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PRI

1999

Participation in Panchayati Raj Institution

I. Introduction:

India is a Sovereign Socialist Secular Democratic Republic with a parliamentary system of governance. The Republic, comprising 25 States and 7 Union Territories (UTs), is governed in terms of the Constitution, which is federal in structure with unitary features. About 75 % of India's more than 980 million population live in more than half a million villages. Village communities have been in existence in India for over centuries. In olden days, Panchayats (council of five persons) were functional institutions of grassroots governance in almost every village. The Village Panchayat or elected council had large powers, both executive and judicial. However, during the British rule, the autonomy of Panchayats gradually disappeared owing to the establishment of local civil and criminal courts, revenue and police organisations, the increase in communications, the growth of individualism and the operation of the individual Ryotwari (landholder-wise) system. Even after independence, Panchayati Raj Institutions (PRIs) could not find a mention in the first draft of India's Constitution. It was thought better to incorporate panchayat in the Directive Principles of State Policy and retain the framework of parliamentary government based on direct popular elections both at the Centre and in the States of the Indian Union.

An era of centralised planning began. The first five-year plan visualised Panchayats at village level mainly as agencies (for development) of higher authorities. However, a review of community development programmes forced planners to later realise that so long country does not discover or create a representative and democratic institution which will supply to the local interests, supervision and care necessary to ensure that expenditure of money upon local objects conforms with the needs and wishes of the locality, invest it with adequate power and assign to it appropriate finances, government will never be able to evoke local interest and excite local initiative in the field of development. Therefore, the present system of Panchayati Raj was first introduced in the year 1959. Since then this system has evolved differently in different states. But the bureaucracy, local vested interests and the elected representatives in the State Legislature and in the Parliament did not take kindly to the PRIs, whose ascendancy they feared. Because of the lack of political will and committed support of the bureaucracy, Panchayats could not become vibrant institutions of self-governance. Irregular elections, inadequate representations of the weaker sections of society, prolonged supersession, absence of financial and functional autonomy, insufficient devolution of power and lack of resources became common characteristics of these institutions. Nevertheless, the system of Panchayati Raj was always considered as the only hope to facilitate participatory processes at the grassroots level besides meeting the local needs and aspiration of rural masses in general, and hitherto excluded ones in particular. An inevitable need to transfer the power of the State to democratic bodies at the local level was always felt. Conferment of constitutional status to these bodies was, therefore, necessary to overcome many of the limitations of the earlier Panchayati Raj system.

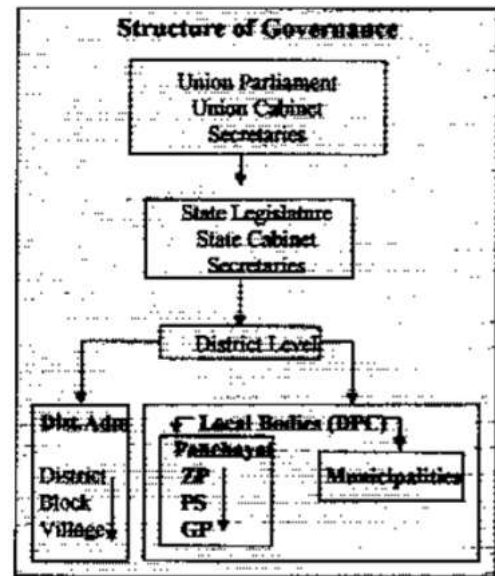
The Constitution (Seventy-third Amendment) Act, 1992 came into force on 24th April 1993. It was meant to provide Constitutional sanction to establish "democracy at the grassroots level as it is at the State level or National level". Except 3 north-eastern states (having tribal councils) and two urban UTs, all the States/UTs coming under the purview of this Act have amended their Panchayat Acts in conformity with the Central Act. The Gram Sabha or village assembly has been envisaged as the foundation of the Panchayati Raj system. There are three tiers of Panchayats at village (Gram Panchayat - GP), intermediate (Panchayat Samiti - PS) and district (Zilla Parishad - ZP) levels. The states having population not exceeding 2 million have not constituted the Panchayat at intermediate level. All the seats in a Panchayat at every level are filled by elections from respective territorial constituencies. Not less than one-third of the total seats for membership as well as office of chairpersons of each tier have been reserved for women. Reservation for weaker castes and tribes (SCs and STs- Da/its) have been provided at all levels in proportion to their population in the Panchayats. To supervise, direct and control the regular and smooth elections to Panchayats, a State Election Commission has been constituted in every State and UT. The Act has ensured constitution of a State Finance Commission in every State/UT, for every five years, to suggest measures to strengthen finances of PRIs. To promote bottom-up-planning, the District Planning Committee (DPC) in every

