

Rural Governance and Panchayati Raj Institutions

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Background

The essential aim of our freedom struggle was to remove poverty, hunger, illiteracy, unemployment and all sort of diseases from which India had been suffering for two centuries under the British regime. Thus, after independence, the Government of India had launched various developmental and welfare-oriented programmes /schemes through Five Year Plans to enable the people to lead a life with dignity. The Community Development Programme and the National Extension Scheme were introduced for the all-round development of rural society. In order to bring about people's participation in rural development, the Government of India constituted the Balvantray Mehta Team in 1957. This Team suggested democratic decentralization for enlisting people's participation in developmental activities and, towards this end, suggested the creation of Panchayati Raj Institutions (PRIs) at district and sub district levels. But after an initial phase of ascendancy and growth of Panchayats, these institutions became a victim of the lack of political will, hostility of bureaucracy and apathy of people. The Report of the Asoka Mehta Committee (1977) pointed out that the PRIs had failed in their objectives on account of unfavorable political environment. Later on, the G.V.K. Rao Committee (1985) and the Singhvi Committee (1986) were constituted to suggest ways and means to strengthen the PRIs. But despite all this, the viability, sustainability and empowerment of these institutions remained at the mercy of the State Governments.

The enactment of the 73rd Amendment to the Constitution (hereafter referred to as the Central Act) was a watershed in the field of decentralization as it, inter alia, provided certainty, continuity and strength to the Panchayati Raj System (PRS) in the country. Later on, PRS was also extended to the Scheduled Areas by the Provisions of the Panchayats (Extension to Scheduled areas) Act 1996 (hereafter referred to as the Extension Act). Panchayats have been in existence in India in one form or other even before independence and more than one decade has elapsed after the enactment of the 73rd Amendment to the Constitution and more than 5 years have elapsed after the enactment of the Provisions of Panchayats (Extension to Scheduled Areas) Act 1996.

In this backdrop, it appears appropriate to review the functioning of the Panchayats from the point of view of ascertaining as to what extent have these institutions enabled the people to participate in delivering good governance at local levels and in the light of experiences, suggest ways and means for further strengthening the PRS in the country. Hence, the present paper endeavours to assess the empowerment and entitlement of the PRIs, effectiveness of

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these institutions in delivering rural good governance with people's active and functional participation, including of those who hail from the excluded and marginalised groups, and the policy prescriptions for effective local governance.

The paper has been divided into seven Parts. Part I of the paper deals with the rural governance in the context of PRIs. The salient features of the Central Act and the State Act have been outlined in Part II. The issues of empowerment and entitlement has been discussed in Part III. Part IV deals with the marginalised Groups and Women. The role of civil society organizations in promoting rural local self- government has been discussed in Part V. Access to the marginalised groups of common property resources has been discussed in the Part VI . This is followed by some suggestions and the policy prescriptions for empowering the Panchayats adequately to enable them in delivering good governance in rural areas. In the last Part , some concluding remarks and observations have been presented.

Part I

Rural Governance

Governance may be defined as the management of all the processes which , inter alia, promote individual's capacity and capability as well as create environment of their fulfillment. In a broader sense , overall thrust of governance is to create a social order where human amourpropre is secured. There are several opinions on the issue of governance. In the context of governance, the National Human Development Report 2001 of the Planning Commission gave several possible approaches pertaining to the Governance issue. Two of these are being given here to facilitate our discussion in the context of governance and Panchayat Raj Institutions . The World Bank defined governance " ...as the manner in which power is exercised in the management of a country's economic and social resources. The World Bank has identified three distinct aspects of governance (1) the form of political regime;(2) the process by which authority is exercised in the management of a country's economic and social resources for development; and (3) the capacity of governments to design, formulate and implement policies and discharge functions"(Human Development Report2002:115). The United National Development Programme viewed governance "...as the exercise of political, economic and administrative authority in the management of a country's affairs at all levels. It comprises mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their difference" (Human Development Report 2002: 115).

This could only be achieved if proper socio-economic environment is created for holistic development of each and every individual and thereby the entire society. This requires not only liberty and deliverance of the oppressed, depressed and suppressed , but also establishment of such institutions which are not only democratic but also close to masses as well as have adequate representation of women and marginalised sections at various levels of governance. Panchayats are the such institutions which have been represented by more than 3 millions elected representatives in the form of presidents and members at the three levels of it across the country. This is perhaps the broadest democratically elected representative base which exists in any country of the world.

We will discuss in the following part of the paper that the Panchayats have been made as

institutions of self-government. Although, the term 'institution of self-government' (ISG) has not been defined in the Act, the percept and the connotation are well understood. In order to function as ISG, the panchayats have to fulfill three basic conditions, namely, (a) institutional existence in the sense that the decisions are taken by the people's representatives; (b) institutional capacity in the form of empowerment of institutions to make their rules independently; and (c) financial viability in terms of sufficiently empowering panchayats in raising resources to meet their responsibilities. In other words, the panchayats should enjoy functional, administrative and financial autonomy (Mahi Pal 2004:138). In this context, the issue of governance has been addressed across the various sections of the paper.

Part II

Salient Features of the Central and the Extension Act

The main features of the Central Act and brief comments on these are being given in this section. The Central Act has both mandatory and enabling provisions for Panchayats. Following are the salient features of this Act: (i) Formation of Gram Sabha at the village level; (ii) Uniform three-tier system at the village, block and district levels with exemption for intermediate level in States with population of less than two million; (iii) Direct elections to all seats for all members at all levels; (iv) Indirect elections of the chairpersons at the intermediate and apex levels, the mode of election for the lowest level has been left to the State; (v) Reservation on rotational basis for the Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to their population both for the membership as well as chairpersonships of the Panchayats at all levels; (vi) Reservation of not less than one-third of the seats and offices for women; (vii) Five year term; (viii) Fresh elections within six months in case of suppressions or dissolution; (ix) Devolution of powers and responsibilities by the State in the matters preparation and implementation of plans for economic development and social justice including implementation of schemes relating to the subjects listed in the Eleventh Schedule of the Act; (x) Setting up the State Finance Commission after every five years to review the financial position of these institutions and to make suitable recommendations to the State on the distribution of funds among the Panchayat; (xi) Setting up the State Election Commission for holding Panchayat elections under its superintendence, direction and control; (xii) The 74th Amendment to the Constitution provides for constitution of District Planning Committee to prepare a draft plan for the whole district comprising Panchayats and municipalities. Although, this provision is a part of the 74th Amendment Act, the States have agreed to extend it to the 73rd Amendment Act. Hence, for all practical purposes, it is also assumed to be a part of the Central Act.

The Central Act gave birth to the third generation of the Panchayati Raj in India. The main lacuna of this Act, however, is that, instead of clearly specifying the functions and powers of Panchayats, it has left it to the discretion of the State governments. The Article 243 G of the Constitution clearly says: the legislature of a State 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 and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level subject to such conditions as may be specified therein, with respect to (a) the preparation of plans for economic development and

social justice and (b) 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.

This Article is the corner-stone of the entire thrust on democratic decentralisation as visualised in the Act. It is, however, not mandatory on the part of the State Government to implement this because the word “may” is used five times in this Article. Thus, it is at the discretion of the State Government to give or “not give” powers to the Panchayats. It implies that the power sharing with the Panchayats depends on the political leadership at the State level. We have the example of West Bengal where Panchayats elections were being held since the seventies i.e., even before the Amendment because the political party in power has political will for strengthening the grassroots democracy.

The salient features of the Extension Act are as follows: (i) Every village shall have gram sabha consisting of persons whose names are included in the electoral rolls for the panchayats at the village level; (ii) Reservation for STs shall not be less than half of the total number of seats at all tiers of panchayats. Reservation of tribal communities shall be on the basis of proportion to their population. The chairpersonship shall be reserved for STs at all levels of Panchayats. In case some ST communities have no representation at intermediate or district level panchayats, the state government shall nominate such under-represented STs. But such nomination should not exceed one-tenth of the total number of elected members of the panchayats; (iii) Every legislation on the panchayats in the Fifth Scheduled Area shall be in conformity with the customary law, social and religious practices and traditional management practices of the community resources; (iv) Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution; (v) Gram Sabha is empowered to approve plans, programmes and projects for social and economic development, to identify persons as beneficiaries under the poverty alleviation and other programmes and to give certificate of utilisation of funds for various plans and programmes; (vi) Gram Sabha or Panchayat at the appropriate level would be consulted before making the acquisition of land for development projects and before resettling or rehabilitating persons affected by such projects. However, actual planning and implementation of the projects shall be coordinated at the state level; (vii) Recommendation of the Gram Sabha or the Panchayats at the appropriate level is mandatory for the grant of prospecting license or mining lease for minor minerals, and grant for the exploitation of minor minerals by auction; (viii) gram sabha and panchayats are endowed with powers to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant; ownership of minor forest produce; to prevent alienation of land; to manage village markets; to exercise control over moneylending; to exercise control over institutions and functionaries in all social sectors; to exercise control over local plans and resources for such plans, including tribal sub-plans; (ix) Planning and management of minor water bodies shall be entrusted to the panchayats at the appropriate level; and (x) State legislatures may endow panchayats with such powers and authorities, as may be necessary to enable them to function as institutions of self-government. The statutes shall contain safeguards to ensure that panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the gram sabha. Hence, the cardinal principle of

allocation of functions has been provided to a greater extent in the act itself; (xi) State legislatures shall endeavor to follow the pattern of the 6th Schedule of the Constitution while designing administrative arrangements in the panchayats at district level.

Thus, the Extension Act is an important step in enabling state legislatures to make laws for the tribals that ensure their control and rights over natural resources and conserve and preserve their identity and culture in a participatory manner through the institution of the Gram Sabha.

Part III

Empowerment and Entitlement of the Panchayati Raj Institutions

The state governments were supposed to transfer the functions, finance and functionaries pertaining to 29 subjects listed in the Eleventh Schedule of the Constitution to the PRIs to enable these bodies as institutions of self government. The connotation ISG has been defined in terms of enjoying functional, financial and administrative autonomy in their functioning at different levels. Let us discuss the trends and the present position with regard to these three aspects of the decentralisation as in November 2001, May 2003 and April 2004 in order to know the extent of empowerment of the Panchayats.

Transfer of Functions

The basic principle (that is, what can be done at a particular level should be done at that level only) has not been adhered to by the states while allocating functions among the three tiers of panchayats. As mentioned earlier, the state governments were supposed to transfer to panchayats functions pertaining to 29 subjects listed in the Eleventh Schedule of the Constitution.

