

**European Journal of Political Science Studies** 

ISSN: 2601 - 2766 ISSN-L:2601 - 2766 Available on-line at: <u>www.oapub.org/soc</u>

DOI: 10.46827/ejpss.v5i1.1142

Volume 5 | Issue 1 | 2021

# CREATION OF PARALLEL BODIES DISEMPOWERING THE EFFECTIVE FUNCTIONING OF PANCHAYATI RAJ INSTITUTIONS IN INDIA

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#### Abstract:

By bridging the gap between PRIs and parallel bodies across the country, this study will examine how the process of decentralisation is being actively considered by the Indian government as well as state governments. The multiple parallel bodies established by governments have resulted in the emergence of numerous parallel structures, undermining the panchayats. The proliferation of organisations has confused, as well as conflict and disempowerment of the Panchayats. The interface has become a key component of many state governments' agendas to assist make the multiple parallel entities more effective, sustainable, and PRIs-friendly. Accept that interlinkages will play a limited role and influence in the process of decentralisation and good governance unless the government takes decisive steps to devolve functions, funding, and officials to the PRIs, enabling decentralised planning and convergence. The higher authority would then have to disempower themselves to empower the PRIs. Devolution of power and authority from the State Government to the three-tiered PRIs could provide space and opportunity for more rigorous accountability measures. My article reflects on how many states are implementing programmes primarily through state bureaucracies, resulting in parallel structures, which is contrary to the spirit of the 73rd Constitutional Amendment Act of 1992.

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**Keywords:** PRIs, parallel bodies, disempowerment of the panchayats, devolution of power, 73rd Constitution Amendment Act of 1992, process of decentralisation

# 1. Introduction

Following the establishment of the modern state system, grassroots governance structures were established, with active links to other, higher-level governing organisations at the regional and national levels. Parallel entities or structures are being established at the national and state levels, which are concerned with various rural development schemes and programmes like agriculture, health, education, women and child development and welfare, and are usually parastatals at the district level. They established registered societies to get around the Panchayati Raj Institutions. Ministries and departments place funds at their disposal, and if they allocate funds to Panchayat Samities or Gram Panchayats, they do so as "tied grants". Many centrally-sponsored or state-sponsored programmes have also been implemented by the line ministries at the centre and the line departments in the states. Staff from the state's line departments work on these initiatives down to the block or village level. They completely bypass the Panchayati Raj Institutions. Institutions/organizations that are totally or partially owned and governed by the government are known as parastatals (either autonomous or quasigovernmental). They can be established under special state statutes or the Societies Registration Act. These organisations are typically founded to provide specific services, carry out specific schemes, or carry out programmes funded by the state/union government or international donor agencies. Because many of these organisations' operations are covered under the Constitution's Eleventh Schedule, their existence as independent entities with significant funds and employees is a barrier to the proper functioning and empowerment of local government institutions. The Indian government, realising the importance of health, established the Primary Health Care (PHC) delivery system almost three decades ago. Inter-sectoral collaboration and community participation are important aspects of the PHC strategy. Although there was recognition of the need for a more integrated approach to PHC service delivery, PHC remained distinct. It was realised at the time the Panchayati Raj System (PRS) was being implemented that PRIs might play a critical role in facilitating intersectoral collaboration. Because no financing, staff, or functions are transferred to elected Panchayati Raj organisations, the exercise appears to be confusing. Furthermore, several states, functions, and functionaries have yet to be transferred to PRIs. District Rural Development Agency (DRDA), District Health Society (DHS), District Water and Sanitation Committee (DWSC), and Fish Farmers Development Agency are some of the significant parastatals/ parallel bodies. The State Water & Sewerage Board, Khadi & Village Industries Commission (KVIC), and the State Primary Education Board are some of the parastatals at the upper levels. Their activities have a direct impact on local institutions. The following are some of the important programmes that fall under these "Parallel Structures":

