



IMPACT OF NEWLY INCORPORATED PROVISIONS IN HARYANA PANCHAYATI RAJ ACT, 2020 IN RURAL LOCAL GOVERNANCE: A STUDY

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ABSTRACT:-

People's participation in policy making in a democracy is one of the essential prerequisites for delivering good governance. The process of creating an institutional environment conducive to citizens' participation in governance is bilateral in nature which requires an alert, responsible, active citizenry on the one hand and a transparent, responsive and receptive government agency on the other. In this context, the 73rd Constitution has provided a new sovereign platform in the form of decentralised planning from the grassroots level. The Gram Sabha system, which is the core of Panchayati Raj, has proved to be a solid tool for raising the voice of the people through its meetings and achieving social equality. The importance of this body is increasing widely in the new Panchayat system. It has been pointed out that unless the Panchayati institution of the Gram Sabha is fully utilised, the institutions of governance in general and grassroots democracy in particular will not be able to flourish as desired. This study attempts to analyse the recent provisions of the Haryana Panchayati Raj Act, 1994 and Amendment Act, 2020 and also propose an agenda for future rural development.



KEY WORDS:- Grassroots, PRI, Gram Sabha, Ward Sabha, Rural Development, Accountability, Elected representatives.

INTRODUCTION :-

The 73rd Constitutional Amendment was a logical step towards the integration of the concept of development with the involvement of people in the planning process in a formal manner on the one hand and responsibility to the people themselves on the other. The rationale for the constitutional amendment was that though the Panchayati Raj Institutions had been in existence for a long time, they had not been efficient. Irregularities, elections, long sessions, inadequate representation of weaker sections and devolution of powers, lack of administrative and financial autonomy as well as lack of resources contributed to the development of these institutions. It was concluded that these deficiencies could not be corrected without constitutional support to these institutions. Accordingly, the 73rd Constitutional Amendment Bill was passed by both the Houses of Parliament in the year 1992 with consensus and it reflects the resolve of the nation to integrate local-self government institutions with the larger political-administrative machinery of the country.

In accordance with the provisions of the 73rd Constitutional Amendment Act, plans have been made to establish decentralized Panchayati Raj in the true sense of the word in all the states of the

country at three levels so far. It is expected that as a result of the establishment of Panchayati Raj institutions in different states, it will be possible to adopt the decentralized planning process.

Panchayati Raj institutions have become an integral part of our Constitution in which Article-40 mentions that it is the responsibility of the State to organize Gram Panchayats as units of self-government and to take steps to make them functional. Under Article 246, the State Legislature is empowered to make laws in respect of any subject related to local self-government. Thus, the Balwant Rai Mehta Committee suggested this, which gave a new impetus to the development of this institution by including Panchayats in the Constitution. The three-tier system of government comprising elections at village, block and district council levels emphasizes direct elections at the village level and indirect elections at the district level. The passing of the 73rd Amendment in 1992 gave the Panchayati Raj Institutions in India the necessary financial and other statutory powers.

However, it has always been that democracy is a government for the people, by the people and of the people.

It has been a problem as to how this concept can be effectively incorporated in practice in such a manner that people are closely associated with the decision-making process at the grassroots level. It is in this context that Mahatma Gandhi said, "True democracy cannot be run by a few people sitting at the top. It must be worked out by every person in every village from below."

From time to time, various solutions have been considered with a view to involving people in governance at the grassroots level. The Constitution of India gave special importance to the institution of the village.

