

# Panchayati Raj Institutions in India

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DOI: <https://doi.org/10.52403/gijash.20220402>

## ABSTRACT

Panchayati Raj Institution (PRI) is a system of rural local self-government in India. Panchayati Raj is a system of governance in which gram panchayats are the basic units of administration. It has 3 levels: village, block and district. "Panchayat" literally means assembly (yat) of five (panch) and 'Raj' literally means governance or government. Mahatma Gandhi advocated Panchayati Raj a decentralized form of Government where each village is responsible for its own affairs, as the foundation of India's political system. His term for such a vision was "Gram Swaraj"(Village Self-governance).The dream of 'Gram Swaraj' of our beloved father of nation, Mahatma Gandhi and motto of 'Power to People' are essence of true democracy. The task of capacity building of these large numbers of Panchayats is quite gigantic exercise. As per the assessment of the Ministry of Panchayati Raj even after 22 years of enactment of 73rd Constitutional (Amendment) Act and also after having three rounds of Panchayat elections in many States in India the empowerment of Panchayats have not taken place as envisioned in the 73rd Constitution (Amendment) Act in 1992.The 73rd Amendment to the Constitution in 1992 gave Constitutional status to the Panchayats as institutions of local self government and also for planning and implementing programmes for economic development and social justice.

The Panchayati Raj System is not a new concept and therefore is considered as one of the best ways of governance of the rural India. However, the System of Panchayati Raj despite having derived their power and existence from the constitution of India. In this paper discuss Panchayati raj Structure, Evolution, 73<sup>rd</sup> Constitutional (Amendment) Act, Ministry of

Panchayati Raj and Panchayati Raj System in Andaman and Nicobar Islands.

**Keywords:** Panchayati Raj, Constitution, Amendment and development.

## INTRODUCTION

Panchayati Raj (Council of five officials) is the system of local self-government of villages in rural India [1] as opposed to urban and suburban municipalities.

It consists of the Panchayati Raj Institutions (PRIs) through which the self-government of villages is realized.[2] They are tasked with "economic development, strengthening social justice and implementation of Central and State Government Schemes including those 29 subjects listed in the Eleventh Schedule." [2]

Panchayati Raj Institution (PRI) is a system of rural local self-government in India. Local Self Government is the management of local affairs by such local bodies who have been elected by the local people.PRI was constitutionalized through the 73rd Constitutional Amendment Act, 1992 to build democracy at the grass roots level and was entrusted with the task of rural development in the country.

Panchayati Raj system was inaugurated by the then Prime Minister Pandit Jawaharlal Nehru on 2nd October 1959 at Nagour in Rajasthan. The Panchayati Raj system exists mainly in India, Pakistan, and Nepal. "Panchayat" literally means assembly (yat) of five (panch) wise and respected elders-chosen and accepted by the village community.

Traditionally, these assemblies settled disputes between individuals and villages. Modern Indian government has decentralized several administrative functions to be village level, empowering elected gram Panchayats. Gram panchayats are not to be confused with the unelected khap panchayats (or caste panchayats) found in some parts of India. Panchayati Raj was hailed as one of the most important political innovations in independent India. It was also considered as a revolutionary step. Panchayati Raj is a system of Local Self-Government, wherein the people take upon themselves the responsibility for development. It is also a system of institutional arrangement for achieving rural development through peoples' initiative and participation. Administration of development programmes aimed at social, economic and cultural development are entrusted to these Local Self-Governing institutions.

Panchayati Raj consists of a three-tier structure of democratic institutions at district, block and village levels, namely, Zilla Parishad, Panchayat Samiti and Gram Panchayat respectively. These institutions are considered as training ground of democracy and political education. Rural development programmes are implemented at this level so that fruits of development can accrue to the community directly. These institutions were established in 1959 based on the philosophy of decentralisation and Gram Swaraj. It was adopted by state government during the 1950s and 60s as laws were passed to establish Panchayats in various states. It also found backing in the Indian Constitution, with the 73<sup>rd</sup> Amendment in 1992 to accommodate the idea. The Amendment Act of 1992 contains provision for devolution of powers and responsibilities to the panchayats to both for preparation of plans for economic development and social justice and for implementation in relation to twenty- nine subjects listed in the eleventh schedule of the constitution.

