

GOOD GOVERNANCE IN PANCHAYATI RAJ – RANDOM THOUGHTS

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Operation of the Panchayati Raj institutions can be traced to the Vedic period yet the constitutional status conferred on them in the year 1992-93, of course 45 years after independence, now demands a higher degree of adroitness in their administrative process. The concept of good governance presupposes transparency, answerability, compassionate responsibility and maximum cooperation of citizens, and the concept can be viewed in association with availability of just social opportunities in various institutions charged with the function of administration, in relation to the capacity of administrative bodies to eliminate poverty. Panchayati Raj institutions are supposed to undertake the responsibility of providing essential services to citizens at grass root level, and consideration of this capacity of these institutions is hence assumed to be integral part of good governance.¹

Rajasthan is the State having to its credit to first adopt the Panchayati Raj System; and it is naturally expected to assess how the Panchayati Raj institutions are discharging their functions, and what has been the role of these institutions in eliminating poverty and in redressing the grievance of citizens. It is necessary, therefore, to evaluate -

- (a) to what extent the concept of good governance of Panchayati Raj institutions in Rajasthan, can be implemented; and
- (b) what are the challenges to ensuring the good governance in these institutions.

With a view to assess the above two points, it becomes relevant to glance the efforts so far made in Rajasthan to strengthen the Panchayati Raj institutions.

Effort for transfer of 16 out of 29 subjects, as enumerated in the Eleventh Schedule of the Constitution, to the Panchayati Raj institutions, relates back to June 2003 when orders were made to transfer 28 subjects to the Panchayati Raj institutions.²

Such transfer was effected with a view to improve the infrastructure of Panchayati Raj institutions but could not prove to be successful because of certain practical difficulties as pointed out by officers and employees functioning in departments concerned with Panchayati Raj institutions.

Brooding over such situation, the occasion to take initiative arose on 2 October, 2009, when the Golden Jubilee on completion of fifty years of the Panchayati Raj institutions was celebrated at the headquarter of Nagaur district. This celebration, once again brought to focus the expediency of reviewing the real possibility towards implementing the spirit of strengthening the Panchayati Raj institutions contemplated by the Constitution as amended, and the thinkers around the country were looking forward through this process to assess the conditions conducive to strengthening the Panchayati Raj institutions in a State having the credit of being the volunteer in adopting the three tier Panchayati Raj institutions.

Efforts for strengthening the Panchayati Raj

Even before completion of a year since the aforesaid golden jubilee, the Government of Rajasthan decided to revitalize the stability of Panchayati Raj institutions and acting on recommendation of a committee constituted by the Council of Ministers of the State, resolved on 2 October, 2010, to handover in full the following five out of 29 subjects as enumerated in the Eleventh Schedule of the Constitution, as the first step towards that process,³ namely –

- (i) Primary education;
- (ii) Medicine and Health;
- (iii) Agriculture;
- (iv) Social rights and social justice; and
- (v) Funds and functionaries of employees

In pursuance of that order, passed by the Chief Secretary, directions were issued to the Chief Administrative Secretaries of the said five departments to issue directions in detail for implementation of the process by transferring the employees as also the funds; and it gives contentment to note that at least after 17 years since the Constitutional Amendment, final orders have been issued on 2 October, 2010 to transfer all activities relating to above five

subjects fully and finally to the District Boards and other subordinate Panchayati Raj Institutions.⁴

Presently, a three - member committee in the Council of Ministers is now proceeding towards resolving the obstacles confronting the transfer of activities through its monitoring or exhortation with the expected aim and in furtherance thereof decision has been taken on 1.4.2011 to commence efforts at village secretariat level at each headquarter of village Panchayat with the expectation of day-day guidance in this direction of the Development Officer of the Panchayat with the expected co-operation of the people of the concerned region.⁵

