



# PANCHAYATI RAJ: ISSUES AND CHALLENGES

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## ABSTRACT

In India, most of its population resides in rural areas and thus democracy should begin thereon in order to ensure good governance and a better functioning of local affairs that we desire. To extend democracy to the rural India, the system of Panchayati Raj was established. 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, the present paper analyses the issues and challenges which the PRI's are facing in the present. The paper also makes an attempt to design few strategies to efficate the PRI's functioning in the states.

## Introduction

The establishment of panchayats, as constitutionally safeguarded entities, is a landmark in the evolution of our democratic governance. The balance of power between the different actors in our polity will change dramatically to affect the politicians, the legislation, the bureaucrats, the common man and virtually everyone in the process. Various social, cultural and political, impediments are in the way which have a bearing on the performance of the Panchayati Raj. Only the depth of commitment and conviction will determine whether or not the Panchayati Raj Institutions can become an effective instrument of governance in future. The emphasis in a democracy is on decentralization of power. The underlying belief behind democratic institutions at grassroots is that every unit should be given the responsibility of shaping the destiny of the nation. It is, therefore, very essential in all democratic societies, and more so in

India, to mobilise local participation in development programs launched by the national leadership. Prompted by these convictions and ideals, the grassroots democracy has come to acquire a significant role in the developmental process of the country.

The institution of panchayat is not new to India. Republics or panchayats or sanghas, as these were known then were significant institutions in ancient India. During the British era some of the British Viceroys tried to revive local government; notable among them being Lord Rippon who laid the foundations of modern local government in India. Lord Rippon started the process of decentralisation in 1882, and a series of legislations were passed in this country during the first half of the twentieth century. With the introduction of the system of dyarchy under the Montague-Chelmsford Reforms of 1919, the local self-government institutions were transferred to the ministers.

After Independence, it was realised, that unless community needs were addressed the rate at which poverty was to be diminished and the rate of growth that had to be achieved would fall far short of the 'desired goals'. Therefore, an alternative approach was necessary to parallel planning efforts. Thus emerged the Community Development Programmes (CDPs) of the early 1950s. The results left much to be desired and the CDP was seen as having failed to take-off on the wheels of bureaucracy. Then came the panchayats, fashioned to provide an institutional base for the people's active sharing. The PRIs in their new incarnation<sup>4</sup> were inaugurated in Rajasthan on October 2, 1959. Other states soon followed suit.

### **What Actually Happened to Panchayati Raj?**

The move towards Panchayati Raj was soon throttled due to various micro and macro factors. The panchayats were conceived as instruments of development and not regulatory agencies of district administration. The regulatory functions were retained by the State Governments, with the collector acting as the agent of the

government in the district. The lack of regulatory powers at the grassroots level reduced the PRIs to the status of a subordinate department of Central Administration. Even for performing developmental duties the PRIs had to be depend on the grants from Central and State Governments to the extent of 95 per cent in Maharashtra and not less than 75 per cent in rest of the states. This kind of survivalistic existence of PRIs allowed states to ill-treat this core structure. Most states had kept panchayats arbitrarily suspended or dissolved. Even when they functioned they were never allowed to function as nodal agencies of democratic decentralisation. At the micro-level there was inadequate representation

of minorities; dominance of caste groups and political elites; low levels of

participation by the common man and so on. Women were regarded only as recipients of welfare rather than contributors to development. All the above factors manifested into non-functional and ineffective PRIs which were directly under the control of the state. This resulted in defeating the very essence of Panchayati Raj.

### **Consequences of the Negligence**

The consequences of the negligence of PRIs have been that, that the entire governance of the country and management of change have got engulfed in a

myriad of government guidelines enveloped by rules, regulation controls and red

tape . Development programs were conceived by those who were least affected or connected with the local problems. The bureaucrats involved had poor vision about the root causes of social issues and hence effective strategies could not be evolved.

Other than subsidies bureaucracy had nothing better to offer<sup>1</sup>. The masses were christened as 'beneficiaries' rather than 'partners' in development. They were categorised by popular government parlance in terms of 'target group', 'vulnerable section', etc., who were unable to fend for themselves. The community which was at the heart of development strategy became peripheral. A vast development bureaucracy replaced elected panchayats. There was a general apathy seen amongst the administration and the political levels to strengthen the PRIs.

