

Role Of Panchayati Raj In Rural Reconstruction

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Panchayati Raj System of governance in which gram Panchayat's are the basic unit of a ministration. Panchayati Raj was in existence during "Vedic" period in ancient india and was working as well as the people were carrying out their personal and official duties based on "Dharma".

In the medieval period penchant raj lost its significance as federal lords manage local affairs through dictatorship. During the British period, there were attempt to set up local government: Lord Rippon considered to be the first person who came out with a resolution of 1882 to provide framework for local governments. After this, there were attempts to improve local governments through the acts of 1909, 1918 and 1935.

After independence, government of india under the influence of Mahatama Gandhi, was advocated panchayati Raj system to provide real swaraj to the people of rural area's (a decentralized form of government). It is the oldest system of local government in the Indian sub continent.

Panchayat's have been the backbone of the Indian villages since the begging of the recoded history. Gandhi Ji translated into reality with the introduction of three-tier PRI's to en- list peoples participation in rural re-construction. In the 21st Century Village Panchayat in India will be in the fore front of rural development towards this end. Panchayat's are to be given more powers finance and training Panchayat's growth, social development and facilitate good governance as well as sound micro economic management.

The realization that peoples participation is crucial for successful implementation like CD community development programs 1952 and NES (National Extension Service 1953) was brought to sharp focus through the report of the team of the community projects and NES by Balwant Rai Mehta in 1957. The successful aspects of CD and NES work is its attempt to evoke popular initiative and recommended democratic decentralization. Democratic Decentralization is made up two words "Democratic" and "Decentralization". The word democratic is derived from the green roots 'Demos' means the people and "Karto" means authority. So, In democracy all authorities originated from the people and Decentralize means distribution of functions and power from a central authority to regional local authorities. In the present context that the government which has derived its authority from the people redistribute it to some extent to the people for decision and action at the local level. This is popularly known as "PANCHAYATI RAJ " in India.

Panchayati raj system is not only meant for village and agriculture but also it is concerned with different programmes like MNEREGA ... act as Pesa for collective development which is focus of this following research paper .

Panchayats have been the backbone of the Indian villages since the beginning of recorded history. In 1946, Gandhi had aptly remarked that the Indian independence must begin at the bottom and every village ought to be a Republic or a Panchayat with powers. His dream got translated into reality with the introduction of the three-tier Panchayati Raj system to ensure people's participation in rural reconstruction.

The passage of the **Constitution (73rd Amendment) Act, 1992** (or simply the **Panchayati Raj Act**) marks a new era in the federal democratic set up of the country. It provided the much needed constitutional sanction to the Panchayati Raj Institutions (PRIs) for functioning as an organic and integral part of the nation's democratic process. It came into force with effect from April 24, 1993 and did not apply to the Schedule V areas of the nine states, Schedule VI Areas of the North-East and the District of Darjeeling in West Bengal as well as J&K.

The Panchayati Raj Act was needed in order to streamline the functioning of the PRIs, which were marked by long delays in holding of Panchayat elections, frequent suspension / super session / dissolution of the Panchayat bodies, lack of functional and financial autonomy, inadequate representation of marginalized and weaker sections

and meager, occasional and tied Government grants. This crippled the functioning of Panchayats and did not allow them to function as institutions of local Self-Government as had been envisaged in the Constitution.

Characteristics of the Act

The Act has five main features: (a) a 3-tier system of Panchayati Raj for all States having population of over 20 lakh; (b) Panchayat elections regularly every 5 years; (c) reservation of seats for Scheduled Castes, Scheduled Tribes and women (not less than one-third of seats); (d) appointment of State Finance Commission to make recommendations as regards the financial powers of the Panchayats, and (e) constitution of District Planning Committees to prepare development plans for the district as a whole.

Thus, the Panchayats have been endowed with such powers and authority as may be necessary to function as institutions of self-government and social justice. Providing real functional autonomy at the village level is at the core of the amendment Act.

