

STRENGTHENING PANCHAYATI RAJ INSTITUTIONS – MISSING FOCUS ON THE UPPER TIERS

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Background

The administrative structure created in the districts of India by the British Government was focused on the maintenance of law and order and collection of revenue. There was little administrative structure for socio-economic development at the district and sub-district levels. After independence in 1947, the system of planned development was introduced in the country in 1951 through formulating the first five-year plan. The focus of the first plan was development of the primary sector for which strengthening rural administrative set-up was a need. Article 40 of the Constitution lays down, as a Directive Principle, that the State shall take steps to organise Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. However, the Union Government, while introducing planned development of the rural areas, did not consider organising village Panchayats as a priority. Rather the approach was to take up Community Development (CD) Programme through professionals, which was launched in the year 1952.

The National Extension Service (NES) was formulated in April 1953 to bring professionals

as Extension Officers at the CD blocks. The same was inaugurated on 2nd October 1953, in selected CD blocks to complement the CD Programme. NES was thought of as the agency and community development, and the method to bring about socio-economic transformation of the rural people. Each NES block had about 100 villages and about 65,000 population, and the Block Development Officer (BDO) was to head the Block Development Office. Several extension officers were placed in the NES Blocks as the permanent set-up for the extension of agriculture and rural development to implement the CD programme. Block Development Offices were established in the entire country by 1960-61, which had uniformity across the country. Thereafter, the Block Development Office has become the most important government establishment for the rural people.

Transformation of the Community Development Programme

A committee led by Mr Balwant Rai Mehta was constituted in 1957 to study the Community Development Programme and the National Extension Service. The committee was to assess the extent of local initiatives for development and creation of institutions to ensure continuity in the process of their socio-economic development.

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The Committee held that involvement of the community in planning, decision-making and implementation process is critical for sustaining the socio-economic development of the rural people. The specific suggestions of the committee included an early establishment of elected local bodies and devolution of necessary resources, power, and authority to them. The committee also observed that the basic unit of democratic decentralisation was the block/samiti level, since the area of jurisdiction of the local body should neither be too large nor too small. The block was large enough for the efficiency and economy of administration, and small enough for sustaining a sense of involvement of the citizens.

On the recommendations of the committee, three-tier Panchayati Raj Institutions (PRIs) were introduced in most parts of the country in the late 1950s. The vision was to ensure ownership of the development process by democratically elected bodies and the Extension Officials to work in association with them. However, there was hardly any devolution in the Panchayats which remained weak. Even elections were not held for many years in many States. A committee was constituted under the chairmanship of Mr Ashok Mehta in 1977 to suggest measures for strengthening PRIs. One of the recommendations of the committee was to have the PRIs as a two-tier system, with Mandal Panchayat at the base and Zilla Parishad at the top.

Subsequently, in 1985, the Planning Commission appointed a Committee headed by Mr G.V.K. Rao to look at various aspects of PRIs. The committee focused more on the higher tiers of Panchayats and one of the recommendations of the Committee was that the Block Development Office should be the fulcrum of rural development. Since the Extension Officers were placed at the Block level, there remained a good scope to have a democratically elected body at that level to manage the CD Programme with the technical support of the Extension Officers. However, there was no progress in that direction in most States, since they did not have any elected body at that level and the process of Community Development remained bureaucracy-led.

In the meantime, the so-called CD set-up became weak as different departments created separate block-level offices and several Extension Officers ceased to be a part of the Block Development Office. Further, from the late 1970s, the focus on rural development shifted to the implementation of schemes to address poverty of various dimensions. The integrated approach under the CD programme was gradually replaced by different programmes implemented in silos by the vertical formation of different departments. Only the programmes administered by the Ministry of Rural Development, Government of India (GoI), and the Rural Development Departments of respective State governments were being implemented through the BDO with the support of the officers, who were continuing as a part of that office. After the horizontal separation of the officials of some of the critical departments, the problem of convergence became an issue and involvement and ownership of the community, which was the focus of the CD programme declined. Only in a few States where block-level elected bodies were constituted, there was involvement of the elected bodies in planning and implementation of the programmes, including ensuring the participation of the people.

