

# Panchayati Raj

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# Major Milestones in the Evaluation of Panchayati Raj Institutions in India

- In the Constitution of India, Directive Principles of State Policy mentions that the State shall take steps to organize village panchayats so as to 'enable them to function as units of self-government'.
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Community Development Programme started in October, 1952. The main idea was to break up planning exercise into National, State, District and Local Community levels
- Balvantrai Mehta Committee to study Community Projects and Extension Services appointed in January, and submitted its report in November, 1957. The Committee recommended the establishment of Village, Block, District Panchayat institutions.
- Administrative Reforms Commission, 1957. The major purpose was the distribution of resources among various levels.
- M.L. Dantwala Committee Report, 1978 on Block Level Planning to form a link between village and district level planning.
- Hanumantha Rao Committee Report, 1984 on decentralisation of function, powers and finances of the district planning bodies and setting up of district planning cells.
- G V K Rao Committee, 1985 on Administrative arrangements for rural development; district panchayat to manage all development programmes.
- L.M. Singhvi Committee, 1986 on integrated vision of democracy and administrative structures.
- Twentieth anniversary report of the Expert committee on leveraging panchayats For Efficient delivery of public Goods and services under the Chairmanship of Shri Mani Shankar Aiyar, 2013.

# PR: Salient Features of Part IX

- Constitution defines Gram Sabha.
- Three tier PR system. Two tiers for States below population of 20 lakhs.
- Reservation of seats for SCs / STs / women. (OBC reservation optional)
- Regular elections every 5 years through independent State Election Commission.
- State Finance Commissions set up once in 5 years for rational devolution of finances to Local Bodies.
- **Panchayats to function as institutions of self government**

# Powers & responsibilities of Panchayats-Art 243 G

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- State Legislature **may**, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government with respect to-
    - preparation of plans and implementation of schemes for economic development and social justice, as may be entrusted to them
    - including those 29 matters listed in the Eleventh Schedule.
  - Devolution of Powers to PRIs lies with the State Govt.

## Eleventh Schedule lists 29 matters for Panchayats

Agriculture, incl. extension	Drinking water	Cultural activities
Land improvement, land reforms, consolidation soil conservation	Fuel and fodder	Markets and Fairs
Minor irrigation, water management watershed development	Roads, culverts, bridges, ferries, waterways other means of communication	Health and sanitation hospitals. Primary health centres dispensaries
Animal husbandry, dairying and poultry	Rural electrification, distribution of electricity	Family welfare
Fisheries	Non-conventional energy	Women & Child development
Social forestry farm forestry	Poverty alleviation programme	Social Welfare, Welfare of handicapped and mentally retarded
Minor forest produce	Education, including primary and secondary schools	Welfare of the weaker sections, in particular of SCs and STs
Small scale industries, food processing industries	Technical training vocational education	Public distribution System
Khadi, village and cottage industries	Adult and non-formal Education	Maintenance of community assets
Rural housing	Libraries	

# District Planning Committees (DPCs)

- As per Article 243ZD, the State Governments are required to constitute the DPCs.
- All the States have constituted.
  - Strengthen DPCs and PRIs professionally for preparing truly integrated & participatory plans.
  - MoPR has emphasised on the State Governments for preparation of decentralized planning.

# Decentralised Institute

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- **Devolution of Functions**
- **Devolution of Functionaries**
- **Devolution of Fund**

**People's Participation**

## Areas where Part IX is not applicable:

- As per Article 243M of the Constitution, provisions of Part IX of the Constitution are not applicable to:

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- Scheduled Areas and Tribal Areas referred to in Article 244.
- The States of Nagaland, Meghalaya and Mizoram.
- The hill areas in the State of Manipur for which District Councils exist. (In these areas, district councils and various types of village-level bodies are in existence)
- Panchayats at the district level to the hill areas of the District of Darjeeling in the State of West Bengal.
- Provision of the Article 243D with respect to reservation of seats for Scheduled Castes is not applicable to the State of Arunachal Pradesh.

