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Panchayati Raj System in India-An Introduction

After independence, the process of empowering Panchayats gathered momentum. Mahatma Gandhi, the father of the nation, while emphasizing on 'Gram Swaraj' (village autonomy) strongly advocated that:

*"Independence must begin at the bottom. Thus every village will be a republic of panchayat having full power."*⁴

The spirit and importance of panchayati raj system found place in Article 40 of the Directive Principles of State Policy of the Constitution of India, which says:

"The state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government."

Pandit Jawaherlal Nehru the first Prime Minister of India, considered panchayats as an important socio-economic and political institution at the village level. While inaugurating the Panchayati Raj in Rajasthan in 1959, he underlined the importance of people taking responsibilities:

"To uplift millions of villages is not an ordinary task, the reason for the slow progress is our dependence on official machinery. An officer is probably necessary because he is an expert. But this can be done only if the people take up the responsibility in their own hands. The people are not merely to be consulted, but effective power has to be entrusted to them."

Independent India's local government system was to be rooted in Mahatma Gandhi's philosophy of Gram Swaraj, making the village a complete republic-independent of its neighbors for its own vital wants and yet interdependent for many others, based on mutual cooperation. Though India has had a unbroken history of village panchayats and caste panchayats, they were not true democratic bodies as privileges attached to caste, landholding and other factors prevented them from functioning as the forum of common people. Women and Dalit's had no voice at all. This was one of the main reasons for the comparatively static life in rural India. In a radical departure from the past, the Panchayati Raj or village self-rule envisaged by Mahatma Gandhi was both a means as also an end. He believed in panchayats' immense potential for democratic decentralisation and for devolving power to the people.

Despite the fact that villages of India have had a long history of the panchayats being the basic unit of administration and the nationalist movement's clear commitment to panchayats as the primary unit of administration, the first draft of India's Constitution

did not include a provision for establishing panchayats in the free republican India. But because of the efforts of Gandhian scholars and followers in the Constituent Assembly, the provision (Article 40) relating to village panchayats in Part IV of the Constitution (Directive Principles of State Policy) was included. Instead of establishing Panchayats as vehicle for economic development and social justice in rural areas, Community Development Programme in 1952 and National Extension Services in 1957 were launched which could not evoke people's participation in rural development as these programmes were bureaucratic in orientation.

To enquire into the causes and apathy of the rural population towards these programmes and to suggest some corrective measures, a committee was constituted under the chairmanship of Shri Balwantrai Mehta. The committee submitted its report on the 24th of November 1957. This committee in fact laid the foundation stone of the Panchayati Raj in India. But the interest and support for Panchayati Raj did not last long. The apathy towards Panchayats remained. Flow of funds for block development started declining. In many states elections to these bodies were postponed indefinitely.

After two decades in 1978 Asoka Mehta Committee, after evaluating the progress of the Panchayats, had recommended Constitutional status to the Panchayats, participation of political parties in Panchayat elections, adoption of a two-tier system at District and Mandal levels and establishing a finance body like Panchayati Raj Finance Corporation for providing credit to the Panchayats. In 1986 the L. M. Singhvi Committee, among others, also recommended constitutional status to the Panchayats.

The First Five Year Plan also recognized the need for disaggregated planning through a process of democratic decentralization incorporating the idea of a village plan and a district development council. The Government of India constituted several committees at different points of time to strengthen the local self-government institutions. The first one was the Balwantray Mehta Committee constituted in 1957. The committee recommended the urgency of democratic and elected institutions at the lowest level and suggested a three-tier system at the district, intermediate and village levels. K Santham Committee constituted in 1959, in its report in 1965, recommended setting up of a Panchayati Raj Finance Corporation and district election commissions. Ashok Mehta Committee (1977) recommended a two-tier set-up at district and village level. The Sarkaria Commission on Centre-State relations appointed in 1983 recommended in its report that the objectives of decentralized planning cannot be achieved unless the Panchayati Raj and other local bodies are allowed to perform their assigned role. Taking into consideration all these recommendations and success of West Bengal, Karnataka and Andhra Pradesh experiment and the prevailing mood for decentralization, Prime Minister Rajiv Gandhi introduced the 64th Constitutional Amendment Bill in 1989, which was passed by the Lok Sabha, but failed to get the concurrences of the Rajya Sabha. Later, a cabinet committee was constituted to look into the contents of the Panchayati Raj Bill of 1989 afresh and a comprehensive amendment was introduced in the form of the Constitution 73rd Amendment Bill in 1992 during the Prime Ministership of P V Narasimha Rao, which was passed by both the Houses of Parliament and came into effect on April 24, 1993.

The 73rd amendment certainly marked the beginning of a new era in the annals of Panchayati Raj in India.