Out put

As a result of the enactment of the Act, 2,32,278 Panchayats at village level; 6,022 Panchayats at intermediate level and 535 Panchayats at district level have been constituted in the country. These Panchayats are being manned by about 29.2 lakh elected representatives of Panchayats at all levels. This is the broadest representative base that exists in any country of the world – developed or under-developed.

Despite the positives like enactment of State Panchayati Raj Acts, Setting up of State Election Commission and State Finance Commissions, and holding of regular Panchayat elections providing reservation for SCs/STs/Women in Panchayats, the results of implementation of the Constitution (73rd Amendment) Act, 1992 at the ground level have fallen far short of expectations. Stating specifically,

1. Although the political decentralization can be clearly seen in the regular Panchayat elections with good participation of people, the administrative and fiscal decentralization have remained rather limited. The State Governments have failed to give up their control on matters of local administration and finance.
2. Panchayats have not been granted enough powers for revenue generation. As a result, they only have limited functional autonomy.
3. Recommendations of State Finance Commissions (SFCs) are generally not taken seriously.
4. Powers given to the State Election Commissions also vary from State to State. They should have been given powers to deal with all matter relating to Panchayat elections namely, delimitation of constituencies, rotation of reserved seats in Panchayats, finalization of electoral rolls, etc.
5. Gram Sabhas have not been empowered and strengthened to ensure greater people's participation and transparency in functioning of Panchayats as envisaged in the Panchayat Act.

Panchayats (Extension to the Scheduled Areas) Act, 1996 (or PESA Act, 1996)

The PESA Act, 1996 is regarded as a corrective legal measure to the 73rd amendment (Panchayati Raj Act) in order to extend the provisions of the Panchayat Raj to the Scheduled and Tribal areas falling under the Schedule Five areas of the nine States, namely Andhra Pradesh, Chhattisgarh, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. The PESA Act, 1996 which came into force on 24th December, 1996. It gave radical governance powers to the tribal community and recognizes its traditional community rights over local natural resources.

It not only accepts the validity of “customary law, social and religious practices, and traditional management practices of community resources”, but also directs the state governments not to make any law which is inconsistent with these. Accepting a clear-cut role of the community, it gives wide-ranging powers to *Gram Sabhas*, which had hitherto been denied to them by the lawmakers of the country. The State Governments were

required to enact their legislation in accordance with the Provisions of Act before the expiry of one year i.e. 23rd December, 1997.

It also needs to be pointed out that tribal areas represent the last sumps of natural resources on this planet, simply because tribal lifestyle and culture have inherent respect for the forests and natural resources and tribal religions and outlook ensures survival of all living beings, through holistic and ecologically sound belief system. PESA offers a wonderful way to strengthen their hands in the larger interest of social justice as well as deepen grass-root democracy. Implementing the following suggestions will achieve both the goals.

