

PANCHAYATI RAJ IN UTTAR PRADESH: STRUCTURE AND REPRESENTATION OVERVIEW

Arun Keshav*

ABSTRACT

The state of Uttar Pradesh in India adopted a three-tier system of Panchayats in 1961 based on the recommendations of Balwantrai Mehta Committee Report. In addition to village Panchayats, the Kshetra Samitis and Zilla Parishads were constituted under the Kshetra Samiti and Zilla Parishad Adhiniyam of 1961. UP did not enact a new Panchayati Raj legislation in conformity with the 73rd Constitutional Amendment. It amended the two existing Acts namely the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshetra Panchayat and Zilla Panchayat Adhiniyam 1961, incorporating provisions to conform to the 73rd Constitutional Amendment. This paper looks into the basic systems, structures and the representations in place under the three-tier Panchayati Raj in the state. Information under the acts, related to the Panchayati Raj and the amendments made there of following the 73rd Constitutional Amendment were studied and interpreted also other secondary sources were used. Besides, primary qualitative data from field survey using participatory tools like Focused Group Discussion (FGD) and Key Informant Interview (KII) were collected and analyzed to triangulate and supplement the information from the secondary sources. In sample these data to whatever in these acts with reference to the is primarily used to draw a picture and is supplemented by the field data collected from stake holders of this system at all the three levels.

KEYWORDS: Panchayati Raj, Panchayat, Three-Tier Panchayati Raj, FGD, KII.

Introduction

Uttar Pradesh (U.P.) has a population of 19.98 Crores, as per 2011 Census, up against 16.62 Crore in 2001 (Census of India). The state has a geographical area of 2.41 lakh sq. Km and its share in the total area of the Country is 7.3 per cent, while its share in the country's population is 16.5 per cent up against 16.16 per cent in 2001. The population density as per 2011 census is 829 persons per sq. km. The average annual growth rate of population is 2.02% well above the national average of 1.76 per cent, the rural population is 77.73 % of the total population of the state residing in 1,06,774 villages (Census of India 2011). As per the second Human Development Report published in 2008 by the state, U.P. occupied 15th rank among 17 major states in 2001 having human development index value at 0.5442 against all India average of 0.6281. There exist sharp differences in the level of human development among the different social and religious groups in the State. The socio-economic status of Muslims, other backward classes and scheduled castes is much lower as compared to that of the higher castes. The economy of the state is predominantly agrarian. The entire state could be divided into four economic regions viz. the western region, central region, eastern region and Bundelkhand. The first three regions fall in the Gangetic plains, while Bundelkhand forms part of the southern plateau.

Administrative Profile

The State is organized into 75 Districts and 821 Development Blocks. There are 51,914 Gram Panchayats in Uttar Pradesh.

* Amity University, Rajasthan, India.

Panchayati Raj in Uttar Pradesh

Since time immemorial Panchayati Raj had been an integral part of Indian society, reference of Sabha and Samitis has been found in Rig Vedas. Literally, it means an assembly of five elected by villagers. However, during the British Raj, this ancient system of decentralized governance lost its significance and became redundant. Immediately after independence Government of India took steps to revive this valued social institution and Uttar Pradesh became the first state in India to have a Panchayat Raj Act with enactment of Uttar Pradesh Panchayat Raj Act, 1947 and on 15th August 1949, 35000 panchayats and 8000 Panchayat Adalats were established to serve the then rural population of 5 Crore 40 lakhs. The State adopted a three-tier system of Panchayats in 1961 based on the recommendations of Balwantraji Mehta Committee Report. In addition to village Panchayats, the Kshetra Samitis and Zilla Parishads were constituted under the Kshetra Samiti and Zilla Parishad Adhiniyam of 1961. UP did not enact a new Panchayat Raj legislation in conformity with the 73rd Constitution Amendment. It amended the two existing Acts namely the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshetra Panchayat and Zilla Panchayat Adhiniyam 1961, incorporating provisions to conform to the 73rd Constitutional Amendment. The amended acts came into force on 22 April 1994, based on the amendments State Finance Commission and State Election Commission were established in the state also were ensured that the panchayats have fixed terms in office, reservation for SC/ST, OBC and women, devolution of further authority and responsibility to the panchayats. The *UP Kshetra Panchayat and Zila Panchayat Adhiniyam 1961* clearly defines the power, duties and functions of Kshetra Panchayat (Intermediate Panchayat) and District Panchayat (Zila Panchayat) in sections 31-38, while the *UP Panchayat Raj Adhiniyam 1947* clearly defines the power, duties and functions of Gram Panchayat (Village Panchayat) under sections 15 to 30. The act also clearly enumerates the establishment and Constitution of Gram Sabhas and Its Meetings and Functions under sections 3, 5 and 11. However, there is no reference of powers, duties and functions of Ward Sabha in the act.

