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Status of Autonomy within the Framework of “Self Governance” in Panchayati Raj Institutions: A case study in Sivasagar District of Assam

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Abstract

Panchayati Raj Institutions (PRIs) in India is an age-old conception since time immemorial. In ‘Rig Veda’ there was the existence of ‘sabhas’, In every age of Indian history, this type of institutions has been playing crucial role in tackling village level problems. Gandhi too, strongly favoured Panchayati Raj for village development. Realising the importance of it in Indian decentralised system, a great deal of attempt has been made to reform and empower these institutions. The Constitution of India has also provided to them “self-governance” through the Article 40 in Part IV. Two and a half decade ago the 73rd Constitutional Amendment registered a milestone providing them more area of jurisdiction. At present the PRIs are constitutional units having more decision making power. But the practical nature of functioning has puzzled us to acknowledge them as units of self-governed institutions, because a large number of agency works of the Central and State Government has been carried on through these institutions. Their financial condition is also very poor. At this backdrop, it was attempted to conduct a case study in Sivasagar district with a view to focus on the real picture of their status of autonomy. For the study the samples are selected randomly from the PRIs and the elected representatives. Naturally both primary and secondary sources have been used for collection of data for the study. The study is analytical in nature.

Key words: Panchayati Raj Institutions, Self-governance, autonomy, Constitutional Amendment, Central & State Government.

Introduction: Panchayati Raj or rural local government is regarded like its counterpart at the state and central levels, as a system of government having a measure of autonomy in the matter of its function and existing in its own right.¹ In a federation, local governments are elevated to a third tier status that makes them partners to the federal contract. But this system does not necessarily guarantee de facto autonomy to the local government. Because the utility of the three tier federative structure in guaranteeing local government autonomy apparently rests in the manner of power allocation in the constitution and respect for those provisions by stakeholders.²

The literal meaning of self-government is autonomy or government without outside interference. ‘Autonomy’ means the power or right of self-government in any sphere of

activity. In other sense in reducing the control over one's activity. O. Marina³ is of her opinion that persons who are autonomous are parties to ongoing social relations that enable them to direct their lives with a minimum of interference. K. Robert⁴ also is on the same tune that an autonomous person is able to meet her goals without depending upon the judgements of others as to the goals' validity and importance. One is autonomous when one is 'an independent source of activity in the world'. Thus it may be assumed that autonomy is the term that denotes minimum of interference in the civil and other societal relations of individual/individuals.

But institutional autonomy of the Panchayati Raj Institutions (PRIs) is somewhat different to that of personal autonomy. It is confined to a particular area of functional jurisdiction. Self-government at a particular level thus means such partial autonomy as is appropriate for that level.⁵ The 73rd Constitutional Amendment Act, 1992 has provided for functional autonomy to the PRIs through allocating a definite area to take decisions.

In understanding about the relevance of PRIs in India in the present democratic set up, normally focusing should be made to the environment wherein the general masses can realize their own feelings about their local institutions. Since the local governments play significant role in identifying and strategically solving the local problems, can transform the socio-economic condition of the rural people; they can build up correlated intercourse with the local people. For it, the essential formula is to ensure required functional autonomy to deal with the local problems. Article 40 in the directive principles of state policy of Indian Constitution is in favour of directing the state to provide for functional autonomy to the PRIs to function as units of self-government. The enactments of legislations for the creation of Gram Panchayats by various states in 1952-53 were steps in the direction of implementation of the mandate of the Article 40 of the Directive Principles of the State Policy which is based on Gandhian ideas.⁶ The constitution of different commissions in the post independence period starting from Balawantrao Mehta Committee(1957) to the 73rd Constitutional Amendment Act, 1992, were insisting primarily on empowering the PRIs with a strong functional base having the power of decision making.