# Autonomous District Councils

- The Sixth Schedule of the Constitution deals with the administration of the tribal areas in the four northeastern states of Assam, Meghalaya, Tripura and Mizoram as per Article 244.

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- The Governor is empowered to increase or decrease the areas or change the names of the autonomous districts. While executive powers of the Union extend in Scheduled areas with respect to their administration in V<sup>th</sup> schedule, the VI<sup>th</sup> schedule areas remain within executive authority of the state.
- The acts of Parliament or the state legislature do not apply to autonomous districts and autonomous regions or apply with specified modifications and exceptions.
- The Councils have also been endowed with wide civil and criminal judicial powers, for example establishing village courts etc. However, the jurisdiction of these councils is subject to the jurisdiction of the concerned High Court.

The sixth schedule to the Constitution includes 10 autonomous district councils in 4 states. These are:

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- **Assam: Bodoland Territorial Council, Karbi Anglong Autonomous Council and Dima Hasao Autonomous District Council.**
- **Meghalaya: Garo Hills Autonomous District Council, Jaintia Hills Autonomous District Council and Khasi Hills Autonomous District Council.**
- **Tripura: Tripura Tribal Areas Autonomous District Council.**
- **Mizoram: Chakma Autonomous District Council, Lai Autonomous District Council, Mara Autonomous District Council.**

# Major Issues

- ✓ Granting special provisions to certain minority tribal groups have led to further demands by other groups for such provisions under the 6th schedule. This has created disparity among the people and resulted in the rise of conflict between various groups.
- ✓ In terms of financial autonomy, the members across the ADCs in North Eastern states share the same view that the ADCs are at the mercy of the state governments. There exists a huge gap between the approved budget and the funds received from the State Government which has had a direct impact on the development of these tribal communities.
- ✓ They are also dependent upon state governments for decisions regarding undertaking of developmental activities in their region.
- Due to the extensive corruption, development in these regions is seen to be a non-existing phenomena.
- Lack of coordination between the States governments and Department of Planning and Development, Hill Areas Department and the Autonomous councils has resulted in the halfhearted implementation of the development work.
- Absence of any efficient Committee for the purpose of monitoring, evaluation and keeping a record of the funds received and utilized has led to extensive corruption and under development of these regions under the Autonomous Councils.

- ✓ Members of the Chakma, Lai and Mara Councils of Mizoram are of the view that funds coming from the Central Government is not sufficient enough, and believes that funds should be granted to different councils on the basis of backwardness of the councils and not on the basis of population.
- ✓ The State government justifies this position by stating that the ADCs have been holding on to their traditional roles of protecting the tribal identity in the region which abstains the State from various developmental activities.
- ✓ At the same time the ADCs have small amount of funds which they receive as taxes and land revenues, however they have to depend on the Central government for more funds.
- ✓ In terms of representation of members in the Autonomous Council, Bodo land Territorial Councils the only council which has 46 members, which is the highest representation and also the only council which has members from the Non-tribal community represented in the Council.
- ✓ Time to time different ADC shaved emended an increase in the number of members in the ADCs.

- ✓ Unlike the Panchayati Raj System where the 73rd amendment allows reservation of one third of all the Panchayat seats for women at different levels, both Fifth and Sixth Schedule have no mention of women representation and gender equality.
- ✓ The relationship to land is the basis of tribal or indigenous identity and that the culture and identity of indigenous people cannot be preserved without maintaining control over land and natural resources, as these factors to a large extent determines the life style and culture of the indigenous people.
- ✓ Generally tribal or indigenous cultural practices community land ownership, while some other tribes practice individual with clan ownership, however modern land relations and formal law recognizes only individual ownership of land.
- ✓ It was under colonial rule that the process of turning land into commodity began for their own interest, in the name of development. Post independence, large tracts of lands were given away to the immigrants and other settlers.
- ✓ The autonomy and power of the District Councils lie in the hands of a small group of elites who govern the functioning of the Autonomous District Councils.

