

# Panchayat Raj System in India – An Overview

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Panchayats have been the backbone of the Indian Villages since the beginning of the recorded history. Gandhiji's dream of every village being a republic has been translated into reality with the introduction of three-tier Panchayati Raj system to enlist people's participation in rural reconstruction.<sup>1</sup> Panchayat, which literally means 'institution five' can be found in the Santi parva of Mahabharata.<sup>2</sup> Panchayat is apparently a Sanskrit word and it is surprising that in the whole complex of self-government, Panchayat either in the sense of village council, or of a group of five wise persons belonging to a self-governing body whose advice is sought on matters concerning that body, does not figure in any source related to this period, (Panchavanthaiah) except in sloka of Mahabharata.<sup>3</sup> A dictionary prepared by Raghuvira refers, against the entry 'Panchayat' to the expression 'Panchamandali' which was found in a sanchi stone inscription of the period of Chandra Gupta-II. Radha Kumud Mookerji cites a number of terms indicating popular Local bodies existed during the ancient period such as Kula, gana, jati, puga, vrata, sreni sangha, Naigama, Samuhava, Sambhuya-Samuttahana parishat, Carana.<sup>4</sup> He did not include the term Panchayat in this list, which is exhaustive enough to include quite a few less known terms. There is a lot of evidence in the literature of the ancient period on Local Government in India which brings out that the fact that Panchayats had played a key role in the affairs of the villages of ancient India.

Altekar refers to the reservation of Yajnavalkya Smriti which notes that the decisions of the village councils are duly invested with the judicial powers.<sup>5</sup> The Buddhist scriptures provide a vivid description about the village Panchayats in the following manner "Neither the village headman nor the village accountant ruled over the village community according to their sweet will. They were guided in the administration by the opinion of the village public, which made itself felt through the village elders, shown already in how the Sabha of the Vedic period was a village social club as well as village council; at its meetings the members discussed social topics, played indoor games and also transacted the business of the village government."<sup>6</sup> The Jatakas also inform us that villagers of these days transacted their business by themselves. They do not attest to the existence of any regular council or standing committee evolved for this purpose. Initiative was usually left with the headman, but if he acted unreasonably or against the established customs of the locality or realm, the village elders could set the matter right by pointing out his mistake to the headman<sup>7</sup>. In the Mौरyan period village councils consisting of a few elders used to organize works of public utility and recreation, settle disputes between their residents and act as trustees for property of minors. But they had not evolved the system to discharge the functions of regular councils. The Artha Sastra mentions about the organizations of village elders who acted as trustees and not any village council or its sub-committee.

The village committees are little republics, having nearly everything they want within themselves and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after Dynasty tumbles down; revolution succeeds revolution; but the village communities each forming a separate little state in itself survived. Further they contributed more than any other institutions to the preservation of India through all revolutions and changes which they have suffered and in high degree conducive to their happiness and to the enjoyment of great portion of freedom and independence<sup>8</sup>.

As time passed, the Panchayats gradually lost their importance, the decline of the Panchayats started with the invasion of Muslims during the medieval period. The Muslim rulers who were intolerant of Hindu traditions and customs and institutions attempted to destroy them in order to replace them with those of their own. However, the establishment of British rule in India dealt a death knell to the institution of Gram Panchayats along with all other Local Government institutions according to a scholar British government "by its thorough method of revenue collection almost destroyed these ancient Republics which could not stand the shock of this revenue collection". The following passage

from the report of the village Panchayat Committee of the Indian National Congress (1954) explains the destruction of these agencies during the British period more explicitly, as it puts, "The inordinate greed of East India Company caused slow but steady disintegration of those village Panchayats. The deliberate introduction of landlordism and Ryothwari system as against Mauzawari or village tenure system, dealt a death blow to the corporate life of village committee. The British rulers did the greatest disservice to this country by destroying the ancient traditions of village Panchayats and trying to replace them with their officers whose sole interest was to please the alien rulers by exploiting the people of India to the Maximum." <sup>9</sup>

During the Independence movement, the importance of village Panchayats and their revival were stressed by the leaders including Gandhiji who emphasized that the Panchayats should be made responsible for the total development of the village i.e, they should concern themselves with the physical, mental and moral development of the community, and that they should consider themselves responsible for the socio-economic progress of the community. If today the Panchayats do not approximate to this picture, we shall have to make concerted efforts to make them so.<sup>10</sup>

After Independence, the institution of Panchayats along with other local bodies underwent a radical transformation. The Panchayats were entrusted with a New role in the process of village development. The village Panchayats played a crucial role in the administrative system throughout the history of this country. The importance of these institutions has been further enhanced in the recent and past in view of the massive rural development programmes undertaken by both the state and central governments under different strategies such as Integrated Rural Development Programme (IRDP), Jawahar Rojgar Yojana (JRY), development of women and children in rural area (DWACRA) Velugu Scheme, Indiramma Scheme programme etc., for the removal of rural poverty.

