



UNDERSTANDING PANCHAYATI RAJ AND RURAL DEVELOPMENT IN INDIA IN THE GLOBALIZED ERA

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ABSTRACT

The passage of the Act, 1992 marks a new era in the federal democratic set-up of the country in the post liberalized era and provide constitutional status to the Panchayati Raj Institutions for eliminating their defects noticed in the working of Panchayati Raj as well as giving a wider representing based and more powers to the PRIs, the Parliament enacted the 73rd Amendment Act, 1992. The new act maintained the three tier structure of Panchayati Raj and also amended their composition and power. This act specially included the XIth Schedule (Article 143G) for the rural development and people's participation.

Key Words: 73rd Amendment, Panchayati Raj, Rural Development.

Introduction

People's participation in the affairs of the government is nowadays one of the crucial factors responsible for the healthy growth of democracy in the world. The larger participation always ensures the success of democracy in almost all the countries over the world. Even the non-democratic countries are trying to change their gears to democracy through an overall shift of whether it is administrative machinery or political system. India being the largest democracy in the world has been since independence, trying to accommodate the features of democracy. Under the Rural Panchayat Act 1948, there were two tiers of Panchayats primary panchayats at village level and rural panchayats at Mouza level. Assam Panchayati Raj Act 1959, under this Act a three tier system was introduced and they are Gaon Panchayat, Anchalik Panchayat and Mahkuma Parishad. Assam Panchayati Raj Act 1972: Under this system again a two tier system was introduced and they are Gaon Panchayat and Mahkuma Parishad. Assam panchayati Raj Act 1986: Under this act again a three tier system was introduced –Gaon panchayat, Anchalik panchayat and Mahkuma parishad. As already mentioned above the 73rd amendment Act 1994, a three tier system with Zila Parishad has been introduced- Gaon



panchayat, Anchalik Panchayat and Zila Parishad. And lastly and most important was the 73rd amendment Act 1992.

Objectives

The paper aims to find out the steps taken in 73rd Amendment to empower the PR system on following objectives-

- 1) To find out the main functions of panchayat at three stages i.e. Gaon Panchayat, Anchalik Panchayat and Zila Parishad
- 2) To study the election process of panchayats along with representation system for different section of people.
- 3) To find out the power of income and expenditure of panchayats
- 4) To highlight the provision of XIth Schedule (Art. 243G) for rural development.

Methodology

- 1) Descriptive and observation are applied to study the concerned areas.
- 2) Secondary data has been used for this study

Discussion

“ We trust the people. We have faith in the people. It is the people who must determine their own destinies and the destiny of the nation to the people of India, Let us ensure maximum democracy and maximum devolution, let the people be empowered”

- Rajiv Gandhi.

Constitution's 73rd Amendment Act was the major development in case of India and also Assam. Some of the important features of the constitutional (seventy third amendment) Act, 1992 are :-

- i. The Gaon Sabha will be a body comprising of all the adult members registered as voters in the panchayat area.
- ii. There shall be three tier system of panchayat at village, intermediate and district levels. Smaller states with population below 20 lakh will have the option to have intermediate level panchayat.
- iii. State in panchayats at all the three levels shall be filled by direct election. In addition to it chairpersons of village panchayats can be made members of the panchayat at intermediate level and chairpersons at this level can be members



of the panchayat at the district level. MPS, MLAs and MLCs could also be members of panchayats at the intermediate or the district level.

iv. In all the panchayats, seats would be reserved for SCs and STs in proportion to their population and one third of the total member of seats will be reserved for women. One third of the seats reserved for SCs, STs will also be reserved for women.

v. Every panchayat shall have a uniform five year term and elections to constitute new bodies shall be completed before the expiry of the term. In the event of dissolution, elections will be compulsorily held within six months. The reconstituted panchayat will serve for the remaining term period of five years.

vi. It will not be possible to dissolve the existing panchayats by amendment of any act before the expiry of its duration.

vii. A person who is disqualified under any law for elections to the legislature of the state as under any law of the state, will not be entitled to become the member of panchayat.