It is noteworthy to mention that the 73rd Amendment is a milestone towards empowerment of PRIs. It has provided to the PRIs "self governance" to the extent that guarantees constitutional support and recognizes its validity. It is indeed a far-sighted step to bring to the fore the possibility of strong role and the need of PRIs for transcending developmental process, sustaining an environment of prosperity in rural India. In Article 243A, it provides for Gram Sabha in each village which will exercise such powers and performing such functions at the village level as the legislature of a State may provide by law. Article 243C provides for direct election in respect of all the levels, but the election in respect of the post of chairman at the intermediate and district level will be indirect. In order to ensure empowerment of backward classes and women, Article 243D provides for adequate reservations of seats for the SCs, STs and women. Article 243E states that there would be a uniform term of 5 years for the PRI and Article 243H mentions that state legislatures would be authorized to give the power to the Panchayats to levy, collect and

appropriate local taxes and also to provide for making grants-in-aid to the Panchayats from the consolidated fund of the concerned state. Another important provision is Article 243I which provides for constitution of a Finance Commission to be constituted once in every 5 years to review the financial position of the Panchayats and to make suitable recommendation to the state on the distribution of funds between the State and local bodies. The central theme of the discussion “self governance” and the consequent autonomy is greatly ascertained by the Article 243G which has provided to the PRIs the area of activity through the inclusion of 11th Schedule in the Amendment Act delivering 29 items to them.

Article 243G provides for powers, authority and responsibilities of Panchayats. Mentioning the provisions of the Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to- (a) The preparation of plans for economic development and social justice; (b) The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the 11th Schedule.

In fact, this amendment has established the required framework for the PRIs to function as units of self-government. It has not only accorded a constitutional status to the PRIs but has also sought to make them institutions of self-government by empowering them to make and implement the plans for economic development and social justice pertaining to the 29th items listed in the Eleventh Schedule. The Amendment has also sought to ensure inclusive growth through the empowerment of women and the weaker sections in the PRI by giving them adequate reservations.⁷ In addition to it, the 73rd Amendment has directed to the states to legislate conformity acts of it as subsequent steps for the actual implementation of the basic ideals and the goals of the amendment.

The Problem: It is the appropriate time to observe whether the basic expectations of the amendment has been really fulfilled, or do the PRIs can pronounce themselves as- “we are enjoying autonomy within the framework of self governance”. It is important to observe that the 29th items which are being transferred from the State Government jurisdiction definitely help in their empowerment. Many State Governments have been devolving to the PRIs with the necessary funds, functions and functionaries to work as self government. In this respect, example may be given to the States of Kerala and West Bengal. West Bengal has witnessed the most sustained attempt than any state of the country over a period spanning twenty-five years to devolve powers and responsibilities to panchayats. Under the People’s Campaign for Decentralised Planning in Kerala, the extent of fiscal devolution was much greater and faster with nearly 40 percent of state development resources devolved to panchayats in the period 1996/97 – 2000/01. In both states, fiscal devolution provided a significant amount of untied funds to local bodies and increased the powers and responsibilities of elected representatives.⁸

The Government of Assam is not lagging behind in this respect. As directed by the 73rd Constitutional Amendment, the conformity Assam Panchayat Act was legislated and received assent from the Governor of Assam on 5th May, 1994. The provisions required for establishing "self governance" have been incorporated in it. The Government of Assam has been initiating to devolve the requisite framework funds, functions and functionaries which are very essential for exercising autonomy. It has already devolved all the 29th items to the PRIs. The Government of Assam, Department of Panchayat and Rural Development through a notification, vide PDA.336/2001/Pt/80 dated 26.7.2002 has started devolution process, and was published in the Assam Gazette on 13.8.2002

As mentioned above, the 73rd Constitutional Amendment in general and the Assam Panchayat Act in particular has thus, provided suitable arrangements to make the PRIs self-governed. But, the case is different when we study the real picture of constitutional "self governance", and its practicality. From constitutional standpoint they are institutions having the power of "self governance" but in reality, they are the agents of the State and Central Government, which naturally arises some questions as to their status. The nature of functioning is greatly criticized as agency work in implementing the development plans and programmes of the rural people. From that perspective, the 73rd Constitutional Amendment Act recognizes them as constitutional units having limited "self governance". Especially autonomy of the PRIs is becoming a conflicting issue in local government.

