

CHAPTER-III

An Overview of the Panchayat System and its Probable Benefits to the Non-Panchayat Areas

Comparative study and analysis of any system of administration and governance with the old, existing or a newly developed systems help us to know the disadvantages of the functioning system; and then to improve upon it and to overcome its inherent defects; or it may enlighten us with new insights to avoid the problems in our future endeavour. The study also helps us to know which system would yield better results in terms of providing better infrastructures to the people or give them satisfaction mentally, politically, economically, socially etc. Human nature always strives for a change, a change for a better social order, for a better political system and a favourable political policies; for a newer and sustainable economy that would provide diverse opportunities for the people for their survival and existence etc.

This chapter particularly focuses on looking into the functioning of the *Panchayati Raj* which has gained constitutional status through 73rd Constitutional Amendment, passed in 1992. The study has been strongly felt in view of the fact that with the new Constitutional Amendment, more scope for rural development with stronger appeal for participation of rural people in the realm of politics at the grassroot level, and with abundance of fund from the Union Government for speedy development of the rural areas, have been opened. With devolution of more powers to the village folk for self governance of their localities, the idea behind this grand scheme is to transform the rural landscape and its people in their socio-economic life and political milieu. Therefore, this chapter tries to highlight the structural framework of the *Panchayati Raj* Institution and its functional characteristics and the likely benefits that the system may provide to the

Autonomous District Councils to which the provisions of the 73rd Constitutional Amendment Act, have not yet been extended.

The *Panchayati Raj* is a grass root level self-governing institution practiced and prevalent among the greater Indian masses at the villages. The word *Raj* means rule; and *Panchayat* means Assembly of five (*Panch*) elderly people. Traditionally *Panchayats* are constituted at villages with wise and respectable elderly people who are chosen and accepted by the village representative body. Sometimes *Panchayati Raj* refers to the “Village Council”. *Panchayati Raj* is an age old and standard political system, popularly adopted and followed by the rural masses in their villages. The system had its root in India from the earliest period. Being simple and effective, this system of local self governance, now is also become popular in countries like Pakistan, Bangladesh, Sri Lanka and Nepal. As this simple system of rural governance had its beginning since time immemorial, the *Panchayati Raj* is also considered as one of the oldest systems of local self-government in the world. Though *Panchayati Raj* institutions vary from one place to another place but the central theme is remaining the same. Traditionally, these assemblies not only oversee the welfare activities of the people, but also settle disputes between individuals and between villages.

The leaders of the *Panchayati Raj* are popularly elected by the people of the villages living within their locality. The leaders of *Panchayat* are often called the *Mukhyiya*, *Sarpanch* or *Pradhan*. The modern *Panchayati Raj* of India and its *Gram* are not to be confused with either the traditional system nor with the extra-constitutional *Khap Panchayats* (or Caste Panchayats) found in some parts of Northern India.

Father of the Nation, Mahatma Gandhi greatly praised the people of India for this unique self governance system in their own villages and stressed much importance on its implementation in a holistic way. He strongly encouraged, advocated and recommended it as an ideal scheme of administration at the grassroot level where the common masses can

take part in the grass root level policy making body. But this self-governance scheme of administration has not been given constitutional status till the 73rd Constitutional Amendment bill, 1992 was passed by the Parliament of India.

Panchayati Raj: A legacy of the ancient Indian rural and self governing institution:

Literature composed during Vedic Age had references about the practice of self governing institutions. Evidences found mention in the *Rigveda* (1700 BC), suggest that village self-governing bodies called ‘*Sabhas*’ existed since that period. However, with the passage of time, these local bodies became *Panchayats* (Council of five persons). *Panchayat* were functional institutions of grassroots governance in almost every village in India. The Village *Panchayat* or elected council had extensive powers, both executive and judicial. Land was distributed by this *Panchayat* which also collected taxes out of the produce and paid the government’s share on behalf of the village. Above a number of these village councils there was a larger *Panchayat* or council to supervise and interfere if necessary. Casteism and feudalistic system of governance under Mughal rule in the medieval period slowly eroded the self government in villages. A new class of feudal chiefs and revenue collectors (*Zamindars*) emerged between the ruler and the people. Due to that reason there was a decline of self government at the village levels.

During British rule, the autonomy of *Panchayats* gradually declined with the establishment of local civil and criminal courts, revenue and police organizations, the increase in communications, the growth of individualism and the operation of the individual *Ryotwari* (landholder wise) system as against the *Mahalwari* or village tenure system.