The panchayats receive funds from three sources - (i) Local body grants, as recommended by the Central Finance Commission, (ii) funds for implementation of centrally-sponsored schemes, and (iii) funds released by the state governments on the recommendations of the State Finance Commissions.

In the history of Panchayati Raj in India, on 24 April 1993, the Constitutional (73<sup>rd</sup> Amendment) Act, 1992 came into force to provide constitutional status to the Panchayati Raj institutions. This Act was extended to Panchayats in the tribal areas of eight States, namely Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan from 24 December 1996. Now Panchayati raj system exists in all the states except Nagaland, Meghalaya and Mizoram. Also all the UTs except Delhi.

The Act aims to provide 3-tier system of Panchayati Raj for all states having population of over 2 million, to hold Panchayat elections regularly every 5 years, to provide reservation of seats for Scheduled Castes, Scheduled Tribes and Women, to appoint State Finance Commission to make recommendations as regards the financial powers of the Panchayats and to constitute District Planning Committee to prepare draft development plan for the district. The 3-tier system of Panchayati Raj consists of (a) village level panchayat (b) block level panchayat (c) district level Panchayat.

Powers and responsibilities are delegated to Panchayats at the appropriate level:

- Preparation of plan for economic development and social justice.
- Implementation of schemes for economic development and social justice in relation to 29 subjects given in Eleventh Schedule of the Constitution.
- To levy, collect and appropriate taxes, duties, tolls and fees.

### **Village Level Panchayat**

It is called a Panchayat at the village level. It is a local body working for the good

of the village. The number of members usually ranges from 7 to 31; occasionally, groups are larger, but they never have fewer than 7 members.

The block-level institution is called the Panchayat Samiti. The district-level institution is called the Zilla Parishad.

### **Intermediate Level Panchayat**

Panchayat samiti is a local government body at the Tehsil or Taluka level in India. It works for the villages of the Tehsil or Taluka that together are called a Development Block. The Panchayat Samiti is the link between the Gram Panchayat and the district administration. There are a number of variations of this institution in various states. It is known as Mandal Praja Parishad in Andhra Pradesh, Taluka panchayat in Gujarat, Mandal Panchayat in Karnataka, etc. In general, its kind of Panchayati raj at higher level.

### **Constitution**

It is composed of ex-officio members (all sarpanches of the panchayat samiti area, the MPs and MLAs of the area and the SDO of the subdivision), coopted members (representatives of SC/ST and women), associate members (a farmer of the area, a representative of the cooperative societies and one of the marketing services) and some elected members.

The samiti is elected for 5 years and is headed by the chairman and the deputy chairman.

### **Departments**

The common departments in the Samiti are as follows:

1. General administration
2. Finance
3. Public works
4. Agriculture
5. Health
6. Education
7. Social welfare
8. Information Technology and others.

There is an officer for every department. A government appointed block development

officer is the executive officer to the samiti and the chief of its administration department.

### **Functions**

1. Implement schemes for the development of agriculture.
2. Establishment of primary health centres and primary schools
3. Supply of drinking water, drainage, construction/repair of roads.
4. Development of cottage and small-scale industries and opening of cooperative societies.
5. Establishment of youth organisation

### **Sources of Income**

The main source of income of the panchayat samiti are grants-in-aid and loans from the State Government.

### **District Level Panchayat**

In the district level of the panchayati raj system you have the "zilla parishad". It looks after the administration of the rural area of the district and its office is located at the district headquarters. The Hindi word Parishad means Council and Zilla Parishad translates to District Council. It is headed by the "District Collector" or the "District Magistrate" or the "Deputy Commissioner". It is the link between the State government and the panchayat Samiti (local self-government at the block level).

### **Constitution**

Members of the Zilla Parishad are elected from the district on the basis of adult franchise for a term of five years. Zilla Parishad has minimum of 50 and maximum of 75 members. There are seats reserved for Scheduled Castes, Scheduled Tribes, backward classes and women.

The Chairman of all the Panchayat Samitis form the members of Zilla Parishad. The Parishad is headed by a President and a Vice-President.