Objectives of the Study:

The study was conducted with the following two objectives:

1. To study the objectives and goals of PRIs as defined in the Constitution of India and reforms through amendments in the subsequent periods.
2. To assess the operational autonomy exercised by the PRIs under the 73rd Constitutional Amendment and the respective State Legislation and also to examine the impediments related to it.

Review of Related Literature: Mathew⁹ in his article has discussed several reasons for unsatisfactory conditions prevailing in transfer of powers to PRIs and made recommendations to fill up the gap between their finances and functions. He emphasises on the need for financial autonomy of PRIs, which can be achieved through the political will of the State Governments.

Mishra¹⁰ in his article has categorically examined the fiscal provisions of the Act and has opined that these institutions have been overburdened with a large number of functions without adequate financial, technical and administrative support.

Jha *et al.*¹¹ focus on the dialectic between the politics and institutions of decentralization and local politics in India, particularly from the 1980s onwards evocative of tensions between matters of local autonomy and the demands of development. The writers argue for a notion of decentralization that, in accordance with the practice of democracy, allows for

the co-existence of the national and the local within the institutional framework of a division of power.

Jayal *et al.*¹² have firmed up their insights with empirical investigation on PRIs that if designed and executed properly, decentralization promotes efficiency and equity in service delivery, The authors expect that a development strategy based on decentralized decision-making has great potential for combating poverty. Moreover there is more to local governance today than a focus on decentralization.

Ghosh *et al.*¹³ have made a detailed study on the PRIs and affirm that Panchayat is an old conception in India and it is an earlier concept of democracy in the history of civilization. They openly admit that now-a-days, PRIs have been proclaimed as the ‘vehicle’ of the socio-economic transformation in rural India. The writers have firm up that the comprehensive framework provided now, will truly transform the rural economy and give a practical shape to people’s participation in the process of economic development with social justice.

Singh *et al.*¹⁴ have made study on Indian local governance and found that the basic aim of the 73rd and the 74th Constitutional Amendments was to revitalize the local democracy. They summarize that these institutions, if sufficiently mobilized, have the potential to constitute such an irresistible force that various political formations would be compelled to come to terms with their demands since they preside over the local political space and continue to be the vital link with the higher organs of power. The enactment of the Right to Information Act (2005) too is an attempt in that direction.

Research Questions:

The study was conducted with the following research questions:

1. What are the basic objectives and goals of PRIs as defined by the Constitution of India as well as incorporated in other legislations?
2. Whether the PRI can really enjoy the powers entrusted by the Constitution and the other subsequent legislations?

Methodology of the Study: The method followed in the present study is mainly analytical and descriptive. Under Sivasagar Zila Parishad, there are 9 APs and 118 GPs. From the total 9 APs, 1 AP (Gaurisagar AP) and from the total 118 GPs, 3 GPs(Charing GP, Rajabari GP and Nazira GP) have been randomly selected.

Both the primary and secondary sources of data were used for collecting data. The tools used for the collection of primary data from respondents were interview schedule. One structured interview schedule was used to collect the primary data from the public representatives of the PRIs (three tiers of Panchayats – ZP, APs and GPs) under the study area.

Analysis of Data: It is a matter of fact that awareness is the first pre-condition for proper functioning within the institution. If the functionaries are not conscious about their duties

and responsibilities, certainly it would be more destructive to the institution and even they would be unable to enjoy the privileges bestowed on them. Considering the fact, attempt was made to examine the elected representative’s awareness about the increasing power of decision making of the PRIs. The question was- “Do you think that compared to earlier times, the PRIs are getting more scope in decision making?”

Table no- 1: Awareness about the increasing power of decision making (with %)

Sl. No	Answer	ZP	AP	GP			Total
				Charing	Rajabari	Nazira	
1	Yes	24 (100)	15 (100)	10 (90.91)	09 (81.82)	10 (90.91)	68 (94.44)
2	No	---	---	01 (9.09)	02 (18.18)	01 (9.09)	4 (5.56)
Grand Total		24	15	11	11	11	72(100)

The above Table highlights that in every level the respondents responded for increasing power of decision making in the functioning of the PRIs. Thus it can be understood that the decision making power of the PRIs has been increased and the elected representatives are more or less aware of increasing power of decision making.

