

NEW PANCHAYATHI RAJ SYSTEM

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ABSTRACT

The first sign of a healthy democracy decisions are made by the people who are most affected by them. decentralization is a prime mechanism through which democracy becomes truly representative and responsive. Further, the effectiveness of development administration depends on two interrelated factors.: (1) the capacity of the administrative system to bring about, sustain and strengthen goal-oriented change in the socio-economic institutions and (2) the level and quality of people's participation in the formulation and implementation of developmental policies and programmes. The strength of participation, in turn, depends on the ability of the people to participate, their willingness to involve themselves in the change-process, and the opportunities provided to them to participate in the process of self-governance.

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1 INTRODUCTION

The linking mechanism between administrative effectiveness (or administrative development) and participation is the delegation of authority to the people at the grassroots. Thus, decentralization brings administration closer to people. For a country like India, a majority of whose population lives in rural areas it is not enough if decentralization of governance at the local level remains mere creed, but is an operational imperative. After independence particularly, the focus of government shifted from regulatory to welfare administration and the crucial challenge before the rulers was the up-liftment of the millions of the down-trodden. Schemes for rural development could not have succeeded if the rural population had not participated in their formulation and implementation. This participation was ensured through the creation of a network of local government organizations. An interesting fact of India's constitutional history is that, before the enactment of the 73rd Constitutional Amendment (which provides a constitutional status to panchayati raj institutions), any reference in the Constitution of India to decentralized frame work of rural local government was confined to the Directive principles of State policy. Article 40 which is a directive to the state, stipulates: "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." There has now been a big leap forward through the 73rd Amendment, under which, the Eleventh Schedule of the Constitution enumerates a list of the functions which the state government can give to the villages, while Article 243(G) stipulates that state legislatures may endow Panchayats with such powers as may enable them to function effectively as self-governing institutions. Before describing the panchayati raj structure in India, a brief history of the movement would be in order.

2 PANCHAYATI RAJ: AN EVOLUTIONARY PERSPECTIVE

In India, the institution of Panchayats has a hoary history, though its truly 'democratic' form is of recent origin. In fact, Rippon's Resolutions of 1881 and 1882 can be taken to be the origin of modern local government in India. The quest for the revival of villages in free India was supported by several innovations aimed at institution-building. The first such experiment was the Community Development programme(CDP) inaugurated on 2 October 1952, the CDP created an infrastructure for local governance and set up an entirely new unit called the CD block, each of which was headed by a Block Development Officer. It brought in several schemes for the social-economic up-liftment of the villagers. The reliance was on government schemes supported with people's participation. Thus, the CDP aimed at "Retention or revival of the Rurality which was taken for granted not only as a hallmark of village life in India but almost as the source of cultural continuity of the Indian civilization".

The second experiment was the National Extension Service (NES) launched in 1953. NES blocks were carved out as the lowest administrative and development units, each comprising 300 villages and functioning under the supervision of a Block Development Officer. Besides, Extension officers were posted in the blocks to provide technical guidance to farmers and small entrepreneurs. Though both the programmes were initiated with great expectations, they failed to achieve the desired results. Both were trapped within the control of the bureaucracy which could not appreciate that the initiative for development must be left with the people. A 'governmentalised' development programme could hardly evoke people's participation and, therefore , it met with only partial success in creating a truly decentralized system of development administration.

Anxious of redress this imbalance, the Government of India appointed on 16 January 1957, a committee, under the chairmanship of Shri. Balwantray Mehta, to examine the working of the CDP and the NEW and to report on the creation of institutions through which the participation of the rural population could be elicited. The committee submitted its report to the National Development Council on 24 November 1957, the philosophy underlined in the report was to move the decision-making centres closer to the people. The main recommendations of the Mehta Committee were: (a) A three tier system of Panchayati Raj from the village to the district level with multi-level linkages, be created. The institutions envisaged were zila parishad at the district level, Panchayats Samiti at the block level and gram panchayat at the village level. (b) There should be a genuine transfer of power to these institutions. (c) Adequate resources should be transferred to these bodies. (d) All developmental schemes at these levels should be channelled through these PR institutions.

