CHAPTER V

INSTITUTIONAL SET UP FOR RURAL DEVELOPMENT INTERVENTIONS IN ASSAM

V.1 Assam, one of the north eastern states of India, mostly comprises of rural areas where almost 85% people live in the villages. The incidence of poverty in the rural areas of the state is very high which has been adversely affecting the status of living in the villages. With a view to enhance the socio-economic status of the people living in the villages of the state, the State Government has been implementing various programmes in accordance of the endeavor of the Central Government to uplift the rural areas across states in its five year plans. Although panchayats were existed in the villages of the state even before the planning periods, they could not provide a strong institutional set up that can help implementing rural development schemes introduced by the government from time to time. However, such an institutional back-up for rural development has been sought to create through empowerment of the panchayat institutions as per the provisions of the 73rd Constitution Amendment Act, 1992 in India in general and the Assam Panchayat Act, 1994 in Assam in particular. This chapter illustrates various aspects – evolution, structure, roles and responsibilities, problems – of panchayat institutions functioning as self-governing local bodies for rural development of the state. A section has also been included here to give an outline of the system of local governing bodies in the sixth schedule areas of the state where the panchayati raj is not applicable.
V.2 Evolution of Panchayats in Assam

The concept of panchayati raj system is not new in India and in the state of Assam as well. Panchayats were there in Assam even at the time when India achieved independence. However, the erstwhile panchayat system has gone through various reforms from time to time and the present system is the result of such reforms. The Rural Panchayat Act, 1948 was the first panchayati raj legislation in the state that aimed at developing local self-government in the rural areas. These local governments were expected to make better provisions for administration, reconstruction and development of villages in Assam.

Panchayat institutions and the laws related with them were reformed and amended as per guidelines of the Assam Panchayat Act, 1959 that assigned more powers and authority to such institutions. This Act made provision of introducing a three-tier panchayat raj system in Assam, i.e., Mahkuma Parishad at the sub-divisional level, Anchalik Panchayat at the intermediate level and Gaon Panchayat at the village level. The gaon panchayat, consisted of 9-11 members, was the executive body of the Gaon Sabha.

The structure of the panchayat system in Assam got another reform with the enactment of the Assam Panchayati Raj Act, 1972 that abolished the anchalik panchayats and introduced a two-tier panchayati raj system. As per the Act, gaon panchayats were formed at village level and mahkuma parishad at sub-divisional level. Though virtually all the powers were assigned to the mahkuma parishad, the role of the gaon panchayats for rural development was also recognized. One
special feature of this Act was that it extended the domain of the *panchayati raj* system to the tea garden areas of the state.

The Assam *Panchayati Raj* Act, 1986 re-introduced the three-tier system comprising of the *gaon panchayat*, *anchalik panchayat* and *mahkuma parishad* at village, intermediate and district level (Bhattacharjee et al. 2001). Under this Act, provision was made for 33% reservation of seats for women in each tier. One seat was also reserved in the *gaon panchayat* for SC/ST people if upto 33.33% of the population in the *panchayat* area belong to the SC/STs. In case SC/ST population exceeded 33.33%, the *gaon panchayat* president and the *anchalik panchayat* member were to be elected from amongst the SC/STs and the president of the *anchalik panchayat* was also to be from SC/ST population.

The 73rd Constitution Amendment Act, 1992 has remarkably changed the whole scenario of the *panchayati raj* system and provided such guidelines and directions that bring uniformity in the *panchayat* structure in the country as a whole. The Government of Assam has passed the Assam *Panchayat* Act, 1994 to follow the new guidelines of the Constitution Amendment Act in the *panchayat* system in the state. As per the provisions of the Act, three-tier *panchayati raj* system has been formed in the rural areas of the state comprising of *gaon panchayat* at village level, *anchalik panchayat* at block level and *zilla parishad* at district level except the autonomous districts under the Sixth Schedule. The Eleventh Schedule has listed 29 subjects\(^1\) to be entrusted to the *panchayats* to empower them to function as institutions of self-government and made provision to devolve adequate

---

\(^1\) Subjects are given in Annexure V.A
functionaries to enable them to accomplish their functions. The Act has also made provision of establishing *gaon sabha* for ensuring direct democracy at the village level and District Planning Committee for preparing plans for the development of both rural and urban areas at the district level. It has also directed the state government to constitute State Finance Commission and State Election Commission as per the guidelines of the Constitution Amendment Act, 1992. The state government has also been directed to ensure one-third reservation of seats in all the *panchayat* institutions for SC/ST and women in the new system.

