

Public Administration and Panchayati Raj Institution

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Abstract – The public authorities and the Panchayati Raj Institution will be analyzed in this article. The detailed execution of public law is the public administration. Public administration is every specific application of law. Public administration is a collaborative effort of a group of persons pursuing a common goal in the management of public affairs. In two senses: narrower meaning and broader sense, public administration has been employed. Public administration in the broader meaning covers execution activities solely. While the Panchayati Raj system in India is commonly referred to in 1992, it is based on the South Asian panchayat traditional structure. It should not be confused with the extra-constitutional khape (or caste panchayat) panchayati prevalent in several regions of North India that is the current panchayati raj and its gramme panchayat. During the formalisation of the panchayati raj system in 1992, several Indian committees were investigating various approaches for more decentralized administrations to be implemented before that transition. It would have been a decentralized type of administration where each village would take responsibility for its own affairs. Mahatma Gandhi supported Panchayati raj as the foundation for the political system of India.

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INTRODUCTION

The panchayat raj institution connotes local self-government in relation to India. It has been introduced and implemented in most of the states of India by passing Panchayat raj Act to take democracy to the grass root level. The Smallest unit of the government is gram panchayat (that enables people to have an experience of true democracy and it instills true values of democracy.

The Panchayats are based on the system of democratic decentralization. The system of **community development** at the rural level, as a first step was started in 1952. In Each state districts were divided into blocks under the supervision of a 'Block development officer'. However the system was not workable as the desired co-operation of villagers was not forthcoming.

EVOLUTION OF PANCHAYATI RAJ

From time to time government of India appointed committees to look into and suggest steps for better working community Development Program' (1952). One of such committee was headed by **Balwant Rai G. Mehta** as chairman, his committee submitted its report in Nov. 1957 and advised strongly to introduce the topic of democratic decentralization i.e. known as panchayat raj. **The Specific recommendations of it are as following:**

- (1) Primarily Mehta committee recommended a three tier Panchayati raj system-at village level Gram panchayat, the bloc level panchayat samiti and at the district level zila parishad or Zila Level. The above mentioned three units which are linked with each other through the process of indirect elections .
- (2) The entire system should be so organized whereby the villagers can participate in their affairs i.e. Participatory role of villagers to have development work in and around the village. It suggested direct election for the representatives at the village panchayat level the village panchayat. However it advised to indirect election for panchayat samiti and Zila parishad .Further this committee stated that the domain of panchayat samiti should be executive in the nature i.e. executive body whereas the zila parishad to be an organ advisory in nature i.e. co co-coordinating and supervisory body. Besides this it said that planning & development should be entrusted to the aforesaid three bodies at their respective level.

The Mehta committee was of the opinion that the chairman of the zila parishad should be a district collector only and recommended real transfer of power and duties to these institutions, placing

/adequate resources at their disposal so as to enable to discharge their role and responsibility and it suggested effective devolution of power going forward.

In Jan 1958, the National Development council (NDC) had accepted the recommendations of Mehta committee. The committee was not insistent to have a single rigid pattern at the national level and of the considered opinion that the states should evolve their own system and pattern as per their requirement & local conditions. It is noteworthy that **Rajasthan** was the state which first implemented the said program and new system of governance.

The scheme was inaugurated by then Prime Minister on 2nd Oct. 1959 in Nagaur district. Various states adopted the system in their own way and different from each other as per their own preference & convenience each state had defined the three tier of panchayat raj system differently and the composition, functions, the tenure ,the financial aspects varying from each other.

As a matter of fact Rajasthan adopted three tier system whereas Tamil Nadu accepted two tier system & the state of west Bengal adopted four tier system deviating from Mehta committee. Similar to Andhra Pradesh pattern, in which panchayat samiti was most powerful unit as block was assigned the role of planning and development . On the contrary Maharashtra adopted the model of Gujarat i.e. Zila Parishad as the most powerful institution at the district level having the authority of planning & development.

By mid 1960s most of the states created the Panchayati Raj institutions according to their convenience i.e. different from one state to another with regard to the number of tiers, position, composition, functions, the tenure and finances of Samiti and Parishad.

In complete departure some states had established Nyaya Panchayats i.e. the Judicial Panchayats to try petty civil and criminal cases. Working groups were setup to have a relook & examine on the various aspects of functioning of Panchayati Raj system, the Ashok Mehta committee needs special mention.