It will be the endeavour of the State to take steps to strengthen the village by giving self-governing rights to the Panchayat. Panchayats are expected to be the basic unit of self-governance at the village level, bringing about an element of transparency between the people and the government system. Accordingly, all activities undertaken by the Gram Panchayat have to get the approval of the Gram Sabha as the Sabha comprises all the adult voters of the area. The Gram Sabha is also expected to approve various schemes and activities related to the schemes and also for the selection of beneficiaries for various poverty alleviation schemes. The meaning of Gram Sabha as per Part IX of the 73rd Constitutional Amendment, 1992 begins with its broad definition, Article 243-B of the Constitution defines Gram Sabha as "a body consisting of the persons registered in the electoral rolls of a village included in the area of a Panchayat at the village level. Accordingly the States have also defined Gram Sabha to be more or less the same, though there are variations in its nomenclature across States. Gram Sabha in Assam is called Gaon Sabha, in Jammu and Kashmir it is called as; Halqa Sabha/Majlis, in Odisha it is Palli Sabha and Gram Sabha in Haryana. Gram Sabha is considered to be a supplementary forum aimed at providing strong participation of every citizen.

The specific framework of Panchayati Raj has been provided by the 73rd Constitutional Amendment to provide Gram Sabha an important place in the overall system. Article 243(B) of the Constitution which reads thus:-

"Gram Sabha" means a body consisting of the persons registered in the electoral rolls of a village included in the area of a Panchayat at the village level. Its role is laid down in Article 243 (A), which states that a Gram Sabha may "exercise such powers as the legislature of the State and perform such functions in the village as are permitted by law".

The Gram Sabha, being the primary body, will be the organ of face-to-face direct democracy composed of all adult residents and not the circles and factions of the village. While the Acts of most of the States have become obsolete in conformity with the institution of Gram Sabha, the 73rd Constitutional Amendment envisaged it as the primary body of Panchayati Raj in the general form system, which aims to facilitate direct participation of people in local activities.

Panchayati Raj in Haryana State after 73rd Constitutional Amendment Act, 1992:-

Haryana became a separate state on 1st November 1966, till 1973 there was a three-tier system in the state. In 1973, the Ad-hoc Committee on Panchayati Raj recommended a two-tier system consisting of Panchayat at the village level and Block Committee and the Zila Parishad was abolished.

These recommendations of the Ad-hoc Committee were implemented by the State Government in 1973. The Committee was of the view that the functions of the Block Committees and the Zila Parishad were overlapping, hence the functions of the latter needed to be abolished. Its functions were assigned to the Deputy Commissioner.

In this context, the 73rd Constitutional Amendment Act, 1992 was enacted and it came into effect on 24th April, 1993. Accordingly, the States were directed to amend or repeal their existing laws in conformity with the new provisions of the Constitution. In this regard within one year from the commencement of the Act the Government of Haryana replaced the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samitis and Zila Parishad Act, 1961 and a new Act called the Haryana Panchayati Raj Act, 1994 was enacted which came into force on 22nd April, 1994. The Panchayati Raj Act, 1994 restricted the Panchayati Raj Institutions to the requirements of the 73rd Constitutional Amendment Act, 1992 and incorporated all the salient features of the 73rd Amendment Act.

OBJECTIVES OF GRAM SABHA:-

The Gram Sabha is thus a statutory body and forms an integral part of the Panchayati Raj system in the State. It is established for a village or group of villages and comprises all the residents registered in the voters list pertaining to the Gram Sabha area. It functions as an assembly of the villages, acts as a watchdog of the functioning of the Gram Panchayat and facilitates people's participation in the decision-making process. Being a statutory body, the decision taken in its meeting will not only have the social acceptance of the local people but will also be a legal binding on the executive of the Gram Panchayat. Broadly, the Gram Sabha has been conceived to fulfill the following objectives:-

(a) The decision-making process is brought to the lowest level platform and hence real democratic decentralisation is ensured, allowing the local people to manage their own affairs independently. By making the people decide their own affairs and their own fate, even if learning by doing mistakes, every common man will not only decide who will take decisions on his behalf but also participate in the decision making process through the Gram Sabha.

(b) Direct participation as a part is possible in the real sense of the word, that too on the basis of equality of respect and right to free expression, especially in matters of development. It is the only democratic forum where people can participate and directly, freely interact and take decisions on issues of local interest.

(c) Decentralised and participatory planning and development process is set in motion based on the needs and priorities felt at the bottom.

