

## GRASSROOT DEMOCRACY

### ORIGIN OF PANCHAYATI RAJ INSTITUTIONS

**V**illage communities have been in existence in India for over centuries and Panchayats have been part of these communities since then. During the time of the Rig Veda (1200 BC), evidence suggests that self-governing village bodies called **sabhas** existed. The passage of time saw these bodies evolve into Panchayats (council of five persons). Panchayats were functional institutions of grassroots governance in almost every village. The village Panchayat or elected council had large powers, both executive and judicial. In ancient times every Indian village had a Village Panchayat that used to function as an autonomous body. They were free from State interference. According to Sir Charles Metcalf, the village communities "seem to last where nothing else lasts. Dynasties tumble down, revolution succeeds revolution. Hindu, Pathan, Mughal, Maratha, Sikh and English, all are masters in turn but the village communities remain the same". However, during the early British period the village Panchayats lost their vitality and significance. The village disputes began to be brought before the city courts for hearing and decision. In the 19th century some attempts were made to organize them in Bombay and Madras presidencies, but the then, district authorities did not encourage them. It was during Lord Ripon's time that the local self-government got a new impetus. However, the successors of Lord Ripon threw cold water upon his scheme. When Dyarchy was introduced in Provinces in 1919 and local self-government was made a transferred subject, the Village Panchayat Acts were passed in a number of Indian Provinces and a new era of establishment and functioning of village Panchayats began. But then, due to paucity of funds, the village Panchayats could not come in their full form. After the Government of India Act, 1935 came into force and full fledged Provincial Autonomy was established, the village Panchayats again got a new impetus. With the beginning of the Second World War, responsible

governments resigned. As a result, the village Panchayats again got a setback. After the war was over and elections for the Provincial Legislative Assemblies took place in 1946 and responsible governments took charge a new era of village Panchayats started.

After India achieved independence in 1947, a number of provinces enacted new Village Panchayat Acts that tried to develop village Panchayats as units of self-government. The U.P. Village Panchayat Act of 1947 was regarded as a model Act by the Conference of the Local Self-Government Ministers of the States and other States were requested to remodel their Acts on the U.P. pattern.

The constitution of free India envisaged organization of village Panchayats and endows them with such powers and authority as may be necessary to enable them to function as units of Local self government. Meanwhile a scheme of Community Development Programme was started in 1952 and another scheme of National Extension Service came into force in 1953. Both these schemes aimed at the socio-economic upliftment of the villagers. However, these schemes did not achieve expected success. It was felt that the bureaucracy could not evoke people's participation. As a result, the Government of India appointed a Committee in 1957 under the Chairmanship of **Balwant Rai Mehta** to examine the working of the Community Development Programme and the National Extension Service and to report on the creation of institutions through which the participation of the rural population could be elicited. The Committee submitted its report to the National Development Council on November 24, 1957.

The main recommendations of the Committee were as follows — a three-tier system of Panchayati Raj be created; the institutions envisaged were Zila Parishad at the district level, Panchayat Samiti at the block level and the Gram Panchayat at the village level; there should be a genuine transfer of power to these institutions; adequate resources



should be made available to them and all developmental schemes should be channelled through these institutions.

The recommendations of this Committee, which are called by various names such as Panchayati Raj Scheme, Three-Tier System, Decentralization Scheme etc., were welcomed by the Central as well as the State governments. Steps were taken by the various State governments to enact laws to implement them. Accordingly, most of the States established three-tier Panchayati Raj institutions but some of them established only two-tier institutions.

While inaugurating Panchayati Raj at Nagaur, Rajasthan on October 2, 1959, **Pandit Nehru** said with understandable enthusiasm, “we are going to lay the foundation of democracy or Panchayati Raj in India.”. The focus was still on community projects and N.E.S and he thought that the reason for slow progress was dependence on official Machinery, a situation which would be remedied, by Panchayati Raj. At a Seminar in Jaipur in December, 1964 Balwant Rai Mehta clearly stated that community development is the object, the purpose, and Panchayati Raj is the instrument for implementing the programme. The draft fifth plan stated “The basic concept behind establishing Panchayati Raj was to create rural local self government agencies reasonable for discharging certain selected functions pertaining to development. Panchayati Raj is the instrument of community development, the apparatus of rural local self government a means of reorganising district administration not adequately people oriented in its traditional form and an agent of state government for certain purposes. After the death of Nehru both national and inter national problems, and understandable anxiety over performance on the development front; served to weaken this faith and Panchayati Raj came under attack. However, a little later, Panchayati Raj is hailed as the most important political invention of independent India, because through it, the masses of Indian people are beginning, for the first time in their history, to experience the realities of democracy, in however, contradictory or distorted form. In the beginning, these institutions created a lot of enthusiasm amongst the people but by mid-1960s, they started losing appeal because of the increasing tendency towards centralization, lack of resources,

corruption, inefficiency and repeated postponement of elections of these bodies.

As a result, in 1977 the Janata Government, with a view to exploring the possibilities of reviving and strengthening Panchayati Raj, appointed a Committee under the Chairmanship of **Ashok Mehta**. This Committee submitted its report in 1978. Its main recommendations were as follows — creation of a two-tier system of Panchayati Raj, with Zila Parishad at the district level and, below it, the Mandal Panchayat consisting of a number of villages having a population of 15, 000 to 20,000; Nyaya Panchayat, presided over by a qualified Judge, to be kept as a separate body; open participation of political parties in the elections to the Panchayati Raj institutions; elections to these institutions to be organised by the Chief Electoral Officer of the State in consultation with Chief Election Commissioner; Zila Parishad to be made responsible for planning at the district level; reducing the dependence of these institutions on State funds and endowing them with powers of taxation and development functions to be transferred to Zila Parishad. Due to the collapse of the Janata Government in 1980, the report of the Ashok Mehta Committee could not be implemented.

### Process of Decline

After the mid sixties, the process of decline started. In many states a tendency to postpone the Panchayati Raj elections indefinitely was noticeable. In some states, parallel bodies came to be set up at the district level, thus reducing the role of Panchayati Raj in development planning and implementation.

### Main Problems

Started with great hope and enthusiasm some of the major problems and short comings that deviated in the working of the Panchayati Raj institutions can be identified as:

- Election not being held on a regular basis.
- Lack of adequate transfer of powers and resources to Panchayati institutions.
- Lack of Panchayati Raj bodies to generate their own resources such as tax on sale land.
- Non-Representation of women and weaker sections in the elected bodies.



