

Panchayati Raj in India: A Grassroots Democratic Framework

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Abstract

The Panchayati Raj Institution in India provides the administration apparatus for implementation of the programmes of rural development. The 73rd Constitutional Amendment Act of 1992 provided Constitutional status and institutional framework to panchayat to strengthen grassroots democracy through elected self-governing local bodies in rural India. The paper discusses the historical background, grassroots democratic framework and structure of Panchayati Raj in India. The 73rd Constitutional Amendment Act of 1992 formalized this three tier structure (village, block and district levels) and mandate regular elections, reservations for marginalized groups and defined powers and responsibilities for these institutions.

Keywords: Panchayati Raj Institution, grassroots, democracy, 73rd Constitutional Amendment, Local Self-Government.

Introduction

It is now widely accepted that self-governing institutions at the local level are essential for national growth and effective people's participation. They are an integral and essential part of the democratic process.ⁱ Democracy is considered as one of the best forms of government because it ensures liberty of thought, expression, belief, faith and worship, equality of status and opportunity, fraternity as well as the right to participate in political decision making. Participation and control of governance by the people of the country is the essence of democracy. Such participation is possible only when the powers of the state are decentralized to the district, block and village levels. Where all the sections of the people can sit together, discuss their problems and suggest solutions and plan, execute as well as monitor the implementation of the programmes. It is called the crux of democratic decentralization.ⁱⁱ Panchayati Raj Institutions and grassroots units of local self-governance have been considered as tools for socio-economic transformation in rural India. It is identified as an institutional expression of democratic decentralization in India.ⁱⁱⁱ

Evolution of Panchayati Raj in India:

The panchayati raj is an ancient concept which has a long history in India. The elements of panchayats did exist in the ancient period.^{iv} In this way these are the oldest administrative institutions in the country. "The tradition of having panchayats, has been one of the fundamental concepts of Indian culture". If we go into the historical context of PR system, we will find that the system has been existing in India since in the ancient Vedic periods. In Vedic age, the village was looked after by a person who is known as Gramini. Likewise in the periods of Mauryas and Guptas references are found of a village and a district respectively. The Mauryan and Gupta administration provided a systematic base to the PR system. During the Mughal administration, panchayats used to perform works relating to administrative social and economic development.^v

Panchayati Raj System during the British Period:

By the time of the British rule in India, panchayats had practically lost their importance and identity. The first attempt made by the British government to establish local self government was in 1800, when a district local fund was created consisting of a local cess of one anna in a rupee, of land revenue, toll and ferry charges and cattle pond receipts. The district local fund committee was empowered to incur expenditure on local works and education. Taluk level committee was also established. The true spirit of local government can first be traced to Lord Mayo's regulation of 1870 which proposed a sharing of revenue with the provinces. Lord Ripon's resolution of 1882 for the first time stressed the educative aspect of administration. He stated, "it is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly defined as an instrument of political and popular education". The next important piece of legislation was the Bombay village panchayat Act, 1920. Under this act, the panchayats were constituted into an elected body. The members were elected by adult male villagers. District local boards were vested with the power to supervise and control panchayats. The Hatch committee was appointed in 1925 to consider the position of village panchayats. It recommended the enfranchisement of women, handing over the control of bazaars and slaughter houses etc. It further recommended contribution of funds to the panchayats by district local boards and the governments. As a result the Bombay Village panchayat Act, 1930 empowered the village panchayats to take up various activities, including some socio-

economic functions and gave them power to levy various taxes and duties to increase their income.

Although the panchayats were revived by Lord Ripon in 1882, they did not in real sense represent the will of the people and the panchayats could hardly be said to be a local self government. It was vested with little power and was totally controlled by the government and its authorities. People had little say in the administration of the village by the government. It's sources of finance were very much limited.^{vi}

Constitutional Status of Panchayati Raj in India:

The Indian Constitution envisaged a two-tier system of federation. It was quasi-federal and biased towards the union. It draws heavily from the Government of India Act, 1935. The observation of B.R. Ambedkar, the chief architect of the Indian Constitution, in the Constituent Assembly that: 'I like a strong united centre, much stronger than the centre we had created under the Government of India Act of 1935', reflected the mood of the makers of the Indian Constitution. No wonder in the first draft of the Constitution, 'Panchayat' was left out and when it was introduced under Gandhiji's intervention it found a place only under the Directive Principles of State Policy as Article 40, which 'cast a duty on the centre as well as the states to establish and nourish the village panchayats so as to make them effective, self-governing institution.'^{vii} The tiered structure of local government originating at the village panchayat and integration at successively higher levels going up to the centre was a part of the Gandhian Constitution for free India formulated in 1946. The scheme was debated in the Constituent Assembly and was referred to the Constitutional Advisor. The arrangement did not find favour mainly on tactical grounds that it would mean a complete revision of the Constitution which was at the final draft stage. Finally gram panchayats found a mention among the Directive Principles of State Policy. Again, almost coinciding with the Balvantrai Mehta Committee Report, Jayaprakash Narayan came up with A Plea for the Reconstruction of Indian Polity representing his 'organic' or 'communitarian' view of Indian society. First formal proposal for 'providing constitutional sanction to panchayati raj' was put forth by the Ashok Mehta Committee which contains a Draft Constitution Amendment Bill with a view to make the PR 'an organic integral part of our democratic process and they should be accorded appropriate constitutional status and reorganization'. The Sarkaria Commission underlined the urgent need for decentralization below the state level and mentioned 'amendment of the

