



CAPABILITY OF THE THIRD FEDERAL TIER IN INDIA: A STUDY OF 73rd AMENDMENT ACT

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Abstract: *“India has a long tradition of Panchayati Raj (Third Federal Tier) and after 73rd Amendment Act it has raised the capability of the decentralization policy in India. Today most of the Panchayati Raj leaders are taking keen interest in policy making at the grassroots level for the betterment of the villagers. Nowadays the process of decentralization has increased the capacity of PRIs (Panchayati Raj Institutions) in throughout India. However, Rajasthan is the first state to adopt Panchayati Raj, but after the enactment of 73rd Amendment Act it has gained uniformity throughout India solving the problems at the local level by the local people. That is why most of the scholars assume the fact that the New Panchayati Raj is more capable and it has more capability and compatibility for the rural development plans and policies to execute with more and more efficiency. Thus, the present research paper highlights some theoretical aspects of New Panchayati Raj as the third federal tier to implement the development policies made by our government for the villagers.”*

Keywords: *New Panchayati Raj, Decentralization, Rural Development, Federal Policy, Uniformity, PRIs, 73rd Amendment Act.*

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INTRODUCTION:

India is a country of villages and most of the people still live in the rural areas. Panchayati Raj or the process of decentralization has fully realized the villagers that India is a welfare state. It is also a well-known fact that the Community Development Program was started in 1952 to solve the demands of the people for local development works, but decisions were to be taken at the official level. To ensure people's participation in decision making process, the Balwant Rai Mehta study team recommended a three tier system of Panchayati Raj. It was also expected that Panchayati Raj Institutions would properly utilize the development funds according to local needs and by the local leaders at the grassroots level. Therefore, on the suggestion of Balwant Rai Mehta's team Panchayati Raj was started from Rajasthan on 2 October 1959. Further, it was implemented in other states of India.

However, Panchayati Raj was a well-defined system for rural development, but it could not provide real sense to the process of decentralization. Keeping the deficiencies of old system of Panchayati Raj in view our government made many studies and the new system of Panchayati Raj came into existence. The New Panchayati Raj is more effective and reality of the PRIs can be examined through this system whether they are working efficiently or not. Indian Parliament passed the 73rd Amendment Act in 1992 and the new PR came into view to work out with more vibration and with more efficiency.

THE 73RD AMENDMENT ACT:

The fact is that after the implementation of 73rd Amendment Act, the Panchayats got a constitutional status in 1993. The Gram Sabha found place in it as the Vidhan Sabha of the village. Women/ SCs/ STs /OBCs got reserved seats to take part as chairpersons and members in the decision making at the PRI level. Schedule XI, containing 29 powers, was laid down for devolution of powers to the PRIs. The District Planning Committee was proposed for preparing the plans for economic development and social justice at the district level and with the implementation of the State Acts as per 73rd Constitutional Amendment, a clear cut role of the PRIs in rural development has been envisaged and the Government of India and different states are now increasingly seeking the assistance of the PRIs in implementation of various schemes. Of these, most of the development programs of the Government of India have invariably sought a meaningful involvement of the PRIs and carved out a specific role for them in the context of the XI Schedule and the five year plans.¹



We know the fact the PRIs are involved in rural development through involvement in planning and execution at the village level. Efforts are being made by various states to empower the Gram Sabha to involve all the people in decentralized planning. Even though funds and sanctioning power may still be at different levels, but when the question comes for execution of programs, there is no alternative but to involve the PRIs at the village level. True democracy really means that the power to plan and execute the village development plans has ultimately to be exercised by the people at the grassroots level. Actually, 73rd Amendment Act is a true realization of power at the local level for the local community.

Vangara Bhumai and S.N. Arjun Kumar write: ***“The constitutional 73rd Amendment Acts 1992, provided constitutional sanction to democracy at the grassroots level by incorporating in the Constitution new parts- Parts IX and Part IX A relating to Panchayats and urban local bodies. The 73rd Amendment provides for a three tier Panchayat Raj system at the village. With the enactment of this amendment the Panchayati Raj Institutions have been endowed with such powers and authority as may be necessary to function as institutions of self-government and contains provisions of devolutions.”***² In the same way, A.S. Hagargi Writes: ***“The 73rd Amendment Act 1992 is definitely a positive step towards strengthening the PRIs. The new Act may definitely be considered as an important milestone in the history of Panchayat Raj in India, which was witnessed many ups and downs”***.³

FEATURES OF 73RD AMENDMENT ACT:

It has some basic salient features as below:⁴

- The Gram Sabha comprises all the members registered as voters in the Panchayat areas.
- The Panchayati Raj has a tree tier structure of Panchayat at village intermediate and district levels.
- One redeeming feature of Panchayats is reservation of seats for S.C.s and S.T.s in proportion to their population in the state and it is a ray of hope for the women to secure reservation of one third total sets for them.
- State legislature shall have the liberty to provide reservation of seats and offices of chairperson of Panchayats in favor of other backward class citizens.



