



# INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

## PANCHAYATI RAJ INSTITUTIONS: ISSUES AND CHALLENGES IN INDIA

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### **ABSTRACT:**

In India, most of its population resides in rural areas and therefore the democracy should begin thereon in order to ensure good governance and a better functioning of democracy that we desire. To extend democracy to the rural India, the system of Panchayati Raj was established in India. The Panchayati Raj system is not a new concept and therefore is considered as one of the best ways of governance of the rural India. However, the system of Panchayati Raj, despite having derived their powers and existence from the Constitution of India, faces a lot of challenges in their day to day working because of various reasons and therefore this third tier of government has not been able to serve the purpose with which it was introduced in India.

**KEYWORDS: Panchayati Raj Institutions, Issues and Challenges.**

### **INTRODUCTION:**

Panchayati Raj is not a new concept. The Panchayats have been a part of rural cultural heritage of India. From time immemorial the panchayats have enjoyed the confidence of the people. The system survived in spite of turmoil and changes, because the village folk were fully confident of their capabilities of sound thinking and right approach to problems. Panchayat 'literally means an assembly of five (Pancha) wise and respected elders chosen and accepted by the village community. They were considered as the incarnation of God (Panch Parmeshwar). Historically, every village in the country had a panchat which was responsible for finding solutions to local problems within the village itself. The Panchayat' of the institution of village council is as old as India's history and is a part of her tradition. The ancient panchayat, serving as units of local government, discharged most of the functions that affected the life of the village community. In Discovery of India Pandit Nehru had provided a fairly exhaustive idea about the working of village panchayats in ancient

India. In the ancient India, the village panchayat or elected council had large powers, both executive and judicial and its members were treated with great respect by the kings' officers. Land was distributed by the panchayats. The panchayats collected taxes out of the produce and paid the government's share on behalf of the village. Under the panchayat, village was heaven of peace where the national culture developed. Thus, the Panchayats had a wide spectrum of activities covering executive, administrative, developmental and judiciary in ancient India. They breathed health into the rural society.

Our Constitution in Article-40 directs to form village Panchayat as the unit of self governance. In 1958 to make Community Development Programme a reality Balwant Ray Committee recommended to introduce 3-tier Panchayati Raj in the entire country with the objective of removing illiteracy, poverty and diseases. It was however amended in 1962, 1965 and 1968. The 1965 amendment provided direct election of the Sarpanch of the Gram Panchayat by the people. The 1968 amendment substituted the District Advisory Council in the place of Zilla Parishad. The Panchayati Raj system during 1950's and early 1960s was under the control of different departments like Board of Revenue, Dept. of Agriculture and Community Development and Political services Department before it was placed under the Department of Planning and Coordination with a secretary to head the Department. In July 1962, a new Department of Community Development and Panchayati Raj was created. The Panchayat Samities and Zilla Parishads and former District Boards came under its purview. In 1978 Ashok Mehta Committee offered some important suggestions on the basis of which some states introduced Panchayati Raj. The recommendations could not be implemented in all states due to the short-life of Janata Government. Rajiv Gandhi Government in 1989 had offered a proposal to introduce uni-pattern Panchayati Raj in all states. Strong opposition of some states and the sudden demise of Rajiv Gandhi brought an end to this effort.

This Act gives constitutional status to the Gram Sabha. According to Article 234 B of the Constitution, Gram Sabha means a body consisting of persons registered in the electoral rolls of a village within the area of the Gram Panchayat. As per Article 243 A, a Gram Sabha may exercise such powers and perform such functions at the village as the legislature of a state, by law, provide. Accordingly all villagers over 18 years of age, have an inherent right to determine their own destiny. This is the forum where even a poor villager can make his presence felt. Moreover, Gram Sabha plays a very important role in functioning of the Gram Panchayats in ensuring transparency in the working and equitable distribution to benefits in creation of community assets bringing about social involvement in the developmental process.

