



GRAM SWARAJ IN INDIA: THE IDEA OF A FULL FLEDGED BODY OF PANCHAYATI RAJ BY THE CONSTITUTION (73RD AMENDMENT) ACT, 1992

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ABSTRACT

The paper attempts to determine and analyze theoretically the conversion of Panchayati Raj Institutions (PRIs) in rural Bengal. The basic objectives of Panchayati Raj Institutions (PRIs) is that the socio-economic development of people of rural area. An elementary level of local self-government had long been operative in India since the Vedic times. However, with the passage of time, the nature, character and role of the local self-government have undergone a challenge so much so that the panchayat of today owes very little to the local government of the past.

The Eleventh Schedule (Article 243G) of 73rd Constitution Amendment Act listed twenty-nine broad areas where the PRIs have to play a crucial role in improving the overall standard of life of village populace. As a result, the PRIs are now dealing with the Human Resource Development Programme sponsored either by State or Central Government throughout the country.



KEYWORDS : Gram Swaraj, PRIs, Socio- Economic Development.

INTRODUCTION

The system of panchayati raj has been the hub of the Indian civilization since the early of Indian history. The ancient holy books like *Rigveda*, *Manusamhita*, *Upanishads*, *Jatakas*, *Satapath Brahman* etc. refer extensively to auto local administration and in those days village was considered as the basic unit of government and it enjoyed complete autonomy. Records reveal further that even a king did not dare to interfere in the local affairs of the village (Mullick and Raaj, 2007).

The importance of Panchayati Raj should be obvious in a country where four, out of every five citizens live in the villages and where the incidence of poverty is much higher than in towns. Thoughts on rural local governments or Panchayati Raj are thus an integral part of the concern for social and economic amelioration of the rural people. Panchayati Raj system is an innovative mechanism to bridge the yawning gap between the decision –making centers and the centers of action (Patel, 1984, p.59).

India is predominantly rural and any programme on rural development, therefore, gains prime importance. And that is why Mahatma Gandhi's idea of *Gram Swaraj* was a land mark in establishing Panchayati Raj system in the country which meant all-around and integrated development of the villages. (Tomar, 1991, p. vi). The objectives of such a system were to take the local self-government to the grass-root level by giving impetus to the village panchayats.

The Panchayat Raj is a South Asian political system mainly operative in India, Pakistan, and Nepal. "Panchayat" literally means assembly (*yat*) of five (*panch*) wise and respected elders chosen and accepted by the village community. Traditionally, these assemblies settled disputes between individuals and villages. Modern Indian government has decentralized several administrative functions to the village level,

empowering elected gram panchayats particularly after the enactment of 73rd Constitution Amendment Act, 1992.

An elementary level of local self-government had long been operative in India since the Vedic times. However, with the passage of time, the nature, character and role of the local self-government have undergone a challenge so much so that the panchayat of today owes very little to the local government of the past.

PANCHAYAT SYSTEM OF PRIOR INDEPENDENCE

The Panchayati Raj system has been the pillar of rural social structure from the ancient period. In the early Vedic age, Aryans used to live in villages or grammas. The head of the village was called '*Gramini*'. The affairs of the village were managed by an elected Panchayat. The *Rajan* or king was helped by several officers like priest (*Purohit*), Commander in chief (*Senani*) and the head of the village (Gramini) [Majumdar, Roy Choudhary and Dutta, p. 123].

During the Gupta period, Indian society witnessed well developed system of village self-administration. The lowest administrative units were the 'Kurram' (Union of villages) and 'grama' (village) each under its own headman and his counterpart in the 'Nagarpati' of cities. In certain rural areas the village assembly consisted of the whole adult population, In others of Brahmins or a few great man who were selected by a king or ballet (Jena and Mahapatra, 1988, p.146).

During the Moughal administration, Akbar had inaugurated the policy of "India for Indians". During this period of socio-political turmoil there self governing institutions were relegated to a position of no-importance.

It was the logic of events and of necessity which was mainly responsible for cropping up of a system of local administration in the early stage of British. The Act of 1858 strengthened the rule of British parliament which gave rise to certain welfare activities. The Government of India Resolution of 1870 gave a strong stimulus to the development of local self-government. This system which was introduced in 1871 was undoubtedly a remarkable improvement. This was the foundation on which the liberal regime of Lord Ripon built the superstructure of district Boards.

PANCHAYAT SYSTEM OF POST INDEPENDENCE PERIOD

While outlining his vision of free India which instantly captivated Indian masses as well as sophisticated intellectuals-Mahatma Gandhi was careful to state that his concept of "Ramrajya" of which Panchayat autonomy was an integral component was not derived from any specific historical period but was rather an "Ideal construct" based on amalgam of the best features of diverse periods of ancient history.

The constitutions of India provides for the village self-government under Articles 40:

The state shall endeavour to endow village panchayats with sufficient powers and authority to enable them to function as units of self-government (Constitution of India, Article 40).

