

Role of Panchayat Raj System in Democracy with Special Reference to Rajasthan

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"Panchayats should be given greater powers, for we want the villagers to have a greater measure of swaraj (self-government) in their own villages" -Jawaharlal Nehru

Abstract

Political decentralization generally means strong and vibrant means of local government. Decision-making being closer to the people, decentralization ensures decision-makers more effective accountability to the governed. Panchayat Raj, a synonym of democratic decentralization, was introduced in India in the late 1950s and early 1960s to restore to the erstwhile institution of Panchayat the pristine glory that it enjoyed in ancient India. It was introduced by 73rd Amendment to the Constitution and formally recognized the third tier of government at the sub-State level, thereby creating the legal conditions for local self-rule – or Panchayati Raj. India has a chequered history starting from self-sufficient and self-governing village communities that survived the rise and fall of empires in the past to the modern institutions of governance with constitutional support. Though the basic structure of the PRIs or panchayat raj Institutions is identical across the states of India, it is described via different nomenclatures in different states [1]. Every panchayat has its own characteristic features and their working also differs from one another.

Evolution of Panchayat System in India

1. Pre British Period:

The institution of Panchayati Raj is not new to India. It existed since the earliest times. We get ample references about the Panchayats in Manusmriti, Arthashastra and the Mahabharata. During the Muslim rule also talks the system continued to operate unobstructed. Arthashastra of Kautilya gives a comprehensive account of the system of village administration prevailing in his time [2]. The village was the basic unit of administration in the Vedic period. The Vedic polity consisted of two popular assemblies namely the 'sabha' and the 'samiti.' The Samiti enjoyed the powers of electing the King, while the Sabha indulged in Judicial functions. During the period of Mughals, Akbar It was autonomous in its own sphere and exercised powers of local taxation, administrative control, justice and punishment.

2. British Era:

The state system, after the advent of the British, emerged as a highly centralized set up the form adopted during the British rule was an admixture of the British and continental patterns. From 1870 Viceroy Lord Mayo's resolution gave the needed impetus to the development of local institutions. The real benchmarking of the government policy on decentralization can, however, be attributed to Lord

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Ripon who, in his famous resolution on local self-government on May 18, 1882, recognized the twin considerations of local government:

(i) Administrative Efficiency and

The Rippon Resolution, issued by Lord Rippon which focused on towns, provided for local bodies consisting of a large majority of elected non-official members and it was headed by a chairperson, who was also a non-official member. This resolution met with resistance from colonial administrators. The progress of local self-government was not that successful with only half-hearted steps taken in setting up municipal bodies. However, rural decentralization was not administratively reformed.

The Royal Commission on Decentralisation (1907) under the chairmanship of C.E.H. Hobhouse recognised the importance of panchayats at the village level. The commission recommended that to associate rural people also to be a part of administration it is necessary to constitute panchayats.

The Montague Chelmsford reforms brought a significant development of village Panchayats in a number of provinces. By 1925, eight provinces had passed panchayat acts and by 1926, six native states had also passed panchayat laws. D.P.Misra, the then Minister under Government of India Act 1935, remarked that the local self – Government bodies are inefficient. When the constitution was drafted, panchayat system was placed as the non-justifiable part of the constitution under Article 40 of the Directive Principles of State Policy.

3. Post-independence Period:

Although the idea of decentralized planning is as old as the Gandhian economic thought, attempts at giving a concrete shape to this thinking may be said to have been made in the post-independence period. In the Initial Years, Local bodies like panchayats, by and large, functioned as civic agencies of the state government and not as instruments of micro-level planning. It was during the third five-year plan, rural development strategies were evolved and attempts were made to constitute three-tier Panchayat system was made. But it was not successful except for few states. Many Committees were set up to establish the successful Panchayat system but no concrete steps were taken in this regard.