Development suffered due to the patchwork approach of remedying the ills rather

than preventing them in the first place. This was because the delivery of development thrusts continued to be similar to the CDPs of the fifties. The entire burden of providing productive and technical expertise fell on the Village Level Workers (Gram Sevaks) who were expected to single-handedly find viable projects to take care of the needs of the teeming millions of poverty-stricken households.

Thus, while the Section Officers in the State Secretariats , ran the government to administer the country, the Village Level Workers

operated the development programmes to run the development machinery of our

system. The development administration and general governance both became

top-heavy without any pillar of public support.<sup>2</sup>

## Implications of the Governance on Rural Life

There were paradoxical resistances and tensions in system operation. The inhabitants of our rural areas have been exposed to unbelievably harsh conditions. Poverty, illiteracy, disease, malnutrition, shorter life expectancy and high rates of infant mortality are major maladies afflicting all poor communities, but they are particularly malignant in rural India. The damage done by bad governance to their home and hearth, their social fabric and moral environment, and to food and cash crops by floods and droughts has been phenomenal. For years the rural communities have borne their pains and sufferings in silence. They are even denied basic amenities such as electricity, water supply, medical aid and education.

The problems of caste, domination by the elite groups politicians and bureaucrats have also had a significant impact on rural life and on the deterioration of Panchayati Raj in the country.

Over the years people have lost faith in the government and have become insensitive to a system which brought to naught their resources time and again. In order to rectify this dejected situation and design structural solutions, the Government of India finally accepted to make panchayats an active and integral part of the Indian polity. It is against this background that the 73rd amendment was passed in December, 1992. The amendment lays down rules with a basic structural framework so that it can withstand external interference and would establish itself as an effective and strong people's institution.

### Salient Features of the Amendment Act

This amendment marks a major step forward. The salient features of the amendment are as follows:

- (1) Establishment of local government institutions in India by making elections mandatory.
- (2) Preventing the State Government from superseding these institutions for indefinite periods.
- (3) Establishment of a three-tier system of the panchayat at the village, block and district level in all the states and union territories except those having a population less than 20 lakhs wherein panchayats at the block level are not to be constituted.



- (4) All levels of panchayats will consist of persons elected directly from the territorial constituencies in the panchayat area.
- (5) Members of a panchayat, whether or not directly elected, shall have the right to vote in the meetings of the panchayats.
- (6) The chairperson of the panchayat at the block level or district level shall be elected from among the directly elected members representing the territorial constituencies.
- (7) Reservation of seats for SCs/STs in proportion to their population on a rotation basis. Similarly one-third post of chairpersons of each level of panchayats shall be reserved for women on a rotation basis.
- (8) A tenure of 5 years for a panchayat is to be fixed from the date of its first meeting.
- The tenure cannot be extended. However, if the panchayat is dissolved before the expiry of its term, elections should be conducted within a period of six months of the dissolution to reconstitute the panchayat for the remainder of the term provided the remainder of the period is not less than 6 months.
- (9) Amendment of law to dissolve the panchayats at any level is prohibited.
- (10) Constitution of the finance commission in the state within one year from the commencement of the constitution of the amendment act initially, and there after every five years to review the finances of the panchayats and recommend the principles on the basis of which the taxes are to be appropriated or assigned to the panchayats. The state legislature had been given the powers to authorise the panchayats making grants-in-aid to the panchayats from the consolidated fund of the state.
- (11) State Election Commission has to be constituted for the superintendence, direction and control of the preparation of electoral roles and conduct of elections to the panchayats.
- (12) Courts are not to interfere in electoral matters such as delimitation of constituencies, allotment of seats and election to any panchayats.
- (13) Persons challenging the election of any panchayat can be presented to an authority created by a state legislature. Besides these mandatory provisions, the state legislature has been empowered with powers to govern the day-to-day functioning of the panchayats.