The framers of the Constitution considered the inclusion of self-governing institutions as the most important in the democratic life of the country. They were inspired by the repeated emphasis of Gandhi on the establishment of panchayats all over India.

Mahatma Gandhi advocated Gram Swaraj. During the struggle for the independence, this constructive programme was evolved by him, making the villages as the epicentre of his entire programme of *Gram Swaraj*. Gandhi was in favour of a broad based pyramid structure of decentralized power with numerous village panchayats at the bottom as the vibrating source of power and a national panchayat at the apex elected by the intermediate level of districts and state panchayats with the ultimate control vesting in the hand of village based government. It is now clear that the old system of village government which was envisaged by Gandhi and was also embedded in the Indian constitution by Gandhiji's followers.

For the better functioning of the Panchayati Raj Institutions quite a number of the evolution groups, commissions study teams were constituted to examine at different point of time, which suggested

measures for strengthening the Panchayati Raj Institutions as an effective instrument for decentralization and the democratization of powers.

Balvantray Mehta Committee (1957)

The launching of a nationwide community development programme for all round economic development of the rural areas necessitated an institutional mechanism to involve the local communities in the process of development (Pannikar, 1974, p.1). The study team on community Development Panchayati Raj--popularly known as Balvantray Mehta committee (1957) recommended the establishment of a three - tier Panchayati Raj system with the middle tier, viz. *Panchayat Samiti*, being the key level in the scheme of decentralization (Balvantray Mehta Committee Report, 1957, p.5).

K. Santhanam Committee (1963)

The committee was appointed to look society at the issue of PRI s finance. The committee was asked to determine issues related to sanctioning of grants to PRIs by the state government, evolving mutual financial relations between the three-tiers of PRIs, gifts and donations, handing over revenues in full or part to PRIs. The committee recommended the following

- (i) Panchayat should have special powers to levy special tax on land revenue and home taxes etc.
- (ii) People should not be burdened with too many demands.
- (iii) All grants and subventions at the state level should be mobilized and sent in a consolidated form to various PRIs.
- (iv) A Panchayat i Raj finance Corporation should be set up to look into the financial resources of PRIs at all Levels, provide loans and financial assistance to those grassroots level governments and also non-financial requirements of village.

Ashok Mehta committee (1978)

The committee was appointed to examine and suggest measures to strengthen PRIs. The committee had to evolve an effective decentralized system of development for PRIs .They made the following recommendations:

- (i) The district is viable administrative units for which planning coordination and resource allocation are feasible and technical expertise is available.
- (ii) PRIs as a two-tier system, with mandal panchayat at the base and zilla parishad at the top.
- (iii) The PRIs are capable of planning for themselves with the resources available to them.
- (iv) Representatives of SCs and STs in the election to PRIs on the basic of their population.
- (v) Participation of political parties in election.

G.V.K. Rao Committee (1985)

The G. V. K. Rao committee was appointed to once again look at various aspects of PRIs. The committee was of the opinion that a total vide of rural development must be taken in which PRIs must play a central role in handling people's problems it recommended the following.

- (i) PRIs have to be activated and provided with all the required support to become effective Organization.
- (ii) PRIs at the district level and below should be assigned the work of planning, implementation and monitoring of rural development programme.
- (iii) The Block Development Office should be the spinal cord of the rural development process.

L.M. Singhvi Committee (1986)

The Government of India then set up a committee in June, 1986 headed by Dr. L . M. Singhvi to prepare a concept paper on the revitalization of the PRIs. The committee recommended that the PRIs should

be constitutionally recognized, protected and preserved by the inclusion of a new chapter in the constitution. It also suggested constitutional provisions to ensure regular, free and fair elections to PRIs (Dubey, 1995, p.108).

64th Amendment Bill

The Government of India brought in the Constitution 64 th Amendment Bill which was passed by the Lok Sabha on 10 th August 1989 (Mishra and Singh, 1993, p.70). This was a comprehensive Bill covering vital aspects of the PRIs including the constitution of a uniform three-tier Panchayatiraj Raj system at the village , intermediate and district levels in all states and union territories having a population of not less than 2 lacs ; reservation of seats for SCs STs and women; guaranteed term of five years for the Panchayats at all levels and election within six months in case of dissolutions ahead of schedule ; specific powers , authority and responsibility to the PRIs ; addition of a new schedule (XI schedule) to the constitution indicating an illustrative list of subject the functions on which could be entrusted to the Panchayats ; conduct of election to the Panchayats , by the Election Commission, etc (Constitution Sixty Forth Amendment Bill,1989). Although the *Lok Sabha* passed the Bill, it was not approved by the *Rajya Sabha*.

