

C H A P T E R : V I I I  
P A N C H A Y A T

The over through of the Rana Regime in 1951 was followed by a short period of experiment in the Parliamentary system in Nepal. In 1960, this system was also abolished by the King as he found it unsuited to Nepal. The Panchayat system was introduced which consists of a multi tiered structure of popular bodies with the village panchayat at the bottom and the National (Rastriya) Panchayat at the top. All executive power and sovereignty vest with the King.

The country is divided into four development regions. 14 zones, 75 districts, 3,931 village panchayats and 16 town panchayats. Nepal has a unitary system of government with its capital at Kathmandu. The next level of administration is the districts though there will be a zonal assembly and zonal commissioner with marginal powers. The development regions are larger planning regions and has no administrative importance whatsoever except for a few development programmes by certain departments (2).

Embodying the true spirit of decentralised administration, the Govt. of Nepal runs through a system of Panchayats down from the village level to a national stature. According different ties of panchayats have been functionally created with in the frame work of Nepal's constitution. Its premeble declares that the country is firmly convinced of

carrying on the functions of the Government through panchayat system. Indeed, the genius and traditional values of the people of the country are abundantly expressed through their active participation that is manifest of the popular will of the people quite in keeping with democratic ideas. The National Panchayat, like other panchayats, is the party less from of parliament for the nation. In its membership is drawn by election from Zonal panchayats, class and professional organisations as also from amongst the graduates of the land. Besides, his Majesty the King can nominate members upto 15% of the panchayat is total number of elected members. The term of office of members of Rastriya (National) Panchayat is six (6) and four (4) for different categories of members. The Chairman is appointed by the King from amongst the members on recommendation of the Rastriya Panchayat, for a term of two years with eligibility of reappointment. (3)

The Village Panchayat consists of an eleven member executive committee. This Committee consists of one Pradhan Panch (President) representing nine wards or parts of the panchayat area, who are all elected out of a 45 member member council called Grame Sheva; which in term is elected (5 from each ward) by the adults of the village. All the adults of village constitute the village assembly which is

: 3 :

supposed to meet twice a year to deliberate on issues prepared by the village panchayat. Town panchayats are also constituted in the same manner. Village and town panchayats are autonomous bodies and can tax and settle quasi-judicial cases also.

Each of the village panchayats and 1/3rd of the towns in a districts assembly elects an eleven members executive body called district panchayat consisting of president, vice-president and members. The district panchayat has the responsibility of undertaking development work at district level and also supervises and co-ordinates the activities of the town and village panchayats.

All the members of the district panchayats in a Zone are members of the Zonal assembly and a vice-chairman. The main functional of the zonal assembly is to elect members to the national panchayat. Zonal assemblies elect 112 members of the national panchayats on a principle of at least are members from each district. They also meet to review and coordinate district level development activities.

The national panchayat consists of 135 members of which 112 members are sent by Zonal Assemblies and the rest of 23 are nominated by the King from among leading public figures and the elect. The national panchayat is the legeslative body and the executive organisation is the

: 4 :

council of ministers or cabinet appointment by the King from amongst the national panchayat members.

Nepal follows a no-party system. There were many political parties prior to 1960 and four of them were strong. All four are banned in the country now. The no-party system gives adequate power to the King to appoint the council of ministers of his choice. With the result, the political philosophy and development policies do not undergo changes with changes in the ministry as the key figure in policy orientation. In a way, the administration is directly responsible to the King rather than to the council of minister. Though there are feelings that this system is more elitist and beueacratic inspite of the panchayat philosophy of decentralisation, the system has come to stay and Nepal has probably attained a sort of political stability which it needs very much.

The panchayat system is supplemented by a two-tier organisation of administrative machinery, one at the National level and other at the district level. At the National level there are 15 minister co-ordinated by a Central Secretariate consisting of the chief secretary and secretaries of each ministry. The ministeries and Director-generals of various developments and their offices constituted the high level administrative units of policy programme generation.

: 5 :

The district is the focal point of both regulatory and development administration. Many departments have units of field administration at district level, but some of them do not. The Chief District Officer (CDO) is the head of the district administration and is responsible for maintenance of law and order and co-ordination of development activities of different departments. Each of these CDO's works under the general guidance of zonal commissioners. There is no administrative organisation at Zonal level except the Zonal Commissioner's office. The development and social welfare units of the district administration have a number of sections and they are headed by district level officers of functional ministries, who are under administrative control of the CDO.