The 73rd Amendment of the Constitution and the Changed Scenario

Although the Constitution mentions organising Village Panchayat, as a Directive Principle, such Panchayat cannot function in isolation. So, the concept of three-tier Panchayats came and Acts were passed by the State Legislature. But there was no Constitutional recognition of the Panchayats. In order to make the three-tier Panchayati Raj Institution (PRI) a permanent feature of rural governance, the Constitution was amended through its 73rd Amendment. The Objects and Reasons, appended to the Constitution (Seventy-second Amendment) Bill, 1991 stated that "it is considered that there is an imperative need to enshrine in the Constitution certain basic and essential features of Panchayati Raj Institutions to impart certainty, continuity and strength to them." Therefore, the 73rd Amendment

of the Constitution envisaged not merely strengthening the Village Panchayats but strengthening the Panchayati Raj Institutions (PRIs) in its entirety covering all three tiers. The Constitution (73rd Amendment) Act came into effect on 24th April 1993, which established the three-tier Panchayat system as the third stratum of government in India. So, apart from the establishment of the Gram Panchayat, which was a part of the Directive Principles under the Constitution, the amendment also proposed establishing Panchayats at the district level (Zilla Parishad) and intermediate level (Intermediate Panchayat). Establishment of institutions like the State Finance Commission, the State Election Commission, etc., were also provided under the Constitution for supporting the three-tier Panchayats to function properly.

Focus on strengthening the Gram Panchayats

The Gram Panchayat (GP) is closest to the people and is most suitable for providing local services. It is easier for the people to participate in the affairs of the GP and to make the GP effective in meeting the needs and aspirations of the people. However, many States did not have functional GPs when the Constitution was amended. The establishment of the GPs and providing proper administrative structures for their functioning became a priority for most States. The process gained momentum after the new Ministry of Panchayati Raj (MoPR) was established in the year 2004. However, Panchayats being a State subject, different States acted differently and the functioning of the GPs varies widely across the country. In most of the States, the GPs have remained weak institutions due to several factors. Published literature in this regard has mostly focused on inadequate devolution of functions, funds, and functionaries on the GPs. Many States issued orders for devolution which was not put into practice. Though much authority was not devolved on the GPs in most States, the GPs could not utilise their full authority because of their weak institutional structure and lack of support from above. These bodies in most States are nascent and require strong supportive supervision and

handholding, which was generally missing. Such handholding can be done most conveniently from the block level and not from higher levels.

Decentralised Planning at the Gram Panchayat Level

With the introduction of decentralised planning at GP level, known as GPDP (Gram Panchayat Development Plan), guidelines have been issued by the MoPR and contextualised State guidelines have been issued by respective States. The processes to be followed are intense and the GPs in most States do not have capacities to follow it. The process has become more complex with the introduction of theme-based planning for localising SDGs (Sustainable Development Goals). Theme-based day-long training programmes have been organised for the GP functionaries to prepare such plans. But that is inadequate to provide enough capacity to follow the theme-based planning process and what is needed is strong handholding by competent persons on a sustained basis. Therefore, in practice, the templates are filled up by the officials with little public consultation and not going through the detailed processes since there is little capacity for the GPs to do so. There are States, as experienced by the author, where the Secretary of the GP fills up the details as dictated by the Block level functionary. At the macro level, it is possible to monitor if the plans have been uploaded; however, it is impossible to analyse the plan for its quality or know the process of preparing plans. There is little handholding from the Block level in following the process for preparing a good quality plan with due participation of the people and after analysing the data to assess the situation. There is also little guidance and monitoring of implementation of the plan on the ground. Also, the reports on progress can hardly assess the quality of the assets and expenditure has remained the only yardstick for monitoring progress. In practice, the quality of the assets created is not always satisfactory and their effectiveness in addressing the problems often remains poor, as the author has directly observed in a few States. There is no substitute for routine physical inspection and monitoring by higher levels (apart from social audit

at the community level) of implementation of schemes under GPDP to ensure quality. It is the block level from where such inspection and monitoring is possible.