Constitution (73rd Amendment) Act, 1992

This matter was considered once again in 1991. The Constitution (73rd Amendment) Bill, 1991 was introduced on 16th September, 1991 which was subsequently referred to a Joint Select Committee of Parliament in December 1991 for a detailed examination (Dubey, 1995,p.110). The Joint Committee presented its report to Parliament in July, 1992. The Constitution (73rd Amendment) Bill was finally passed by the Lok Sabha on 22nd December, 1992 and by the Rajya Sabha on 23rd December, 1992 which was notified by the Central Government through official Gazette on April 20, 1993 as it got rectified by the State legislatures. Seventeen states ratified the Act in a record time. The President of India accorded his assent on 20th April, 1993 (Gazette of India, 1993, Part -II). After notification the Panchayati Raj institutions have now got Constitutional legitimacy. Thus, after facing many storms PRIs got Constitutional status in April 1993 by way of 73rd Constitutional Amendment Act. The Constitution (73 Amendment) Act, 1992 came into effect on 24th April, 1993 (Government of India, S.O., 267, 1993).

After having a minute observation of Constitutional 64th Amendment Bill, 74th Amendment bill and 73rd Amendment Act, one may come to the conclusion that the act is just an amalgamation of the 64th and 74th Constitutional Amendment Bills.

The Constitution Amendment Act has given a practical shape to Article 40 of the Constitution included in the directive principles of the State policy casting a heavy duty on the Centre as well as the States to establish and nourish village Panchayats so as to make them effective institutions of self-Government. The new model is a unique arrangement by the Centre which has made it mandatory on the part of the states to apply these principles in making laws without in any way jeopardizing the federal polity of the country.

SALIENT FEATURES OF 73RD AMENDMENT ACT

The Constitution (73rd Amendment) Act provides for establishment of three-tiers of Panchayats as units of local self-government. It also contains provisions regarding regular elections to Panchayat bodies, setting up of a State Election Commission and a State Finance Commission, reservation for SCs, STs and women, enabling provisions for reservation for Backward Classes of citizens, etc. Adequate powers and responsibilities will have to be developed upon these institutions at appropriate levels to enable them to prepare and implement the schemes for economic development and social justice (Dubey, 1995, p.110). The salient features of the Act are as follows:

Gram Sabha

The Gram Sabha has been envisaged as the foundation of the Panchayati Raj system (Eastern Book Company, 1993, p.2). It shall perform such functions and exercise such powers as may be entrusted to it by the State legislature [Constitution (73rd Amendment) Act, 1992: Government of India ,Article 243-A].

Three-tier System

There shall be three-tiers of Panchayats at the village, inter-mediate and district levels (Article 243-B). Only States having population not exceeding 20 lakhs have the discretion not to constitute the Panchayats at the intermediate level. Under Article 243-L, the President can make special dispensation for Union Territories (Article 243-L)

Direct Elections

All seats in a Panchayat at every level are to be filled up by direct elections from territorial constituencies demarcated for this purpose, with the ratio between the population of such constituency and the number of seats allotted to it being the same throughout the Panchayat area.

Reservation of Seats

There shall be reservation of seats at every level for SCs/STs in proportion to their population in a given Panchayat area and for women to the extent of not less than one third of the total number of seats. Similarly, office of the chairpersons in the Panchayats at each level shall be reserved for women, to the extent of not less than one-third of the total number of office of chairpersons in the Panchayats at each level, and, for SCs and, STs in proportion, to the total number of chairpersons of Panchayats at each level as the population of SCs/STs in the state bears to the total population of the state (Article 243-D). In addition, the legislature of any state can make provision for reservation of seats in any Panchayats or office of chairpersons in the Panchayats at any level in favour of the Backward Classes.

Five Year Term

The term of office of Panchayats at every level shall be five years (Article 243-AE) and if dissolved earlier or on expiry of the term, elections must be completed within six months from the date of dissolution or expiry.

Finance Commission

Within one year from 24th April, 1993 *i.e.* the coming into effect of the Constitution (73rd Amendment) Act, 1992 and thereafter, at the expiration of every fifth year, a Finance Commission shall be constituted in every State to go into the principles governing the distribution and devolution of financial resources between the State and the Panchayats at every level and the measures to improve the financial position of the Panchayats (Article 243-I) To provide for Finance Commission

State Election Commission

The direction and control of the preparation of electoral rolls and the conduct of all elections in the Panchayats shall be vested in a State Election Commission; to be constituted by the State concerned (Article 243-K).

Eleventh Schedule

Finally, the XI Schedule comprising of 29 items has been added to the Constitution which ought to provide an effective role to the PRIs in the planning and implementation of works of local significance ranging from drinking water, agriculture, land and water conservation, communication, poverty alleviation

programmes, family welfare, education, libraries and cultural activities, maintenance of community assets etc (Article 243-G).

CONCLUSION

India is predominantly rural and any programme on rural development, therefore, gains prime importance. And that is why Mahatma Gandhi's idea of *Gram Swaraj* was a land mark in establishing Panchayati Raj system in the country which meant all-around and integrated development of the villages. (Tomar, 1991, p. vi). The objectives of such a system were to take the local self-government to the grass-root level by giving impetus to the village panchayats.

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