

# PANCHAYATI RAJ SYSTEM IN INDIA: AN ANALYSIS

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**ABSTRACT:** Panchayati Raj Institution is the grass root democracy in India. The Panchayati Raj institutions are considered as local self-government meant for providing basic infrastructure facilities, empowering weaker sections of the society and initiate the development process at the grass-roots level of rural India, The study provides a conceptual analysis of Panchayati Raj in India. Study gives an overview about composition, duration, functions of panchayat and also describes their sources of income etc.

**Keywords:** Panchayti Raj, Community Development, Gram Panchayat

**1.0 Introduction:** In India, Panchayati Raj system is identified as the prime instrument of decentralization through which democracy becomes truly representative and responsive. The Panchayati Raj institutions are considered as local self-government meant for providing basic infrastructure facilities, empowering weaker sections of the society and initiate the development process at the grass-roots level of rural India, where the sole of India lives.<sup>1</sup>

After independence, Community Development Programme was inaugurated in 1952. But because it was not attached to the grass root level, therefore it could not provide any change in the life of common citizen. In 1957 a committee was constituted, under the leadership of Balwantrai Mehta to find out the cause for the failure of this programme. The committee recommended that without an agency at the village level that could represent the entire community, assume responsibility and provide the necessary leadership for implementing development programmes, real progress in rural development could not come about at all.<sup>2</sup> In this way Balwantrai Mehta Committee tried to achieve local self-government through Panchayats.

In 1977, Ashok Mehta Committee was set up to review the working of Panchayati Raj Institutions. The committee recommended that Panchayati Raj Institutions are the soul of democracy and therefore it should be empowered with more authority. In keeping with the spirit of the Asoka Mehta Committee recommendations, some states – including West Bengal, Karnataka and Andhra Pradesh – revisited their respective Panchayati Raj systems and undertook several new initiatives to endow local bodies with more powers which served as a prime inspiration and example for subsequent reform.<sup>3</sup>

During the decade of 1990, it was realized by the Central Government that local self-government can not be strengthened without given them constitutional status. Therefore the Central Government passed the 73<sup>rd</sup> Constitutional Amendment Act in 1992, which became effective from 20th April 1993 (from the date of publication in the Gazette of India). The 73<sup>rd</sup> Constitutional Amendment Act, 1992 that came into effect in April 1993 contains provision for devolution of powers and responsibilities to the panchayats to both for preparation of plans for economic development and social justice and for implementation in relation to 29 subjects listed in the XI<sup>th</sup> schedule of the constitution.<sup>4</sup> The panchayats receive funds from three sources i.e. local body grants, as recommended by the Central Finance Commission, funds for implementation of centrally-sponsored schemes, and funds released by the state governments on the recommendations of the State Finance Commissions.<sup>5</sup>

The Ministry of Panchayati Raj was set up primarily to oversee the implementation of Part IX of the Constitution, the Panchayats Extension to the Scheduled Areas Act, 1996 (PESA), and Article 243ZD of Part IX-A

relating to District Planning Committees. Although the Panchayats have historically been an integral part of rural life in India, these Acts have institutionalized the Panchayati Raj Institutions (PRIs) at the village, intermediate, and district levels as the third tier of government. The aim has been to combine social justice with effective local governance, with an emphasis on reservation of seats for the deprived classes of population, including of the leadership positions.

The XI<sup>th</sup> Schedule of the Constitution stipulates that States may, by law, endow the Panchayats with such powers and authority as may be required to enable the latter to function as institutions of self-government.<sup>6</sup> Such laws may also provide for the devolution of powers and responsibilities upon Panchayats for preparation of plans for economic development and social justice<sup>7</sup> and implementation of the schemes as may be entrusted to them.<sup>8</sup> The main features of the 73<sup>rd</sup> Constitutional Amendment Act, 1992 are as under:

- **Gram Sabha:** A Gram Sabha means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;<sup>9</sup> Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide;<sup>10</sup>
- **Panchayat:** A Panchayat means an institution (by whatever name called) of self-government constituted under article 243b for the rural areas;<sup>11</sup>
- **Panchayat area:** A Panchayat area means the territorial area of a Panchayat;<sup>12</sup>
- **Village:** A village means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified;<sup>13</sup>
- **Village level panchayat:** It is called a Panchayat at the village level. It is a local body working for the village;
- **Intermediate level panchayat:** An Intermediate level means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part.<sup>14</sup> Panchayats at the intermediate level may not be constituted in a State having a population not exceeding 20 lakhs;<sup>15</sup>
- **District level Panchayat:** In the district level of the panchayati raj system, there is zilla parishad. It looks after the administration of the rural area of the district and its office is located at the district headquarters.

