



STATUS OF UTTARAKHAND UNDER PANCHAYATI RAJ

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ABSTRACT

Panchayati Raj is a word which means a form of government at the village level where all activities related to villages take place. The word 'Panchayat' means assembly of five where five people are elected by local community who are known as 'Mukhiya' or 'Sarpanch' and the word 'Raj' means to rule. It is one of the fundamental pillars of the Indian Democracy. It is the system of self-government in the rural areas. Panchayat being 'Local Government' is a state subject and part of State List of Seventh Schedule of Constitution of India.

Article 40 of the constitution enjoins that 'the state shall take necessary steps to organize village panchayats with such power and authority as may be necessary to enable them to function as units of self-government'. However, the year 1992 marks the new era in the federal democratic set up of the country. The 73rd Constitutional Amendment Act, 1992 conferred Constitutional status on the Panchayati Raj Institutions (PRI).

It is an act to consolidate the connected matters of Gram Panchayat, Kshetra Panchayat and Zila Panchayat and to provide the incidental matters thereof. It is hereby enacted in the 67th year of the Republic of India by the Uttarakhand State Legislative Assembly as the Uttarakhand Panchayati Raj Act, 2016.

Panchayati Raj Act of Uttarakhand was enacted on 4th April 2016. The functioning of the Panchayati Raj Institutions in the state is governed by the Uttarakhand Panchayati Raj Act 2016 and Uttarakhand Panchayati Raj amendment Act 2019.

KEYWORDS : Panchayati Raj act, Amendment, Uttarakhand, article 40**INTRODUCTION**

Panchayati Raj is the system of local self Government of villages in rural India as opposed to urban and suburban municipalities. It consists of Panchayati Raj Institutions (PRIs) through which self-government of villages is realized. They look into the matter concerned with the economic development, strengthening social justice and implementation of Central and state Government Schemes including those 29 subjects listed in the Eleventh Schedule.

Part IX of the Indian Constitution is the section relating to the Panchayats. It mentions that in states or Union Territories with more than two million inhabitants there are three levels of PRIs:

- The Gram Panchayats at village Level
- The Mandal Parishad or Block Samiti or Panchayat Samiti at block level
- The Zila Parishad at district level

GRAM PANCHAYAT:

Gram Panchayat is a basic village-governing institute in Indian villages. It is a democratic structure at the grass-root level in India. It acts as a cabinet of the village. The Gram Sabha works as the general body of the Gram Panchayat. The members of the Gram Panchayat are elected by the Gram Sabha. The sarpanch is its elected head. The members of the gram panchayat are elected directly by the village population for a period of 5 years.

People use the forum of the Gram Sabha to discuss local governance and development, and make need based plans for the village.

The Panchayat implements development programs under the supervision and monitoring of the Gram Sabha. All decisions of the Panchayat are taken through the Gram Sabha and no decision is official and valid without the consent of the Gram Sabha.

Constitution mentions that Gram Sabha exercises such powers and performs such functions at the village level as the Legislature of a state may provide.

For instances:

- They approve of the plans, programs and projects for social and economic development before such plans, programs and projects are taken up for the implementation by the Panchayat at the village level.
- It is also responsible for identification or selection of persons as beneficiaries under the poverty alleviation and other programmes.
- Every Panchayat at the village level are required to obtain from the Gram Sabha a certification of utilization of funds by that Panchayat for such plans, programmes and projects implemented.

MAIN FUNCTIONS:

- The Gram Panchayat makes arrangements for pure drinking water

and undertakes disinfection drives of the wells, tanks, etc.

- It makes sanitary arrangements in the village.
- It makes efforts for improving the health of the people, and for that it opens hospitals and dispensaries.
- It makes developments in lanes and street by providing proper street lights.
- It helps in the development of education at the primary level.
- It provides agriculture facilities like: arrangement of good seeds and acquaints the villagers with improved and scientific methods of agriculture.

SOURCES OF INCOME:

- Taxes collected locally such as on water, place of pilgrimage, local Mandir and markets
- A fixed grant from the state government in proportion to the land revenue and money for works and schemes assigned to the Parishad's.
- Donations

BLOCK LEVEL PANCHAYAT OR PANCHAYAT SAMITI

Block level Panchayat is called the Panchayati Samiti. It is a local government body at the Tehsil or Taluka Level in India. It works for the villages of the tehsil or taluka that together are called a Development Block. It is the link between the Gram Panchayat and the District Administration. The Samiti is elected for 5 years and is headed by the chairman and the finance, deputy chairman.