- Every Panchayat will have a uniform five year term and in case of dissolution, election will compulsorily held within six months.
- It will not be possible to dissolve the existing Panchayats by amendment of any constitution before the expiry of its duration.
- A person who is disqualified under any law for elections to the legislature of the state shall not be eligible to become a member of Panchayat.
- For superintendence, direction and control of the electoral process and preparation of electoral rolls an independent Election Commission will be constituted.
- The responsibility for implementation of development schemes for development and social justice in respect of matters enlisted in Eleventh Schedule shall be entrusted to the Panchayat.
- To be able to perform various functions efficiently, the Panchayats will receive grants from state Government and a portion of revenue of certain taxes levied by the State Government. In some cases, Panchayats will be permitted to collect and retain revenue in raises.
- In each state a Finance Commission will be established within one year and then after every five years to determine the principles on the basis of which adequate financial resources would be ensured for Panchayat.
- The Panchayat existing on 24 April, 1993 will be allowed to complete their full term, unless dissolved by the house by resolution.

RESERVATION OF SEATS AND TIME PERIOD:

The act provides for the reservation of seats for Scheduled Castes and Scheduled Tribes in every Panchayat (i.e., at all the three levels) in proportion of their population to the total population in the panchayat area. Further, the state legislature shall provide for the reservation of offices of chairperson in the Panchayat at the village or any other level for the SCs and STs. The act provides for a five year of office to the panchayat at every level. However, it can be dissolved before the completion of its term. Further, fresh elections to constitute a panchayat shall be completed (a) before the expiry of its duration or five year: or (b) in case of dissolution, before the expiry of a period of six months from the date of its dissolution.⁵



CAPACITY BUILDING AND ACCOUNTABILITY IN NEW PR ACT:

Most of studies indicate that in the previous exercise elements of capacity building were present under the indicators of 'Training of Elected Representatives and Panchayat Officials' in the dimension of functionaries. It may be noted that capacity building of Panchayat has been advocated in a number of international, national and regional fora and is strongly emphasized in the scheme of '**Rajiv Gandhi Panchayat Sashaktikaran Abhiyan**'. Understanding the importance of capacity building, it has been developed as a separate dimension, which helps in capturing the various measures of the States in the strengthening of Panchayats. Furthermore, accountability has also been identified as an important dimension, in making Panchayats answerable to the people and making them work in an efficient way. Indicators such as Transparency in Panchayats, Functioning of Gram Sabha and Accounting and Auditing as part of this dimension had been considered the dimension of functionaries and finances.⁶

Rural Employment and Statutory Provision on 73rd Amendment Act: We know that the Rural Employment Guarantee Program under the statutory provisions contained in the scheme and popularly known as National Rural Employment Guarantee Act, 2005 (NREGA-2005) is the latest and the most ambitious of all these programs. The objective of the scheme is to provide for the enhancement of livelihood security of the households in rural areas of the country by providing at least 100 days of guaranteed wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work. This universal and enforceable legal right is the most basic form of employment. The work guarantee scheme has been applied to 200 notified districts only and is limited to 100 days per household per year.⁷

Thus, this is an attempt to provide employment security in the rural areas as the unemployment is directly related to growth, development and absence of hunger from the rural areas. One of the major differences between the earlier employment programmers and the NREGA-2005 is the applicability of the program to all rural households. The other noble feature of the scheme is that any adult member can contribute to the 100 days meaning that different persons can work on different days or even on the same day as long as their combined days of employment do not exceed 100: The role of the Panchayat is very important and it appears that the procedures have been made very simple. The '**National**



Rural Employment Guarantee Program' provides for the independent funds but conversation to avoid duplication has been authorized by this act. In other words, it can be said that the New Panchayati Raj is more accountable and transparent regarding the rural employment.

CONCLUSION:

To conclude the discussion, it can be traced out that after the implementation of 73rd Amendment Act, PRIs institutions have not only been empowered to function as institutions of self-government, they are now entrusted with the responsibilities of implementing the various Central or State Government sponsored schemes of community development and undertake direct delivery programs for the benefit of the poor as the rationale behind these local bodies has been to develop them as powerful institutions of economic development. It vests powers in the State Legislatures to endow Panchayats with such powers and authority to function as institution of rural development. Actually, 73rd Amendment Act has changed the political and social scenario of the local people. Now the PR is an agency which provides employment to the villagers through various schemes and plans of rural development. NREGA is one of them which have challenged the rural poverty and PRIs are working efficiently at the grassroots level.

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