- Even after a decade and a half after the PESA Act, there is very little awareness about the Gram Sabha being designated as a self-governing body or having legal jurisdiction over the natural resources and forests. Neither is there any support mechanism for the Gram Sabhas to play any significant role.
- It is a clear indication that sincere implementation of PESA has not been seriously attempted by the state governments. They still want to govern the PESA areas through the centralized administration and laws that actually weaken what PESA provisions offer the tribal community. There is hardly any willingness on the part of the officials of various departments to relinquish control on resources and functions that are given to the Gram Sabhas by PESA. Nor do they have any respect for tribal lifestyle and culture. What is needed is the empowerment and capacity building of the tribal community through a sustained awareness campaign so they can take charge of their lives as envisioned in the PESA provisions.
- There is an urgent need to amend the Indian Forest Act, Land Acquisition Act, and other related Acts so that the ownership on minor forest produce, water bodies and land resources are explicitly handed over to the Gram Sabhas of the PESA areas.
- No State Government officer should have the power to over-rule any recommendation of a Gram Sabha. This legacy of British Raj is anti-democratic and must be abolished immediately.
- The current system of governance is still largely colonial in nature and the bureaucracy conditioned on centralized authority has been unable to accept the radical change envisioned in the PESA Act. Therefore, in order to sensitize them an immediate extensive training-cum-awareness campaign for all relevant officials of various ministries should be initiated.
- There is a need that Gram Sabha institutions should be developed as institutions of **self-governance** and not treated merely as institutions of **local governance**. The required administrative structure and machinery should be provided for making the Gram Sabha an effective body of district administration. It is also imperative that the Gram Sabhas have direct access to funds so that they can exercise their power rather independently.
- Physical infrastructure in interior areas should be strengthened in order to protect the life and property of tribals. Special attention should be paid to the construction of culverts, bridges, check dams, compound walls for schools, etc.
- The concept of community ownership of resources in PESA areas should be integrated into the provisions of the Centrally Sponsored Schemes. All community resource based schemes should involve Gram Sabhas in planning and implementation.
- **Why Panchayats?**
- Introduction of the Panchayat Raj system through the 73rd Constitutional Amendment is the most authoritative step towards energizing grass-root democracy in the history of independent India. The Bill offers substantial space for responsive and participatory governance. It reaches out to women, OBCs, SCs and STs with enabling provisions to assimilate them into the mainstream political dynamics.
- Being connected to grass-root people, the Panchayats and the elected representatives have the feel of ground realities, sufferings of people and local conditions. The effectiveness of providing services through local bodies cannot be over-emphasized 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 involvement of Panchayats ensures greater transparency in working and fund utilization than when execution is carried out by state agencies. However, since Panchayati Raj is a State subject, it is for the States to take steps to devolve necessary powers to the Panchayats.
- But the Panchayat Act appears threatening to the privileged class that has all along enjoyed decision making powers at the cost of excluding every other weaker section. The laudable initiative for

decentralization of governance has met resistance from the elite political interests, authority hungry bureaucracy and the highly powerful corporate lobby whose interests are well served by the continuation of a colonial centralized structure of governance.

- A similar fate is met by the PESA Act, 1996 (Panchayat (Extension to Scheduled Areas) Act, 1996) that extends the PR Bill to the Fifth Schedule areas of the nine states so that the tribal community can also enjoy self governance according to their traditional culture and lifestyle through the Gram Sabhas. Yet, Panchayats are the only way to strengthen grass-root democracy and pull the weaker sections away from marginalization.
- Needless to say, the devolution of powers and functions to Panchayati Raj Institutions is a step in the right direction and over time these Institutions are expected to emerge as strong Centers of local governance responsive to the needs of the local community. What is needed today is the display of political will and a willingness to make the PRIs both effective and accountable. Another urgent need is an extensive exercise in the capacity building of elected PRI representatives.
- Here is the status of the functioning of the Panchayat Raj System in India:
- **Leadership Profile:** India now has constitutionally mandated 232,332 village Panchayats, 6,000 intermediate Panchayats and 534 Zilla Panchayats. The three tiers of these elected bodies consist of as many as 27,75,858 village Panchayat members, 1,44,491 members of the intermediate Panchayat and 15,067 members of the district Panchayat.
- **Women Empowerment at glance :** Women head about 175 District Panchayats, more than 2,000 Block Panchayats and about 85,000 Gram Panchayats. The southern states are doing better in promoting women leadership compared to the northern states. Along with the Southern States West Bengal and Madhya Pradesh also have more than 33 per cent women heads. It clearly suggests election of some women candidates from general seats too.
- **Reserved Constituencies Rotation :** Reservation of constituencies by rotation for different groups has led to taking very short term view by the elected representatives as they have no prospect of re-election.
- **local self-governance and Parliamentary review Committee :** A decade after the 73rd and 74th constitutional Amendments, a Parliamentary Committee was constituted to review their impact and progress. This committee consisted of 30 members from Lok Sabha and 13 members from Rajya Sabha. It bluntly but rightly pointed out that this period has witnessed a willful violation of Constitution in terms of devolution of rights to Panchayats and that the Ministry of Rural Development had failed to assert itself effectively.
- **Adjuncts of the state governments:** In spite of the fact that Panchayat are democratically elected bodies and are as much a constitutional body as Parliament or state assemblies, they function at the mercy of state governments and are usually treated as mere adjuncts of a state's politico-administrative machinery with little autonomy.
- **Financial Powers power:** Although State Finance Commissions (SFCs) have been constituted that give their recommendations, but the ruling elites don't want to take them seriously. As a result, Panchayats remain dependent on grants from the state and the centre. Unfortunately, fiscal devolution is increasingly dependent on political pressures, market forces driven by contractors and, plain and simple corruption. They also have inadequate control on natural, physical and human resources within their jurisdiction. It renders them ineffective and people see the Panchayats mere as another procedural arm of the government.
- Additionally, when Panchayat heads have to approach Block office for funds or for technical approval, their authority is already undermined. Moreover, it also breeds corruption which is singled out as the most important cause for the ineffective functioning of these institutions.
- **Equal Development Initiatives Undermine Panchayats:** All parallel developmental schemes, under whatever initiative, undermine the authority and role of the Panchayats. For instance, Members of Parliament get Rs 2 crore each year for development of their constituencies. The centrally sponsored schemes (CSS) also undermine the PRIs. The share of centrally sponsored schemes (CSS) in the plan budget of central ministries has increased to 70 per cent as against 30 per cent in the early 80s.
- State government schemes, promoting special interest groups with vertical hierarchy and parallel authority, also have similar adverse impact on the PRIs. NDA government's attempt to strengthen District Rural Development Agency (DRDA) as the principal organ at the district level for handling huge funds