Membership in the block panchayat is mostly ex-official; it is composed of all sarpanch in the panchayat Samiti area, MPs, MLAs, the sub-district officer of the sub-division, representatives of SCs, STs and women, associate members and some elected members.

The common departments in the Samiti are: General Administration, Public works, Agriculture, Health, Education, Social Welfare, Information Technology and others.

MAIN FUNCTIONS:

- Implementation of schemes for the development of agriculture and infrastructure.
- Establishment of community Health centers and primary schools.
- Supply of clean drinking water, drainage and development of roads.
- Development of cottage and small scale industries, and opening of cooperative societies.
- Establishment of youth organization in India.

SOURCES OF INCOME:

The income of the Panchayati Samiti comes from:

- The land and water use taxes, professional taxes, liquor taxes and others.
- Income-generating programmes

- Grants in aid and loans from the state government and the local Zila parishad.
- Voluntary contributions

For many Panchayat Samiti, the main source of income is state aid. For others, the traditional taxing function provides bulk of revenues. Tax revenues are often shared between the gram panchayat and panchayat Samiti.

ZILA PANCHAYAT

The Zila Panchayat or District Development Council or Mandal Parishad or District Panchayat is the third tier of the Panchayati Raj system and functions at the district levels in India. It is an elected body. Block Pramukh of Block Panchayat are also represented in Zila Parishad. They are panchayats at apex or district level in Panchayat Raj Institutions, and Gram Panchayat is the base unit at village level in Panchayati Raj Institutions.

The chairman of all the Panchayat Samiti under the district are the ex-officio members of Zila Parishad. The Parishad is headed by a president and a vice-president. The deputy chief executive officer, who is an IAS officer or senior state service officer, heads the administrative setup of the Zila Parishad. He/ she supervises the divisions of the parishad and is assisted by deputy CEOs and other officials at district- and block level officers.

MAIN FUNCTIONS

- The Zila Parishad is an official body that coordinates the activities of the Panchayats in all its developmental activities, such as: minor irrigation works, vocational and industrial schools, village industries, sanitation and public health among others.
- It advises the State Government on all matters relating to the Gram Panchayats and Panchayat Samiti's under its supervision and the needs of the rural population living therein.
- It also supervises the work of the Panchayats. It also scrutinizes the budget estimates of Panchayat Samiti's in some states like Assam, Bihar and Punjab.
- It functions mostly through various standing committees, which oversee and coordinate the common programmes of the villages under its jurisdiction.
- The developmental function like looking after developmental work in the district and secures the execution of developmental projects and other activities in the blocks under the district.
- Construction and maintenance of public roads, bridges, parks and water supply which comes under the civic activities of Zila Parishad.
- Establishment of markets, running of public libraries, dispensaries, public health and family planning centers, providing relief in times of calamities which is the civic welfare activities.
- The Zila Parishad also works as the chief coordinator of the activities of the Panchayat Samiti's in the block level. It is through the blocks that the districts prosper. Therefore, the Zila Parishads coordinate and consolidate the developmental projects in the block level.
- It examines and approves the budgets of the Panchayat samiti's and distribute funds to them. It exercises financial control over the Panchayat samiti's and the village panchayats.

SOURCES OF INCOME

- Taxes on water, pilgrimage, markets, etc.
- Fixed grants from the state government in proportion with the land revenue and money for works and schemes assigned to the parishad.
- They can collect money from the panchayats with the approval of the government.

Panchayats or village assemblies existed in ancient India as self-governing institutions which had distinct and well-defined functions. The institution of panchayat represented not only the collective will, but also the collective wisdom of the entire rural community. British rule introduced a highly decentralized system of administering justice, which changed the situation and the system of village Panchayats suffered a setback.

During the time of Viceroy Lord Ripon, there was an attempt to establish local bodies. In some cities of Rajasthan there had its own Gram Panchayat Act much earlier in 1928. Thus, at time of independence, Panchayats were functioning in some of the erstwhile princely states, while in other states no such institutions existed.

HISTORY OF PANCHAYAT RAJ SYSTEM

Panchayati Raj originated in 2nd millennium BCE in India during Vedic times. Since Vedic times, the village in the country is considered as the basic unit for regional self-administration.

The history of Panchayati Raj in India can be divided into the following periods from the analytical point of view:

Vedic Era: In the old Sanskrit scriptures, word 'Panchayatan' has been mentioned which means a group of five persons, including a spiritual man. Gradually the concept of the inclusion of a spiritual man in such groups vanished.