### Revival of Panchayati Raj

In 1984 a Working Group on District Planning was set up under the Chairman of **C. H. Hanumanth Rao**. This Group recommended that separate district planning bodies should be created under either a Minister or the Collector. The Collector should have a major role in the **decentralized planning**. The Panchayati Raj institutions should also be associated with the process.

The G.V.K.Rao committee appointed by the Planning Commission in 1985 to review the existing administrative arrangements for rural development strongly recommended for the revival of Panchayati Raj institutions all over the Country and highlighting the need to transfer power of state to democratic bodies at the Local level. The government of India set up a committee in June 1986 headed by L.M. Singhvi.

To prepare a concept paper on the revitalisation of the Panchayati Raj institutions, the Committee recommended that the Panchayati Raj should be constitutionally recognised, protected and preserved by the inclusion of a new chapter in the constitution. It also suggested a constitutional provision to ensure regular, free and fair elections for Panchayati Raj institutions. Accepting these recommendations of the Committee the central government headed by late Rajiv Gandhi brought in the Constitution 64<sup>th</sup> amendment Bill which was passed by the Lok Sabha on the 16th August 1989. This was comprehensive Bill covering all vital aspects of PRI 'S. Unfortunately, this Bill could not be enacted as it was not approved by the Rajya Sabha. In the year 1990, the issues relating to strengthening of Panchayati Raj Institutions were considered afresh and based on detailed discussions in the Cabinet committee set up for this purpose. It was considered that a constitution Amendment Bill may be drawn up afresh. The matter was brought up before a Conference of Chief Ministers held in June, 1990 presided over by the then Prime Minister. The Conference endorsed the proposals for the introduction of Constitution Amendment Bill and also the model guidelines with the modification that the number of tiers in the Panchayati Raj structure, may be left to be decided by the State governments and the arrangement for conduct of elections for PRI's may also be left to be made by the state themselves.

The Constitution Amendment Bill and model guidelines were approved by the Cabinet in July 1990 and it was decided that there should be a Common Constitution Amendment Bill both for Panchayati Raj Institutions and Urban Local bodies. Further modifications were made in the Bill on the basis of the discussions with the leaders of various political parties.

The government of India set up a committee in June 1986 which recommended the Panchayati Raj institutions should be constitutionally recognized, protected and preserved. Late Rajiv Gandhi's government accepted the recommendations of the Committee and brought forward the 64th Constitutional Amendment Bill. But the Bill could not be enacted.

Panchayati Raj Institutions were constituted in the various states but it could not live upto the expectations for various reasons. Keeping in view the past experiences, it became imperative to provide constitutional status to local self government to impart certainty, continuity and strength. Thus, the constitution 73rd Amendment Act 1992 came into effect which envisages states to establish a three tier system of strong, viable and responsive Panchayats at the village, intermediate and district level.

In 1992 the **Constitution (Seventy third Amendment)** Act was passed which made statutory provisions for the establishment, empowerment and functioning of Panchayati Raj institutions!

The main provisions of the Act can be grouped under two categories: provisions relating to compulsory functions and provisions relating to optional functions. Some of the **compulsory functions** provided are: organization of Gram Sabha; creation of a three-tier Panchayati Raj Structure at the Zila, Block and Village levels; almost all posts, at all levels to be filled by direct elections; minimum age for contesting elections to the Panchayati Raj institutions to be twenty-one years; the post of Chairman at the Zila and Block levels should be filled by indirect election; there should be reservation of seats for Scheduled Castes/Scheduled Tribes in Panchayats, in proportion to their population and for women in Panchayats up to one-third seats; State Election Commission for each State to conduct elections to Panchayati Raj institutions; the tenure of



Panchayati Raj institution should be five years, if dissolved earlier, fresh elections to be held within six months; a State Finance Commission should be set up in each State every five years.

Some of the ***optional functions*** provided are: giving voting rights to members of the Central and State legislatures in these bodies; providing reservation for Backward Classes; the Panchayati Raj institutions should be given financial powers in relation to taxes, levy fees etc. and efforts shall be made to make Panchayats autonomous bodies.

Salient Features of the Constitution (Seventy-third Amendment) Act:

- It added Part IX and Schedule XI to the Constitution
- It provides for a Gram Sabha in each village exercising such powers and performing such function at the village level as the legislature of state may provide by law.
- The Constitution, as amended, provides for the establishment of Panchayats at the village, intermediate and district levels. However, Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.
- The Legislature of a State may make provision with respect to the composition of Panchayats. All the seats in a Panchayat should be filled by persons chosen by direct election from territorial constituencies in the Panchayat area. Provisions have been made for the representation of the chairpersons of the village Panchayats to the block and district level Panchayats. The members of the Rajya Sabha, Lok Sabha and Legislative Assembly representing that area will also be members of the Block samiti and Zila samiti. Seats should be reserved for the Scheduled Castes and the Scheduled Tribes in every Panchayat in proportion to their population. However, one-third of these (reserved) seats should be reserved for women belonging to these communities. Similarly, not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat should be reserved for women. Minimum age for contesting the elections for Panchayat has been fixed at 21 years.
- The tenure of every Panchayat should be five years. They can, however, be dissolved earlier. The election of the new Panchayat should be held before the expiry of its tenure or within six months of its dissolution, as the case may be.
- The Legislature of a State may extend the powers and authority of the Panchayati Raj Institution.
- A Panchayat can levy, collect and appropriate taxes, duties, tolls, and fees as it thinks fit. It may get a share in the taxes, duties, tolls, and fees that are levied and collected by the State Government. The State also provides grants-in-aid to Panchayat.
- At the expiry of every fifth year, a Finance Commission is constituted to review the financial position of the Panchayats and make recommendation to the Governor for their improvement.
- All elections of Panchayats are conducted, supervised, directed and controlled by the State Election Commission. The State Election Commissioner is appointed by the Governor and cannot be removed from his office except in the like manner and on the like grounds as a judge of a High Court.

#### Focus on: Powers and Functions of Panchayati Raj Institutions as given in the Eleventh Schedule

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.



7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.

### **WOMEN'S EMPOWERMENT AND PANCHAYATI RAJ**

Empowerment is a multidimensional social process that helps people gain control over their own lives. It is a process that fosters power (that is the capacity to implement) in people for use in their own lives, their own communities and in their own society, by acting on issues that they describe as important. Above all, empowerment is a result of participation in decision-making.