A careful view of such efforts to strengthen Panchayati Raj institutions in Rajasthan, as necessary it is, must be addressed to the basic question whether solid steps towards that end are still wanting. The obvious slow process being formal is yet circumscribed by questions of practical significance, that is:

- (a) Transfer was confined only to five out of the twenty nine subjects indicated in the eleventh schedule of the Constitution;
- (b) The basic spirit of the Constitution was to make the Panchayati Raj institutions as the third competent tier of administration. That way, the efforts made by the Governments in power reflected more a helplessness than honest endeavors and on occasions of confronting the objections, the political leadership takes a chance, of course, with faltering steps, to succour strength to these institutions, apparently to camouflage its reputation, whereas the fact situation hazard basically depicts that all these efforts are so incomplete and imperfect as to expose the hope even of partial transfer of these subjects contemplated under Constitution to grave doubts.

The obvious need not be explained that unless an adequate infrastructure for the faithful implementation of transferred subjects is developed, desired results cannot be expected, particularly in relation to the Departments of health and medicine, agriculture, welfare of women and children, which require a comparatively more stable infrastructure for effective expedition of the responsibilities associated therewith. The functions relating to the transferred subjects are yet being discharged apparently on paper in the same mode as hitherto before with little hope to bring the system from the lowest pedestal to any higher level, particularly in the

context of education. A publication brought about by Government of India, on the ranking frame work of National Institutions amply illustrates and reveals the deterioration in standard of education in Rajasthan. The result which follows is that out of 100 institutions of the country, the State of Rajasthan has the credit of having only two institutions, and that too, in the private sector, to having any rank among such institutions.⁶

The point for consideration in this context is the need of preparing a positive blue print clarifying and identifying the infrastructure implementing the class and status of officers and employees required to be posted for that purpose in the concerned administrative institutions. In absence of any such blue print the process is liable to rest only on paper.

This has been evidenced by the fact that the Chief Minister, on advice of a cabinet sub-committee had conceded in 2011 itself that despite transfer of subject of primary education to Panchayati Raj, the affairs of this department shall continue to be dealt with by the department of education as the parent department.⁷

It is essential for proper execution of transferred subjects to make specific provisions in the blue print portraying the infrastructure to be evolved as all those levels of the Panchayati Raj, failing which, the entire plan may collapse for lack of harmony in execution of functions at either of the three levels of the Panchayati Raj institutions. Based on the thoughtful conclusions of a national team of workers, it must be ascertained as to what infrastructure has to be developed at the Gram Panchayat, Panchayat Samiti and District Board levels, as also what particular responsibilities have to be discharged by them individually. Of course no effective execution of such responsibilities can be envisaged in its absence. The experience attained in this direction by efforts made in various States, justifies the expediency of evolving such work plan.

The basic status of this entire process of transfer of subjects rests on the headquarters of the Panchayats as existed in 1955, in relation whereto the system of establishing a village secretariat was resolved to be commenced since 2011.⁸ However the representatives, merely for the ignorance of their responsibilities, do not succeed in performing their role. This requires a higher budgetary allocation for interpreting proper training to the representatives of the people elected to the Panchayati Raj Institutions.⁹

The representation of the people at each of the three levels of the Panchayati Raj institutions is maintained through direct election. Persons elected as members of Panchayats are capable to some extent in discharging their functions, successfully but those representing a comparatively larger fraction of population as members of Panchayat Samitis or District Boards, remain ignorant of their duties and responsibilities. Apparently, the exact role of these elected representatives has not been defined either by the legislature or by the elected chairpersons or presiding officers of these institutions, and, for absence of that, these elected officers not only remain ignorant of their responsibilities but also become subject to disappointments, frustration and neglect.

What an anomaly that the representatives of the people responsible to realize democracy on ground level, fail to discharge their responsibilities or materialize their capabilities simply for lack of awareness and absence of proper planning and guidance. The government must be activated to dispel this lacuna.