## Functions

1. Provide essential services and facilities to the rural population and the planning and execution of the development programmes for the district.
2. Supply improved seeds to farmers. Inform them of new techniques of training. Undertake construction of small-scale irrigation projects and percolation tanks. Maintain pastures and grazing lands.
3. Set up and run schools in villages. Execute programmes for adult literacy. Run libraries.
4. Start Primary Health Centers and hospitals in villages. Start mobile hospitals for hamlets, vaccination drives against epidemics and family welfare campaigns.
5. Construct the bridges and roads
6. Execute plans for the development of the Scheduled Castes and tribes. Run ashramshalas for adivasi children. Set up free hostels for scheduled caste students.
7. Encourage entrepreneurs to start small-scale industries like cottage industries, handicrafts, agriculture produce processing mills, dairy farms, etc. implement rural employment schemes.
8. They construct roads, schools, public properties. And they take care of the public properties.
9. They even supply work for the poor people (tribes scheduled caste, lower caste).

## Sources of Income

1. Taxes on water, pilgrimage, markets, etc.
2. Fixed grant from the State Government in proportion with the land revenue and money for works and schemes assigned to the Parishad.

## HISTORY OF PANCHAYATI RAJ IN INDIA

Panchayat Raj (Rule of Village Committee) system is a three-tier system in the state with elected bodies at the Village, taluk and District levels. It ensures greater

participation of people and more effective implementation of rural development programmes. There will be a Gram Panchayat for a village or group of villages, a Taluk level and Zilla Panchayat at the district level.

India has a chequered history of Panchayati raj starting from a self-sufficient and self-governing village communities that survived the rise and fall of empires in the past to the modern legalized institutions of governance at the third tier provided with Constitutional support.

## Early History

During the time of the Rig-Veda (1200 B.C), evidences suggest that self-governing village bodies called 'sabhas' existed. With the passage of time, these bodies become panchayats (council of five persons). Panchayats were functional institutions of grassroots governance in almost every village. The Village Panchayat or elected council had large powers, both executive and judicial. Land was distributed by this panchayat which also collected taxes out of the produce and paid the government's share on behalf of the village. Above a number of these village councils there was a larger panchayat or council to supervise and interfere if necessary. Casteism and feudalistic system of governance under Mughal rule in the medieval period slowly eroded the self-government in villages. A new class of feudal chiefs and revenue collectors (zamindars) emerged between the ruler and the people. And, so began the stagnation and decline of self-government in villages.

## THE EVOLUTION OF PANCHAYATI RAJ

There has been no historical continuity of Panchayati Raj in India. Through the village government in ancient India has been well documented and reconstructed by eminent scholars like R.K. Mukherjee, Jayaswal, M.V. Krishna Rao and others, the entire tradition was lost after the intrusion of Muslim rule in India.

Because of disturbed political condition from 12<sup>th</sup> century onwards upto the establishment of British rule, local government was scarcely present except for collection of revenue to the sovereign. Landlordism and chieftainship replaced of local government of the early period. There existed local rule but no government. The immediate impact of British rule on LG was its total neglect and uprooting the local community entirely. The 18<sup>th</sup> century writing on village life in the country both by English and Indian writers pathetically portrays its atrophy. The introduction of the factory system of production and the British type of education paved the way for fast migration to nearby towns. The result of all this was the rapid disappearance of the enlightened local leadership from the villages.

### **PANCHAYATI RAJ INSTITUTIONS**

After the 73<sup>rd</sup> Constitutional Amendment, we have in every State a three-tier Panchayati Raj Structure at the village, Block and district level.

#### **Gram Sabha**

An important feature of the structure of panchayats at the village level is gram Sabha. It is the supreme village assembly and sole of PRIs, having a legal status under the law. It consists of all the adult persons registered as voters in the electoral roll of a village comprised within the area of Gram Panchayat. It has been made obligatory for the Gram Sabha to hold two general meetings in each year. A Gram Sabha may exercise such power and perform such functions as the legislature of a State may by law provides. In most of the states, Gram Sabhas are constituted as an instrument of popular participation at the cutting edge level. They are vested with the power to consider the accounts and administration of the panchayat, and approve proposals for taxation and plans for development and identifying beneficiaries under various schemes.

