

**Department of Extension Education and Communication Management  
College of Community Science, ANDUAT**

**Name of Course: Extension and Rural Development**

**Course Code : HECM 111**

**Name of Course Instructor : Dr. Raksha**

**Panchayati Raj Institution: Evolution, Features, Composition, Powers, Functions**

Panchayati Raj is a **system of rural local self-government in India**. It has been established in all the states of India by the acts of the state legislature to build democracy at the grass root level. It is entrusted with rural development and was constitutionalized through the **73<sup>rd</sup> Constitutional Amendment Act of 1992**.

**Evolution of Panchayati Raj in India**

Panchayati Raj was not a new concept to India. Indian villages had Panchayats (council of five persons) from very ancient time, which were having both executive and judicial powers and used to handle various issues (land distribution, tax collection etc.) or disputes arising in the village area. Thus, recognizing their importance our Constitution makers included a provision for Panchayats in part IV of our constitution (directive principles of state policy).

**Art. 40** confers the responsibility upon State to take steps to organise Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. But it does not give guidelines for organising village panchayats. Thus, its formal organisation and structure was firstly recommended by **Balwant Rai** committee, 1957 (Committee to examine the Community Development Programme, 1952). The Committee, in its report in November 1957, recommended the establishment of the scheme of 'democratic decentralisation', which ultimately came to be known as Panchayati Raj. It recommended for a three tier system at village, block and district level and it also recommended for direct election of village level panchayat. Rajasthan was the first state to establish Panchayati Raj at it started from Nagaur district on October 2, 1959. After this, **Ashok Mehta Committee** on Panchayati Raj was appointed in December 1977 and in August 1978 submitted its report with various recommendations to revive and strengthen the declining Panchayati Raj system in the country. Its major recommendation were two tier system of panchayat, regular social audit, representation of political parties at all level of panchayat elections, provisions for regular election, reservation to SCs/STs in panchayats and a minister for panchayati raj in state council of ministers.

Further, **G V K Rao Committee** appointed in 1985 again recommended some measures to strengthen Panchayati Raj institutions. LM Singhvi Committee appointed in 1986 first time recommended for the constitutional status of Panchayati Raj institutions and it also suggested for constitutional provisions to ensure regular, free and fair elections to the Panchayati Raj Bodies. In response to the recommendations of **LM Singhvi committee**, a bill was introduced in the Lok Sabha by Rajiv Gandhi's government in July 1989 to constitutionalize Panchayati Raj Institutions, but the bill was not passed in Rajya Sabha.

The V P Singh government also brought a bill, but fall of the government resulted in lapse of the bill. After this P V Narashima Rao's government introduced a bill for this purpose in Lok Sabha in September, 1991 and the bill finally emerged as the 73rd Constitutional Amendment Act, 1992 and came into force on 24th April, 1993.

### **73<sup>rd</sup> Constitutional Amendment Act of 1992**

#### **Significance of the Act**

- The Act added Part IX to the Constitution, "The Panchayats" and also added the Eleventh Schedule which consists of the 29 functional items of the panchayats.
- Part IX of the Constitution contains Article 243 to Article 243 O.
- The Amendment Act provides shape to Article 40 of the Constitution, (directive principles of state policy), which directs the state to organise the village panchayats and provide them powers and authority so that they can function as self-government.
- With the Act, Panchayati Raj systems come under the purview of the justiciable part of the Constitution and mandates states to adopt the system. Further, the election process in the Panchayati Raj institutions will be held independent of the state government's will.
- The Act has two parts: compulsory and voluntary. Compulsory provisions must be added to state laws, which includes the creation of the new Panchayati Raj systems. Voluntary provisions, on the other hand, is the discretion of the state government.
- The Act is a very significant step in creating democratic institutions at the grassroots level in the country. The Act has transformed the representative democracy into participatory democracy.

#### **Salient Features of the Act**

1. **Gram Sabha:** Gram Sabha is the primary body of the Panchayati Raj system. It is a village assembly consisting of all the registered voters within the area of the panchayat. It will exercise powers and perform such functions as determined by the state legislature. Candidates can refer to the functions of gram panchayat and gram panchayat work, on the government official website – <https://grammanchitra.gov.in/>.

2. **Three-tier system:** The Act provides for the establishment of the three-tier system of Panchayati Raj in the states (village, intermediate and district level). States with a population of less than 20 lakhs may not constitute the intermediate level.
3. **Election of members and chairperson:** The members to all the levels of the Panchayati Raj are elected directly and the chairpersons to the intermediate and the district level are elected indirectly from the elected members and at the village level the Chairperson is elected as determined by the state government.