Then, women's empowerment refers to the process by which women acquire due recognition on par with men, to participate in the development process of the society through the political institutions as a partner with human dignity. So, why is empowerment through Panchayati Raj? According to the Document on Women's Development (1985) women's role in the political process has virtually remained unchanged since independence. Broad-based political participation of women has been severely limited due to various traditional factors such as caste, religion, feudal attitude and family status. As a result, women have been left on the periphery of political life. Observing this dark picture, 73rd Constitutional Amendment Act came to provide them an opportunity to ventilate their grievances and to take active part in decision-making process in the local level.

With the passage of 73<sup>rd</sup> Amendment Act, 1992, India is at a crucial structure in the evaluation of Panchayati Raj institutions- the Indian brand of rural local-self government. It has envisioned people's participation in the process of planning, decision-making, Implementation and delivery system. The Panchayat Acts of State governments have subsequently been amended to incorporate the stipulations of the central Acts thus the constitutional mandate has heralded uniform pattern throughout Indian states.

The 73<sup>rd</sup> constitutional Amendment have created space for women in political participation and decision making at the grass root level by providing that 1/3 rd of the seats are reserved in all over the country. 73<sup>rd</sup> constitutional Amendment Act, 1992.

It provides reservations for women in Panchayati Raj Institutions set up in two ways; for the office of the members and for that of the chairpersons. As per the clause (2) and (3) of Article 243(d), not less than one third of the seats meant for direct election of members at each tier of the Panchayats are to be reserved for the women.

Thus, the 73<sup>rd</sup> Amendment Act mainly aimed at decentralizing the power and also removing the gender imbalances and bias in the institutions of local self government .He justifies the rationale to provide reservations for following reasons, what is the actual intention of our policy makers. The 73<sup>rd</sup> constitutional amendment Act actually aims



for Shared perception of justice, deprivation and oppression, shared experience of marginalization vis-à-vis power structure. Collective empowerment through representation and democratic process will give them voice, feelings of solidarity and democratic politics. Affirmative action will build a critical mass of local leadership of such groups will be active participants in the strategic decision-making.

The main intention of the policy makers behind this reservation is two-fold one is the democratic justice and second is human resource utilization. As the half of the population are women. The country development cannot achieve without the proper participation of woman. 73<sup>rd</sup> constitutional amendment has opened up process of democratizing these deliberative bodies, what actually our policy maker's wanted.

The empowerment has been defined here as the change of self-perception through knowledge. She clarifies that by providing reservation, our policy makers intention was not only to improve the number of elected leaders only but also to improve their economic independence, access to resources as well as to education so by examining their socio-economic situation we can derive the conclusion whether woman are really 'empowered'. Some of the experts have opined that the makers of Panchayati Raj system desired rural woman should not only become a beneficiary of development, but more importantly contributors to it. Analyzing the Balwant Rai Mehta Committee we can hold that Committee considered the condition of the rural woman at length and felt that they should be assisted to find ways to increase there incomes and improve the condition of their children. The committee was particular that woman should find representation in the rural political institutions. Then Ashok Mehta Committee laid special emphasis on the need to recognize and strengthen women's constructive decision-makings and managerial rule.

It was to improve women's representation that the policy of reservation was introduced. According to the advocates of the policy, reserving seats for women in the political institutions will provide them and opportunity to raise their grievances and other related social and economic problems in a formal forum, a political process necessary to

ensure the improvement for all women in all spheres of life. The main position of 73<sup>rd</sup> constitutional amendment involves the participation of women as voter, women as members of political parties, women as candidates, women elected members of PRI's taking part in decision making, planning implementation and evaluation. It is stressed that reservation provisions are providing be a guarantee for their empowerment.

### **ISSUES ARISING OUT OF IMPLEMENTATION OF PART-IX OF THE CONSTITUTION**

A major lacuna in the Act is the contradictory and inconsistent approach to the idea of Panchayati Raj being the institutions of self-government. The Bill had rightly defined the Panchayats as an institution of self-government but latter in defining the functions of these institutions it had narrowed them down to development functions. To our mind without policing i.e., maintenance of law and order as a function at each level, no institution of self-government is worth the name.

The past experience suggests that where-ever the Panchayats have not taken roots or they have been uprooted after brief spells of success, it has been observed that the MPs and the MLAs have not been friendly to these institutions. They do not like to see another centre of power emerging as a challenge. The reservation of seats for women is a step towards silent revolution but the task is beset with enormous difficulties for women. Generally their duties are discharged by their male relatives. No doubt, the elections are being held every five years but in many states they are marked by violence.

While the State Panchayati Raj Acts have been enacted, State Election Commission and State Finance Commissions have been set up and regular Panchayat elections have been held providing reservation for SCs/STs/Women in Panchayats, the results of actual implementation of the Constitution (73rd Amendment) Act, 1992 have fallen far short of expectations on the ground level.

Though the political decentralization has been largely successful, with elections held regularly



and with ample participation of people, there is only minimum administrative and fiscal decentralization, which remain de facto under the control of the State Governments. Panchayats have not given adequate responsibilities to levy and collect taxes, fees, duties or tolls. Panchayats should have been granted appropriate powers to generate their own resources. Recommendations of State Finance Commissions have been either accepted partially or implemented half-heartedly.

Powers given to the State Election Commissions vary from State to State. These Commissions should have been given powers to deal all matter relating to Panchayat elections namely, delimitation of constituencies, rotation of reserved seats in Panchayats, finalization of electoral rolls, etc.

Gram Sabhas which were to act as assembly of the villages have not been empowered and strengthened to ensure peoples participation and transparency in functioning of Panchayats as envisaged.

The Panchayati Raj Institutions suffer from inadequacy of funds and are dependent on the state government for their financial needs. Some of the States who are the worst performers include Arunachal Pradesh and Jharkhand. While the first does not allow the PRIs to collect taxes and has transferred no funds or functionaries to them, the latter has somehow held Panchayat elections in the areas that make it up a decade after its creation. In fact when it comes to transfer of functionaries and funds, a majority of the states in the country have either not done it at all, made officials of certain departments partially accountable to the PRIs or authorised the ZPs to appoint class III and class IV employees. In certain states, the PRIs have been given power to seek information from officials of the line departments. Similarly, a majority of the states has only delegated collection of limited number of taxes to the PRIs and expect them to generate their revenue from auctioning of panchayat land, rental of panchayat premises and liquor cess.

The states fear that the delegation of authority to the PRIs will push the rulers – political class and babudom – on the sidelines. It will make them irrelevant and insignificant. Once the 29 subjects are transferred to the PRIs along with matching

funds and functionaries, the panchayat representatives will stop running to line departments, District headquarters, District Rural Development Agencies (DRDAs), Members of Legislative Assembly (MLAs) and Members of Parliament (MPs). At present, even for construction of roads and other minor developmental works, they have to approach either the MLAs or the MPs of their area or travel all the way to their state capital or district headquarters. After the devolution of funds, functionaries and functions, it may happen the other way round. It is obvious that the state leaders lack political will needed for promotion of self-rule in local rural and urban bodies.