The Union, as well as state governments, welcomed the scheme of decentralization of governance, particularly for strengthening development administration. Soon, the process of adoption of the scheme started at the state level. Panchayati raj was launched 2 October 1959, Mahatma Gandhi's birthday, in Nagaur district in Rajasthan. Andhra Pradesh followed suit the same year. Thereafter, a majority of the states passed in the necessary legislation to set up the PRIs. However, by mid-1960s it started losing its appeal for reasons such as the increasing tendency towards centralisation in the state governments and even the Central government, lack of resources with the panchayats, corruption and inefficiency in the working of PRIs and repeated postponement of elections to these bodies.

In 1977, the Janata Government, with a view to exploring the possibilities of reviving and strengthening Panchayati raj, appointed the Asoka Mehta Committee, which reported in 1978.

The committee offered the following recommendations for strengthening the PRIs: (a) creation of a two-tier system of Panchayati raj, with zila parishad at the district level and, below it, the mandal Panchayat consisting of a number of villages having a population of 15,000 to 20,000 (b) nyaya Panchayat, presided over by a qualified judge, to be kept as a separate body, (c) open participation of political parties in PRIs through elections contested on a party basis, (d) PRI elections to be organised by the Chief Electoral Officer of the state in consultation with the Chief Election Commissioner, (e) zila parishad to be made responsible for planning at the district level, (f) reducing the dependence of PRIs on state funds and, instead, endowing them with powers of taxation, (g) development functions to be transferred to zila parishads, (h) state government not to supersede the PRIs on partisan grounds and (i) appointing in the state council of ministers, a minister for Panchayati raj, to look after the affairs of the PRIs.

However, due to the collapse of the Janata Government in 1980, no progress could be registered in the direction of implementing the Asoka Mehta Committee report though, in the mid-1980s, Karnataka did borrow many suggestions like that of Mandal panchayat from the Asoka Mehta Committee recommendations.

3 MAIN PROVISIONS OF THE 73RD CONSTITUTIONAL AMENDMENT ACT

The main provisions of the 73rd constitutional Amendment Act can be grouped under two categories: Compulsory and Voluntary.

1. Compulsory provisions

These are specifically provided for through the constitution. They are; (a) organisation of gram sabhas, (b) creation of a three-tier Panchayati raj structure at the zila, block and village levels, (c) all posts at all levels (with two exceptions) to be filled by direct elections, (d) the minimum age

for contesting election to PRIs to be 21 years, (e) indirect elections to the post of chairman at the intermediate and apex tiers, (f) reservation of seats for SC/ST, in Panchayats (chairman and members), in proportion to their population, (g) reservation for women, in Panchayats (chairmen and members) up to 1/3rd sets, (h) creation of a State Elections Commission to conduct elections to PRIs (i) tenure of PRIs fixed at five years and, if dissolved earlier, fresh elections to be held within six months, and (j) in order to review the financial position of the PRIs, each state to set up a State Finance Commission every five years.

2. Voluntary Provisions

The implementation of voluntary provisions has been left to the will of the state. They are: (a) giving voting rights to members of the Union and state legislature in these bodies, (b) providing reservation for backward classes, (c) giving the PRIs financial powers in relation to taxes, levy, fees etc., (d) making the panchayats autonomous bodies, and (e) devolution of powers to the panchayats bodies to perform some or all of the functions suggested in the Eleventh Schedule added to the Constitution through the 73rd Amendment and/ or to prepare plans for economic development.

