



## Panchayat Raj system in Tribal Areas

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**Abstract:** Panchayats have been the backbone of the Indian villages since the beginning of recorded history. In 1946, Gandhi had aptly remarked that the Indian independence must begin at the bottom and every village ought to be a Republic or a Panchayat with powers. His dream got translated into reality with the introduction of the three-tier Panchayati Raj system to ensure people's participation in rural reconstruction. As a result of the enactment of the Act, 2,32,278 Panchayats at village level; 6,022 Panchayats at intermediate level and 535 Panchayats at district level have been constituted in the country. These Panchayats are being manned by about 29.2 lakh elected representatives of Panchayats at all levels. This is the broadest representative base that exists in any country of the world – developed or under-developed. But It is found as **Poor Implementation of the PESA Act, 1996** in the tribal area

**Key words:** Local Government, Panchayati Raj, Constitution, local self-government

### 1. Introduction

In independent India the state governments adopted certain legislative and administrative measures with a view to expanding and developing rural local self-government. In this connection three main influences tended to make an impact upon policy-makers. One was the view point of Mahatma Gandhi who had been pleading over the years that village panchayats should be treated as the primary grass-root democratic unit. Another was that of newly framed democratic constitution of the country in which has been incorporated a concrete provision about state's duty to develop panchayats as local self-governing units. The third was that of the view point of the launching of five year plans that people's participation should be promoted in management of rural development through local representative institutions. These three influences have continued to motivate with fluctuating intensity the policy-makers and public leaders even

subsequently regarding development of the panchayat system in the country.

### 2. Influence of Mahama Gandhi on Panchayati Raj

A very significant influence over the years on Government and public leaders in regard to development of rural local self-government has been of Mahatma Gandhi (1946), the father of the Indian nation.<sup>1</sup> In his writings and statements he draw attention of the people and Government to the urgent need for rebuilding the villages as self-sufficient and self-reliant entities with the village panchayat playing the central role in encouraging and supporting productive and creative activities among the people. According to him "greater the power of the panchayat, the better for the people" as true democracy "has to be worked from below by the people of every village." Efforts have been made by the policy makers to give a shape to Mahatma's idea of gram swaraj.



## 2. Constitutional Provision for Panchayati Raj System

Gandhiji realized the importance of village panchayats as important instruments of rural development, and of promoting and nurturing democracy at the grassroots. Article 40 in Part IV of the Constitution of India was introduced at his insistence. The Article 40 in the chapter on directive principles of state policy states that

"The state should take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-Government."

This constitutional directive has tended to motivate the Union Government and state governments to think about adoption of measures for development of the panchayats in the country. During the first decade in independent India fresh laws were passed in number of states to democratize the structure, devolve more powers and expand the spatial coverage of the panchayats. Very recently, this constitutional directive has been interpreted as empowering the Government to provide constitutional sanction for important features of not only village panchayats but also panchayats above it.

## 3. People's Participation in Rural Development

Many efforts in India were made before Independence, both by individuals and voluntary organizations, for rural reconstruction. After Independence, Community Development and National Extension Services Programmes were launched in 1952 and 1953 respectively for the development of rural areas. The CDP was started with

approximately 55 projects of rural development located in selected areas in the several States of India. A certain degree of flexibility is allowed in the actual allotment of projects. Thus, many CD projects consisted of about 300 villages each, some are also independent development blocks of about 100 villages each, depending upon the needs and conditions of the particular areas chosen for development.<sup>2</sup> The NES programme was launched all over India and about 259 blocks were allotted for the year 1953-54. The intention of having a permanent organization or subject matter extension agency was for working with the people in executing the activities of programme. It was designed as an administrative pattern through which the services of the Welfare State could reach the people. The enthusiasm with which the programmes were started could not be sustained. A non-political approach to agrarian transformation resulted in helping only those who were already powerful in the village and also most of the benefits were cornered by a small section of the rural elite.<sup>3</sup> The programmes failed to achieve their objectives of development goals.<sup>4</sup> It is stated that no amount of money spent on rural development or all the might of the Government can do for people as compared to what people can do for themselves.<sup>5</sup> People who are expected to benefit from development must be involved, and must they take the responsibility for development.<sup>6</sup>

A people's programme that community development undoubtedly has to be, cannot expect to be successful without widespread citizen participation at all stages. The organization and administration of community development reposed little trust in the citizens. Furthermore, the existing



institution of local government, both rural and urban, was completely kept out of community development administration, there by impoverishing both. Indeed, only lip service was paid to local initiative and cooperation. The advisory committees that had been 'set up' were anything but effective.<sup>7</sup>

