the previous institution.
8. Responsibility for conducting elections of Panchayati Raj institutions of a state was to be with the state election commission.
9. Panchayats were given more functions, additional finances and definite sources of revenue.

Each state was to constitute a finance commission after every five years. It was to review the financial position of Panchayats and make recommendations regarding the distribution of revenue between the state and the Panchayats.

The Eleventh Schedule of the Constitution was added and it enumerated 29 subjects which were to be within the jurisdiction of Panchayats.

“ELEVENTH SCHEDULE” (Article 243G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.

4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.

Panchayati Raj 73rd Amendent Act : Operationalisation

On April 23, 1994 all the States of India completed the process of enacting fresh legislations for strengthening the Panchayati Raj Institutions as envisaged in the 73rd Amendment. The Panchayati Raj 73rd Amendment Act became operational in most of the States of the Union.

The enforcement of 73rd Act marked the beginning of process of devolution of power and decentralisation of administrative experience. This constituted an important step in the drive towards the strengthening of the democratic process at the grassroots.

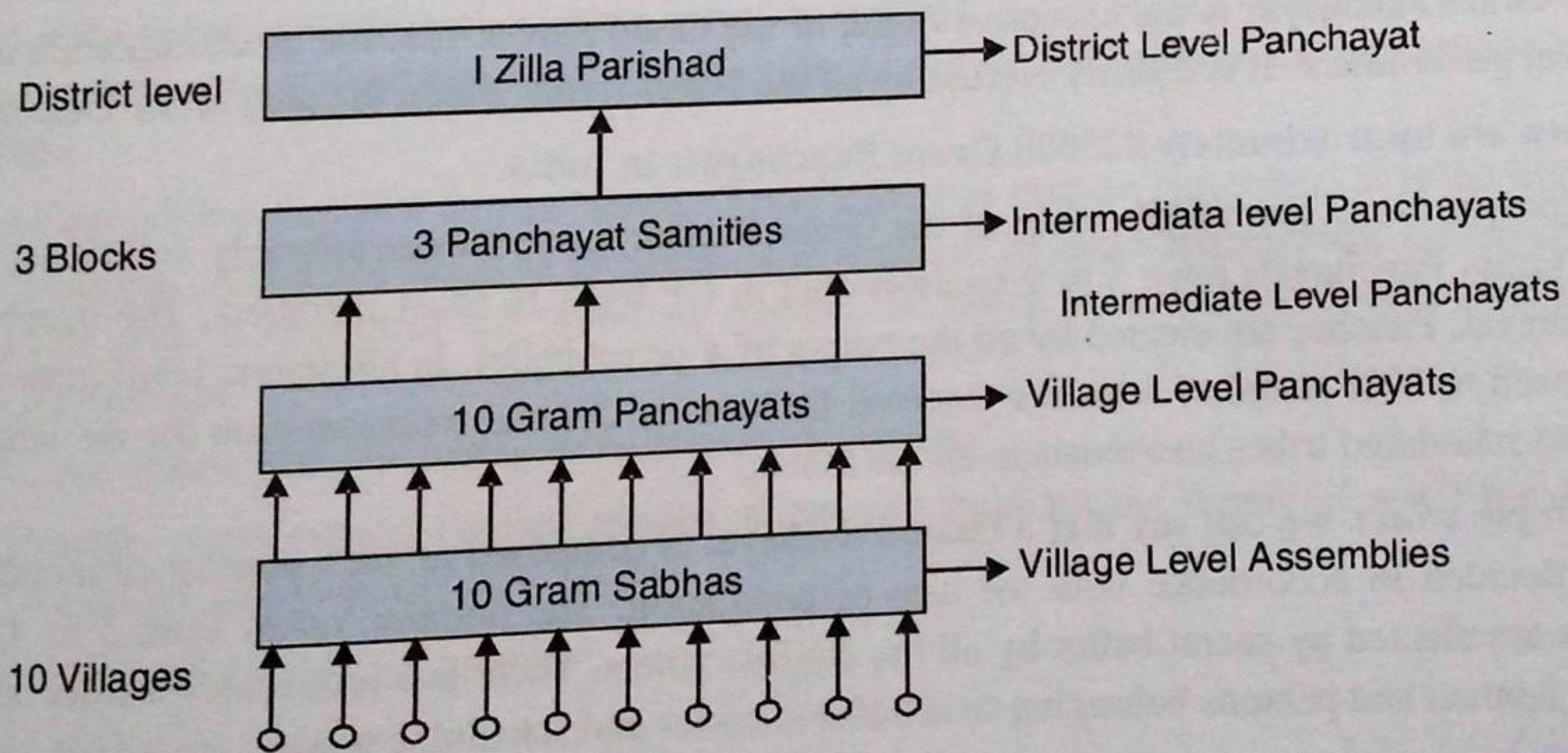
In the main, this Act provided for : Reservation of seats for SCs and STs in proportion to their

populations, reservation of the posts of chairpersons for the SCs and STs of a state, reservation of not less than 1/3rd (now 1/2) of the elected seats in each Panchayat for women, reservation of 1/3rd (now 1/2) posts chairpersons for rural women and rotation of reservation of women constituencies, direct election to Panchayats, representations of chairpersons of village Panchayats at intermediate level, and at district level, representation of MPs, MLAs, MLCs, election of chairpersons of Panchayats and continuity of operation of Panchayati Raj institutions.