As per the information on the transfer of functions to the Panchayats, the Report of the Working Group on Decentralized Planning & Panchayati Raj Institutions for the Tenth Five year Plan, out of all the states and union territories, only Karnataka, Kerala, Rajasthan, Sikkim, Tamil Nadu, West Bengal, and Daman & Diu have devolved 29 subjects to the Panchayat. The states of Arunachal Pradesh, Assam, Bihar, Jharkhand, Goa, Gujarat, and union territories of A&N Islands, Chandigarh and Pondicherry have not transferred any functions while others have transferred only some functions ranging from 3 in D&N Haveli to 25 functions in Orissa (Table 1). As is evident from this Table, although several states have given a varying number of responsibilities to the Panchayats, these have not been put into practice. This has in turn adversely affected the efficiency and effectiveness of the Panchayats. This is the position of devolution in November 2001. In this context, the Working Group on Decentralised Planning rightly observed, "Items listed as responsibilities in the states are couched in vague terms. A glance at the variety of these items reveals that they are a shopping list of sectors and sub-sectors, broad sub-sector and activities in a sub-activities/ specific responsibilities under a broad activity, with no role clarity ... in some states, the line departments still exercise the powers of supervision and control over the schemes of subjects transferred to the Panchayats." (Working Group on Decentralised Planning 2001:13).

On the issue of functional devolution on Panchayats, the Task Force on PRIs observed: "In state like Andhra Pradesh, the state government is implementing even a decentralized

programme like Janambhoomi programme mainly through bureaucratic apparatus, which is against the spirit of 73rd Constitutional Amendment Act. It has a content of people's participation and social mobilization, but it bypasses the Panchayati Raj bodies and in fact this programme poses a serious challenge to the system of Panchayati Raj due to its poor involvement in this programme. The state government of Haryana had set up Village Development Committees which negates the provision of 73rd Constitutional Amendment Act regarding reservation of SC, women and seems to replace the elected Gram Panchayat" (Task Force on PRIs 2001:9).

Table 2 gives the status of functions transferred to the Panchayats as on May 29, 2003 and Table 3 gives the same as on April 1, 2004. A comparison between the status of powers devolved to Panchayats in November 2001 , on May 29, 2003 and on April 1, 2004 indicates the following:

(i) In the state of Assam, functions relating to 29 subjects have been transferred to the Panchayats only in 2003. This is a positive development towards Panchayats' empowerment. In Bihar, Gujarat, Himachal Pradesh, Goa, Kerala, Chhattisgarh, and A&N Islands, some more functions have been devolved on the PRIs during the last one and half years. But these States have not transferred all 29 Subjects to the Panchayats. Bihar is the only state which has devolved 5 more functions to the Panchayats between May 2003 and April 1, 2004 as the Table 3 indicates. On the other hand, Uttar Pradesh is the only state which, instead of devolving more functions to these bodies, had in fact , withdrawn one function from the Panchayats as the Table indicates. But none of the states except Assam , Karnataka and Chhattisgarh has devolved all the 29 subjects which were expected to be devolved on them immediately after the coming into force of the Central Act. The case of Haryana is interesting because here it is indicated that 'almost all 29 subjects' have been transferred to the Panchayats. These words conceal more than they reveal as to the status of functional devolution to the Panchayats in the state. But as per the latest information available on this issue, powers pertaining to 16 Departments have been transferred to the Panchayats.

(ii) In Goa, Punjab, A&N Islands and D&N Haveli, very little devolution of functions has taken place as column 4 of Table 2 indicates and no progress has been made from May 2003 to April 2004 in this regard as the Table indicates.

(iii) Surprisingly, in Arunachal Pradesh, Jharkhand , Pondichery and Chandigarh, none of the functions pertaining to the 29 subjects have been transferred to the Panchayats during the last decade.

(iv) Instead of decentralisation in terms of devolving powers to the Panchayats, it has been the reverse, i.e. the centralisation, that took place in Sikkim, Uttaranchal and Daman & Diu, because some of already devolved functions to Panchayats have been taken back as the minus sign given in the Column 4 of the Table 2 indicates. From May 2003 to April 2004, further centralisation took place in Uttar Pradesh where one function has been withdrawn by the State from the Panchayats as indicated by the minus sign in column 4 of Table 3 .

Transfer of Finance

Functional devolution to Panchayats without matching funds is a delusion. This is in fact what has happened with the State Panchayat Acts. Before listing the functions to be per-

formed by the Panchayats, a number of states have introduced certain qualifying clauses. Thus, in Andhra Pradesh, Haryana and Tamil Nadu, it is 'within the limit of its funds'. In Punjab, it is 'to the extent its funds allow to perform'. In Himachal Pradesh and Madhya Pradesh, the clause is 'as far as the Gram Panchayat funds at its disposal'. This makes the picture about finances dimension of the Panchayats empowerment hazy because it is the resources at their disposal that determine their role in performing developmental activities in their respective areas of operation. Gujarat and Karnataka do, however, have Panchayat-friendly provisions in this regard. In Gujarat, as per Section 204 of the Panchayat Act, if the income of a Gram Panchayat is not commensurate with its functions, the Taluka Panchayat shall take necessary steps to provide resources to enable it to perform its functions effectively. The Karnataka Panchayat Act provides for grant arrangements for the Gram Panchayat under which a grant of Rupees one lakh is to be given to it by the state government (Section 208).

On the issue of the role of the State Finance Commissions (SFCs) in financially empowering the Panchayats, the Mid-Term Appraisal of the 9th Plan observed that: "More buoyant taxes like sales tax and excise are kept out of the purview of PRIs. All SFCs have put great emphasis on internal revenue mobilization but none has suggested any effective mechanism for PRIs to generate their own revenue... The SFCs reports have paid less attention to the issue of autonomy, financial management and auditing procedures. The main deficiency of the reports lies in the fact that the recommendations are not based on clear statement of the spending responsibilities of local bodies. Indeed, the absence of attention to the elementary principle, that the expenditure assignment must precede any tax or revenue assignment, has made most of the SFCs recommendations suspect." (Mid-Term Appraisal: 2000:175-176).

The Working Group on the State Resources also commented in the same manner: "The suggestions of the first generation SFCs if fully implemented, will go a long way in improving the revenue generation capacity of the local bodies. However, the SFCs have failed to take a comprehensive view and the resource sharing between the state and local bodies still remains limited and unsettled. The state governments have also been slow and hesitant in accepting the recommendations of the SFCs." (Report of the Working Group 2002: 93)

The extent of transfer of financial powers to the Panchayats may be seen in Table 1, Table 2 and Table 3 of the paper. Table 1 presents the financial status at the fag end of the year 2001, Table 2 depicts the same as on May 29, 2003 and Table 3 shows the same just one year after as on 1st April, 2004. From a perusal of these Tables, following conclusions emerge:

(i) During the period of one and half years, some positive changes towards financial devolution have taken place because four more states have devolved financial powers to the Panchayats in 2003 as the comparison of column 3 of Table 1 and Table 2 indicates; but from May 2003 to April 2004, no positive changes have taken place in this regard as no further functions have been transferred to these bodies. Conversely, centralisation in the state of Uttar Pradesh took place where finance pertaining to one subject from the Panchayats has been withdrawn as Table 3 indicates.

(ii) Karnataka is the only state which has devolved funds to Panchayats pertaining to 29 subjects of the 11th Schedule of the Constitution.

(iii) There are two states, namely Sikkim and Uttaranchal, where, instead of financial

decentralisation, financial centralization took place because some of the already devolved financial powers have been withdrawn as minus signs against these states indicate.

The insult to injury was added on this account by the finding of the Report of the Task Force of Devolution of Powers and Functions to the PRIs brought out by the Ministry of Rural Development which pointed out that the mandatory provisions of the Central Act have not been implemented in letter and spirit by most of the states/ union territories even about a decade after the coming into force of the said Act.

This Report also worked out the total annual plan outlay of the state plans which partly or wholly pertained to 29 subjects indicated in the 11th Schedule of the Constitution. An amount of Rs. 40,818.65 corers was calculated as plan outlay under the annual plans for 2000-2001 for the schemes/ programmes of the state governments under the subjects listed in the Eleventh Schedule of the Constitution (Table 4). It may also be seen from this Table that scheme/ programme-wise outlay ranges from Rs. 4.64 crores for Plantation to Rs. 8128.44 crores for Roads and Bridges. In between, there are eleven schemes/ programmes under which the annual outlay was more than Rs. 100 crores. Similarly, Rs. 31575.87 crore outlay has been earmarked for the annual plan 2000-2001 for the schemes/ programmes of the central ministries under the subjects listed in the Eleventh Schedule of the Constitution (Table 5). It may be seen from this Table that outlay under different schemes/programmes ranges from Rs. 1.20 crores for the Nutrition scheme to Rs. 5548.15 crore for the Roads and Bridges scheme. There are 9 schemes/ programmes under which annual outlay was more than Rs 1000 crores. A huge amount of Rs. 72,394.52 crores, which legitimately belongs to the Panchayats, has actually been under the domain of either the central government or the state government.

Another important issue relates to the finance of the panchayats pertaining to their own contribution through tax and non-tax measures. The report of the Working Group on State Resources has thrown light on this issue. Table 5 shows that own revenue (both tax and non-tax) of the PRIs as ratio of GDP has been declining. The decline is sharper in the case of revenue from tax in comparison with that from non-tax. Hence, besides transferring resources from the central and state governments through various schemes and other constitutional mechanisms such as central finance commission, state finance commission, the panchayats must mobilise their own resources for acquiring fiscal autonomy which is an essential ingredient to enable them to function as ISGs. In this way, the principle of development from within will be applied. This may be defined "...as an endogenous development process by which people themselves assume the responsibility to manage their own resources, define their needs, goals and aspirations and make decisions affecting their well-being and sustainable potentials of the local community as well as meet their inner urges and preferences for development through self-reliant approaches."(Sundaram, 1997,p.134)

Table 6: PRIs Own Revenue-GDP Ratios

Year	PRIs Own Revenue- GDP Ratio	
	Tax	Non-Tax
1997-98	0.025	0.020
2002-03	0.023	0.019
2006-07	0.021	0.018

Source: Report of the Working Group on States' Resources for the Tenth Five-Year Plan (2002-2007), Volume II, Planning Commission, January, 2002.

The Working Group on State Resources commented that “ Simple reluctance to mobilize, lack of role clarity as between tiers, lack of staff support, unviable administrative area, creation of parallel channels of flow of funds like M.P. funds, MLA funds, state- sponsored schemes independent of PRIs, like Janmabhoomi in Andhra Pradesh, are among the major factors explaining low revenue levels of local bodies. There are states like Bihar and Tripura which have not collected any money from PRIs” (Report of the Working Group 2002:94).