A. The District Rural Development Agency (DRDA) was created under the Societies Registration Act(s) as a semi-autonomous organisation to implement various Union and State Government livelihood development, wage and employment generation, and social assistance operations at the district level. The goal was to establish a structure that could be flexible in terms of scheme execution, monitoring, and fund flow. The money for most Centrally Sponsored Schemes, such as the Sampoorna Grameen Rozgar Yojna (SGRY), Swarnjayanti Gram Swarozgar Yojna (SGSY), and Indira Awaas Yojna (IAY), are currently granted to the DRDA, from which they are divided among at the block level, implementing agencies. Many of these initiatives entrust implementation and oversight to Panchayats, notably Gram Panchayats. The Commission believes that creating a distinct body such as the DRDA in the district is unnecessary because the process of democratic decentralisation is now well established in the districts and Panchayats, with elected representatives in situ at all three levels. The DRDAs have already been amalgamated with the District Panchayats in certain states, such as Kerala, Karnataka, and West Bengal. Other states need to take appropriate measures. The Ministry of Rural Development is proposed appointing a member of Parliament as the head of the DRDA, with the District Collector as its secretary. Although DRDAs were abolished in Kerala, Madhya Pradesh, and Karnataka and combined with Zilla Panchayats, there is presently a movement to bring them back. Other states have parallel bodies, such as the Watershed Development Programme (WDP): The Ministry of Agriculture and the Ministry of Rural Development are primarily responsible for implementing these policies. This programme is also implemented by several NGOs. Even though providing cash for watershed development in the districts to the Zilla Panchayats is not difficult, it is not done. The implementing agency should receive money from the Zilla Panchayat, ensuring that the responsibility for the project remains with the Zilla Panchayat.

**B. JFMC (Joint Forest Management Committee) -** JFMCs are now maintained by the Ministry of Environment and Forests. They aren't answerable to the Gram Sabha, Gram Panchayats, or even the Panchayati Samiti. Even when PRIs play a larger role in afforestation, social forestry, and minor forest produce in scheduled areas, JFM acts independently of local elected institutions.

**C. User Committees -** They are also known as a 'User Group' or a 'Stakeholders Committee.' These institutions differ from the elected Panchayati Raj institutions that existed during the first wave of reforms in key ways. From the top to the bottom, they are all connected to the administrative system. They are made up of citizens with specialised knowledge and representatives from particular interests. They serve as a conduit between the administration and the general public, advising the government on policies, issues, and processes. The concept of user committees evolved during the reform period, which coincided with the 73rd constitutional amendment Act. Although the User Committees' actions are clearly outside the purview of local governments, they have a

significant negative impact on the operation of Panchayats, disempowering democratically decentralised institutions at the grassroots level.

D. District Primary Education Programme (DPEP) - The 73rd Constitutional Amendment Act of 1992 mandates state governments to transfer education to Panchayats, which covers primary and secondary schools, as well as adult and non-formal education. The District Primary Education Programme (DPEP) is a five-year World Bank-funded programme that intends to universalize primary education with a focus on eliminating illiteracy among children in underdeveloped areas. It covers around 150 districts in the chosen states. In four states, the National Council of Educational Research and Training investigated the interconnections between DPEP structures and Panchayati Raj institutions. According to the findings, the DPEP is operating as a separate entity with no active interlinkages with Panchayati Raj Institutions. Currently, the initiative spans 42 districts, including 19 in Madhya Pradesh, 5 in Maharashtra, 4 in Assam, Haryana, and Karnataka, and 3 in Kerala and Tamil Nadu. Aside from the parallel structures developed by Union Ministries and Departments, state governments are also moving through with plans to bypass and weaken the Panchayats. It is necessary to discuss the cases of Andhra Pradesh and Madhya Pradesh at the time. Janmabhoomi: In the erstwhile Andhra Pradesh, Janmabhoomi programme has come as a big blow to the Panchayats Jawahar Rozgar Yojana, Integrated Tribal Development Agency, DPEP, National Slum Development Programme, etc. Studies have shown that norms prescribed for the utilisation of these funds are breached. Under 10th round, funds are being used from health, medical and family welfare, women development, youth welfare, sports, municipal administration, animal husbandry, agriculture, horticulture and sericulture departments. Sweeping powers are given to the "nodal officers". A study by the National Institute of Rural Development (NIRD)' Hyderabad, concludes: "The participation of members of Panchayati Raj bodies belonging to various political parties other than the ruling party has been missing. It has side-tracked the Panchayati Raj Institutions and other local bodies by maintaining the parallel system of administration by according more importance to MLAs and other politicians".