## Issues and Challenges

All the states and union territories where the Constitutional Amendment is applicable, have either brought in new legislation or amended their legislation to be in conformity with the

constitutional provisions by the stipulated date of April 23,1994. An examination of these acts makes it abundantly clear that the states have followed the Amendment in letter and not in 'spirit'.

### **Evaluation of Some of the State Acts**

It is strange that with the exception of a couple of states, no State Act says that its objective is to establish the institution of self-government. In fact, most State Governments see the Act merely as a tool to establish panchayats as their agencies.

The Karnataka Panchayati Act vests the power of adjudging the performance of the panchayats with the bureaucracy. Under the Bihar Panchayati Raj Act, 1993, officials are also the controlling authority. Panchayat leaders have to tender their resignations to bureaucrats. The Gujarat Panchayat Act has not incorporated the provision of constituting a district planning committee as a means to integrate the rural and urban plans prepared by the Zilla Parishad and municipality. The Haryana Panchayati Raj Act also confers most of the power on the bureaucracy or the government, leaving little room for the panchayat to work independently. In several cases the order of the Director of Panchayat, is not only final but also cannot be questioned in any court of law. The government can cancel any resolution of the panchayat under the pretext of it being against the public interest. However, what constitutes public interest is not defined anywhere in the Act, allowing possible manipulation of the clause by State Governments for their own political ends. The Kerala Panchayat Act is also an effort towards establishing of officers' 'Raj' in place of people's 'Raj'. This is because the controlling power of panchayats is vested in the Panchayat Commissioner at the state level and the Deputy Commissioner at the district level. All work done by the panchayat is scrutinised by the bureaucracy.

The Himachal Pradesh Panchayati Raj Act has not given administrative and financial autonomy to panchayats for discharging their responsibility effectively. The Punjab Panchayati Raj Act empowers the Director of the Panchayat to remove or reinstate any Sarpanch. As in Haryana, the order of the director or his deputy is final and not justifiable. Even the power of delimitation of territorial constituencies of the Panchayat Samiti and Zilla Parishad has been retained by the state. The Uttar

Pradesh Assembly ratified the Act in such a hurry that the Opposition was not given a chance even to discuss it. The Andhra Pradesh Panchayat Act, too is no exception where control over the panchayat by the bureaucracy is concerned. Any resolution passed by the panchayats can be overruled by the officers. Besides, the state also has emergency powers to deal with these democratic institutions. The control over panchayats by the state militates against the letter and spirit of decentralisation.

Real decentralisation can take place only where each tier is assured of its autonomy.

The government gives power by the right hand and takes it back by the left hand.<sup>3</sup>

The Constitutional backing of panchayats, thus becomes a hollow device of democratic decentralisation.

Even where the act is implemented one finds that the scene has not changed much and most of it is attributed to the human factor involved. Lot of communication gaps, lack of clarity regarding responsibilities and expectations have contributed to its slow pace.

### **Drawbacks of the Amendment**

(1) The amended Act does not specify the powers and functions of Gram Sabha.

It states that the Gram Sabha will perform such functions at the village level which may be assigned to it by the state legislation. This lacunae deprives soul to the panchayat at the village level.

(2) Even the traditional municipal functions customarily entrusted to village panchayats are not mentioned anywhere. Absence of clear functional jurisdiction for the panchayats is the most important drawback of the 73<sup>rd</sup> Amendment Act.

(3) Another serious omission relates to the absence of any mention of the employees of the panchayats and their administrative autonomy. How much administrative support and operational autonomy will be given for the panchayats to execute its responsibilities is not clear at this moment.

(4) Reservation of seats for MPs and MLAs on panchayat bodies and conferring voting rights to them has gone against the very spirit of decentralisation.

It is evident through the amendment that the bureaucracy has gained an upper hand and hence to what extent the democratic institutions will get a free hand is an issue of concern.

### **Centre's Raj**

Those who favour greater devolution of powers and funds to Panchayati Raj bodies — an entirely laudable demand — should pause and reflect whether the Central Government has devolved enough power and funds to the states to enable them, in turn, to be generous with Panchayati Raj bodies.