It is clear that a large amount of funds pertaining to the 29 subjects listed in the 11th Schedule of the Constitution is still in the control of the central and state governments. But the other side of the picture is that the panchayats have not used the provisions contained in the State Panchayat Acts for mobilising either the tax or the non-tax revenue at their levels.

Transfer of Functionaries

Control over the personnel of the Panchayats pertaining to the 29 subjects of the 11th Schedule by Panchayats is no less important than transferring the functions and finances to them. In this context also, the current status is no better than that in the case of financial devolution as Tables 1, 2 and 3 show. The Panchayat Acts provide powers for inspection, inquiring into their affairs, suspension of Panchayat' resolutions, issuing directions, etc., to the state governments. Besides, the key functionaries, namely, Secretaries and Executive Officers, at all levels of Panchayats are state government employees in most of the states. For ensuring administrative autonomy, the Panchayats should have their own service cadre. In Tripura, for recalling a state government employee, a resolution to that effect has to be passed by a majority of the members of the Panchayat.

The status of transfer of the functionaries to the Panchayats during November, 2001 and April 2004 was as follows:

- (i) In the entire country, Karnataka is the only state which has transferred personnel to the Panchayats pertaining to 29 subjects given in the 11th Schedule.
- (ii) During the period from November 2001 to May 2003, Gujarat, A&N Islands and Daman & Diu have transferred some functionaries under the control of the Panchayats. Orissa is the only state which has transferred the maximum number of the functionaries to the Panchayats as Column 5 of the Table 2 shows. Rajasthan is the only state in the country which has transferred 18 functionaries under the control of the Panchayats from May 2003 to April 2004.
- (iii) As many as 13 states/union territories have not transferred any of their functionaries to the Panchayats by April 2004 and unlikely by so far also.
- (iv) In the state of Sikkim, in place of administrative decentralization, administrative centralization took place because instead of transferring more functionaries to the control of Panchayats, already transferred functionaries have been withdrawn during the period under reference as column 5 of Table 2 indicates. From May 2003 and onward as the Table indicates Uttar Pradesh is the only State where centralisation in this context took place as the functionary pertaining to one department has been withdrawn in the State.

It is also relevant to mention here that many officials of the state governments posted at the district and sub-district levels do not want to work under the administrative control of the elected Panchayats. This situation may be described as democracy at national and state levels and bureaucracy at the district, block and village levels.

The foregoing discussion on the scenario regarding the functions, finances and functionaries (Triple Fs) of Panchayats gives adequate evidence that, with some exceptions (like states of Karnataka and Kerala), status of the Panchayati Raj Institutions in terms of making them autonomous in the areas of their operation remains more or less the same as it was before the enactment of the Amendment to the Constitution. Evidently, assuming these institutions as autonomous institutions is at best a delusion. Political participation of the representatives in these bodies perhaps has not gone beyond casting their votes.

For corroborating the gloomy picture on devolution of powers from the central and state governments to the Panchayats that has emerged from the above discussion, it would be worthwhile to quote here what the Task Force on PRIs had to observe in this regard.: “Though some steps have been taken by the MORD to goad the state governments to strengthen and deepen the process of democratic decentralization, it has not yielded the desired results. Most central ministries have not yet internalized the PRIs role in the delivery of services handled by them. What is true of the central government is also true of the state governments. Leaving aside one or two states, such as Kerala, which have taken active steps for substantially empowering PRIs in planning and development, there is little by way of operationalising models of such empowerment. Even states like Kerala feel handicapped in regard to central schemes since the guidelines for implementation are drawn by the concerned agency of central government”. (Task Force of PRIs: 2001).

While introducing the Constitution (Seventy-Third) Amendment Bill in Parliament on 1 December, 1992, the then Rural Development Minister G.Venkatswamy said that: “ This casts a duty on the Centre as well as the States to establish and nourish the Village Panchayats so as to make them effective, self-governing institutions”. And by introducing this Act the Government was fulfilling Mahatma Gandhi’s dream of Gram Swaraj, he added. But the foregoing assessment of the extent of their autonomy shows that the Centre and the states have not performed their duties as expected.

The Extension Act has not only made the gram sabha a strong body, but also put 'jal, jungle and jamin' (water, forest and land) under its control. All the states, barring Jharkhand, have enacted state legislation in conformity with the Extension Act (Working Group Report 2001:29). The state legislature should have kept in mind the following aspects while amending their respective panchayat acts: (i) Gram sabha should be made the corner- stone of the entire system of PRLs by way of according freedom to them in managing, protecting and preserving natural resources and through formulation of socio-economic development programmes, projects and schemes for tribal people; (ii) Relationship between the gram sabha and panchayats should be similar to the one between legislatures and the government. In other words, panchayats should take the approval of the gram sabha in all matters affecting rural economy and society; (iii) The underlying spirit of the Extension Act is that of devolution of powers and authority (rather than delegation of powers) to the gram sabha which represents participatory democracy rather than empowering representatives of decentralised democracy in the form

of gram panchayats and higher tiers of the PRS. And while devolving powers and authority on panchayat or gram sabha, the state legislature should ensure that panchayats at the higher level do not assume the powers and authority of any panchayat at the lower level or of the gram sabha (Mahi Pal 2000:1603).

But most states have not kept these principles in mind while enacting their conformity legislation. States have not gone into the spirit of this legislation and have tried to manipulate the provisions in a narrow way. It has been rightly commented on by the Mid-Term Appraisal Report of the Ninth Plan: "Implementation of the law has been severely hampered by the reluctance of most state governments to make laws and rules that conform to the spirit of the law. What is perceived as weak-kneed political will has led to bureaucratic creativity in minimalistic interpretations of the law" (MTA, 2000: 180).

However, keeping in view the provisions of the concerned state acts, it may be said that conformity acts of Maharashtra, Madhya Pradesh and Himachal Pradesh are comparatively more in conformity with the letter and spirit of the Extension Act. In order to implement the Extension Act in the right perspective, amendments in its related legislations such as Land Acquisition Act, Excise Act, Irrigation Act, Land Revenue Code/Act, SC/ST Land Alienation Act, Moneylenders Act and Regulated Market Act are required to be addressed now.

The reference of the Approach to Mid-Term Appraisal of the 10th Plan is very contextual in order to know the status and the seriousness of the Government on strengthening the PRIs. It says that the "Governance forms the key element of the Tenth Plan, but there has been practically no movement on this front. The NDC had set up three empowered sub-committees on (a) Governance, including e-Governance, (b) Creating an investor-friendly environment, and (c) Empowerment of PRIs, which were expected to draw up blue-prints for governance reforms. There is nothing available from these sub-committees at present, except for a national plan for e-Governance, which has the in-principle approval of the previous Prime Minister"(Approach to MTA 2005:13). However, in the same breath, it says that: "The Tenth Plan has laid great stress on the role of Panchayati Raj Institutions (PRIs), not only as the cutting edge of democratic decentralization but also for improving the efficiency and accountability of the delivery systems for a number of publicly provided services"(Approach to MTA 2005:13). Does not it indicate that the masses of the country are being fooled?

Constitution of the District Planning Committees

Article 243G of the Constitution, which contains the powers, authority and responsibilities of Panchayats says, "Subject to the provisions of this Constitution, the Legislature of a State 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 and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to (a) the preparation of plans for economic development and social justice and (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matter listed in the Eleventh Schedule."

Article 243W of the Constitution contains similar provisions for urban local bodies.

Article 343 ZD of the Constitution says that : (1) There shall be constituted in every State

at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

- (2) The Legislature of a State may, by law, make provision with respect to-
 - (a) the composition of the District Planning Committees;
 - (b) the manner in which the seats in such Committees shall be filled; provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;
 - (c) the functions relating to district planning which may be assigned to such Committees;
 - (d) the manner in which the Chairpersons of such Committee shall be chosen.
- (3) Every District Planning Committee shall, in preparing the draft development plan-
 - (a) have regard to-
 - (i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
 - (ii) the extent and type of available resource whether financial or otherwise.
- (4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

These Constitutional provisions enabled the State Governments to make Panchayats viable and pulsating institutions so that they can prepare economic and social planning with people's participation at various levels emerging from Gram Sabha

Keeping the above in view, it is expected that for the purpose of formulation of the decentralized plan, the first step is that it should be discussed in the Gram Sabha (GS) for onward consideration in the Gram Panchayat. The plans prepared by all GPs falling under the jurisdiction of the Panchayat Samiti (intermediate tier) are to be assembled at its level with the purpose to have detailed discussion on the plan proposals received from the various GPs and if there is any gaps or lacunae in the plans prepared by various GPs, they should be sorted out.

The plans so prepared by all the Panchayat Samitis of the district will be sent to the Zila Parishad with the purpose of discussion at its level and if there are some gaps these should be sorted out. In this way, plan for the entire rural areas of the district will be prepared by the ZP. In a similar fashion plans of the urban area will be prepared by the Urban Local Bodies of the District. The plans so prepared by the urban local bodies will be integrated by the District Planning Committees. These Committees are expected to prepare the plan for the entire district and to send a draft plan to the State Government. This is the basic constitutional provision for the decentralized planning.

But even after more than a decade of the conformity legislation by the states, as many as 10 states/union territories are yet to constitute these Committees. Table 3 depicts the progress made towards constituting DPCs across the states and the union territories. It is clear from

this Table that only twenty states/ union territories, namely Bihar, Chattisgarh, Haryana (only in 16 out of 19 districts), Himachal Pradesh (only in 6 out of 12 districts), Manipur (only in 2 out of 4 districts), Karnataka, Kerala, Madhya Pradesh, Orissa, Rajasthan, Sikkim, Tamil Nadu, Uttar Pradesh, Uttranchal and West Bengal, and four union territories, namely, Andaman & Nicobar Islands, Daman & Diu, D&N Haveli and Laksadweep, have taken action in this regard. These bodies are not functional in the state of Uttar Pradesh as revealed by the Table. Moreover, out of 20 the states/union territories where these Committees have been constituted, only in 11 States/UTs, the chairperson of the Zilla Parishad has been made the chairperson of this Committee. In the rest, either a minister or a bureaucrat has been made the chairperson of these bodies.

Issues for Discussion

As per the Constitution Panchayats are the institutions of self-government. It implies that these institutions should be autonomous at their level functionally, financially and administratively. Keeping this in view, some issues have been identified for comprehensive and in-depth discussion.