**V.3 Structure of Panchayat Institutions**

In the *panchayat* hierarchy, village *panchayats* are established as the lowest level of government in the rural areas of India. The village or *gaon panchayat* is consisted of a number of elected representatives from the population that the *gram sabha* legally covers. A *gram sabha* is consisted of the people of one or several villages, which is responsible to convene open meetings regularly to discuss issues related with the development of the village(s) under its jurisdiction.

The next tier of *panchayat* institutions at the rural areas is the intermediate panchayat or the block *panchayat*. The chairman of the *gram panchayat*, known as the *sarpanch* in some states, becomes the representative at the block level *panchayat*.

The district *panchayat* or the *zilla parishad* is the highest institution of local self government in the *panchayati raj* system at the rural level. The chairman of the block *panchayat* is the representative in the district *panchayat*. 
V.3.1 Gram/Gaon Sabha

The 73rd Constitution Amendment Act focuses the need to establish gram sabha in each gaon panchayat area as the foundation of the panchayat raj system. Members of the gaon sabha, the only permanent unit, are the adult persons registered in the electoral rolls of the area. The sabha guides the panchayats in every step taken by them for the development of the rural areas and therefore, the success or failure of the panchayat institutions depends on the effectiveness of these sabhas. The area of a gaon sabha is required to have a population between 6000 and 10000. It is mandatory for the gaon sabha to meet at least once in every three months. The gaon sabha meeting is convened by the secretary of the gaon panchayat in consultation with the president and the Block Development Officer concerned with wide publicity before fifteen days of holding the meeting. The quorum of such
meetings is formed with the presence of one-tenth of the total members or one hundred numbers of voters of the village(s) whichever is less. The main responsibilities of the *gaon sabha* are as follows:

i. To consider the report in respect of the development programme of the previous year and development programme proposed to be undertaken during the current year,

ii. To mobilize voluntary labour and contribution in kind and cash for the community welfare programmes,

iii. To identify beneficiaries for the implementation of development schemes pertaining to the villages and

iv. To promote unity and harmony among all sections of the society in the villages.

In every *gaon sabha* meeting, the *gaon panchayats* have to submit receipts and expenditures of the current year, works taken up, the vouchers of all the purchases, acquaintances, salary paid to the *panchayat* staff, measurement book, etc. for public scrutiny. The funds allocated to the *gaon panchayats* for development activities should be checked in such meetings to examine whether those are utilized properly.

**V.3.2 Gaon Panchayat**

A village or a cluster of villages or an inhabited area with a population between 6000 and 10000 may be declared by the state government as a *Gaon Panchayat*. A *gaon panchayat* consists of 10 members directly elected by the voters of the territorial constituencies. The president is also directly elected by the voters whereas the vice-president is elected by the members amongst them in the first
meeting called by the Deputy Commissioner or an officer authorized by him. The secretary of the *Gaon Panchayat* acts as the in charge of its office under the control of the president. It is mandatory to reserve at least one-third of total seats in every *Gaon Panchayat* for women. Seats are also reserved for people belonging to scheduled castes/scheduled tribes as prescribed by the government.

A *gaon panchayat* is required to hold at least one meeting in every two months where presence of one-third of the total members forms the quorum. The president on written request from at least one-third of total members can convene a special meeting whenever he thinks it necessary within fifteen days from receiving such request. During its tenure of five years, each *gaon panchayat* has the responsibility to work for the development of the village(s) under its jurisdiction. The important general functions of the *gaon panchayat* are:

i. Preparation of Annual Plan for development of the *gaon panchayat* area,
ii. Preparation of Annual Budget,
iii. Mobilization of relief in calamities,
iv. Removal of encroachments on public properties,
v. Organizing voluntary labour and contribution for community work and

In order to develop agricultural activities, the *gaon panchayat* can identify and implement schemes of amount not exceeding Rs. 50,000 with technical assistance from the concerned state government departments. It performs numbers of activities for the overall development of the village economy (refer Annexure V.B for list of general functions).
In order to perform works for village development in a systematic way, each *gaon panchayat* constitutes three standing committees members of which are elected amongst the elected members of the *gaon panchayat*. These standing committees are – the Development Committee for discharging functions relating to agricultural production, animal husbandry, rural industries and poverty alleviation programmes; the Social Justice Committee performing functions relating to promotion of educational, economic, social, cultural and other interests of SC/STs and backward classes, protection of such castes and classes from social injustice and any forms of exploitation, welfare of women and children; the Social Welfare Committee for performing functions relating to education, public health, public works and other functions of the *gaon panchayat*. Each committee is consisted of at least three members including the president as the ex-officio member and chairman of all the three committees.