Evolution of Panchayati Raj System in India during British period:

The British administration over its newly occupied territories in India provided them to experiment with their various administrative innovations and intellectual skills some of which had a very adverse effect on the existing Indian village polity, economy,

society and religion while few of such administrative devices had helped to continue and streamline the existing administrative structures. The Local Self Government that was introduced and tried upon the Indians had been one such example that had reshaped the then existing village level administrative system. Local self-government or the principles of local self-government were found in many of the decisions of the British Administrative echelon in India. Right from 1842 the concept of local rule had been in the administration echelon of the British rule. But it took near about forty years to give it a complete shape both in structure and ideology of local self-government, to implement the skillfully crafted administrative system and to look after the welfare of the people by involving the people themselves. The initiative in this sphere, was undertaken by a farsighted British gentleman and administrative officer, who himself dedicated to this work and got relevant administrative orders and resolutions passed during his tenure. The man being referred to here was none other than Lord Ripon, who happened to be the Viceroy of India from 1880-1884. In 1882, he got a resolution concerning the local self rule, adopted which led him to earn a good name as father of the Local Self-Government in India. Yet, even Lord Ripon as Viceroy had not been able to implement his own policies of decentralization of powers and development on the basis of the text of the Resolution. The conditions in the British Administration in India led the Viceroy Lord Curzon, successor of Lord Ripon to change the policy of devolution of power topsitorily much against the advocacy of the Britishers like Edmund Burke, Mountstuart Elphinstone and Charles Metcalf. Following the curtailment of the powers of the local bodies by Curzon, there was no consistent effort to regain the powers to local bodies on the part of the Indian National Congress.¹

A resolution was taken in 1913, that urged the government to enhance the powers of the local bodies. Later, there was only a few stray references about the local self-government in the Indian National Congress as it fully engaged itself in *Satyagraha*.

¹ G.Palanithurai: *Empowering People for Prosperity, A Study in New Panchayati Raj System*, Kanishka Publishers Distributors, Delhi-110031, First Publication, 1994, p 16.

While classifying the subjects for administration, subjects have been earmarked for provincial administration. But at the dawn of Independence, the concept of province as an entity for administration did not attract the attention of the builders of modern India. The single most item in their agenda was to forge unity among the collectivities in India. The partition of Pakistan and the existence of princely states made to refuse to think of decentralization and development. The concept of provincial administration from the perception of the colonial administrators and the local self-government from the perception of the builders of modern India are totally different from the concept of *Panchayati Raj* system or Village Republic of Mahatma Gandhi. Gandhi's vision of *Panchayati Raj* system is that 'India's village republics must be economically and socially self sufficient without relying on government'.²

Following India's achievement of Independence, when the constitution was being drafted, there was no mention about the *Panchayati Raj* system in the first draft of India's Constitution. Therefore, Dr. Rajendra Prasad, the Chairperson of the Constituent Assembly, in his letter dated 10th May 1948, brought the attention of the then Law Minister Dr. B. R. Ambedkar in this regard and managed to get it amended after proposal to this effect was made by the well known Gandhian, Shri K. Santhanam, on 25th November 1948.³ As a result, the provisions had been kept for the institution of the *Panchayats* in article 40 of Part IV of the Constitution of India. But, this important subject though, included was made a part of the Directive Principles of State Policy mentioned in Part IV of the Constitution of India, which was a mere directives to the state governments and hence not a mandatory guidelines to be followed. To quote Article 40 which reads "The state shall take steps to organize Village *Panchayats* and allow them with such power and authority as may be necessary to enable them to function as units of self

² M.K.Gandhi, *My Idea of Village Swaraj*, *Harijan*, 26th July, 1942.

³ Report of the Working Group on Panchayati Raj Institutions and Rural Governance; Government of India, Planning Commission and Ministry of Panchayati Raj, p 2.

government.” Accordingly, this noble scheme of village level self governance was tried for the first on experimental basis in states like Rajasthan, Andhra Pradesh and Gujarat.

In 1952, for the first time, the Community Development projects were inaugurated in India for bringing change and developments in the villages. But it failed to achieve its desired objectives due to the absence of effective institutions for people’s active participation and involvement in the process. In the year, 1957, the Balwant Rai Mehta Committee recommended for the establishment of the *Panchayati Raj* system and since that time onwards, several attempts were made at the national and the state levels to strengthen it. But its effective implementation could not be made nor could it deliver good to the people due to the absence of constitutional status. When Rajiv Gandhi became the Prime Minister of India, he took the initiative in providing it the constitutional status. He introduced the Sixty Fourth Amendment Bill in the Lok Sabha in May 1989. The Lok Sabha supported and passed it. However, the bill could not be passed in the Rajya Sabha.