➤ **Balwant Rai Mehta Committee:**

The Balwant Rai Mehta Committee was a committee appointed by the Government of India in January 1957 to examine the working of the Community Development Programme (1952) and the National Extension Service (1953) and to suggest measures for their better working. The committee suggested the following:

- * An early establishment of elected local bodies and devolution to them of necessary resources, power and authority.
- * Panchayats should have special powers to levy a special tax on land revenues and home taxes, etc.
- * Its function should cover the development of agriculture in all the aspects, promotion of cottage and local industries, etc.,
- * The body must be constituted for five years by means of indirect elections from the village panchayats.
- * Governance in a way that was large enough for efficiency and economy of administration and small enough for sustaining a sense of involvement in Citizens.

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➤ **Ashok Mehta Committee:**

With the coming of the Janata Party into power at the Centre in 1977, a serious view was taken of the weaknesses in the functioning of Panchayati Raj. It was decided to appoint a high-level committee under the chairmanship of Ashok Mehta to examine and suggest measures to strengthen PRIs. The Committee had to evolve an effective decentralised system of development for PRIs. They made the following recommendations:

- * Reservation of seats for the weaker sections
- * Two seats for women
- * Adequate financial resources for the panchayats
- * The requirement of Constitutional sanctions
- * To extend people's participation in developmental activities.

The recommendations of these committees were not implemented due to the falloff Janata Government. During 1980's, two important Committees were appointed to look into local governments: GVK Rao Committee in 1985 and Dr L.M. Singhvi Committee in 1986.

➤ **G.V.K. Rao Committee:**

The committee suggested that the PRIs should be assigned the work of monitoring, planning and implementation of varied rural development programmes with a Block Development office.

➤ **L.M. Singh Committee:**

L.M. Singhvi Committee recommended the following. that the Panchayati Raj Institutions should be constitutionally recognized and protected. A new chapter in the constitution should be provided to define their powers and functions and free and fair election to be conducted through the election commission. It also recommended for the appointment of finance commission and all the rural development programmes are entrusted to the Panchayati Raj Institutions by amending schedule VII of the constitution.

Panchayat under Draft Constitution:

Quoting the Constitutional Assembly debate on 22 November 1948. That led to the insertion of the provision relating to Village panchayats in the Constitution K. Santhanam, the then Vice president of India mentioned the need for Panchayat System as follows: "A Definite and unequivocal direction should be given that the state shall take steps to organize panchayats and shall endow them with necessary powers and authority to enable them to function as units of self-government. The entire structure of self-government, of independence in his country, should be based on organized village community life".

Shri T. Prakasam (Mad General), mentioning Dr Rajendra Prasad in this regard said that a very serious situation was created by not making the village republic or the village unit as the real basis of the Constitution. It must be acknowledged on all hands that this is a construction which is begun at the top and which is going down to the bottom.

Shri L. Krishnaswami Bharathi, though accepted to the amendment, was of the view that the amendment seeks to give only the political independence and not the economic independence. Also mentioned that the idea of Directive principles is to emphasise the way in which we want the country

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to function for which economic decentralization is necessary. This idea as quoted by Gandhi is that “Decentralisation both in the political and economic sphere is absolutely essential if India is to function as the democracy”. Though the amendment included village panchayat to be decentralized as the economic unit as well as the political unit, Krishnaswami wanted to make it more explicit.

Dr Ambedkar was of the view that in the hierarchical society with highly skewed nature of assets and power distribution, vesting more powers at the village level would only perpetuate the exploitation of the disposed of,

Finally, Article 31A was included in the Draft Constitution. This Article was amended and renumbered as article 40(DPSP) in the revision stage of the Draft Constitution.

After 40 and above years in the view of the shortcomings which have been observed it is considered that there is an imperative need to enshrine in the constitution certain basic and essential features of the panchayat institutions and make the system of panchayat mandatory. Making the provision mandatory would make democracy much more efficient. Indira Gandhi has also accepted the need for the mandatory provision. Accordingly, it is proposed to add a new part relating to the panchayat. The bill was introduced on the 10th of September 1991 and passed as an Act in 1992 and came to be enforceable from 20th April 1993.