Lack of training on the part of the representatives of the Panchayati Raj institutions is another major problem being faced by the institutions.

### **The Success story of Panchayati Raj Institutions**

However, there are a few states like Kerala, Karnataka, Andhra Pradesh, Tamil Nadu, Sikkim and to an extent Maharashtra and Rajasthan where a beginning has been made. Kerala for instance has done detailed activity mapping for all 29 functions and devolved activities to the PRIs. The State allows the GPs to collect 9 types of taxes and allocate untied funds to the Panchayats broadly under three main categories: development expenditure and funds for maintenance and traditional functions. Funds and grants are also released to the PRIs for implementation of centrally sponsored schemes like PMGSY, NRHM, SSA, MNREGA, Rashtriya Krishi Vikas Yojana and under the TFCs. More importantly, the State has given the Panchayats full managerial and part disciplinary control over functionaries who are supposed to implement the functions, devolved to them.

The State, however, is yet to devolve drinking water supply to the PRIs. National Advisory Council (NAC) Member and Distinguished Fellow, Skoch Development Foundation, N C Saxena found during a recent tour that health and nutrition, the two subjects transferred to the PRIs, were in a 'disastrous' shape.

West Bengal has also devolved all 29 functions to the three tiers of the Panchayats and even done activity mapping in respect of 28 functions. The



State has built a cadre of officials and technocrats specialising in devolved functions in the Panchayats. Besides, seven line departments have transferred officials to the Panchayats. All three tiers of the PRIs can charge fees, tolls and realise charges against different services. The state also provides funds to the PRIs for meeting establishment cost including salary and pension of their employees and honorarium and traveling allowance to elected representatives. The state releases the TFC grants in 60:20:20 ratio to the GPs, BPs and ZPs respectively.

Like Kerala and West Bengal, Madhya Pradesh too has made an effort to realise self-rule in villages, blocks and districts. The state has done activity mapping in respect of 25 matters pertaining to 22 departments, created a State Panchayat Service empowering Panchayats to recruit their own staff as well as grassroot workers such as primary school teachers, Aanganwadi Workers (AWWs), Accredited Social Health Activists (ASHAs) etc. It allows the GPs to collect property tax, mela tax and generate non-tax income from temporary leasing of land and rights for fisheries in ponds.

Similarly, Karnataka delegated all 29 subjects to the PRIs by issuing activity-mapping notification on 12th August 2003. According to the mapping, while the ZPs and Taluka (Block) Panchayats are supposed to be planners, facilitators and owners of common executive machinery, the GPs are known as local service providers. All government employees deputed to the Panchayats function under dual control of line departments and the PRIs. The state has authorised the PRIs to collect seven types of taxes and makes an untied grant of not less than Rs 500,000 to each GP. While funds have been devolved for 19 functions at ZP level, at Taluka and GP level, the devolution has taken place in 14 and 10 functions respectively. Goa is another state where a significant number of subjects have been devolved to the GPs and the ZPs. It allows the GPs to employ their own staff such as clerks and peons and has placed services of Executive, Assistant and Junior Engineers at the disposal of the ZPs. The Panchayats levy 11 types of taxes in the state besides having non-tax sources of revenue. Yet surprisingly, the State does not even figure in top 7 performers of 2010-11 index.

Likewise Gujarat and Chhattisgarh have taken important steps to promote self-rule in local bodies. While in Gujarat, the PRIs collect 8 major taxes, in Chhattisgarh the GPs are authorised to collect house tax, business tax and livestock registration tax. In Chhattisgarh, activity mapping has been undertaken in respect of 27 matters and Panchayats recruit staff for 9 departments. Gujarat on the other hand has devolved 14 functions completely and 5 partially and empowered Panchayats to appoint, transfer and promote all class III and class IV employees. The state has also devolved functionaries for 14 functions to the PRIs.

Maharashtra has designated the PRIs as implementation agencies in respect to 18 subjects, transfers grants for 11 departments to them, placed all class III and IV employees under the ZPs and authorised ZPs to review performance of class I and II officers in line departments.

Rajasthan government, which hitherto lagged behind most other states, made a beginning in 2010, when it decided to transfer power of five departments – primary education, agriculture, medical and health, women and child development, and social justice and empowerment - to the PRIs. The fact that the state has also offered two years' employment to retired personnel to ensure immediate and smooth transfer of power proves the intent of the government.

## CONCLUSIONS

The basic local institutions for participatory planning in India have been set up. However, these institutions ought to have adequate autonomy as units of self-government so as to decide on the local needs and priorities and design and implement the necessary action. The challenge of making this new phase of democratic decentralization successful depends on the commitment of the political leadership, bureaucracy and the people themselves. The state governments have the responsibility of transferring schemes as provided in the 11<sup>th</sup> Schedule of the Constitution and also of transferring corresponding funds to the Panchayats. Similarly, the staff available for the implementation of schemes related to these subjects should also be placed under the control of the Panchayats. Sufficiently clear and



workable regulations have to be framed to streamline the inter-tier relationships and functions of each tier.

The change which has been initiated by the Seventy-third Constitution Amendment needs to be managed and sustained effectively through innovative strategies. Panchayats have been empowered by this Amendment. Access to and effective control over resources is a critical component of this empowerment. The real issues of such access are knowledge and awareness of the needs of the people, legal rights, and availability and accessibility of social and economic resources. These changes in procedures and organizations have as yet not fully taken place as envisaged in the legislation. It also requires restructuring relationships, including looking at gender issues at both the micro and macro level. A culture of equality has to be evolved not only between men and women representatives but also between officials and non-officials manning the decentralized development structure.

The district has been recognized as the basic unit for decentralized planning functions. Operationalizing the concept of district planning requires functional local institutions. The District Planning Committee is the statutory authority for preparing plans for local development area planning. The involvement of the people in the planning process is necessary to take into account their felt needs, to mobilize local resources, to increase the speed of implementation by securing the people's cooperation, to increase the acceptance of the plan and projects and also to bring about a change in the power structure in people's institutions in favour of the poor. Strong leadership and political will are the necessary conditions for facing the challenge of enabling the local self-government institutions to become effective instruments of social and economic development of rural areas.