Mr. G. Venkat Swamy, the Hon’ble Union Minister of State for Rural Development, in his statement of Object and Reasons of the bill, found it necessary to bring in legislation to provide constitutional status to the *Panchayati Raj*. It has been observed by the Hon’ble Union Minister that in spite of its existence in the country since long time, the *Panchayati Raj* Institutions have not been given constitutional status. As a result, no regular elections could be held which in turn hamper the representation of weaker sections of the society such as Scheduled Caste, Scheduled Tribes etc.

Article 40 of the Constitution wherein enshrines the Directive Principles of State Policy, lays down that the State shall take steps to organize village *Panchayats* and endow them with such powers and authority to enable them to function as units of self government. In the light of the experience in the last forty years and in view of the shortcomings which have been observed, it is considered that there is an imperative need to

enshrine in the Constitution certain basic and essential features of *Panchayati Raj* Institutions to impart certainty, continuity and strength to them.

Therefore, proposal was placed in order to add *Panchayats* by creating a new Part in the Constitution to give space for *Gram Sabha*. Further it is also provided for direct elections to all seats in *Panchayats* at the village and intermediates level, and to the offices of Chairpersons of *Panchayats*. Provision has also been laid down for reservations of seats for the Scheduled Castes and Scheduled Tribes in proportion to their population for representation in *Panchayat* bodies. It is also proposed for reservation of seats for women so as to ensure their presence in the popularly elected bodies and to provide them opportunity to take part in the policy making process.⁴

In 1991, the Constitution 73rd Amendment Bill was brought in the Lok Sabha and later it was cleared by the two houses of Parliament. The bill received the President's assent on April 20th 1993 and it finally become an Act with effect from April 20th 1993. Accordingly, the Act came into force on 24th April 1993.⁵ The amendment provided a constitutional status to the *Panchayati Raj* Institutions in India through insertion of article 243 to Part IX of the Indian Constitution.

As per the provision of the Act, as found mention in 243, clause 1 and article 244, clause 2, it is stated that the given provisions shall not be applied in and to the hill states of Mizoram, Meghalaya and Nagaland. The hill areas of Darjeeling in West Bengal and in Manipur where Autonomous District Councils exist, would also be exempted from the same provision.

There are in all 29 different subjects allocated to the *Panchayat*. These 29 subjects are specified in Article 243G (Eleventh Schedule)⁶ of the Constitution of India, include

⁴ Copy of the Constitution (73rd Amendment) Bill, Dated New Delhi, the 10th September 1991.

⁵ Government of India (1993), The Constitution (73rd Amendment Act, 1992, Gazette of India, Part II, 20th April 1993.

⁶ The Constitution of India, Article 243 G: The Eleventh Schedule.

Agriculture; Land improvement, implementation of land reforms, land consolidation and soil conservation; Minor irrigation; Animal husbandry, dairying and poultry; Fisheries; Social forestry; Minor forest produce; Small scale industries, including food processing industries; *Khadi*, Village and Cottage industries; Rural housing; Drinking water; Fuel and fodder; Roads, culverts, bridges, ferries, waterways and other means of communication; Rural electrification, including distribution of electricity; Non-conventional energy sources; Poverty alleviation programme; Education, including primary and secondary schools; Welfare of the weaker sections and in particular, of the Scheduled Castes and Scheduled Tribes; Public distribution system, Libraries; Cultural activities etc.⁷

The Constitution (73rd Amendment) Act, 1992 provides for a three tier system of *Panchayati Raj*. According to the provision, at the village level, there shall be *Gram Panchayat*; *Anchalik Panchayat* shall be organized at the Intermediate level while that of the *Zilla Parishad* shall be constituted at the District level. In Assam, the *Panchayat* at the village level is called *Gaon Panchayat*; at the Intermediate level it is called *Anchalik Panchayat* and the District Level *Panchayati Raj* is called *Zilla Parishad*.⁸ In Arunachal Pradesh, the village level *Panchayat* is called *Gram Panchayat*; that of the Intermediate level *Panchayat* is known as *Anchal Samiti* while the District level *Panchayat* is called *Zilla Parishad*.⁹

Composition of Panchayats: In accordance with the provision stated in Article 243C, Clause (i) of the Constitution (73rd Amendment) Act, 1992, the Legislature of a State may by law make provisions with respect to the composition of *Panchayats* keeping in view of the provision which stated that the ratio between the population of the territorial area of a *Panchayat* at any level and the number of seats in such *Panchayat* to be filled by election

⁷ Copy of the Constitution (73rd Amendment) Act, 1992, Dated 20th April 1993.