**E. The Member of Parliament Local Area Development Scheme (MPLADS) -** On December 23, 1993, the Prime Minister announced the MPLADS in both houses of Parliament. Each member of Parliament has the authority to propose to the district collector work inside his or her area for a sum of not more than Rs.1 crore each year. Twenty-three specific schemes, including school buildings, village roads, bridges, common shelters for the elderly, buildings for Gram Panchayats, hospitals, cultural/sports activities, and the digging of tube wells, among others, come into effect, in addition to any other schemes specified by the Union Government from time to time. The Local Area Development Scheme proposed by the MPs is an "attack" on the letter and spirit of the 73<sup>rd</sup> Constitutional Amendment. The 11<sup>th</sup> Schedule (Article 243G) and the 12th Schedule (Article 243W) each contain a list of 47 subjects, as well as related

programmes and works, that are the responsibility of local governments. Even these aren't exhaustive, as state legislators are permitted to go as far as they want. Surprisingly, all 23 items of work intended to be carried out by MPs with MPLAD money come from the 29 subjects of the 11th Schedule. As previously stated, is protected by Article 243ZD of the 74th Constitution Amendment. But how can any planning take place when MPs have their interests and vast sums of money at their disposal? According to several sources, the MPLAD monies are being misappropriated or are going unused by the Member of Parliament. In the case of a struggle over Covid-19, the Indian government recently halted funds for the Member of Parliament Local Area Development Scheme, or MPLADS, for two years (2020 and 2021) and mandated that these funds be transferred to the Consolidated Fund of India. By suspending the MPLADS for two years, the government hopes to raise roughly Rs. 7,900 crores. The government believes that switching these funds to the Consolidated Fund of India will facilitate sensible fund distribution, but the political opposition has questioned the proposal, claiming that it will jeopardise the decentralised funding of local area development. However, a similar arrangement has been introduced in certain states for MLAs and MLCs as well. Several municipalities have started similar procedures for councillors, which is dangerous (for example Rajasthan, Delhi). This is an ominous sign, as well as an egregious intrusion into the domain of local authorities. The working group on Democratic Decentralisation and PRIs advocated various things to improve Panchayati Raj Institutions in this setting. Outside of the PRIs, the Union and State governments should not generally form special committees. If, on the other hand, such specialised committees are required to be formed due to professional or technical requirements, and if their activities correspond with those of the specialised committees If such specialised committees are required to be established due to professional or technical requirements, and if their activities are similar to those listed in the Eleventh Schedule, they should either operate under the overall supervision and guidance of the Panchayats, or their relationship with the PRIs should be worked out in consultation with the concerned level of Panchayats.

# 2. Conclusion

It is necessary to empower Panchayati Raj Institutions, assuring democratic demoralisation by devolution of powers, limiting the function of parallel bodies, and not intervening in the realm of PRIs and Community level entities, which should not be created by higher-level choices. If they are deemed necessary, the effort to create them should come from the bottom up, and they should be accountable to PRIs. Ascertain that a potential local plan arises from the Panchayats. Only once finances for local development are made accessible will it become an agenda item for efficient Panchayat functioning across the country. Devolve developmental functionaries to PRIS, giving them authority over postings, transfers, evaluations, and promotions. Even though their actions are plainly outside the scope of local governments, they have a considerable negative impact on Panchayat operations, disempowering democratically decentralised

organisations at the grassroots level. The PRIs should not be permitted to be undermined by the parallel bodies.

## **Conflict of Interest Statement**

We the authors declare that we have no conflicts of interests.

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