- ✓ There is clear lack of interest and pursuit on the part of the District Council members in taking initiative and planning and monitoring developmental activities at the micro level. The absence of involvement of local stakeholders in the process of development and in the decision making process has deprived the common masses from their democratic rights.

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- ✓ The Sixth Schedule also vests enormous powers to the Governor. Members of the various ADCs, in this context are of the opinion that the Governors are mere puppets in the hands of the Ministers.
- ✓ A major gap in the functioning of the ADCs is the lack of interaction at the village and field level. There is an absence of efficient village councils or regional councils.

# Point to be considered...

- ✓ The government and other agencies need to win the confidence of non-scheduled area population and bring a sense of security and belongingness to them.

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- ✓ There has to be a proper coordination or adjustment between traditional practices and usages with changes that have occurred within the tribal society today.
- ✓ The issue on representation needs to be seriously reconsidered, which still has limited participation of women in the decision making process, and also excludes the non-tribals of the State.
- ✓ Adequate accountability and transparency of funds generated should be entrusted to authorities such as the Comptroller-General and Auditor-General of Accounts to prevent misuse.
- ✓ Documentation and codification of traditional laws is an essential step through which actual aim of the Sixth Schedule that is protection of tribal cultural identity can be fulfilled.

- ✓ Measures should be taken in order to ensure that the Autonomous Councils have well defined legislations which clearly identify the powers of the village level bodies, release of funds by the government, transparency in the allocation and utilization of funds.

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- ✓ Stringent laws regarding frequent reviewing of financial position of the ADCs like the Panchayati Raj System will enhance the status of the ADCs.
- ✓ There is a need for inclusive development and capacity building of ADCs by introducing ideas from the PRI setup.
- ✓ Strengthening and empowering the local self-governance, which would also include Village and Tribal Councils.
- ✓ Empowerment of civil society bodies would contribute immensely in the monitoring of the developmental activities and progress rate across diverse sectors undertaken by the councils.
- ✓ Traditional forms of governance must be promoted with self-governance.

- ✓ To make ADCs platform of governance broader and capable of dealing with a changing world at both the national and international levels, there is a need for inclusion of democratic elements like gender justice into these institutions.
- ✓ To get a positive outcome the members of the ADCs should be trained, as capacity building of the ADCs members is vital for healthy governance and helps one to be more alert about the responsibilities assigned and the overall functioning.
- ✓ The functioning of the ADCs should be amended to make them accountable through the insertion of a clause that makes mandatory the creation of village councils/ bodies with a degree of representation to the traditional institutions of chiefs.
- ✓ Creation of effective watch dog with the powers of Lokayukta in monitoring and keeping a track of the activities undertaken by the ADCs should be given priority as this will help in maintaining transparency in matters of finance and other developmental plans and activities.
- ✓ Regular and assured financial assistance from governments an efficient monitoring system are two major factors which will determine the success of such provisions, along with awareness and active participation of the other stakeholders.

# About RGSA

- The Finance Minister, in his budget speech for 2016-17, announced the launch of new restructured scheme of Rashtriya Gram Swaraj Abhiyan (RGSA), for developing and strengthening the capacities of Panchayati Raj Institutions (PRIs) for rural local governance to become more responsive towards local development needs, preparing the participatory plans that leverage technology, efficient and optimum utilization of available resources for realizing sustainable solutions to local problems linked to Sustainable Development Goals (SDGs). The key principles of SDGs, i.e. leaving no one behind, reaching the farthest first and universal coverage, along with gender equality will be embedded in the design of all capacity building interventions including trainings, training modules and materials.
- In his Budget Speech for 2017-18, the Finance Minister announced to undertake a Mission Antyodaya to bring one crore households out of poverty to make 50,000 Gram Panchayats poverty free. Accordingly, convergent action with Mission Antyodaya has been integrated into this scheme

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THANK YOU