

# A CONTEXTUAL INVESTIGATION OF THE REFORMATION OF PANCHAYATS IN HARYANA

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## Abstract

*Local self-governance is crucial for the genuine growth of the nation since local levels are the actual locations where policies and programmes are to be implemented and where the government will learn about difficulties and challenges with current policies, etc. Thus, India established local government via the 73rd and 74th Constitutional Amendment Acts, which included both panchayats and municipalities. Many committees have been established to discuss local governments and the Panchayati Raj system. 1957's Balwant Rai Mehta Committee and Ashok Mehta Committee are two examples. In 1992, the Parliament approved the 73rd Constitutional Amendment Act and the 74th Constitutional Amendment Act, which added Part IX, i.e., the Panchayats, and Part IX-A, i.e., the Municipalities, to the Constitution. The Government of India directed the Balwant Rai Mehta Committee to examine the operations of two of its earliest programmes. In 1957, the committee issued its very deliberate report. There, the term democratic decentralisation was first used. Grameen Panchayats at the village level, Panchayat Samitis at the block level, and Zila Parishads at the district level were among their main proposals for the Panchayati Raj system.*

## Paper Identification



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## Content

Different committees attempted to implement PRIs using a variety of methodologies. All of these proposals, however, had one thing in common: a focus on wide decentralisation and local self-government, or, in other words, the empowerment of the people. The basic objective was to provide PRIs with important planning, implementation, and monitoring authority over rural development programmes, while retaining their constitutional standing.

Following these recommendations, some unsuccessful attempts were made before 1992 to get the Constitution of India amended to further the cause of local self-government. First of all, in 1989, the Congress government led by Rajiv Gandhi introduced the 64th Constitutional Amendment Bill. It was passed by the Lok Sabha but could not pass through the Rajya Sabha

because the majority of the ruling party was not there. In September 1990, this was made official with the 74th Constitutional Amendment Act. The 73rd Constitutional Amendment Act, passed in April 1992, gave PRIs more power, and it was P.V. Narsimha Rao's Congress government that deserves the majority of the credit. Thus, the Panchayati Raj was reincarnated with new garb.

Awasthi and Maheshwari termed this action revolutionary because, by constitutionalizing, the local bodies were put on par with the national and state governments for the first time. It was also considered revolutionary since it included provisions for reserves for disadvantaged groups, notably women. That marked the start of their political emancipation, especially for women. Only strong institutions can prepare the path for the empowerment of their people; this is a well-established reality. At this stage, it is crucial to investigate the following question: How powerful are PRIs after this amendment? In this section, an effort is made to demonstrate this by analysing the Act itself. Analysis of the 73rd Constitutional Amendment Act The Act envisions a three-tiered framework with increased representation and corresponding powers. The Act's defining characteristics are as follows:

- In accordance with the Act, each village will establish a Gram Sabha. In each village, the Gram Sabha would have the same authority and obligations as determined by the state assembly.
- In every state, panchayats will be established at the village, intermediate, and district levels. This will result in a unified Panchayati Raj framework. Nevertheless, states with fewer than 20 million inhabitants have the choice to forego intermediate-level panchayats.

- Although all panchayat members will be elected directly at all levels, elections for the office of chairman at the intermediate and district levels would be indirect. The process of election of village chairpersons has been left to the discretion of the state governments.
- SCs and STs have been awarded seats according to the number of individuals in their category at each level. At least one-third of the seats are reserved for women, and these seats may be rotated among the various sections of a panchayat. Similar complaints have been expressed over the position of chairman.
- A standard period of five years has been established for PRIs. In the case that the body is dissolved by the state government, the statute stipulates that elections must be held to reconstruct it within six months of the date of dissolution.
- The state legislatures have been granted the authority to authorise panchayats to charge, collect, and allocate appropriate local taxes, as well as to offer grants-in-aid to panchayats from the state's consolidated budget.
- Every five years, a financial commission must be established to examine the panchayats' finances and offer recommendations to the state about the allocation of funds between the state and local governments. In order to maintain order, the Act stipulates that all panchayats that existed before to the Amendment Act's implementation shall remain in existence until the end of their tenure, unless the state legislature votes a resolution dissolving them.
- As soon as the amendment takes effect, state legislators should make any necessary adjustments to their panchayat acts to

conform to the new regulations. This should be completed within one year. The deadline was set on April 23, 1994.

In April 1993, Karnataka was the first state to approve the new law. Eleven states passed new laws in less than three days. Several of them could not meet the deadline until the early morning hours of April 23, 1994. Nevertheless, the 73rd Constitutional Amendment Act does not apply to the specified territories of Jammu and Kashmir, Mizoram, and Nagaland. The 1996 Act dealing to tribal panchayats covers panchayats and local bodies with the exception of those in the state of J&K.

