

UNIT IV

PANCHAYATI RAJ SYSTEM IN INDIA

INTRODUCTION

- ✓ Term Panchayati Raj in India signifies the system of rural local self-government
- ✓ It has been established in all the states of India by the Acts of the state Legislatures to build democracy at the grass root level
- ✓ Entrusted with rural development
- ✓ Constitutionalized through the 73rd constitutional Amendment Act of 1992

EVOLUTION OF PANCHAYATI RAJ

BALWANT RAI MEHTA COMMITTEE

- ✓ In Jan 1957 Govt. of India appointed a committee to examine the working of the community Development programme and the National Extension Service
- ✓ Committee submitted its report in Nov 1957 recommended the establishment of scheme of 'democratic decentralization'
- ✓ Specific recommendations made:
- ✓ Establishment of a 3-tier panchayati raj system
- ✓ Village Panchayat should be constituted with directly elected representatives, whereas the Panchayat Samiti and zila parishad should be constituted with indirectly elected members.

STUDY TEAMS AND COMMITTEES

- ✓ Since 1960, many study teams, committees & working groups have been appointed to examine the various aspects of functioning of Panchayati Raj system
- ✓ Example:
- ✓ 1960-committee on Rationalization of Panchayat Startistic
- ✓ 1961- Working Group on Panchayats and cooperatives
- ✓ 1961-Study Team on Panchayat Raj Administration
- ✓ 1962- Study Team on Nyaya Panchayats
- ✓ ASHOK MEHTA COMMITTEE
- ✓ In Dec 1977, the Janata Govt. appointed a committee on panchayati Raj institution under the chairmanship of Ashok Mehta
- ✓ Submitted in report in Aug 1978 and made 132 recommendations
- ✓ Its some recommendation were:
- ✓ 3-tier system of panchayati raj should be replaced by the 2-tier system
- ✓ District should be the first point for decentralization under supervision below the state level
- ✓ There should be an official participation of political parties at all levels of panchayat elections

- ✓ Panchayat raj institutions should have compulsory powers of taxations to mobilize their own financial resources

GVK RAO COMMITTEE

- ✓ Committee to review the existing Administrative Arrangements for Rural Development and Poverty Alleviation Programmes
- ✓ Under the chairmanship of G.V.K.Rao was appointed by the Planning Commission in 1985
- ✓ Committee came to conclusion that the development process was gradually bureaucratized and divorced from the Panchayati Raj
- ✓ Phenomena of bureaucratization of development administration as against the democratization weakened at Panchayati Raj institutions called as 'grass without roots'

G V K RAO COMMITTEE RECOMMENDATIONS:

- ✓ District level body, that is the Zila Parishad should be of pivotal importance in the scheme of democratic decentralization
- ✓ Elections to the Panchayati Raj institutions should be held regularly
- ✓ L M SINGHVI COMMITTEE
- ✓ In 1986, Rajiv Gandhi govt. appointed this committee to prepare a concept paper on 'Revitalization of Panchayati Raj Institution for Democracy & Development'

RECOMMENDATIONS:

- ✓ Panchayati Raj institution should be constitutionally recognized, protected and preserved
- ✓ Nyaya Panchayats should be established for a cluster of village
- ✓ Village should be reorganized to make Gram Panchayats more viable
- ✓ Village panchayats should have more financial resources
- ✓ Judicial tribunal should be established in each state to adjudicate controversies about elections,

THUNGOON COMMITTEE

- ✓ In 1988, a sub-committee of the consultative committee of parliament was constituted under the chairmanship of P.K Thungoon to examine the political and administrative structure in the district for the purpose of district planning

RECOMMENDATIONS:

- ✓ Panchayati raj bodies should be constitutionally recognized
- ✓ 3-tier system of panchayati raj with panchayats at the village, block and district level
- ✓ Zilla parishad should be the pivot of the panchayati raj system
- ✓ Panchayati raj bodies should have a fixed tenure of 5 years
- ✓ GADGIL COMMITTEE
- ✓ Committee on policy and programmes was constituted in 1988 by congress party

- ✓ This committee was asked to consider the question of 'how best panchayati raj institution could be made effective

RECOMMENDATIONS:

- ✓ Constitutional status should be bestowed on the panchayati raj institutions
- ✓ 3-tier system of panchayati raj with panchayats at the village, block and district level
- ✓ Term of panchayati raj institutions should be fixed in 5 years
- ✓ Members of the panchayati at the 3 levels should be directly elected.

