



Panchayati Raj and people's participation: A special focus on north east India

■ Nazmul Hussain Laskar

Department of Political Science, Assam University, SILCHAR (ASSAM) INDIA

Email : mr.nazmulhussain@rediffmail.com

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ABSTRACT

The basic principles behind the adoption of Panchayati Raj as a system of local self-governing bodies in the rural areas of the country was that of taking democracy back to the grass root level. This, at length, was also meant to promote people's participation in the management of local affairs in a manner that will lead to self sufficient and self reliant village communities of responsible villagers. The North East India consists of eight states-Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Sikkim covering more than eight per cent of the total area and four per cent of the total population of the country. A large part of the North East India is governed by the fifth and sixth schedules of the Indian constitution. At present five of the eight non-sixth schedule states of North East viz., Assam, Arunachal Pradesh, Manipur, Sikkim, and Tripura have introduced Panchayati Raj as the system of local self government for rural areas except certain areas within their respective territories where they have opted for Autonomous District Councils. Studies carried out in number of state all over India found that, by large, Panchayati Raj Institutions (PRIs) have not yet become the real institutions of self governance largely due to lack of people's participation, especially women, the poor, and other marginalised groups. However, Panchayati Raj and people's participation cannot be separated from one another. There is an organic relationship between the two in the sense that there can be no meaningful and healthy existence of one in the absence of the other. The PRIs are basically meant to promote self governance and self sufficiency on the part of the people. This obviously requires that people should come forward and participate in the management of their own affairs.

The basic principles behind the adoption of Panchayati Raj as a system of local self governing bodies in the rural areas of the country was that of taking democracy back to the grass root level. This, at length, was also meant to promote people's participation in the management of local affairs in a manner that will lead to self sufficient and self reliant village communities of responsible villagers. In other words, the significance of the Panchayati Raj Institutions (PRIs) was to be seen not only in that it seeks to build up a system of local government, however well organised and decentralised it may be, but also in that it seeks to tackle the problems of building democracy and mobilizing the entire potential manpower resources of the country for purposes of economic and social progress at the grass roots level¹. Indeed, it was the lack of people's participation in the community development programmes that

made the Balwant Mehta Committee suggests initiation of PRIs in the country. The committee realised that the popular participation in the community development programmes enlisted through advisory bodies was not adequate. As such, it felt the need for a separate set of statutorily created institutional arrangement to make the popular participation meaningful and effective. The committee observed that there was need to discover or create a representative and democratic institution which will sustain the local interest, supervision and care, necessary to ensure that expenditure of money upon local objects conform with the needs and wishes of the locality, invest it with adequate power and assign to it appropriate finances, which would evoke local interest and excite local initiative in the field of development. Accordingly, the committee insisted that such a body should be statutory, objective, and

comprehensive in its duties and functions, equipped with the necessary executive machinery and in possession of adequate resources. The committee also suggested that it should not be loaded with too much government control. Thus the requirement for real decentralization and meaningful popular participation was very emphatically stressed by the Mehta study team².

Historical background:

The credit for bringing Panchayat Raj into focus as a most potent mechanism for bringing out democratic governance in modern India through popular participation at the local level, however, goes to Gandhiji. While reflecting on the future of an independent India, Gandhiji never wanted to be developed "as a third class or even a first class copy of the dying civilization of the west"³. Instead he wanted lakhs of villages in India to become a well living republic in which there are no illiterates, in which no one is idle for want of work, in which everyone is usefully occupied and has nourishing food, well ventilated dwellings and sufficient khadi for covering the body, and in which all the villagers know and observe the laws of hygiene and sanitation⁴. It was with this end in view that Gandhi propagated the rejuvenation of self sufficient and self governing village republics as the nucleus for a continuously progressing India. Yet, it is interesting to note that the idea of Panchayati Raj did not find a place in the Draft Constitution of India. This happened because the Congress Constitution Committee rejected the idea 'believing that the congress could neither forgo its political role nor become so utterly decentralized' as envisaged in the Gandhian concept of Gram Swaraj⁵. B.R. Ambedkar, the Chairman of the Drafting Committee himself did not have much faith in the panchayats of village communities, describing them as the cause of "ruination of India" and that they were nothing but "stink of localism and ignorance and communalism"⁶. He even said that he was "glad that the Draft constitution has discarded the village and adopted the individual as its unit"⁷. While such an attitude of Ambedkar towards the village Panchayats might have been based on his apprehension that these Panchayats shall be dominated by the upper castes, Nehru also chose to remain silent on this issue as he favoured "a centralised polity for making a modern and developed state."⁸