is another ill-informed initiative that went against role of the PRIs. Therefore, law makers both at the Center and States must sit down and think carefully about how to strengthen the PRIs and curtail all parallel schemes.

- **Complexities and Capacity Problem :** The governance procedures of the Panchayats are extremely complex and are often imitation of the state government's rules and procedures. Likewise the adopted accounting procedures are also often very complex for the rural masses, given their limited knowledge and experience of governance. A study in Rajasthan found that 40 per cent of the elected representatives were illiterates and 90 per cent of reserved category Panchayat heads were elected for the first time. Thus they badly needed capacity building training to perform the role of Panchayat representatives.
- **Failure of PESA:** State governments have failed to provide enabling legislation for the PESA provisions to function effectively and allow the tribal community govern themselves without outside interference. There are three most important issues of the tribal communities: (a) management of the minor water bodies, (b) mandatory consultation before land acquisition or before resettlement or rehabilitation of the affected people and the right to take appropriate action to restore any alienated land of the community, and (c) ownership of minor forest produce (MFP) which is an important livelihood support for them.
- Governments have failed to come up with clear legal definition of the "minor water bodies" that leaves ample scope for ambiguity and varied interpretation by the bureaucracy. On the land grab and rehabilitation issue, governments have failed to lay down clear cut rules, which negate what the PESA offers them. Similar is the fate of issues related to MFP and the tribals continue to be harassed by the forest officials.