CONSTITUTIONALISATION

- ✓ Rajiv Gandhi Govt. introduced the 64th constitutional Amendment Bill in the Lok Sabha in July 1989 to constitutionalise panchayati raj institutions
- ✓ Lok Sabha passed the bill in Aug 1989, it was not approved by the Rajya Sabha
- ✓ V P Singh, National Front Govt. introduced a constitutional amendment bill in the Lok Sabha in Sep 1990. However, the fall of the govt. resulted in the lapse of the bill
- ✓ Narsimha Rao Govt. Introduced a constitutional amendment bill in the Lok Sabha in Sep 1991. This bill finally emerged as the 73rd Constitutional Amendment Act, 1992 and came into force on 24 April 1993.

73rd AMENDMENT ACT OF 1992

- ✓ SIGNIFICANCE OF THE ACT
- ✓ Added a new Part IX to the constitution of India
- ✓ Entitled as 'The Panchayats' consists of provisions from Articles 243 to 243 O
- ✓ Act has also added a new Eleventh Schedule to the Constitution
- ✓ Act can be grouped into two categories – compulsory and voluntary

GRAMA SABHA

- ✓ Act provides for a Gram sabha as the foundation of the panchayati raj system
- ✓ It is a body consisting of persons registered in the electoral rolls of a village comprised within the area of Panchayat at the village level
- ✓ It is a village assembly consisting of all the registered voters in the area of a panchayat
- ✓ It may exercise such powers and perform such functions at the village level as the legislature of a state determines

THREE-TIER SYSTEM

- ✓ Act provides for a three-tier system of panchayati raj in every state- village, intermediate and district levels
- ✓ Act brings about uniformity in the structure of panchayati raj throughout the country
- ✓ State having a population not exceeding 20 lakh may not constitute panchayats at the intermediate level

ELECTION OF MEMBERS AND CHAIRPERSONS

- ✓ All the members of panchayats at the village, intermediate and district levels shall be elected directly by the people
- ✓ Chairperson of panchayats at the intermediate and district levels shall be elected directly by the people
- ✓ Chairpersons of a panchayat at the village level shall be elected in such manner as the state legislature determines
- ✓ Chairperson of panchayat and other members of a panchayat elected directly or indirectly shall have right to vote in the meetings of the panchayats.

POWERS AND FUNCTIONS

- ✓ State legislature may endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self govt.
- ✓ Such a scheme may contain provisions for the devolution of powers and responsibilities upon panchayats at the appropriate level

FINANCES OF PANCHAYATI RAJ

- ✓ Panchayats in our country receive funds in the following ways:
- ✓ Grants from Union Govt. based on recommendations of the Central Finance commission as Article 280 of the constitution
- ✓ Devolution from the state Govt. based on recommendation of the state finance commission as per Article-243-I
- ✓ Loans/ Grants from the state Govt.
- ✓ Programme-specific allocation under centrally sponsored schemes and additional central assistance
- ✓ Internal Resources Generation (tax and non-tax)

MUNICIPALITIES

INTRODUCTION

- ✓ Term 'Urban Local Government' in India signifies the governance of an urban area by the people through their elected representatives
- ✓ Jurisdiction of an urban govt. is limited to a specific urban area which is, demarcated for this purpose by the state govt.

EVOLUTION OF URBAN BODIES : HISTORICAL PERSPECTIVE

- ✓ In 1688, the first municipal corporation in India was set up at Madras
- ✓ In 1726, the municipal corporation were set up in Bombay and Calcutta
- ✓ Lord Mayo's Resolution of 1870 on financial decentralization visualized the development
- ✓ Lord Ripon's Resolution of 1882 has been hailed as the 'Magna Carta' of local self-govt.

- ✓ Royal Commission on decentralization was appointed in 1907
- ✓ Under the dyarchical scheme, local self-govt. became a transferred subject
- ✓ In 1924, the Cantonments Act was passed by the Central legislature
- ✓ Under the provincial autonomy scheme, local self-govt. was declared a provincial subject
- ✓ In August 1989, the Rajiv Gandhi govt. introduced the 65th constitutional Amendment Bill in the Lok Sabha.
- ✓ It was passed in the Lok Sabha but was defeated in the Rajya Sabha in Oct, 1989.
- ✓ V P Singh introduced the revised Nagarpalika Bill in the Lok Sabha again in Sep 1990. Bill not passed due to the dissolution of the Lok Sabha.
- ✓ 74th Narasimha Rao's Govt. also introduced the modified Municipalities Bills in the Lok Sabha in Sep 1991.
- ✓ 74th Constitution Amendment Act of 1992 emerged & came to force on 1 June 1993.
- ✓ 74th AMENDMENT ACT OF 1992
- ✓ Act has added a new Part IX-A to the Constitution of India
- ✓ Consists of provisions from Article 243-P to 243-ZG
- ✓ Act has also added a new 12th Schedule to the Constitution which contain 18 function items of municipalities. It deals with Article 243-W
- ✓ Act gave constitutional status to the municipalities. State Govt. are under constitutional obligation to adopt the new system of municipalities
- ✓ Act aims at revitalizing and strengthening the urban govt.