Table no- 2: Response of the selected PRIs’ representatives on the manner of decision making (with percentage)

Sl. No	Category	ZP	AP	GP			Total
				Charing	Rajabari	Nazira	
1	Party consideration	---	1 (6.67)	4 (36.37)	7 (63.63)	2 (18.19)	14 (19.44)
2	Majority basis	24 (100)	14 (93.33)	7 (63.63)	4 (36.37)	9 (81.81)	58 (80.56)
Grand Total		24	15	11	11	11	72(100)

The above Table focuses on two manners of making decisions within the PRIs. The first one is on the decisions made on the basis of party consideration and the other is on the basis of majority consensus. In the ZP level, 100% responded to majority consensus which indicates that all the decisions are made on majority basis. In the AP level 93.33% responded to the majority consensus. The minimal 6.67% respondent focuses on the role as opposition party in the decision process as on arriving consensus. In the GP level it is observed that in Charing GP and Nazira GP 63.63% and 81.81% respectively responded to majority consensus, while remaining 36.36% and 18.18% respectively responded to party consideration. But in Rajabari GP the case is somewhat different, which reveals that 63.63 responded to party consideration against 36.36% majority consensus. In this lowest level, the influence of partisan politics remains distinct. But the average response of the public representatives of all the three tiers reveals that 80.56% responded to majority based

decisions. Thus from the above table it is evident that except few dissimilarities, the decisions in the PRIs are made normally on the basis of majority consensus.

Table no- 3: Responses of members under the selected PRIs about the extent of powers (with percentage)

Sl. No	Answer	ZP	AP	GP			Total
				Charing	Rajabari	Nazira	
1	Sufficient	02 8.33	---	---	---	01 9.09	03 4.17
2	Insufficient	22 91.67	14 93.33	09 81.82	08 72.73	06 54.55	59 81.94
3	Cannot say	---	01 6.67	02 18.18	03 27.27	04 36.36	10 13.89
Grand Total		24	15	11	11	11	72(100)

In the above table at each level maximum respondent responded to insufficiency of power enjoyed by the PRIs.

Table no- 4: Reasons of insufficiency of power at the ZP and AP level (single response i.e. direct answer to the alternative, multiple responses i.e. answered together two or more alternatives given to them)

Sl. No	Reasons of insufficiency of power	Number of respondents		Percentage	
		ZP	AP	ZP	AP
1	Cannot undertake developmental activities	7	7	18.42	25.93
2	Funds are insufficient	19	9	50	33.33
3	Multiple visits are required to get approval	6	7	15.79	25.93
4	Delay in approval	6	4	15.79	14.81
5	Political interference	---	---	---	---
Total		38	27	100	100
6	Cannot undertake developmental activities	Frequency of responses		14.29	---
	Single response	1	---		
	Multiple response	6	7	85.71	100
Total		7	7	100	100
7	Funds are insufficient			36.84	22.22
	Single response	7	2		
	Multiple response	12	7	63.16	77.78
Total		19	9	100	100

8	Multiple visits are required to get approval				
	Single response	---	---	---	---
	Multiple response	6	7	100	100
	Total	6	7	100	100
9	Delay in approval				
	Single response	---	---	---	---
	Multiple response	6	4	100	100
10	Political interference				
	Single response	---	---	---	---
	Multiple response	---	---	---	---
	Total	---	---	---	---

The above Table highlights that the power of the PRIs are insufficient to function as self government institutions. It is clearly found that 50% and 33.33% respondents of the public representatives responded that the power of PRIs is restricted by insufficient funds in both ZP and AP level respectively. The frequency of the responses also highlights that 36.84% and 22.22% in both ZP and AP level respectively responded directly to insufficiency of funds for developmental functions.