1. It is clear from above discussion that except in one or two states, powers in terms of the (Triple Fs) to the panchayats to the extent to enable them to function as institutions of self-government has not been devolved even after more than a decade of coming of the Central Act into force. Is there any inherent deficiency in the Central Act which impedes the process of making these bodies autonomous and for ushering in the era of good governance in rural areas?
2. There are two constitutional bodies, namely the State Finance Commission (SFC) and the State Election Commission (SEC), established in compliance of the Central Act in the states. The role of these bodies is very important in bringing continuity, certainly and strength to these bodies. The experiences of the functioning of these institutions across the states/UTs may be highlighted and deliberated upon.
3. The Extension Act is in many ways an improved version the Central Act as far as the functional jurisprudence of the Panchayats is concerned. The experiences of the implementation of this Act in the Fifth Scheduled Areas may be discussed. The important concern in this connection is as to what extent have the conformity legislations of the States like the Forest Act, the Excise Act, the Mineral Act, etc, been amended and the Tribal sub Plans been dovetailed with the plans prepared by the Panchayats to enable the tribals to decide about the various facets of their society and economy with people's participation.
4. The DPCs have not been constituted in all the states even after more than a decade of the coming into force of the Central Act. What are the constraints in the process to constitute these committees before those states which have not constituted these so far may be discussed? Composition and chairpersonship of these Committees are also relevant issues to be debated in the Conference.
5. The 73rd Amendment to the Constitution has given an enabling legal framework for promoting self-governance at district and sub-district levels. Although the 11th Schedule of the Amendment contains a list of 29 subjects (ranging from Agriculture to Maintenance of

Community Assets) which the State may devolve to the Panchayats, it is silent on the important issue of speedy delivery of dispute resolution and inexpensive justice to the villagers. How could, without judicial functions, the Panchayat become an institution of self-government, as envisaged in the Article 243G of the Constitution? In view of the experiences gained so far in the functioning of the Panchayats, delegates may deliberate upon the feasibility of adding this responsibility to the Panchayats. It becomes more important to discuss this issue in the light of the recommendations of the 114th Report of the Law Commission of India

6. The Gram Sabha is the head and heart of the entire scheme of local governance because it provides opportunity to each and every villager to partake in the decision making process of the village development. There is direct relationship between its proper functioning and strengthening of the PRS in the country. The village plan which will be dovetailed with the district plan through intermediate and apex tiers of the Panchayati Raj system, is also to emerge from this institution. The experiences about the functioning of this body across the states may also be discussed and debated?

Part IV

Marginalised Groups and Women

As indicated elsewhere in the paper that reservation for SCs, STs and women in the Panchayats for membership and chairpersonship has been provided by the Constitution. As a result of this provision, more than 6 lakh SCs/STs and more than 10 lakh women have been holding the offices of the members and chairpersons at different tiers of the Panchayats. It is evident from the various studies that the political space which has been provided by the Constitution to these groups in panchayats and their subsequent exposure to Decentralised governance and planning for development has both positive and negative outcomes. We shall discuss these in this part of the paper. The findings of a study of the working of panchayats in six states conducted by PRIA reveals that: "... 25 per cent women notice and remark on the visible change in their status within their family after they have been elected. ... about 60 per cent of women said that they would encourage women to stand for election. The same percentage (60 per cent) is contemplating to contest PRI election again" [PRIA, 2000].

On this issue, the Working Group on Decentralised Planning and PRIs observed that "One of the significant achievements of the provisions of the 73rd Amendment Act concerning reservation of seats and political offices in favour of women and the disadvantaged sections of the rural community is that it had improved their awareness and perception levels and has created an urge in them to assert their rightful share in the decision-making process at the local level" (Working Group 2001: 47).

Thus, the affirmative action for these groups in local governance has resulted in social identities and political awareness among them and created an urge to become part of the mainstream political, economic and social life. With initial clashes between the 'higher' castes and the 'lower' castes, there are indications of social cohesion at local levels. The political space given to marginalised sections has, to some extent, dealt a blow to the asymmetrical social structure at the local level and given greater space for their participation and involvement in decision-making (Mahi Pal 2001:1783).

But at the same time, the experiences of the functioning of Panchayats revealed that the caste prejudices emerged as a major stumbling block in the way of the functioning of the particularly for those who belong to the marginalized sections of rural society. This, in fact, is the outcome of the unwillingness and grouse the dominant castes hold for having themselves become ineligible to share the powers and control they have long been used to in the PRIs, due to the constitutional provisions for the dalits. Due to the prevailing strangle-hold of the caste structure in rural society in the country, neither the respect for the office of elected representatives nor the simple social values of giving equal regard to fellow human-beings, impel the fellow villagers and the fellow elected representatives to treat dalit elected representatives as equal during the course of their functioning under the PRS. This has resulted the paradoxical situation, where, on the one hand, Panchayati Raj Act provides de jure powers to the office of the Sarpanches and, on the other, de facto, they remain bereft of these powers. The decentralized bureaucracy, which is expected to work under the guidance and supervision of the elected representatives of the Panchayats, is either generally away from the scene or succumbs to the pressure of the village politics and power game (Mahi Pal 2004:3582)

But all has not been lost, and as they say , every cloud has a silver lining. The PRS has been instrumental, to a significant, in igniting the process of releasing the depressed, oppressed and suppressed energy of the these groups who got the opportunity to come forward as elected representatives . It was found that wherever the dalit elected representatives were oppressed and obstructed by the dominant castes, they came out openly to resist and to struggle against the oppressors. Importantly, it was also found that whenever the women Panchayat leaders were literate, they were found to be more assertive than the others. The other side of the phenomenon is that the elected representatives of these Groups, especially the educated ones among them, had become quite visible, assertive and vocal whenever the circumstances allowed. It may be treated as the beginning of the end of the invisibility of these sections in the local governance scenario. This process of their becoming visible, assertive and empowered can be hastened by enlarging the scope of their functions and building their capabilities to function effectively through appropriate training and exposure opportunities (Mahi Pal 2004: 3583).

Besides social assertion by the established forces to check the process of empowerment of these sections people have also approached the courts to scuttle the participation process and, interestingly, the States' attitude remained quite lukewarm in this regard. All the States and UTs covered under the Central Act have constituted panchayats except Arunachal Pradesh, Jharkhand and Pondicherry. But elections were not held in time in a number of states. It has, however, been seen that, in most of the cases, the delay in holding elections was due to court cases, natural calamities or law and order problems. The working group on decentralised planning and panchayati raj for the Tenth Plan observed that: "... most of the court cases, grievances of aggrieved parties related to reservation of seats for SCs/STs/ OBCs/women, delimitation of constituencies, percentage of reservation of chairpersons of lower tier to higher tier, etc. In most of the cases, state governments have not pursued these pending court cases vigorously for their early hearing so that a final decision of the courts become available as early as possible" (Working Group on Decentralised Planning and PRIs,2001:9). It reflects the apathy of the states in ensuring early participation of women and marginalised groups in

local decision-making bodies at the local level.

Issues for Discussion

Marginalised groups and women have been given space through the PRIs to have share in the functioning of rural local governance. On the basis of the experiences gained so far, following issues may be addressed in the discussion:

1. It is evident from the experiences gained so far that most of the court cases pertained to the implications of various Article and Clauses of the Constitutions and other relevant State Acts of different States/UTs. The merits of the issues on which the various layers of court have been approached by the respondents may be discussed.
2. What are the obstacles coming in the way of proper conduct of the business of Panchayats at the village, block and district levels may be discussed to arrive at a viable package for capacity building of these categories of the elected representatives.
3. It is also important to know whether these people are aware of the schemes of the development of marginalised groups and women and the extent of their implementation across the states.
4. In the context of the LPG which is based on the principle of 'survival of the fittest'; seeing the socio-economic profile of the women and the marginalised groups, they cannot be designated as the fittest for the market forces. The issue as to what are the economic factors and forces that constrain these groups from participating in the democratic processes and mode of local governance.
5. It may also be discussed as to whether, to what extent, the reservation for these groups has lessened the caste and gender inequality across the States /UTs.

Part V

Civil Society Organisations and People's Participation in PRIs

The Article 243G of the Constitution envisages Panchayats to be autonomous in governance at their level and also to prepare plans for economic development and social justice including 29 Subjects listed in the 11th Schedule. This has become more important in the light of the fact that most of the elected representatives are not only illiterate but also hail from the marginalized sections of rural society. Not only this, most of the women elected representatives of the Panchayats have been represented by their husbands and other relatives. The problem scaled up so much that the then Ministry of Rural Areas & Employment had to issue a letter to the Secretaries, Panchayati Raj and Rural Development of the States on May 20, 1997 stating that: "...it has been brought to our notice by a number of organizations and individuals including Hon'ble Members of Parliament in various forums, that quite often women representatives are not able to carry out their functions effectively and independently, if they are sought to be influenced by members of their family such as their husbands/brothers, etc., who may be accompanying them to attend meetings of Panchayats. An Hon'ble Member of Parliament has suggested during the meeting of Consultative Committee of Parliament attached to the Ministry of Human Resource Development, that women representatives and that their husbands by attending the meetings of Gram Panchayats diminish their role and status... the State Governments are requested to take necessary steps including this

one and issue the guidelines to the Panchayats at all levels to ensure that the women members of PRIs are not reduced to figure heads or proxies.” Indeed, there has not been much change in the participation of women in local governance.

Keeping in view the above background of the participation of the people in the PRIs, the role of the Civil Society Organisations (CSOs), comprising both registered and unregistered (in other words, NGOs and CBOs), assumes a critical role in making people aware about the rationale, responsibilities and rights of the elected Panchayat leaders in the functioning of local institutions. During the early phase of the implementation of the 73rd Amendment to the Constitution, not much emphasis was laid on the involvement and participation of the civil society in strengthening the PRIs. The M L Sighavi Committee, on whose recommendations the 73rd Amendment to the Constitution could see the light of the day, had this to say about the role of the civil society: “The Committee is of the view that the proposed National Institute of Local Self-Government should, in respect of its research and evaluation functions, utilize universities, research bodies and voluntary organizations, such as All-India Panchayat Parishad, which should have a consultative nexus with it and which would be an invaluable resource for dissemination of information as well as for proper motivation.” (Committee for the Concept Paper,;13). But the All-India Panchayat Parishad has not done much constructive work in this regard because it had itself been unable to sort out its internal problems, what to think about solving the problems of the panchayats by way of facilitating the process of devolution and capacity building.

However, some of the CSOs have played effective role in strengthening the grassroots democracy. The role of the Kerala Shastra Sahitya Parishad in strengthening the PRIs in Kerala is a folklore in this context. Besides organizing training camps on various issues of decentralized governance, planning and development, the Parishad has published a dozen of hand-books like Guides to Panchayat Development, collected secondary data, written local history, developed an innovative approach to agricultural development, soil and water management, environmental cleanliness, etc., for mass consumption. “It was these activities, both human resources and the study materials, that acted as the spring board to the people’s planning campaign.” (Parameswaran:2000:13). Besides, there has been the formation of the Statewide Voluntary Technical Corps (VTC) comprising 8,000-10,000 technically experienced persons recruited to examine and vet the projects prepared by the Panchayats. These VTCs have examined between 1 and 1.5 lakh projects prepared by the Panchayats for implementation during the 9th Plan period, (Vargease1997). Similarly, various registered organizations have played their role in capacity building of the Panchayati Raj functionaries through creating awareness about the Panchayats, imparting training about their rights and responsibilities, sharing information with them, helping them in formulation of village, block and district plans and activating the institution of Gram Sabha.

