

THE GENESIS OF PANCHAYATI RAJ AND ITS DIMENSIONS

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Abstract

Panchayati Raj is one of the major components of self-rule with power to the masses at the grass root level. Initially it did not gain importance as it should have in the system of government when India became independent. However, with time it was realized the major role played by Panchayati Raj. Several steps were then undertaken to rectify the shortcomings. With the implementation of the 73rd Amendment Act Panchayati Raj constitutes a major mile stone in the history of rural local self government as it provides political and administrative decentralization and devolution of resources and power to local people.

Keywords: Panchayati Raj, self government, 73rd Amendment, Constitution

India has the longest tradition of village self-government in the world. The roots of rural self government can be traced to as far back as 3000 B.C. i.e. the period of the Indus Valley civilisation. During this period, basic civic services were taken care of in a fashion of modern local self government. There is mention of community assemblies in the Vedas, in the Upanishads and Kautilya's *Arthashastra*. Village was the basic unit of local government and the gramini was the village headman and its leader. Around 600 B.C., the territory north of the river

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Ganga comprising modern day north Bihar and eastern Uttar Pradesh was under the suzerainty of small republics called Janapadas among which Lichhhavis were the most powerful. In these Janapadas, the affairs of the State were conducted by an assembly consisting of local chieftains. Initially the states being small there was hardly any distinction between the Central and local government. However, with the passage of time, as the states grew larger, the distinction between the two kinds of governmental activities became necessary. In the post Mauryan period in 303 B.C. described the City Council which governed Pataliputra - comprising six committees with 30 members. Similar participatory structures also existed in South India. In the Chola Kingdom, the village council, together with its sub-committees and wards played an important role in administration.

The present structure of local self government institution took shape in 1687 when the British established a Municipal Corporation at Madras which was followed by the creation of similar bodies at Bombay and Calcutta in 1726. The Municipal Corporation consisted of a Mayor and majority of British born Councilors. It was basically a unit of administration enjoying considerable judicial power. During the next 150 years, municipal bodies were created in other towns although their functions remained confined to conservancy, road repairs and few other sundry items. In 1872, Lord Mayo introduced elected representatives to these municipalities and it was further developed by Lord Ripon in 1882. These Urban municipal bodies had a pre-dominance of elected representatives in a number of cities and towns. A corresponding effective structure for rural areas came up with the enactment of the Bengal Local Self Government Act, 1885 which led to the establishment of district local boards across the entire territory of the then Bengal province. These boards comprised nominated as well elected members with

the District Magistrate as the Chairman. Within a span of five years, a large number of district boards came into existence in other parts of the country. The Morley-Minto Reform, 1909 and the Montague Chelmsford Reform, 1919, when local self-government became a transferred subject, widened the participation of people in the governing process and, by 1924-25, district boards had a preponderance of elected representatives and a non-official Chairman. This arrangement continued till Independence in 1947 and thereafter till the late 1950s.

When India got Independence, the main question which came up was whether panchayat should have a place in the Constitution or not? The Constituent Assembly did not accept the Gandhian proposal of Panchayati and stressed that stability, unity and economic progress demanded a more centralized government indicating that the leaders at that time were hesitant to introduce a whole scale change in the administrative set up and as a compromise, it was agreed that Panchayati Raj Institutions would find place in the Directive Principles of State Policy (Part IV, Article 40), which, inter alia, provides that the State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government. But it abstained from giving constitutional status to it.

In compliance with the provision of the Directive Principles of State Policy, an ambitious rural sector initiative, the Community Development Programme was launched in 1952. Its main thrust was on securing socio-economic transformation of village life through people's own democratic and cooperative organizations with the government providing technical services, supply and credit. In 1953, the National Extension Service was introduced which was an amplified version of the Community Development Programme and aimed at transferring scientific

and technical knowledge to agriculture, animal husbandry and rural craft sectors.

In 1956, the Second Five Year plan recommended that the village panchayats should be organically linked with popular organization at higher levels and in stages the democratic body should take over the entire general administration. To operationalise this initiative, the government appointed the Balwantraji Mehta Committee. The committee found people's participation was not there and the village panchayats were not even involved. The committee recommended three-tier of rural government namely, the Village Panchayat at the village, the Panchayat Samiti at the Block level and the Zila Parishad at the District level. Rajasthan was the first State to introduce the three-tier system. The other States gradually introduced the system.

India's experience of development planning has shown that developmental activities undertaken with people's with active participation have a greater chance of success and can also be more cost effective as compared to the development activities where people became passive observers. The non-involvement of people has also led to the implantation in them of an attitude of total dependence on government for everything so that there has been a lack of effort by the people and lack of accountability to the people in the system of administering developmental schemes.

In this regard, a right type of people's institutional structure was required to be created by the government. Panchayati Raj Institution was created to ensure participation of general masses at every level of political administrative system.