Former Prime Minister Rajiv Gandhi, while emphasizing on the significance of panchayats had remarked:

"We must put an end to planning from above. We must put an end to priorities being conceived and decided at ethereal heights, far from the ground realities."

The 73rd amendment of the Constitution is an epoch making event in the history of democratic decentralization in India. The main features of the 73rd Constitutional Amendment are presented in table 1.

Table 1: Key Features of 73rd Constitutional Amendment

S. No	Key Features	Provision in the Act
1	Three Tier Structure	Article 243-B, Gram Panchayat at Village level, Intermediate Panchayat at Block Level and District Panchayat at the District Level
2	Elections at every five years	Article 243-E, every Panchayat shall continue for five years from the date appointed for its first meeting and no longer.
3	Reservation of seats for Scheduled Castes and Scheduled Tribes	Article 243-D, reservation of seats for the Scheduled Castes and Scheduled Tribes in proportion to their population for membership of panchayats.
4	Reservation of seats for women	Article 243-D (3), provides that not less than one third (including the number of seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled up by direct election in every panchayat shall be allotted by rotation to different constituencies in a panchayat.
5	Establishment of State finance Commissions	Article 243-I provides for constitution of State Finance Commission to review financial position of the Panchyat Raj Institutions (PRIs) and to make recommendations to the Governor and distribution between the state and the PRIs of the net proceeds of the taxes, duties, tolls and fees leviable by the state.
6	Establishment of State Election Commission	Article 243-K, provides for the establishment of State Election Commission. The superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections to the panchayats shall

	be vested in the State Election Commission.
7 Establishment of District Planning Committee (DPCs)	Article 243ZD provides for the constitution of DPCs to consolidate the development plans prepared by the gram panchayat.
8 29 duties and responsibilities	Article 243 (G), made addition of Eleventh Schedule and assigning duties and responsibilities on 29 subjects.
9 Establishment of Gram Sabha	Article 243, provides for gram sabha to exercise such powers and perform such functions at the village level as the legislature of a State may by law provides.

In conformity with the Constitutional Amendment all the states have amended their state Acts or passed new acts repealing the then existing ones. Today the Panchayati Raj Institutions (PRIs) are the bedrock of effective implementation of India's rural development and poverty alleviation programmes. It is true that, if effectively empowered, the PRIs have the potential to build a progressive India (which truly lives in its villages) in harmony with the felt needs and aspirations of the people.

The Institutional mechanism of Panchayati Raj has now got a new thrust and dynamism and certainly is a great improvement over the earlier system in several ways. First, the state governments are under a constitutional obligation to implement the new system envisaged under the amendment. Secondly, reservation for women, scheduled castes, scheduled tribes and other backward classes have significantly altered the power scenario. Thirdly, provisions for conducting free and fair elections with the help of state level Election Commission and Finance Commission to devolve greater resources to these bodies are a great landmark in the history of Panchayati Raj.

Loopholes in Panchayati Raj System

Several years have been lapsed since the implementation of the New Panchayati Raj system in India through the enactment of the 73rd Amendment to the Constitution. However, there is question mark on the active participation of the people in the rural areas in the implementation of new system and in managing PRIs. During this period, assessment of the functioning of the panchayats shows that Panchayats have not entirely fulfilled the people's aspirations in terms of becoming participators in decision making, in decentralised governance, planning and development. Vital issues affecting local government have been either in the purview of the state government or central government.

Dr. George Mathew identifies some crucial issues, which pose problems for panchayats to become 'Institutions of Self-government' and are given as below:

1. Through the State Panchayat and Municipal Acts of 1992, many states have accepted the 73rd or 74th Amendments of the Constitution, but they have not implemented it accordingly. In many State Acts, civil servants are indirectly given powers over the elected body and execution of developmental activities and functions to panchayats is taking place in a bureaucratic way.