district has been accorded constitutional status. An indicative list of 29 items has been given in Eleventh Schedule of the Constitution. Panchayats are expected to play an effective role in planning and implementation of works related to these 29 items. The spirit of the Constitution visualises Panchayats as institutions of self-governance. However, giving due consideration to the federal structure of our polity, most of the financial powers and authorities to be endowed on Panchayats have been left at the discretion of concerned State Legislature. Consequently, the powers and functions vested in PRIs vary from State to State.

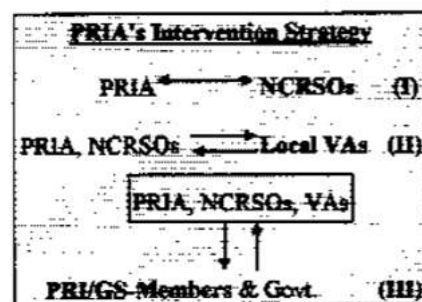
Except Bihar and Jammu & Kashmir (because of politico-judicial problems), Panchayat elections have been held in all the states and UTs. Today there are about 3 million elected representatives of Panchayats at all levels which includes about one million elected women representatives. The process of democratic decentralisation is on in the country today. It poses a lot of challenges and also provides opportunities and success would lie in converting the challenges into opportunities.

I.I: PRIA's Intervention:

PRIA is an international centre for learning and promotion of participation and democratic governance. It promotes people centred development initiatives within the perspective of participatory research. For the last four years, PRIA and the Network of Collaborating Regional Support Organisations (NCRSOs) have undertaken strategic intervention for strengthening PRIs in 9 States. These States are Bihar, Gujarat, Haryana, Himachal Pradesh, Kerala, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh. The rationale for this intervention is to enhance the potential for community participation and responsibility in their own development, that is, people centred and people-controlled development that PRIA has always promoted. The constitutional provisions provide new opportunities and possibilities for building up leadership from among women and Dalits (SC/ST). The PRIs can also become the basis for further elaboration and strengthening of civil society in the county. A broad framework of strategic intervention was developed on the following principles: 1. PRIs are to be viewed as institutions of Local Self Governance and not mere implementors of centrally determined development programmes. 2. Emphasis must be placed on active participation in decision making by women and other weaker sections with a view to enhance their role, status and leadership in local self-governance. 3. PRIs should assert their access to and control over natural and human resources, as well as other development resources being available with state and national governments. 4. Strengthening PRIs will entail clarity of their roles, systems of governance, accountability, transparency and inter-linkages. In many areas, successful conscientisation, group building and promotion of local leadership among marginalised sections have already been achieved through the efforts of voluntary organisations and activists. As a result, these voluntary agencies (VAs) and activists were enabled and mobilised to play a more direct role in the promotion and strengthening of PRIs. Therefore, building capacity and encouraging participation of such VAs and activists is an important strategic intervention.



PRIA's strategic intervention (first phase, 1995- '97) had five components:- 1. Orientation, Training and Educational Support, 2. Preparation and Dissemination of Educational Materials , 3. Micro-planning or Bottom-up- planning, 4. Research and Documentation, 5. Influencing Government In second phase of intervention (1998) more emphasis has been put on Direct Strengthening, Promotional Intervention, Research and Advocacy and Networking. The intervention has been planned so as to have a multiplying effect. Three strata of target groups have been identified. First stratum consists of persons from PRIA and NCRSOs, who work persons from local VAs who form the second stratum. The third stratum constitute the elected PRI members (as well as Gram Sabha members). Local VAs closely interacts with the third stratum on a regular basis. In this way, the intervention has 'directly' covered about 200 VAs, more than 650 Gram Panchayats and about one thousand Gram Sabhas in more than 110 districts of 9 states. Capacity building of local VAs has helped us a lot in providing sustainability as well as scaling up of our intervention. Now we are scaling up our (research & advocacy-) intervention to include some more states. These 'new' states are Andhra Pradesh, Karnataka, Maharashtra and West Bengal.