The unprecedented development of Information and Communication Technology (ICT) has provided scopes for sharing the guidelines directly with the GPs with little involvement and ownership of the higher tiers, particularly the Intermediate Panchayats (IPs). The present approach of sharing the guidelines electronically has made things move much faster with little chance of not reaching the targeted persons. However, involvement in monitoring at the block level has come down because of direct communication with the GPs from higher levels. Further, the systems of discussion on the orders/guidelines with the GP functionaries for their guidance by the IP/block officials are traditionally weak or have declined in many States, which also affects the quality of implementation. As the author has observed, many guidelines/instructions are passed through WhatsApp and that remains in the mobile phone of the functionary who receives it. No hard copies are available at the GP office, which is possible only if such copies are sent by post or the copy received through the mail is printed and preserved. As a result, guidelines/instructions are not properly preserved in the GP office and the scope to discuss those with the members of the GPs and the functionaries gets reduced. This is one of the factors that keeps the ordinary members cut off from the affairs of the GP in many States. As a result, there is little institution-building through the preservation of the orders/guidelines and discussion to internalise the actions to be taken by all the stakeholders. That aids in the poor functioning of the GP as a collectively responsible body. The knowledge remains confined to the Secretary and the elected Chairperson of the GP (Sarpanch/ Pradhan/Mukhia as are called in different States), who become all-powerful. This is affecting the functioning of the GP as a Panchayati Raj Institution and, as popularly called the system is drifting towards becoming a 'Sarpanch Raj.' The ICT-based communication and reporting on the website has contributed to the weakening of the physical supervision by the block and district level Panchayats, which is emerging to be a critical

barrier in strengthening the GPs as local government. That does not mean that ICT should not be used to improve governance. The argument is that physical supervision and interactions should not be undermined.

The IP has a role in supervising the functioning of the GPs and guiding them to strengthen their institutions. However, the IP itself is a weak institution and its entire strength is dependent on officials of the Block Development Office, who work for the IPs as additional responsibilities. So, effectively, whatever supervision is done, it is done by the Block Development Office and not the IP. There is a need for strengthening the IP by directly inducting officials in the establishment of the IP and allowing all the officials of the block level, who were once a part of the NES to support the CD programme to function as ex-officio functionaries of the IP. As observed by the author in several States, visits to the GP by block-level officials to monitor the functioning of the GPs and extend handholding support are almost missing. There is also lack of trained and adequate number of officials at that level to visit and guide the GPs regularly. At best, what is generally done is to review through periodic meetings which boils down to collecting reports and/or passing on the instructions to the GPs as received from the State government or the Zilla Parishad/district level officials. Even such instructions are often received through video-conferencing with no backup communication to effectively percolate down the instructions both horizontally and vertically. There is hardly any scope to sensitise all the GP functionaries routinely and follow up their performances periodically because of the weak administrative structure of the IPs and that is getting affected further because of drastic changes in the communication system driven by ICT.

Administrative set-up of the Intermediate Panchayats

After enforcement of the 73rd Amendment of the Constitution, the IPs were formed in all States where it did not exist (except in States where the formation of three-tier Panchayats is not

mandatory). These are known by different names like Panchayat Samiti/Taluka Panchayat/ Kshetra Panchayat/ Mandal Panchayat, etc., in different States. The administrative set-up of the Block Development Office has been generally used to provide administrative support to the IPs and the BDO has been generally designated as the Executive Office/Chief Executive Officer of the IP. All the officials in the BDO's office started functioning in a dual capacity, as staff of the government set-up as well as ex-officio office-bearers of the IP. Their loyalty remained with the State government and the BDO. They also remain occupied with routine and regulatory works which the block offices must perform.

