INTRODUCTION

PANCHAYAT RAJ

Panchayat Raj in Maharashtra has its own progression path. It was among the first few states to implement the Balwantrai Mehta Committee recommendation of establishing a three-tier Panchayat Raj structure. It constituted a committee on the subject in 1961, under the chairmanship of the then revenue minister Vasantrao Naik. Maharashtra already had the Mumbai Gram Panchayat Act, 1958 for governing Gram Panchayats. However, on the basis of recommendations of the Vasantrao Naik Committee report, the State enacted the Maharashtra Panchayat Samiti and Zilla Parishad Act, 1961. Consequently, the three-tier Panchayat Raj system was established and became functional in the State on 1st May, 1962.

The Maharashtra government constituted several committees in the following decades to improve the functioning of the Panchayat Raj and strengthen PRIs. In 1970, the L N Bongirwar Committee was formed to evaluate the functioning of PRIs. The committee stressed the need of strengthening PRIs financially and provide more autonomy to them in planning. One of the main recommendations of the committee was the constitution of District Planning and Development Boards. Such boards were established in 1972 and began formulating district level plans from 1974.

Similarly, the P B Patil Committee was constituted for the evaluation of the Panchayat Raj system in 1984. The committee emphasised involving people and gave 184 recommendations for reforming the system and enabling greater participation. Despite all these efforts, PRIs in Maharashtra were weak and the 73rd Amendment was as much necessary as the rest of the country to infuse real life into them.

The state of Maharashtra already had the Mumbai Gram Panchayat Act, 1958 and the Maharashtra Panchayat Samiti and Zilla Parishad Act, 1961. However, with the enactment of the 73rd Amendment Act, 1993, the state Act had to be altered to make it conform to the central Act and to incorporate its different provisions. Thus, on 22nd April, 1994 both the Acts were amended to be consistent with the central Act thereby according it a constitutional status in Maharashtra. On 23rd April, 1994 the amended Mumbai Gram Panchayat Act, 1958 and the Maharashtra Panchayat Samiti and Zilla Parishad Act, 1961 came into force in Maharashtra. Most of the provisions of the central Act such as the reservation for SCs, STs OBCs and women,
election procedures etc have been incorporated in the Mumbai Gram Panchayat Act, 1958 and the Maharashtra Panchayat Samiti and Zilla Parishad Act, 1961.

**PANCHAYAT RAJ SYSTEM:**

Panchayat Raj Institutions: – the grass-roots units of self-government – have been proclaimed as the vehicles of socio-economic transformation in rural India. Effective and meaningful functioning of these bodies would depend on active involvement, contribution and participation of its citizens both male and female. The aim of every village being a republic and Panchayats having powers has been translated into reality with the introduction of the three-tier Panchayati Raj system to enlist people’s participation in rural reconstruction.

**NODAL AGENCY:**

In the State level, Panchayats & Rural Development Department of the Government of Maharashtra is the Nodal Agency for Implementation, Supervision & Monitoring of the major poverty alleviation programmes in the rural areas of this State and at the District-level, Zilla Parishad is the implementing agency for the same. Under three-tier system of democratic decentralization, Zilla Parishad is the apex body at the district level followed by Panchayat Samitis at Block level as second-tier and Gram Panchayats, the third-tier.

**ZILLA PARISHAD:**

It is apex tier of Panchayat Raj System working at District level. It has wide jurisdiction of the development work. As Maharashtra Zilla Parishad Act 1st May, 1962 Zilla Parishad came into structure of Panchayat Raj System in true sense.

**RESPONSIBILITY:**

The various Rural Development Works carried at the Villages, Gram Panchayats, Block and District levels are planned, implemented, monitored and maintained by the Zilla Parishad. These works are monitored on the State Level by the Panchayats & Rural Development Department of the Government of West Bengal and on the National level by the Govt. of India. The Z.P. at the district level is responsible for the development and welfare works carried
through the central, state share and its own funding. Zilla Parishad supervises the works of Panchayat Samities as well as Gram Panchayats within its Jurisdiction.

**PANCHAYAT SAMITIES:**

There are Panchayat Samities in every district of Maharashtra. Each Panchayat Samiti is functioning with the Community Development at the Block level created by the government in the Panchayats & Rural Development Deptt.

Each Panchayat Samiti consists of official and elected members. The official members are the Block Dev. Officer and the Officers of various State Govt. Deptt. ordinarily stationed at the Block level. The official bearers include the Panchayat Samiti members and the Pradhan of the Gram Panchayats. Sabhapati is the head of the body and is elected directly by the Panchayat Samiti members. And BDO of the respective block is the Executive Officer of the Panchayat Samity.

The main functions of the Panchayat Samitis are planning, execution and supervision of all developmental programmes in the Block. It also supervises the works of Gram Panchayats within its Jurisdiction.

**GRAM PANCHAYATS:**

Gram Panchayats are local government bodies at the village level. The Gram Panchayat is the foundation of the Panchayat System. A Gram Panchayat can be set up in villages with a population of more than five hundred. There is a common Gram Panchayat for two or more villages if the population of these villages is less than five hundred. It is called Group-Gram Panchayat.