viii. Specific responsibilities will be entrusted to the panchayat to prepare plans for economic development and social justice in respect of matters listed in XI schedule. For the implementation of development schemes, the main responsibility will be entrusted to the panchayat.

ix. The panchayat will receive adequate funds for carrying out their functions. Grants from the state government will constitute an important source of funding but state governments are also expected to assign the revenue of certain taxes to the panchayat. In some cases, panchayat will also be permitted to collect and return the revenues raised by them.¹

The structure of the Panchayati Raj institutions in Assam is as follows:-

Gaon Panchayat:-

The state government may by notification, declare any local area comprising a revenue village or a group of revenue village or a forest village or a tea garden area or hamlets forming part of revenue village or forest village or tea garden area or other such administrative unit or part there of to be a Gaon Panchayat with population of its territory not less than six thousand and not more than ten thousand.

Anchalik Panchayat:-

For each Development Block there shall be an Anchalik Panchayat having jurisdiction, save as otherwise provided in this act, over the entire Development Block jurisdiction excluding

¹ Rural Development- Dr.1. Satya Sundaram- Himalaya Publishing House.

such portion of the Block as are included in a Town Committee and as are included in Municipality or under the authority of Municipal corporation, a sanitary board or cantonment area or a notified area constituted under any law for the time being in force- provided that a block may comprise of such villages as are not contiguous or have no common boundaries and are separated by an area to which this act does not extend or in which the remaining sections of this act, have not come into force. Every Anchalik Panchayat save as otherwise provided in this act, shall continue for a term of five years from the date appointed for its first meeting.

Zilla Parishad:-

For every district there shall be a Zilla Parishad having jurisdiction, save as otherwise provided in this Act, over the entire district excluding such portions of the district as are included in a municipality or a municipal corporation, as the case may be, or under the authority of town committee or Sanitary Board or cantonment area or any notified area contrary to it under any law for the time being in force-provided that a Zilla Parishad may have its office in any area comprised within the excluded portion as above of the district and in such area which is notified by government for such office may exercise its powers and functions over institutions under its control and management.

The Function of the Panchayati Raj Bodies:-

Gaon Panchayat:

1. Basic function:

1. Preparation of Annual Plans for the development of the Gaon Panchayat area.
2. Preparation of Annual Budget of Gaon Panchayat.
3. Mobilisation of reliefs in natural calamities.
4. Removal of encroachments on public properties.
5. Organising voluntary labours and contribution for community works.
6. Maintenance of essential statistics of villages.
11. Agriculture including agriculture extension.
111. Animal husbandary, dairy development and poultry.
- IV. Fisheries.
- V. Social and farm forestry, minor forest Produce, fuel and fodder.
- VI. khadi, village and cottage industries.
- VII. Rural Housing.
- VIII. Drinking water.
- IX. Roads, Building, Culverts, Bridges, Ferries, Waterways and other means of communication.



- X. Rural electrification.
- XI. Non-conventional energy sources.
- XII. Poverty alleviation programme.
- XIII. Education including primary schools.
- XIV. Adult and non formal education.
- XV. Libraries.
- XVI. Cultural activities.
- XVII. Markets and fairs.
- XVIII. Rural sanitation.
- XIX. Public Health and family welfare.
- XX. Women and child development.
- XXI. Social welfare including welfare of handicapped and mentally retarded.
- XXII. Welfare of the weaker sections and in particular the scheduled castes and scheduled tribes.
- XXIII. Public distribution system.
- XXIV. Maintenance of community assets.
- XXV. Construction and maintenance of Dharamsalas and similar institutions.
- XXVI. Construction and maintenance of cattle sheds, pounds and cart stands.
- XXVII. Maintenance of public parks and play grounds.
- XXVIII. Construction and maintenance of slaughter houses.
- XXIX. Maintenance and regulation of manure.
- XXX. Such other functions as may be entrusted from time to time by order of the government in the department of panchayat and rural development.