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In the present paper we are sharing some of our varied experiences and learning related to 'direct participation' of the community in local self-governance in many states of India. An attempt has been made to discuss some of the enabling as well as inhibiting aspects of direct participation in Panchayati Raj Institutions. Under the existing circumstances, we feel, the community participation can be enhanced (and therefore PRIs can be strengthened) by

1. Strengthening the Gram Sabha
2. Developing strong leadership of women and Dalits
3. Enabling Panchayats to have control over their own resources
4. Establishing linkages between Community Groups and PRIs

2. Strengthening Participation in PRIs

2.1 Gram Sabha:

Article 243(b) of the Constitution of India defines the Gram Sabha as "a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level". The population of Gram Sabhas have considerable variations. While in Kerala a Gram Sabha comprises as many as 25,000 persons, the average size of a GS (Gram Sabha) in Uttar Pradesh is around 1,000. The Gram Sabha is the only forum which provides opportunities to all the adult villagers to directly participate and suggest what can and need to be done for their own village and how. In all other forums, people are substituted by "leaders" elected or otherwise. Only a strong Gram Sabha can ensure "the acquisition of the capacity in the many to regulate authority". If not made accountable to the community, Gram Panchayats have a tendency to become Sarpanch (chairperson of GP) Panchayats. Gram Sabha serves to keep Gram Panchayat accountable.

As per statutory provisions across the states, it is the (mandatory) responsibility of the concerned Gram Panchayats that the Gram Sabha meetings be held at least twice a year. The PRI members should inform (through posters, notices, beating drums or visiting houses) the date, time and place of GS meeting to community members well in advance. The chairperson of Gram Panchayat chairs the GS meeting. A Gram Sabha meeting is termed as legal one only when 'quorum' (10-20 % of total members of GS attend the meeting) is formed. Annual accounts, proposals for fresh taxation and all the development related activities of Gram Panchayats are supposed to be discussed, debated and finalised in the GS meetings. Selection of programme beneficiaries under poverty alleviation (and infrastructure development) programmes through the Gram Sabha has been made mandatory.

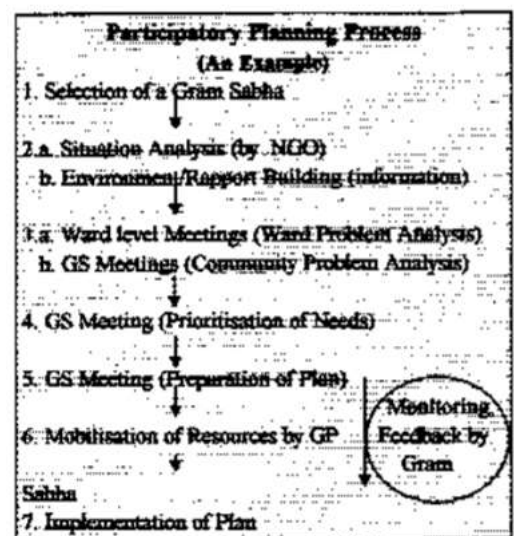
But in reality, in most of the places, Gram Sabha meetings are held on paper only. Most of the GS members are unaware of their rights and responsibilities. as GS members. Many of them can't distinguish between the GS and the GP of the village. It has been also found that villagers in general are not informed about the GS meeting. Even if informed, women may not participate due to social customs. Lack of a common venue for the meetings (and the distance to be travelled to attend the GS meeting) where GS is too big is also a barrier in people's participation in GS meeting. To complete formalities, (bureaucracy sponsored) Gram Sabha meetings are often held to prepare beneficiary lists: Below Poverty Line list, Indira Awas Yojana, etc. Naturally participation in such Gram Sabhas can't be treated as genuine participation.

The process of Bottom-up-Planning or Micro-Planning is one of the most effective way of strengthening participation of people in their own development. As per Article 243G, Panchayats are constitutionally mandated to prepare plans of economic development and social justice. Thus, every Panchayat has to prepare a plan taking into account local needs and local conditions. The whole process develops a framework of agreement within the Gram Sabha about development priorities. Villagers sit together to prioritise the community problems, prepare a list of resources available and ask the Gram Panchayat to implement the plan. Since the Plan is implemented year around, it provides a more rigorous framework for the Panchayat to be accountable to Gram Sabha. A plan allows villagers to scrutinize and judge the performance of their GP.

A typical micro-planning process involves many stages. It begins with an NGO's entry in a particular Gram Sabha.