(a) In the context in hand, what again deserves consideration is the fact of apathy of the elected representatives in the Panchayati Raj institutions towards social audit. The Central Government as also the State Government have been expanding their budget for the last two decades towards execution of plans initiated by the Centre or by the States through the Panchayati Raj institutions; and a question is frequently raised by the media that not only large pockets of the population prefer to contest elections to the Panchayati Raj institutions in same manner as for elections to the Parliament or the State Legislatures by investing huge funds for that purpose, and this trend hardly depicts any healthy practice but illustrates a misuse of funds towards the ambitious projects, including the MNREGA as implemented by the Centre or the states. The staunch supporters of social audit, including Aruna Roy, have taken a view that right to publicize necessary material for purpose of construction of projects has not been conceded to the Sarpanchas because they are not efficient or well-trained. Such observation is apparently true with regard to the capabilities of the Panchayati Raj institutions yet it is strange enough that the elected Sarpanchas all over the state of Rajasthan demonstrated at the Legislative Assembly against the process of social audit as also for removal of restraints imposed on the right to purchase material for concerned projects. Still stranger is the fact that not only the rights to purchase material were restored to the Sarpanchas but the transparency in the social audit system was also

relaxed. The transparency in projects financed by the hard-earned income of the people and the stopgap on social audit goes contrary to a clean administration and political practice. Restoration of moral standards in administration and prevention of every possibility of corruption requires effective and solid measures to be adopted as are in conformity with the democratic traditions, and same, if ignored, would render the whole system undemocratic.

Challenges Qua Good Government

The above analysis has attempted a review of the specific contexts involving the transfer of power of the Panchayati Raj in the State of Rajasthan though it is desirable further to consider the practical obstacles or challenges faced in the direction of bestowing on the people a good government as the third pedestal in the federal structure of the country, and the points relevant thereto have been arranged in the lines that follow:

(a) Necessity of training of various constituents

Right from inception of the Constitutional Amendment, it was deemed necessary to impart training to the elected representatives and the officers and employees for effective discharge of their responsibilities. The ground reality however reflects total ignorance not only of their own role and responsibilities, but also of the imminent objectives envisaged by the said constitutional amendment. If the objective has been to render this third constitutional pedestal into a uniform entity, it becomes essential to foster their capacity by an organized course of training of both these constituents, namely, the elected representatives and the staff of officers and employees.

(b) Apathy and random cooperation of electorate

A vital menace to the efficient and effective functioning of the Panchayati Raj institutions is the apathy and random cooperation of the electorate. The figures reveal a representation between 45 to 70%, with the result that almost 40% of the voters were found nonchalant to the election process itself. That apart, the meetings of Gram Sabha at Gram Panchayat level hardly answer the quorum of 1/10 as prescribed for such meetings, and the concept of direct democracy at the ground level, eventually remains poles apart from the aspiration of active participations.¹⁰ This explains why the Panchayati Raj institutions have not become effective instrumentation of administration at the local level. The apathy of the general members of the

Gram Sabha for such meetings has brought to light the evil effect in the election of deserving beneficiaries of the projects, coupled with the selection of undeserving persons as BPL families, favour in the grant of pensions to the old and the widows, erroneous issue of *Pattas*, causing a berserk situation at the local level, unless these institutions are not made advantageous to the people in general, it is impossible to expect any active cooperation on part of these institutions in the context of their activities.

(c) Excessive Dependence on State Governments

Even after an amendment in the Constitution, the Panchayati Raj Institutions, being an item of the State list, are still dependent on State government in their actions.¹¹ These institutions have to throughout depend on the State governments with regard to the legal phenomena of administrative rules and for availability of employees and requisite funds.