⁸ Panchayati Raj Institutions in Assam, SIRD's Publication, 2011.

⁹ The Arunachal Pradesh Panchayat Raj Act, 1997.

shall, so far as practicable, be the same throughout the state. Clause (ii) of the same article reads that all the seats in a *Panchayat* shall be filled by persons chosen by direct election from the territorial constituencies in the *Panchayat* area and for this purpose, each *Panchayat* area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the *Panchayat* area. Article 243D, provides for the reservations of seats for the SCs and the STs. This article provides for reservation of not less than one third of the total number of seats and offices for the women. The normal tenure of the *Panchayat* shall be five years unless dissolved earlier.¹⁰

Features, Powers and functions of the Panchayat: The powers, authority and responsibilities of *Panchayats* are clearly mentioned in Article 243G of the Constitution (73rd Amendment) Act, 1992. It empowers the Legislature of a State to endow the *Panchayats* with powers and authority that are necessary to them to function as institutions of self government. Such law may contain provisions for investing powers and responsibilities upon *Panchayats* at the appropriate level. By powers given under the act, the Panchayats are to see and supervise (i) the preparation of plans for economic development and social justice; (ii) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule”.¹¹

Article 243H of the Act, states that the Legislature of a State may, by law

- a) authorize a *Panchayat* to impose, collect and utilize such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

¹⁰ The Constitution (73rd Amendment Act), 1992.

¹¹ *Ibid.*

- b) assign to a *Panchayat* such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- c) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the *Panchayats* and also for the withdrawal of such money there from, as may be specified in the law.¹²

Article 243I of the said Act empowers the Governor of a State to constitute a Finance Commission to review the financial position of the *Panchayats* and to make recommendations to the Governor as to

- a) the principles which should govern-
 - i) the distribution between the State and the *Panchayats* of the net proceeds of the taxes, duties, tolls and fees leviable by the state, which may be divided between them under this part and the allocation between the *Panchayats* at all levels of their respective shares of such proceeds;
 - ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the *Panchayats*;
- b) the measures needed to improve the financial position of the *Panchayats*;
- c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the *Panchayats*.¹³

Article 243J authorizes the Legislature of a State to make provisions for maintenance of accounts by the *Panchayats* and for auditing of such accounts.

¹² *Ibid.*

¹³ The Constitution (73rd Amendment Act), 1992.

From the above discussion, we can highlight in brief, that the Constitution (73rd Amendment) Act, 1992 contains the following characteristic features.

1. Continuance of *Panchayati Raj* System, if not dissolved earlier for any reason, till it completes full 5 years time;
2. Mandatory constitution of the body of *Gram Sabha* with persons registered in the electoral register;
3. *Panchayati Raj* to have a three tier system: at the Village level, at the Block Level and at the District;
4. Members of the *Panchayat* elected through direct election by the people;
5. One third of the total seats of the *Panchayat* reserved for women;
6. Reservations for the members of the Scheduled Castes and Scheduled Tribes in the *Panchayat* bodies;
7. Reservations of seats for Chairperson/Presidents in *Panchayat* at each level for SCs/STs in proportion to their population;
8. 21 years as the minimum age for candidates to take part in the *Panchayat* elections;
9. Constitution of State Election Commission;
10. Constitution of State Finance Commission;
11. Audits of Accounts of the *Panchayats*;
12. Constitution of *Panchayat* Election Tribunal to dispose of election petitions challenging election;¹⁴

¹⁴ The Constitution (73rd Amendment Act), 1992.

Functioning of the *Gram Panchayat*, the *Anchalik* or *Anchal Panchayat* and the *Zilla Parishad*:

Gram Panchayat: *Gram Panchayat* or *Gaon Panchayat* is the lowest, self-governing village level administrative unit constituted under the 73rd (Constitution Amendment) Act, 1992. It normally consists of

- i) at least ten members who are directly elected by the voters of the territorial constituencies of the *Gaon Panchayat* area;
- ii) the President of the *Gaon Panchayat* who is directly elected by the voters of the territorial constituencies of the *Gaon Panchayat*.

Following the constitution of the *Gaon Panchayat* body, the Deputy Commissioner shall convene a meeting of the *Panchayat* body and the election is held for the post of the Vice President of the *Gaon Panchayat* from amongst the members.