1. Although all the states have passed conformity Acts, many of them are yet to formulate rules and byelaws for the day-to-day functioning of panchayats. Added to this, the necessary infrastructural facilities are lacking for panchayats in many states. Many a panchayat does not have even Panchayat house yet.
2. The paucity of panchayat personnel is also hampering panchayats' functioning particularly budget making. In many states one Secretary is in charge of two or three Panchayats.
3. The reluctance of state-level politicians to recognize the importance of the lower level of governance – their autonomy, their powers and their areas of functioning – is creating problems in decentralising powers. Ministers, MLAs and senior political leaders are worried that the power they enjoyed so far will diminish if panchayats and municipalities become really powerful. State-level leaders do not like local level leadership to emerge, which could pose-challenges to them in due course. MLAs put hurdles in the smooth functioning of Panchayats to prevent them from blossoming into full-fledged local governments.
4. Government officials and government employees prefer to work with a distant control mechanism i.e., the state capital. They do not want to be closely supervised under Panchayati Raj. Therefore, their non-cooperative attitude towards elected panchayat members is a major issue. A related issue is that the officials who work at the district level and below are found to be reluctant to take orders from the elected panchayat executives like the District Panchayat President, Block Samiti President or Village Panchayat President.
5. A low level of political consciousness in many parts of the country is another factor, which is pulling the new Panchayati Raj backwards. The states of Bihar, Madhya Pradesh, Rajasthan, Uttar Pradesh and Orissa have a low Panchayati Raj performance rating. Madhya Pradesh was the first state to hold elections to panchayats after the 73rd Constitutional Amendment and elected local bodies came into existence. But soon reports began to appear in newspapers that all was not well with their functioning. A chain of events was reported from different parts of the state: A lady president was stripped naked, another lady was gang-raped, a lower caste vice-president was tortured and a Scheduled caste panchayat member was beaten up.
6. In many places panchayats themselves are working as oppressive instruments. Absence of land reforms, low levels of literacy, especially among women, patriarchal system, etc. work against weaker sections in

the villages. A majority of people suffering from the effects of traditional oppressive power structures is unable to utilize effectively the new opportunities provided through panchayats. Caste Violence can be seen during the panchayats elections. For example, during the panchayats elections held in late 1990s the southern districts of Tamil Nadu have been rocked by caste related clashes in which six persons were shot dead by the police while 14 more were killed during the clashes...The main reason behind these clashes was the planned effort of oppressive castes to throw out Dalits from their settlements. It is a sorry state of affairs that even the political and the state power stood beside the oppressive castes. Following this what happened at Melavalavu village on June 30, 1997 was the epitome of intolerance by high caste people. On that day just because the Dalits stood for elections to the village panchayat (Melavalavu being a reserved Constituency), the high caste people of the village brutally murdered six persons, including the president and vice president of the panchayat in broad daylight. The post of panchayat president in this village was reserved for the Dalits. The high caste people, unable to face this encroachment on what they had traditionally considered their domain, protested against it and threatened the Dalits with reprisal if they contested for the post. They burnt even their houses.

7. It may be noted that women representatives in the local bodies have not been treated with the dignity they deserve. In many instances, they are used as proxy members conduct meetings in panchayats and wield the real power. Also, the women elected members face violence if they dare to come out alone to attend meetings or show dissent. Working conditions in the panchayats are not congenial. Besides these handicaps, the general atmosphere of the politics has been vitiated with corruption, violence and petty-mindedness. A great deal of money is involved in contesting elections. All these factors affect the choice of deserving candidates among women and also their efficiency after they are returned. Atrocities against women representatives take place in several states.
8. Another ugly development is the numerous no-confidence motions being brought against female Sarpanches. If a no-confidence motion is passed against a chairperson or deputy chairperson by a two-thirds majority, he/she has to resign. This is how male deputy chairpersons in Panchayati Raj Institutions oust unwanted women office bearers and effect a takeover until fresh elections are held. Some sections of the politically and economically dominant caste groups, which had to cede Panchayat power to OBC/Dalit woman used no-confidence motion to return to the positions of power to protect their vested interests. The reports of auctioning of panchayats in the newspapers can be seen, which is blow to the direct democracy and free and fair elections. Auctions being held in villages and men (or women) who bid the highest amount are being “appointed” to the posts. Apart from the fact that

such a method is contrary to the spirit of the constitution (elected panchayats being a mandatory requirement as per the 73rd and the 74th Constitution Amendments), and it is taking place more specifically in those village panchayats reserved for the Scheduled Castes which is clearly a move against the empowerment of Dalits and all those ideas linked to achieving social justice.

Thus, there is a whole contradiction in the principle and the practice of Panchayati raj. The panchayats are totally dependent on the centre or state governments for their subsistence. Their autonomy is simply meaningless and empty. Election to the Panchayats is manipulated by clever feudal or caste elites. The villager has no power to recall or reelect a Panchayat. There is no process of referendum on any important issue. The village body as a whole cannot take any decision freely. Thus, the very institutions of direct democracy are missing. The illiteracy and poverty of the people prevents their coming out boldly against foul practices.

Unfortunately forces against devolution of democracy to the grassroots are still powerful. One can discern deliberate attempts in the part of vested interests supporting the status quo to create skepticism about the working of the local governments. The dream of Mahatma Gandhi's Gram Swaraj could be converted into reality only when the little republics worked for equality and the prosperity of the people through great dedication.