#### **4. Reservation of seats:**

- For SC and ST: Reservation to be provided at all the three tiers in accordance with their population percentage.
- For women: Not less than one-third of the total number of seats to be reserved for women, further not less than one-third of the total number of offices for chairperson at all levels of the panchayat to be reserved for women.
- The state legislatures are also given the provision to decide on the reservation of seats in any level of panchayat or office of chairperson in favour of backward classes.

**5. Duration of Panchayat:** The Act provides for a five-year term of office to all the levels of the panchayat. However, the panchayat can be dissolved before the completion of its term. But fresh elections to constitute the new panchayat shall be completed –

- before the expiry of its five-year duration.
- in case of dissolution, before the expiry of a period of six months from the date of its dissolution.

**6. Disqualification:** A person shall be disqualified for being chosen as or for being a member of panchayat if he is so disqualified –

- Under any law for the time being in force for the purpose of elections to the legislature of the state concerned.
- Under any law made by the state legislature. However, no person shall be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years.
- Further, all questions relating to disqualification shall be referred to an authority determined by the state legislatures.

#### **7. State election commission:**

- The commission is responsible for superintendence, direction and control of the preparation of electoral rolls and conducting elections for the panchayat.
- The state legislature may make provisions with respect to all matters relating to elections to the panchayats.

**8. Powers and Functions:** The state legislature may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government. Such a scheme may contain provisions related to Gram Panchayat work with respect to:

- the preparation of plans for economic development and social justice.

- the implementation of schemes for economic development and social justice as may be entrusted to them, including those in relation to the 29 matters listed in the Eleventh Schedule.

**9. Finances:** The state legislature may –

Authorize a panchayat to levy, collect and appropriate taxes, duties, tolls and fees.

Assign to a panchayat taxes, duties, tolls and fees levied and collected by the state government.

Provide for making grants-in-aid to the panchayats from the consolidated fund of the state.

Provide for the constitution of funds for crediting all money of the panchayats.

**10. Finance Commission:** The state finance commission reviews the financial position of the panchayats and provides recommendations for the necessary steps to be taken to supplement resources to the panchayat.

**11. Audit of Accounts:** State legislature may make provisions for the maintenance and audit of panchayat accounts.

**12. Application to Union Territories:** The President may direct the provisions of the Act to be applied on any union territory subject to exceptions and modifications he specifies.

**13. Exempted states and areas:** The Act does not apply to the states of Nagaland, Meghalaya and Mizoram and certain other areas. These areas include,

- The scheduled areas and the tribal areas in the states
- The hill area of Manipur for which a district council exists and
- Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists.

However, Parliament can extend this part to these areas subject to the exception and modification it specifies. Thus the PESA Act was enacted.

**14. Continuance of existing law:** All the state laws relating to panchayats shall continue to be in force until the expiry of one year from the commencement of this Act. In other words, the states have to adopt the new Panchayati raj system based on this Act within the maximum period of one year from 24 April 1993, which was the date of the commencement of this Act. However, all the Panchayats existing immediately before the commencement of the Act shall continue till the expiry of their term, unless dissolved by the state legislature sooner.

**15. Bar to interference by courts:** The Act bars the courts from interfering in the electoral matters of panchayats. It declares that the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies cannot be questioned in any court. It further lays down that no election to any panchayat is to be questioned except by an election petition presented to such authority and in such manner as provided by the state legislature.

Some of the provisions, which are not binding on the States, but are only guidelines:

1. Giving representation to the members of the Central and State legislatures in these bodies;

2. Providing reservation for backward classes; and
3. The Panchayati Raj institutions should be given financial powers in relation to taxes, levy fees etc. and efforts shall be made to make Panchayats autonomous bodies.

The Panchayati Raj Institution (PRI) consists of three levels:

1. Gram Panchayat at the village level
2. Block Panchayat or Panchayat Samiti at the intermediate level
3. Zilla Panchayat at the district level

The word “Panchayat” means assembly (ayat) of five (panch) and raj means “rule”. Traditionally Panchayats consisted of elderly and wise people chosen by the local community, who used to settle disputes between individuals and villages. The leader of the panchayat used to be called as Mukhya or Sarpanch. Generally the elder-most or most senior person would be elected to this position. The Panchayati Raj system is also recognised as a form of direct democracy (i.e they exercise all powers of a government at a village level), as opposed to the popular notion that it is a type of representative democracy. As per January 2019, there are 630 Zilla Panchayats; 6614 Block Panchayats and 253163 Gram Panchayats in India. There are currently more than 3 million elected representatives (of which more than 1 million are women) for panchayats at all levels.