The President of the *Gaon Panchayat* convenes the meeting of the *Gaon Panchayat* which sits very often and presides over its meetings. He is responsible for the maintenance of the records of the *Gaon Panchayat*. Besides this, he is to see the financial and executive administration of the *Gaon Panchayat*. He supervises and control over the works of the staff of the *Gaon Panchayat* and other officers and employees. He is responsible for the transaction of business connected with *Panchayat Act* or for the purposes of making any order authorized thereby, exercise such powers, perform such functions or discharged by the *Gaon Panchayat* under *Panchayat Act* or rules made hereunder provided that the President shall not exercise such powers, perform such functions and discharge such functions and discharge such duties as may be required by the rules made under *Panchayat Act*.

Functions of the Gaon Panchayat: The *Gaon Panchayat* shall perform the function as specified below:

1. Preparation of annual plan for the development of *Gaon Panchayat* area; preparation of annual budget, mobilisation of reliefs during natural calamities, removal of encroachments on public properties, organizing voluntary labours and contribution for community works and maintenance of essential statistics of villages.
2. Identification and implementation of various Agricultural schemes for agricultural development in *Gaon Panchayat* areas with technical assistance from Agriculture, Co-operation, irrigation and other concerned departments; development of waste lands; development and maintenance of village grazing land and preventing their unauthorized alienation and use. (3) Improvement of breed cattle, poultry and other livestock; promotion of diary farming and piggery; grassland development.
3. Development of fisheries in the villages.
4. Planting and preservation of trees on the road sides and other public land under its control; development of farm forestry and social forestry.
5. Organisation of awareness camps, seminars and training programme, agricultural and industrial exhibition for the benefit of rural people, promotion of rural and cottage industries.
6. Construction, repairs and maintenance of drinking water wells, tanks and ponds and tube wells; prevention of water pollution, maintenance of rural water supply scheme.
7. Construction and maintenance of village roads, drains and culverts; maintenance of building under control of or transfer to it by the Government or any public authority; maintenance of boats, ferries and waterways.
8. Identification of locality for distribution of electricity, providing for and maintenance of lighting of public streets and other places.

9. Promotion and development of non-conventional energy sources; maintenance of community non-conventional energy devices, including bio-gas plants, propagation of improved *chulhas* and other efficient energy devices.
10. Promotion of public awareness and participation in implementation of poverty alleviation programmes for fuller employment and creation of productivity assets for the community.
11. Participation in Primary and Secondary Education, to ensure full enrollment and attendance in Primary Schools and its management including the attendance of Primary School Teachers.
12. Promotion of Adult Literacy in the villages.
13. Organisation of village libraries and reading rooms.
14. Promotion of social and cultural activities.
15. Regulation of fairs including cattle fairs and festivals.
16. Maintenance of general sanitation, cremation and burial grounds; clearing of public roads, drains, tanks, ponds, wells and other public places; Construction and maintenance of public latrines, disposal of unclaimed corpses and carcasses, maintenance and control of washing and bathing *ghats*.
17. Implementation of family welfare programme; prevention and remedial measures against epidemics; regulation of sale of meat, fish and other perishable food articles; participation in programmes of human and animal vaccination; Issue of birth and death certificates within the jurisdiction of *Gaon Panchayat*.
18. Participation in implementation of women and child welfare programmes; promotion of school health and nutrition programme.
19. Participation in the implementation of the social welfare programme; selection of beneficiaries and monitoring of the old age and widows pension schemes.
20. Welfare of Scheduled Castes and Scheduled Tribes; participation in the implementation of programmes for the welfare of weaker sections in the society.

21. Participation and monitoring in the distribution of essential commodities through Public Distribution System.
22. Preservation and maintenance of Community Assets.
23. Construction and maintenance of Cattle Sheds, Ponds and Car Stands.
24. Maintenance of Public Parks and Playgrounds.
25. Construction and maintenance of Slaughter Houses.