The structural organic relationship involves the functions of these institutions where Gram Panchayats in their functions to some extent, have to depend on the Panchayat Samitis, which, in turn, have to depend for direction, in relation to their functions on the District Boards. Yet the fact is that the elected office bearers or the Government Officers at such higher level have scarcely any time to provide any proper or timely guidance if and when needed by the subordinate institutions. The resolution worked out by the Panchayats remains pending for months and the Panchayat Samitis keep on waiting upon The District Boards for their usual funds. The observation made by the instrumentalities responsible for the audit for these institutions stand in testimony of the fact that merely for lack of timely guidance and non-availability of resources, these institutions are usually found failing in discharging their essential liabilities. This simply illustrates the lingering image of the a responsible and selfish motives of the British rule not at all in accord with the democratic aspirations.¹²

(d) Frailties generated by financial paucity

Subsequent to the 73rd Constitutional Amendment, the form in which the Panchayati Raj institutions have emerged with increase in their powers is still insignificant in the financial context. The said amendment has aspired for effective execution of development projects to achieve social and economic justice within the rural areas through adequate planning, and for activizing their role in that direction, the economic solidarity of these institutions is a condition precedent but generally the financial condition of the Panchayati Raj Institutions is

far from being satisfactory throughout the country and, particularly in the state of Rajasthan. These institutions have been constantly grappling with the problem of lack of funds. The first Finance Commission in Rajasthan had stated in its Report that almost 60% of the income of Panchayati Raj Institutions has to be subscribed by the State Government whereas 36.5% by the Central Government and the remaining 3.5% rests on their own resources.¹³ The figures reveal that no fruitful efforts have been made by the Panchayati Raj Institutions for increasing their own income, with the result that the poor financial condition has adversely affected their efficiency. Such reasons can be summarized as follows.¹⁴

(a) The Panchayati Raj Institutions, being nearest to the citizens, are usually reluctant to impose taxes.

(b) These institutions take no interest in collecting the taxes which they impose and, thus, become liable to face crisis because of non-collection of amounts of such taxes.

(c) The per capita grant allowed to these institutions by the State Government is insufficient.

(d) The powers bestowed on these institutions to impose tax are insufficient. The 73rd Constitutional Amendment has increased the responsibilities of these institutions without making positive provision for them to avail adequate financial resources.

(e) The funds transferred to these institutions by the State is meant for particular projects with stipulation by expanding them to the specified projects and the institutions have no discretion to appropriate any fund meant for one particular project to any other; and

(f) Even the recommendations made by the Finance Commissions subsequent to the 73rd constitutional (amendment) Act, has not improved the financial position of these institutions, more so that such recommendation, though binding on the Central Government, are not made binding on State Government.

The anxiety of reviewers has been that why Panchayati Raj Institutions are not exercising their powers, as given by related Act, to impose tax properly. The painful aspect of this anxiety is that whereas in Kerala, the average income of the Panchayats has approximately been one crore; in Rajasthan, it is estimated only between one to five thousand. There is total lack of initiative right from all representatives of the Panchayati Raj Institutions up to the State

Administration and in order to strengthen these democratic institutions at the base, solid efforts must be made to raise their income to become self – sufficing. It is incomprehensible that the collective social consciousness has been inert in taking initiative to inspire the Panchayats at least for the exigency of certain minimal tax. An illustration comes from village Doomroli in the district of Alwar, where on consensus of the entire village, a fee of rupee one is charged in the name of custom of *Paharavani* from each family on occasion of the marriage of a son, and the amount so collected is invested for accomplishment of the projects for which there is no provision of any aid from any government project. Taking a cue on the same analogy, the other Panchayats in the State can take steps to impose tax on the entrepreneurs, shopkeepers and other commercial establishments functioning within their areas, proportionate to their income and earning capacity, so that they can utilize such income for construction of drains, and providing for sanitation, street lights and other works of public utility, and, for that, the Panchayati raj department must come out with certain incentives for sanctioning a ‘matching grant’ to the Panchayati Raj Institutions, and such right step can go on long way in the empowerment of the Panchayati Raj Institutions. In his book ‘Panchayati Raj in India’ the following comment made by Shri Niranjana Mishra, is most relevant;