#### 4. Balwantrai Mehta Committee on Panchayati Raj

During the closing years of the decade of fifties it began to cause increasing concern to the Union Government that due care was not being taken in avoiding wastage of funds in implementation of community development and allied programmes. This wastage was attributed to inefficiency in the implementation process. The National Development Council appointed a committee on plan projects to look into this problem. This committee appointed a study team in 1956 under the chairmanship of a senior legislator, Balwant Rai Mehta, to review critically Community Development Projects and National Extension Service and to suggest measures needed for effecting economy and improving efficiency in their implementation. The team was also asked to examine, "the extent to which community development movement has succeeded in utilizing local initiatives and increasing institutions to ensure continuity in the process of improving economic and social conditions in rural areas."

The Planning Commission had already been advocating that village panchayats should be strengthened and linked with democratic organizations in higher levels and that this new democratic set-up should gradually be given responsibility for taking over development administration and even

some aspects of general administration within a district. The Mehta Team kept this in view while formulating its own recommendations about reorganization of institutional arrangements for community development and allied programmes.

The Committee, in its report published in 1957, was struck by the following three findings:

1. The community development programme and national extension service had failed to evoke popular initiative.
2. Local bodies at a level higher than the panchayat had evinced but little enthusiasm in the community development programme
3. Even the panchayats had not come into the field of community development in any significant way.

To the Committee the remedy lay in decentralization of responsibility and power to levels below the state. It recommended "devolution of power to a body which, when created.....will have the entire charge of all development work within its jurisdiction, the Government..... reserving to itself the functions of guidance, supervision and higher level planning and where necessary, providing extra finance."<sup>8</sup> To secure this the Committee envisaged a three-tier system of rural local government, namely Village Panchayat at the village level, the Panchayat Samiti at the block level, and the Zilla Parishad at the district level. The most effective body was visualized at the block level. The study team, while making its recommendations, observed that one of the least successful aspects of the CD Project and the NES work is an attempt to evoke popular initiative. The Team



felt that so long as we do not discover or create a representative and democratic institution which will supply the local interest, supervision and care necessary to ensure the proper utilization of funds on the felt-needs of the people and the area and also provide these bodies adequate powers and allocate to them appropriate finances, we will never be able to evoke local interest and initiative in the field of development. The Team noted that for some year's decentralization of responsibility and power had not taken place below the State level and such decentralization had now become urgent and can be effected by devolution of powers to these bodies. When created, these bodies will have the entire responsibility for all development in a three-tier system for self government at the grass-roots levels.

The Study team appeared to be conscious of the fact that at the block level there was no institution worth the name of local self-government, whereas, with the introduction of the CDP in the country the block level administration has to play an important role in the field of rural development. The National Development Council gave its general approach to the recommendations of the Mehta Team in 1958.

The NDC recognized the general principle of giving responsibility for development to the people's representatives. The Council, however, indicated that the precise manner in which the scheme should be applied is essentially a matter to be decided by the States. The Council only emphasized that there should be a three-tier structure of local self-governing bodies from the Village to the district, the bodies being organically linked up and there should be genuine transfer of power and responsibility to them. The NDC further

pointed out the adequate resources should be transferred to the new bodies to enable them to discharge their responsibilities and all development programmes at these levels should be channeled through these bodies.<sup>9</sup>

The passage of the **Constitution (73<sup>rd</sup> Amendment) Act, 1992** (or simply the **Panchayati Raj Act**) marks a new era in the federal democratic set up of the country. It provided the much needed constitutional sanction to the Panchayati Raj Institutions (PRIs) for functioning as an organic and integral part of the nation's democratic process. It came into force with effect from April 24, 1993 and did not apply to the Schedule V areas of the nine states, Schedule VI Areas of the North-East and the District of Darjeeling in West Bengal as well as J&K.

The Panchayati Raj Act was needed in order to streamline the functioning of the PRIs, which were marked by long delays in holding of Panchayat elections, frequent suspension /super session/ dissolution of the Panchayat bodies, lack of functional and financial autonomy, inadequate representation of marginalized and weaker sections and meager, occasional and tied Government grants. This crippled the functioning of Panchayats and did not allow them to function as institutions of local Self-Government as had been envisaged in the Constitution.