However, owing to passionate pleas from many prominent Gandhians, a directive to set up village panchayats and endow them with the authority to function as units of self government was included later as one of the Directive Principles of State Policy. Though this led to the enactment of Panchayat Raj Acts by various states, these remained only half hearted attempts to create rural local government institutions and over all these developments did not lead to the evolution of a healthy system of local self governing bodies in the rural areas. Later attempts including that of the Ashok Mehta Committee (1978)

to revitalize the system were made. In 1989, the then Prime Minister of India, late Rajiv Gandhi made an earnest effort to revitalize the panchayats by moving the 64th amendment Bill in Lok Sabha. Though the Bill was passed by the Lok Sabha by a two-thirds majority, it was rejected in the Rajya Sabha. The vision for PRIs as local self governing bodies in rural areas got subsequently institutionalized in the form of the 73rd Amendment Act (1992). This led to the establishment of the new system for Panchayati raj in the states through the enactment of conformity legislations.

State of Panchayat Raj Institutions in North East India:

North East India consists of eight states-Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and Sikkim covering more than eight per cent of the total area and four per cent of the total population of the country. A large part of the North East India is governed by the fifth and sixth schedules of the Indian constitution. The Panchayats (Extension to the Schedule Areas) Act, 1996 extends to the Fifth schedule areas whereas Autonomous District Councils have been envisaged as the system of local self government in areas covered by the sixth schedule of the constitution⁹. At present five of the eight non-sixth schedule states of North East viz., Assam, Arunachal Pradesh, Manipur, Sikkim, and Tripura have introduced Panchayat Raj as the system of local self government for rural areas except certain areas within their respective territories where they have opted for Autonomous District Councils.

Regarding Assam, the state's tryst with a formal system of Panchayati Raj goes back as early as the promulgation of the Assam Local Self Government Act, 1915. The Act provided for the establishment of village panchayats for the first time on a formal and legal basis. It also provided for an elective non-official majority in the Panchayat and for the election of non-officials as chairpersons and vice chairpersons¹⁰. In 1926 another Act was passed to further experiment with a more meaningful system of Panchayats. However, the panchayat institutions under the British proved to be a failure as these measures were more of nominal gestures rather than genuine efforts to empower the local bodies¹¹. In the post independence period, Assam was one of the pioneering states to introduce Panchayati Raj when it enacted the Assam Panchayati Raj Act, 1948. Following the recommendations of the Balwant Rai Mehta Committee, another Panchayati Raj Act, 1959 was passed replacing the earlier one. The new Act provided for a three tier system of Panchayati Raj consisting of the Gram Panchayat at village level, Anchalik Panchayats at the intermediate level and Mahakuma Parishad at the sub-divisional level¹². It may be noted that the Act covered only the plain district of the state and Hill Autonomous Districts and villages in the tea gardens were excluded from the purview of the Act. The Assam Panchayati Raj Act, 1972 later opted for a two tier system of

Panchayati Raj for the state – Gaon Panchayat at the village level with a population of 15000- 20000 and Mahakuma Parishad at the apex level . It also brought the villages located in tea gardens areas within its purview¹³. The Act of 1972 was replaced by another new act introduced in 1986 but became operative only from 5 September 1990. With it, the state reverted to a three tier system of Panchayati Raj. With the coming of the 73rd Amendment of the constitution, the state enacted another Panchayat Act in 1994 covering almost all the features of the 73rd Amendment including that of a three tier system and 33.3 per cent reservation for women. The Act extends to the whole of Assam in the rural areas except the autonomous districts under the sixth schedule of the constitution of India¹⁴.

Regarding Tripura, the Panchayat Raj system inside the state was initially guided by the United Province Panchayat Raj Act, 1947 which provided for a single tier system of PRIs. Later, the Panchayat Raj Act, 1983 was brought into force in January 1984 replacing the earlier Act of 1947. The Tripura Panchayat Act of 1993 provided for three tier system of Panchayats for the state with Gram Panchayats at the village level, Panchayat Samitis at the Block level and Zilla Parishads at the district level. The Act also provides for a Gram Sabha which shall meet annually to consider matters relating to accounts, budget and report of development works in the Gram Panchayat. It is significant to note that Gram Sabhas are there in Tripura irrespective of schedule or non schedule area. Hence Tripura's local self government is quite unique¹⁵. The first general elections for the panchayats were held in 199. At present there are four Zilla Parishads, 23 Panchayat Samitis and 511 Gram Panchayats in Tripura¹⁶.

In Arunachal Pradesh, panchayats have been in existence from very old days in the form of traditional village institutions which got the status of Gram Panchayats later on. Under the provisions of the North East Frontier Agency (NEFA) panchayati Raj Regulation Act 1967, a four tier system of local self governing bodies with gram panchayats at the village level, Anchal Samiti at the circle level, Zilla Parishad at the district level and Agency Council at the agency level was inaugurated on 2 October 1968¹⁷. Following the enactment of the 73rd and 74th amendments of the constitution, the state government passed the Arunachal Pradesh Panchayat Raj act 1997. The Act provided for a three tier system of Panchayati Raj for the state in the form of Gram Panchayats at the village level, Anchalik samitis at the circle level and Zilla Parishad at the district level. The first Panchayat elections in Arunachal Pradesh as per the new system were conducted in April 2003¹⁸.