Table no-5: Reasons of insufficiency of power at the GP level

Sl. No	Nature of participation	Number of respondents			Total	Average Percentage (3 GPs)
		Charing	Rajabari	Nazira		
1	Cannot undertake developmental activities	3	---	3	3	6.82
2		9	7	6	22	50
3	Funds are insufficient	3	4	3	10	22.73
4	Multiple visits are required to get approval					15.91
5	Delay in approval	2	4	1	7	4.55
	Political interference	---	2	---	2	
	Total	17	17	13	44	100.01
6	Cannot undertake developmental activities	Frequency of responses				
		Charing	Rajabari	Nazira		
	Direct response	---	---	---	---	---
	Multiple responses	3	---	3	6	100
	Total	3	---	3	6	100
7	Funds are insufficient					
	Direct response	3	2	1	6	27.27

	Multiple responses	6	5	5	16	72.73
	Total	9	7	6	22	100
8	Multiple visits are required to get approval					
	Direct response	---	---	---	---	---
	Multiple responses	3	4	4	11	100
	Total	3	4	4	11	100
9	Delay in approval					
	Direct response	---	---	---	---	---
	Multiple responses	2	4	1	7	100
	Total	2	4	1	7	100
10	Political interference					
	Direct response	---	---	---	---	---
	Multiple responses	---	2	---	2	100
	Total	---	2	---	2	100

Like the previous Table, this table also reveals that average 50% respondents responded that the main reason of insufficiency of power is shortage of funds. The frequency of the responses also highlights that 27.27% in average of all the three GPs responded directly to insufficiency of funds. Thus shortage of funds to implement schemes can be understood as the main reason of insufficiency of power.

Findings: As regards the basic objectives and goals of the PRIs, the study has revealed that the basic objectives of these institutions are- to proper utilisation of the resources in the country through decentralising the administrative structure, to extend scope to the marginalised classes of the society in the decision making process and speed up their development. The goal of these institutions is to establish socio-economic justice in the society through empowering them with “self-governance”.

1. From the study it is found that the State Government has taken initiatives to transfer the 29th subjects to the PRIs through devolution measures. As the preliminary step, the Assam Government has made the required arrangements to devolve functions, he could not find taking appropriate measures to transfer funds and functionaries which are vital for real empowerment. There is a gap exists between the theory and practice in the devolution process from the State Government. In such a circumstance, the present status of their functional autonomy is found indefinite to realize by them.
2. From the study it is highlighted that the decision making power enjoyed by the PRIs has been increased as a result of the expansion of its functional area under the 73rd Constitutional Amendment. The 11th Schedule has bestowed to the PRIs as many as 29th subjects to take decisions of their own.
3. The study revealed that the decisions are made on the basis of majority consensus. But at the lowest level the role of partisan politics cannot be ignored. The party politics

has paralysed the functioning of the PRIs on the one hand and has also curtailed their autonomy on the other.

4. The study also revealed that instead of increasing decision making power, the powers enjoyed by them are insufficient in practical. It is mostly because shortage of funds for which schemes cannot be implemented properly. Lack of fund is indirectly related to the exercise of autonomy with the PRIs.

Suggestions:

1. Like other states of India Assam Government must take appropriate measures to devolve all the 29th items completely which is included in the 11th Schedule of the Constitution with immediate effect.
2. The party politics in the PRIs cannot be ignored for democratic ideals, but at the same time narrow and nasty party politics should be avoided on the behest of realization of autonomy. The feeling of partisan politics should be guided by high ideology of total development of the area. It should be avoided such partisan politics which are being performed for personal rivalry and internal fighting among the representatives.
3. The election contesting criteria for the PRIs must be reviewed. Especially there should be minimum qualification criteria e.g. graduation has to be introduced which will help in efficient and effective performance in the PRIs. Higher educational qualification will help to carry on the responsibilities more competently.
4. In order to sound finances of the PRIs, the successive Finance Commissions should provide untied funds to the PRIs which will emerge as the single most important source of revenue for the PRIs.