(d) By ensuring maximum participation, transparency and right to free expression the Gram Sabha meeting will definitely act as a social audit, resulting in the elimination of irregularities.

(e) The Gram Sabha shall pave the way for social transformation in villages and building of democratic political structure at the grassroots level, thereby helping in reducing social distance and improving inter-caste political relations in villages, so as to manifest unity and integration in mutual trust and respect on the basis of equality among different sections of the village.

Haryana Panchayati Raj Act, 1994; Section 2(xxx) Demarcation of Assembly Area under Gram Sabha :- Gram Sabha means a body consisting of persons registered as voters in the electoral roll of a village comprised in the area of a Panchayat at the village level.

Section 2(iv) Assembly area:- Assembly area means the area declared as an Assembly area by notification under this Act, Section 7. Demarcation of Assembly area:- (1) The Government may, by notification, declare any village or part of a village or a group of contiguous villages having a population of not less than five hundred to constitute one or more Assembly areas;

Provided that the Government may, in exceptional cases, for reasons to be recorded in writing, relax the limit of population of 500;

Provided further that neither the whole or any part of the:-

- (a) A Municipality constituted under the Haryana Municipalities Act, 1973.
- (b) Army area; shall be included in an Assembly Area unless the majority of the voters of a municipality desire the establishment of a Gram Panchayat, in which case the assets and liabilities, if any, of the municipality shall vest in the Gram Panchayat and the municipality shall cease to exist.
- (2) The population shall be determined on the basis of the last previous decennial census of which the relevant figures have been published.
- (3) If the whole of the Assembly Area is included in a Municipality or a Cantonment, the Gram Panchayat shall cease to exist and its assets and liabilities shall vest in the Municipality or the Cantonment, as the case may be.
- (4) If the whole of the Assembly Area is included in the Faridabad Complex under the Faridabad Complex (Regulation and Development Act, 1971), the Gram Panchayat shall cease to exist and its assets and liabilities shall vest in the Faridabad Complex.

Meeting of Gram Sabha and Quorum (Section-11):-

- 1. Every Gram Sabha shall hold four general meetings every year on such date and time and place as may be fixed by the Block Development and Panchayat Officer concerned.
- 2. In the event of the Sarpanch failing to hold two consecutive general meetings of the Gram Sabha on the date fixed under sub-section (1), he shall automatically claim to hold office from the date on which the second meeting was to be held. The Block Development and Panchayat Officer shall forthwith give notice of such cessation to the Director who shall accordingly give notice of the fact to the Zila Parishad, Panchayat Samiti, Gram Panchayat and the Sarpanch.
- 3. Within a period of 30 days from the date of notification of the removal of the Sarpanch from office the Director may, on sufficient cause being shown for the default, reinstate the Sarpanch.
- 4. The Sarpanch may, at any time, where not less than one-tenth of the total number of members of the Panchayat Samitis or the Gram Sabha receive a requisition in writing, within thirty days from the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.
- 5. A general meeting as per sub-section (1) or extraordinary general meeting as per sub-section (4) is not called a Block Development Officer and the Panchayat Officer shall call such meeting.
- 6. A meeting of the Gram Sabha shall be held and the time and place of such meeting shall be published in the prescribed manner (9).
- 7. One-tenth of the total number of its members shall be the quorum for ordinary and extraordinary meeting of the Gram Sabha.
- 8. Every Panch shall attend the meeting of the Gram Sabha except in circumstances beyond human control.

In section 2 of the Haryana Panchayati Raj (Amendment) Act, 2020 (i) for clause (ii), the following clause shall be substituted, namely:-

- (i) "adult" means a person male or female or transgender who has attained the age of eighteen years,
- (ii) after clause (ixx), the following clause shall be added, namely (ixx-a) "Ward Sabha" means a body consisting of persons registered in the voter list of each constituency of every Gram Panchayat (10).

In section 11 of the principal Act:-

- i) in sub-section (8), after the general meeting of the Gram Sabha, one-tenth of the members of the Gram Sabha or three hundred members, whichever is less, shall form a quorum;
- ii) in sub-section (8), the words and symbols shall be added at the end, namely:-
 "If such officer does not attend the meeting without reasonable excuse, the Gram Sachiv shall inform the Government of his absence".