All *gaon panchayat* accounts are audited by the authority prescribed by the government and a copy of the audit report is forwarded to the *gaon panchayat* within one month of completion of the audit. On receipt of the audit report, the *gaon panchayat* has to remove all the defects or irregularities in its accounts as pointed out in the report and send it to the *anchalik panchayat* and the Director of *Panchayat* and Rural Development, Assam within the specified period.
V.3.3 Anchalik Panchayat or District Panchayat

As per the provision of the Act, an anchalik panchayat is formed for each development block within a district for a tenure of five years. An anchalik panchayat consists of:

i. One member from each gaon panchayat to be directly elected from the territorial constituency of the gaon panchayat under the jurisdiction of the anchalik panchayat,

ii. The presidents of the gaon panchayats under the anchalik panchayat, and

iii. Local members of parliament and members of Legislative Assembly of the state representing constituencies which comprise the anchalik panchayat wholly or partly.

Seats are reserved in the anchalik panchayat for women and SC/STs as is reserved in the gaon panchayats. The directly elected members elect the president and vice-president of the anchalik panchayat among the members in its first meeting presided over by the Deputy Commissioner or any officer authorized by him. It is mandatory for the anchalik panchayat to hold at least one meeting in every two months where presence of one-third of the total members forms the quorum. The president on written request from at least one-third of total members can convene a special meeting whenever he thinks it necessary within fifteen days from receiving such request. The general functions of this body are:

i. Preparation of Annual Plan in respect of schemes entrusted to it by virtue of Act or assigned to it by the State Government or the zilla parishad and submission thereof to the zilla parishad for integration with the District Plan,
ii. Consideration and consolidation of the Annual Plans of all gaon panchayats under it and submission of consolidated plan to the zilla parishad,

iii. Preparation of Annual Budget of the anchalik panchayat and submission to zilla parishad for approval,

iv. Performing functions as may be entrusted to it by the government and the zilla parishad, and

v. Assisting the government in relief operations in natural calamities.

Apart from the above general functions, the anchalik panchayat has to discharge variety of functions for rural development in the rural areas under its jurisdiction (refer Annexure V.B).

**V.3.4 Zilla Parishad**

As per the Constitutional (Amendment) Act, each district has a zilla parishad to govern the rural areas of the district. A zilla parishad having a term of 5 years is consisted of:

i. The members directly elected from the territorial constituencies of the district (one member for a population of not less than 40,000),

ii. The presidents of anchalik panchayats of the concerned district, and

iii. Local members of parliament and members of Legislative Assembly representing a part or whole of the district whose constituencies lie within the district.

Reservation of seats is as per the reservation followed in the formation of gaon panchayats and anchalik panchayats for SC/ST population and women. The first meeting of zilla parishad is called by the Deputy Commissioner where the president and vice-president are elected from amongst the directly elected members. A zilla
parishad has to hold at least one meeting in every three months where attendance of one-third of the total members forms the quorum. The proceedings of the zilla

Table 5.1: Potential Role of different Panchayat Institutions for Infrastructure and Rural Development

<table>
<thead>
<tr>
<th>PRIs</th>
<th>Potential Role and Jurisdiction of Infrastructure Development</th>
<th>Potential Role and Jurisdiction of Rural Development Programmes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zilla Parishad</td>
<td>i. Construction and maintenance of village roads&lt;br&gt;ii. Opening and maintenance of agricultural farms, marketing agencies, go-downs and cold storages&lt;br&gt;iii. Construction, renovation and maintenance of minor irrigation works&lt;br&gt;iv. Establishment and maintenance of hospitals and health centres&lt;br&gt;v. Establishment and maintenance of primary, secondary schools</td>
<td>i. Land reclamation and land development works&lt;br&gt;ii. Fish seed production and distribution and development of inland fisheries&lt;br&gt;iii. Activities towards development of household industries&lt;br&gt;iv. Planning, supervision, monitoring and implementation of poverty alleviation programmes</td>
</tr>
<tr>
<td>Anchalik Panchayat</td>
<td>i. Construction and maintenance of public roads and maintenance of public ferries water ways&lt;br&gt;ii. Construction, repairs and maintenance of primary school buildings&lt;br&gt;iii. Implementation of individual irrigation works</td>
<td>i. Identification and implementation of agricultural development schemes&lt;br&gt;ii. Training of farmers and extension activities&lt;br&gt;iii. Planning and supervision of implementation of poverty alleviation programmes&lt;br&gt;iv. Organization of training programmes in khadi, village and cottage industries&lt;br&gt;v. Programmes relating to the development of women and children</td>
</tr>
</tbody>
</table>

Source: Bhattacharjee, P. R. & Nayak, Purusottam (2001), Panchayat and Rural Development Department, Govt. of Assam
parishad meetings have to be recorded in the minutes book kept in the zilla parishad office under the custody of the Chief Executive Officer.