Methodology

This study is an excerpt from a larger study on the status of Panchayati Raj in U.P and is more exploratory in nature. The predominant question which this study tries to answer is regarding the basic structure of Panchayati Raj in Uttar Pradesh, the regulatory framework and representations. The progress made on these aspects. Largely, secondary information, published by the Department of Panchayati Raj, State Election Commission, the State Government of Uttar Pradesh have been referred. Besides, to supplement the information from secondary sources, field studies have been carried out. To get a proper representation judgmental sampling has been used to select two districts providing distinct geographical and economic representation. One district from relatively poorer, the eastern part of the state (Jaunpur) another from the relatively prosperous western district of the state (Bulandsahahr). Out of these districts two blocks from each district were selected and of these blocks, two Gram Panchayats each for each block were selected. The sample districts, blocks and gram panchayats thus selected is presented as Table 1.

Table1: Sample Districts, Blocks and Gram Panchayats Selected for Study

District	Blocks	Gram Panchayats
Jaunpur	Kerakat Block	Sahabuddinpur
		Behda
	Mugra Badshahpur	Fattupur Nisphi
		Rampur Pakdi
Bulandsahahr	Dibai	Satoha
		Dao Goanwa
	Sikandrabad	Faridpur
		Sikandrabad Dehat

The tools used for data collection included Focused Group Discussion (FGD) and Key Informant Interviews (KII), were used as tools for data collection from the field.

Elections, Representation and Structure of Panchayats in Uttar Pradesh

On 15th August 1949, 35000 *Panchayats* and 8000 *Panchayat Adalats* were established to serve the then rural population of 5 Crore 40 lakhs in UP while the tenth general elections were held in the months October to November 2010 for 51,914 *Gram Panchayats*, 821 *Kshetra Panchayat* and 72 *Zilla Panchayat*. The chronology of panchayat elections held in the state could be referred to from Table 2 below:

Table 2: Chronology of Panchayat Elections Held in the State of U.P

First	The year 1949
Second	The year 1955
Third	10 February 1961 to 7 February 1962
Fourth	1972-73
Fifth	March 1982- July 1982
Sixth	1988
Seventh	October 1996- December 1996
Eighth	June 2000 – August 2000
Ninth	June 2005- October 2005
Tenth	October 2010- November 2010
Eleventh	November 2015- December 2015

Source: Department of Panchayati Raj, Govt. of Uttar Pradesh and the State Election Commission

Referring the table 2 it can be seen that the panchayat elections have been regularized since the seventh election onwards, it is important to note that the State Election Commission (SEC) was established in the year 1994 based on amendments in *UP Panchayat Raj Adhiniyam 1947* and *UP Kshetra Panchayat and Zila Panchayat Adhiniyam 1961* following the 73rd constitutional amendment. The State Election Commission (SEC) in the state is headed by the State Election Commissioner, the State Election Commissioner has not been accorded the status of a High Court Judge. The SEC besides one State Election Commissioner has one Addl. State Election Commissioner, One Secretary, SEC, two Joint State Election Commissioners, one Joint Election Commissioner and others, besides the State Election Commissioner there are 240 posts in the state under SEC. At district level Asst. District Election Officer heads the district unit and is a non-gazetted post. In different states, the three tiers are named differently. In U.P it is the Gram Panchayat, Kshetra Panchayat and Zila Panchayat and the elected representatives are named Pradhan, Pramukh and Adyaksh respectively. Table 3 presents the nomenclature of the same.

Table 3: The Nomenclature for the 3 Levels of Panchayats in U.P

Level of Panchayat	Name used	Name used for Chairperson at different the panchayat level
District Panchayat	Zila Panchayat	Adhyaksh
Intermediate Panchayat	Kshetra Panchayat	Pramukh
Village Panchayat	Gram Panchayat	Pradhan

Source: Department of Panchayati Raj, Govt. of Uttar Pradesh

Under the three-tier *Panchayati Raj* system the number of panchayats at each level, the state, are as follows:

Table 4: Number of Panchayats at each Level (Year 2015)

1.	Zila Panchayats	75
2.	Kshetra Panchayats	821
3.	Gram Panchayats	59,074

Source: State Election Commission Uttar Pradesh

The population norm for the formulation of panchayats at different levels is represented as under:

Table 5: Population Norm for Three Tiers of Panchayat

S. No	Level of Panchayat	Population Norm for the formulation of panchayat at Particular level
1.	Zila Panchayat	Each member elected on a population of fifty thousand
2.	Kshetra Panchayat	Each member elected on a population of two thousand
3.	Gram Panchayat	GP with the following population 0-500: members elected-7 501-1000: members elected-9 1001-2000: members elected-11 2001-3000: members elected-13 3001 and above: members elected-15

Source: Department of Panchayati Raj, Govt. of Uttar Pradesh

Sample study indicates that people have rated the polling process as largely okay and also the participation levels in the election is on the higher side, however the respondents have raised their doubts as far as effectiveness of control mechanism adopted by the State Election Commission (SEC) to check unfair means, politicization, criminalization involved in the entire process by contestants to affect the voters and the opposition is concerned. Also, eyebrows have been raised at various levels by the respondents as far as the autonomy of SEC is concerned, it is believed by many respondents that SEC is greatly influenced by the Government in power and this has a definite influence in overall outcome of elections in favour of the candidates backed unofficially by the ruling party.

The State Election Commission (SEC) issues model 'code of conduct' for Panchayat elections, which comes into force when the election schedule is announced. In the elections of 2010, the SEC deployed 288 companies of PAC, 1 lakh 3 thousand police force personnel, 91 thousand 600 home-guard personnel and many more to ensure smooth elections. The mode of election of the Gram Panchayat chairperson, viz. Pradhan is direct, while the chairpersons at the intermediary and district level are indirect viz. public elects members of Kshetra Panchayat and Zila Panchayat and the members, in turn, elects their respective chairpersons at both these levels. Political parties are not allowed to participate in the panchayat elections officially; the respondents from the sample districts of Jaunpur and Bulandshahr suggested that involvement of political parties in elections especially at GP level is not there. SEC has put up a cap for monetary expenditure during campaigning, which is represented in table below:

Table 6: Cap for Monetary Expenditure during Campaigning (2010 Figures)

Sr. No.	Post of the Contestant	Cap for Monetary Expenditure during Campaigning (Rs.)
1.	Member Gram Panchayat	Not defined
2.	Pradhan Gram Panchayat	18,000
3.	Member Kshetra Panchayat	15,000
4.	Pramukh	30,000
5.	Member Zila Panchayat	50,000
6.	Adhyaksh	100,000

Source: State Election Commission Uttar Pradesh

However as informed by the elected representatives the actual expenditure exceeds the cap in all most all of the cases and to contest and win an election for the post of Pradhan almost Rs 500,000 was spent (2010 figure), though there is a provision for submitting statement of expenditure to SEC, authenticity of such statement of expenditure needs to be verified.

Representation

The reservation is given in accordance with the State Panchayati Raj act, according to which women reservation has to be one third in all categories and seats reserved for OBC should not be more than 27%. The average representation of women at all the three levels of panchayat is 39% which is an indicator, maybe, that the participation and the awareness levels are gradually growing but probably not at a pace as desired, also hindrance in the way is proxy representation of elected women representatives by their male family members, generally husband or son. Social taboos against women taking leadership roles are also affecting the participation of women in this change process.

The provision for rotation of reserved seats is applicable in the state and the control is with the state. The respondents gave mostly positive feedback regarding the reservation policy. The positive feedback was that the rotation policy is good for overall development as this gives an opportunity to the representatives of the various communities to address the development needs and sought out their issues when in power, this helps to keep the development curve for that region as normal distribution and prevents from getting skewed. The negative impact as suggested by respondents was that if a representative knows it for sure that he has no chance to come again as elected representative next time his commitment level gets affected and is not good for the development.

Structure

As per section 6 and section 18 of U.P. Kshetra & Zila Panchayat Act, 1961 the Kshetra Panchayat and the Zila Panchayat would have the following composition:

Composition of Kshetra Panchayat

- Pramukh-Chairperson.
- All of the Pradhans of Gram-Panchayats in the Khand.
- Elected members and each member shall be elected on a population of two thousand.
- The members of the Lok Sabha and Vidhan Sabha representing the Constituency which falls wholly or partly in the Khand.
- The members of the Vidhan Parishad who was registered as an elector in the Khand.

Composition of Zila-Panchayat

- Adhyaksha-Chairperson.
- Pramukhs of all Kshetra-Panchayats in the district.
- Elected members are chosen by direct election, each on the population of the fifty thousand.
- Members of the Lok Sabha, Vidhan Sabha representing the Constituency which comprises any part of the Panchayat area.
- The members of Vidhan Parishad who are registered as electors within the Panchayat area.