Unfortunately, the Panchayati Raj system could not work effectively. The benefits of development schemes have gone to the elite section of rural society. In seventies, a feeling started

development that 'Panchayati Raj is like a God that failed'. A number of committees/study teams, functionaries and scholars have given a long list of reasons for this failure. The major reasons given are : inadequate powers and resources, irregular elections and meetings, negative state control, political and public apathy, neglect of weaker sections and women and, above all, the lack of constitutional status.

To correct the various deficiencies in the working of these Panchayati Raj Institutions, the government appointed various committees from time to time. The first was the Sadiq Ali Committee appointed in 1964 to oversee the progress in decentralisation and grass-root democracy in Rajasthan. The next major committee constituted as the Ashok Mehta Committee in 1977. It was appointed by the Janata Government to assign meaningful role to Panchayati Raj Institutions and revitalize them. The Committee which submitted its report in 1978 recommended two tier system of Panchayati Raj System i.e. the Mandal Panchayats and the Zila Parisad. A set of guidelines was prepared with a view to bring uniformity in the Panchayati Raj Institutions. However, the Report of Ashok Mehta Committee remained a futile exercise because of the collapse of Janata Government. The recommendations of the Committee were not accepted by the new government headed by Mrs. Indira Gandhi in 1980. But some new states were greatly influenced by the innovative changes suggested by the Committee especially Karnataka and Andhra Pradesh. During 1983-85 both the States remodeled their Panchayati Raj System by the large on the model suggested by the Ashok Mehta Committee.

In the 1980s the expansion of anti-poverty programme and creation of District Rural Development Agency (DRDA) and other organizations for rural development required the integration of Panchayati Raj System with development

programmes. Two expert groups were formed to examine the issue of the planning at the district level, namely the Working Group on Block-level Planning headed by M.L. Dantwala and the Working Group on District Planning head by C.H. HanumanthaRao in 1983. Thereafter, G.V.K. Rao Committee was set up in 1985 to review the existing administrative arrangements for rural development and poverty alleviation programmes. The Committee recommended the need of regular elections to the Panchayati Raj Institutions and strengthening of Zila Parisad.

In 1986, another Committee under the Chairmanship of L.M.Singhvi was set up to deal with the financial aspects of the Panchayati Raj Institutions. The Committee recommended the reorganization of the villages to make village panchayat more viable. The Committee recommended that Panchayat should be made financially viable by combining 2-3 villages in one panchayat. Similarly, the Sarkaria Commission on Centre-State Relations in 1988 too observed that most of the local self governing bodies were not functioning efficiently and effectively. The Commission stressed the need for uniformity of law in the States with regard to holding of periodical elections and supersession of Panchayati Raj bodies. Similarly, a subcommittee of Parliamentary Consultative Committee attached to the Ministry of Personnel, Public Grievances and Pensions set up under the Chairmanship of P.K. Thungon in 1988 pleaded for the constitutional recognition of Panchayati Raj and timely and regular elections to these bodies be ensured. It also recommended that Zila Parishad should be the only planning and development agency in the district.

When Rajiv Gandhi became the Prime Minister, there came along with it the political will to revitalize the Panchayati Raj Institutions. He took keen interest to revitalise these grass root

institutions which had become ineffective bodies. During the time of Rajiv Gandhi government, attempts were made to reconstruct these local governments, both rural and urban. Rajiv Gandhi took the initiative to amend the Constitution in order to give more teeth to the Panchayati Raj Institutions. In 1987 and 1988 a series of conferences and workshops were held under the Chairmanship of the Prime Minister, where district collectors were summoned and the theme was on 'responsive administration'. The views of these officers were further discussed with state Chief Secretaries and the consensus which the Central Government formed out of these deliberations was to decentralize functions, power and authority to the local government and to strengthen it. Originally, only Panchayati Raj was in the Centre's mind for reform, but later it was decided to amend the Constitution further to cover the municipal arm of the local government. Two Bills, the 64th and 65th Amendment Bills, were accordingly introduced in the monsoon session of the Indian Parliament. The 64th Constitutional Amendment Bill was introduced on July, 1989. The same was passed by the Lok Sabha on August, 1989. Unfortunately this Bill could not be enacted as it was not approved by the Rajya Sabha. The Bill was vehemently opposed by the opposition on the ground that it sought to strengthen centralization in the federal system. The 65th Constitutional was introduced in the Lok Sabha in August 1989. Although the Bill was passed in the Lok Sabha, it was defeated in the Rajya Sabha in October 1989 and hence, lapsed.

But the idea of conferring constitutional status to local government was not forgotten. The National Front Government, soon after assuming office in 1989, under the Prime Ministership of V.P. Singh announced that it would take steps to strengthen the Panchayati Raj Institutions. In June 1990, a two day conference of the Chief Ministers was held to discuss the issues relating to

strengthening of the Panchayati Raj Bodies. The conference endorsed of the proposal for the introduction of a fresh Constitutional Amendment Bill. Consequently the Constitutional Amendment Bill was introduced in the Lok Sabha in September 1990. The feature of this being that the state government position was not infringed upon in the least. However, the fall of the government resulted in the lapse of the Bill.