The zilla parishad is responsible for preparation and implementation of plans for economic development and social justice in the district under its jurisdiction. These institutions act as nodal agencies of rural development in a district (refer Annexure V.B for detail functions).

V.4 Present Status of Panchayats in Assam

Rural local governance is not uniform across districts of Assam. Though panchayati raj institutions have been set up as local self-governing bodies in the rural areas of 20 districts of Assam that are considered as the Normal or General areas covered under Part IX of the Constitution as per the provisions of the Assam Panchayati Raj Act, 1994, such institutions are not established in the sixth schedule areas of the state which are outside the purview of the 73rd constitutional amendment. The district-wise numbers of panchayats in the normal areas of the state are shown in table 5.2.

V.5 Panchayat Funds

The local bodies are entrusted with the responsibility of overall development at the grass-roots. In order to discharge the assigned responsibilities, panchayats need sufficient funds. A major part of the total revenue of the local bodies comes by way of the transfer of funds by the state government as sharing of state taxes. However, revenue realized from tax sharing may not fulfill the revenue requirements of the lower governments and excessive dependence of such bodies on the state for
finance is also not desirable. Therefore, such bodies have been empowered to levy certain local taxes so that they can collect a part of their revenues themselves.

Table 5.2: District-wise numbers of Panchayats in Assam at different Levels

<table>
<thead>
<tr>
<th>Districts</th>
<th>Zilla Parishad</th>
<th>Anchalik Panchayat</th>
<th>Gaon Panchayat</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>As per Gazette Notification on March, 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dhubri</td>
<td>1</td>
<td>15</td>
<td>172</td>
</tr>
<tr>
<td>Bongaigaon</td>
<td>1</td>
<td>5</td>
<td>66</td>
</tr>
<tr>
<td>Goalpara</td>
<td>1</td>
<td>8</td>
<td>81</td>
</tr>
<tr>
<td>Barpeta</td>
<td>1</td>
<td>11</td>
<td>133</td>
</tr>
<tr>
<td>Nalbari</td>
<td>1</td>
<td>7</td>
<td>70</td>
</tr>
<tr>
<td>Kamrup</td>
<td>1</td>
<td>16</td>
<td>160</td>
</tr>
<tr>
<td>Darrang</td>
<td>1</td>
<td>6</td>
<td>79</td>
</tr>
<tr>
<td>Sonitpur</td>
<td>1</td>
<td>14</td>
<td>158</td>
</tr>
<tr>
<td>Lakhimpur</td>
<td>1</td>
<td>9</td>
<td>81</td>
</tr>
<tr>
<td>Dhemaji</td>
<td>1</td>
<td>5</td>
<td>65</td>
</tr>
<tr>
<td>Morigaon</td>
<td>1</td>
<td>7</td>
<td>89</td>
</tr>
<tr>
<td>Nagaon</td>
<td>1</td>
<td>20</td>
<td>236</td>
</tr>
<tr>
<td>Golaghat</td>
<td>1</td>
<td>8</td>
<td>102</td>
</tr>
<tr>
<td>Jorhat</td>
<td>1</td>
<td>8</td>
<td>111</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>1</td>
<td>9</td>
<td>118</td>
</tr>
<tr>
<td>Dibrugarh</td>
<td>1</td>
<td>7</td>
<td>93</td>
</tr>
<tr>
<td>Tinsukia</td>
<td>1</td>
<td>7</td>
<td>86</td>
</tr>
<tr>
<td>Karimganj</td>
<td>1</td>
<td>7</td>
<td>96</td>
</tr>
<tr>
<td>Hallakandi</td>
<td>1</td>
<td>5</td>
<td>62</td>
</tr>
<tr>
<td>Cachar</td>
<td>1</td>
<td>15</td>
<td>163</td>
</tr>
<tr>
<td>Assam</td>
<td>20</td>
<td>189</td>
<td>2221</td>
</tr>
</tbody>
</table>

Source: Statistical Handbook Assam, 2009, Panchayat and Rural Development Department, Government of Assam

The most important tax base of the rural local bodies is the immovable properties like building/houses, non-agricultural land and non-motorised vehicles. The First State Finance Commission in Assam recommends imposition of user charges for the services provided by local bodies on parks, public toilets, public health centres, etc. in order to constitute their fund. Other sources of revenue for such bodies
include tax on vacant land, tax on using community halls, marriage halls, food and lodging establishments, shops and factories, tax on agricultural pump sets that provides ground water to the field, fees on daily/weekly bazaars/markets, revenue from issuing birth and death certificates, etc.

Provisions are also made to devolve grants-in-aid to these institutions from the consolidated fund of the state. A panchayat window has been opened in the state budget and fund has been released by this window directly to the panchayats. The total allocation from the Government of India under the Twelfth Finance Commission grants for panchayati raj institutions is Rs. 52600 lakh for the period 2005-06 to 2009-10.