## **1.1 COMPOSITION OF PANCHAYATS**

The Act states that the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats, provided 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 shall, so far as practicable, be the same throughout the State.<sup>16</sup> All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and; for this purpose, each Panchayat area shall be divided into territorial constituencies in such manners 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.<sup>17</sup> The Legislature of the State may, by law, provide for the representation of the Chairperson of the Panchayat at appropriate level.<sup>18</sup>

## **2.0 DURATION OF PANCHAYATS**

Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.<sup>19</sup>

## **THE THREE-TIER SYSTEM**

The states of Goa, Jammu and Kashmir, Mizoram, Meghalaya, Nagaland and Sikkim have two-tier system of panchayats- one at the village level and the second at the Zila or District level. In Jammu and Kashmir, block is the second level. In all other states Panchayati Raj Institutions have a three-tier system- village as first level, block or janapad as second level and zila or district as the third level.

## **2.1 VILLAGE LEVEL**

Village is the basic unit of Panchayati Raj Institutions. The word 'village' by and large synonymous with revenue estate. Through word 'village' use in singular it will also mean 'villages' when read in relevant context. An

area recorded as revenue estate in revenue records of a district can only be called village. Area not recorded as revenue estate cannot be called a village and cannot be independently declared as a Sabha area. Local area not recorded as a revenue estate, does not fall within definition of village.<sup>20</sup> The unit of local government here is called gram panchayat. In the structure of the Panchayati Raj Institution, the gram panchayat is the lowest unit. The panchayat chiefly consists of representatives elected by the people of the village. Every person who is entered as voter on the electoral roll prepared by the State Election Commission and for the time being in force pertaining to the area of a Gram Sabha and do not hold any office of profit under the government are eligible for election to the panchayat.<sup>21</sup> The persons convicted by the court for criminal offences are disqualified from election of the panchayat.<sup>22</sup> There is also provision for co-option of two women and one member of the Scheduled Castes and Scheduled Tribes, if they do not get adequate representation in the normal course.<sup>23</sup> The panchayat as a body is accountable to the general body of the village known as Gram Sabha which meets at least twice a year. The Gram Panchayat must present its budget, accounts of the previous year and annual administrative report before the Gram Sabha.<sup>24</sup>

Every panchayat elects a president or Sarpanch and a Vice-President or Up-Sarpanch. In some states, the Sarpanch is directly elected by the gram sabha either through the show of hands or through secret ballot while in some states the mode of election is indirect. The Sarpanch occupies a pivotal position in gram panchayat system. He supervises and coordinates the various activities of the panchayat. The panchayat secretary and the village level worker are the two officers at the panchayat level to assist the Sarpanch in administration.<sup>25</sup>

### **2.1.1 FUNCTIONS**

The panchayats have two types of functions –

**1. Mandatory Functions:** Sanitation, conservancy and drainage, prevention of public nuisances, drinking water, construction and maintenance of village roads, construction and repair of public buildings, registration of births and deaths, opening and maintenance of cremation and burial grounds, rural electrification, poverty alleviation programme, preparation of annual budget and development plans, construction and maintenance of cattle sheds, ponds etc. social farm forestry, fuel and fodder, slaughter houses, public parks and playgrounds, agriculture, poultry and fisheries etc.<sup>26</sup>

**2. Discretionary Functions:** Agriculture, animal husbandry and dairy development, minor irrigation, small scale industries, housing, electricity and non-conventional energy, rural development programmes, education cultural affairs and heritage, public health etc.<sup>27</sup>

In addition, the village panchayats may be assigned additional functions by the state governments<sup>28</sup> and Zila Parishads.