The Janata Party Government appointed a high level 14 member committee on Panchayati Raj institutions under the chairmanship of Ashok Mehta to suggest ways and means to make Panchayati Raj system more robust and workable so as to revive and strengthen the moribund panchayati system in the country. The Ashok Mehta Committee gave its report in August 1978 which had made 132 recommendations out of which few fundamental changes advised were as follows:-

- The existing three tier system of panchayati raj may be substituted with two tier system

i.e. Zila Parishad at the district level and Mandal panchayats at the bottom comprising of a group of villagers having a total population around 15,000 to 20,000.

- The Zila Parishad was assigned the task of planning and implementation i.e. giving the role of an executive body at the district level. In other words, Zila (district) being the first point for decentralization a notch below the state. The chief executive officer would discharge all the development functions of Zila Parishad.

In spite of the provision for regular audit by district level agency, the Nyaya Panchayats be chaired by a qualified & competent judge, voluntary agencies were allowed to mobilize the support of people for panchayati raj. The elections are to be held and conducted by the chief electoral officer of the state by taking into confidence and in consultation with chief election commissioner. Unfortunately, the Ashok Mehta committee could not see the light of the day as the Janta Party government collapsed before completing its tenure.

GVK RAO COMMITTEE

It is pertinent to note that States such as Andhra Pradesh, West Bengal and Karnataka took some measures to revive, strengthen and reorient the Panchayati Raj System. The planning commission in its own wisdom had appointed GVK Rao as chairman to have complete review of the present administrative arrangements of poverty alleviation program and rural development on the whole. Further, to give constitutional teeth to the Panchayati Raj system, so as not to allow a situation wherein the Gram Panchayats would meet natural death and in the process get abolished. The Gram Panchayats are the soul of the grass root democracy and the committee is to recommend suggestions to implement the anticipated objective and envisioned goal of Panchayati Raj system.

CONSTITUTIONALISATION OF THE PANCHAYATI RAJ INSTITUTION:

In the meanwhile, the Rajiv Gandhi government introduced 64th Constitutional amendment bill in Lok Sabha in the year 1989, here again the amendment bill could not be passed because of oppositions vehement protest and strong reservations that it would strengthen centralization instead of decentralization. It is noteworthy that the PV Narsimha Rao government remodeled the concept of Panchayati Raj system by eliminating the controversial aspects and introduced a constitutional amendment bill in the year 1991, which ultimately became 73rd Constitutional Amendment Act, 1992. The said Act came into force on 24th April 1993 which incorporated a new

Part IX to the constitution of India, it entailed 16 Articles and XIth Schedule of the constitution which ultimately provided it constitutional status to the Panchayati Raj system. Thus, bringing them under the purview of the justiciable part of the constitution and thereby the Panchayat Raj institutions became justiciable. The following are its salient features:

All the developmental functions should be discharged by the state government and further Zila Parishads are to be placed under an executive officer to function as the chief executive officer of Zila Parishad.

Criticism: - The abolitions of Gram Panchayats would mean finishing of the soul of the grass root democracy and its envisaged goal.

The new Part IX consisting of 16 Articles & XIth Schedule is as under:

It provides for a three tier Panchayati Raj System at the village, intermediate & district levels. States with less than 20 Lakhs Population may not constitute the Panchayats at the Intermediary level. It provided an assured duration of five years & wherein elections are mandatory & dissolution period cannot be more than 6 months and that too through direct election. The chairperson of Panchayats at the village level to be elected in manner as the state legislature by law would provide. The chairperson of mandals & Zila Parishad are to be elected amongst the elected members and it was mandatory that at least 1/3 seats shall have to be reserved for SC/ ST and women to address women empowerment and to cater to the interest of SC/ST.

The 11th schedule includes and encompasses agriculture, land consolidation, soil conservation irrigation, water, dairy, poultry, Animal Husbandry, Fisheries, Small Scale Industry, khadi & village cottage industry, fuel & fodder, technical & vocational Education, Libraries, Hospital & Sanitations, Women & Child development, Public distribution system. & welfare of weaker section women & SC/ ST. etc.