Anchalik Panchayat:-

- a) Preparation of annual plan in respect of the schemes entrusted to it by virtue of the act and those assigned to it by the government or the Zilla Parishad and submission thereof to the Zilla Parishad within the prescribed time for integration with the district plan.
- b) Consideration and consolidation of the Annual plans of all Gaon Panchayats under the Anchalik Panchayat and submission of consolidated plan to the Zilla Parishad.
- c) Preparation of Annual Budget of the Anchalik Panchayat and submission to Zilla Parishad for approval within the prescribed time.
- d) Performing such function and executing such works as may be entrusted to it by government or the Zilla Parishad.
- e) To assist the government in relief operation in natural calamities.
- 2. Agriculture including agricultural extension.
- 3. Land improvement and soil conservation.
- 4. Minor irrigation, water management, watershed development.
- 5. Poverty alleviation programme.



6. Animal Husbandary, Dairying and poultry.
7. Fisheries.
8. Khadi, village and cottage industries.
9. Rural Housing.

10. Drinking water.
11. Social and farm forestry, minor forest produce, fuel and fodder.
12. Roads, Building, Bridges, ferries , waterways and other means of communication.
13. Non-conventional energy sources.
14. Education, including primary and secondary schools.
15. Technical training and vocational education.
16. Adult and non formal education.
17. Cultural Activities.
18. Market and Fairs.
19. Health and family welfare.
20. Women and child development.
21. Social welfare including welfare of handicapped, mentally retarded.
22. Welfare of the weaker section and in particular of the scheduled castes and scheduled tribes.
23. Maintenance of community assets.
24. Public Distribution system.
25. Rural electrification.
26. Co-operation.
27. Libraries.
28. Such other functions that may be entrusted by the government or the Zilla Parishad.

Zilla Parishad:-

It should be the function of a Zilla parishad to prepare plans for economic development and social justice of the district and ensure the co-ordinated implementation of such plan in respect of matters including those enumerated below:---

1. Agricultural.
2. Irrigation, renovation, maintenance of minor irrigation works and lift irrigation.
3. Horticulture.
4. Statistics.
5. Rural electrification.
6. Soil conservation.
7. Marketing.
8. Social forestry.



9. Animal husbandary and dairying.
10. Minor forest produce and fuel and fodder.
11. Fisheries.
12. Household and small scale industries including food processing.
13. Rural roads and inland waterways.
14. Health and hygiene.
15. Rural Housing.
16. Education.
17. Social welfare and welfare of weaker sections.
18. Poverty alleviation programme.
19. Social reform activities.
20. Promotion of thrift and savings through.

Eleventh Schedule (Article 243G)

The eleventh schedule of the constitution was added and it enumerated 29 subjects which were to be within the jurisdiction of panchayats for rural development. Rural development assumes special significance for two important reasons. First, about two-thirds of the population still lives in villages and there can not be any progress so long as rural areas remain backward. Second, the back ward ness of the rural sector would be a major impediment to the overall progress of the economy. The objectives of Rural Development Programmes in the Indian context are –

1. Changing the attitude of the rural people towards development, transformation of the village community.
2. Promotion of democratic leadership at the grassroots level by setting up local self generations.
3. Provision of basic needs such as drinking water, health care, betler sanitation, housing and employment.
4. Development of both farming and non-farming activities so as to generate gaisful employment without adversely affecting the environment.
5. Improving infrastructural facilities in villages, particularly transport and communication facilities. And
6. Ensuring a tension free life for the rural population by promoting communal harmony and unity, levels of literacy, education and cultural activities.

The provisions enlisted in the 11th scheduled were-

1. Agriculture, including agriculral extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.



3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industry.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
- 19 Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
- 24 Family welfare
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections and in particular of the scheduled castes and scheduled tribes.
28. Public distribution system.
29. Maintenance of community assets.

Constitution of Finance Commission and State Election Commission for Panchayat Bodies:-

Finance Commission:-

The government shall as soon as may be, within one year from the date of commencement of the constitution 73rd Act, 1992 and thereafter at the expiration of every fifth year constitute a Finance Commission to review the financial position of the panchayats and to make recommendations to the governor as to---

- a) The Principles which should govern—



i) The distribution between the state and the panchayats net proceeds of the taxes, duties, tolls and fees leviable by the state which may be divided between them and allocation between panchayats at all levels of their respective share of such proceeds.

ii) The determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the panchayats.

iii) The grants in aid to the panchayats from the consolidated fund of the state.

b) The measure needed to improve the financial position of the Zilla Parishads, Anchalik Panchayats and Gaon Panchayats.

c) Any other matter referred to the finance commission by the government in the interest of sound finance of the panchayats.