In the **Rigveda**, there is a mention of Sabha, Samiti and Vidatha as local self-units. These were the democratic bodies at the local level. The king used to get the approval of these bodies regarding certain functions and decisions.

The **Epic Era** indicates the two great epic periods of India, i.e. the Ramayana and the Mahabharata. The study of Ramayana indicates that the administration was divided into two parts- Pur and Janpad or city and village. In the whole of the state there was also a caste Panchayat and one person elected by the caste Panchayat was a member of the king's council of ministers. Self-Government of a village finds ample expression in the Shanti Parva of the Mahabharata: in the Manusmriti as well as in the Kautilya's Arthashastra.

As per the Mahabharata, over and above the village, there were units of 10, 20, 100 and 1000 village groups.

Gramik was the chief official of the village. Dashap was the chief of 10 villages. Vinshya Adhipati, Shat Gram Adhyaksha and Shat Gram Pati were the chiefs of 20, 100 and 1000 villages respectively. They collected the local taxes and were responsible for the defense of their villages.

Ancient Period: There is a mention of village Panchayats in Kautilya's Arthashastra. The town was referred to as Pur and its chief was the Nagrik. Local bodies were free from any royal interference.

During the Mauryan and Post-Mauryan Periods too, the headman, assisted by a council of elders, continued to play a prominent role in the village life. The system continued through the Gupta Period, though there were certain changes in the nomenclature, as the district official was known as the Vinshya Pati and the village headman was referred to as the grampati. Thus, in ancient India, there existed a well-established system of local government which was run on a set pattern of traditions and customs. However, it is significant to note that there is no reference of women heading the Panchayat.

Medieval Period: During the sultanate period, the sultans of Delhi divided their kingdom into 'Province called Vilayat'. For the governance of a village, there were three important officials: Mukkadam for administration, Patwari for collection of revenues, Choudhrie for settling disputes with the help of the Panch. The villages had sufficient powers as regards self-governance in their territory. Casteism and feudalistic system of governance under the Mughal rule in the medieval period slowly eroded the self-government in the villages. But here also no mention about the women participation in the local village administration.

British Period: Under the British regime, village panchayats lost their autonomy and became weak simultaneously. It is in 1870 that India saw the dawn of representative local institutions. The Mayo resolution 1870 gave importance towards the development of local institutions and in this year the concept of elected representatives, in urban municipalities was introduced.

By the year 1925, 8 provinces had passed the Panchayat Acts and by 1926, 6 native states had also passed Panchayat laws. Local bodies were given more powers and functions to impose taxes were reduced. But, the position of the local self-government remained unaffected.

Post-Independence Period: After the constitution came into force, Article 40 used the term Panchayats and Article 246 empowers the state legislature to legislate with respect to any subject relating to local self-government.

The Panchayati Raj system was first adopted by the state of Bihar by

the Bihar Panchayat Raj Act of 1947. It was a continued legacy of local self government started by Lord Ripon in the British Era. Later it was implemented by the state of Rajasthan in Nagaur district on 2nd October 1959. During the 1950s and 60s, other state governments adopted this system as laws were passed to establish panchayats in various states.

In 1957, the National Development Council established a committee headed by Balwant Rai Mehta to look into the working of community development programme.

The Balwant Rai Mehta Committee, headed by the Member of Parliament Balwant Rai Mehta, was a committee adopted by the government of India in January 1957 to examine the work of the Community Development Programme (1952) and the National Extensive Service (1953), to suggest measures to improve their work. The committee's recommendation was implemented by NDC in January 1958, and this set the stage for the launching of Panchayati Raj institutions throughout the country. The committee recommended the establishment of the scheme of 'democratic decentralization' which finally came to be known as Panchayati Raj. This led to establishment of the three tier system.

The establishment of Ashok Mehta Committee in 1977 also played a great role in the development of Panchayati Raj. This committee recommended a two-tier Panchayati Raj institutional structure consisting of Zila Parishad and Mandal Panchayat.

After these two committees many more new committees like G.V.K.Rao Committee(1985), L.M. Singhvi Committee (1986) and many more were established to strengthen the the status of Panchayati Raj.

It was during the tenure of P.V. Narasimha Rao as Prime Minister that an amendment was introduced in the form of the Constitution 72nd Amendment Bill in September 1991. 73rd and 74th Constitutional Amendments were passed by Parliament in December, 1992. through these amendments local self-governance was introduced in rural and urban India.

The Acts came into force as the constitution (73rd Amendment Act, 1992) on April 24, 1993 and the constitution (74th Amendment Act, 1992) on June 1, 1993.