The Panchayati Raj Institutions could become watch-dog bodies to ensure proper implementation of programmes like Jawahar Rojgar Yojna, Integrated Rural Development Programme, TYRSEM, NREGS etc. The steps are required to be taken to strengthen Nyaya Panchayats. There should be commitment to the Panchayati Raj as a political value and the consequent political will to

establish it. It should not be forgotten that the effort to revitalize Panchayati Raj is an attempt to reconstruct Indian Polity by way of bringing the so far deprived sections into the main streams. No amount of legal reforms will prove to be sufficient if there is lack of political will to make Panchayati Raj Institutions workable.

### **Table Some Basic Facts about Panchayati Raj in India**

#### **Time Line : Milestones in the Evolution of Local Government since Independence**

##### **Towards first generation Panchayats**

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| 1948-49 | Constituent Assembly debates on the role of Panchayati Raj in Indian polity   |
| 1950    | The Constitution of India comes into force on 26 January; Directive Principles of State Policy mention village Panchayats as 'units of self-government' (Art. 40)                                 |
| 1952    | Community Development Programme starts on 2 October   |
| 1957    | Balwant Rai Mehta Committee, appointed in January, submits its report on 24 November  |
| 1958-60 | Several state governments enact new Panchayat Acts bringing in three-tier Panchayat system  |
| 1959    | Jawaharlal Nehru inaugurates the first generation Panchayat at Nagaur in Rajasthan on 2 October Kerala District Council Bill is introduced in Kerala Assembly; lapses after Assembly is dissolved |
| 1964-77 | Decline of first generation Panchayati Raj Institutions   |

##### **Growth and decline of second generation Panchayats**

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| 1978 | Panchayat elections are held in West Bengal on party basis on 4 June — marking the beginning of second generation of Panchayati Raj Ashoka Mehta Committee on working of Panchayats, appointed on 12 December 1977, submits its report on 21 August |
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1983	Karnataka government enacts new PR Act 1984 Hanumantha Rao Committee on district level planning, appointed by Planning Commission in September 1982, submits its report in May
1985	Karnataka PR Act receives President's assent in July; comes into force on 14 August G.V.K. Rao Committee on administrative aspects of rural development, appointed by Planning Commission on 25 March, submits its report in December
1986	Andhra Pradesh follows West Bengal and Karnataka Panchayati Raj model
1990-92	Panchayats are dissolved and brought under administrators in Karnataka

#### Constitutionalisation of Panchayati Raj

1986	L.M. Singhvi Committee submits its report on 27 November; recommends constitutional status for Panchayats
1988	Parliament Consultative Committee appoints a sub-committee under chairpersonship of P.K. Thungan to consider Constitution Amendment
1989	64th Constitution Amendment Bill is introduced in Parliament on 15 May; is defeated in Rajya Sabha on 15 October
1990	74th Constitution Amendment Bill is introduced in Parliament on 7 September; lapses on dissolution of Lok Sabha
1991	72nd (Panchayats) and 73rd (Municipalities) Amendment Bills are introduced in Parliament; referred to the Parliament's Joint Select Committee in September
1992	Lok Sabha passes both the Bills on 22 December; Rajya Sabha passes them on 23 December
1993	73rd Amendment Act, 1992 comes into force on 24 April 74th Amendment Act, 1992 comes into force on 1 June

1993-94	All state governments pass conformity Acts between 30 May 1993 and 23 April
1994	Madhya Pradesh holds Panchayat elections under the 73rd Amendment dispensation on 30 May
1996	Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, extending 73rd Amendment Act to Scheduled Areas, comes into force on 24 December Kerala launches People's Plan Campaign on 16 August
2001	Bihar holds Panchayat elections after 23 years (11-30 April)
2001	83rd Constitution Amendment Act, 2000 amends Art. 243-M to dispense with reservations for Scheduled Castes in Arunachal Pradesh — paving way for Panchayat elections in the only state yet to hold them under the new dispensation

#### Focus on: Government's initiatives in the contemporary times

73rd amendment comes into effect in April 1993 according a constitutional status to local governance. The amendment into article 243 envisages states to establish a three-tier system of strong, viable and responsive Panchayats at the village, intermediate (block) and district levels and conduct their elections after every five years. The 29 matters listed in the 11th schedule including agriculture, water management, rural housing, drinking water, roads, education, poverty alleviation programmes, health and sanitation, women and child development and public distribution system are to be transferred to the PRIs. The amendment leaves it to the discretion of the states to allow Panchayats to impose taxes, duties, tolls and fees.

**May 2004:** Manmohan Singh government decides to create a separate ministry for Panchayati Raj tasked with formulation and implementation of an Action Plan for seeing PRIs to emerge as 'institutions of local self-government' securing economic development



and social justice in their respective area. There is great hope when within first 150 days of its formation the ministry convenes a series of Seven Round Table Conferences of State Panchayati Raj Ministers to identify 18 dimensions ranging from devolutions of the functions, finances and functionaries, to District Planning, Training, Capacity Building and IT-enabled e-governance for implementation on priority.

**December 2004:** The Seventh Round Table Conference, organized in Jaipur, proposes to utilise IT as i) a decision making support system for Panchayats; ii) a tool for transparency, disclosure of information to citizens social audit; iii) a means for better and convergent delivery of services to citizens; iv) a means for improving internal management and efficiency of Panchayats; v) a means for capacity building of representatives and officials of the Panchayats; and, vi) an e-Procurement medium. The Conference recommends a systematic approach for training of staff and Panchayat representatives through IT. It decides to develop common software application packages with provision for appropriate customisation by states through National Informatics Centre (NIC). It expects National Panchayat Portal (NPP), a collaborative, content management and website generation framework developed by the NIC for Ministry of Panchayati Raj that allows seamless exchange of content among all participating sites, to be the information hub for linking up Gram Panchayats (GPs) with Intermediate and District Panchayats, state governments and the central government.

**March 2006:** An expert group, set up in 2005, finds it feasible to transfer funds from State consolidated funds to the PRI through ICT and Planning Commission issues guidelines mandating centralised planning from 11th Five Year Plan onwards.

**May 2006:** Another milestone is reached when UPA approves the National e-Governance Plan (NeGP) comprising 27 Mission Mode Projects (MMPs) and 10 components, with the centrality of citizen service delivery. One of the MMPs pertains to Panchayati Raj Institutions as one of the key projects under the NeGP.