With the advent of British rule, however, drastic changes were made in the old pattern of village life. With the state dealing directly with the individuals in the villages panchayats languished; they were no longer effective units of local government. The British rulers opted for a highly centralized system where there was little scope for decentralized administration. After independence, the PRIs were established throughout the country. But the major thrust to the PRI system was given after the Balwanthrai Mehta Committee three-tier system. During the last five decades several steps have been taken by the central as well as state governments

to strengthen PRIs. Keeping all the past attempts in views, the Union Government found the solution in the form of 73rd Constitutional Amendment Act, 1992 to remove the weaknesses of PRIs. The enactment of the 73rd amendment to the Constitution of India, with its focus on promoting village-level democracy, is an important landmark in the development of panchayati raj in the country. This Act seeks to enshrine democracy at the grassroots, and it intends to give power to the people, and it will end corruption and fight and remove powerbrokers and middleman in Indian development administration. With the provision of holding elections every five years to the panchayats governing India's half a million village, and with the reservation of the seats for women and for the scheduled castes and tribes in proportion to their population in each panchayat, a significant step has been taken for the empowerment of the underprivileged in Indian society. A congenial environment has been created with the implementation of the various provisions of the 73rd Constitutional Amendment Act by the states. However the performance of PRIs is not on expected lines due to a number of factors.

### **TRANSFER OF POWERS AND FUNCTIONS:**

The Article 243(G) of the Constitution visualizes PRIs as institutions of self government but simultaneously it leaves the extent of devolution of powers and functions to the will of the State Legislatures. It, therefore, becomes apparent that unless this crucial will of the State Government concerned is exercised, these bodies cannot assume their new role as institutions of self governance, mainly for social and economic development of their respective areas. In fact, due to these lacunae left in the 73rd Constitutional Amendment, only a few States have given partial functional and financial autonomy to these institutions.

The experiences show that the most glaring omissions in the State Acts as stated above is one relating to the devolution of functions to the Panchayats. Even though most state Acts have reproduced in a parrot-like manner the 11th Schedule, few have earmarked any of the functions/activities of the Schedule as exclusive jurisdiction of a particular tier of the Panchayat. It is noticed that powers and functions have been assigned to PRIs without keeping any cardinal principle in mind. There is overlapping of areas, functions and responsibilities among the different lines of PRIs. There is no clear-cut mapping of the functions or activities at different tiers of panchayats.

### **ISSUES OF PANCHAYATI RAJ INSTITUTIONS:**

Even after the implementation of the Panchayati Raj Institutions in India in almost every state, still there seems to be various issues that are yet to be dealt in order to ensure effective participation of these institutions.

In India, there are around 2, 32,278 panchayats at the village level; 6022 at the intermediate level; 535 at the district level still the panchayats has minimal powers to generate revenue. They do not have the powers to levy taxes and therefore they are hugely dependent on the State Government for funding. Therefore it is just

a functional autonomy as it seems to be an extended form for the State Government and no other governing body even after having a Constitutional status.

There is no uniform system of election across the country as it is conducted by the State Election Commission. This leads to a functional deformity as the Constitution gives them an equal status and therefore there should be uniformity in the procedure followed in the functioning of the panchayati institutes throughout India. Out of the total panchayats, 27 lakh people are elected throughout India wherein 37% are women; 19% are SC and 12% are ST.

Till November 2006, 8 states and U.T. have transferred all 29 functions or subjects to the PRI. This clearly shows that in India the panchayats are merely an extension of the State and are not like a separate administrative unit, having a unique constitutional status. Kerala is the only state which has developed 40% of its plan outlay to the PRIs. It is important to note that only 13 states and 4 U.T. have constituted the District Planning Committee.

### **ILLITERATE SARPANCHS:**

Another issue for Panchayati Raj system that illiterate Sarpanchs, They cannot represent their Panchayat body properly, neither they know talking with higher authority nor they can demand any Panchayat level scheme for village development due to the lack of education and knowledge it has been observed that illiterate Sarpanchs put their seal in any page and any document without knowing what is there written on.