constitution' as one of the alternatives for attaining 'uniformity of laws throughout the territory of India'.^{viii}

Any attempt in the past of the strengthen Panchayati Raj Institutions has met with the little success and through decades these institutions have only decayed, thereby generating a new debate as to how to strengthen these bodies which are vital for the upliftment of the rural population? One of the ideas that gained currency in the late eighties was that the Panchayati Raj Institution should be conferred a constitutional status, by enshrining in the constitution certain basis and essential features to impact certainty, continuity and strength to them. Dr. L.M. Singhvi Committee (1986) examined this aspect and recommended conferring constitutional status to the Panchayati Raj Institution saying that a 'separate chapter' should be added in the Constitution of India so as to make the "identity and integrity of PRIs, reasonable and substantially inviolate."

Following the many developments, the Rajiv government at the centre decided to move a comprehensive amendment in the Constitution of India to give a firm basis to the essential features of the Panchayati Raj Institution. This was done in the form of 64th Constitution Amendment Bill, in 1989. This bill, however, could not be enacted as it was not approved by the Rajya sabha.

In the Parliamentary elections held in December 1989, Janata Dal led by V.P. Singh formed the government at the national level. The new government again moved the bill in Lok sabha, with some modifications, in September, 1990. Unfortunately, the Janata Dal government could not survive the full term and fresh election to Lok Sabha were held in June 1991, which brought Congress (I) back to power under P.V. Narasimha Rao. The Panchayati raj received the attention of the new government also and it introduced on September 16, 1991 the Constitution (Seventy-Second Amendment) Bill, 1991. The Bill was referred to a Joint Committee of Parliament having 30 members drawn from both Houses. The Committee reported back to Parliament in July 1992. Thereupon, it was unanimously passed by the Lok Sabha on December 22, 1992 and Rajya Sabha the next day of the same year. Within four months 17 states had ratified it (ratification by half of the states was essential as per provisions of the Constitution relating to such an amendment). It was then renumbered, became effective on April 24 of same year as the Constitution (73rd Amendment) Act, 1992.

The Amendment inserts a new part IX-in the Indian Constitution containing Article Art 243 to Art 243-O and a new Schedule – The Eleventh Schedule.^{ix}

Salient Features of the Panchayati Raj Act:

Greater participation of people in Government demands greater decentralization of decision-making and administration. The institution of Panchayati Raj aims at achieving a greater decentralized system of administration. The Constitution (73rd Amendment) Act, 1992 is a momentous step in this direction. This Act envisages states to establish three-tier system of strong, viable and responsible panchayat at the village, intermediate and district levels. States are expected to devolve adequate powers, responsibilities and funds upon these bodies so as to enable them to prepare plans and implement schemes for economic development and social justice.

It provides for division of Panchayat into constituencies with seat's allotted to them in such manner that the ratio of population of different constituencies and the number of seat's would be the same throughout the panchayats as far as practicable. The Act provides for direct elections for the members at the level of panchayat. However, at the District level the model of election is left to the State Government. It also provides for mandatory reservation for SC/ST's in every panchayat in the same proportion as the population in the panchayat area. Of these, one third of the seats would have to be reserved for women belonging to these categories. It provides for a uniform five year term for all the Panchayati Raj Institutions. The provisions has also been made for separate Election Commission (EC) for conducting election, constitution of separate commission for evaluation of PRI's and necessary training for officials and non-officials functionaries of Panchayat at all levels.^x

Conclusion

The institutions of Panchayati Raj are a milestone in the journey of administrative institutions at the grassroots level. Panchayati Raj Institution is not a new term in political structure; it has existed at all phases wherever the culture of administration developed. Panchayats have played a significant role in the development of rural areas in India. The Panchayati Raj system faces several hurdles as mentioned above. The 73rd amendment to the constitution is believed to have produced grassroots democracy in India. In reality, bureaucratic procrastination, public indifference, a lack of political will, and consistency contributed to the

decline of the scheme. The allocation of one-third of seats in local governments for women, as well as seats for scheduled castes and scheduled tribes in accordance with their regional populations, is the most revolutionary provision. Making panchayats a part of the Constitution alone would not solve the problem of grass-roots democracy unless its limbs are given more power and freedom.

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