The elected functionaries of the intermediate-level Panchayats have hardly any independent administrative set-up in most States. The support that this body receives depends on the wishes of the BDO in many States due to the absence of any clear accountability and monitoring mechanism. The Chairperson of the IP in one State told the author that he does not have any officials under his control, and they depend on the staff support of the Block office for all functions of the IP. The IP is involved where there is a procedural need to have their approval, particularly on utilisation of the grants from the Union and the State Finance Commissions, etc. However, the elected functionaries have little say in implementation in most States since the implementation is done by the establishment of the BDO, who have little accountability before the IP. Further, the involvement of the staff of the block office is mostly confined to implementing programmes/schemes and not to supervising and guiding the institutional functioning of the GPs. One factor behind this is the existence of a huge gap in the availability of functionaries under the control of the IP/BDO, who may facilitate the process of institution building of the GPs. Therefore, supervision of the GPs by the IPs has remained weak. Whatever supervision is done by the block officials is a part of BDO's establishment and related to the implementation programme by the GPs, as their agency function. In most States, there are neither adequate officials with accountability to the IP to support the functioning of the GPs nor those who exist in the

block set-up are utilised for that purpose and they also do not have such capacity.

Need for Strengthening the Upper Tiers of Panchayats

There has been little attention on strengthening the other two tiers of the PRIs which have critical roles to play in strengthening the GPs. There are several reasons for which strengthening the higher tiers, particularly the Intermediate Panchayat, is necessary for GPs to function better. These are:

- i) With the GPs being large in number and having a small population to cater to, it is not possible to provide manpower with different types of specialisations at that level. It is easier to place different types of professionals at the block level (IPs) whose services can be accessed by the GPs. This is going to be more important because of the emerging need to access professional services in various fields for which there is no post of suitable professional at the block level.
- ii) Certain services can be efficiently provided by the IPs or the ZPs and not by the GP due to reasons like (a) activities requiring more technical competence, (b) economy of scale, (c) externality in service delivery/ implementation of schemes by the GPs, etc.
- iii) Supervision and handholding are critical for institutional buildings and that requires periodic visits for supportive supervision of the GPs.
- iv) The Block Development Office, which provides administrative support to the Intermediate Panchayat, has been traditionally the level for providing all extension services right from the beginning of the CD Programme because of the suitability of that level in providing support to the GPs.

Structural Issues in Strengthening Supervision of the GPs

There are structural barriers in most States to effective supervision of the GPs by the functionaries of the IP/block office. Table 1 presents relevant data to illustrate the structural problems in the effective supervision of the GPs by

Table 1*Average Population of Intermediate and Gram Panchayats of Selected States*

S. No.	Name of the State	Rural popln (2011) lakh	No. Of ZPs	Avg. popln of ZP	No. IPs	Avg. popln. per IP (lakh)	No. of GPs	Avg. popln per GP (thousand)	No. of GPs per IP
1	Assam	268.07	21	12.77	191	1.40	2,201	12.18	12
2	Gujarat	346.95	26	13.34	223	1.56	14,062	2.47	63
3	Jharkhand	250.55	24	10.44	259	0.97	4,423	5.66	17
4	Kerala	174.71	14	12.48	152	1.15	978	17.86	6
5	MP	525.57	50	10.51	313	1.68	23,024	2.28	74
6	Maharashtra	615.66	34	18.11	351	1.75	28,006	2.20	80
7	Punjab	277.43	22	12.61	145	1.91	13,043	2.13	90
8	Telangana	213.95	9	23.77	443	0.48	8,817	2.43	20
9	Tripura	27.12	8	3.39	35	0.77	591	4.59	17
10	Uttarakhand	70.37	13	5.41	95	0.74	7,976	0.88	84
11	UP	1553.17	75	20.71	821	1.89	51,915	2.99	63
12	West Bengal	621.83	18	34.55	341	1.82	3,350	18.56	10
13	All India	8334.63	596	13.98	6,347	1.31	2,38,820	3.49	38