ORGANISATION, POWERS AND FUNCTIONS OF PANCHAYATI RAJ INSTITUTIONS AFTER THE CHANGES INTRODUCED UNDER 73RD AMENDMENT 1994

After the passing of the Constitution 73rd Amendment Act, Panchayati Raj continues to be a three tier structure : Gram Sabha and Gram Panchayat at the Village level, the Panchayat Samiti at the intermediate level (Block level or Taluk level or Tehsil level), and Zila Parishad at the District level. The nomenclature, however differs from state to state. Further, the states with less than 20 lakhs population have been given the option to have or not to have the intermediate level Panchayat.

The organisation and functions of each Panchayats Raj institution can be generally described as follows :



PANCHAYATI RAJ : VILLAGE LEVEL INSTITUTIONS I. THE GRAM SABHA

The Gram Sabha constitutes the lowest tier of the Panchayati Raj. Each village with a population of 200 or more has a Gram Sabha. For a cluster of very small villages a common Gram Sabha is created.

Composition of Gram Sabha. It consists of all the eligible voters living in the area of a Gram Panchayat, which extends over a village or a group of villages. The Gram Sabha is now recognised as a statutory body in all States. In some States, the Panchayat Acts provide for giving membership of Gram Sabha to all the adults living in the panchayat area. In Odisha it is known as Patti Sabha.

Functions of Gram Sabha. The main works allocated to the Gram Sabha are : the consideration of the annual statement of accounts, auditing report of the Gram Panchayat, the administrative report of the preceding year, the programme of work for the ensuing year, the taxation proposals and any other specific schemes of a developmental nature involving community service, voluntary labour, etc.

Panchayat Act of a state usually provides that the Sabha shall in its first meeting consider the budget prepared by the Gram Panchayat and in its second meeting consider the reports of the working of its Gram Panchayat and draw out development plans for the Sabha area. In Odisha, the Patti Sabha can recommend to the Gram Panchayat the development work which should be undertaken for execution and also suggests the imposition of enhanced labour-tax on the able-bodied persons living within the Gram Panchayat area.

The Gram Sabha constitutes the very base of Panchayati Raj system and as such is a vital institution capable of exerting a big influence on the Gram Panchayat.

The Gram Sabha elects the members of the Panchayat and the Chairperson of Panchayat. It is a real grass root level institution. The states have now tried to ensure continuance of operation of all the Gram Sabhas in their respective areas.

IA. THE GRAM PANCHAYAT – VILLAGE LEVEL PANCHAYAT

The Gram Panchayat is the executive organ of the Gram Sabha. It is the most important unit of rural local government. It is directly elected by all the voters living within the area of the Panchayat.

There are approximately 225000 Gram Panchayats in India.

I. Composition. The membership of the Gram Panchayat varies considerably from 5 to 31. In Punjab, Gram Panchayats have 5 to 9 members but in UP from 16 to 31 members. The members of the Panchayat, Panches are elected by all the voters by a secret ballot. In all States, 1/3rd (now it is to be increased to 50% seats) of seats are reserved for women. Special representation for the scheduled castes and scheduled tribes also exists in all the States.

In simple words we can say that a Gram Panchayat is composed of such number of members as may be decided in accordance with the size of population. The number varies from 5 to 31. The members are elected by secret ballot by all the eligible voters. There is a provision for reservation of seats for women and persons belonging to scheduled castes and scheduled tribes.

II. Sarpanch. The Sarpanch of the Gram Panchayat is directly elected by the voters of the panchayat area. Some Sarpanch offices are now reserved for women candidates. Likewise, members of the scheduled castes and scheduled tribes also enjoy reservations in respect of all the offices of the Sarpanch in a state.

The Sarpanch convenes the meetings of the Panchayat and presides over these. He is to convene at least one meeting per month. The Panches can request him for calling a special meeting, which he has to call within 3 days. Sarpanch keeps the record of the meetings. He is responsible for the financial and executive functions. The Panchayat can assign any special function to him.

III. Legal Status. A Gram Panchayat is a corporate body having perpetual succession and a

common seal. It has the power to acquire, hold and dispose of property and to enter into contracts. As a corporate body it can sue and be sued.

IV. Meetings. A Gram Panchayat is a deliberative cum executive body. It transacts its business by passing resolutions. The Sarpanch convenes, presides over and conducts the meetings of the Panchayat and exercises control over its administration. He exercises the powers that are delegated to him by the Panchayat. At least one meeting in a month is compulsory. The Panchayat, functions through four or more committees. The Sarpanch is the ex-officio member and President of each committee. The other members are elected by the members from amongst themselves. The members of a Panchayat can request the Sarpanch for a special meeting.

V. Quorum. A majority of members of the Panchayat constitutes the quorum. All decisions are taken by consensus or majority. Sarpanch can cast a casting vote in case of a tie.

Answer the following :

1. Discuss the features of '73rd Amendment Act'.
2. State the provisions of the 'eleventh schedule'.
3. Explain the composition and functions of Gram Sabha.
4. Briefly state the composition of Gram Panchayat.