Conclusion: The term “self-governance” as defined by the Constitution of India has definitely widened the scope for the empowerment of the PRIs. With the power of “self-governance”, they can exercise a measure of autonomy in decision making. The 73rd Constitutional Amendment has provided them with constitutional status and sanctity. With the constitutional support the rejuvenated PRIs can devote itself in the developmental works for the upliftment of the rural masses.

Thus it can be admitted that the PRIs can be effective institutions of rural development for ascertaining the objectives of decentralised government of India. The Central and State Government should take appropriate measures to devolve functional jurisdiction. At the same time their autonomy must be ensured. It is expected that ensuring their adequate autonomy would help in bringing efficiency and producing better output in the PRIs. Simultaneously, it is the role for the Central and State Government to consider and to give due emphasis on the proper application of the provisions of the 73rd Constitutional Amendment to make the PRIs participatory and effective. These institutions, if sufficiently mobilized, have the potentiality to constitute such an irresistible force that various political formations would be compelled to come to terms with their demands since they preside over the local political space and continue to be the vital link with the higher organs of power.¹⁵

References:

1. Avasthi & Maheshwari, 'Public Administration', Lakshmi Narain Agarwal, Agra, 2007, p. 253.
2. Steytler, N. (2005) *The Place and Role of Local Government in Federal Systems* ed. Johannesburg: Konrad-Adenauer-Stiftung.
3. Oshana Marina, 'Personal Autonomy and Society', *The Journal of Social Philosophy* 29, no. 1, 1998; 81-102.
4. Kane Robert, 'The Significance of Free Will', New York: Oxford University Press, 1998, 206.
5. Nirmal Mukarji, The Third Stratum in an edited book *Decentralization and Local Politics* by S.N. Jha & P.C. Mathur, p.79, pp.70-81, Sage Publications India Pvt. Ltd., New Delhi-110 048, 1999.
6. Gulati, Urvashi; Democratic Decentralisation and Good Governance: Retrospect and Prospect, in *Local Democracy and Good Governance* by Ranbir Singh & Surat Singh, pp 3-10, Deep & Deep Publications Pvt. Ltd., F-159, Rajouri Garden, New Delhi- 110 027, 2011.
7. Ray, Aswini K; The Dialectics of Democratic Decentralisation and Good Governance, in *Local Democracy and Good Governance* by Ranbir Singh & Surat Singh, p 20.
8. Robinson, Mark, A Decade of PRIReforms : The Challenge of Democratic Decentralisation in India, in L.C. Jain's edition *Decentralisation and Local Governance*, 2007, Orient Longman Pvt. Ltd., New Delhi- 110 002, p.15.
9. Mathew, George: Transfer of Power to the Local Bodies, *Kurukshetra*, Vol. XLIV, No. 7, April, 1998.
10. Mishra, S. N.: The 73rd Constitutional Amendment and the Local Resource Base: A Critical Appraisal, *Kurukshetra*, Vol. XLIV, No. 7, April, 1998.
11. Jha, S.N. & Mathur, P.C.; *Decentralization and Local Politics* (ed.), Sage Publications India Pvt. Ltd., 1999, New Delhi-110 048.
12. Jayal, N. G., Prakash, A. & Sharma, P.K.; *Local Governance in India, Decentralisation and Beyond*, Oxford University Press, New Delhi 110 001, 2006.
13. Ghosh, R. & Pramanik, A. K.; *Panchayat system in India* (ed.), Kanishka Publishers, New Delhi-110 002, 2007.
14. Singh, Ranbir & Singh, Surat; *Local Democracy and Good Governance* (ed.) Deep & Deep Publications Pvt. Ltd., New Delhi- 110 027, 2011.
15. Saxena, K.B.; Democratic Decentralisation : The Deficit of Politics, in *Local Democracy and Good Governance* by Ranbir Singh & Surat Singh, pp 39-58, Deep & Deep Publications Pvt. Ltd., F-159, Rajouri Garden, New Delhi- 110 027.