The World Bank study goes on to argue that although Indian States and the Union government have been willing to recognize the Panchayats, to hold elections and to respect stipulations governing reservations for Scheduled Castes (SCs), Scheduled Tribes (STs) and women, they have been unwilling to vest them with sufficient 'administrative control over significant functions or fiscal autonomy,' (World Bank, 2000a: xi). In most States, Panchayats have been handed a wide array of responsibilities without the necessary fiscal and administrative resources. .

Oommen (1999) compared the Conformity Acts of 12 Indian States and concluded that these acts had generally been an exercise in amending existing Panchayat legislation for the sake of satisfying the mandatory provisions of the 73rd Amendment.' He made the following observations:

- Village Panchayats have delegated functions without adequate administrative, financial and technical support. Except the Panchayats in Kerala and West Bengal states, Panchayats of other states lack discretionary powers over spending and staff;
- There is insufficient clarity and differentiation of functions among Panchayats and other levels of government. States reserve the right to assign or withdraw functions to and from the Panchayats by 'executive fiat';

- Panchayats at all levels have inadequate powers of taxation. Panchayats lack autonomous budgeting powers.

Similarly, Vyasulu (2000) finds that State governments have devolved little finances and fiscal powers to the Panchayats. Instead, many have established 'parallel bodies' as a channel for development funding. The parallel bodies taking away functions of PRIs is a growing concern. Water user groups, joint forest management committees and expert committees are a few examples of the working of parallel institutions in different states. A parliamentary standing committee commented that these parallel bodies were undermining the decision-making powers of the Gram Sabhas and the Gram Panchayats. Even the youth clubs, mahila mandals and other village level organizations, that get direct grants from the government were undermining the role assigned to the PRIs by the constitution.

Moreover, the panchayats do not have adequate technical expertise, manpower, and skill to plan and implement development schemes and projects. Thereby they are dependent on the state apparatus (Dhaka, 2002) which puts them on the defensive while facing social auditing by the community.

Involvement of political parties in the panchayat elections has also complicated the functioning of the Panchayati Raj System. Many Sarpanches contest elections under the patronage of national and regional political parties, as it facilitates their political advancement. This has promoted the use of money and muscle power and even communal clashes have taken place in panchayat elections. Politicization of the panchayats is also responsible for the dismal functioning of Gram Sabhas.

Another major issue is centralization of power in the hands of Sarpanches which dilutes the main objective of Panchayati Raj System, i.e., deconcentration of power. Citing the case of West Bengal, Ghatak and Ghatak (2002) remarked 'the power of the village council is totally concentrated in the hands of pradhans (Presidents), for all practical purposes, and the pradhan is a powerful man'. During training programme of representatives of the PRIs in Punjab, many panches complained that the sarpanches did not take them into confidence while performing the functions of Gram Panchayats such as spending government grants, selecting the beneficiaries of welfare schemes and implementation of development programmes.

Several studies of decentralisation have consistently highlighted the fact that the 73rd Amendment and earlier attempts at decentralization have failed to prevent a local (and primarily landed) élite from controlling local Panchayats. Micro-level studies have shown that Gram Sabha often fail to fulfil their role as deliberative bodies or as a mechanism for accountability (Alsop et al., 2000; Deshpande and Murthy, 2002; Nambiar, 2001). This is partly attributed to low levels of participation among the electorate as well as the non-cooperation of local officials.

The World Bank's study of 53 villages in Rajasthan and Madhya Pradesh (Alsop et al., 2000) found that gender and education were important determinants of political participation, measured in terms of campaigning, attending rallies, supporting a candidate, influencing voters, contacting a public representative, and attending Gram Sabhas. Interestingly, wealth – measured in terms of land holdings – was not a strong determinant of public participation. Along similar lines, Deshpande and Murthy's study of Panchayati Raj in Karnataka (2002) found that levels of participation were 'considerably low', particularly among women. Similar conclusions have emerged from field studies in West Bengal (Ghatak and Ghatak, 2002), Rajasthan and Haryana (Nambiar, 2001).

Even when there are reservations to ensure that marginal groups have a place in the Panchayat system, there is evidence to suggest that these formal institutions have been usurped by more informal patterns of domination and power. Reservations for women, for instance, are notoriously prone to corruption by male relatives, excluded from formal participation by their lack of scheduled status (Vyasulu and Vyasulu, 1999). Similar patterns have been observed among SCs and STs, whose economic well being is dependent on the patronage of local élites.

Thus, the Indian government has made sincere efforts of to decentralise the powers to grassroots level in the form of Panchayati Raj System through 73rd and 74th Amendments of the Constitution. However, there are several loopholes or ambiguities in the framework of Panchayati Raj system and its legislations which create hurdles in its effective implementation leading to decentralisation of powers, in true sense.