The role of the CSOs in empowering the Panchayats is undoubtedly very important. But, at the same time, these organizations have also to put their houses in order to be able positively to influence the PRIs by way of inducting participatory planning for development of villages and minimizing local interest based conflicts of the contending parties and persons.

Another important issue pertains to the respectability of the PRIs themselves in the eyes of the villagers. In this connection, the Mid-Term Appraisal of the 9th Plan has this to say :

“...the Panchayat is not seen as a very valuable organisation by villagers; the main reason is perceived lack of individual benefits, also lack of transparency and lack of influence and a high presence of corruption. People place much higher value on other development activities which bring a larger number of individual benefits and are more transparent” (MTA, 2000:187). The Appraisal further says that: “The savings group has a purpose. All women meet to deposit money and to decide on who can take loans. We will get benefits. There is no work for the individual in the Panchayat, and especially not for women. What will we gain from participating there? Whether we go or not does not make a difference.” (MTA, 2000:187).

In the context of people's participation in panchayats' elections, a brief comment on the process of elections to the Panchayats in Haryana which were held in April this year appears relevant. The voter turnout was lower as compared to the 2000 Panchayat elections. The decline in the voters' participation can be attributed to two main factors: (i) voters being busy in harvesting and (ii) their indifference towards the election process. The scene before the nominations was very interesting and deserves description for readers. The elections were notified on March 17 and the period for making nominations was two days, i.e., March 18 and 19. There was very less time for the people, particularly those who hail from the marginalised groups, even to toy with the idea of contesting Panchayat elections. So everything happened in a hurry. It has been gathered from the people that had more time been given for nominations, more serious candidates might have filed the nominations. Further, there are large number of discrepancies in the delimitations of the wards of the Panchayats. It was surprising to note that members of a family had been distributed among various wards of the Gram Panchayat as voters which was not as per the existing rules. When villagers were asked why did they not raise objections, their answers summarily was: “what to do”. Is it not the symptom of growing apathy and amnesia among people about the administration and panchayati raj system itself? Another interesting feature of the Panchayat elections in the state was that a large number of wards of GP were lying vacant as nobody had cared to file his /her candidature for these seats. For example, as many as 66 wards in Gurgoan district and 43 wards in Sirsa district were lying vacant as no one came forward to file his/her nomination. This may also have happened in other districts. Seeing this state of affairs, the SEC has directed the Returning Officers for allowing the filing nominations for these wards on 31.3.2005 and 01.4.2005 and elections originally scheduled for 3.4.2005 were held on 9.4.2005 alongwith second phase. Does it not show the apathy of the people for the post of Panch, arising in all probability from their experiences of their negligible role in local governance previously. The reservation for women and SCs has also been mostly nominal rather than real. The social forces in terms of dominant castes and patriarchy in terms of manhood hold the balance in the rural setting. The representatives of SCs and women were rarely contesting elections on account of an urge from them and from their community but largely on account of the constitutional compulsion for this. The dominant sections of the villages wanted to conduit power through them as they themselves has been made ineligible to contest elections by the Constitution (Mahi Pal 2005: 6).

In such a situation, there is a big challenge before the civil society to create an environment where everybody in the village sees a positive future in participating in the decentralized democratic channels opened by the 73rd Amendment Act through the PRIs. For this

purpose , the CBOs' involvement and participation is very important.

There are umpteen associations and organizations in the forms of Mahila Mandals, Youth Clubs, Parent Teachers Associations, Self Help Groups , Farmers Clubs , Health Committees, Education Committees, etc., which have been created by the State and constitute the components of civil society. But these are mostly lying inactive. Activating these institutions for strengthening the PRIs is strategically most critical because there is a positive relationship between the former and the latter as the various studies and appraisals have revealed. The experiences of the Empowerment and Sustainable Development Initiative (ESDI) an NGO working with Panchayats ,is worth recalling here. The experiences revealed that neither the Sarpanches and Panches nor the electorate were aware about the meaning, significance and role of the Gram Sabha in the development of the village economy and society. The ESDI has been making efforts to strengthen grassroots democracy through the participation of the members of the Self Help Groups in local institutions. The process of organisation of the meetings of Gram Sabhas, show that women who were members of the Self Help Groups did participate in the meetings of Gram Sabha and instrumental in starting social activities such as cutting and tailoring training centres for girls in the villages. Table 5 given below shows the participation of women who were members of SHGs, Mahila Mandal and others in the meetings of the Gram Sabha.

Table- 7

Extent of Participation of women in the Meetings of the Gram Sabhas

Sr. No	Name of Gram Panchayat	Date of Meeting	Participation			
			Male	Female	Total	% age of women participation to total
1	Raipur Roran	2nd May 2004	35	30	65	46
2	Poojam	2nd May 2004	15	25	40	63
3	Butana	4th May 2004	20	25	45	56
4	Arjaheri	7th May 2004	15	25	40	63
5	Bairsal	14th June 2004	5	30	35	86
6	Sandhir	15th June 2004	30	35	65	54

Source: Gram Sabhas Put Social Development Agenda before Gram Panchayats, ESDI, 2004.

It may be seen from the above Table that women participation in the meetings of the Gram Sabhas was more than 50 per cent in one village. It was even more than 80 per cent in one village. This could be happened due to the initiative taken by the SHGs and, in turn these SHGs members could have take with them other women of the village because women felt comfortable in groups to attending the general meetings.

Here, it is important to note that when the SHGs have been formed through a proper social mobilization process, then only do these groups have the potential to make the PRIs

vibrant and pulsating institutions. Secondly, there is need to promote social capital formation by forming and nurturing the SHGs and , networking of these for effective functioning of the PRIs. Our experiences show that with some exceptions (for example, Kerala) the stock of social capital in India is very low and whatever is available is lying latent. In fact, social capital is an asset that remains dormant until agencies activate this stock and use it to generate a flow of benefits to the people. Hence, the more capable NGOs should work towards activating various components of the social capital for not only strengthening the PRIs but also for activating the idle physical and financial capitals lying dormant in rural areas. Seeing the significance of social capital, the 10th Plan Document, in its Chapter on Poverty Alleviation in Rural India-Strategy and Programmes observed that: “The promotion of a movement which enhances social capital and forges linkages with other formal and informal stakeholders engaged in developmental activities would be a major thrust during the Plan”. It may be mentioned here that, consequent upon the implementation of the 73rd Amendment Act, there is at least one elected representative in every street of the village across the country. In this perspective, it is easy to see that the NGO sector has a big challenge before it because if this sector does not have good rapport with the Panchayats or if the latter do not appreciate the positive worth of the work of voluntary sector, the elected head of the Panchayat may take a view that there is yet another head of the Panchayat meddling his/her work. As the work of the Panchayats is expected to increase in the years to come and the role of the voluntary sector is also expected to increase keeping in view the circumstances which are either already in vogue or are definitely emerging. In this situation, it is imperative that the Panchayats must be motivated to consider the CSOs as facilitators and not as interferers in their sphere. In fact, the sector should be both motivated and matured sufficiently to harness the full benefits of the environment which has been created by the government at the local level for the local people.

Hence , in order to enable the civil society to meet the emerging challenges in the wake of the added responsibilities and powers of the Panchayats , this sector has to enhance its capacity and equip itself suitably to have an in- depth understanding of the main issues of conflict among the Panchayats and resolve these effectively. In view of this, a long term strategy and investment in their capacity building is needed. Indeed, expertise of a different kind is required, strategies of a different nature need to be designed and personnel with different attitudes and orientation need to be mobilised to tackle the problems of the panchayats. In the context of the role of CSOs in the near future, what the then Prime Minister had said about the national development while addressing a conference on this sector in 2002 is worth recalling here: “ I would like to liken national building to a chariot that is driven by five horses. These are: the central Government; the State governments; Panchayati Raj Institutions; the private sector; and , last not the least, voluntary organisations and community - based groups. The chariot will run fast and in right direction only when all the five horses run in tandem.” (All India Conference on Voluntary Sector, 2002: 24). What the Task Force on PRIs said while outlining the possible role of the NGOs and PRIs is worth quoting, too, in this context: “The NGO-PRI relationship should not be adversarial , but complementary. NGO-PRI relationship would have to be based upon one basic premise that neither NGOs nor the PRIs should consider the other as contenders to their respective position. Primacy of the panchayats, as a distinct tier in the representative system of governance has to be accepted by

the NGOs. Similarly, the superiority of the NGOs in terms of access to knowledge , latest technological advancements as well as their capacity to deliver has to be appreciated by the PRIs” (Task Force of PRIs 2001,:77). In short, there is an imperative need for adopting collective and a collaborative approach by the civil society organizations for strengthening the PRIs.

The PRIs and the CSOs can help to each other in providing good governance in the areas of: (a) capacity building of elected representatives of the Panchayats through imparting training which includes skill, knowledge and attitude to them;(b) information- sharing with the Panchayat functionaries (c) facilitating efforts of the Panchayats in the preparation and implementation of decentralised planning; and (d) facilitating the process of holding meetings of the Gram Sabha which is the head and heart of the entire PRS.

In the above context, the Participatory Research in Asia (PRIA) has been working with the PRIs in Haryana. This Organisation has been mainly performing two activities:

(a) Spearheading the facilitating process of holding the meetings of the Gram Sabhas with the cooperation and networking of various Civil Society Organisations (CSOs) across the State. Before holding the meetings of the Gram Sabhas, the PRIA organizes exposure meetings with the CSOs in which they are sensitised about the provisions and implications of the role and function of the Gram Sabha. Posters and pamphlets indicating the functions and powers of the Gram Sabha and role of the electorate are distributed among the participant Organisations

(b) PRIA is also intensively working in two Blocks, one in Fethahabad district and another in Mahendra Grah district for building the capacity of elected representatives, particularly the women, and the Civil Society Organisations in order to strengthen their functioning as institutions of proactive public participation in effective local governance . The formation of Nari (Women) Network comprising the members of erstwhile Sanjivani (the village level worker under the Government -sponsored project for women empowerment), the elected women Panchayat Member, Aaganwari worker and other active women from the rural and urban areas has been an innovative way of using the CBOs for the empowerment of women economically by taking up gainful activities and politically through participating in the various forums of the PRIs.