73rd Constitutional Amendment:

The passage of the Constitution (73rd Amendment) Act, 1992 (or simply the Panchayati Raj Act) marks a new era in the federal democratic set up of the country. The then Prime Minister P.V. Narasimha Rao of Congress government introduced a fresh bill on Panchayat Raj in September 1991. It provided the much – needed constitutional sanction to the Panchayati Raj Institutions (PRIs) for functioning as an organic and integral part of the nation’s democratic process. Panchayati Raj system does not apply to the Schedule V areas of the nine states, Schedule VI Areas of the North-East and the District of Darjeeling in West Bengal as well as J&K. Currently, the Panchayati Raj system functions in all states except Nagaland, Meghalaya, and Mizoram, and in all Union Territories except Delhi.

The provisions of the amendment include Articles 243, 243A to 243-O which were added as parts of newly inserted Part IX of the Constitution. It is the first formal democratic institution at the village level. The chairperson of this unit is called as Sarpanch.

The Amendment introduced across the board three-tier system of the PRIs at village Panchayat, Block and District levels.

In the present scheme of Panchayati Raj, the villagers have been held responsible for all-round improvement in the village life, including education, sanitation, medical relief—curative and preventive, lighting, housing, maternity and child welfare along with the administration of civil, criminal and revenue justice. It was thought that this system would be powerful means for self-preservation in the arena of social life.

The main objective behind the Panchayati Raj is that the people in the village should undertake the responsibilities of governing themselves. Pioneer rural sociologist A.R. Desai spelled the objectives of PR system as follows: ‘Panchayati Raj is claimed as a real democratic political apparatus which would bring the masses into active political control from below, from the vast majority of the weaker, poor sections of rural India.’

People in the villages should actively participate in the development activities regarding agriculture, irrigation, animal husbandry, public health, education, etc. In a nutshell, the whole idea of this scheme

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is based on the dictum that 'rural developments is for the rural people, of the rural people, and by the rural people themselves'.

It is based on self-help, as an old adage says, 'God help those who help themselves'. This scheme of rural development confers on the rural people the power of decision-making regarding developmental activities. This is democracy at the grassroots. It will 'decentralize' democracy. This system has got a very important role to play in the social, economic and cultural life of the village community of India.

The Panchayati Raj system has many benefits. These can be summarized as under:

1. Panchayats can best carry out the uplift programmes, such as mending roads, terrace, and embank the fields, building bunds, digging drains, provide fresh drinking water, etc.

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2. They are best constituted to organize voluntary labour for social uplift and economic amelioration.
3. Panchayats are the best agencies which can supply the political talent. They are the potential schools of political training for the rural masses.
4. They can also serve as the schools of social service, health care, popular education and social progress.
5. Panchayats can impart cheap litigation, speedy and substantial justice to the villagers.
6. Panchayats are best fitted to be representative and spokesperson of the villagers.

Phases of Development:

Self-governing rural local bodies are described in Indian context as the institutions of democratic decentralization or Panchayati Raj. The story of Panchayati Raj has been a story of ups and downs.

It seems to have passed through four distinct phases in its short span of life:

1. The phase of ascendancy (1959-1964)
2. The phase of stagnation (1965-1969)
3. The phase of decline (1969-1983)
4. The phase of revival (1983 onwards)

Revival and renovation of Panchayati Raj is associated with the government of Rajiv Gandhi (1985), the then Prime Minister. He infused a new blood in this institution by removing certain hurdles and handicaps. He constituted a committee under the chairmanship of L.M. Singhvi to write a concept paper on Panchayati Raj. About its revival there were two main schools of thought. One believed that Panchayati Raj is a God that had failed.

The other suggested that Panchayati Raj, in fact, had not been tried in its true spirit and as such the question of a final verdict on its success or failure did not arise. The Singhvi Committee found that the PR system was not functioning owing to the lack of political will, lack of proper evaluation and feedback, and indifference to corrective measures.

The apathetic attitudes of the bureaucracy and the elected representatives have crushed the spirit of the PR system. The official hierarchy failed to inspire confidence among the village people.

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Bureaucrats were unwilling to transfer power to elected representatives. They did not release funds in time.

The Janata Party government (1990) appointed Ashok Mehta Committee to enquire into the causes of decline of the PR system and suggest changes in the pattern of the PR system recommended by B.R. Mehta Committee.

This committee has offered a balanced appraisal of PRIs in the context of two schools of thought referred to above. It opined, 'Panchayati Raj should not be viewed as a God that has failed. It has many achievements to its credit, the more important of which may be identified here.