NGO analyses village situation to understand socio-economic and political complexities of the village. It takes time to build a proper environment so that the NGO is 'acceptable' to the community. The rapport building begins with 'awareness generation and information dissemination'. Individual and smaller groups are first made aware of their roles and responsibilities as Gram Sabha members. Informal meetings are organised at ward levels to orient people. (In a Gram Sabha there are usually 7 to 15 wards. each ward elects one GP member).

On the fixed date (usually fixed in advance by government), the Gram Sabha meets. Facilitated by NGO, community analyses village situation. Often individuals and groups come up with their specific individual needs and problems. Ensuring full participation of all the (caste, class and gender) groups, and synthesising specific needs, an exhaustive list of community problems/needs is prepared. Then these needs are prioritised and a detailed village plan is prepared. The plan is made known to everyone in the GS meeting. It is now the responsibility of the GP to mobilise resources from village (with the help of GS) and higher (Union and State) governments to implement this plan. It has been found that from preparation to implementation of the plan, the GS keeps an eye over the GP. Even an ordinary villager feels to be pan of the village development plan. resulting in the direct participation of the community in village government. To illustrate the impact of a micro-planning process, the case of Jamunia Tank GP (see box) in the state of Madhya Pradesh has been used.



Direct Participation in Jamunia Block

In a typical Indian village where the power structure is referred in many caste hierarchy and gender difference, the case of Jamunia Tank GP is located at a distance of about 8 km from Sehore district headquarters and 40km from the state capital Bhopal in Madhya Pradesh. The village is spread over a thousand hectares and is inhabited by 618 males and 541 women. People belonging to the backward caste (different from SC/ST). It has 12 panches (ordinary members) representing 12 wards, of these 4 are women.

SAMARTHAN, a member of NCRSOs started the process of micro planning in Jamunia Tank GP in 1995. It began with rapport building and awareness generation. Different Groups (youth, women, caste-groups, etc.) were first approached separately. Orientation programmes were organised to create an understanding of Panchayat Raj among PRI members and the community. Special efforts were made to develop leadership of women and weaker sections (including that of Mrs. Geeta Rathore, the chairperson of GP). A relationship of trust and mutual cooperation with the community was developed. Later on regular meetings at ward level were organised to create awareness and orient people to participate in GS meetings.

With different social groups and within different ward meetings the process of community problem analysis began. Women and dalits were encouraged to identify their problems/needs. Women panches led women to participate actively. Similarly, Leaders of Dalits ensured effective participation of weaker section. In the full-fledged GS meeting, all the problems were put together and all the groups came together to prioritise their (community's) need and a plan was prepared taking two accounts available and possible resources into consideration. The Gram Panchayat was asked to build linkage (outside the community) To tap needed resources.

The meet for a village drain had always been articulated by the people especially women belonging to the SC community who were directly affected by this problem. State government did not listen to their demands. So, the Gram Sabha prepared a plan for construction of the drain and made a budget of Rs 93,000 for the same. It asked the Gram Panchayat to arrange resources. The community volunteered to contribute Rs 50,000 – collected on the basis of land holdings. Those who could not give money, agreed to volunteer their labor. The plan is being implemented by the Gram Panchayat which “negotiated” with the state government to arrange for the rest of the money. Every member of the Gram Sabha has a sense of doing the project. The Gram Sabha constantly mentors and evaluates the work. Each section of the community participates in his/her village development. The Gram Panchayat members have started organising regular ward level meetings. People have organised themselves in Mahila Mandal, youth mandals and pressure groups of varying time. Their aim is not only to monitor the functioning of GP but also give support to GP in negotiating with the administration and politicians.

If we compare Jamunia Tank with an adjoining GP, namely, Rajukhedi in the same district of Sehore, we find that while a strong Gram Sabha has enhanced people's participation in Jamunia Tank, Gram Sabha meetings are held in name only in Rajukhedi GP (which had almost same socio-economic and political environment as that of Jamunia Tank in 1995). There is no NGO intervention in Rajukhedi. This GP consisting of 9 members is a divided house. The group lead by the male Sarpanch is a powerful. All the village development schemes are manipulated to benefit Sarpanch lobby. There seems to be no linkage between the GP and the community.

Here it may be pointed out that mere initiation of a participatory planning exercise can't sustain participation of people. There should be some mechanism besides mandatory Gram Sabha meetings

for enabling people to plan. It is suggested that ward level meetings be held continuously- making ward members accountable. Information related with future dates of GS/ward meetings should reach to the villagers well in advance.