### **2.1.2 SOURCES OF INCOME**

A gram panchayat's fund has been created on the pattern of the consolidated fund of the state. All money received by the Gram Panchayat like contribution or grants made by the State Government, Union Government, Zila Parishad and all sums received by the panchayat in the form of taxes, rates, duties, fees, loans, fines and penalties, compensation, court decree, sale proceeds and income from panchayat property etc. go into that fund. Village Panchayats have been empowered to levy taxes or fees on subjects like houses and buildings, professions, trades, callings and employments, fees on registration of vehicles, fairs and melas, sanitary arrangements, water tax, lighting tax, tax on sale of firewood, tax on slaughter houses, private fisheries, license fee on tea stalls, hotels or restaurants, carts, carriages, boats, rickshaws etc.<sup>29</sup>

### **2.2 BLOCK LEVEL**

Block or Union is the intermediate level or tehsil level of local self government in rural India. There are a number of variations in nomenclature for block level panchayat. For example in Andhra Pradesh, it is known as Mandal Praja Parishad, Anchalik Panchayat in Assam, Taluka Panchayat in Gujrat, Mandal Panchayat in Karnataka. In general it is known as Panchayat Samiti in Bihar, Jharkhand, Haryana, Himachal Pradesh, Tripura, West Bengal, Maharashtra, Orissa, Punjab and Rajasthan.<sup>30</sup>

The Panchayat Samiti has jurisdiction over the entire Block area excluding such portion of the Block area as is included in a Municipality or is under the authority of a Municipal Corporation, a Cantonment Board or a Notified Area Committee constituted under any law for the time being in force.<sup>31</sup>

Usually, a Panchayat Samiti consists of 20 to 60 villages depending on area and population. The average population under a Samiti is about 80,000, but the range is from 35,000 to 1, 00,000. The Panchayat Samiti generally consists of the following:

1. six to ten directly elected members from territorial constituencies in the Panchayat Samiti area;
2. Representatives of the Sarpanches directly elected by them from amongst the Sarpanches of the Gram Panchayats in the Panchayat Samiti area;
3. Members of the Legislative Assembly of the State major portion of whose constituency falls in the Panchayat Samiti area;
4. Members of the Legislative Council of the State, who are registered as electors within the Panchayat Samiti area;
5. two women members and one member each from the Scheduled Castes and Scheduled Tribes to be co-opted.
6. two local persons possessing experience of public life and administration, which may be beneficial for the rural development.
7. representatives of the co-operatives working within the jurisdiction of the block.
8. one representative elected by and from the members of each small municipality lying within the geographical limits of a block.
9. The members of the Panchayat Samiti whether or not chosen by direct election from territorial constituencies in the Panchayat Samiti shall have the right to vote on the meetings of the Panchayat Samiti except for election and removal of its Chairman or Vice-Chairman.<sup>32</sup>

The Deputy Commissioner concerned, or any officer appointed by him in this behalf, not below the rank of an Extra Assistant Commissioner, shall call the first meeting of the Panchayat Samiti in the manner prescribed, as soon as the election of all members of the Panchayat Samiti is notified, to elect the Chairman and Vice-Chairman from amongst the elected members.<sup>33</sup> The Chairman convenes and presides over the Panchayat Samiti meetings. He guides the panchayats in making plans and carrying out production programmes. He ensures the implementation of the decision and resolutions of the Samiti and its standing committees. He exercises administrative control over the Vikas Adhikari (BDPO) and his staff. He is a member of the Zila Parishad by virtue of his office as a Chairman. He is the ex-officio chairman of the standing committees of the Samiti. The Block Development and Panchayat Officer as the Chief Executive Officer of the Panchayat Samiti is entrusted with the responsibility for implementing the resolutions of the Samiti and its Standing Committees. He prepares the budget of the Samiti and places it before the Samiti for its approval.<sup>34</sup> He also prepares the annual report of the Samiti and sending it to the Zila Parishad and State Government. He is accountable to the president of the Samiti for his action. The Executive Officer shall attend every meeting of the Panchayat Samiti and shall have the right to attend the meetings of all the Standing Committees thereof and shall take part in the discussion but shall not have the right to move any resolution or to vote.<sup>35</sup>

The Act provided that a Panchayat Samiti may have its office in any area comprised within the excluded portion of the Block and in such area may exercise its powers and function over the property and institutions under its ownership control or management.<sup>36</sup> The Panchayat Samiti shall hold a meeting (hereinafter in this section called the ordinary meeting) for the transaction of business at least once in two months.<sup>37</sup>