Indeed , there is, a great role of the CSOs in facilitating the efforts of the PRIs in preparing plans for economic development and social justice at their level while, at the same time the PRIs provide enabling environment for the fuller functioning of the CSOs. It has been found that where the NGOs intervened for facilitating the proper functioning of the Panchayats, better results were seen. In cases where the NGOs have formed the Self Help Groups, the effectiveness of the Gram Sabha and the entire Panchayati Raj System has been enhanced through the more active and enlightened participation of the SHG- based members of the Gram Sabha and Gram Panchayat.

Issues for Discussions

In the foregoing paras, we have tried to spell out some aspects of the relationship between the CSOs, the people's participation and the strengthening of PRIs. This discussion has unfolded a number of issues for debate. Some of these may be formulated as follows:

1. The experiences of the relationship between CSOs (including also the NGOs and the CBOs) and the Panchayats across the states may be discussed
2. It has been noticed that the Panchayati Raj System has functioned better where the CSOs have worked shoulder to shoulder with the Panchayats. But the other side of the phenomenon is that if the CSOs are not capable enough , they were also instrumental in creating problems vis-a-vis the Panchayats. Hence , capacity of the CSOs has to be built through a proper , well modulated and intensive training. What should be the strategy of capacity-building of the these organisations, this needs adequately to be deliberated?
3. There are a number of Voluntary Organisations working at the micro, meso and macro levels and performing virtually same sort of activities. Hence, the subsidiary principle of allocation of activities which was applied and debated a lot in the context of the PRIs, needs also to be equally applied on the case of the NGOs.
4. There are various forums and committees which are to be constituted by the Panchayats in accordance with the Panchayat Acts. These committees are very useful instruments to involve members of the Panchayats as well as other persons and organisations including voluntary organisations. Therefore , the experiences of the functioning of these Committees and associations of voluntary organisations may be discussed in depth.
5. The role of the SHGs is very important in promoting effective local governance as the experiences in a multiplicity of cases provided evidenced in this regard. The SHGs movement has been more widely and intensively spread in the southern parts of the country. Specific experiences of these states may be discussed in the conference and relevant lessons be derived therefrom

Part VI

Access to Common Property Resources

As mentioned elsewhere in this paper, the Panchayats shall prepare plans for economic development and social justice at their respective levels. For this purpose , they need resources. No doubt , the Panchayats have been getting funds as a part of the various central and state sponsored schemes. But these alone cannot enable them to become autonomous institutions of self- governance as they are quite often tied and conditions-laden and subservient to the granting government's mandates. Hence, they must mobilise their own resources so that they can have the freedom to chalk out plans as desired by the Gram Sabha. Besides, the access of the common property resources (CPRs) to the marginalized groups for meeting their variegated basic needs, much as those for fuel, fodder and food or their livelihoods and sustenance is very important. Therefore, proper management of the CPRs determines significantly the welfare and development benefits of the marginalised groups and women and critically affects the participation of the weaker

In the context of the CPRs , we shall now discuss in brief the scenario, status and experiences in the Haryana. As per the latest information available, out of the total cultivable common land, about 9 per cent has been encroached upon, mostly by the upper castes who have both muscle and money powers, and as many as 6961 cases were pending in the courts as at the end of the financial year 2002. It is interesting to note that, instead of removing the

encroachment, the Government of Haryana has regularised the same."The Government of Haryana has now regularized the encroachments upto March 2000 under a new policy. The encroachers were allowed to purchase such land which do not fall on the path ways at the market rate. Gram Panchayats were empowered to pass resolutions to allow such purchases. The encroachers had to apply to the concerned Gram Panchayat. But very few of them came forward to do so. Since the traditional Panchayats have taken a back seat, elected (statutory) Panchayats are unable even to execute the decision made by the courts regarding common lands in favour of Panchayats. Though a full time Gram Sachiv has been deployed in the Gram Panchayat, even then they are unable to maintain the records of Common Property. This is what helps the encroachers. The Development & Panchayats Department has full time legal officers at the district level to defend the cases of the Panchayats in the Civil Courts but they have not been able to save the Village Common Lands from encroachers. Needless to say that their role requires to be reviewed."(Mor, 2004:371).

The Haryana Institute of Rural Development (HIRD), in collaboration with the National Commission for Women, organised a Conference of Dalit Women presidents and members of the PRIs in March 2004 in which 188 participants participated. One of the themes of the discussion was the management of CPRs. From the discussion, it emerged that CPRs, particularly the common land, are not being properly managed. Most of the Sarpanches said that some portion of the common land has been encroached upon by dominant sections of the villages. They pointed out that they had been trying their best to remove the encroachment and had succeeded in some cases, but, by and large, the encroachment persist and they have been still struggling for removing these encroachment. In this context, one Sarpanch from Mahendragarh district said that the district administration was not taking action against the encroachers in her village and a phirni(circular road) of the village could not be completed because persons of the dominant caste have encroached upon a piece of land falling in its way. When asked why she did not approach the Deputy Commissioner, she replied : " I met the Deputy Commissioner along with Panchayat members on many occasions, but he did not take any action to remove the encroachment." Similar stories were also narrated by Sarpanches from other Districts of the State. The broad conclusions emerging from the interactions in this group were: encroachment on the land both outside and in the Abadi Deh was prevalent; women representatives were not aware about the nature and extent of CPRs and their management and legal provisions to deal with various categories of common land; there was lack of proper planning of CPRs; elected women representatives have made some efforts to develop and to conserve CPRs; and, in most of the cases, dalit elected representatives failed to remove the encroachment due to the unfriendly attitude of the higher castes and the bureaucracy.

Issues for Discussion

The issue of CPRs is very important not only from the point of view of the livelihoods of the weaker sections but also for enabling these people to play their role effectively in the delivery of local governance. Possible points for discussion on this issue may as follow:

1. Here in this part of the paper , the experiences pertaining to the management of CPRs in Haryana have been discussed. The discussion should be compared and supplemented by a review of the happening in the other States on this score.

2. As indicated elsewhere in the paper, the jal (water), jangal (forests) and jamin (land) have been given to the villagers of the Fifth Schedule areas of the country as per the Extension Act. Specific concerns in these states may be brought to the fore in the discussions.
3. Is there any deficiency in the formulation of the various Acts and regulations meant to manage the CPRs or is the implementation machinery defective and, therefore, unable to watch over and defend the interest of the Panchayats and their elected representatives especially those belonging to the marginalised groups?
4. There might have been a number of successful experiments on the proper management of the CPRs across the States. The same may be shared with the participants for discussing the applicability and advisability of these experiments in different socio-cultural-cum-political settings.

Part VII

Suggestions and Policy Prescriptions

In the foregoing discussion a great deal of the analysis has been devoted to assessing the extent to which the panchayats have emerged as institutions of self-government at their respective levels; the extent of people's participation, particularly that of the marginalised groups and women, in the functioning of the Panchayats; the role of the civil society organisations in facilitating the process of strengthening the Panchayati Raj institutions; and the extent of access of the poor to the CPRs. The centrifugal concern and focus of this analysis was the degree of effectiveness of local governance. The analysis of these variables gave sufficient evidence that the panchayats have not been playing their role as effectively they were expected to do. The question, therefore arises: what should be the future line of action to enable panchayats to function as autonomous institutions to entail and ensure good governance in rural areas. In this part of the paper, we shall dwell on this issue.

1. Article 243E of the Constitution does not clearly mention the duration of the term of the office-bearers of Panchayats as five years, whereas, for Panchayats, the provision explicitly is "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". For harmonious and meaningful functioning of the Panchayats, it may be suggested that the normal term of the Adhyakshas should be co-terminus with the life of the Panchayats. While most of the States have made the terms of office-bearers co-terminus with the term of Panchayats (i.e., five years), States such as Maharashtra and Karnataka and Union Territory of Andaman & Nicobar Islands have prescribed lesser period for the offices of Chairpersons of Panchayats. A tenure which is less than five years for the office-bearers of a Panchayat is particularly disadvantageous for the marginalized sections to build up their capacity and experiences as local leaders. Hence, it is suggested that a provision may be added to Article 243K that the term of the Members and the Chairperson shall be co-terminus with the five year term of the Panchayats for harmonious and meaningful functioning of the Panchayati Raj Institutions.

2. As per Article 243E(1), "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." In contrast, Article 243U(1) of the 74th Constitution Amendment for the Urban Local Bodies makes a specific provision to the effect that the elected body shall be

given an opportunity to be heard before such dissolution. The Article reads, “ Every Municipality, 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.

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.”

It is clearly discriminatory in favour of the urban bodies . fairness demand that a similar provision should also be made in the Article 243E of the Constitution relating to Panchayati Raj Institutions.

3. Section 243D spells out the provisions of reservation for the SCs, STs, Women and Backward Classes. In the case of the SCs, STs and Women, explicit provisions have been made in the Central Act itself whereas for the Backward Classes an enabling provision has been which says, “ Nothing in this part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.” Due to this provision , different States have adopted different mode of providing reservation to Backward Classes. For example in Haryana , one seat is reserved at each level of Panchayati Raj for backward classes at all levels where as there is no reservation for chairpersonship at any level of the Panchayati Raj System. In the State like Karnataka, in comparative contrast , reservation for the post of chairperson is provided for in the Panchayat Act for these classes.

In view of above , it is suggested that the provisions of reservations for the Backward Classes should also be made mandatory as has been done for the SCs, STs and Women.

4. Article 243C of the Constitution made various provisions pertaining to the composition of the Panchayats and mode of elections of the Chairpersons at different levels. Various petitions were filed in the Courts in the States particularly in Kerala and Karnataka. Article 243(4) states, “The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.” Article 243 (5)(b) says, “ A Panchayat at the intermediate level or district level shall be elected by, and from amongst , the elected members thereof”. It is clear from above that in the election of the chairperson at intermediate and district levels, only directly elected members are eligible for choosing the chairpersons. However, for other matters which were brought out before the intermediate and apex tiers of the Panchayats, all Members whether or not chosen by direct election are entitled for voting. Hence, for explicitly mentioning the intention of the Article 243(4), it may be reworded as follow: “The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats except in the election of the Chairperson of that tier.” Constitution may be amended, accordingly.

Another issue is the election for the office of a Chairperson reserved for the SCs, STs and OBCs Categories. This important issue cropped up in West Bengal and Karnataka. The point is whether or not can an SC or ST or OBC candidate elected from general or unreserved seat for any tier of Panchayati Raj System(PRS) be a candidate for the post of chairperson of such tier reserved for the SC or ST or OBC including women belonging to these groups or

not. In this context, it is suggested that in order to remove doubts, if any, an enabling clause in Article 243D may be added, which may be worded as follows: "A person elected from the general seat at any level of the Panchayati Raj Institutions is eligible to contest for the post of chairperson of any tier reserved for a category provided the person concerned belongs to that category."