**June 2007:** The UPA government constitutes an

Expert Group to a) assess the IT programmes which are either in operation or which could be taken up for implementation in future; b) advise on the most cost effective technology for reaching IT to the Gram Panchayat levels; c) effectively implement distance learning for capacity building through IT; and, d) workout the requirements of budget for implementation of the IT programmes. The group, chaired by Dr B K Gairola, then Director General of National Informatics Centre and comprising Sameer Kochhar, Chief Editor and CEO of Skoch Consultancy Services, Professor Ashok Jhunjhunwala of IIT Madras, H S Ashokanand, Director SIRD, Karnataka and Professor M Aslam, Director of Distance Education in IGNOU, holds several meetings, visits many Gram Panchayats and conducts video conferences with the States to understand the working and effectiveness of satellite based training facilities there.

**January 2008:** The expert group submits an exhaustive report to the ministry covering almost all aspects of utilisation of ICT in the Panchayati Raj Institutions. The report elaborates on how the integration of the Panchayats through technology can lead to building of capacity of the PRIs in terms of knowledge as well as resources, usher transparency and accountability through social auditing and suo-moto disclosures, permeate ICT culture in villages and create jobs. It identifies key application areas, which can be taken up with priority as planning, financial accounting, progress monitoring, delivery of birth and death certificates and house tax. The report proposes extension of Planplus, an application that integrates plans of the PRIs, district planning committee and PRIASOFT, an accounting software that facilitates book keeping of accounts. The expert group recommends use of NICENET and SWAN for providing connectivity to the PRIs at the village and block level. To ensure interoperability and avoid vendor locking, the group recommends open standards, open source technology and open source operating system. The report underscores the need for building core applications centrally and second category of applications locally. It seeks development of Indian language



UNICODE fonts for convenience of Panchayat functionaries and representatives. The group even spells out the number of computers and manpower needed for different Panchayats. Accentuating the need for innovative thinking and approaches, the group calls for multi-mode training intervention and interactive satellite-based intervention to train the panchayat officials and members in ICT use. It suggests utilisation of institutes of rural development, Extension Training Centres, distance education centres of IGNOU for the purpose.

**April 2009:** The MoPR issues guidelines to States on devolution of institutions and functionaries to the PRIs detailing who needs to be transferred to which tier of the panchayat.

**September 2010:** The MoPR calls meeting of State Panchayati Raj Ministers and Secretaries to discuss creation of dedicated Gram Panchayat Services for implementation of the MNREGS. The meet agrees to create posts of Panchayat Development Officer (PDO) and Junior Engineer (JE) for the purpose.

**November 2010:** The ministry proposes to fund 90% of the expenses incurred on appointment and salary of the PDO, the JE and training of Gram Rozgar Sahayak (GRS) in computers in the first year.

**February 2011:** The Ministry of Panchayati Raj asks the States to enhance the Capacity Building & Training (CB&T) in Panchayats across the rural areas of the country. In a letter the Ministry directs that every Panchayat representative should get at least one training in a year.

## URBAN LOCAL GOVERNMENT INSTITUTIONS

In the Constitution of India initially there was no provision for the establishment of local self governing institutions in urban India, though it did make reference, in one of the Directive Principles, about the establishment of Village Panchayats in rural India. Lacuna was rectified by the Constitution (Seventy-fourth Amendment) Act, 1992, which provided for the establishment and management of urban local self government in India. Urban Local Self Government in India has its roots in prehistoric times. The excavations

at Harappa and Mohenjodaro reveal that the cities had their own councils to manage their own affairs. However, the foundation of modern system of urban government was laid by the British Government.

Lord Mayo's Resolution of 1870 made arrangements for strengthening the municipal institutions and increasing the association of Indians in these bodies. However, it was Lord Ripon's Resolution of 1882 that was hailed as the Magna Carta of local government and got Lord Ripon the title of the "*father of local self-government in India*". He advocated the establishment of a network of local self-governing institutions, financial decentralization, adoption of election as a means of constituting local bodies and the reduction of the official elements to not more than a third of the total membership. In 1907, a Royal Commission on Decentralization was established, which examined the reasons behind the failure of the local self-governing bodies. It was found that the failure was due to strict official control, excessive narrow franchise, meagre resources, lack of education and shortage of committed persons.

According to the Government of India Act, 1919, the local self-government became a 'transferred' subject under the control of a responsible minister. The Act increased the taxation powers of local bodies, lowered the franchise, reduced the nominated members and extended the communal electorate to a large number. As a result, the overall responsibility for the functioning of local bodies passed from the hands of district officer to the elected chairman. The working of urban local bodies during 1921-37 was neither a complete failure nor an unqualified success. According to Simon Commission, which reviewed the working of the Government of India Act, 1919 "in every province... a few local bodies have discharged their responsibilities with undoubted success... others have been equally conspicuous failures, the bulk lies between these two extremes". According to the Government of India Act, 1935, dyarchy was done away with and full provincial autonomy was introduced. On 1st April 1937 popular ministries were formed and local self-government got a new impetus. But in 1939, popular ministries resigned as a protest against making India a party to the Second World War without consulting them. As a result, local self-government again got a set back.



After the War was over and elections for the Provincial Legislative Assemblies took place in 1946, the newly constituted ministries again took up the cause of local self-governing bodies.

India got its independence in 1947 and a new enthusiasm set in motion. As a result, elections were held for various local self-governing bodies. The Five Year Plans also periodically highlighted the problems of the municipal bodies and the inabilities of these bodies to meet the growing demands of urbanization. The Central Government has, from time to time, showed its concern for the need to improve the urban bodies by appointing several commissions and committees. They made useful recommendations on streamlining urban development in India.

The sum total effect of the recommendations and suggestions of these bodies resulted in the enactment of the Constitution (Seventy-fourth Amendment) Act, 1992. It made statutory provisions for the establishment, empowerment and functioning of urban local self-governing institutions. The main provisions of this Act can be grouped under two categories — compulsory and voluntary. Some of the compulsory provisions are: constitution of Nagar Panchayats, Municipal Councils and Municipal Corporations; reservation of seats in urban local bodies for Scheduled Castes/Scheduled Tribes in proportion to their population; reservation of seats for women up to one-third seats; the State Election Commission, constituted with reference to conducting elections in the Panchayati Raj bodies, should also conduct elections to the urban local self-governing bodies; the State Finance Commission, constituted with reference to financial affairs of the Panchayati Raj bodies; should also look into the financial affairs of the local urban self-governing bodies; tenure of urban local self-governing bodies fixed at five years, if dissolved earlier, fresh elections to be held within six months.

Voluntary provisions are — giving voting rights to members of the Union and State Legislatures in these bodies; providing reservation for Backward Classes; giving financial powers in relation to taxes, duties, tolls and fees etc; making the municipal bodies autonomous and devolution of powers to these bodies to perform some or all of the functions enumerated in the Twelfth

Schedule added to the Constitution through the **Constitution (Seventy-fourth Amendment) Act** and/ or to prepare plans for economic development.