“The financial position of most of the Panchayati Raj Institutions is miserable.” On the whole, they thrive on grants available from the State government and are prone to await the State grant. Steps have been taken to make practicable the power of these institutions to impose taxes, and the quantum of State grants is such meager as to suffice merely for their base maintenance. Taxes were imposed only on 20-25% of the exigible items. The recovery process was all the more worse in reaching an average of 32-35%. According to the report of Ashok Mehta Committee, the average income of the Panchayats approximated to Rs. 5000 per annum. The fear of coercive action on part of the State in the recovery of taxes is totally absent in relation to the context of the Panchayati Raj Institutions.”

These lines are sufficient to throw light in the existing situation of the Panchayati Raj Institutions, grappling with financial crisis.¹⁵

Obviously, these Panchayati Raj institutions have to very much depend on State for their financial resources. Whereas the Constitution is silent relation to allocation of financial resources to these institutions of Panchayati Raj institutions, even the State Financial

Commissions have not been able to bring about any positive improvement in the financial status of these institutions.

Resultantly, these institutions have to depend for necessary funds on the State Government, and the grants made in their favor, too, are not made available to them within time. These grants usually reach the concerned institution at the end of the financial year, and some times, in the last month of the year, thus making it difficult for them to appropriate the funds in accordance with Rules.

The amount so disbursed is mostly appropriated for the advantage of individual beneficiaries rather than in developing their infrastructure, which is a situation not conducive to national development. The situation as it exists is a great menace to them to flourish in their democratic form.

(e) Governance and Transparency, still the dream

A national policy adopted by the Government of India, in 2006, in the name of E-Governance, exhorts the State governments to encourage this policy with a view to achieving the targets stipulated there under. The significance of the policy in the function of the Panchayats in the country is evident in view of the fact that this constitutes a level directly covering 60% of the countries' population in addition to its liability to provide a essential services to the citizens spread over far and wide in the villages.¹⁶ The extension of E-Governance to the Gram Panchayats has the avowed object of identifying and resolving the problems infesting the rural areas yet it is a menace to the meaningful development of the villages. Prominent among these are lack of reliable means of communication, delay in rendering service to citizens, meager income at village Panchayat level and absence of adequate machinery monitoring the projects, etc.

The aspiration of this mission was to commence the operation of E-Governance in relation to the following,¹⁷ namely,

- (a) Licences or no objection certificates concerned with trade or commercial activities in the rural areas:
- (b) Services related to housing and accommodation ;
- (c) Birth and Death certificates;

- (d) Publicizing the agenda of meetings and various resolutions;
- (e) Reports of decisions and proceedings initiated thereunder;
- (f) Receipt of income received and progress report; and
- (g) Public awareness of statics relating BPL families.

It is expected that in consequence of establishment of Rajeev Gandhi Centers for Nation Building and the Atal Service Centers, at Gram Panchayat Level, and their activities all over the country, the Panchayats may be able to realize to some extent the object of the above E-Governance Mission.

(f) The Cancerous Sting of Corruption

In the analysis hereto before of points involving these institutions, it becomes clear that extensive financial irregularities in the functioning of these Institutions have increased merely for lack of training of the elected members and the office bearers of these Institutions. Pursuant to the accounts of these institutions, large number of cases involving extensive misuse of funds is pending in Rajasthan as in other parts of country. Huge funds are being diverted by these Institutions for sheer ignorance on part of the representatives responsible for carrying out the functions, and of the rules prescribed by Government for purpose of accounts and reservation of funds. Charges are often levelled that because of ignorance of financial rules, laid down by the Government, the junior officers functioning in these Institutions often misappropriate funds by mutual connivance, and these basic Institutions of democracy are victimized by the venomous conduct prevailing at their own level. The elected representatives of these Institutions are sometimes so scantily educated that such deficiency is taken full advantage of by the cunning employees, and finally, these less educated representatives have to bear full responsibility for misuse of funds detected during process of audit. The quantum of allowance to which the elected representative are entitled for participating in various official meeting, is comparatively far less than what they have to really incur. The recommendation make by the Third Finance Commission to settle a monthly honorarium to the office bearers of these Institutions are actually so meager that the elected representatives of the Panchayati Raj Institutions, in order to meet out their actual expenses, are compelled to conspire and manipulate with the concerned officials. This corruption can, to some extent, be