The finance commission shall consist of a chairman and two other members to be appointed by the governor. The chairman and the members of the Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed by government.

The commission shall have some powers in the performance of its functions namely:-----

- a) To call for any record from any officer or authority.
- b) To summon any person to give evidence as produce records and.
- c) Such other powers as may be perscribed.

The governor of the state shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken there on to be laid before the house of the state legislation.

State Panchayat Election Commission:-

The superintendence, direction and control of the preparation of electoral roll for and the conduct of all elections to the panchayat shall be vested in a state election commission consisting of a state election commissioner to be appointed by the governor.

The conditions of service and tenure of office of the state panchayat election commission shall be such as the governor may by rule determine, provided that the state election commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of the High Court and the conditions of service of the state panchayat election commissioner shall not be varied to his disadvantage after his appointment.



The government shall when so request by the state election commissioner, make available to the state election commission such staff as may be necessary for the discharge of the functions conferred on the state panchayat election commission under this act.

Subject to the provisions of constitution of India, as amended the state legislature may by law make provision with respect to all matters relating to, or in connection with election to the panchayat.

Sources of income for panchayats:-

Share in land revenue, local rates, revenue earned from the settlement of hatt, fisheries etc. House taxes and other taxes as specified in Assam Panchayati Raj Act, Fees for providing amenities, cess and tolls, contribution and grants, fine and penalties.

Rural people has got a noble duty to ensure that the Panchayati Raj bodies can mobilise resources from the above sources so that these bodies can work for the socio economic development of the areas.

Reservation of Seats of Panchayat :-

Reservation for women and scheduled tribe and scheduled caste is another important aspect which is also included in the panchayats as the participation of these groups is inevitable as far as the success of panchayats is concerned. To ensure participation of these group the act has some provision of reservation.

Reservation for women:-

73rd amendment of the constitution in the year 1992 reserved 33 seats for women in panchayats. Accordingly the provision has been incorporated under Assam Panchayati Raj Act. This provision is a major move towards strengthening the position of rural women. The introduction of women in sizable numbers in to the new panchayat could bring significant changes in the functioning of these grassroot level institution. Involvement of women in the panchayati raj institutions is expected to bring qualitative change in the matters relating to health, nutrition, children welfare, family care, drinking water etc.

Reservation for SC/ST:-

There is mandatory provision for reservation of seats for ST/SC in every tier of Panchayati Raj system. The reservation for SC/ST is another significant aspect for development of disadvantaged groups in the rural areas. That will also ensure their participation in the local affairs or administration.



Panchayats in Human Resource Development:-

Another aspect stands as inevitable in case of panchayats in human resource development. This has to provide the platform for the development of the people or the human resource since it is crucial for the success of both local government and rural development. Panchayati Raj institution should ensure development of human resources by providing to the weak and under privileged the opportunities like education, training basic health services necessary for their growth and development. Panchayati Raj institutions should ensure that all the sections of the society particularly weaker section including women and girl, child get adequate opportunity for developing human resource for weaker section by disseminating information on special development programme for them. Voluntary group and local agencies should be encouraged by PIRS in effective implementation of human resource development programme.

Thus Panchayati Raj system has provided avenues for facilitating people's participation at the grass root level Gram Shabha will provide an open forum for discussion on various village level development activities there by ensuring people's participation. Representation of weaker sections in the decision making process and empowering rural women through an induction of 1/3 reservation in the Panchayati Raj Bodies.

Conclusion

Thus Panchayati Raj system has provided avenues for facilitating people's participation at the grass root level Gram Shabha will provide an open forum for discussion on various village level development activities there by ensuring people's participation. Representation of weaker sections in the decision making process and empowering rural women through an induction of 1/3 reservation in the Panchayati Raj Bodies.

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