After section 3 of the principal Act, the following section shall be inserted, namely:-

“3A Ward Sabha,- (I) Subject to the general order of the Government, every Ward Sabha shall meet at least once in six months.

-The quorum for a meeting of a Ward Sabha shall not be less than one-tenth of the total strength of the Ward Sabha or twenty members, whichever is less:-

Powers and Functions of Ward Sabha:-

The Ward Sabha shall exercise the following power and discharge functions in such manner as may be prescribed, namely:-

- 1) Prepare proposals and determine the priority of schemes and development programme to be implemented in the area of the Ward Sabha and forward the same to the Gram Sabha for inclusion in the Gram Panchayat Development Plan;
- 2) Identify the most eligible persons from the area of the Ward Sabha for beneficiary oriented schemes on the basis of prescribed criteria and prepare a list of eligible beneficiaries in the order of priority and forward it to the Gram Panchayat.
- 3) Verify the eligibility of persons receiving various types of welfare assistance such as pension and subsidy from the Government;
- 4) Obtain from the Gram Panchayat the rationale for every decision of the Gram Panchayat regarding the area of the Ward Sabha.
- 5) Obtain information from the Gram Panchayat officer as to what services they would provide and what works they propose to do in the succeeding period of six months after the meeting of the Ward Sabha.
- 6) Provide and mobilise voluntary labour and contributions in cash and kind for development work and monitor such development work through volunteer team;
- 7) Make efforts to ensure that the members of the Ward Sabha pay taxes and repay loans to the Gram Panchayat;
- 8) Suggest location of street lights, roads or community water taps, public calls, public sanitation units, irrigation facilities and such other public utility schemes in the area of the Ward Sabha;
- 9) Identify deficiencies in water supply and street lighting in the area of the Ward Sabha and suggest remedial measures;
- 10) Provide awareness on matters of public interest such as cleanliness, preservation of environment and prevention of pollution.
- 11) Assist the Gram Panchayat staff in sanitation arrangements in the area of the Ward Sabha and render voluntary service in garbage removal;
- 12) Promote adult education programme in the area of the Ward Sabha;
- 13) assist in the activities of the Public Health Centres in the area of the Ward Sabha, particularly in the areas of disease prevention and family welfare and to prevent the occurrence of epidemics and natural calamities;
- 14) promote harmony and unity among different groups of people in the area of the Ward Sabha and arrange cultural festivals and sports events to give expression to the talents of the local people; and
- 15) exercise such other powers and discharge such other functions as may be prescribed.
- 16) The procedure for convening and conducting the meeting of the Ward Sabha shall be such as may be prescribed.
- 17) Every meeting of the Ward Sabha shall be presided over by a member of the Gram Panchayat elected from the area of the concerned Ward Sabha and in his absence by another member of the Gram Panchayat nominated by the Sarpanch.
- 18) All resolutions in respect of any matter at a meeting of the Ward Sabha shall be passed by a majority of the members (11) present and voting.

The broad intention of having an institution like the Gram Sabha at the grassroots level is to maximize opportunities for poor and socially marginalized groups and to exercise expert influence over policy choice, resource allocation and programme design. The Gram Sabha at the grassroots level

facilitates participatory governance and planning as elected representatives, officials and citizens are expected to participate in it. This platform enables the lowest rung of government (the village/gram panchayat) to plan and implement local development projects and local development projects according to the needs and aspirations of the people.

Greater citizen participation in local budget decisions, spending choices and development planning leads to greater citizen satisfaction with basic service and greater coverage for previously excluded groups, especially the poor, minorities and women, thus moving towards more inclusive governance. Through the Gram Sabha, citizens raise their voices, and demand accountability and transparency of local authorities in their administration and development. Thus in short, the Gram Sabha paves the way for people-centred development (12).