In the state of Assam, to make the functioning of the *Panchayat* bodies more effective, responsible and transparent, provisions have been enshrined in the Assam *Panchayati Raj* Act, 1994 for constitution of three Standing Committees consisting of not less than three or more members in each of these committees including the President and the Vice President of the *Gaon Panchayat*. The President of the *Gaon Panchayat* is the ex-officio member and chairman of these standing Committees. The Standing Committees are:

- 1) Development Standing Committee
- 2) Social Justice Standing Committee and
- 3) Social Welfare Standing Committee.¹⁵

Anchalik Panchayat: Under the three tier *Panchayati Raj* as envisaged under the Constitution (73rd Amendment) Act, 1992, there shall be a *Panchayati* body at the intermediate level, whose nomenclature differs from place to place and from state to state. Normally, one whole *Gaon Panchayat* area forms the constituency for electing one *Anchalik Panchayat* member who is directly elected by the people of the *Gaon Panchayat* for a term of 5 years. Every *Anchalik Panchayat* consists of the following members:

- 1) One member from each *Gaon Panchayat* directly elected by the people;
- 2) The President of the *Gaon Panchayat* falling within the jurisdiction of the *Anchalik Panchayat*;
- 3) Members of the Legislative Assembly of the State representing Constituencies which comprises either wholly or partly, the *Anchalik Panchayat*;

¹⁵ Panchayati Raj Institutions in Assam, (August 2011), Published by SIRD, p 17.

Seats are reserved for the members belonging to Scheduled Castes (SC) and the Scheduled Tribes (ST) and the Women in the *Anchalik Panchayat*. The directly elected members of the *Anchalik Panchayat*, elect from amongst themselves, the President and the Vice President of the *Anchalik Panchayat*. *Anchalik Panchayat* has been constitutionally conferred with enormous powers which include subjects like Agriculture, Minor Irrigation, Water Management, Land Improvement and Conservation, Poverty Alleviation Programme; Animal Husbandry, Dairying and Poultry; Fisheries; *Khadi*, Village and Cottage Industries; Rural Housing; Drinking Water; Social and Farm Forestry, Minor Forest Produce, Fuel and Fodder; Roads, Buildings, Bridges, Ferries, Waterways; Education including Primary and Secondary Education; Cultural Activities; Market and Fairs; Health and Family Welfare; Women and Child Development; Social Welfare; Welfare of SCs and the STs; Public Distribution System; Rural Electrification, Co-operation, Libraries etc. In Assam, the *Anchalik Panchayat* also has three standing committees through which it chalk out policies for implementation of its various developmental programmes. These Standing Committees are i) The General Standing Committee; ii) The Finance, Audit and Planning Committee; and iii) The Social Justice Committee.¹⁶

With regard to their assigned functions, the Standing Committee performs functions relating to the establishment matters, communication, buildings, rural housing, relief against natural calamities, water supply etc. The Finance, Audit and Planning Committee oversees matters relating to the finance of the *Anchalik Panchayat*, budget scrutinizing, proposals for increase of revenue, examination of receipts and expenditure statements, consideration of all proposals affecting the finance of the *Anchalik Panchayat*, Planning and consolidating the *Anchalik Panchayat* plans, Co-operation etc. The Social Justice Committee looks into and deal with the issues like the promotion of educational, economic, social, cultural and other interests of the SCs, STs and other Backward Class

¹⁶ Panchayati Raj Institutions in Assam, (August 2011), p 41.

communities; Protecting them from social injustice and other forms of exploitations; improvement of the conditions of the SCs, STs and Backwards Communities; ensuring social justice to the SC, ST and Backward Communities; women and weaker sections of the society.

The *Anchalik Panchayat*, has an Executive Officer, who is appointed by the Government. He or she is the Ex-Officio Secretary of the *Anchalik Panchayat*. A Block Development Officer or such other officer may be appointed by the Government for the post who holds the post of the Executive Officer and Secretary of the *Anchalik Panchayat*. He exercises powers bestowed upon him by the *Panchayati Raj Act*. He supervises the works, duties and functions of the other officers holding various posts under the *Anchalik Panchayat* in accordance with the rules made by the Government. He supervises and controls the execution of various works, takes necessary measures for speedy implementation and timely completion of the various schemes and programmes under implementation or execution. He keeps the records of the proceedings of the meeting and is the custodian of all the papers and relevant documents of the *Anchalik Panchayat*. He is the drawing and disbursing authority of the fund of the *Anchalik Panchayat*.¹⁷

The main sources of fund for the *Anchalik Panchayat* are the contribution of grants received from the Central and the State Governments; the grants made over by the *Zilla Parishad* and other local authorities; all receipts on account of tolls, rates and fees levied by it; all sums receipts as gifts or contributions from any trusts or endowments made in favour of the *Anchalik Panchayat*; Fines and penalties imposed and realized under the relevant sections of the *Panchayati Raj Act*. As empowered by the, Assam *Panchayati Raj Act*, 1994, in the state of Assam, the *Anchalik Panchayat* has powers to impose taxes on persons, vehicles, animals, ferries, surcharge on land revenue at the rate of 0.02 per rupee, tax for recovery of minor irrigation works taken up within the