On 24 April 1993, the constitutional (73rd amendment Act of 1992) came into force in India to provide constitutional status to the Panchayati Raj Institutions. This amendment contains provisions for the devolution of powers and responsibilities to the Panchayats, both for the preparation of economic development plans and social justice, as well as for implementation in relation to 29 subjects listed in the eleventh schedule of the constitution, and the ability to levy and collect appropriate taxes, duties, tolls and fees. The act aims to provide a three-tier system of Panchayati Raj for all states having a population of over two million, to hold Panchayat elections regularly after every five years to provide seats reserved for SCs, STs and women to appoint a state Finance Commission to make recommendations regarding the financial powers of the Panchayats and to constitute a District Planning committee.

PANCHAYAT SYSTEM IN UTTARAKHAND

In the Purana's, Uttarakhand was the ancient term for the central Indian Himalayas. Its peaks and valleys were known as Svargaloka: a temporary abode of righteous, and the source of the Ganges. At that time, present day Uttarakhand was also reportedly inhabited by rishis and sadhus. It is known as the 'land of gods' because of its number of pilgrimage sites.

After independence, the Tehri princely state was merged into Uttar Pradesh (where Uttarakhand consisted of the Garhwal and Kumaon divisions). Until 1998, Uttarakhand was the name most commonly used to refer to the region as political groups began advocating statehood under its banner.

The term 'Uttaranchal' came into use when the BJP led central and Uttar Pradesh state governments began a state reorganization in 1998 and introduced this name. In August 2006, India's Union Cabinet agreed to the four-year-old demand of the Uttaranchal state assembly and Uttarakhand-movement leaders to rename Uttaranchal Uttarakhand. Legislation to that effect was passed by the State

Legislative Assembly in October 2006., passed in the winter session of parliament, and signed into law by the president in December of that year.

There were many laws implemented for the development of the Uttaranchal state and one such law that was implemented which was related to Panchayati Raj was the 'Uttaranchal Tristariya Panchayati Raj Amendment Act, 2002. It extends to the whole of Uttaranchal state. This act was to amend the Uttar Pradesh Panchayat Raj Act, 1947 and Uttar Pradesh Kshetra Panchayat and Zila Panchayat Act, 2001 in its applicability to the state of Uttaranchal.

It is hereby enacted in the 53rd of the Republic of India as follows: As passed by the Uttaranchal Legislative assembly and assented to by the Governor on June 16, 2002.

After the formation of the state of Uttarakhand on 9th November 2000, the State Election Commission, Uttarakhand was constituted on 30th July 2001, under the provision of Article 243K of the constitution of India. Under the provisions of Article 243-K and 243 ZA of the constitution of India and other relevant acts and rules the election of Panchayats and Urban Local Bodies in Uttarakhand are conducted under the superintendence, direction and control of State Election Commission, Uttarakhand.

The functioning of the Panchayati Raj Institutions in the state is governed by the Uttarakhand Panchayati Raj Act 2016 and Uttarakhand Panchayati Raj Act 2019. According to section 14, 59 and 96 of the above Act the superintendence, direction and control to conduct the election to the office of a Pradhan, Up-Pradhan and a member of Gram Panchayats, of a Pramukh, Up-Pramukh and a member of Kshetra Panchayats, Adhyaksha, Upadhyaksha and a member of Zila Panchayat vests in the State Election Commission.

The first general election of Urban Local Bodies was conducted by State Election Commission, Uttarakhand in 2003 in all 13 districts of the state. Currently, Uttarakhand state has 13 Zila Panchayats, 95 blocks and 7485 Gram Panchayats, 8 municipal corporations, 43 Nagar Palika Parishads and 41 Nagar Panchayats.

The first general elections to the three-tier PRIs were held in 2003 in 12 districts in the state (excluding district Haridwar which were held in 2005). Further, elections to the PRIs were conducted by SEC in the years 2008 and 2014. The last general elections were held in 2019 for 55572 Gram Panchayat members, 7485 Pradhan's, 2984 BDC members and 356 Zila Panchayat members.

Uttarakhand Panchayati Raj Act 2019 introduced in July 2019 has many novel provisions like setting educational qualifications, high school for general category candidate & middle class pass for women & reserve category candidate as a pre requisite for candidates aspiring for all positions in the three tier Panchayati Raj set up and also debarring all such candidates from contesting PRI elections if they have more than two children.