The Congress Government under the Prime Ministership of P.V. NarashimhaRao again considered the matter of the constitutionalisation of Panchayati Raj Bodies. It drastically modified the proposals in this regard to delete the controversial aspects. Finally it introduced the Constitutional Amendment Bill in the Lok Sabha on 16th September 1991. It was passed by the Lok Sabha on 22nd December, 1991 and the Rajya Sabha on 23rd December, 1992. Later it was approved by the 17 States Assemblies and received the assent of the President of India on 20th April, 1993. Thus it emerged as the 73rd Constitutional Amendment Act, 1992 and came into force on 24th April, 1993.

Some of the important provisions of the 73rd Amendment Act are:

- (i) A Gram Sabha consisting of all registered voters powers and perform as the State Legislature may provide statutorily.
- (ii) To establish the Panchayat system at village, sub-district and district levels ; seats in the panchayat bodies at each level are to be filled by direct election or there may be ex-officio members at intermediate and district levels.
- (iii) Seats have been reserved for Scheduled Cases and Schedule Tribes in proportion to their population; one-third of these reserved seats are meant for women.

- (iv) One-third of the total seats have been reserved for women which include seats reserved for Scheduled Cast/Scheduled Tribe women.
- (v) Seats on similar basis have also been reserved in regard to chairmanship at each level.
- (vi) Reservation has been made for backward classes too.
- (vii) Term of the Panchayats have been fixed as five years; election are to be held within six months of any dissolution.
- (viii) Minimum age of members of Panchayat has been fixed at 21.
- (ix) Powers and functions are to be assigned by the state legislature to the Panchayat bodies which may include preparation of plans for economic development and social justice as well as their implementation.
- (x) Panchayats are to be empowered by the State Legislature to impose taxes, fees and duties and also entitled to a share in State Government taxes and grant-in-aids.
- (xi) A fund is to be constituted for crediting all moneys received and for withdrawal of such moneys there from, by or on behalf of the Panchayats.
- (xii) A Finance Commission to review financial position of the Panchayats is to make recommendations to improve the financial position.
- (xiii) A State Election Commission is to be appointed by the Governor to supervise, direct and control Panchayat elections.
- (xiv) The Act also puts a bar to interference by courts in electoral matters of Panchayats.

Whereas, the Central Act has a number of plus points, it has minus points too. The Act has not clearly defined the role of political parties. Nowhere has it mentioned that political parties can enter into election arena in their formal capacity. Similarly, it is completely silent over the relationship between Panchayati Raj institutions and local level bureaucracy. Besides this, the experience of decentralization in several states suggests that the effective transfer of power throws up problems of its own.

In view of the future challenges, which are presently invisible but even then some indications are that some states are not willing to hand-over the powers to the Panchayati Raj Institutions in the true spirit of Constitutional Amendment Act. Thus, there is a need for constant vigil. We much see that whether the aims and objectives of the constitutional amendment and the aspirations generated by it have been met. In this regard a lot of interest has been generated by the people, academicians and political leaders who believe in democratic decentralization. During the last couple of years all over the country, conferences, discussions and seminars have been held with a view to finding ways and means for implementing the provisions contained in the Act. In fact, even after constitutional recognition and new legislations brought about by the State legislatures in the country, the success of Panchayati Raj will largely depend upon the political will of the State Governments. State leaders and bureaucracy must understand the reality that with this new enactment, the Panchayati Raj Institutions are not only the part of Constitution but also a third level of government. Thus, these institutions need due respect and support.

The recent Constitutional Amendment Act have also been regarded as 'toothless' by certain sections. Decentralization without restructuring power may mean empowering the local elite rather than the local people. When we have a very feudal power structure, decentralization results in less power to the poor

than more. Unless the “balance of forces” in the rural areas were changed, the Panchayati Raj features would be minimized by the rural rich. Decentralization has to be accompanied by a major reform of the power structure.

No doubt, there are a few imperfections in the enactment but the present writers are sincerely of the view that these enactments should be seen as the starting point of a learning process that can happen only gradually and with experience over a period of time.

The 73rd Constitutional Amendment Act constitutes a major mile stone in the history of rural local self government as it provides political and administrative decentralisation and devolution of resources and powers to local people. The 73rd Amendments to the Constitution constitute a new chapter in the process of democratic decentralisation in the country. In terms of these Amendments, the responsibility for taking decisions regarding activities at the grass roots level which affect people’s lives directly would rest upon the elected members of the people themselves. By making regular elections to Panchayati Raj bodies mandatory, these institutions have been given permanency as entities of self government with a specific role in planning for economic development and social justice for the local area. In totality, the intention of these Amendments is to assign a position of command to them in the democratic framework of the country. But there seems to be an area of weakness in the constitutional scheme. Local government being a State subject under Schedule VII, the implementability of these provisions is, to a large extent, dependent on the intention and strength of the State Panchayati Raj enactment. The challenge is to ensure architecture for the State law which is in total harmony with the spirit of the 73rd Amendment.

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