(4) The district administration is not answerable to district panchayats.

At the local level (i.e. the town and village panchayat level) the administration is very weak. While some sort of administrative machinery has been created for town as part of nagar panchayats, the village have no such thing. Town development committees also have been formed recently for the urban areas. The village panchayat secretary. But a village panchayat secretary each is not available in all the village panchayats of the kingdom. In most of village panchayats in the terai, there is a sort of arrangement

: 6 :

for the secretary. The Secretary is paid nominally (offer less than Rs.25/-) from the resources managed locally. There is more in the hills. The new district administration plank proposes to provide a multipurpose development worker in each of the village panchayat who will work in liaison between the Govt. and the village panchayat. These multi-purpose workers are, it is proposed, to take over the functions of Village Panchayat (V.P.) secretary and to co-ordinate the development activities at the village level, with the provision of a multi-purpose worker, it is also envisaged that it may not be necessary for all the departments and ministeries to maintain their units at the village level. The ministeries are to establish their units covering 3 to 5 villages in the hills and 7 to 10 villages in the terai, according to the new administration plan.

(5) The Govt. of Nepal declares a rural area as a village panchayat by notification in the Nepal Gazettee Nepal at present 3,330 village panchayat. The village assembly consists of members elected by the resident of wards in the village area. For the purpose of election to the village assembly, the whole village area is divided into 9 wards in such a manner that the parmanent resident of each ward, who are citizen of Nepal are at least 21 years old, and are mentally normal elect members to the ward committee. Apart from the other qualification the representative of each ward must

.....7/-

: 7 :

hold membership of any of the class and professional organisation mentioned in the constitution. Thus 9 wards electing 5 members each make a total of 45 members to the village assembly. The base of the whole pyramid has been drastically narrowed down to a few elected persons. The objective is that while previously all qualified residents of the village could participate in the deliberation of the village assembly, now only 45 members who represent the village ward wise may participate in its deliberations.

Each village assembly has an executive committee called Panchayat. It is elected by village assembly from among its members in such a way that each ward has a representative. Under this arrangement the election to the village panchayat has become indirect since the residence of wards do not directly send their representative to the village panchayats as they did previously.

The function of village panchayat which are listed in the village panchayat Act may be categorised as follows :-

1. Functions related to development in general.
2. Care for public health.
3. Census of birth and death.
4. Protection of the property of the village assembly.

5. Management of primary education.
6. Development of agriculture and animal husbandary
7. Development of cottage industries and cooperation.
8. Co-operation in the activities of District Panchayats and with His Majesty's Government.
9. Justice at village level.
10. Miscellaneous.

#### Functions of the Village Panchayats

The researcher met the Pradhan Panch and Ups-Pradhan Panch and discussed the functioning of the village panchayat. They were satisfied with the scope of power and function to the panchayat. As the panchayats are the statutory bodies distinct from the traditional village panchayat, the villagers are satisfied to have a say in their local affairs. The administrative functions of the panchayat are as follows :-

The administrative duties of the Gram Panchayat include the building and up keep of roads health and sanitary matters, administration of movable and immovable property, promotion of agriculture in various ways, the provision of drinking water, the encouragement of handicrafts, the improvement of deucation, provision of voluntary labour for specific projects cooperation with the Jilla panchayat in development matters and encouragement of the co-operative movement.

The information received from the panchayat members has been classified in the following major items. With the number of beneficiaries. The village panchayat maintains liaison between the Govt. Departments of rural development and the villagers.

The judicial functions of the village panchayat include such things as question related to boundaries of holding and forced labour (it was formerly customary that tenants or debtors did a few days unpaid work for the land lord or the creditors) In addition it can handle case involving property or money not exceeding Rs.100/- and fine culprit not more than Rs.25/- or send them to prison for not more than 3 months.

Table : Functions of the Village Panchayat  
( at Harpatganj parsauri Panchayat )

<u>Functions</u>	<u>Beneficiaries (Approx.)</u>
1. Improved seed distribution	153 households
2. Agricultural implements (Fodder-Cutters)	7 cultivators
3. Fertilizers	102 cultivators.
4. Road and paths (minor repairs by sramdan)	2 paths and 3 small bridges.
5. Education	Management of 4 primary schools approx. 220 childrens.
6. Cottage industry (ies) (loan to artisans)	2 artisans



according to the preamble to the constitution is rooted in the life of the people in general and in keeping with national gains and tradition and as originating from the very base with the active co-operation of whole people and embody the principle of decentralisation.