Source: http://nirdpr.org.in/nird_docs/RDS/RDS2016-17/data/sec-9.pdf (as on 30th September 2014)

As per the data given in Table 1, there were 6,347 IPs and 2,38,820 GPs in India in 2014, which works out to be 38 GPs per IP on average. A glance at the table shows that the average population per IP across the selected States is not widely different, because of their common genesis through the CD programme. The average population per IP varied from 1.89 to 0.77 and the ratio between the maximum and minimum values is 2.5. However, the jurisdiction of GPs was decided by local considerations in different States. A tendency has also been noticed to divide the GPs further and increase the number of GPs, often on political considerations. That has resulted in wide divergence in the average population per GP and the number of GPs per IP in different States of the country. The average population of a GP varies between 18.56 thousand to 0.88 thousand (in 2014) and the ratio between the maximum and

minimum values is 21.1, around 10 times more compared to such variation across IPs. In the case of Zilla Parishads, the average population for the country stood at 13.98 lakh and that varied between 34.55 and 3.39. If the hilly States of Tripura and Uttarakhand are excluded, the lowest value becomes 10.44 and the ratio between the maximum and the minimum population works to be 3.3.

Supervision and Guidance of the GPs by the IPs

The above analysis shows that the number of GPs per IP for the country is 38 and that varies between 6 (for Kerala) to 90 (for Punjab). In fact, excluding Kerala, the eastern States and Assam and other few States not featured in the table, the average number of GPs within an IP is generally more than 50. This has serious implications in providing supportive supervision for improving the

functioning of the GPs, as discussed above. Also, there was some similarity in the availability of officials at the Block Development Office in the initial days of the CD programme. Over time, some of the posts have been shifted to independent offices and a few others have fallen vacant and not filled up. The number of officials who are available at the office of the BDO and who work as ex-officio functionaries of the IP is highly inadequate to monitor the performance of so many GPs and to also visit those regularly for handholding. On the other hand, some States with a smaller number of GPs in the block have maintained good supervision of the GPs. In states where the average number of GPs per block is high, even with the full strength of available posts, it is not possible to effectively supervise the functioning of the GPs, unless a dedicated team free from the burden of Block Development Office is created. The obvious choice is to create such posts in the establishment of the IP. That office also needs adequate support staff to remain independent of support from the Block Development office. Attempts have been made in some States to provide functionaries for clusters of GPs, which has also limitations in providing necessary support to the GPs.

There are reasons in favour as well as against merging the small GPs to form larger bodies, which is difficult to implement and may face political opposition. Another alternative could be to bifurcate the blocks so that one IP/Block is not required to supervise more than, say, 20 GPs. Yet another and more practical option is to strengthen the block level set-up appropriately so that it is possible to effectively monitor the functioning of the GPs, including visit by the supervising officials to every GP at least once a month. Moreover, the process will not be disturbed due to pressure of work in the Block Development Office.

Another important aspect is the change in type of manpower required at the block-level over time compared to the set of posts created when the CD programme was launched. For example, there is a need for dedicated professionals for ICT, environment management, child protection, WASH (Water, Sanitation & Hygiene) specialists, etc., to

guide the IP as well as the GPs. Such posts should be created in the establishment of the IP so that they remain under the control of the Executive Officer/CEO of the IP and not under the BDO, although they are generally the same person. For example, in West Bengal, the post of Informatics Officer was created in the Panchayat Samiti (IP) in around 2005-06 to strengthen the application of ICT in the functioning of GPs, which helped to computerise accounts of the GPs. Around that time and even by next few years, many GPs were allowed to maintain paperless accounts. Where such expertise exists with the line department, either the functions or functionaries should be devolved on the IP, as has been done in States like Kerala or at least they should be designated as ex-officio staff of the IP with a defined system of accountability to the IP. In fact, the officials who moved out of the CD set-up to establish their own office at the block level (e.g., Agriculture Extension Officer) should be brought back into the fold of the IP. It will strengthen the IP and ensure easier convergence, and GPs will find it easier to access their expertise.