¹⁷ Panchayati Raj Institutions in Assam, (August 2011), pp 49-50.

jurisdiction of an *Anchalik Panchayat*; tax on supply of water and lighting; tax on profession, trades, calling, manufacturing and production establishments; tax on cinema halls, brick kiln, tile kilns, saw mills, timber depots, rice mills and hullers, fairs, confectionary and bakery, private fisheries, vegetable gardens etc.¹⁸

Zilla Parishad: As per provision of the Constitution (73rd Amendment Act), 1992, that envisaged for a three tier *Panchayati Raj*, every district shall have a *Zilla Parisad* having jurisdiction over the entire district excluding the jurisdiction of a Municipality or a Municipal corporation. The *Zila Parisad* shall be constituted by the following members:

- 1) Members directly elected by the people from different territorial constituencies of the district;
- 2) The President of the *Anchalik Panchayats*;
- 3) The members of the House of the People (Lok Sabha) representing a part or whole of the district whose constituencies lie within the district;
- 4) The members of the Legislative Assembly representing a part or whole of the district whose constituencies lie within the district;

In the *Zilla Parisad* body, there is reservation for the members belonging to the SCs and STs. A separate reservation is also there for the women to be represented in the body. Through election process, the members choose from among themselves for the posts of the President and the Vice President of the *Zilla Parisad*.

Zilla Parisad sits at least once in every month and the meeting is presided by the President. In his or her absence, the Vice Presidents takes his place and conducts the meeting. Every *Zilla Parisad* shall be manned by the Chief Executive Officer, appointed by the Government. The Chief Executive Officer runs the office of the *Zilla Parisad*, maintains records of the meetings, looks after and manages the day to day business of the offices; supervises the various official works, implementation of the schemes and other

¹⁸ *Ibid*, pp 45-46.

programmes in the district. In the state of Assam, the *Zilla Parisad* constitutes different standing committees to carry out its various programmes and to implement various developmental schemes. The Standing Committee consists of the four sub-committees. They are i) General Standing Committee ii) Finance and Audit Committee iii) Social Justice Committee and iv) Planning and Development Committee.

Powers and functions of the Zilla Parishad: The *Zilla Parisad* prepares plans for economic development and for providing social justice to the people living within the district. It deals with wide subjects such as Agriculture, Irrigation, Statistics, Rural Electrification, Soil Conservation, Marketing, Social Forestry, Animal Husbandry and Dairying, Minor Forest Produce and fuel and fodder, Fisheries, Household and Small Scale Industries including Food Processing, Rural Roads and Inland Waterways, Health and Hygiene, Rural Housing, Education, Social Welfare and Welfare of weaker sections, Poverty Alleviation Programme, Social Reform Activities, Promotion of Thrift and Saving etc.

Fund of the Zilla Parisad: The sources of fund of the *Zilla Parisad* are the following:

- a) The amount transferred to the *Zilla Parisad* fund by appropriation form out of the Consolidated fund of the State;
- b) All grants, assignments, loans and contributions made by the Government;
- c) All fees and penalties paid to or levied by or on behalf of the *Zilla Parisad* under the *Panchayat Act*;
- d) All rents from land or other properties of the *Zilla Parisad*;
- e) All interest, profits and other money acquired by gifts, grants, assignments or transfers from private individual or institutions;

- f) All proceeds of land, securities and other properties sold by the *Zilla Parisad* etc.¹⁹

Functionaries of the Panchayats: Due to insufficient man power and organizational weaknesses, most of the *Panchayati Raj* offices in many states have not been able to function properly. To deal with the problems, it was resolved in the 1st Round Table conference of the Ministers In- charge of *Panchayati Raj* of the different states of India, held at Kolkata on 24th & 25th July 2004 which include among others, the following decisions and guidelines:

- i) Devolution of functionaries to the PRIs based on the patter of the mapping of activities related to the devolved functions;
- ii) Staff provided on deputation to assist the PRIs for devolved activities is to be put under the disciplinary supervision and control of the elected authority;
- iii) States or Union Territories are to consider instituting a *Panchayati Raj* Administrative and Technical Service;
- iv) Progressive merger of the DRDAs with the *District Panchayats* to ensure availability of the technical expertise and other facilities of the DRDAs to all tiers of the *Panchayati Raj* Institutions.²⁰
- v) To strengthen functioning of *Panchayati Raj* and to cope with the shortage of man power in its execution of rural development works, the 2nd Administrative Reforms Commission (ARC) in its 6th Report submitted to the Government of India has recommended to empower the PRIs to recruit personnel and to regulate their service conditions subject to such laws and standards as laid down by the respective State Governments. This was followed by the advisory issued by the Ministry of *Panchayati Raj* to the States and Union Territories in its letter dated 13th October 2009. The advice called for an arrangement of a 3

¹⁹ Panchayati Raj Institutions in Assam, SIRD's Publication (August 2011), p 72.