Given this record, the Centre is hardly likely to carry its conviction when it thunders about decentralization and autonomy. If autonomy and devolution are to be successful, then they

should be an inherent part of the political culture. By dealing directly with the Panchayati Raj bodies the Centre is not likely to smoothen the relations between the panchayats and the states. The timing of this newfound enthusiasm for Panchayati Raj bodies a few months before the elections is bound for a call to question the Centre's motives. It is a common occurrence to be seen that the quarrels and tensions of the states are brought to the Centre. Exercises of these types may lead even to PRIs running to New Delhi with their problems. The Centre's attempts to directly deal with the panchayat bodies is a total repudiation of the principle of decentralisation and constitutes an extreme attempt at centralisation of authority.<sup>4</sup>

It is anticipated that discords are likely to arise between four important sub-systems of the Panchayati Raj; namely the 'Local Level Politician' the 'Senior Level Politician', the 'Vested Interest Groups' and the 'Bureaucrats'. The common basis for this discord is redistribution of powers.

### ***Local Level Politician v/s Senior Level Politician: Power Sharing or Shedding ?***

Reservations for MPs and MLAs in the intermediate and apex tiers of panchayats

have made a mockery of these bodies. The involvement of these leaders will

definitely influence local leadership in their favour. This will specially happen in the states where panchayat elections are to take place on party basis. The elections

held on party basis will help build up parties and not people. It will also not help to

cure the ills of muscle power, money power, casteism, and communalism which hold sway in these elections. The involvement of MPs and MLAs in the functioning of the panchayat can create conflict between them and panchayat leaders.

Another crucial area of conflict will be with regard to the voting rights of the MPs and MLAs in these bodies. Giving them voting rights may lead to operational complications. In case the descendants and these ex-officio members join the issue against the chairperson they may not allow any resolution to be passed in the general body. In such situations the chairperson will have a tough time to transact business in the house as he may not be enjoying the confidence of these members who constitute a majority in the house.

### ***Local Politician v/s Bureaucrats***

Panchayat legislation adopted in different states confers wide powers on state

bureaucracy. These powers conferred through statutory rules are so wide that it is



neither the politicians nor the panchayats but the bureaucracy which gains the upper hand in the scheme of democratic decentralisation. A lot depends to what extent the bureaucracy facilitates the effective functioning of PRIs.

Also, the interference of the political elite will affect the relationship between the local politicians and bureaucrats. In many occasions in the past it is seen that due to political interferences from the senior politicians, the normal functioning of the panchayat officials and non-officials is affected.

Also there are wide differences in the background, the vision and the views of both the local politicians and the bureaucrats amongst which, the most important are the differences in the perception of development and approach to accelerate development.

These differences have raised various misunderstandings and conflicts in the past and will continue to do so even in the future. The future of the panchayats now rests upon the competency of the bureaucrats and integrity of the local politicians.

### ***Vested Interest Groups v/s Local Leadership***

There is also a likely possibility of confrontation between vested interest groups and local level institutions to arise. These interest groups namely the business community, contractors, self-appointed social workers, religious organisations etc., are likely to work at cross-purposes. At times elected representatives will be scapegoats in these vicious circles. Inner rings will be formed for personal wheeling - dealings, ignoring the interests of the community at large.

### **Agenda for the Future**

If the amendment is implemented by all the states, then over 25 lakh elected representatives are expected to be in power positions. These people will be taking decisions that will affect our lives. Of these, one-third will be women.

Decision making till now was highly centralised in the hands of the administration.

The decentralisation of decision making into action implies major challenges to the established order. To meet these challenges there is a need to evolve a multidisciplinary approach. In a democratic set up people with diverse needs and interests will have to work together to make better decisions which will affect the society at large.

With the Constitutional Amendment, a new beginning has been made. The constitution is a mute document. Panchayats can be capable of looking after its own affairs. Until panchayats are not made responsible and put in charge of health centres, road building, food-for-work programs, small irrigation schemes, schools and virtually everything else at the village level till

then nothing will work. Even if there is corruption at the panchayat level it is generally easier to control because the whole village will know what is going on. When it is some official at the district or the state level who is the boss, the villagers cannot do anything because they are forced to go to the officials as supplicants rather than as people who can demand their rights. Even law and order would work much better if the panchayat was able to hire and fire policemen. In the absence of this, people in the villages have started taking law in their own hands. They are forced to do this because they have lost faith in the police.