V.6 Panchayat Functionaries

The structural pattern of functionaries of Panchayati Raj Institutions, as per the provisions of the Assam Panchayati Raj Act, 1994 has been presented in tables 5.3, 5.4 and 5.5.

Table 5.3: Staff of Zilla Parishad

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Designation</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Chief Executive Officer</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Chief Accounts Officer</td>
<td>1</td>
</tr>
<tr>
<td>3.</td>
<td>Chief Planning Officer</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Office Staff</td>
<td>8</td>
</tr>
<tr>
<td>5.</td>
<td>Jr. Engineer</td>
<td>1</td>
</tr>
<tr>
<td>6.</td>
<td>Tax collector</td>
<td>1</td>
</tr>
<tr>
<td>7.</td>
<td>Driver</td>
<td>1</td>
</tr>
<tr>
<td>8.</td>
<td>Grade IV</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>20</strong></td>
</tr>
</tbody>
</table>
In order to train the elected representatives of the *panchayats*, various training and orientation programmes are conducted by the State Institute of Rural Development (SIRD), State Level Composite Training Centre at Jorhat and three Zonal Level Extension Training Centres. Moreover, the elected representatives and functionaries are also deputed to undergo trainings at different institutes of the country and participate at national level workshops. Special courses are conducted at state and zonal levels to train the women representatives.

However, devolution of sufficient functionaries to the *panchayats* is yet to take place in Assam which is expected to occur soon after the finalization of the guidelines with the line departments. In order to train the officials in the line departments on activity mapping, various orientation programmes have been conducted.

**V.7 State Panchayat Election Commission**

As per the provisions of the Constitution Amendment Act, each state government has to set up a State Election Commission for holding elections under its
superintendence, direction and control to elect the members of the panchayats. In pursuance of the provisions of the Act, the Assam Panchayat Act, 1994 has made provision of constituting a State Panchayat Election Commission in the state and assigned it the responsibility of supervise, direct and control the procedure of preparation of the electoral roll and the conduct of panchayat election within the state. The governor appoints the State Election Commissioner of the State Election Commission.

V.8 State Finance Commission

Each state government is also required to appoint a State Finance Commission (SFC) for every five years to recommend devolution of taxes and grants to the local governments. The state finance commissions examine the system of revenue sharing between the state and local governments. They are also responsible to keep an eye on all the subjects related with the financial health of the local bodies. Apart from assessing the receipts and expenditures of the state and local governments, every SFC has to check fiscal capabilities and cost disabilities of the local bodies and estimate their resource gaps. Based on this, decisions have to be taken on the manner of resource distribution between the panchayats and urban local bodies (Oommen 2008).

The Assam State Finance Commission, constituted of a chairman and two other members appointed by the governor, makes recommendations regarding the distribution of net proceeds of taxes, duties, tolls and fees levied by the state government between the state and the panchayats and among different levels of
panchayat bodies. It also recommends the state government about the taxes, duties, tolls and fees to be assigned to the panchayats and devolution of grants-in-aid to them from the consolidated fund of the state.

Recommendations of the SFCs are vital for successful and efficient fiscal decentralization to the local levels. Such recommendations have been forwarded in the SFC reports. So far, reports of three generations of SFCs have been submitted. The Third Assam State Finance Commission has also submitted its report for the period 2006-2011 that has recommended measures to improve the financial autonomy as well as financial health of all the panchayat institutions of the state. It recommends horizontal distribution of Divisible Pool for panchayati raj institutions in different districts on the basis of weighted average of three parameters, viz., population (50%), geographical area (25%) and per capita district domestic product net of mining and quarrying (25%). It also recommends vertical distribution of funds between three tiers of panchayats, viz., zilla parishads, anchalik panchayats and gaon panchayats in the ratio of 20:30:50 respectively. The Commission further recommends recovery of at least 50% of the cost of service provision through levy of user charges by the panchayats that forms additional revenue to them apart from all fund transfers. It also suggests for appointing tax collectors immediately either on regular basis or on contractual basis and to merge DRDAs with zilla parishads and development blocks with anchalik panchayats.
V.9 Evaluation of Panchayat Functioning

Having discussed the panchayati raj set up in Assam in the previous sub-section, it is now logical to examine the effectiveness of panchayati raj institutions in the state. At this stage, the discussions will be carried on using the secondary materials that are available. To contextualize the discussion, the studies on functioning of panchayat institutions in India are reviewed first.