5. Conducting regular and timely elections to the Panchayats is necessary to ensure continuity and sustainability of the PRS in the country. There is a mandatory provision in the Constitution (Article 243E) for conducting election every five years. And there is a mandatory provision (Article 243K) for constituting State Election Commission (SEC) for "superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the panchayats". These powers are adequately comprehensive to enable the SEC to conduct elections in a free and impartial manner. However, Clause 4 of the Article 243K limits the SEC's powers in this connection because it states: "...the Legislature of a State may, by law, make provision with respect to, all matters relating to or in connection with, elections to the Panchayats". These provisions have clipped the wings of the SEC because it can exercise its powers subject to the provisions of the such laws as may be legislated by the State Assemblies. It is well-known that the States have powers pertaining to umpteen important poll matters such as issuance of election notification, delimitation of constituencies, reservation of seats, rotation of reserved seats, etc.

Hence, for strengthening the institution of the SEC, powers relating to the delimitation of territorial constituencies of Panchayats and Municipalities, allotment of reserved seats to various electoral wards and rotation of reserved seats among various constituencies, be vested with the SEC through suitability amending the Constitution.

6. It is evident from the experiences gained so far that the State Governments have implemented the mandatory provisions of the Central Act in letter and spirit and the rest of the provisions, which do, in fact pertain to the power and authority of the panchayats, in a topsy-turvy manner, as per their discretion and/or expediency. Why have panchayats which have not been given requisite power because the powers and functions given in the Article 243G of the Constitution do not make it mandatory on the part of the State Legislatures to do. Hence, clear-cut demarcation of the functions and powers of the three tiers of the Panchayats should explicitly and definitively be given in the Constitution.

There is indeed, the need to evolve a separate list of powers and functions for the panchayats which may be named as Local List. The local list may be further sub-listed for the lowest, intermediate and apex tiers of the PRS.

7. The Panchayats should have their own service cadre on the lines of the Central and State services. Hence, in order to fully implement the Central Act, another amendment to the constitution is needed to provide for a Panchayat Service in Part XIV of the Constitution. This seems quite logical to do in view of the fact that, under Article 280 of the Constitution, provisions of measures for augmenting the Consolidated Fund of a state to support the resources of the Panchayats has been added similar provision for the panchayat personnel may be made in the Constitution

8. The Panchayati Raj Acts and their rules should be brought in consonance with the

letter and spirit of the Constitution. This is necessary not only for enabling people to participate in the PRS but also for awarding autonomy to these institutions. There are inherent anomalies in the various State Panchayati Raj Acts. For example, in Haryana, as per Section 121 of the Panchayat Act, there is the provision "On the constitution of a Zila Parishad..., there shall be called the first meeting for the election of the President and the Vice-President by and from amongst its elected members in the manner prescribed, by the prescribed authority." Here, instead of providing to phrase "in the manner prescribed by the prescribed authority", it should be the phrase "through secret ballot", to avoid any sort of arbitrariness and political influence during the election of the President and Vice-President of the Zila Parishad.

The Panchayats have, in fact, been made excessively subservient to control by the state government, as would easily be evident from a perusal of the provisions of the Panchayat Acts of different States. The example of Andhra Pradesh is worth quoting to prove the point. Thus, in the State Act "...the word 'government' has been used 316 times and the word 'Commissioner' has been used 111 times in the Act. The clause 'subject to' appears 135 times in the Act.... The word 'prescribed', which means that the Government has retained power through the rules it would frame, appears 179 times in the Act....the government may, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct the panchayats." (ISS:)

Hence, there is need to properly define and formulate the roles of different institutions such as the SEC, the SFC, the DPC, as well as the election procedures and the jurisprudence of the Panchayats to enable these to function as de facto local government.

9. The Central Act has provided constitutional status to the Panchayats endowing them with the powers of preparation and execution of plans for economic development and social justice, including the subjects listed in the 11th Schedule of the Constitution. But no legal framework has been given at the local level to settle disputes, if and when these arise, in the implementation of the schemes and programmes relating to the 29 subjects listed in the Constitution. Although some states have made provision for constituting Nayaya Panchayats, in most of the cases they are dormant and defunct. The existing courts at district and sub-district levels have already been over-burdened and pending cases are rapidly piling up further. In view of this, it becomes necessary to create an institution of justice at the local level, having representation of the weaker sections, including women, for dispensing speedy and inexpensive justice to the villagers. For this purpose, a constitutional amendment may be carried out for providing a viable and sustainable decentralised judicial system at the local level itself.

10. People's empowerment is basically based on the basic premises that the people, particularly the marginalised and underprivileged ones, have their say in the system of governance for their betterment on a sustainable basis and thereby reduce their dependence on the centralised governance and bureaucracy. This can inter alia, be achieved by building the capacity of the elected representatives in a systematic and planned manner. There should be training courses for orientation, sensitisation and attitudinal motivation of the elected members of the PRIs, particularly the new ones particularly those from the weaker and women segments.

Elections of the Panchayats in all the States have recruited more than 3 millions elected representatives at all levels of PRS. Of them, an overwhelming majority comprises the new

entrants, particularly from the marginalised sections. The Article 243 G of the Constitution expects from the Panchayats to prepare and implement plans for economic development and social justice including the 29 subjects listed in the 11th Schedule of the Constitution. The versatile experiences of the training courses have thrown up two more critical reasons: one, that training should be a continuous process focusing mainly on the conduct of business, powers and functions devolved on the PRIs, micro planning, financial management and social development; and, two, initially conducting separate courses for women which would later be followed by joint courses so as to facilitate the process of their overcoming the gender taboos restraining them from sitting and participating alongside their male counterparts. The courses of short duration have not much sensitized Panchayat personnel about their economic and social responsibilities. Hence, the need for longer duration course, preferably at the village or a village cluster level, to facilitate and promote greater participation by all members, especially the weaker and women segments.

The findings of the study on the Accounting System and Training in Panchayats in Rural Sector conducted by the Institute of Public Auditors of India in the States of Kerala, Madhya Pradesh, Tripura, Tamil Nadu and Uttar Pradesh are worth recalling in this context: “It seems that most of the staff members in Village Panchayats are not qualified to keep accounts. They carry out their duties through experience and knowledge acquired in practice... State Planning Boards and State Institutes have been set up for imparting training in Kerala, Tamil Nadu, Tripura and Uttar Pradesh. Their training programmes were inadequate. In Madhya Pradesh, only 18 per cent of functionaries have received some training in budget, accounts, finance...In Tripura, none of the members of Indira Nagar Village Panchayat was trained except the Panchayat secretary....In all the States there has been complete lack of awareness among the elected members of Panchayats about their democratic rights, duties, entitlement of funds and that actually received, etc. The Panchayat members were not aware of their rights to impose taxes within the Panchayat areas to improve their financial position. The Village Panchayat members were treating the money received from the block Panchayats and other agencies as the money received from the government and not their own money....The records in various states disclosed that either the meetings of Gram Sabha are not held at all or are held infrequently leading to lack of people’s participation in plan formulation. This resulted in selection of unproductive works, creation of non-durable assets, construction of Kutch Link Roads and brick lanes(Kharanja) and earthwork by a handful of functionaries, thereby leading to the entire expenditure not being of optimum benefit to the society”(IPAI 2001:35). In view of above, Panchayats’ functionaries have properly been capacitated and enabled to formulate panchayats’ plans and budgets, maintain proper finance and accounts/audits.

After having worked in the Central Ministries including the Planning Commission, Training & Research Institutions and Panchayats, the author of the present paper holds the considered view that training/ capacity building of the various stakeholders has to be taken up in the action mode. In this connection, an external agency, may be an NGO, initiates the process of training which covers the holding of the meetings of the Gram Sabha, constitution of the various subject/ standing committees, proper conduct and holding the meetings of the Gram Panchayats, and establishing and activating the organic link between and among the different

tiers. In other words, the Panchayat Act has to be implemented practically in the Panchayats by activating and involving the various stakeholders. Merely imparting training in the classrooms would not be sufficient.

Conclusion

To conclude, two Hindi sayings aptly describe the present status of the PRIs in the country. One: 'Panchon kee baat seer matha patnala yahin girega' (We appreciate your point of view, but the status quo will remain). Two: ' Ghar- bar sab tumhara, kothi kuthala ke hath maat lagana (Everything of the house belongs to you , but do not touch the money and other precious things). There have been a number of meetings and conferences between central and the State Governments. All- India Panchayat Adhyakshas Sammelans were also held in the past. The result has been as expected. The Central and the State Governments, instead of initiating such policies which could strengthen the PRS, have used these institutions as conduits for distributing funds to the target groups. The Schemes such as the MP Local Areas Development Scheme and strengthening the District Rural Development Agency have been initiated which are in essence and in practice ,anathema to the motto of decentralisation through the PRIs. It was also expected that the constitution of the PRIs would create a new leadership at local levels which would not only abjure obscurantism and backward- looking attitude but also would be instrumental in changing the anti-development outlook of the traditional caste leaders in the villages so that the people could achieve their collective aspiration of developing themselves holistically. But the hopes have been belied because there is no urge for decentralisation at the grassroots. Remedy of the malady lies in creating effective demand on the part of the people at the grassroots in terms of asking more powers from the Governments . For this, it is necessary for Panchayats leaders to get organized and to form their associations at the local, district, state and national levels in order to enhance Panchayats' bargaining powers and enable themselves by learning from each other and by extensively deliberating matters of common interest.