Coming to Manipur, from time immemorial the state had its own traditional system of local self governing bodies in the form of Khunja Mipham which was an organized institution to provide justice to the villagers by the elders of the village¹⁹. At present, the state has adopted Panchayati Raj as the system of local self governing bodies in the rural areas of the four valley

districts. Otherwise, it is not there in the five other districts in the hills of the state where there are Autonomous District Councils. Prior to the enactment of the 73rd Amendment of the constitution, Manipur implemented the Panchayati raj system of governance under the adopted United Province Panchayat Raj Act, 1947²⁰. The second general elections to the panchayats were held in 1971, also under the same Act. Subsequently, in 1975 Manipur enacted its own Panchayat Act providing for a three tier system of local self governing bodies- Gram Panchayats, Panchayat Samitis and Zilla Parishads. Though the elections to the Gram Panchayats and Panchayat Samitis were held, the Zilla Parishads were never constituted²¹. With the coming of the 73rd Amendment, the state government passed the Manipur Panchayat Raj Act, 1994. The Act came into force w.e.f. 24 July 1994. It provides for a two tier system of Panchayat raj inside the state- Panchayat at the village level and Zilla Parishads at the district level in place of the three tier system earlier envisaged by the 1975 Act. Altogether the state has 4 Zilla Parishads and 165 Gram Panchayats. The first Zilla Parishad and Gram Panchayats elections were held in 1997. Since then, general elections to the panchayats have been held for every five years with the last elections held in September 2007²². At present the state has a total of 61 elected Zilla Parishad and 1707 elected Gram Panchayat members²³.

In Sikkim, the Sikkim Panchayat Raj Act, 1993 in keeping with the 93rd Amendment was enacted to establish a two tier system of PRIs – Gram Panchayats at the village level and Zilla Parishads at the district level. The Act extends to whole of Sikkim except for 12 small towns. As of March 2010, there were 4 Zilla Parishads and 163 Gram Panchayats in the state²⁴. All these developments were meant to be significant steps to secure people's participation in the management of local affairs in such a manner so that it may lead to the all round development of the rural areas and people living there.

The state of PRIs and people's participation at present:

When one talks about PRIs and people's participation, one has to look at the issue in a holistic manner. It is of utmost importance that there should be participation from all the different cross sections of the rural population, including women, poor and other marginalized sections of the society, and it has to be in a continuous and consistent manner. When one looks at the state of PRIs and people's participation from this point of view, a number of things come to the mind. The need for conducting Panchayat elections at regular intervals can never be overemphasized. Equally important will be that of conducting these elections in a democratic and free and fair manner. Because it is not so much the election results but the process of electoral politics through the results are arrived at that will decide the democratic features of the elections, legitimacy of the institutions established and the real meaning of people's participation. What is essential is a system of

panchayat elections which will accord equality of opportunity to all irrespective of their caste, religious, linguistic and gender considerations. Besides proper vigil over election time expenditure has to be there. It should be a system in which the poor and under privileged sections of the society have the same prospects of contesting as well as winning the panchayat elections like those of the rich and privileged sections of the society on the basis of their own individual merit. Whether this has become a distinctive feature of panchayat elections in the region needs to be closely examined.

So far as the participation of women in the PRIs is concerned, reservation of seats for them, 33.3 per cent or more, has already facilitated their entry into the PRIs as elected members. While Assam, Arunachal Pradesh, Sikkim and Manipur have gone for 33.3 per cent for women in the PRIs, Tripura has gone ahead further by providing for 50 per cent reservation for women making her one of the 12 states of the Union which have 50 per cent reservation for women in these institutions. It is also significant to note that when it comes to their participation in the local self governing bodies, women in areas covered by the system of Panchayat Raj are in a much more advantageous position than their counterparts in those areas coming under the Sixth Schedule where there are Autonomous District Councils. This is due to the fact that in case of the latter there is no reservation for women. Besides, the traditional village council in most of the sixth schedule areas do not have women representatives. The recent developments regarding the Municipal Council Act of Nagaland are a very pertinent case here. It took more than eight years since the 73rd Amendment for the Nagaland government to enact the Nagaland Municipal Act, 2001. But this Act did not have any reservation provision for women. So it took another five years and a lawsuit filed in the high court before the state added 33 per cent reservations for women in the Nagaland Municipal(First Amendment) Act,2006. Another three years passed before the wards to be reserved for women could be allotted in 2009. Even after that elections for the councils have been suspended by the cabinet till now. This has been seen as “a ploy to avoid giving women their constitutionally mandated seats”²⁵. Finally when the state government decided to hold the Municipal and Town Council elections in the month of April, several Naga organizations led by the Naga Hoho came out strongly against the 33 per cent reservation for women²⁶. The Naga organizations maintain that reservation would infringe on Article 371(A) of the constitution that has given absolute power to the Naga people and that no act of parliament can infringe on the article without the consent of the Nagaland Assembly²⁷. Women in the hills of Manipur also suffer from a similar predicament. While the traditional administrative system of the village as represented by the village councils has no place for women, the village authorities and Autonomous District Councils also provide no scope for reservation of