V.9.1 Panchayat Functioning in India

Almost two decades have passed from the implementation of the 73rd amendment act and empowerment of the panchayats as self-government institutions at the rural grass-roots level. But the panchayats remain more or less ineffective in fulfilling aspirations towards the development of the rural areas in almost every state except in a few states like Kerala and West Bengal. The reasons behind the poor performance of these institutions are varied some of which are discussed below.

The main lacuna of the 73rd Amendment Act is that it does not spell out clearly the functions and powers of the panchayats. Rather it is kept at the discretion of the state governments to share powers and assign functions to the panchayats as and when the state thinks it to be necessary. Thus the panchayats are still surviving on the mercy of the higher levels of governments. The sharing of power with the panchayat institutions is also dependent upon the political leadership at the state level. As for example, panchayat elections have been regularly held and panchayat bodies have been adequately empowered in West Bengal because of the positive
political will of the political party in power towards the *panchayati raj* system in the state (Mahipal 2005).

Though provisions are made to transfer funds, functions and functionaries to the *panchayats* regarding 29 subjects listed in the Eleventh Schedule of the constitution, most of the states are yet to transfer the facilities in all these 29 items. The states devolving functions related to all the 29 subjects are Assam, Haryana, Karnataka, Tamilnadu and West Bengal.

*Panchayats* can accomplish their assigned functions only when those are provided with adequate funds. But most states, except Gujrat, Karnataka, Kerala and Maharashtra, have not empowered the *panchayats* financially by transferring funds regarding all the 29 subjects. A significant portion of funds pertaining to these subjects are still under the control of the central and state governments.

Apart from transferring functions and funds, it is also critical to transfer personnel to the local bodies so that they can utilize the funds and can function as self-government units. Like the transfer of functions and funds, transfer of functionaries has also not taken place across states except in Karnataka. Karnataka is the only state to transfer functionaries related to all the 29 subjects. States/union territories namely Assam, Bihar, Jharkhand, Goa, Haryana, Punjab, Rajasthan, Tamil Nadu, Tripura, Chandigarh, Lakshadeep and Pondicherry have transferred no functionaries to the *panchayats*. 
It has been taking time for the *panchayats* to emerge as local self-governments in most of the states not only because of a hazy system of devolving powers and responsibilities to the local governments but also due to lack of awareness among the *panchayat* members about their powers and responsibilities. Narayana’s study (2005) in Madhya Pradesh reveals that the local governments in the state are looked as mere implementers of schemes and programmes of higher governments whereas the study in Tamil Nadu finds perception of local governments as mere intermediaries between higher governments and ultimate beneficiaries. As observed by the same study, the status of the *panchayats* is well understood only in Kerala.

Moreover, the local government bodies across states are not given financial autonomy to raise revenues levying taxes, duties, tolls, etc. Though the local governments need to have taxing autonomy for ensuring fiscal decentralization and for their better functioning, these governments have not been given this power even after the 73rd/74th constitutional amendments. As Oommen (2008) observes, local governments do not enjoy any independent tax autonomy since those are under the state governments. However, the state may assign or share certain tax handles with the lower levels of government.

On the basis of the above discussion, it can be concluded that though provisions are made to establish third tier of governance by the Constitutional Amendment, the local bodies are yet to emerge as self-government entities in most of the states of the country. As Narayana (2005) lists, the key determinants of a successful third tier of government are devolution of resources, transfer of subjects and the passing
down of administrative control over civil servants. But devolution of power, resources and responsibilities to the local governments remains ambiguous. In addition, lower order governments are not free from the control of higher order governments in most of the states. Apart from less administrative and financial autonomy, working of the panchayats is also constrained by lack of awareness of the panchayat members about their powers and responsibilities. Therefore a social mobilization is required that can aware the panchayat representatives and raise demand for such institutions from the grass-roots.

V.9.2 Panchayat Functioning in Assam

The Constitution Amendment Act has made provisions of constituting three-tier panchayat system for the rural development of the state where the anchalik panchayats have some supervisory authority over the gaon panchayats and zilla parishad has over the anchalik panchayats under its jurisdiction. The state government has the authority to supervise the functioning of all the three tiers of panchayats. There is nothing wrong in the interventions of the higher bodies if not guided by political interests. But the panchayat functioning in the state has been broadly motivated by partisan politics which has limited the ability and autonomy of the panchayats to function as institutions of self-governing local bodies.

The functions that are now entrusted to the panchayats have been previously performed by various departments of the state government. Though major part of functions for rural development has been assigned to different panchayat bodies, the exclusive functional area of these institutions is yet to be curbed out. In order to
transform the *panchayats* to self-governing local bodies in the true sense, a separate functional domain should be created for them with devolution of sufficient fund and functionaries to discharge the assigned functions. However, there may be certain functional jurisdiction where the state government and the *panchayats* work as equal partners.