THREE TYPES OF MUNICIPALITIES

- ✓ Nagar Panchayat for a transitional area
- ✓ Municipal council for a smaller urban area
- ✓ Municipal corporation for a larger urban area

ONE EXCEPTION:

- ✓ If there is an urban area where municipal services are being provided by an industrial establishment, then the governor may specify that area to be an industrial township
- ✓ In such a case, a municipality may not be constituted
- ✓ Governor has to specify a transitional area, a smaller urban area or a larger urban area, keeping in view the following factors:
 - ✓ Population of the area
 - ✓ Density of the population therein
 - ✓ Revenue generated for local administration
 - ✓ Percentage of employment in non-agricultural activities

- ✓ Economic importance
- ✓ Such other factors as he may deem fit

POWERS AND FUNCTIONS

- ✓ State Legislature may endow the municipalities with such powers and authority as may be necessary to enable them to function as institution of self govt.
- ✓ Such a scheme may contain provisions for the devolution of powers and responsibilities upon municipalities at the appropriate level with respect to,
- ✓ Preparation of plans for economic development and social justice
- ✓ Implementation of schemes for economic development and social justice as may be entrusted to them, including those in relation to the 18 matters listed in the 12th Schedule

FINANCES

- ✓ State Legislature may
- ✓ Authorize a municipality to levy, collect and appropriate taxes, duties, tolls and fees
- ✓ Assign to a municipality taxes, duties, tolls and fees levied and collected by state govt.
- ✓ Provide for making grants-in-aid to the municipalities from the consolidated fund of the state
- ✓ Provide for constitution of funds for crediting all moneys of the municipalities

MUNICIPAL CORPORATION

- ✓ Created for the administration of big cities like Chennai, Bangalore, etc.,
- ✓ Established in the State by the acts of the concerned state legislatures and in the Union Territories by the acts of the Parliament of India
- ✓ There may be one common act for all the municipal corporation in a state or a separated act for each municipal corporation
- ✓ Municipal corporation has authorities
- ✓ Council
- ✓ Deliberative and legislative wing of the corporation
- ✓ Consist of the Councilors directly elected by the people, as well as a few nominated persons
- ✓ Composition of the council including the reservation of seats for SCs, ST, and women is governed by the 74th Constitutional Amendment Act.
- ✓ Council is headed by a Mayor. He is assisted by a Deputy Mayor
- ✓ He is elected in a majority of the state for a 1 year renewable term.
- ✓ He is a formal head of the Corporation. Main function is to preside over the Council meeting

STANDING COMMITTEE:

- ✓ Created to facilitate the working of the council
- ✓ Deal with public works, education, health, taxation, finance and so on
- ✓ Take decisions in their fields
- ✓ MUNICIPAL COMMISSIONER:

Responsible for the implementation This type of urban government is established by the large public enterprises to provide civil amenities to its staff and workers who live in the housing colonies built near the plant

Enterprise appoints a town administrator to look after the administration of the township

He is assisted by some engineer and other technical and non-technical staff

- ✓ Township of the decisions taken by council & standing committees
- ✓ He is the chief executive authority of the corporation
- ✓ He is appointed by the State Govt. and is generally a member of the IAS

CANTONMENT BOARD

- ✓ Established for municipal administration for civilian population in the cantonment area
- ✓ Set up under provisions of the Cantonments Act of 2006
- ✓ Works under the administrative control of the defence ministry of the Central Govt.
- ✓ Cantonments Act of 2006 has repealed the Cantonments Act of 1924.
- ✓ At present, there are 62 cantonment boards in the country

TOWNSHIP

- ✓ form of urban govt. has no elected members.

MUNICIPAL REVENUE

- ✓ Five sources of Income of the urban local bodies,
- ✓ Tax Revenue
- ✓ Non-Tax Revenue
- ✓ Grants
- ✓ Devolution
- ✓ Loans