### **FINANCIAL ALLOCATION:**

The inadequacy of funds has also stood in the way of successful working of the Panchayati Raj. The Panchayati Raj bodies have limited powers in respect of imposing cesses and taxes. Further, they are generally reluctant to raise necessary funds due to the fear of losing popularity with the masses. As we are very much aware, almost all the states have made the PRIs a powerful and effective instrument of economic and social progress. Despite the competence given to them by law, few PRIs have shown a readiness to levy tax to the extent that will result in the availability of funds adequate for the proper discharge of the functions they are expected to perform. The reluctance to levy tax is mainly a reflection of local pressures which the PRIs have been unable to resist. They have very little funds doled out to them by the State Government. The share of land revenue made available to the PRIs by the state government has not proved substantial. The grants sanctioned to them have also not been adequate. Thus, the resources provided to the PRIs are not enough to perform the functions entrusted to them.

## **CHALLENGES OF PANCHAYATI RAJ INSTITUTIONS:**

Diverse and huge Challenges in the functioning and working of the Panchayati Raj system which are facing in the day to day activities can be broadly described as mentioned below: Initially there was domination of the bureaucracy over PRIs. The agent of implementation of all major programmes (CDP or IRDP) has always been the state administration, various parallel bodies that have grossly undermined the importance of PRIs. Secondly, inadequate financial resources to carry out the administration is a serious problem. The grant-in-aid is the major component of the PRI revenue. The Government should realise the difficulty and try to solve it permanently.

A very peculiar thing is being observed that inspite of lot of powers given at grass root level, the actual development work is not being carried out. Corruption and groupism at village level, casteism, nepotism, in creating community assets is gradually becoming rampant. A lot in the fields of education, health, family planning, land improvement, minor irrigation, sanitation, animal husbandry etc are to be done, but instead of concentrating on development activities the elected representatives are found busy in fulfilling their personal interest, and benefiting to their caste men or other fellows which directly indirectly serve their vested interests. If the evil of corruption, casteism groupism be allowed to penetrate to grass root level, the whole system of Panchayati Raj will be collapsed one day and it shall be most disastrous to the democratic values envisaged in adopting the Panchayati Raj institutions.

## **DOMINANCE OF POLITICAL PARTIES:**

It is being increasingly noticed that the Panchayati Raj Institutions are viewed only as organization arms of political parties, especially of the ruling party in the state. As a result of the trends, some observers of Panchayati Raj have pointed out that the sphere in which the influence of PRIs has been most marked is political rather than economic. —It had been expected that Panchayati Raj would primarily be a development mechanism and it will make up for the shortfalls of the community development programme. In practice it has emerged primarily as a power mechanism. The local leader has strong links with the state leaders, particularly ministers who patronize him because they know he is more or less to serve as a vote bank for his area. The Panchayati Raj has brought about a political framework for the development of pattern of closer contact between the local and state leadership. The major reason for decline of Panchayati Raj has been seen by the political leadership at the state level as a rival centre of power.

**CONCLUSION:**

All state governments have shown lukewarm attitude towards their PRIs' development. There has been widespread arbitrariness in superseding PRIs and elections were not held for years in many states. Till 1992 when 73rd Constitutional Amendment Act was passed by the Parliament, power hungry state politicians had been using the absence of a constitutional guarantee to cripple Panchayati Raj. By providing constitutional guarantee to the PRIs a major hurdle is over. Even then the elections have been postponed on one pretext or the other. The whole exercise of decentralisation of powers is equivalent to the transfer of power from British to the Indians. The Panchayati Raj set up is still in experimental stage. Every experiment has its problems and promises. The Panchayati Raj may have weakness today, but it will be a vital force of tomorrow in shaping and developing the richer and prosperous life of people of India. It requires a movement of the masses.

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