

Empowerment of Panchayati Raj Institutions: Issues need Practical Solutions

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Abstract

The political scenario is changing at grass root level i.e., Panchayati Raj Institutions (PRIs) are no doubt, in focus today. Governance decentralisation and strengthening of PRIs, distribution of authorities and powers from centre to states and states to PRIs is constitutional need. It is taking place but no so simple in practice. There are some issues researcher realised during his study, which require practical solutions. These are given briefly in this article.

Introduction

Panchayats as institutions of self-government are getting lot of responsibilities, duties and powers, due to decentralization of these from centre and states. On paper i.e. theoretically it looks a simple process but in practical, it is difficult and complex to implement. A numbers of issues are to be resolved. These are briefly described in this paper with possible remedy according to researcher.

Role of the PRIs in the Governance System

It is nearly fourteen years since the constitutional amendment on Panchayati Raj was passed by the Indian Parliament in 1993. Yet, there is considerable ambiguity about the role the panchayats have to play in the overall governance system of the country. In a weak compliance to the amendment, the States have half heartedly enacted Panchayati Raj Acts and created rural level institutions which have, broadly speaking, been superimposed on the existing administrative hierarchy at the district level.

Due to this issue, existing administrative hierarchy is not cooperative to PRIs. The suggested remedy is to create understanding between these two that both have same objective and powers and duties should be used with cooperation not for collision.

Panchayat as the Third Tier of Government

- Can we identify functions and activities which would be exclusive domain of the PRIs?
- Which are the areas of activities where the state government and panchayat should work as equal partners?
- Should these institutions also act as (i) agencies of the state government for implementing some state schemes, or (ii) centrally sponsored schemes or (iii) other programmes of the government?

- What other activities are required to enable the PRIs to emerge as the local government?
- Should there be any hierarchical linkages between different tiers of panchayats and/ or between the panchayats and the state/central governments?
- What are the goals of decentralisation? Effective service delivery, fair distribution of the fruits of development, accountability, people's involvement in participatory planning or all these?

According to 73rd Constitutional Amendment, PRIs are Third Tier of Government but this amendment not clarify many things and the existing administrative hierarchy which is habitual of only two tier of government (central and states) is not looking a clear-cut level of PRIs. The suggested remedy may be to more clarify the level and role of third tier through a constitutional way but practically as well.

Constitutional Issues

- (a) Delegation of functions to PRIs have to be made in accordance with article 243G listed in the 11th schedule. "Legislature of the state may by law endow the panchayats with such powers and authority as may be necessary to enable them to function as institution of self-government...".
- (b) Will the issue of decentralization be served better if there is a third list of local functions in the 7th schedule itself along with the presently occurring Union, State and the Concurrent List?
- (c) At present 29 subjects have been identified in Schedule-XI which could be transferred to the PRIs by the state governments.
- (d) As it is many of the states have transferred functions falling under Schedule-XI through executive instructions.
- (e) As per article 243B all the states necessarily have to constitute three layers of PRIs at village, inter-mediate and district level.
- (f) Is there any need for having a Zila parishad only for rural areas; or should we have an elected District Council for both rural and urban areas as a single federal body?

The suggested remedy according to researcher is that Central Government should clearly decide by an act of legislation; the powers, role and responsibility of State Governments they have with them intact permanently. They have also be given freedom to transfer remaining powers, role and responsibility to PRIs in a flexible but appropriate manner.

Jurisdiction of Panchayats

When the local self-governments were introduced in the pre-independence days, local bodies were in charge of civic functions like local roads, street lights, drinking water supply, sanitation, controlling epidemic etc. In most countries, the civic functions remain the only function of the local governments. But, in India, since the days of Balawantray Mehta committee report (1957), the panchayats have been conceived as a development agency. Even though the Asoka Mehta

committee made a significant contribution in recognizing these institutions as political institutions deserving their legitimate space in the governance of the country, it did not visualize their role beyond the sphere of development. The 73rd constitution amendment has expanded the development role further and envisaged these institutions as an essential organ of the state to achieve the goal of 'economic development and social justice'. At the same time, the constitution also defines panchayat as 'institution of self-government'.

It is suggested that the Central Government has to declare clearly whether Panchayat is a development agency, a political institution, an administrative platform or any combination of these? Should judicial functions be given to the panchayats? Can some legislative functions also be given to them in the matter of taxation, use of natural resources etc?

Conclusion

It is necessary to reach a national consensus for identifying certain vital areas in which the panchayat systems of all the states should have important roles to play. Central Government has to declare States' role more clearly which can resolve all the issues generated due to lack of clear-cut partition of power, responsibilities and role of state and PRIs.

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