### **2.2.1 FUNCTIONS**

The principal function of the Panchayat Samiti is to co-ordinate the activities of the various panchayats within its jurisdiction. The Panchayat Samiti supervises the work of the Panchayats and scrutinizes their budgets. It also reserves the right to suggest measures for improving the functioning of the Panchayats. The Samiti is charged with the responsibility of preparing and implementing plans for the development of agriculture, Land improvement and Soil Conservation, Minor Irrigation, Water Management and Watershed Development, 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 and other means of communication, Non-Conventional Energy Sources, Education including Primary and Secondary Schools, Technical Training and Vocational Education, Adult and non-formal

education, Cultural Activities, Markets and Fairs, Health and Family Welfare, Women and Child Development, Social Welfare including Welfare of the Handicapped and Mentally Retarded, Welfare of the weaker sections and in particular of the Scheduled Castes and Backward Classes, Maintenance of Community Assets, Public Distribution Systems, Rural Electrification, Co-operation, Libraries and Such other functions as may be entrusted by the State Government.<sup>38</sup>

### **2.2.2 SOURCES OF INCOME**

All State legislations provide for the creation of Panchayat/ Block Samiti Fund like the Consolidated Fund of the State. All money collected by the Samiti goes into that fund. These are grants given by the State Government or Union Government, donations received, income from properties owned by the Samiti, all taxes, fees, duties, tolls etc. levied by the Samiti, any share of the land revenue or taxes levied by the State Government and assigned to the Samiti, part of the income of the Zila/ District Parishad assigned to the Samiti, all loans raised by the Samiti etc.<sup>39</sup>

### **2.3 DISTRICT LEVEL**

Except in the State of Jammu and Kashmir, the District/Zila Panchayat constitutes the apex body of the three-tier structure of the Panchayati Raj System in India. The Zila Parishad having jurisdiction over the entire district excluding such portions of the district as are included in a municipality or cantonment area or are under the authority of a municipal corporation or a notified area committee constituted under any law for the time being in force.<sup>40</sup> The Panchayat at the district level is called Zila Parishad in most of the States like in Goa, Karnataka, Madhya Pradesh, Sikkim and Uttar Pradesh it is called Zila Parishad and in Tamil Nadu, Kerala and Gujarat its name is District Panchayat.

Generally, the Zila Parishad is an elected body. It consist of representatives of the Panchayat Samiti, all members of the State Legislative and the Parliament representing a part or whole of the district,<sup>41</sup> all district level officers of the Medical, Public Health, Public Works, Engineering, Agriculture, Education and other development departments. The Act provided that in a Zila Parishad having a population of not exceeding five lacs there shall be a minimum often directly elected members and in a Zila Parishad having a population of more than twelve lacs, the number of such members shall not exceed twenty-five.<sup>42</sup>

The Act provided that a Zila Parishad may have its office in any area comprised within the excluded on of the district and in such area may exercise its powers and functions over the property and institutions under its own control or management.<sup>43</sup>

There is also a provision in the Act for special representation of women, members of Scheduled Castes and Scheduled Tribes provided they are not adequately represented in the normal course.<sup>44</sup> The Chairman of the Zila Parishad is elected from among its members. The Additional Deputy Commissioner (Development) in every district shall be the *ex officio* Chief Executive Officer of the Zila Parishad of that district and an officer of the Department of Rural Development and Panchayats not below the rank of District Development and Panchayat Officer shall be the Deputy Chief Executive Officer of the Zila Parishad.<sup>45</sup> Every Zila Parishad shall hold meetings at least once in every three months.<sup>46</sup> However, in Goa, Haryana and Karnataka their meetings must be called at least once in two months.