²⁰ Report of the Working Group on Panchayati Raj Institutions and Rural Governance. Government of India: Planning Commission and Ministry of Panchayati Raj, p 23.

types of cadres to man the *Panchayat* at the Village, *Anchalik* and District level *Panchayats*. The three types of cadres are Gram *Panchayat* Cadre, District *Panchayat* Cadre and the State Cadre. In the states where *Panchayati Raj* is in operation, they follow this norm. This is one advantage for the *Panchayati Raj* as even the smallest village level unit of administration or *Gram Panchayat* is empowered to appoint its own employees who mostly hail from their own locality.²¹

Probable Benefits of the *Panchayat Raj* System to the Non-*Panchayat* Areas:

Going through the details of the provisions of the Constitution (73rd amendment) Act, 1992, we may say that *Panchayat Raj* Act, as envisaged for a three tier system viz, *Panchayat* at the village, intermediate and district levels, is conferred with enormous powers and functions which are basically and more stringently targeted for developmental purposes. A three tier *Panchayat* system might not be viable for smaller and economically poor states. To avoid such problem, it was also provided in the act that reads “With the exception of the state having population not exceeding twenty lakhs, *Panchayat* at the intermediate level shall not be constituted”²² So for the smaller and economically poor states of the country, two tier *Panchayati Raj* system is recommended.

The Non-*Panchayat* Areas as we know, refer to those Tribal Areas, the Autonomous District Councils and other Scheduled Areas which are governed under the provisions of the 6th Schedule of the Indian Constitution. One of the features of administration of this Sixth Schedule area is that certain regular administrative laws, Rules and Acts are not applicable to these areas because of the peculiar habits, customs

²¹ Report of the Working Group on Panchayati Raj Institutions and Rural Governance. Government of India: Planning Commission and Ministry of Panchayati Raj, pp 23-24.

²² Government of India (1993), The Constitution (73rd Amendment Act, 1992, Gazette of India, Part II, 20th April 1993.

and traditional practices of the people living in the region. As a result, when the Constitution (73rd Amendment) Act was passed, this Act also exempts the applicability of its provisions to the so called Schedule areas. But, there is scope for the extension of the provisions of this Act and to this effect, the State Legislature is empowered to pass a resolution for the extension of the act under article 243M 4 (a) of the Constitution (73rd Amendment) Act, 1992.²³

As is known that the *Panchayati Raj* is a self-governing system of the lowest level where the village folk directly take part, elect their own representatives and through their services, various developmental schemes are implemented for the interest and development of their own people in the villages. The fund for carrying out the developmental works is provided by the Union Government through the services of the State Government. The state government is directed to provide necessary fund to ensure that rural developmental works are implemented under the care and supervision of the democratically elected village elders in their own localities. The purpose behind bringing *Panchayat* system under a statutory provision is to empower people, involve them in the administration and share responsibility in bringing positive changes in their own villages. It is a fact that the responsible top government officers, the bureaucrats; the elected heads and the public representatives can by no means have a bird's eye view on and diligently supervise over the use of money being sanctioned and utilised for the various schemes and programmes authoritatively and judiciously distributed for the benefit and development of the rural masses and their areas. Empowering rural inhabitants through such a simple yet, powerful system of administration might act as another viable alternative to monitor the problem. Gandhiji rightly claimed that the growth and development of India as a nation lies in the self sufficiency and development of its villages. The rate of growth and development of a village, place or a region depends on the greater number of schemes and opportunities of income generation available to the

²³ The Constitution (73rd Amendment) Act, 1992.

people of that place or region. If more developmental schemes are directed towards and opened up for the benefit of the people, then there is every good reason to be hoped of, for a new order, to a better and sustainable direction to which the illiterate and the economically poor and backward villagers would move ahead. It is to be reminded that it is not the availability of resources into the hands of the people that will determine the level of development of the place, village or region; but it depends much on how the people involved in the work judiciously spend all the available resources. The success of any government programmes and the various schemes implemented depends on the active and larger involvement of the people. If the people themselves consciously and most sincerely co-operate with the implementing authorities, the agencies etc. one might guarantee that the programme is well succeeded much to the expectations of the people themselves.