#### **PANCHAYAT RAJ SYSTEM IN INDIA**

Panchayat Raj was in existence during Vedic period in ancient India and was working well as the people were carrying out their personal and official duties based on 'Dharma'. The life of the people was peaceful and fruitful as there were limited desires of the people.<sup>11</sup> In the medieval period, Panchayat Raj lost its significance as feudal lords managed local affairs through dictatorship. They never bothered about the people and only acted in their own interest.<sup>12</sup>

During the British period, there were attempts to set up Local Government. The year 1882 constitutes an important landmark in the history of Local Self-Government in India. During this year, Lord Rippon passed his famous resolution advocating progressive extension of Local Self-Government with a view to impart political education to the people in order to encourage them to participate in the process of government at the grass root level. The resolution laid special emphasis on the increase of non-official and elected element in the local bodies. However, Rippon favoured the strengthening of local bodies at the Taluka and district levels. Thus the resolution did not contemplate any drastic change or revival of the system of village Panchayats.<sup>13</sup> Hence, the result of the resolution was the creation of a two tier administration with District Boards at the district level and Taluka Boards at the Taluka level. After this, there were attempts to improve Local Governments through the Acts.

After Independence, the concept of Panchayat Raj System became a part of the philosophy of 'Purna SwaRaj' and 'Gram SwaRaj' adopted by the Nationalist leaders as a part of their strategy to win Independence from the foreign rule. Mahatma Gandhi and Jawaharlal Nehru considered the concept of Panchayat Raj as inexorable and practical and also patriotic and gave it impetus in the idea's struggle for independence. Consequently, it became a part of the nationalist movement. After independence, the issue of Panchayats figured prominently during the course of constituent assembly debates.

Different opinions were expressed regarding the Panchayats during these debates. In the course of his speech in introducing the draft Constitution, Dr. Ambedkar observed "*the love of the Intellectual Indians for the village community is of course infinite if not pathetic . . . I hold that these village republics have been the ruination of India. What is village? It is nothing but a sink of location, a due of ignorance, narrow mindedness and communalism. I am glad that the draft constitution has discarded the village and adopted the individual as its unit*"<sup>14</sup>. H.V. Kamath a prominent member of the constituent assembly criticised Ambedkar's attitude towards the village Panchayats and he strongly pleaded for the uplift of the village through the efforts of the village Panchayat.<sup>15</sup> In the same context, Prof. N.G. Ranga notes: "*I am very unhappy that Dr. Ambedkar should have said what he has said about the village Panchayats. I wish to remind the house,*

*Sir, of the necessity for providing as many political institution as possible in order to enable our villages to again as much experience in democratic institutions as possible in order to discharge their responsibilities through adult suffrage in the new democracy that we are going to establish. Without this foundation stone of village Panchayats in our country. How would it be possible for our masses to play their rightful part in our democracy?"<sup>16</sup>*

In the Quasi-Federal Framework of India's parliamentary democracy, the creation of grassroots organizations was, however, left to a general directive embodied in Article 40 of the Constitution for the following terms: "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 unit of self-government". In fact, the true potential of Article 40 lies not merely in its directive to the Indian State at all levels as a part of Directive Principles of State Policy to organize village Panchayats but its significant concomitant mandate that Panchayats should be endowed with "such powers and authority as may be necessary to enable them to function as units of self-governments". It was pointed out that the task and expectations of the founding fathers of the Constitution would remain incomplete unless the village Panchayats begin to function as units of self-government and also as a part of our democratic polity. In this way, it was attempted to conceptualize the framework of Panchayat institutions and allow it to take its inspiration from the constitution with a view to improve their functioning which is bound to have ramifications for our democracy and development.

In addition to the above Article, Article 12 of the Constitution of India states that the term, "The State" includes the Government and Parliament of India and the Government and legislative of each of the states and of local and other authorities within the territory of India. Thus, it can be observed that the Constitution recognized the value of local government and hence placed it in list 11 of the seventh schedule. However, there is neither a separate and distinct chapter on local authorities like chapters on the Union (Part III), the States (Part IV) and the Union Territories (Part VI, II). Nor is there separate list of subjects in the seventh schedule giving the items which come within the purview of the local authorities. As such all units of Local Governments are creations of the State Government and possess such powers and perform such functions are specifically delegated to them by the Acts of the State legislative.<sup>17</sup>

In the meanwhile, the Planning Commission appointed a study team under the chairmanship of Balwant Ray Mehta in 1957 to study the working of community development programme which had been in implementation since 1952. The study team recommended the creation of Institutions which are to be statutory, elective, comprehensive in duties and functions, equipped with necessary executive machinery, with adequate resources and with enough autonomy and freedom for the promotion of rural development. In pursuance of the recommendation of this committee, the Panchayat Raj System was introduced with the object of entrusting the authority and responsibility for rural development to rural people. The creation of this system was considered not only an innovation, but also a revolution.<sup>18</sup>

Consequently, the three tier system of Panchayati Raj came into existence in many states during the 1950s and 1960s. The Panchayat Raj System consisted of the Gram Panchayats at village level. The Panchayat Samities at Talukaa or block level and the Zilla Parishads at district level. The Grama Panchayats, the first tier in the Panchayat Raj System are functioning in all the States and the Union Territories except in Meghalaya, Nagaland, Lakshadweep, Mizoram and Pondicherry.