4 TOWARDS RENEWED THRUST OF PANCHAYAT RAJ

The 73rd constitutional Amendment has heralded a new era for panchayati raj. The PRIs have been provided additional legitimacy and vitality. However, what must be guarded against is the "formalism" of any politico-administrative reforms. A legal-structural reform may not bring about a change in the 'spirit' in which it is executed. The government's efforts to encourage participation of the weaker sections and the down trodden such as the SC/ST and women is

indeed commendable. Yet, it must be remembered that change cannot be brought about overnight. This segment of society which has been subjected to exploitation for ages cannot break free of all the shackles of illiteracy, poverty and tradition at once. According to the English Five Year Plan, out of all the rural families in India, about 30 percent are matriarchal. Despite this, most women are uneducated, have little or no property and live in a tradition-bound society. In such a case, the politically powerful can make them contest elections for their own political gains. Hence, this provision would be really fruitful only if women (and SC/ ST) were given proper training in the working of politico-administrative institutions.

Real development also cannot be possible unless the sources of revenue of the PRIs are strengthened and these institutions are included to make themselves financially self-sufficient. Finance Commissions are being set up under the new provisions with a view to providing more finances to the panchayats. The Gujarat Panchayati Raj Act, 1993 has already made efforts in this direction. It states that 50 percent of the village (land) revenue would be utilized for the welfare of the village and out of the remaining 50 percent, 25 percent would be given to the taluka panchayat, 10 percent to the zilla level and 7.5 percent kept for the backward classes and the remaining 7.5 percent given to Panchayats which are doing commendable work.

The powers of PRIs, in relation to the process of socio-economic planning also, ought to be authentic. Not being given a say in plan formulation would reduce the PRIs to helpless spectators. A hopeful feature is that, as against the Rajiv Gandhi model proposed vide the 64th Constitutional Amendment, the 73rd Amendment goes a step further. While the 64th Amendment stipulated that elections to the PRIs would be conducted by the Chief Election Commissioner, the 73rd Amendment provides for an Election Commission for each state for the conduct of PRI elections. Some states have already appointed such officials. The enactment also

provides that gram sabhas would be constituted at the village level, thereby giving them a constitutional status. More powers and functions can now be devolved upon panchayats, if the state legislatures so decide. And, yet, the role of bureaucracy in decentralized development cannot be written off. Therefore, a new equation will have to be arrived at between the bureaucracy and the PRIs. Undoubtedly, the process is bound to be painful.

It has now been constitutionally laid down that elections to the PRIs would be held every five years. This is a praiseworthy step, a election to the PRIs have repeatedly been postponed in the past in many states due to several reasons.

It needs to be stressed that the functions allotted to the panchayats ought to be real. Although the Eleventh Schedule of the Constitution contains 29 items which can be handed over to the village panchayats, this has been left for each state to decide. past experience also shows that arrangements for flow of funds and technical support are more essential than a mere enumeration of functions, even where the functions are assigned to panchayat bodies.

Lastly, as elections to the PRIs would be fought on a party basis, the villages could well turn into battlefields in the struggle for power. However, if the political parties play a positive role by helping the process of educating the villagers, studying and offering solutions to their problems, creating a spirit of community and launching a campaign against social evils in the villages, they can modernize rural India and draw the rural masses into the mainstream of national politics.

CONCLUSION

To conclude, admitting that the PRIs in India are weak and assuming that it will not be smooth sailing for them even after the 73rd Amendment, they do have an important role to play

in India's development. Already, the PRIs have several achievements to their credit. These institutions have enhanced the political consciousness of the people and initiated a process of democratic seed-drilling in the Indian soil. What the government should attempt now is gradually to delimit the role of the bureaucracy, to promote local leadership, to remove structural deficiencies, encourage PRIs to strengthen their financial resources, bring in effective coordination among these institutions and between PRIs and the state governments and give them effective powers in relation to planning and its implementation. For this, the will to decentralize and delegate, on the part of the state governments, is a prerequisite. Action on these lines is the least that is expected of the rulers proclaiming their faith in and loyalty to Gandhian principles.

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