Considering the significance of local institutions, the UPA government formed a separate Ministry of Panchayati Raj (MOPR) on May 27, 2004. Its principal duty is to check conformity with Section IX of the Constitution, which was adopted by the 73rd CAA in 1993. The primary responsibility of the Ministry of Planning and Reform would be to ensuring that all programmes and projects are compatible with panchayats. Concentrate on the regulations that regulate the allocation of funding to states through centrally-sponsored programmes. Communicate the Panchayats' perspective to all central ministries, states, and other entities that play a crucial part in the Panchayat-compatibility transformation of projects. Developing the capabilities of panchayats helps them to efficiently act as local self-government and fulfil their mandate.

On June 29 and 30, 2004, it initiated its objective by organising a Conference of Chief Ministers on Rural Poverty, Alleviation, and Prosperity via Public Relations. This meeting, presided over by the Prime Minister, concluded that poverty alleviation can only be achieved by empowering PRIs in accordance with the language and spirit of the Constitution. In the same

year, the Ministry organised seven additional conferences at various locations, each focusing on a different aspect of PR, such as the effective devolution of the three Fs—functions, functionaries, and finances; planning and implementation, including the question of parallel bodies; reservations in PR; PR jurisprudence; PR elections and audits; capacity building and training for PRIs; and IT-enabled e-governance for panchayats.

The function of the ministry was that of facilitator, and state-level steps were also implemented. One of these measures was the establishment of consultation procedures between the Government of India and the State Government in accordance with the Round Table decision. A council of Panchayati Raj Ministers of State has been established under the leadership of the PR Minister of the Union. Similarly, a Council of Chief Secretaries and PR Secretaries of States has been established under the direction of the Secretary of PR to discuss PR-related matters. It is the responsibility of the council to ensure that the primary initiatives to increase people's skills, transfer money, promote financial accountability, etc. are coordinated.

Although the purpose of Article 243 G is to secure self-government rather than to operate as implementing agency, states and union territories were expected to devolve the complete spectrum of topics within the allotted period after prioritising them. Activity mapping, using the methodology developed by the Rural Development Ministry in the Report of the Task Force on the Devolution of Powers and Duties to PRIs, was deemed vital for role clarification. It was followed by proportional measures for successful financial devolution. The states are required by the constitution to ensure the "sound financial administration" of panchayats.

States were involved in establishing district planning committees (DPCs). To allow these DPCs to integrate

plans developed by panchayats, the Ministry drew up pertinent guidelines that would be distributed to all states and UT. The Ministry has assured that the required resources are available to complete this work.

The idea of a Rural Business Hub (RBH) was developed in collaboration with the Confederation of Indian Industry (CII) at a presentation on "Economic Empowerment via Panchayats" given on November 5, 2004. It aspires, on the basis of PPPP (public, private, and panchayat) involvement, to improve rural residents' access to locally accessible resources and skills through fostering entrepreneurship. The goal of this endeavour is to alleviate poverty via public relations, which was the focus of the First Conference of Governors and State Ministers of Rural Development and Public Relations. The first Memorandum of Understanding (MOU) under the RBH concept was signed in Dehradun (Uttaranchal) for the establishment of a rural business centre to process fruit cultivated in the Nainital blocks of Ramgarh and other blocks. Two MOUs were subsequently signed in Haryana to establish RBHs for *Jatropha* plantings and biodiesel production in the districts of Faridabad and Mewat. Following obtaining a very positive response from PRIs for these hubs, the MOPR and other relevant Ministries and the Planning Commission made further steps in this direction.

The institutionalisation of the accountability of the PRIs followed their empowerment. Hence, the Ministry's letter said that "the MOPR will implement computerised monitoring of money disbursed to panchayats" by collaborating "closely with the C&AG in creating audit and accounting rules and norms." It also expected the United States to comply. This accountability of PRIs will be further realised by making their functioning transparent through the extensive use of information technology for governance at the local level, which would facilitate

disclosure of information to citizens, social audit, better delivery of services, improving the internal management system and efficiency of Panchayats, building the capacity of representatives and officials, and e-procurement. Under the National e-Governance Action Plan, the Ministry has also developed a mission-mode strategy for e-governance in panchayats (NEGP).

Haryana, a state of the Union of India, is solely subject to the intended applications of the COI. In accordance with the COI, which proclaimed India a sovereign, socialist, and secular democracy, it has a parliamentary system in which the administration is answerable to the legislature in order to fulfil the demand for representation. The data demonstrate that the Legislative Assembly of Haryana, like its counterparts at the Centre and in the States, has never been really representative, since only a minimal proportion of women are present in the Assembly Halls. The stance was consistent at all levels of representation, including the state, municipal, and local levels. When the 73rd CAA was enacted, Haryana was required to adopt a law within the prescribed time frame. In accordance with the 73rd Constitutional Amendment Act of 1992, the Government of Haryana passed the Haryana Panchayati Raj Act of 1994 (hence referred to as the HPRA) (Act No. 11 of 1994). (Appendix-3.1) The Act in Haryana went into effect on April 22, 1994. The purpose of this act is to enable participatory government in rural regions via the establishment of political institutions at the grassroots level, such as Grameen Panchayats, Panchayat Samitis, and Zila Parishads, and for issues related thereto. This statute applies to the whole state of Haryana. This section provides an outline of the three-tiered Panchayati Raj framework as envisioned by the HPRA.

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