In 1978, the Janata Government at the Centre appointed the Ashok Mehta Committee to inquire into the working of Panchayat Raj Institutions in the country and to suggest measures to improve and revitalize these institutions. The Ashok Mehta committee recommended a two-tier set up consisting of Zilla Parishads at the district level and mandals at the block level covering a population of 15,000 to 20,000 and suggested the abolition of block as a unit of administration. It also recommended the holding of regular elections, placement of certain compulsory items of taxation under their jurisdiction and transfer of land revenue collection to them. It was also felt that a constitutional provision was necessary to strengthen the Panchayat Raj Institutions. The Conference of Chief Ministers held in 1979 to consider the important recommendations of Ashok Mehta Committee did not accept the two-tier system as suggested by the committee and favoured the continuation of three tier system.

The Government of India then set up a Committee in the name of L.M. Singhvi Committee in June, 1986 headed by Dr. L.M. Singhvi to prepare a concept paper on the revitalization of the Panchayat Raj Institutions. The Committee recommended that the Panchayat Raj Institutions 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 the Panchayat Raj Institutions.

The above Committees from time to time suggest the structure and functioning Panchayat Raj System which can help the people to come out of object poverty, unemployment, illiteracy, squalor, diseases etc. The most important of them were Balvanth Rai Mehta Committee, Singhvi Committee, Ashok Mehta Committee. All these committees recommended 'democratic decentralization' through two or three tier Panchayat Raj system.

Originally, the Constitution of India had not provided any constitutional status to the local government. There was no chapter on local authorities like chapters on Union (Part-III) or the States (Part-IV). Hence, all the Units of local government were the creations of the State Governments. Since this became a potent hurdle in the way of development of these institutions, the Government of India under the leadership of Rajiv Gandhi wanted to provide onstitutional basis for the local bodies. Accordingly, the Government introduced a Bill in both the House of Parliament in the name of the Constitution (Seventy-third) Amendment Bill seeking to provide for constitutional status to the Panchayat Raj bodies as well as to strengthen them. The Lok Sabha passed the bill on the 22<sup>nd</sup> December, 1992 and Rajya Sabha passed it on the next day with near unanimity. Thus the Act came into effect on 23<sup>rd</sup> December, 1992.

**The Constitution (Seventy-Third) Amendment Act comprises the following provisions:**

- (i) There shall be a Sabha in each village exercising such powers and perform such function at the village level as the legislature of a State may provide by law.
- (ii) Panchayats shall be constituted in every state at village intermediate and distinct levels, thus bringing about uniformity in the Panchayat Raj structure. However, the State having a population not exceeding 20 lakhs have been given the option of not having any Panchayat at the intermediate level.
- (iii) While the election in respect of all the members to Panchayats at all levels should be direct, the elections in respect of the post of chairpersons at intermediate and district levels should be indirect. The mode of election of chairperson to village level has been left to the State Government to decide.
- (iv) Reservation of seats for SCs/STs has been provided for in proportion of their population at each level. Not less than one third of the total membership has been reserved for women and these seats could be allotted by rotation to different constituencies in a Panchayat. Similar reservations have been made in respect of the office of chairpersons also.
- (v) A clear term of five years has been provided for every Panchayat units unless they are dissolved earlier on specific grounds and in accordance with the State legislative. However, elections to the Panchayat will be completed within a period of six months from the date of its dissolution before expire of its duration in the normal course.
- (vi) The State Legislature are required to authorize Panchayats to levy, collect and appropriate suitable local taxes and also provide for making grants-in-aid to the Panchayats from the consolidated fund to the State. In addition a Finance Commission has to be constituted once in every five years to review the financial position of the Panchayats and to make suitable recommendations to the State and the local bodies. The Central Finance Commission should also suggest measures necessary to augument the consolidated fund of a State to supplement the resources of the Panchayats in the State. Thus large amount of assured funds would flow to the Panchayat Raj bodies, which in turn strengthen people involvement in the planning process.
- (vii) Besides providing for Finance, the Bill, in the eleventh schedule of the Constitution also indicates a set of items which may be entrusted to the Panchayats in addition to any other schemes for economic development and social justice that may also be entrusted to them by the State Governments.<sup>19</sup>

In pursuance of the 73<sup>rd</sup> Amendment Act, several State Governments have already passed legislations to reconstitute the Panchayat Raj Institutions working in their respective states in the light of the provisions included in the above Act.

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