Although functions relating to all the 29 subjects listed in the Eleventh Schedule have been transferred to the *panchayats*, they have not been provided with sufficient funds. Their own revenue raising capacity has also remained very limited because of inadequate and inefficient tax assignment, less elastic nature of taxes, absence of supporting staff, limited capacity of the villagers to pay taxes, etc. Taxes are also not imposed periodically in fear of getting people’s discontent. Consequently, the taxes imposed and tax revenue collected by these bodies are not sufficient for fulfilling the fund needs as a result of which they have to depend on fund transfer from higher order governments. Problems have also been created by the multiple channels of transferring funds from the centre to the state and local governments.

Though activity mapping has been done for all 29 subjects entrusted to the *panchayats*, it has not been accompanied by devolution of funds and functionaries exclusively for the *panchayats*. Moreover, the District Rural Development Agencies (DRDAs) in the districts are yet to merge with the *zilla parishads*. It has been creating problems of overlapping of functions done by DRDAs and *zilla parishads*. 
V.10 Pattern of Local Governance under the Sixth Schedule Areas

One-third (32.63%) of the total area and about one-seventh (13.63%) of the total population of Assam is under the jurisdiction of the Sixth Schedule. The Sixth Schedule areas of the state is consisting of the two hill districts – Karbi Anglong and North Cachar Hills – which are administered by respective Autonomous District Councils (ADCs) and the four plain districts – Kokrajhar, Udalguri, Chirang and Baksa – falling under the Bodoland Territorial Area Districts (BTAD) administered by Bodoland Territorial Council (BTC). In addition to these autonomous councils, six other autonomous councils in the Brahmaputra Valley and one in the Barak Valley have also been constituted under the Sixth Schedule for certain scheduled tribes. The Brahmaputra Valley autonomous councils are: i. Mising Autonomous Council, ii. Rabha Hasong Autonomous Council, iii. Tiwa Autonomous Council, iv. Deori Autonomous Council, v. Sonowal Kachari Autonomous Council and vi. Thengal Kachari Autonomous Council. For the hill tribes of the Barak Valley, there is a Barak Valley Hill Tribes Development Council.

The districts under the Sixth Schedule are:

<table>
<thead>
<tr>
<th>Council Area/Hill Area</th>
<th>Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bodoland Territorial Council Areas</td>
<td></td>
</tr>
<tr>
<td>i. Kokrajhar</td>
<td></td>
</tr>
<tr>
<td>ii. Chirang</td>
<td></td>
</tr>
<tr>
<td>iii. Bagsha</td>
<td></td>
</tr>
<tr>
<td>iv. Udalguri</td>
<td></td>
</tr>
<tr>
<td>Hill Areas</td>
<td></td>
</tr>
<tr>
<td>i. Karbi Anglong</td>
<td></td>
</tr>
<tr>
<td>ii. North Cachar Hills</td>
<td></td>
</tr>
</tbody>
</table>

As against the three-tier panchayati raj institutions in the normal areas, the ADCs in the two hill districts envisage a single tier local governing body at the district level.
Although both the ADCs have constituted ad hoc village level councils, they have not been sufficiently empowered.

The ADCs have been entrusted with lots of legislative, executive and judiciary functions within the constitutional framework. The most important legislative functions of the ADCs include: matters related to land, forests, regulation of *jhum* and social customs. The councils have a three-tier judicial system comprising of village courts, sub-ordinate district council courts and district council courts. The village courts are much more active and they settle all the petty disputes itself without bringing them to the formal judicial system run by the deputy commissioner. The councils discharge all executive functions regarding implementation of Acts, Rules and Regulations enacted by them. Moreover, the councils have also been entrusted with executive powers relating to the 30 departments. Government of Assam directly controls all those subjects which are not vested upon the ADCs.

The 29 subjects listed in the Eleventh Schedule for the *panchayati raj* institutions have been entrusted to the ADCs with the power of executing these subjects. Funds are also released to them on a half yearly basis making them responsible for submitting detailed accounts every month to the Accountant General, Assam.

The ADCs have been empowered to mobilize their own revenue by levying land revenue, taxes on land and buildings, tolls on persons, taxes on profession, trades, calling and employments, taxes on animals, vehicles and boats, etc.
The Sixth Schedule areas in Assam have been extended from the two hills districts to four other newly created districts of the BTAD after creation of the BTC in October, 2003. BTC has been handed over 40 departments through an amendment of the Schedule VI. The erstwhile panchayati raj institutions under the BTAD have been abolished after the creation of the BTC and the village level local administration has been vested upon the Village Council Development Committees (VCDCs).