Article 243 of the Constitution makes provision for the establishment of finance commission to look into the financial aspects and financial health of the panchayats. The Governor shall within one year and thereafter at the expiry of every five year term constitute the finance commission. Further to review the functioning of Panchayat Raj Institutions & its financial health and also the finance commission to make suggestions and recommendations to the governor. The State Election officer appointed by the Governor, whose qualifications, tenure & Conditions of service may be determined by the State, such officer cannot be removed by anyone other than a judge of a High Court. In terms of Article 243, the state election officer is vested with power to supervise, control and direct the conduct of all

elections of the Panchayat Raj Institutions. This apart, it also bars the courts to interfere in the electoral matters of Panchayats.

The provision of the Panchayats (Extension) to scheduled Areas Act of 1996, which is known as 'PESA Act', is a law enacted by the union government guaranteeing self-governance through traditional system of Gram Sabha for people living in the scheduled Areas of the country. It means Panchayats in the scheduled area shall be in conformity with the prevalent Social & Religious practices, customary law, traditional management practices of community and their resources.

The Panchayats would help the people living in scheduled Areas to protect their cultural identity, ethnicity, faith, values, and social traditions & practices. In the absence of PESA Act, the scheduled Areas were outside the scope of Panchayati Raj Institutions owing to their centuries old customs, traditions and social structure.

The Gram Sabhas have become effective instruments to control, regulate, recommend, grant concessions & prohibitions, licenses to operate & provide no objections for exploiting mines and mineral activities to other states or companies or people etc. The Panchayati Raj system is meant to work for developmental activities like providing schools, roads, dispensaries, sanitations, warehouses and to create & maintain water bodies and could also check /restrict and prohibit the activities to operate or open liquor shops etc.

CRITICAL EVALUATION:

The recommendation of Eleventh Finance Commission was to sanction Rs.16000 crore annually for Panchayats & Rs. 400 Crore for the municipalities to be dispersed amongst the designated entities of the states. The Finance Commission advised the states to enhance the revenue of Local bodies through property Tax, House Tax, Octroi/entertainment tax & user charges.

Initiatives taken by the Ministry of Rural Areas & Panchayats at the conference of chief Ministers, held on August 2, 1997 at Vigyan Bhawan was a watershed. The recommendations were made for setting up two committees namely the committee of Panchayats & Tribal Development & the Committees of Chief Ministers under the chairmanship of then Prime Minister which suggested more financial and functional autonomy be guaranteed to the panchayat Raj Institutions and transparency be ensured in their functioning. In another conference of state ministers and rural development & Panchayat Raj held on 13 May 1998 advised to ensure that Gram Sabha meeting

are to be convened once at least in each quarter preferably on 26th January, 1 May, 15th August and 2 October.

After the enactment of 73rd Constitutional Amendment Act, the panchayat Raj Institutions were accorded Constitutional status and the panchayats were granted more power, functional autonomy, financial power to strengthen their arms thereby enriching the grassroot democracy & thus realizing the goal of greater people's participation & involvement in developmental work.

Similarly the concept of Urban Development too received due attention of the lawmakers which was a need of the hour looking at the fast urbanization of states in the country. The state governments started to have urban local bodies departments in their respective states to administer urban local bodies such as Notified area council, Municipalities and corporations. The NAC's were provided with an executive officer and an elected notified area council, the Municipalities are provided with executive officer and the Municipal Council with an elected chairman to head it. Municipal council would discuss, deliberate and perform executive functions.

The big cities such Delhi, Mumbai, Chennai Bengaluru, Kolkata etc. shall have Municipal corporations having a Mayor to head it who otherwise is more decorative in nature whereas in certain corporations like Kolkata it has provisions of 'Mayor in Council', in such cases the office of Mayor is a more powerful. Besides this the corporations have the provision of standing committee which is an empower committee to take all major important decisions of the municipal corporations. The tenure of a corporation is 5 years in general and also the tenure of a mayor is 5 years and in some cases it is 1-3 years. The role & responsibility of the corporations is to construct public roads, lay Sewage disposal system, to provide Street Light, Water line, health, sanitations & cleanliness, public Transportation, registration of birth & death certificate. To carry out the aforesaid civil functions the corporations are mandated to levy octroi/ hoarding /Municipal Market tax and property tax etc. to meet their budgetary requirement.

To summarize the aim and objective of Panchayat Raj Institutions has been to take the fruits of democracy to the doorsteps of the last persons of the remotest village of rural India. To make it a success, a constitutional framework was devised by the Narsimha Rao government by bringing suitable legislation which was a historical and revolutionary measure in the positive direction to realize the goals of the Panchayati Raj institution.

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