Members of the Gram Panchayat are elected directly by the village people on the basis of adult franchise by the Gram sabha which comprises the adult mass of the village, for a term of five years. A candidate contesting in this election must be 21 years old. The minimum number of members elected is 7 and the maximum is 17.

The Sarpanch or Chairperson is the head of the Gram Panchayat. The elected members of the Gram Panchayat elect from among themselves a Sarpanch and a Deputy Sarpanch for a term of five years. In some places the panchayat president is directly elected by village people. The Sarpanch presides over the meetings of the Gram Panchayat and supervises its working. He
implements the development schemes of the village. The Deputy Sarpanch, who has the power to make his own decisions, assists the Sarpanch in his work.

**GRAM SABHA:**

The Gram Sabha is the most powerful foundation of decentralized governance by ensuring elected representatives are directly and regularly accountable to the people. The aim of the government has been to strengthen the Gram Sabha by introducing favourable policy changes. However, the Gram Sabhas are yet to become operational entities and to do justice to their potential for making the Panchayat system truly self-governed and a bottom-up structure.

The 73rd Amendment included the Gram Sabha or village assembly as a deliberative body to decentralized governance along with a three-tier structure of Panchayats from village to the district. Article 243(b) defines Gram Sabha as “a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of the Panchayat at the village level” and in clause (g) village means a village specified by the Governor by public notification to be a village for the purpose of “Part IX ThePanchayats” and includes a group of villages so specified.

The idea of involvement and participation of villagers in their development through the institution of Gram Sabha was incorporated in the Village Panchayat Acts passed by some of the provincial legislatures in British India. For instance, Section 36(4) of the Bombay Village Panchayats Act 1933 says: “A Panchayat shall convene, in a manner and at a time prescribed, a meeting of all adult residents of the village and the statement of accounts together with a report on the administration for the preceding year and the programmes of the work proposed for the year following shall be read out and explained at such meeting”.

But the report of the Study Team on the position of Gram Sabha in Panchayati Raj Movement, 1963 says”… the adult population of many villages where Gram Sabhas exist, were in most of the cases, unaware of the rights and responsibilities which belonged to them as members of the Gram sabha. It was likewise observed that the members of Gram Sabha could not quite often even distinguish between the Gram Sabha and the Panchayat of the village”.

Article 243A of the Constitution introduced by the 73rd Amendment and which is concerned with this institution says that “A Gram Sabha may exercise such powers and perform such functions at the village level as the legislature of a state may, by law provide”.

The result is
seen in entrusting of functions such as to endorse, to recommend, suggesting, to consider annual accounts and administrative reports and audit notes etc. to the Gram Sabha. Implementation of the suggestions and recommendations of the Gram Sabha could be ignored by the Gram Panchayat as these are not binding on the latter. We have, for instance, the case of Madhya Pradesh Panchayat law where this situation had to be changed by amending the law.

In the Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996 (PESA) provides special place and the following roles for Gram Sabha in Scheduled Areas:

- Establishment of a Gram Sabha for every village comprising of persons whose names figure in the electoral rolls.
- Empowering the Gram Sabha to safeguard and preserve the Traditions, customs and cultural identity of the people, community Resources and to settle local disputes by customary methods.
- Approval of plans, programmer and projects for social and economic Development of the village Panchayat by the Gram Sabha.
- The Gram Sabha should identify and select beneficiaries for poverty Alleviation and other programmers.
- Every village Panchayat must obtain a certificate of utilization of funds from the Gram Sabha for the projects and programmes of social and economic development under the state poverty alleviation and other programmes.
- The acquisition of land for development projects and rehabilitation or resettlement of persons affected by such projects in the Scheduled Area has to be done in consultation with either the Gram Sabha or the Panchayat at the appropriate level. Planning and implementation of the projects will be coordinated at the state

Gram Sabha is an institutional mechanism of democracy. It provides an opportunity to all the people to participate in the development process. The Ashok Mehta Committee, highlighting the role of Gram Sabha, stated that it has an important role in activating the democratic process at the grass root level, in inculcating community spirit, in increasing political awareness, in strengthening development orientation, in educating rural people in administrative and political process, and in enabling weaker sections to progressively assert their point of view'. It is considered as the base of democracy. In addition to achieving greater Peoples' participation, it also provides social sanction to Panchayat Activities.
The Gram Sabha is to enable each and every voter of the village to participate in decision-making at local level. It is a constitutional body consisting of all persons registered in the electoral rolls of a village Panchayat. It provides a political forum to people in the village to meet and discuss their common problems, and consequently, understand the needs and aspirations of the community. It also provides a forum to meet, discuss, debate and analyze the development and administrative actions of elected representatives and thereby ensure transparency and accountability in the functioning of the village Panchayat. Thus Gram Sabha is expected to be an epitome of participatory and direct democracy, and is the only body, which should provide valuable inputs to Gram Panchayat to lead local government effectively. At the same time, Gram Sabha is also to act as a watchdog in the interest of village communities by monitoring the functioning of the Gram Panchayat.