### **2.3.1 FUNCTIONS**

The Zila Parishad, for the most part, performs co-coordinating and supervisory functions. It coordinates the activities of the Panchayat Samiti falling within its jurisdiction. In certain states the Zila Parishad also approves the budgets of the Panchayat Samitis.<sup>47</sup> It also renders necessary advice to the Government with regard to the implementation of the various developmental programmes. The State Government may be specified the conditions for the working of the Zila Parishad. It is also responsible for the maintenance and development of Agriculture, Irrigation ground water resources and Watershed Development, Horticulture, Statistics of various projects and programme, Rural electrification including distribution of electricity, Distribution of Essential commodities, 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, Health and Hygiene, Rural Housing, Education, Social Welfare and Welfare of Weaker Sections, Poverty Alleviation Programmes, Social Reforms Activities, Verification of weights and measures in shopping establishments, Promotion of thrift and savings through and such programmes vested by the State Government with such powers under any other law as the State Government may deem fit. There is also a provision that the Zila Parishad of two or

more adjacent districts may jointly undertake and execute any development scheme on such terms and conditions as may be mutually agreed upon.<sup>48</sup>

### **2.3.2 SOURCES OF INCOME**

The legislations of all states provide for the certain of separate Zila Parishad/District Panchayat Fund which is like the consolidated Fund of the State. The sources of income of the Zila Parishad/District Panchayat are:

- Grants-in-aid given by the State Government and the Union Government (general or for any particular project);
- Donations and incomes like rent or lease or sale proceeds of the properties of the Parishad;
- Toll, fees or cess imposed on bridges, ferries, entertainment, fairs, haats etc;<sup>49</sup>
- Share of the land revenue assigned to the Parishad;
- Several states like U.P., Punjab, Manipur, Maharashtra etc. have empowered them to levy taxes on any matter on which Panchayats at the lower levels are empowered to do.
- Loans raised by it against the security of its properties.<sup>50</sup>
- Contributions made by Panchayat Samitis or any other local authority.

### **3.0 CONCLUSION**

In the end we can wrap up whole the study that yet the 73<sup>rd</sup> Constitutional Amendment Act came into force, the process of political empowerment of the Panchayats has largely been achieved. While Panchayat elections have been regularly held in all the States and Union Territories reservations have been provided to the women, Scheduled Castes, the Scheduled Tribes and the Other Backward Classes in proportion to their share of the population in each panchayat area. Several Centrally Sponsored Schemes (CSSs), programmes are directly implemented through Panchayati Raj Institutions (PRIs) including the flagship National Rural Employment Guarantee Scheme NREGS).

The purpose of the 73<sup>rd</sup> Amendment Act was to take democracy to the grass root level so that the people should manage their own affairs at that level. Only the people themselves know what is best for them and what needs to be done. So the idea was not only to entrust the people with the power of decision-making but also to give them the authority and capacity of governing themselves.

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<sup>7</sup> *Ibid*, Article 243 G (1).

<sup>8</sup> *Ibid*, Article 243 G (2).

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<sup>10</sup> *Ibid*, Article 243 A.

<sup>11</sup> *Ibid*, Article 243 (d).

<sup>12</sup> *Ibid*, Article 243 (e).

<sup>13</sup> *Ibid*, Article 243 (g).

<sup>14</sup> *Ibid*, Article 243 (c).

<sup>15</sup> *Ibid*, Article 243 B.

<sup>16</sup> *Ibid*, Article 243 C (1).

<sup>17</sup> *Ibid*, Article 243 C (2).

<sup>18</sup> *Ibid*, Article 243 C (3).

<sup>19</sup> *Ibid*, Article 243 K.

<sup>20</sup> The Punjab Panchayati Raj Act, 1994, Article 2.

<sup>21</sup> The Punjab Panchayati Raj Act, 1994, Article 4 (2).

<sup>22</sup> The Constitution of India, Part IX, The 73<sup>rd</sup> Constitutional Amendment Act, 1992, Article 243 F.

<sup>23</sup> *Ibid*, Article 243 D.

<sup>24</sup> The Punjab Panchayati Raj Act, 1994, Article 7.

<sup>25</sup> *Ibid*, Article 26 & 27.

<sup>26</sup> *Ibid*, Eleventh Schedule, Article 243 G.

<sup>27</sup> *Ibid*.

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<sup>30</sup> [https://en.m.wikipedia.org/wiki/Panchayati\\_raj\\_\(India\)](https://en.m.wikipedia.org/wiki/Panchayati_raj_(India))

<sup>31</sup> The Punjab Panchayati Raj Act, 1994, Article 98 (2) (1).

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<sup>34</sup> The Punjab Panchayati Raj Act, 1994, Article 154 (4) (e).

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<sup>45</sup> *Ibid*. Article 195 (1).

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<sup>50</sup> *Ibid*. Article 190.