#### **Gram Panchayat**

Throughout the country village panchayat is the basic unit in the structure of Panchayati Raj. As village Panchayats have been in existence in the country since ancient times, almost all States have recognized their importance. It is also felt that as panchayats are nearer to the community, they would ensure more direct participation of the people in the implementation of development programmes. All the seats in a Gram Panchayat (GP) are filled by persons chosen by direct elections from the territorial constituencies in the Panchayat area. Seats have been reserved for scheduled castes and tribes as well as women.

#### **Panchayat Samiti**

Panchayat Samiti (PS) is the next important body in the structure of Panchayati Raj. In almost all the states, Samitis have been given important role. The voters in the area directly elect their representatives in a Samiti. The State may provide representation of the chairperson of the village Panchayats, MPs, MLAs and MLCs. Thus the structure of the Panchayat Samitis varies from state to state. The seats are, however, reserved for scheduled castes, tribes and women.

#### **Zilla Parishad**

Zilla Parishad (ZP) as the third tier has been established at the district level in all the States. The structural pattern of the Zilla Parishad is the same as in the Panchayat Samiti. The voters directly elect their representatives from their constituencies. These seats have also been reserved for scheduled castes, tribes and women. The State Legislature may provide by law representation of the Chairpersons of the Panchayat Samitis, MPs, MLAs and MLCs.

### **PANCHAYATI RAJ IN POST-INDEPENDENCE INDIA**

In January 1957 the planning Commission appointed the Committee on

plan Projects headed by Balwant Rai G. Mehta. Named after its Chairman, the Committee was known as Mehta Committee. The Mehta Committee aimed to:

1. Give report on the possible linkages between village panchayats and higher level popular organizations for efficiently implementing Community Projects and National Extension service.
2. To determine in advance the stages of reorganization of district administration; it would help the democratic bodies to take over the entire general administration and development of the districts, or sub-division.

The Mehta Committee conducted a nationwide survey and observed that the Community Projects and the National Extension Services did not involve people. They functioned in an ad hoc manner to overcome this lacuna the Mehta Committee recommended the establishment of representative and democratic institutions in the villages – the village panchayats. Mehta Committee Report also recommended the village panchayats should be vested with adequate powers and assigned appropriate finances. The Mehta Committee Report thus highlighted the need to give financial teeth of the rural institutions way back in 1957 as a means to evoke local interests, and initiatives albeit from the point of view of development.

### **THE 73<sup>rd</sup> CONSTITUTIONAL AMENDMENT ACT, 1992**

As you have studied in section 18.3, the introduction of Panchayat Raj Institutions followed the implementation of the Community Development and National Extension Services programmes. Based mainly on the Gandhian philosophy, the Community Development Programme aimed at achieving the all-round development of rural India. The programme created a large number of the government functionaries like the Block Development Officers (BDOs) and Village Level Workers (VLWs). But the results of the Community

Development Programmes were far from satisfactory.

Balwant Rai Mehta Committee recommended measures for “democratic decentralisation” in order to meet the deficiency of the Community Development Programmes and Extension Services Programmes. It Suggested that the power for development should be located at the intermediate level- the Panchayat Samiti. The Mehta report envisioned creation of links between the panchayat samiti and village level Panchyats through the services of the Village Level Workers (VLWs) or Gram sewaks. The Mehta Committee Report became the basis of extension of the PRIs all over India. But the PRIs as established by Mehta Committee Report, suffered from the factionalism within its members, feud in the villages and corruption. The elections to the PRIs were not held for long. By second half of the 1970 the inefficiency of the PRIs had reached its zenith.

The 73<sup>rd</sup> Amendment provides for more demoralisation, empowerment of disadvantaged groups and betterment of the functioning of the panchayats in the country. The 73<sup>rd</sup> Amendment provides for similar guidelines regarding the urban areas. These Amendment Acts provided a framework and guidelines to all states to formulate their policies regarding the devolution to the panchayats and the urban bodies. All states, were asked to make changes in the provisions regarding the panchayats.

### **The main feature of the 73<sup>rd</sup>**

#### **Constitutional (Amendment) Act are:**

- a) A three-tier system of Panchayati Raj at village, block (intermediate level) and district levels for all States having population of over 20 lakhs;
- b) Panchayat elections regularly every 5 years: elections to be held within six months after the term of the existing Panchayati Raj expires;

- c) To appoint State Finance Commission to make recommendations as regards the financial powers of the Panchayats.
- d) To constitute District Planning Committee to prepare draft development plan for the district as a whole.