2.2: Leadership of Women and Dalits:

Reservation of seats in Panchayats for women and Dalits has given them an opportunity to participate in development process. But with a skewed distribution of rural assets - in India the bottom 39 % of rural households (belonging to lower castes) own only 5 % of all assets, while the top 5 % own 46 % - it will take a very long time for the rural poor to raise their voice. The literacy level among SC/ST

and women is quite low. Rigid patriarchal structure inhibits women participation in public affairs. Moreover, more than 90 % of elected women panches are first timers with little or no prior knowledge of functioning of PRIs. Most of them are illiterate and have to comply with social taboos and patriarchal values. They are 'expected' to be shy and submissive resulting in weak articulation skills. So, it is not easy for the rural weaker section to actively participate in development process. The constitution and laws have provided bones of the local self-government. However, the substance may be provided only when the participation of hitherto excluded ones is ensured.

Dwindled Participation in Dhana GP

During the participatory planning process undertaken in Dhana Gram Panchayat of Jhajjar district in Haryana, women participated actively in various group meetings, pictorial exercises and collection of information during community problem analysis. Women belonging to SC community took initiatives in starting a tailoring centre for women. They took bold step of challenging male order (in Haryana, women are not allowed to enter the Chopal place for caste panchayat) by capturing Harijan Chopal. It was an instantaneous group effort without any leader. All these things happened during the planning phase. However, in implementation phase, due to lack of effective woman leadership and exclusion by man, their participation became irregular. Later on only when a strong woman (panche) leadership was developed, women's participation in GS meetings has become significant.

To provide real substance to grassroots governance, PRIA has put special emphasis on ensuring participation of women and Dalit» in the Gram Sabha meetings. Special programmes of awareness generation, attitudinal changes and skill development are conducted for women and Dalits. Our experiences teach us that developing individual leadership is as important as ensuring participation of groups in GS meetings. Their leadership should be developed by building individual capacities.

They should be made an integral part (from beginning to end) of any process. These leaders (for example, women and SC/ST Panchayat members) inspire their fellow women/SC/ST members to actively participate in GS/ward meetings. Despite noted participation of weaker sections in initial stages of planning, it has been observed that in absence of an effective leadership the participation of these groups cannot sustain. The case of Dhana GP in Haryana (see box) is an example. AS a corrective measure when more and more special efforts were put to develop leadership of women panches in Dhana, the situation has started improving. Now these panches inspire their sisters to participate in GS meetings and have a say in the development process of their own village.

The lack of adequate information about their roles and responsibilities inhibits women Panchayat leaders to function effectively. Better information dissemination, sustainable capacity building, exposure to administrative offices and support and encouragement from community and NGOs are effective means of building up women and SC/ST leadership. Usually, government officials deny these groups access to information. In this regard, these groups may be helped to exercise new rights (given by some of the states) that is, the Right to Information.

2.3 Control over Resources:

If a Gram Panchayat is capable of doing effective work for village, it has been found that people's participation in Gram Sabha gets enhanced. Otherwise, villagers get disenchanted and start devaluing GS as an effective body. A number of provisions have been incorporated in the Constitution to strengthen financial situations of PRIs. PRIs have been empowered to levy and collect taxes/fees. Central and State governments provide mostly tied (scheme specific) funds to Panchayats.

However, in the field, it has been found that PRIs across the States do not have fiscal autonomy. They do not have control over their own resources. The States have not given them real financial powers. Their own revenue is negligible and they have to completely depend on grants from higher governments. This is against the spirit of Constitution (73rd Amendment) Act which visualises PRIs as institutions of self-governance. Some major policy changes are required to correct the financial situations of PRIs.

But to advocate changes in government policy, in addition to public pressure, a macro level document 'proof of ground reality' becomes imperative. So, PRIA and NCRSOs initiated a largest ever study on Status of Finances of PRIs in India. It was an action research aiming at generating people's awareness on finances of PRIs and simultaneously creating pressure for required policy changes.

Study on Status of Finance of panchayat Institutions

PRIA and NCRSOs conducted a national study of Finances of Panchayat. In the first phase 7 states were studied and in the second phase study is still undergoing in 5 states. Using interviewer schedule, data was collected from at least one ZP from each state. A sample of at least two Ps and 24 GPs were taken from selected ZP. An attempt was made to include in the sample GPs headed by all categories of communities (women SC/ST, Backward Classes and General) The Study was divided into 4 stages.