women. These features of local self government in the hills of the state impede political empowerment of women there²⁸. PRIs along with meaningful participation of the people can remove a number of flaws in the present trend of implementation of programmes meant for the development of the rural areas and people living there. For instance, many studies have pointed out flaws in the selection of beneficiaries for these programmes. It has been reported that people living above the poverty line have also been selected as beneficiaries for schemes meant for people living below the poverty line. This leads the deprivation of the target group of people of these schemes. Non-adherence to national guidelines meant for the implementation of the programmes has also been another problem that plagues the implementation of these programmes. In connection with wage employment schemes also, there have been many reports of people being provided with reduced number of work days. For instance, in Manipur it has been reported that while implementing Employment Assurance Schemes the maximum number of man-days actually provided was only 45 per annum as against 100 to be provided as per the provisions of the scheme²⁹. Besides there have also been many instances of wage employment programmes failing to create durable assets which are needed for rural development³⁰. A healthy system of Panchayat Raj Institutions and meaningful involvement of people in its activities will go long way in keeping vigil over these problems.

Studies carried out in number of state all over India have also found that, by large, PRIs have not yet become the real institutions of self governance largely due to lack of people’s participation, especially women, the poor, and other marginalized groups because of ignorance, poverty and lack of distributive justice. Reluctance on the part of the higher tiers of the government to devolve financial and administrative powers to control the planning and implementation of developmental schemes to the PRIs is another factor contributing to it. Apathetic attitude of bureaucrats and politicians is another serious hurdle. Besides, insufficient capacity and resources of the PRIs in running their activities effectively, and lack of organic linkages among the different tiers of PRIs also adversely affects the emergence of these in situations as meaningful agencies of self governance³¹. If the Panchayats are to function as effective as well as meaningful institutions of self governance at the grass root level, then they have to fulfil three basic conditions, namely, (1) institutional existence in the sense that the decisions are taken by the people’s representatives,(2) institutional capacity in the form of empowering institutions to make their rules independently, and (3) financial viability in terms of sufficiently empowering panchayats in raising resources to meet their responsibilities³². In other words, the Panchayats should enjoy administrative and financial autonomy. However, these things are easier said than actually realised, and we have to find the

ways and means to actually realise these things.

The need for sensitising the members of the PRIs as well as the public to the multi dimensional issue of rural development is another thing which requires proper attention. PRI personnel as well as the people in rural areas have to be made really aware of the different rural development programmes so that these may be meaningfully implemented. In many cases gaps in implementation process and observance of basic guidelines have been due to the lack of awareness among the concerned people at various levels. Apart from their just sensitization to the urgent needs of the rural people, there is also need for a real sense of commitment and sincerity on the part of the PRI personnel while discharging their duty in the course of implementing various programmes. For the people in rural areas also, they are often ignorant of the opportunities offered to them by the various schemes that are there for their development. Once they are not aware of their entitlements, it becomes easy for persons with vested interests to misappropriate the benefits thereby depriving the target group of the various schemes.

Conclusion:

Panchayat Raj and people's participation cannot be separated from one another. There is an organic relationship between the two in the sense that there can be no meaningful and healthy existence of one in the absence of the other. The PRIs are basically meant to promote self governance and self sufficiency on the part of the people. This obviously requires that people should come forward and participate in the management of their own affairs. Similarly the people also require certain basic institutions through which they can participate in the management of their own affairs. The PRIs facilitate this requirement. However the present state of PRIs and people's participation in North East India is far from being fully satisfactory. Even after almost two decades of the 93rd Amendment, meaningful implementation of rural development programmes through PRIs and people's participation remains an unfinished agenda, a dream yet to be realised. Lack of political will on the part of the most of the state governments to really devolve power into the hands of the PRIs, lack of awareness on the part of the PRI personnel as well as the rural people at large, etc, obstruct effective participation of the people in the rural development programmes through these institutions. The conflict between the state government and the PRIs over the issue of devolution of power is another basic issue that needs to be properly addressed.

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