### **ASHOK MEHTA COMMITTEE**

It was in this overall context that in December 1977, the Janata government at the centre appointed a committee, under the chairmanship of Ashok Mehta, to review the working of the panchayat raj set-up and recommend remedial measures. The Committee submitted its report containing 132 recommendations in August 1978. The committee's dominant thinking centred round the functional necessity for decentralization of administration which was labelled as a 'new approach' towards the panchayat raj. The major thrust of the report pertained to decentralization. In its words, "the formulation of structural functions and the utilization of financial, administrative and human resources in panchayat raj institutions should, in our opinion, be determined on the emerging functional necessity of management of rural developments." To this end it suggested that panchayat raj should be viewed as a 'government' in its own right at the grassroots level which meant a three-tier structure of federation instead of two at present.

### **Some of the important recommendations of the Committee were as follows:**

1. Recommended the creation of a two-tier system of panchayat raj in the place of existing three-tier Zills Parishad as executive body at district level and below it Mandal Panchayat constituted by grouping a number of villages and having a population of 15,000 to 20,000.
2. Made specific recommendation about the composition of various tiers of panchayats.
3. Panchayat raj election should be conducted by the Chief Election Officer

of the state in consultation with the Chief Election Commissioner.

4. The committee was of the opinion that the panchayat raj institutions should have compulsory powers of taxation to mobilize the necessary resources of their own thereby reducing their dependence on devolution of funds from the state government.
5. The committee recommended that the Nyaya Panchayats should be kept as separate bodies and should not be mixed with the people elected for development panchayats. Nyaya Panchayats should be presided over by a qualified judge.

The Committee submitted its report in August 1978. The Chief Ministers, at their conference at New Delhi in May 1979, considered the Committee's report and prepared a set of guidelines. In order to bring about uniformity in the panchayat raj set-up for the whole country, a model bill was prepared. However, the collapse of the Janata government at the centre a few months later put a full stop to any further progress in this direction. Though the recommendations of the committee were not accepted by the Union government due to change again in the ruling party within it, some of these did exercise varying influence upon the working of panchayat raj in a few states. Some years later (1983-85), Karnataka and Andhra Pradesh remodelled their respective panchayat raj systems under this influence, by and large.

### **PANCHAYATS (EXTENSION OF SCHEDULED AREAS) ACT,1996**

The provisions of the 73<sup>rd</sup> Amendment do not apply to the Scheduled Areas, the states of Nagaland, Meghalaya and Mizoram: the hill areas the state of Manipur and the hill areas of district of Darjeeling (West Bengal). However, the provisions of the 73<sup>rd</sup> Amendment were extended to the Scheduled Areas as well by the Panchayats (Extension of Scheduled Areas) Act,1996.

The provisions of the Panchayats (Extension of the Scheduled Areas) Act, 1996 have come into force on 24<sup>th</sup> December 1996. The Act extends Panchayats to the tribal areas of eight states of India, namely-Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. It intends to enable the tribal society to assume control over their own destiny, to preserve and conserve their traditional rights over natural resources. The state governments were required to enact their legislations in accordance with the Provisions of the Act before the expiry of one year. i.e. 23<sup>rd</sup> December 1997.

### PANCHAYATI RAJ SYSTEM IN ANDAMAN AND NICOBAR ISLANDS

Table – 1 Elections

Place	Total PRIs
<b>Zilla Parishads</b> (South Andaman & N & M Andaman)	2
<b>Panchayat Samities</b> (Diglipur, Mayabunder, Rangat, Ferrergunj, Prothrapur, Little Andaman & Campbell Bay)	7
<b>Gram Panchayats</b> South Andaman – 33 N & M Andaman - 37	70
<b>Total</b>	<b>79</b>

The three-tier Panchayati Raj System was introduced in Andaman & Nicobar Islands with promulgation of 73<sup>rd</sup> Amendment Act, 1992 which marked a new era in the federal democratic setup of the country to provide constitutional status to the Panchayati Raj Institutions (PRIs) governed by A&N Islands (Panchayats) Regulation, 1994. The Administrator of A&N Islands vide Notification No.179/95 dated. 22.12.1995, specified the powers of Zilla Parishad of A&N Islands to function as the Institution of Self Government for economic development and social justice.