Functions of Gram Sabha:-

There is diversity in the provisions regarding the functions of the Gram Sabha, however, there are certain common features in the Panchayati Raj Acts of most of the states. A synthesis of the various powers and functions assigned in Haryana is as follows;

- Examine the annual statement of accounts and audit report of the Gram Panchayat;
- Discuss the report on the administration of the previous year;
- Review the programme of work for the year or any new programme;
- Consider proposals for new taxation or increase in existing taxes;
- Select schemes, beneficiaries and locations;
- Mobilize voluntary labour and make contributions in kind and cash;
- Identification of beneficiaries for implementation of development schemes;
- Undertake programmes for adult education and family welfare within the village;
- Promote unity and harmony among all sections of the society;
- Examine previous audit notes and replies given thereunder;
- Consider the budget and future development programmes and plans prepared by the Gram Panchayat;
- Consider and examine the existing schemes and all types of activities;
- Maintain a complete register for all the development works done by the Gram Panchayat or any other department;
- Approve the village plan

Relevance of Gram Sabha and Ward Sabha:-

Though the experience of the functioning of Gram Sabha and Ward Sabha in Haryana does not paint a promising picture, it cannot be concluded that the institution has the potential to serve as a forum for participatory democracy provided it is suitably equipped with the necessary power and functions. Keeping in view the fact that in a democratic set up like ours the people at the local level must be connected with the scheme which is meant for their benefit, in this regard. Jayaprakash Narayan, an advocate of Russian Federation type of direct democracy at the rural level has said; "For me the Gram Sabha is the symbol of village democracy. Let us not have only representative government from village to Delhi. Let there be at least a direct government direct democracy, there should be the relationship of cabinet and assembly between the Panchayat and the Gram Sabha.

Also, a stage of importance in the process of self-education and development. The Gram Panchayat has to work by taking the Gram Sabha into confidence. The Gram Panchayat cannot act decisively unless it enjoys the confidence of the Gram Sabha. Factionalism, factionalism etc. are a part and parcel of social processes and in a democratic set up the voice of dissent should not always be considered negative. It is the essence of democracy that all such differences are freely expressed and the majority decision is taken. A pathy of the village can be removed only by conferring powers and responsibilities. The shortcomings experienced in the functioning of the Gram Sabha earlier were due to the fact that they were not conferred with adequate power and the provisions of the Act lacked teeth, on the other hand there was also lack of commitment in the political parties.

CONCLUSION:-

From the present scenario of Haryana, I can conclude that the vision of democratic decentralization in the Panchayati Raj Institutions is deeply rooted at the level of Gram Sabha and Ward Sabha. Therefore, there is an imperative need to associate the Gram Sabha with the Ward Sabha to form a broad based three tier system as compared to the Gram Panchayat so as to meet the need and aspirations of the individual and to do greater good for the community. Therefore, the Gram Sabha can be seen as the base of the pyramid of the three tier system and therefore needs to be recognized as a vocal, effective and legal entity with certain specific functions and a definite and defined relationship with the Panchayats so as to ensure that the institution of Gram Sabha as a body to which the Panchayat is ultimately accountable is established. Now the time has come for the Gram Sabha to gain the necessary momentum and develop through the process of development as an effective organization at the people's level. After the enactment of the 73rd Constitutional Amendment, most of the State Legislatures accordingly made provision for the establishment of Gram Sabha, but the States remained vague and half-hearted about it. In the absence of awareness about the procedures and powers, and political mobilisation and potential of Gram Sabhas, they remain for the most part functional and underpowered Gram Sabhas for development planning and social audit. Provide definite legislative linkages from lower to higher levels to involve more and more people in participatory planning. To streamline the system, the concerned Deputy Commissioner may be made accountable and responsible for scrutiny of the proceedings of the Gram Sabha meetings. Follow-up action on the proceedings and resolutions of the Gram Sabha should be expedited at its appropriate levels. For this purpose; it is essential that the proceedings of the Gram Sabha meeting are properly recorded by the Gram Secretary.

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