### **Resource Mobilisation**

If development planning process were to decentralised down to the district level then this should go hand in hand with the Government of India reducing the centrally sponsored plan scheme and allowing State Governments to function freely in their allotted spheres and should further be accompanied by suitable devolution of financial resources between them.

Whatever plan formulation is done by the PRIs, it often ends up as statements of needs. When funds for meeting local requirements are not forthcoming they lose interest in the preparation of these plans. The biggest problem that the panchayats face is they have no money. Until, they can raise their own taxes to run the village our grandiose Panchayati Raj plans will end up being little more than a clever idea 'on paper'. There is a need to increase the panchayat area of discretion in planning with their own funds and in assuring that the sectoral schemes and other departmental programmes are coordinated and integrated by them. It is necessary that total development planning should be left with the PRIs.

### **Need For Empowerment**

Despite limitations, the democratic system will help the people in governing their own affairs in villages. The shift of power to the poor and weaker section of the society is slow. However, democracy offers a promise to the poor and backward people, if they would use their votes properly to win power and gradually acquire power in the panchayat bodies. The fragmentation and division among themselves must be ironed out. Failing that, these factors would not allow them to change the system at the grassroots level to meet their needs and aspirations.

While the caste factor seems to be most important, equally important is the fact that competitive democratic politics require inter-caste groupings to be formed to gain, maintain and retain power positions even at the grassroots level. This calls for preparation of the representatives to enable them to shoulder their responsibilities effectively and efficiently without any fear or favour.

## Need For Effective Coordination and Communication

A long-term strategy for networking at different levels of policy and decision making process needs to be evolved. There has to be clarity regarding our principles, programs, priorities and political tools. To ensure continuous qualitative and quantitative improvement, innovation is required in decentralised planning and implementation. Various departments at the state level should sponsor program innovations and research especially through NGOs. NGOs have a major role to play in activating the PRIs. Communication network has to be developed to disseminate information regarding development programs and other information. There is a need to restructure the relationship amongst the local politicians and bureaucrats. Mutual support, understanding and cooperation are major areas which will help in changing the present scenario. To achieve the above goals, commitments between both the officials and the non-officials is essential.

## Role of Training

In order to meet the demands of the job, it is essential that both the officials and the non-officials manning the machinery acquire proper knowledge attitudes and skills. Up to some extent this can be imparted through training.

Training can play an important role in improving individual and organisational efficiency, particularly so within a newly instituted and decentralised system of

planning, organization and administration. Training should be able to impart the right knowledge, skills, and attitudes to handle the decentralized system of governance. Training components at each level should be in consistency with the training needs, expectations and responsibilities. Training at any level should have certain common components like sensitivity to issues, gender sensitivity, changing nature of the target groups, understanding village dynamics, use of power, skills necessary for conflict resolution, crisis management, working with disadvantaged groups other networking with organizations, developing participatory approaches, program planning, monitoring and evaluation skills. Managerial skills in resource mobilization and management are the prerequisites which need to be developed amongst both officials and non-officials to achieve the goals of development. Training by itself is not a panacea. It can be effective only if the organizational structure of the PRIs permit the utilization of the training.

## Conclusion

The task before the country to put back Panchayati Raj on the track is a herculean one. The 73rd Amendment has brought a structural change. To make this functional there is a need to strengthen various aspects of PRIs. To a large extent this will depend upon whether we are able to provide the right human resources for the purpose or not. Mere rules, regulations and

procedures would not facilitate empowerment of the people. A healthy respect for the process of decentralisation amongst the political leaders and bureaucrats is essential.

The present scenario is highly complex. The future does not hold any great promise. Various social, cultural and political impediments are in the way. These have a bearing on the performance of the Panchayati Raj. Only the depth of commitment and conviction will determine whether or not Panchayati Raj can become an effective instrument of governance in future. When panchayats become powerful, things will change and people will realise that what they are asking for are rights and not subsidies.

### End Notes

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