However, there are doubts and apprehensions about the sincerity of efforts to make planning and implementation effective through popular participation. Though the local panchayats and district panchayats have been entrusted to formulate plans and implement them, it is doubtful whether this is done in any effective manner. Demand for grass root level planning and planning process from the village level upwards are becoming stronger these days. This demand comes mainly from the intellectuals and not from the political leadership. As the political and administrative leadership is still in hands of a few communities and elite class, the present system suits them well and naturally are advocates of status quo. However, though not explicitly stated, mass participation in planning and implementation are becoming accepted at policy level. To this effect, the fifth plan strengthened the panchayat sector and the local development department is entrusted with the task of involving people in planning and implementation.

Current thinking in Nepal is conducive to more involvement of the popular agencies like panchayat in the planning and

and implementation process. It is also argued that a realistic plan which symbolises the common desires of the people can be

conceived of only from below rather than above. B.P. Shreshta, the vice chairman of National Planning Commission wrote, Planning must be started at the village level and should pass through the district and zonal levels for necessary requirements and adjustment culminating at the national level where final decisions should be taken and give final shape to a plan out of the basic material coming up from the bottom.

According to him, National Planning Commission should work out in clear and precise terms, some of the fundamental principles which should serve as the basis for a plan and those principles should be transmitted to lower levels. The village plans formulated by the village panchayats largely with the village out look and its needs and resources should all be put together into are district plan by the concerned district Panchayat in a wider perspective. All the district plans in the same manner should be integrated into zonal plans. It will be the task of the planning agency at the Centre to piece these zonal plans together into one national plan in such a way that it retains the essence of the zonal plans. It should maintain the internal consistency and technical feasibility with in the available resources. The National plan so worked out from below will have a detailed project wise programme for each zone, district and village. These programme will then be passed down to the various

: 13 :

levels of panchayat for implementation, under the supervision from the centre. Such a planning process is described by him, as one will centralised decision and decentralised operation through a double track system. This mechanism it is claimed not only fits with the panchayat structure, but also confirms to the principles of decentralisation and wider participation of the panchayats and the people.

The village, town and district panchayats have local development activities as one of their main function. The last two five year plans have been divided into three sectors - public, private and panchayat to facilitate this. Development projects have also been categorised into three local projects and national projects. The local projects which are either village level or district level projects came under the panchayat sector. The principle, behind the panchayat sector is that these projects could encourage people's participation in development and help the mobilization of local resources. The central Govt. gives a small grant each year. In fact, the alteration made for panchayat sectors during the last two x plans are so small that they got dissipated into numerous small projects.

The entire programme under the sector is co-ordinated by local development department of a panchayat development officer, as secretary to the district panchayat and an oversear. Many of such projects are to be decided by the people themselves

....14/-

and include suspension bridges, school buildings, dispensaries access roads etc. Majority of such projects are also to be implemented by the panchayats themselves with the help and voluntary labour contribution of the people. Some viable projects like drinking water supply get assistance from the local development department. It is obvious in this system that the rural settlement development most often lose sight of the national priorities larger interests and future visions.

In urban areas, the panchayat's role is more limited to coordinate the overall development preparation of development plans and their implementation town development committees and Boards are created under the town development plan (encroachment) Act 1973. Such boards are constituted by the Govt. At present four such boards are functioning. For three regional centres of surkhet, pokhara and Dhanikuta Committees are formed under the chairmanship of respective zonal commissioners and under the overall guidance of the vice-chairman of the Planning Commission. The physical planning officer incharge of the respective region are the executive members of the committees. For Kathmandu valley, a board has been formed under the Chairmanship of the Minister of transport and work, and the vice-chairman of planning commission is a member. These boards and committees have extensive power to prepare plan, implement it, central development and construction, establish new settlements acquire land etc.

However, most of these functions are limited to physical planning and development. These committees are also autonomous bodies and are independent of the town panchayats.

To undertake the development activities for the improvement of the socio-economic conditions of the people. The district has been accepted by His Majesty Govt. of Nepal as the focal point for development and administration of law and order. At the district level, the Govt. officials associated panchayat are involved in the developing planning. Besides these members the village panchayat secretary the grass root level representative of the Govt. and members of the village panchayat are also involved in the development planning at the village level.