Table 1

State wise status of Devolution of Departments/Subject with Funds, Functions and Functionaries to Panchayati Raj Institutions (in November , 2001)

Sr. No	States/Uts	No. of Departments/Subjects Transferred to Panchayats With			No. of Departments/Subjects Yet to be Transferred to Panchayats With		
		Funds	Func tions	Funcio naries	Funds	Func tions	Funcio naries
1	Andhra Pradesh	05	13	02	24	16	27
2	Arunachal Pradesh	-	-	-	29	29	29
3	Assam	-	-	-	29	29	29
4	Bihar	-	-	-	29	29	29
5	Jharkhand	-	-	-	29	29	29
6	Goa	-	-	-	29	29	29
7	Gujarat	-	-	-	29	29	29
8	Haryana	-	16	-	29	13	29
9	Himachal Pradesh	02	23	07	27	06	22
10	Karnataka	29	29	29	-	-	-
11	Kerala	15	29	15	14	-	14
12	Madhya Pradesh	10	23	09	19	06	20
13	Chattisgarh	10	23	09	19	06	20
14	Maharashtra	18	18	18	11	11	11
15	Manipur	-	22	04	29	07	25
16	Orissa	05	25	03	24	04	26
17	Punjab	-	07	-	29	22	29
18	Rajasthan	-	29	-	29	-	29
19	Sikkim	29	29	29	-	-	-
20	Tamil Nadu	-	29	-	29	-	29
21	Tripura	-	12	-	29	17	29
22	Uttar Pradesh	12	13	09	17	16	20
23	Uttranchal	12	13	09	17	16	20
24	W.Bengal	12	29	12	17	-	17
25	A&N Islands	-	-	-	29	29	29
26	Chandigarh	-	-	-	29	29	29
27	D&N Haveli	-	03	03	29	26	26
28	Daman & Diu	-	29	-	29	-	29
29	NCT Delhi	Panchayati Raj System is Yet to be Revived					
30	Lakshadweep	-	06	-	29	23	29
31	Pondicherry	-	-	-	29	29	29

Source : Report of working Group on Decentralised Planning and Panchayati Raj Institutions for the tenth Five Year Plan (2002-2007), Government of India, Planning Commission, November-2001.

Table 2

Status of Devolution of Departments/Subjects with Funds, Functions and Functionaries to Panchayati Raj Institutions (as on 29.5.2003)

Sr. No.	States/UTs	No. of Departments/Subjects Transferred to Panchayats with			No. of Departments /Subjects Yet to be Transferred to		
		3	4	5	6	7	8
		Funds	Functions	Functionaries	Funds	Func-tions	Func-tionaries
1	Andhra Pradesh	05	17(+4)	02	24	12	27
2	Arunachal Pradesh	-	-	-	29	29	29
3	Assam	-	29(+29)	-	29	-	29
4	Bihar	-	20(+20)	-	29	9	29
5	Jharkhand	-	-	-	29	29	29
6	Goa	6(+6)	6(+6)	-	23	23	29
7	Gujarat	15(+15)	15(+15)	15(+15)	14	14	14
8	Haryana	-	Almost all	-	29	-	29
9	Himachal Pradesh	02	29 subjects 26 subjects (+3)	*	27	3	22
10	Karnataka	29	29	29	-	-	-
11	Kerala	15	26(+3)	15	14	3	14
12	Madhya Pradesh	10	23	09	19	06	20
13	Chhattisgarh	10	29(+6)	09	19	-	20
14	Maharashtra	18	18	18	11	11	11
15	Manipur	-	22	04	29	07	25
16	Orissa	05	25	21(+18)	24	04	8
17	Punjab	-	07	-	29	22	29
18	Rajasthan	-	29	-	29	13	29
19	Sikkim	24(-5)	24(-5)	24(-5)	5	5	5
20	Tamil Nadu	-	29	-	29	-	29
21	Tripura	-	12	-	29	17	29
22	Uttar Pradesh	12	13	09	17	16	20
23	Uttranchal	-(-12)	11(-2)	11(+2)	29	18	18
24	W.Bengal	12	29	12	17	-	17
25	A&N Islands	6(+6)	6(+6)	6(+6)	23	23	23
26	Chandigarh	-	-	-	29	29	29
27	D&N Haveli	-	03	03	29	26	26
28	Daman & Diu	5(+5)	9(-20)	3(+3)	24	20	26
29	NCT Delhi		Panchayati Raj System is yet to be revived				
30	Lakshadweep	-	06	-	29	23	29
31	Pondicherry	-	-	-	29	29	29

* No functionary has been transferred. However, GPs and IPs have been made the appointing authorities with regard to 9 functions on contract basis.

Note : The provisions of the Constitution (73rd Amendment) Act,1992 are not applicable to the States of J&K, Mizoram and Nagaland.

Source : Agenda Paper : 1st Meeting of the Empowered Sub-Committee on Financial and Administrative Empowerment of Panchayati Raj Institutions held on 26.6.2003, Ministry of Rural Development, Department of Rural Development.

Table -3

Status of Devolution of Departments/Subjects with Funds, Functions and Functionaries to Panchayati Raj Institutions (as on 1st April 2004)

Sl. No.	States / UTs	No. of Departments /subjects Transferred to Panchayats with			Status of. constitution of' DPC's
		Funds	Func tions	Func tionaries	
1.	Andhra Pradesh	05	17	02	Not yet constituted. However, an Ordinance has been issued by the Government of AP in December, 2003 for constitution of DPCs.
2.	Arunachal Pradesh	-	-	-	Not Constituted
3.	Assam	-	29	-	Not Constituted
4.	Bihar	(+ 8)	25	-	37 districts out of 38 districts constituted em ad hoc basis. Chairman ZP is the Chairman of DPCs
5.	Jharkhand	-	-	-	Panchayat elections yet to be held. Constituted. President of ZP is the
6.	Goa	6	6	-	Chairperson of DPc. .
7.	Gujarat	15	15	15	Not Constituted.
8.	Haryaria	-	16	-	16 districts out of 19 districts. Rest under consideration.
9.	Himachal Pradesh	02	26 subjects	11	Only in 6 districts out of 12. Minister is Chairperson of DPC.
10.	Karnataka	29	29	29	Yes, in all Districts. President ZP is Chairman of DPc.
11.	Kerala	26 (+ 11)	26	15	Yes, Chairman of District Panchayat (DP) is chairman of DPc.
12.	Madhya Pradesh	10	23	09	Yes. District incharge Ministers are Chairpersons.
13.	Chhattisgarh	10	29	09	Constituted. Minister is Chairperson of DPc.
14.	Maharashtra	18	18	18	Not Constituted.
15.	Manipur	-	22	04	Yes in 2 districts out of 4, Adhyaksha, DP is Chairperson.

16.	Orissa	09 (+4)	25	21	26 Districts. Minister is Chairperson of DPC.
17.	Punjab	-	07	-	Not Constituted
18.	Rajasthan	18 (+18)	29	18 (+18)	Yes, Chairman of DP is Chairman of DPC.
19.	Sikkim	24	24	24	Yes
20.	Tamil Nadu	-	29	-	Yes, Chairperson of DP is Chairperson.
S1. No.	States / UTs	No. of Departments /subjects Transferred to Panchayats with			Status of. constitution of' DPC's
		Funds	Functions	Functionaries	
21.	Tripura	-	12	-	Not Constituted.
22.	Uttar Pradesh	04 (- 8)	12 (-1)	06(-3)	DPCs are not functional.
23.	Uttaranchal	-	11	11	Yes. Minister is Chairman of DPC.
24.	West Bengal	12	29	12	Yes, Chairperson of DP is Chairperson of DPC
25.	A&N Islands	06	06	06	Yes, Chairman of DP is Chairman of DPC
26.	Chandigarh	-	-	-	Not constituted.
27.	D&N Haveli	-	03	03	Yes, Chairman of DP is Chairman of DPC
28.	Daman & Diu	05	09	03	Yes, Chairman of DP is Chairman of DPC
29.	Lakshadweep	-	06	-	Yes. Collector cum Dev. Commissioner is Chairperson.
30.	NCT of Delhi	-	-	-	Panchayati Raj system is yet to be revived
31.	Pondicherry	-	-	-	Panchayat Elections yet to be held.

Source : Ministry of Rural Development, Govt. of India.

NOTE-1 : The provisions of the Constitution (73rd Amendment) Act, 1992 are not applicable to the States of J&K, Meghalaya, Mizoram and Nagaland.

NOTE-2 : This Table has been taken from the Mid- Term Appraisal of the Tenth Plan, Planning Commission.

Table 4

Plan Outlay for Annual Plan 2000-2001 for the Schemes/Programmes of the State Governments under the Subject Mentioned in the Eleventh Schedule of the Constitution

		(Rs. In Crore)
Sr.No	Name of the Scheme/Programme	Outlay 2000-2001
1	Crop Husbandry	1268.77
2	Soil and Water Conservation	643.50
3	Animal Husbandry	354.19
4	Dairy Development	49.87
5	Fisheries	205.95
6	Forestry & Wildlife	1393.03
7	Plantations	4.63
8	Agricultural Research & Education	292.21
9	Agricultural Fin. Institutions	61.63
10	Other Agricultural Programmes	98.18
11	IRDP & Allied Programme	516.16
12	NREP/JRY	1161.22
13	Other Programme like EAS etc.	1062.46
14	Land Reform	294.08
15	Minor Irrigation	1907.93
16	Non Conventional sources of Energy	119.43
17	Village & Small Industries	800.87
18	Roads & Bridges	8128.44
19	Road Transport	1265.30
20	Inland Water Transport	16.74
21	Other Transport services	614.50
22	General Education	4972.07
23	Technical Education	422.49
24	Art & Culture	171.07
25	Medical & Public Health	3306.64
26	Water Supply and Sanitation	6031.74
27	Housing	1936.57
28	Welfare of SCs, STs & OBCs	1972.99
29	Social Welfare	904.26
30	Nutrition	721.79
31	Other Social Services	119.86
Total		40818.65

Note : The outlay mentioned against each scheme/programme is the sum of the outlay for all the state Governments allocated against each of their scheme.

Source : Report of the Task Force on Devolution of Powers and Functions upon Panchayati Raj Institutions, Government of India, Ministry of Rural Development, August 2001

Table 5
Plan Outlay for Annual Plan 2000-2001 for the Schemes/Programmes of the Central Ministries Under the Subject Mentioned in the Eleventh Schedule of the Constitution

Sr.No	Name of the Scheme/Programme	(Rs. In Crore)
		Outlay 2000-2001
1	Crop Husbandry	1380.22
2	Soil and Water Conservation	63.42
3	Animal Husbandry	77.07
4	Dairy Development	36.45
5	Fisheries	116.61
6	Forestry & Wildlife	281.65
7	Plantations	169.35
8	Agricultural Research & Education	550.00
9	Other Agricultural Programmes	28.76
10	Other Agricultural Programmes	6.67
11	Land Reforms	67.50
12	Minor Irrigation	88.67
13	Non Conventional Sources of Energy	858.46
14	Village and Small Industries	1125.35
15	Road & Bridges	5548.15
16	General Education	4433.06
17	Technical Education	496.18
18	Family Welfare	3200.00
19	Water Supply and Sanitation	2071.03
20	Housing	3869.73
21	Welfare of SC,ST & OBCs	997.74
22	Social Security and Welfare	2231.85
23	Nutrition	2.90
24	Other Social Services	1.20
25	Special programme for Rural Development	1075.45
26	Rural Employment	2798.40
Total		31575.87

Source : Report of the Task Force on Devolution of Powers and Functions upon Panchayati Raj Institutions, Government of India, Ministry of Rural Development, August 2001.

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