eliminated if the honorarium payable to officers and the allowances payable to the members are brought to a logical parity with the honorarium paid to the members of the Parliament and the Legislative Assemblies. With a view to ensure transparency and increase efficiency in the function of these basic institutions, it is essential to elevate the knowledge as also to ensure the efficiency of the elected representatives and the officers of these institutions to understand the rules related to finance and audit.

(g) Improvement necessary in the slow order of formal control

Being part of the State List in the Constitutions, the structure of the Panchayati Raj Institutions has to be determined by State Governments. Being a legislative activity, its execution has to be under natural control of the State. However, in practice, the State Governments are found failing in discharging this responsibility of exercising this control or supervision on the Panchayati Raj Institutions in a manner expected of the State Government, and this control is so loose as considered by the critics and just nominal, as rightly observed by R.M. Jackson that “the local units cannot be fully autonomous because in becoming so they would become immune from limits of local administration.”¹⁸ The observation of Jackson implies that all expedients have to be tried to ensure administrative efficiency in the units of local administration by the higher instrumentalities of the State. May be on strength of this reasoning, provision has been made in the Panchayati Raj Act for necessary presence of the Development Officer or a person nominated by him for the success and affectivity of the meetings of the Gram Sabha, and, likewise, it is expected that officers of District Boards should also be present at such meetings. However, this statutory provision is being treated with such indifference that the object of this provision becomes frustrated. An instance notable in this context is that even with the presence of the designate representative of Development Officer, the quorum in the meeting of Gram Sabha practically remains deficient, and it amounts to sheer imprudence of the representatives yet to declare on paper that the meeting had been validly conducted. The bitter truth inherent in the control exercised over the Panchayati Raj Institutions by the Government on the higher administrative institutions is correct indication to illustrate the sloth and bogus nature of this control. If our policy-makers have genuine desire to bestow real power on the Panchayati Raj Institutions, an initiative to lift the formal veil of such control and to make it a de facto organ is essential.

(h) **One more round of reform warranted**

The 73rd Constitution (Amendment) Act has taken a revolutionary initiative, in various contexts to give constitutional status to the local institutions so as to make them as the third pedestal on democratic surface by empowerment of the common man. The election of these institutions, kept in abeyance, for long, are now devised to take place regularly at appropriate time, and the representation in the affairs of these institutions of the Scheduled Castes, Scheduled Tribes, the Backward Classes, and the Women have witnessed a silent revolution in the country. That apart, in case the deficiencies, brought to light or experienced subsequent to the Amendment in the Constitution, could be eliminated, India can claim to be a country where democracy would be solidified most at the local level. The critics are prone to anticipate one more amendment in the Constitution by making provision inclusive of the following;

(1) On analogy of the Union and the State Lists in the Seventh Schedule of the Constitution, in relation to distribution of legislative powers between the Union and the States, one additional List, in name of Local List, be placed in the Seventh Schedule of the Constitution, so as to ensure a clear constitutional distribution of powers.

(2) In order to solidify the financial integrity of these institutions, a new Article be inserted in the Constitution specifying the financial resources of these Institutions on analogy of distribution of sources of revenue between the Union and the States. Financial resources to these Institutions must be specified in the Constitutions itself.

A Constitutional amendment improvising the aforesaid incidents would go a long way in making these institutions as meaningful constituents of real democracy.

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