In the first stage, data was collected. In the second stage the collected information was shared with PRI members, NGOs, Media, Academic and concerned government officials in a district level workshop. In the light of available (sample) district level data, every one shares his/her real and rich experiences. The report was shared with participants (from aforementioned segments of society) from every corner of the state in a state level workshop participant This process was followed in every state. On the eve of the Urban Budget presentation in Parliament, a synthesis report was presented in a national seminar held in Delhi.

The whole study prosed kept all the sections of the stakeholders involved of media and others from the district to national level created a public database. Print and electronic media presented major findings to larger audience. The synthesis report was sent to all Members of Parliament, Ministers, Chief Ministers, Political Parties and Bureaucrats requesting them to assert their influence is required policy changes in the light of study findings. The NCRSOs and Vas are conducting advocacy campaigns at State and local Levels respectively. Top political leadership was approached personally. The message reached to the Prime Minister, ex-PMs and to most of those who matter in policy framing. The response from politico-administrative execution was very encouraging. Based on our study findings, as admitted by its Chairman in a letter to Dr. Rajesh Tandon, the planning Commission constituted a task force to suggest measures to improve (resources and) participation and involvement of PRIs in national planning exercise. I response to questions from some MPs, Parliament was to discuss finances of PRIs in the light of our study. However, it could not materialistic as the Lok Sabha was dissolved before the due parliamentary debate.

Since its inception the study encourages participation of many of the stakeholders in the whole study process. At every stage, an attempt was made to create public opinion in favor of strengthening PRIs. Well planned periodic and regular follow up activities of district, state and national level workshops were/ are organised to sustain the heat generated by findings of the study. Today, when Govt of India has declared the year 1999-2000 as the year of Gram Sabha, we hope to see major (pro-participatory) policy changes at Union and State levels.

The study findings reveal a rather weak state of financial resources of all the three tiers of PRIs. Per capita total income of an average Gram Panchayat was found to be Rs.100 (\$ 2.5). More than 90 % of the funds available to Gram Panchayats are tied grants. Their 'own' income is either stagnant or has a declining trend. Panchayats across the States do not have control over their own resources. The own revenue generation powers (tax, fees, etc.) given to PRIs are meaningless. If provided actual control over all the physical and natural resources lying in their respective geographical areas, Panchayats can easily mobilise tens of millions of rupees as their own revenue.

Positive support from Union and State governments are required for genuine and functional devolution of financial resources and authorities to PRIs. It requires intense advocacy efforts to influence policy changes at Union and State levels. For policy changes, our macro level study has played a very positive role in creating public awareness, media pressure and grassroots mobilisation.

2.4 Community Groups

Besides statutory bodies like GP and GS, there are a number of non-statutory participatory groups in almost every village. These groups may be of two types. One emerging from community's own need and initiative, that is, community driven groups like Youth Groups, Mahila Manda/s (Women Groups) or even Caste Panchayat. Other types of groups are those which are created by external agencies/projects/programmes. Usually, for a specified period. These groups possess specialised expertise and have a close linkage with their creators (external agencies). For example, Govt. of India's project District Primary Education Programme (DPEP) created a Village Education Committee (VEC).

For effective collaborations of community organisations and PRIs, the GS should be made aware, active and strong. An institutional mechanism may be developed so that these specialised organisations have close interaction with specialised standing committees of GPs. In this regard, project-based committees should be strengthened to be more effective, autonomous and participatory. However, our experiences in 9 states reveal that there is no structured institutional mechanism to build a relationship between these two types of bodies.

3. Ways Forward

Grassroots democracy can only be strengthened through people's participation. The PRTs should be given encompassing responsibility and authorities over local matters (including resources) and be held accountable for those matters by their voters (the GS). It must be ensured that women and dalits participate actively and effectively in the local self-governance. The state-led and other types of project committees should collaborate (not be played up as competitors) with PRIs and PRIs should provide a space to these community organisations.

With the active involvement of NGOs, people are becoming more and more conscious of their roles and rights. Through processes like micro-planning, special emphasis on weaker sections, participatory research studies and advocacy, people's participation has greatly enhanced in intervened areas. However, there is problem of scale and intensity of intervention. In how many Panchayats can interventions happen and for how long? With limited resources at their disposal, NGOs can't cover all the spheres of local self-governance. Perhaps there is a need to intensively 'intervene' at (politico-bureaucratic) government level too. The reach of government machinery in a country like India is vast and its infrastructures can be utilised to scale up our interventions. With proper understanding and appreciation by polity and bureaucracy, the PRIs can become vigorous institutions of local self-government.

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