##### 5. **Achievements<sup>10</sup>**

As a result of the enactment of the Act, 2,32,278 Panchayats at village level; 6,022 Panchayats at intermediate level and 535 Panchayats at district level have been constituted in the country. These Panchayats are being manned by about 29.2 lakh elected representatives of



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### **6. Issues in Implementation of the Panchayati Raj Act**

Despite the positives like enactment of State Panchayati Raj Acts, Setting up of State Election Commission and State Finance Commissions, and holding of regular Panchayat elections providing reservation for SCs/STs/Women in Panchayats, the results of implementation of the Constitution (73<sup>rd</sup> Amendment) Act, 1992 at the ground level have fallen far short of expectations. Stating specifically,

1. Although the political decentralization can be clearly seen in the regular Panchayat elections with good participation of people, the administrative and fiscal decentralization have remained rather limited. The State Governments have failed to give up their control on matters of local administration and finance.
2. Panchayats have not been granted enough powers for revenue generation. As a result, they only have limited functional autonomy.
3. Recommendations of State Finance Commissions (SFCs) are generally not taken seriously.
4. Powers given to the State Election Commissions also vary from State to State. They should have been given powers to deal with all matter relating to Panchayat elections namely, delimitation of constituencies, rotation of reserved seats in Panchayats, finalization of electoral rolls, etc.

5. Gram Sabhas have not been empowered and strengthened to ensure greater people's participation and transparency in functioning of Panchayats as envisaged in the Panchayat Act.

### **7. Panchayats (Extension to the Scheduled Areas) Act, 1996 (or PESA Act, 1996)**

The PESA Act, 1996 is regarded as a corrective legal measure to the 73<sup>rd</sup> amendment (Panchayati Raj Act) in order to extend the provisions of the Panchayat Raj to the Scheduled and Tribal areas falling under the Schedule Five areas of the nine States, namely Andhra Pradesh, Chhattisgarh, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. The PESA Act, 1996 which came into force on 24<sup>th</sup> December, 1996. It gave radical governance powers to the tribal community and recognizes its traditional community rights over local natural resources.

### **8. Poor Implementation of the PESA Act, 1996<sup>11</sup>**

It also needs to be pointed out that tribal areas represent the last sumps of natural resources on this planet, simply because tribal lifestyle and culture have inherent respect for the forests and natural resources and tribal religions and outlook ensures survival of all living beings, through holistic and ecologically sound belief system. PESA offers a wonderful way to strengthen their hands in the larger interest of social justice as well as deepen grass-root democracy. Implementing the following suggestions will achieve both the goals.

- It is a clear indication that sincere implementation of PESA has not been seriously attempted by the state



- governments. They still want to govern the PESA areas through the centralized administration and laws that actually weaken what PESA provisions offer the tribal community. There is hardly any willingness on the part of the officials of various departments to relinquish control on resources and functions that are given to the Gram Sabhas by PESA. Nor do they have any respect for tribal lifestyle and culture. What is needed is the empowerment and capacity building of the tribal community through a sustained awareness campaign so they can take charge of their lives as envisioned in the PESA provisions.
- There is an urgent need to amend the Indian Forest Act, Land Acquisition Act, and other related Acts so that the ownership on minor forest produce, water bodies and land resources are explicitly handed over to the Gram Sabhas of the PESA areas.
  - No State Government officer should have the power to over-rule any recommendation of a Gram Sabha. This legacy of British Raj is anti-democratic and must be abolished immediately.
  - The current system of governance is still largely colonial in nature and the bureaucracy conditioned on centralized authority has been unable to accept the radical change envisioned in the PESA Act. Therefore, in order to sensitize them an immediate extensive training-cum-awareness campaign for all relevant officials of various ministries should be initiated.
  - There is a need that Gram Sabha institutions should be developed as institutions of **self-governance** and not treated merely as institutions of **local governance**. The required administrative structure and machinery should be provided for making the Gram Sabha an effective body of district administration. It is also imperative that the Gram Sabhas have direct access to funds so that they can exercise their power rather independently.
  - Physical infrastructure in interior areas should be strengthened in order to protect the life and property of tribals. Special attention should be paid to the construction of culverts, bridges, check dams, compound walls for schools, etc.
  - The concept of community ownership of resources in PESA areas should be integrated into the provisions of the Centrally Sponsored Schemes. All community resource based schemes should involve Gram Sabhas in planning and implementation.

### 9. Conclusion:

No doubt to say that Panchayats have been the backbone of the Indian villages since the beginning of recorded history. As a result of the enactment of this Act, 2,32,278 Panchayats at village level; 6,022 Panchayats at intermediate level and 535 Panchayats at district level have been constituted in the country. These Panchayats are being manned by about 29.2 lakh elected representatives of Panchayats at all levels. But it is found as Poor Implementation of the PESA Act, 1996 in the tribal area. Thus, there is a need of hour to effective implementation of this Act towards development of tribal areas.



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