#### **Key Features of Panchayat Raj System:**

1. The Gram Sabha is a body consisting of all the people registered in the electoral rolls who belong to a village comprised within the area of the Panchayat at the village level. Gram Sabha is the smallest and the only permanent unit in the Panchayati Raj system. The powers and functions of Gram Sabha are fixed by state legislature according to the law on the subject.
2. Seats are reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) and chairpersons of the Panchayats at all levels are reserved for SCs and STs in proportion to their population.
3. One-third of the total number of seats are to be reserved for women. One-third of the seats reserved for SCs and STs, are also reserved for women. This policy extends to the office of the chairperson at all levels as well (Article 243D). The reserved seats may be allotted by rotation to different constituencies in the Panchayat.
4. There is a uniform policy with each term being five years. Fresh elections must be conducted before the expiry of the term. In the event of dissolution, elections compulsorily within six months (Article 243E).
5. Panchayats have the responsibility to prepare plans for economic development and social justice with respect to the subjects as per the law put in place, which

also extends to the various levels of Panchayat including the subjects as illustrated in the Eleventh Schedule (Article 243G).

### **Gram Panchayat**

Gram Panchayat consists of a village or a group of villages divided into smaller units called “Wards”. Each ward selects or elects a representative who is known as the Panch or ward member. The members of the Gram Sabha elect the ward members through a direct election. The Sarpanch or the president of the Gram Panchayat is elected by the ward members as per the State Act. The Sarpanch and the Panch are elected for a period of five years. Gram Panchayat is governed by the elected body and administration. The secretary is normally in charge of the administrative duties of the Gram Panchayat.

### **Block Panchayat**

Panchayat Samiti (also called Taluka Panchayats or Block Panchayats) is the intermediate level in Panchayati Raj Institutions. The Panchayat Samiti acts as the link between Gram Panchayat (Village) and District Panchayat (Zilla). These blocks do not hold elections for the Panchayat Samiti council seats. Rather, the block council consists of all of the Sarpanchas and the Upa Sarpanchas from each Gram Panchayat along with members of the legislative assembly (MLA), members of parliament (MPs), associate members (like a representative from a cooperative society) and members from the Zilla Parishad who are a part of the block. The Gram Panchayat members nominate their Sarpanch and Upa Sarpanch amongst their ranks, which extend to the selection of the chairperson and vice-chairperson as well. The Executive Officer (EO) is the head of the administration section of the Panchayat Samiti.

### **District Panchayat**

The District Panchayat also known as the District Council or Zilla Parishad is the third tier of the Panchayati Raj system. Like the Gram Panchayat, the District Panchayat is also an elected body. Chairpersons of Block Samitis also represent the District Panchayat. Like the Block Panchayat, the MP and MLA are also members of the district panchayat. The government appoints the Chief Executive Officer to carry out the administration of the district Panchayat along with the the Chief Accounts Officer, the Chief Planning Officer and one or more Deputy Secretaries who work directly under the Chief Executive Officer and assist him/her. The Zilla Parishad chairperson is the political head of the district panchayat.

The primary objective of establishing the third tier of the government is to increase democratic participation, better articulate local needs and priorities, and to ensure a more efficient use of local resources along with greater accountability and transparency.

Rural development is one of the main objectives of Panchayati Raj and this has been established in all states of India except Nagaland, Meghalaya and Mizoram, in all Union Territories except Delhi. and certain other areas. These areas include:

- a) The scheduled areas and the tribal areas in the states
- b) The hill area of Manipur for which a district council exists and
- c) Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists

### **Committees related to Panchayati Raj**

There were a number of committees appointed by the government of India to study the implementation of self-government at the rural level and also recommend steps in achieving this goal.

The committees appointed are as follows:

- Balwant Rai Mehta Committee
- Ashok Mehta Committee
- G V K Rao Committee
- L M Singhvi Committee

### **Balwant Rai Mehta Committee & Panchayati Raj**

The committee was appointed in 1957, to examine and suggest measures for better working of the Community Development Programme and the National Extension Service. The committee suggested the establishment of a democratic decentralised local government which came to be known as the Panchayati Raj.

Recommendations by the Committee:

- Three-tier Panchayati Raj system: Gram Panchayat, Panchayat Samiti and Zila Parishad.
- Directly elected representatives to constitute the gram panchayat and indirectly elected representatives to constitute the Panchayat Samiti and Zila Parishad.
- Planning and development are the primary objectives of the Panchayati Raj system.
- Panchayat Samiti should be the executive body and Zila Parishad will act as the advisory and supervisory body.
- District Collector to be made the chairman of the Zila Parishad.
- It also requested for provisioning resources so as to help them discharge their duties and responsibilities.