## STRUCTURE OF URBAN BODIES

The Constitution, as amended, provides for the establishment of Nagar Panchayats for transitional areas (that is to say, an area in transition from a rural area to an urban area), Municipal Councils for smaller urban areas and Municipal Corporations for larger urban areas. However, no municipality can be constituted in areas that come under the jurisdiction of an industrial establishment that provides or proposes to provide municipal services therein.

### Composition of Municipal Bodies

All the seats in municipal bodies should be filled by persons chosen by direct election from the territorial constituencies in the municipal area. However, the Legislature of a State may, by law, provide for the representation in a municipal body of persons having special knowledge or experience of municipal administration, the members of Rajya Sabha, Lok Sabha and the members of Legislative Council and Legislative Assembly of the State, representing constituencies which comprise wholly or partly the municipal area and the chair persons of Wards Committees.

There should be Wards Committees, consisting of one or more Wards, within the territorial area of a municipal body having a population of three lakhs or more. The Legislature of a State may, by law, make provision with respect to the composition and the territorial area of a Wards Committee and the manner in which the seats in a Wards Committee should be filled. However, the Legislature of a State can make provision for the constitution of other committees in addition to the Wards Committees. Seats should be reserved for the Scheduled Castes and the Scheduled Tribes in every municipal body in proportion to their population. Out of these reserved seats (for Scheduled Castes and Scheduled Tribes) one-third would be reserved for women belonging to these communities. Similarly, not less than one-third of the total number of seats to be filled by direct election in every municipal body should be reserved for women (including their reservation



in the quota of Scheduled Castes and Scheduled Tribes). Similarly, the offices of chairpersons in the municipal bodies should be reserved for the Scheduled Castes, Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide. The Legislature of a State may also make provision for reservation of seats in municipal bodies or offices of chairpersons, for other Backward Classes.

A person who has attained the age of 21 years will be eligible to be elected as a member of a municipal body. The superintendence, direction and control of, the preparation of the electoral rolls for, and the conduct of all elections to municipal bodies should be vested in the State Election Commission, constituted with reference to holding elections for Panchayati Raj institutions.

The tenure of every Municipal body should be five years. They can, however, be dissolved earlier after giving them reasonable opportunity of being heard. The election of the new municipal body should be held before the expiry of its tenure or within six months of its dissolution, as the case may be.

The Legislature of a State may extend powers and authority of municipal bodies, if necessary, to enable them to function as institutions of self-government. It may authorize a municipal body to levy, collect and appropriate such taxes, duties, tolls, and fees as it thinks fit. It may also assign a share in those taxes, duties, tolls, and fees that are levied and collected by the State Government itself. It may also make provision for making grants-in-aid to municipal bodies from the Consolidated Fund of the State. It may also provide for constitution of such funds for crediting all money received by the municipal bodies and their withdrawal.

### FINANCE COMMISSION

The Finance Commission, constituted with reference to Panchayati Raj institutions, should also review the financial position of the municipal bodies and make recommendations to the Governor, as to: the principles which should govern the distribution between the State and the municipal bodies of the net proceeds of the taxes, duties, tolls and fees leviable by the State; the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the

municipal bodies and the grants-in-aid to the municipal bodies from the Consolidated Fund of the State; the measures needed to improve the financial position of the municipal bodies.

### Committee for Metropolitan Planning

An area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more municipal bodies or Panchayats may be declared by the Governor of the State as a **Metropolitan area**. Every Metropolitan Area should have a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole. The Legislature of a State may, by law, make provision with respect to composition of the Metropolitan Committees and the manner in which seats in such Committees should be filled; the representation in such Committees of the Union and State Governments; the manner in which the chairpersons of such Committees should be chosen. However, not less than two-thirds of the members of such Committees should be elected by, and from amongst, the elected members of the municipal bodies and the chairpersons of the Panchayats in the Metropolitan Area in proportion to the ratio between population of the municipal bodies and of the Panchayats in that Area.

Every Metropolitan Planning Committee should, in preparing the draft development plan, have regard to the plans prepared by the municipal bodies and the Panchayats in the Metropolitan Area and also to the matters of common interest between the municipal bodies and the Panchayats. The chairperson of every Metropolitan Planning Committee should forward the development plan to the Government of the State.

### Focus on: Powers and Functions of Urban Local bodies as given in the Twelfth Schedule

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.



5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds; and electric crematoriums.
15. Cattle pounds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.

### DECENTRALIZED PLANNING

Need for decentralized planning in India has been emphasized for a long time. The large size of the country, the uneven resource endowment, the highly differentiated nature of the society in terms of language as well as institutions, the varying levels of social and economic development in different areas have made the plea for decentralized planning a weighty one. In order to make the planning more viable, and also in order to make the various five year plans really a people's plans, it would be more expedient if the plans are started from the grassroot level i.e. the lowest administrative unit. The decentralisation of more funds and powers to local bodies had

also been on the national agenda since the beginning of planning machinery has been created even at the state level, not to mention the lower levels.

In 1972, the Planning Commission advised the state governments to set up state planning boards as apex planning bodies with the Chief Minister as the Chairman and the Finance Minister, Planning Minister, and technical experts, representing various departments and disciplines as members. The plans envisaged the decentralization of the planning process to districts and ultimately to the block level. District planning bodies were constituted in all the states except Tripura and Arunachal Pradesh. However, the district planning machinery has not really started functioning in some states.

District level planning which is essentially a micro-level planning or 'planning from below' means that like the central and the state plans every district should have its separate plan which should be based on the considerations of local resources, developmental requirements, real problems and the present state of economic development. A number of committees and study groups reviewed the situation and made recommendations to strengthen the systems of integrated decentralized planning. The Ashok Mehta Committee reviewed the situation in 1978, recommending an institutional design for the Panchayati Raj in the light of the developmental thrust and technical expertise required for the planning and implementation of rural development programmes. Working groups were appointed by the Planning Commission. The Working Group on Block Level Planning headed by Professor M.L. Dantwala in November 1977 studied various aspects of decentralized planning at the district and block levels. In 1984 a Working Group on District Planning was set up under the Chairman of **C. H. Hanumanth Rao**. This Group recommended that separate district planning bodies should be created under either a Minister or the Collector. The Collector should have a major role in the **decentralized planning**. The Panchayati Raj institutions should also be associated with the process.