Uttarakhand state has 3 tier PRIs structure. Its legal basis is set out on the basis of the Uttar Pradesh Kshetra Panchayat and Zila Panchayat Act of 1961 and the Uttar Pradesh Panchayat Raj Act of 1947, as modified by the Uttarakhand Government under by the Uttar Pradesh Kshetra Panchayat and Zila Panchayat Act in October 2001 and in January 2002. Uttarakhand Government had issued G.O for devolution of 14 subjects under 11 departments. However, only 3 subjects i.e., rural housing, poverty alleviation and women and child welfare has been devolved while devolution of other subjects are still to be implemented.

The PRIs in Uttarakhand currently receives fund from 5 different sources:

- Central Government (under 12th Finance Commission).
- 2nd State Finance Commission
- Panchayat Vikas Nidhi/ fund.
- MP/MLA Development Fund.
- Funds for Centrally Sponsored Schemes.

These funds are utilized to implement various schemes and non-scheme related activities and development works. Apart from tax collected at various level of PRIs (under section 27, 131 and 119 of PRI act) and donation are also utilized for development activities. Gram Panchayat Vikas Adhikari, sahiyka/ karyakarti are functionaries

devolved at GP level while ADO is functionaries devolved at BP level. No functionaries at ZP level are completely devolved. The PRIs at all 3 level in Uttarakhand is constituted of 6 committees namely; Planning & Development committee, Construction Work committee, Health Committee, Administrative Committee and Water Management Committee. These committees are constituted of PRI's members and are involved in Planning, implementation and Monitoring of various schemes and non-schemes. In some of the schemes and non-scheme activities PRIs has partial or no involvement. The state PR Department is not a member of any state level committee. Over the years the State Election Commission, Uttarakhand has strived to conduct free, fair and transparent elections thus upholding the mandate given to it by the Constitution of India.

At present, according to Census 2011, there are 16,793 villages in different districts. There is a huge difference in villages with respect to development. Some villages are under the category of under development and some are in undeveloped category in present scenario.

We can see development in Uttarakhand in all districts in various forms but many things still have to change for the betterment of villagers and villages.

We cannot say that Uttarakhand has developed villages but many villages still come under undeveloped village area. The villages which are near to the plain area are developing villages to some extent but the villages which are too far from the plain are undeveloped.

According to my research, I have found some differences in the development of villages. In Dehradun, there are two districts which I have observed with regard to development for the villagers and I found a huge difference in it. The two districts of Dehradun are Deu and Haripur. In these two villages I found difference in every form with regard to development. We can categorize them as developing district and other one as undeveloped district i.e. Haripur: the developing village and Deu: the undeveloped village.

DIFFERENCE BETWEEN HARIPUR AND DEU VILLAGE OF DEHRADUN

HARIPUR VILLAGE	DEU VILLAGE
Pucca houses	Kutcha Houses
Better hygienic facilities	No hygienic facilities
Less transport facilities	No transport facilities
Structured roads	unstructured roads
One or two health centers	No health centers
One or two educational institutions	No educational institutions
Market facility	No market facilities
Less illiteracy rate	Maximum illiteracy rate
More employment opportunities	No employment opportunities
Having technological advancement	No technological advancement
Connectivity to the outside world	No connectivity to the outside world
Better condition	Pathetic condition

We can see the difference between the two villages very clearly and same can be seen not only in the villages of Dehradun but also in other villages of Uttarakhand. So, many more developments in every field are yet to be done for the improvement in the lifestyle of the villagers.

But we cannot ignore the development that is in progress or is being done is praiseworthy by the government but still much has to be done for the villagers.

CONCLUSION

As the term Panchayat was used in the Vedic era only but more focus was given after independence and to give more importance to the Panchayat system a committee was developed which was known as Balwant Rai Mehta Committee. Many more new committees were introduced for the development in the Panchayati Raj system like Ashok Mehta Committee, G.V.K.Rao Committee and many more. On the basis of Balwant Rai Mehta Committee, the concept of Panchayati Raj System was introduced. In Uttarakhand, Panchayati Raj System was introduced in 2016 under Uttarakhand Panchayati Raj Act, 2016. Panchayati Raj plays a major role in the development of the villages and same is seen in the state of Uttarakhand. In Uttarakhand, development can be seen but more has to be done and in some places differences in development has to be removed.

Developments are required in every village especially villages which are situated in hilly areas of India but my focus is on the development of two villages of Dehradun district of Uttarakhand state. One village which is near to the plain area of Dehradun i.e. Haripur village and other one which is at the top of the hills i.e. Deu village and huge difference is seen in these two villages with respect to development.

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