Politically speaking, it became a process of democratic seed-drilling in the Indian soil, making an average citizen more conscious of his rights than before. Administratively speaking, it bridged the gulf between the bureaucratic elite and the people.

Socio-culturally speaking, it generated a new leadership which was not merely relatively young in age but also modernistic and pro-social change in outlook. Finally, looked at from the developmental angle, it helped a rural people cultivate a developmental psyche' (Report of the Committee on Panchayati Raj Institutions, Government of India, 1978).

However, it was felt that there were some shortcomings in the structure and functions of the PR system. The performance of PRIs had been vitiated by political factionalism, corruption, inefficiency, political interference, parochial loyalties, motivated actions, power concentration, arrogant attitude of bureau-cratic officials, lack of feeling of service, etc. All these had made the common villagers averse towards the PR system.

To revitalize the PR system, the Rajiv Gandhi's government (1989), V.P. Singh's government (1990) and Narasimha Rao's government (1991) proposed some amendments in it. As a result, the 73rd Constitution Amendment Act, 1993 was passed.

After this, PRIs have got the constitutional legitimacy. It was, therefore, adopted by all the states. The present Panchayati Raj differs from the B.R. Committee's pattern mainly in two respects. First, the earlier PR system was not a political institution but only an implementing body. In the previous system of Panchayati Raj there was no role of political parties.

People used to contest election on individual basis. The new Act allows political parties to enter into election fray. Second, the present system is not an implementing body of the development programmes. It is a decision-making body that rules over the governance of the village. One very conspicuous aspect of this Act is that the present system empowers the women and the weaker sections (SC and ST people) of village by giving them representation by a fixed quota at all three levels.

In brief, the main changes brought out by the Act are:

1. Establishment of panchayats at two or three levels and a Gram Sabha is made mandatory in each village.
2. Tenure of PRIs is fixed as five years. Direct elections of all members in all the three tiers are made mandatory. The elections have to be conducted regularly.
3. Elections of chairperson at intermediate and district levels are to be indirect.
4. At least one-third of the total seats at all levels are reserved for SCs, STs and for women

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separately.

5. PRIs are given powers to impose taxes, duties, and fees and were given share in taxes collected by the state government.
6. The reservation of OBCs and association of MPs and MLAs in panchayats is made discretionary.
7. The Act also provides for the constitution of District Planning Committee.
8. It is obligatory on the part of Centre as well as the states to provide adequate funds for the PRIs to enable them to function properly.
9. Some states like Bihar, Himachal Pradesh, Uttar Pradesh, Haryana and Karnataka have also made provision for Nyaya Panchayats to settle the disputes at all the three levels. But this is not obligatory as per the provisions of this Act.
10. States like Haryana, Orissa and Rajasthan have debarred the candidates, having more than two children, from contesting elections, with a view to contain population.

Position of Rajasthan

A list of 29 functions was prepared to be carried out by PRIs. Some of the important functions are:

- (a) Agricultural development and irrigation facilities,
- (b) Land reforms,
- (c) Eradication of poverty,
- (d) Dairy farming, poultry, piggery and fish rearing,
- (e) Rural housing,
- (f) Safe drinking water,
- (g) Social forestry and fuel,
- (h) Primary education, adult education and informal training,
- (i) Roads and buildings,
- (j) Markets and fairs,
- (k) Child and women development, and
- (l) Welfare of weaker sections—SCs and STs.

Looking at the above functions and some special provisions made in the Act, it is amply clear that the new PR system has undoubtedly empowered the villages to take steps for their all-round development.

Conclusion

The constitutional legal framework of the study of panchayats fail to set up the institutions as agents of grassroots democracy. But the panchayati raj and the Gandhian concept of Village self-government are notions which are alternatives to centralization. The idea of panchayati raj as an institutions of grass roots democracy or self-governance has been marginalised in the political framework of India.

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The establishment of panchayati raj institution and their organizations was left to a general directive embodied in article 40 of the Indian constitution. The Constitution of India subjected the panchayati raj institutions to the authority of the Indian state which is inherently centralizing.

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