Before the implementation of the distt, administration plan of 1975, the district panchayat district level officers of the functional ministry (ies) and departments were involved in the project planning and implementation of the development programme at the intermediate level without having coordination between the programme of each other. As a result of development activities at the intermediate level has suffered from the problem of duplication of efforts and wastage of resources due to the absence of co-ordinated approach to development planning. This arrangement always involvement of the panchayat or the people.

The tiers of the panchayat system provided a basic frame for multi level planning and implementation. With the powers of taxation given to lower panchayats also, this system might turn out to be the key institutional structure in the planning and implementation in Nepal. The new administration plan 1975 provides to strengthen the process and involve wider participation of panchayats in planning and implementation. The process envisaged is not entirely new, but only an elaboration to make planning more broad based and coordinated.

In principle, (according to the new administration plan) a district development plan consists of all the villages development programmes belonging to the district and other district level programme. Every year the regional development centres apprise the chief district. Officer about the objectives and priorities to be taken into account by the concerned district during the formulation of the annual programme and budget. The CDO informs the district panchayat issues directives to village panchayats also for the preparation of village plans.

The village panchayats identify projects which benefits the local community particularly. These would be very small projects such as minor irrigation channels, drinking water improvements of trails suspension bridges etc. The plans are submitted to village assembly and forwarded to district panchayats. As resources of village panchayat are limited

they request grants from Central Government through the district panchayat. Some part of costs are borne by themselves which would mostly be in the nature of materials or voluntary labour. The town panchayats also prepare similar plans and submit to district panchayat.

The district level projects are prepared by the departmental units under the guidance of CDO and the development officer. The projects normally benefits a number of villages such as roads, jeep tracks, bridges, irrigation schemes etc. These projects are also submitted to the district panchayat.

The district panchayats put together the district level projects and all the projects received from village to make the district plan. The Regional development Centre by this time apprises the different district about the maximum amount of money that would be granted to them in which light the plans are screened or modified by the panchayat development officer. The CDO then submits the plan to the district panchayat for approval. If necessary, the district panchayat can refer the village plan to the district assembly to discuss and take a fine decision, especially regarding those projects which require central assistance. The district panchayats are also empowered to levy taxes if necessary.

The approved plans are handed over to the CDO for submission to regional office. The ultimate decision is taken however by H.M.G. In the case of projects to be fully or partly financed by the local panchayats the district assembly gives the final approval and the regional centre informed accordingly.

This general process of district level planning to involve people through the panchayats. Nonetheless, these district development plans are only annual plans under the panchayat sector of the five year plans and to handicapped by the allocation already made at the national level for five years. May be, by next plan, Nepal may switch over to this pattern of planning even for the five year plans, but it all depends on how the present arrangement forces is eliciting public participation.

One major problem in this regard is the lack of technical manpower at district and village levels to assist the panchayats to prepare viable plans and projects, the only technical manpower available to the district is an oversear. The services of this technician cannot normally be spared to village panchayats, often the post of technician also lies vacant for a long span of time. It is therefore understandable that projects prepared do not have any basis