### DISTRICT PLANNING COMMITTEES

Constitution of District Planning Committees (DPC) by the States has been made mandatory as



per the Article 243ZD of the Indian Constitution inserted through the 74<sup>th</sup> Amendment. District Planning Committee is a monitoring and facilitating body, and need not be engaged in executing any plans or projects by itself.

### Functions of the District Planning Committees

- Consolidation of plans prepared by the Panchayats and Municipalities in the district.
- Preparation of a draft development plan for the district as a whole.
- Conducting an objective SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis for the district.
- Bringing all the developmental agencies operating in the district on a single platform in order to provide an opportunity to listen to each other and identify the development potential of the district and devise suitable strategies for the development of the district.

### Status of District Planning Committees in various States/Union Territories of India

Sl. No	State/Union Territory	Status of Constitution of DPCs
1	Andhra Pradesh	Not constituted
2	Arunachal Pradesh	Not constituted
3	Assam	Not constituted
4	Bihar	Not constituted
5	Chattisgarh	Constituted
6	Goa	Not constituted
7	Gujarat	Not constituted
8	Haryana	Constituted only in 16 districts, rest under consideration.
9	Himachal Pradesh	Constituted only in 7 districts out of 12 districts. Minister is the Chairperson of DPC
10	Jharkhand	Not Constituted
11	Karnataka	Only in 5 districts, Rest under consideration.
12	Kerala	Constituted. Chairman of District Panchayat (DP) is Chairman of DPC

13	Madhya Pradesh	Constituted, District in-charge Ministers are Chairpersons.
14	Maharashtra	Not Constituted
15	Manipur	Constituted in 2 districts out of 4. Adhyaksha (Chairperson) of DP is chairperson.
16	Orissa	Constituted only in 16 districts rest under consideration.
17	Punjab	Not yet constituted, but under active consideration.
18	Rajasthan	Constituted. Chairperson of DP is Chairperson of DPC.
19	Sikkim	Constituted
20	Tamil Nadu	Constituted. Chairperson of DP is Chairperson of DPC
21	Tripura	Not constituted
22	Uttar Pradesh	Constituted. District incharge ministers are Chairpersons
23	Uttaranchal	Not constituted
24	West Bengal	Constituted. Chairperson of DP is chairperson of DPC
25	Aandaman and Nicobar Islands	Constituted. Chairperson of DP is chairperson of DPC
26	Chandigarh	Not constituted
27	Dadra and Nagar Haveli	Constituted. Chairperson of DP is chairperson of DPC
28	Daman and Diu	Constituted. Chairperson of DP is chairperson of DPC
29	Lakshadweep	Constituted. Collector-cum-Development Commissioner is Chairperson.
30	Pondicherry	Not constituted. Panchayat elections were not held so far.

Note: The 73<sup>rd</sup> Amendment Act is not applicable in Meghalaya, Mizoram and Nagaland. Jammu and Kashmir and NCT of Delhi are yet to adopt the provisions of this Act.



### District Planning Committees - Expert Committee Report

Under Article 243 ZD of the Constitution, District Planning Committees are to be set up in every state at the district level to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole. The Legislature of a State is to make provision through law regarding the composition of the District Planning Committees and the manner in which the seats are filled. However, the progress in formation of District Planning Committees has not been satisfactory. Even in states where the Committees have been formed, they have not been functioning well.

In the review meeting of the Prime Minister dated 2nd June 2005, it was decided that regarding the preparation of the Eleventh Five Year Plan based on District Plans in accordance with Part IX and IX-A of the Constitution, the Planning Commission and the Ministry of Panchayati Raj could work together on the possibilities of accomplishing this. In this connection the Ministry has set up a Task Force headed by Mr. V. Ramachandran, Former Deputy Chairperson of the Kerala State Planning Board to work out the modalities.

#### Extract of draft report of V. Ramachandran Committee report:

#### Establishment of District Planning Committees in strict accordance with Article 243 ZD of the Constitution:

The first step is to ensure that DPCs are set up in all States in accordance with Article 243 ZD of the Constitution. In spite of the resolutions of the Second Round Table to set up DPCs as mandated by the Constitution and efforts by the Ministry of Panchayati Raj to persuade all States to set them up, some States are still dragging their feet in this regard. The Ministry of Panchayati Raj addressed all Secretaries of Panchayati Raj in States on 30th May, 2005 requesting them to constitute DPCs in their respective States if the same had not been constituted. Their attention was also drawn to the meeting of the Committee of Chief Secretaries and Secretaries of Panchayati Raj in the States/

Union Territories held on 11th April, 2005 wherein the Ministry of Panchayati Raj had communicated that the States that had not constituted DPCs in accordance with Article 243ZD of the Constitution should do so before 31st October, 2005. However, this has not been achieved.

In order to ensure that the mandatory provisions of Article 243 ZD of the Constitution is implemented in letter and spirit, the V. Ramachandran headed Expert Group suggested in a letter sent to the Planning Commission, pending the submission of this report that the Planning Commission ought to ensure that the DPCs are set up in all States strictly in accordance with the Constitution as a pre-condition of the consideration of the Annual and Five-year plans of States. The Planning Commission has incorporated the points suggested by the Expert Group in their communication addressed to all States regarding formulation of the Annual plans of States. Inter alia, the guidelines for preparation of District Plans and their incorporation into the Annual Plans of States for 2006-07 issued by the Planning Commission to Planning Secretaries of all States/UTs on 24 October, 05 emphasize the following:

- All States must set up District Planning Committees in accordance with Article 243 ZD, prior to discussions on the Annual Plan for 2006-07,
- The composition of the District Planning Committees is to be decided by the law made in this connection by the legislature of the State.
- Taking into account the imperative need to increase the professional competence of the DPCs, whose main responsibility and function is to consider the Gram Panchayat and Block Panchayat development plans, as also those of municipalities of districts and to consolidate and prepare a draft development plan for the district as a whole, the DPC should be required to consult institutions and professionals, as may be specified for this purpose by the Governor under Article 243 ZD (3) (b).
- While these steps would certainly give an impetus to the endeavour to establish and



strengthen District Planning Committees, it is suggested that detailed instructions will need to be issued to all States and Central Ministries prior to plan discussions on the following points:

- CSS guidelines that entrust the task of district level planning and implementation to parallel bodies, such as DRDAs and District Health Societies, need to be modified to incorporate the District Planning Committee in the process of

District level planning,

- The Planning Commission could inform States that the DPC would be the sole body that is entrusted with the task of consolidating plans at the district level.
- The Planning Commission could specify a time frame within which States will need to issue detailed instructions covering the manner in which the DPC would perform their functions.