**V.11 Conclusion**

The government of Assam has created the three tier system of panchayati raj institutions in the non-sixth schedule districts as the self-governing local level governments following the provisions of the Constitutional Amendment Act, 1992. Although such local governments have been established with the objective of expediting the process of development and empowerment of people at the grass-roots ensuring their involvement in the development activities, they are yet to emerge as self-governing local bodies at the true sense. This is because of the fact that the local governments are still under the control of the higher levels of governments and as such there are hindrances for such local governments to act independently. Moreover, activities of such bodies are also hampered by excessive dependence on higher order governments for funds, lack of trained functionaries, influence of party politics and overlapping of activities with the state government line departments. The autonomous district councils and its sub-ordinate lower order governments in the areas under Sixth Schedule have also been encountering similar problems that retard their ability to function independently as self-governing bodies.
ANNEXURE V.A

Subjects devolved to the Panchayats as listed in the Eleventh Schedule

1. Agriculture including agricultural extension
2. Land improvement, implementation of land reforms, land consolidation and soil conservation
3. Minor irrigation, water management and watershed development
4. Animal husbandry, dairy and poultry
5. Fisheries
6. Social forestry and farm forestry
7. Minor forest produce
8. Small-scale industries including the food processing industries
9. Khadi, village and cottage industries
10. Rural housing
11. Drinking water
12. Fuel and fodder
13. Roads, culverts, bridges, ferries, waterways and other means of communications
14. Rural electrification including distribution of electricity
15. Non-conventional energy sources
16. Poverty alleviation programme
17. Education including primary and secondary schools
18. Technical training and vocational education
19. Adult and non-formal education
20. Libraries
21. Cultural activities
22. Markets and fairs
23. Health and sanitation including hospitals, primary health centres and dispensaries
24. Family welfare
25. Women and child development
26. Social welfare including welfare of handicapped and mentally retarded
27. Welfare of weaker sections and, in particular, of the SCs/STs
28. Public distribution system
29. Maintenance of community assets

ANNEXURE V.B

General Functions of Various Panchayat Institutions

Functions of Gaon Panchayats
a) Development of wasteland and grazing land,
b) Development of fisheries in the villages,
c) Plantation of firewood trees and fodder development,
d) Distribution of house sites,
e) Construction and maintenance of village roads,
f) Identification of locality for distribution of electricity,
g) Selection of beneficiaries under poverty alleviation programmes,
h) Ensuring full enrollment and attendance of students and teachers in primary schools,
i) Implementation of family welfare programmes,
j) Participation in women and child welfare programmes,
k) Monitoring public distribution system and maintenance of community assets.

**Functions of Anchalik Panchayats**

a) Maintenance of agricultural seed farms and horticultural nurseries,
b) Storing and distribution of insecticides and pesticides,
c) Training of farmers and extension activities,
d) Implementation of individual irrigation works,
e) Planning and supervision of implementation of poverty alleviation programmes,
f) Maintenance of veterinary and animal husbandry services,
g) Organization of training programmes in khadi, village and cottage industries,
h) Implementation of housing schemes,
i) Planning and preservation of trees on public land,
j) Construction and maintenance of public roads and maintenance of public ferries water ways,
k) Construction, repairs and maintenance of primary school buildings,
l) Implementation of adult literacy programmes,
m) Promotion of immunization and vaccination programmes,
n) Promotion of programmes relating to the development of women and children, and
o) Monitoring the old age and pensions of widow and handicapped.
Functions of *Zilla Parishads*

a) Opening and maintenance of agricultural farms and marketing agencies and infrastructure,
b) Establishment and maintenance of go-downs and cold storages,
c) Arrangement of agricultural and horticultural extension and training centres,
d) Construction, renovation and maintenance of minor irrigation works,
e) Publication of statistical and other information relating to activities of *panchayat* institutions,
f) Land reclamation and land development works,
g) Development of regulated markets and grading and quality control of agricultural products,
h) Establishment of veterinary hospitals, dispensaries, breeding farms for cows and pigs, firms for poultry, duck and goat,
i) Promotion of social and farm forestry,
j) Fish seed production and distribution and development of inland fisheries,
k) Identification of traditional skills in household industries, assistance of their raw material requirement, development of new designs, organization of training programmes, credit-link establishment and marketing of finished products,
l) Construction and maintenance of roads other than National and State Highways,
m) Establishment and maintenance of hospitals, primary health centres and dispensaries,
n) Establishment and maintenance of primary, secondary schools,
o) Management of hostels for the benefit of SC and ST students,
p) Planning, supervision, monitoring and implementation of poverty alleviation programmes,
q) Maintenance of social welfare institutions such as Poor Home, Orphanages, Rescue Shelters, etc. and
r) Sanctioning and distribution of pension for widows, old, physically disabled, destitute, etc.