The Balwant Rai Mehta Committee further revitalised the development of panchayats in the country, the report recommended that the Panchayati raj institutions can play a substantial role in community development programmes throughout the country. The objective of the Panchayats thus was the democratic decentralisation through the effective participation of locals with the help of well-planned programmes. Even the then Prime Minister of India, Pandit Jawaharlal Nehru, defended the panchayat system by saying, “. . . authority and power must be given to the people in the villages . . . . Let us give power to the panchayats.”

### **Ashok Mehta Committee & Panchayati Raj**

The committee was appointed in 1977 to suggest measures to revive and strengthen the declining Panchayati Raj system in India.

The key recommendations are:

- The three-tier system should be replaced with a two-tier system: Zila Parishad (district level) and the Mandal Panchayat (a group of villages).
- District level as the first level of supervision after the state level.
- Zila Parishad should be the executive body and responsible for planning at the district level.
- The institutions (Zila Parishad and the Mandal Panchayat) to have compulsory taxation powers to mobilise their own financial resources.

### **G V K Rao Committee & Panchayati Raj**

The committee was appointed by the planning commission in 1985. It recognised that development was not seen at the grassroots level due to bureaucratisation resulting in Panchayat Raj institutions being addressed as 'grass without roots'. Hence it made some key recommendations which are as follows:

- Zila Parishad to be the most important body in the scheme of democratic decentralisation. Zila Parishad to be the principal body to manage the developmental programmes at the district level.
- The district and the lower levels of the Panchayati Raj system to be assigned with specific planning, implementation and monitoring of the rural developmental programmes.
- Post of District Development Commissioner to be created. He will be the chief executive officer of the Zila Parishad.
- Elections to the levels of Panchayati Raj systems should be held regularly.

### **L M Singhvi Committee & Panchayati Raj**

The committee was appointed by the Government of India in 1986 with the main objective to recommend steps to revitalise the Panchayati Raj systems for democracy and development.

The following recommendations were made by the committee:

- The committee recommended that the Panchayati Raj systems should be constitutionally recognised. It also recommended constitutional provisions to recognise free and fair elections for the Panchayati Raj systems.
- The committee recommended reorganisation of villages to make the gram panchayat more viable.
- It recommended that village panchayats should have more finances for their activities.
- Judicial tribunals to be set up in each state to adjudicate matters relating to the elections to the Panchayati Raj institutions and other matters relating to their functioning.

All these things further the argument that panchayats can be very effective in identifying and solving local problems, involve the people in the villages in the developmental activities, improve the communication between different levels at which politics operates, develop leadership skills and in short help the basic development in the states without making too many structural changes. Rajasthan and Andhra Pradesh were the first to adopt Panchayati raj in 1959, other states followed them later. Though there are variations among states, there are some features that are common. In most of the states, for example, a three-tier structure including panchayats at the village level, panchayat samitis at the block level and the zila parishads at the district level-has been institutionalized. Due to the sustained effort of the civil society organisations, intellectuals and progressive political leaders, the Parliament passed two amendments to the Constitution – the 73<sup>rd</sup> Constitution Amendment for rural local bodies (panchayats) and the 74<sup>th</sup> Constitution Amendment for urban local bodies (municipalities) making them ‘institutions of self-government’. Within a year all the states passed their own acts in conformity to the amended constitutional provisions.

### **In Brief**

#### **Who is the father of Panchayati Raj?**

Balwant Rai Mehta was a parliamentarian who is credited for pioneering the concept of the Panchayati Raj in India and was also known as the ‘Father of Panchayati Raj’.

#### **What is the importance of Panchayati Raj?**

Panchayati Raj institutes village local government that plays a significant role in the development of villages especially in areas like primary education, health, agricultural developments, women and child development and women participation in local government, etc.

#### **Which state in India has no Panchayati Raj institution?**

All states of India have Panchayati Raj systems except Nagaland, Meghalaya and Mizoram, in all Union Territories except Delhi; and certain other areas.

#### **What are the features of Panchayati Raj?**

1. Gram Sabha: Gram Sabha is the primary body of the Panchayati Raj system. It is a village assembly consisting of all the registered voters within the area of the panchayat.
2. Three Tier System: village, intermediate and district levels.
3. Election of members and chairperson: The members to all the levels of the Panchayati Raj are elected directly and the chairpersons to the intermediate and the district levels are elected indirectly.