Potential of MGNREGA and Reality

- The UPA government's Aam Aadmi scheme – Mahatma Gandhi National Rural Employment Guarantee Act – has seen falling allocation lately. Two years ago it received the highest allocation of Rs 40,000 crores; now Rs 33,000 which was the same as last year's. Many believe that the NREGA (as the scheme was known then and until Oct 2, 2009) helped the UPA get its second term. It offers a legal guarantee to provide employment if there is demand. But strangely the employment provided to the rural poor is falling under NREGA: **284** crore person days in 2009-10, it went down to **257** crore in 2010-11 and now **216** crore person days in 2011-12.
- While the program is widely touted as designed for livelihood security of the rural poor, the biggest challenge has been the creation of productive assets. Lacks of unfinished projects put a question mark on the manner in which the funds have been utilized. Over half of the 151 lakh projects taken up in 2010-11, whether digging water ponds or construction of roads – are still incomplete after two years.
- By now shortcomings in the implementation of MGNREGA are amply clear. They point to the need for strengthening the PRIs through capacity building, raising awareness about MGNREGA and various rights it offers to the workers, strengthening project selection and planning at the grassroot level, consistent hammering on corrupt practices, creation of useful assets, strengthening social audit mechanisms, and keeping political influence away from the program.
- On the healthier side, the Ministry of Rural Development is adding additional projects to enable development of SC/ST lands and construction of toilets and anganwadis under the scheme. In fact, MGNREGA should not be seen as an independent scheme merely for rural employment. It has the potential to revolutionize democracy by providing inclusive economic growth. It also has the capacity to obliterate the plethora of cast and regional divides and provide dignified livelihood to women, elderly and the disabled. Women participation is particularly poor in the northern region. By providing further teeth to the social audits and accountability measures, MGNREGA offers direct empowerment to the weaker and marginalized sections of Indian society.
- MGNREGA has another healthy dimension. About 70% of works under the MGNREGA are "green jobs" such as water harvesting, afforestation and land development. The program is not only an anti-poverty project that also yields co-benefits of adaptation to climate change and reduction of vulnerabilities against climate change. Needless to say that the poor are also the most vulnerable towards climate change adverse

effects. Ironically, the poor NREGA workers are working towards sustainable green development that the rich have failed to do.

- The 100 days of employment as offered by the scheme has remained grossly under-utilized is evident from the fact that the household who came forward to work received on an average less than 50 days of work: 48 days (2008-09), 54 days (2009-10), 47 days (2010-11) and 42 days (2011-12). There are several reasons for this: reluctance of gram Panchayats to take work under MGNREGA because it adds to their burden besides being ill equipped to plan projects; demand of bribery to approve projects by higher officials, lack of awareness among poor people about entitlements MGNREGA offers them, and so on.
- The slake attitude and some of the states and the implementing officials has been jokingly described in some circles: JO NAREGA KAREGA WHO MAREGA, JO NAHI KAREGA WHO BHI MAREGA — Those who implement nrega will get into trouble and those who do not will also be in trouble. One major problem has been that the NREGA is a demand driven program, but the implementing bodies continue to remain in the supply mode.
- Andhra Pradesh, Rajasthan and Tamil Nadu are the top states in implementation of MGNREGA. There is need to analyze there are laggards and how to cox them into action.
- Proper implementation of MGNREGA invariably goes through strengthening the PRIs and that means providing depth to the grassroot democracy in the country. Hence lessons learned so far should go into making the MGNREGA – 2 a far bigger success.

Table
Overall Performance of MNEREGA 2006 -2012

	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Household Employed (crore)	2.10	3.39	4.51	5.26	5.49	4.99
Person days of the employment (crore)	90.5	143.59	216.32	283.59	257.15	211.41
Work provided per year to households who worked (days)	43	42	48	54	47	42
Central Realease (Rs in Crore)	8640.85	12610.39	30000.19	33506.61	35768.61	29184.85
Total funds available including opening balance (Rs crore)	12073.55	19305.81	37397.06	49579.19	54172.14	43276.58
Budget Outlay (Rs crore)	11300	12000	30000	39100	40100	40100
Expenditure (Rs Crore)	8823.35	15856.89	27250.10	37905.23	39377.27	37548.79
Avg wages per day (Rs)	65	75	84	90	100	117
Total works taken up (lakhs)	8.35	17.88	27.75	46.17	50.99	74.13
Works completed (lakhs)	3.87	8.22	12.14	22.59	25.90	15.01

Source: Ministry of Rural Development, GOI. Taken from planning commission of India. Website: <http://planningcommission.nic.in/hackathon/RuralDevelopment.pdf>

It is evident from all types of data and work done by government agencies and researchers that Panchayati Raj system is multi dimensional approach which encompasses not only agriculture but also overall development of the village including villagers who want more and more attention as described in above paper. But we can't deny the role and significance of Panchayati Raj in rural reconstruction.

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