As stated above Members of Parliament (MPs) and Members of Legislative Assembly (MLAs) are *ex-officio* Members of Intermediate and/ or District *Panchayats*. A Focussed Group Discussion (FGD) was conducted with about 40 *Pradhans* in one of the sample blocks called *Mugra Badshahpur* in *Jaunpur* district, in the FGD it was stated by the *Pradhans* that MPs and MLAs influence PRIs' (Panchayati Raj Institutions) selection of development interventions and beneficiaries in their constituency and this has a profound negative influence on PRIs, this was said in context of allocation of hand pumps, the same was reiterated by a *Zila Panchayat* member of the district in a separate interview.

Table 7: Reflections from the Field – Elections and Representation in Panchayats

Voices of the stake-holders	Tool Used, Participant(s) and location
To make voter list employees of other blocks should be used this will help in checking favouritism and bogus voter inclusion.	FGD with Pradhans, Kshetra Panchayat, Mugra Badshahpur, Jaunpur
Polling agent should also have a voter list for cross-checking	FGD with Pradhans, Kshetra Panchayat, Mugra Badshahpur, Jaunpur
Panchayat elections should also use the electronic voting machine as use of ink spoils many votes	FGD with Pradhans, Kshetra Panchayat, Mugra Badshahpur, Jaunpur
Nirvachan Registry Officer should be at the block level	FGD with Pradhans, Kshetra Panchayat Mugra Badshahpur, Jaunpur
Seat rotation is right	FGD with Pradhans, Kshetra Panchayat, Mugra Badshahpur, Jaunpur
Rotation of seats should continue	FGD at GP, Fattupur Nisphi, Mugra Badshahpur, Jaunpur
Rotation of seats good	Pradhan, GP Faridpur, Sikandrabad, Bulandsahahr
Voter list should be the same as Lok Sabha	FGD, Pradhans, Mugra Badshahpur, Jaunpur
All voters should have voter ID cards	Kelwa, Pradhan for 3 times, Faridpur, Sikandrabad, Bulandsahahr
Rotation of seats good	Pradhan; GP, Rampur Pakdi, Mugra Badshahpur, Jaunpur
Liquor sale should be banned during the elections	FGD, GP Faridpur, Sikandrabad, Bulandsahahr

Source: Field Survey

There are 6 standing committees formulated at all the 3 tiers of panchayat the details of the same has been provided in the table below:

Table 8: Standing Committees at all the 3 Tiers of Panchayats

S.No.	Standing Committees
1.	Niyojan Evam Vikas Samiti(Planning and Development Committee)
2.	Siksha Samiti (Education Committee)
3.	Prasashnik Samiti(Administrative Committee)
4.	Nirman Karya Samiti(Civil work Committee)
5.	Swasth evam Kalyan Samiti(Health and Welfare Committee)
6.	Jal Prabandhan Samiti(Water Management Committee)

Source: Department of Panchayati Raj, Govt. of Uttar Pradesh

To increase the transparency of functioning of panchayats, provision has been made to do all the work through these *Samitis*. Also, provision has been made to include special invitee members to this *samitis*, total invitee members not exceeding seven can give their suggestions on various issues but would not cast their votes in the decision making process. Of the sample studied the aforementioned committees were formulation but seemed to be dormant and out of action. Annual reports were not available at GP level. Sample but were available at one Kshetra Panchayat.

Conclusion

Based on the 73rd constitutional amendments the state has progressed in the right direction however the pace of change needs to be enhanced and introspection is required to democratize and empower the three-tier Panchayati raj structure. Some of the specific suggestions are as under.

- The electoral list should be the same as the one used in Lok Sabha or the Vidhan Sabha elections, Photo identity Cards must be mandatory for all voters, casting votes. Also, EVMS should be used.
- Capacity building should be taken more seriously and instead of making it a one-time affair, should be a continuous process. The capacity building through electronic media of FM radio/ radio could be tried, one dedicated channel should be started, where along with songs and other programmes, information related to panchayats, rights of people, duties of Panchayat representatives needs to be broadcast on regular basis.
- The Chairperson, especially at the Zila Parishad, should not have the centralized power for allocation of Panchayat fund and sanction of projects for development. Instead, the funds should be proportionately tagged to elected representatives and he/she should have the right to give the proposal for development in their ward and get the things implemented in their wards.
- Devolution is still in a nascent stage and needs to be strengthened for effective democratization.
- Provision for declaring uncontested contestant as winner needs to be re-looked.

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