Strengthening the Standing Committees at the Intermediate Panchayats

One essential step towards strengthening the IPs is to establish vibrant Standing Committees. The officials associated with the BDO's office or those offices that have moved out of the CD Block set-up should be members of the appropriate Standing Committees. They should have a designation as an ex-officio functionary of the GP with clearly led accountability to serve the Intermediate Panchayat. In fact, all the officials of the block level are to be associated with the functioning of the IP through its Standing Committees for providing support to the IP and the GPs. A suitable mechanism should be established based on the context of the State to make the Standing Committees functional, which should be monitored at the State level. The Block Development Officer, as the Executive Officer of the IP, will coordinate all the processes to ensure

convergence in the functioning of the IP, including the critical task of providing supportive supervision to the GPs. To assist the BDO, one post of Joint Executive Officer should be created as a full-time officer of the IP to coordinate all routine activities.

Strengthening the Zilla Parishads

The Zilla Parishads (ZPs) have generally more manpower and professional expertise of their own. However, the mechanism to monitor the institutional functioning of the IPs is not adequate in most States. The States should assess the manpower needs of the ZPs keeping in mind the changed requirement of expertise that they should have and the need for strong monitoring of the IPs, including how they are providing supportive supervision to the GPs.

Role of the Union Government to create posts at the IPs and ZPs

In India, most rural development programmes are funded by the Government of India as Centrally Sponsored Schemes (CSS). Programme-specific manpower support is generally allowed through provisioning for administrative contingent funds, which are used to engage contractual/outsource persons. However, the need for institutional strengthening requiring the creation of permanent posts in Panchayats has not been considered by the Government of India while designing the CSS. A weak institution cannot implement programmes efficiently just with programme-specific support from contractual people. Also, the rural market is not so developed to outsource the support of skilled persons, particularly in remote areas. So, for the sake of efficient utilisation of funds by Panchayats for implementing schemes as an agency function, there must be appropriate posts in all tiers of Panchayats. The responsibility of strengthening the establishment of the Panchayats is left to the State government on the plea that the Panchayat is a State subject. Though some States

have created few posts in the IPs and ZPs, most of them have not strengthened the administrative set-up of the IPs and ZPs. Also, there has been hardly any devolution of functionaries by placing the services of the functionaries from the line departments with such bodies. Such a gap in human resources is a barrier to strengthening the Panchayats.

As the Government of India came forward to support the North-Eastern States in providing professionals at the CD blocks, there is an even stronger case to provide adequate number of core staff based on current needs at the ZPs and the IPs. It is easier to create posts by maintaining uniformity across the country since there is no wide difference in the size of the jurisdictions of the ZPs and the IPs, as shown in Table 1. This issue needs to be considered by the Government.

The Union Finance Commission has not given any recommendations in this regard, since this is strictly not related to their Terms of Reference. However, they have felt the need to improve accounting, use of ICT, transparency in functioning, etc., in the functioning of the Panchayats. One can argue that since the Central government is funding the CSS, there is a strong case for moving the Union Finance Commission to augment the consolidated funds of the State through their recommendations in bearing the establishment costs for certain posts, which are critical for institutional functioning of the PRIs. However, MoPR should work out a normative requirement of staffing the ZPs and IPs for making out the case.

There is also a need for advocacy with the States to strengthen the higher tiers of the Panchayats which is also important to have vibrant PRIs. Further, because of the lower numbers of Panchayat bodies in the higher tiers, the cost will be much more bearable by the State government. The States with large number of GPs per block need to be more proactive in putting in place suitable organisation for the IPs for effective supportive supervision of the GPs.