The Ministry of Panchayati Raj has since been urging State Governments for adoption of a variety of procedures which would make Panchayati Raj in the country more transparent and accountable, and, therefore, more corruption free, than hitherto, including (a) Activation of the Gram Sabha, preferably by statutorily endowing Gram Sabhas with the duty of: (i) approving all projects and programmes and plans of the Panchayat (ii) authorizing the issue of utilization certificates by the Panchayat bureaucracy and (iii) formation of the sub-committees of the Gram Sabhas to liaise with the counterpart Standing Committees of the Panchayat ((b) The constitution of Ward Sabhas to facilitate participative social audit; (c) The convening of Mahila Sabhas immediately prior to meetings of Ward Sabhas/ Gram Sabhas; and (d) Involving the Right to Information Act, and associating public-spirited NGOs, to make Gram Sabhas truly a people’s parliament to furnish the checks and balances, advice and consent on which depends the success of the democratic functioning of an elected executive authority.

What ultimately resulted was that in many villages, Gram Sabha members did not even know that they were in any and if so in what committee meetings were rarely held. The Village Panchayat Secretary generally brought out a list to show the names of committee members. The Sarpanch found ways to continue work with the use of Gram Vikas Samiti of which Sarpanch was the chairperson which had membership of the chairpersons of other seven committees, but did not see a very Empowered active Gram Sabha as expected and they were as good as earlier in terms of attendance and participation. The system has been changed by an amendment and the state now has two committees namely, Gram Nirman (Construction) Committee and Gram Vikas
(Developing) Committee. Andhra Pradesh is an example of the other extreme of a parallel alternative created and promoted as Janmabhoomi programme and run by bureaucracy. The two extremes also bring out the structural issues which represent the constraints in having a vibrant Gram Sabha with participation of the local community.

S. Narayanasamy (1996) expresses the high expectations from the Gram Sabha when he writes; Gram Sabha is one of the most important three basic institutions of the new direct democracy at the village level.

The other two are (Gram Kosh) a village fund and (Gram Shanti Seva) – a village peace corps. Therefore it must be made successful. It would regulate and develop village life and function automatically.

This was a structure based entirely on people’s power (Lokshakti) expressing itself in the form of village power (Gramshakti). Thus the village would emerge as an organized unit to look after its internal administration, development and agro-industrial economy. Gram Sabha, he says, is an institutional approach to popular participation. It provides a base for the three-tier structure of the Panchayati Raj Institutions.

He admits, however, that “The idea of Gram Sabha, by and large, has not struck roots in the minds of the people. It has so far reached the Prominent persons in the village”.

Gram Sabha, it is stated, is a basic tier to popularize development programmes. In doing so, it tries to fill the gap between the two roles of the Zila Parishads as a local government body and as a district development organization. The Gram Sabha would establish an active dialogue between the village people and their elected leaders at the village Panchayat level regarding development programmes to be undertaken. This would involve the village community in the decision-making process and would develop a supporting structure for the village Panchayat.

The Gram Sabha agenda and functions have been spelt out by various writers. Thus it is said that the Gram Sabha agenda should cover the budget and earlier audit reports along with their compliance. Gram Sabha should discuss the annual administrative report and the progress report of the development works. It should consider the proposed programmes of the village. Taxation proposals or increase in the existing rates also should be put forth for discussion though they need not be put to vote. This would result in developing the feeling that the Gram Sabha was intimately linked with the vital decisions in the village community. Hope has been expressed that
as this feeling gathers, the faith in the institution also would grow. It will create deeper interest in the working of the institution and with this the general apathy of the people will diminish.

Discussing the future form of Gram Sabha as a deliberative-cum-executive body, a consultative body with more vitality, it is felt by the writers that making Gram Sabha a deliberative body is ideally the best. But in practice, instead of giving a solution it would pose another problem. Present experience also does not justify extension of statutory powers to a Gram Sabha.

Gram Sabha as a deliberative-cum-executive body, it is discussed, is also not a desirable proposition for similar reasons. It is again an oversimplification of the issue. What is practical and justifiable is to develop Gram Sabha as a consultative body, a forum of thought, an essential medium for rural education by encouraging people into an enduring partnership ‘a partnership in all virtues, in every walk of life and in all perfection’. The immediate task is to make the institution.

**GRAM SABHA - A ‘LIVE’ INSTITUTION:**

The Constitution 73rd Amendment Act and the State Panchayati Raj Acts which incorporate the essential, mandatory principles of this Amendment have great potential to challenge traditional power structure through formation and functioning of the Gram Sabha and Panchayats. These Acts can, however, play only facilitating roles in this regard (ibid). Unless all citizens get equal space for informed and effective participation in the deliberations of Gram Sabha, Panchayati Raj Institutions cannot function in a participatory, accountable and transparent manner. Panchayats can bring desired improvement in the lives of Villages only when they listen to the Gram Sabhas and when Gram Sabhas meet, deliberate, decide, demand and monitor regularly. Participatory Research in Asia (PRIA) identified the issues of large size of Gram Sabhas, its agenda imposed from above by government departments, continuing social exclusion due to local factors, lack of public education about the Panchayats and citizens’ apathy as factors For weak position of Gram Sabha (PRIA 2005).