Till February 2007, the three tiers of PRIs consisted of 67 Gram Panchayats, 07 Panchayat Samitis and 01 Zilla Parishad. Each of these tiers i.e. Gram Panchayat, Panchayat Samiti and Zilla Parishad function independently.

On 19<sup>th</sup> March 2007, Zilla Parishad was bifurcated into two Zilla Parishads i.e.

Zilla Parishad, South Andaman and Zilla Parishad, North and Middle Andaman. The area of Zilla Parishad, South Andaman covers four Blocks i.e. Prothrapur, Ferrargunj, Little Andaman and Campbell Bay which includes 33 Pradhans, 33 Panchayat Samiti Members and 18 Zilla Parishad Members.

Table – 2 Election of Representatives

Place	Total Elected Representatives
Gram Panchayat (including 70 Pradhans)	753
Panchayat Samities (including 07 Pramukhs)	70
Zilla Praishads (including 02 Adhyaksh)	35
<b>Total</b>	<b>858</b>

Every five year Panchayat election is held for A&N Islands. Gram Panchayat, Panchayat Samiti & Zilla Parishad Members are elected through direct Panchayat election. The Adhyaksh/Adhyaksha and Up-Adhyaksh/Up-Adhyaksha of Zilla Parishad are elected by and from amongst its elected Zilla Parishad Members for the duration of one year. The Office of the Adhyaksha for the first and third year is reserved for women and for the fifth year in favour of a member belonging to the Scheduled Tribes, if any.

### MINISTRY OF PANCHAYATI RAJ (INDIA)

The Ministry of Panchayati Raj is a branch of the Government of India looking after the ongoing process of decentralization and local governance in the States. Ministry of Panchayati Raj looks into all matters relating of Panchayati Raj and Panchayati Raj Institutions. It was created in May 2004. The ministry is headed by a minister of cabinet rank. As of September 2010, the ministry is headed by C.P. Joshi.

#### Functions of the Ministry

1. Ministry of Panchayati Raj is responsible for the work of advocacy for and monitoring of the implementation of Constitution 73<sup>rd</sup> Amendment Act the Provisions of the Panchayats (Extension to the Scheduled Areas) Act. A New Ministry of Panchayati Raj has been created w.e.f.27 May 2004.



2. The Ministry of Panchayati Raj will also be responsible for formulation and implementation of an Action Plan for seeing PRIs to emerge as “Institutions of Local-Self Government” securing economic development and social justice in their respective areas.
3. The Ministry attaches great importance to the capacity building of elected representatives and officials of PRIs as well as functionaries involved in the Rural Development Programmes. It is estimated that about 3million elected Members and the Staff assigned to the Elected Bodies needs training to enable them to discharge their functions effectively.

## CONCLUSION

The Panchayati Raj System in India should be Strengthened as it captures local needs and ensures responsive governance. The implementation of the 73<sup>rd</sup> Amendment Act of the Constitution should be done in an efficient manner such that the objectives of the Act will be achieved. The institutions of Panchayat Raj are a milestone in the journey of administrative institutions at the grass - root level. Panchayati Raj Institution is not a new term in political structure, it existed since long time in all phases wherever the culture of administration development. PRI is democracy at the local level, it enhances the rural people participate in politics, it provides the closest democratic experience to people in rural areas.

The Andaman and Nicobar Administration has taken steps for enhancement of women power and scheduled tribes. As such by reserving the seat of Adhyaksh for women during first and third and reserved for ST during fifth year. There have been traces wherein the said system has been found working

effectively in Administration of the small units of the countries like the villages. So, it cannot achieve their goal without the meaningful participation of rural people in the functioning of these institutions. The country's overall political development, the role and existence of Panchayati Raj Institution are most desirable.

**Acknowledgement:** None

**Conflict of Interest:** None

**Source of Funding:** None

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How to cite this article: Mamoni Das. Panchayati raj institutions in India. *Galore International Journal of Applied Sciences & Humanities*. 2022; 6(2): 6-14.

DOI: <https://doi.org/10.52403/gijash.20220402>

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