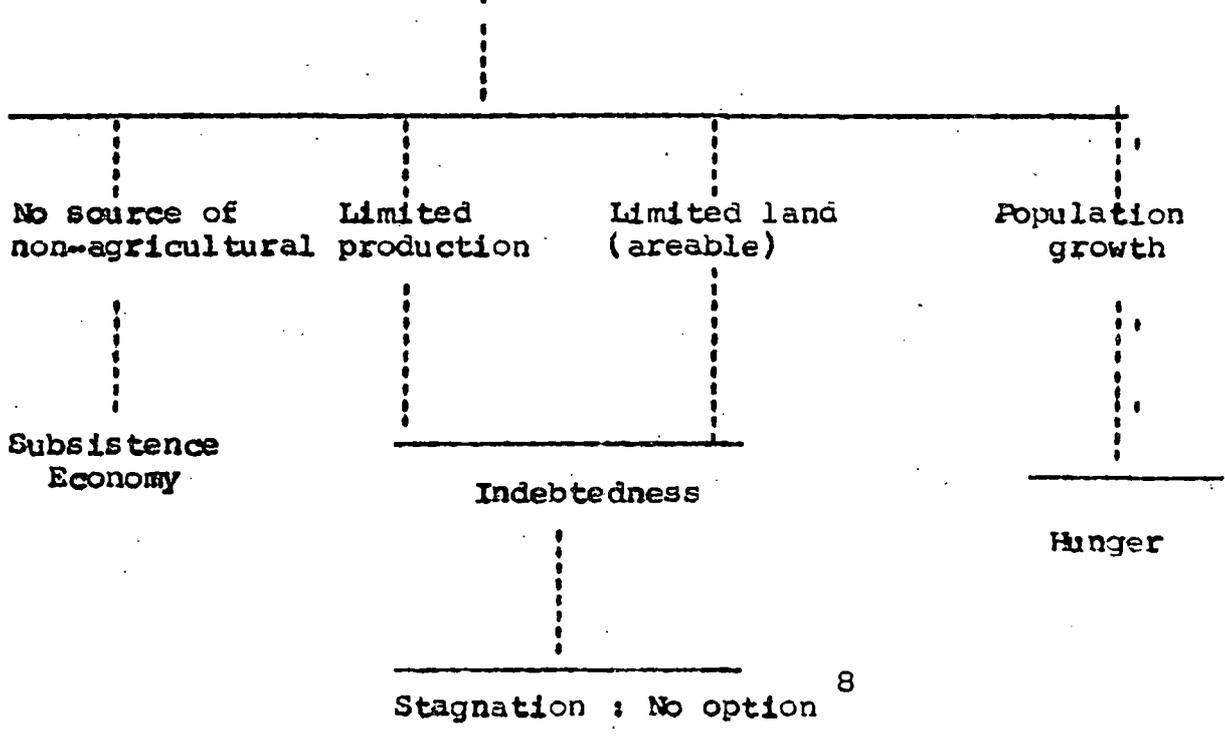
with regard to their feasibility and estimation of cost are often wrong. The decision making and choice between the projects also becomes difficult on this situation and it is noted that the final selection of projects at the district level becomes a mere political formality of which the panchayat got the project last year, and whose turn is it now, rather than on the basis of their viability. The Regional development study conducted by every proposed project to make appraisal easy.

The local development projects also suffers from another difficulty viz. the low level of self generated revenue. Though the panchayats are improved to tax the tax base is very low. Therefore most projects submitted to the district panchayat try to show the cost of voluntary labour as local contributions which is a most for central assistance for any project. The experience of the past show that the initial enthusiasm of local people for voluntary labour has vanished, except for projects which may give immediate benefits to them, such as irrigation. The District level projects are the once which suffer most it is difficult for district leader to mobilise people, compared to village leaders. Therefore the cost estimate of projects are boosted up to get higher central assistance in many cases. This has resulted in mis-appropriation and management of projects quite especially when there is no monitoring and evaluation programme.

To check the concentration and misuse of power in a few hands and also to ensure people's participation it is said 'Go to Village' campaign committees were renewed recently (1974) such committees are formed at National regions and local levels and consists of nominated members. The committees have powers to evaluate the works of panchayats, Panchayats members and members of public administration. These committees are said to be moral keeping vigilance committees to create a society which is exploitation less just dynamic and democratic. Its major function is to conduct annual conferences at all level and bring together people for discussion and to organise them and to mobilise them.

Now the question is, then all the required steps are being taken in policy formulation and implementation from the village level itself, there is a stagnation in their development of social as well as economical status. Firstly the land is limited, means production is less, no other source of income except agriculture and population growth. When these all the factors are combined leads to subsistence economy, indebtedness and hunger which is nothing but stagnation.

RURAL FORMATION



R E F E R E N C E S : CHAPTER : VIII

1. His Majesty's Govt. Habital, National Report on human settlement 1976
2. Sharma K.N. "The structure of the panchayat system" Panchayat Diarpan Vol. 5 No.15 Feb. 1975.
3. Sharma K.N. Opeit
4. Joshi N.C. Reading in Nepalese Economy. Nepal Panchayat system pp - 174 - 177
5. District Administration Plan (Revised form) District Administran plan implementation Committee Kathmandu 1975.
6. Yadav S.R. Nepals Feudalism and Rural formation pp - 193 - 194
7. Bhooshan B.S. The Development Expenses of Nepal Concept Publishing Company, New Delhi 1979 pp 123 - 130
8. Yadav S.R. Opeit pp 195 - 196