



Impact of 73 rd Constitutional Amendment Act on the Empowerment of Rural Masses

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Abstract

The purpose of this paper is to examine the political condition of the rural areas and the impact of 73rd constitution Amendment Act on the overall empowerment of the rural people. The dream of ‘Gram Swaraj’ of our beloved father of nation, Mahatma Gandhi and motto of “power of people” is essence of true democracy. The task of capacity building of these large numbers of Panchayats is quite gigantic exercise. As per the assessment of the Ministry of Panchayati Raj even after 22 years of enactment of 73rd Constitutional (Amendment) Act and also after having three rounds of Panchayat elections in many States in India the empowerment of Panchayats has not taken place as envisioned in the 73rd Constitution (Amendment) Act in 1992. The 73rd Amendment to the Constitution in 1992 gave Constitutional status to the Panchayats as institutions of local self government and also for planning and implementing programmes for economic development and social justice. The concept of Panchayati Raj seemed for a while in the years after Indian independence to have disappeared permanently into the mists of India’s romantic past. In the late twentieth century however the notion has returned once more to the political agenda, for a variety of reasons: strategic practical, economic, and ideological. This paper sets out to trace in brief the origins of the concept of Panchayat and offers some historical examples of the panchayat in use, and attempts an explanation as to why it should once again have assumed importance politicians, NGOs and administrators.

Keywords : Empowerment, Panchayati Raj, Amendment, Development.

The soul of India lives in its villages. Most of the people still live in villages. That’s the reason country is proverbially called as the “Nation of Villages.” Indian villages are free from hustle and bustle of a city life. India had 5, 58,088 villages and 3,018 cities and towns according to 1991 census. According to this census 74.31percent population reside in the villages and 25.7 percent being urban dwellers.

India is a rural country and Village Panchayat is very old system of local government at the village level. It was also termed as District Board.

India is the only country in the world where Village Panchayat was initiated for the betterment of the masses in a peaceful way. A village forms the basic unit of social, economic and political life in India. People have close and personal relationships in rural area. There is less social mobility in villages. Most of the people earn their living through agriculture. So the people are tied to the soil of their birth. They have their own political institution in the form of Village Panchayat.

Historical Background

The system of Village Panchayat is very ancient in our country through its structure varied from time to time. In Ancient and medieval periods Village Panchayats were formed Gram Panchayats become ineffective during the last phase of medieval India. Britishers made an effective effort to revive the Panchayati Raj. When popular ministers were formed under the Government India Act 919, various provinces passed the Village Panchayat Acts in 1919. They also worked for the welfare and development of the rural area.

After independence the major task before the country was to outline the patterns of society for the Country. They were supposed to catch up with the more progressive and advanced nations. The constitution of India has guaranteed certain fundamental rights to the citizens of India. It states that the state shall strive to promote the welfare of the people by securing and protecting the social order.¹

Gandhi ji drew the picture of the free India's political structure by saying these words, "India's Independence must begin at the bottom. Every village should have a panchayat having full power- the greater the power of the panchayats, the better for the people." According to Gandhi ji true democracy cannot be worked out by twenty men sitting at the centre. It has to be worked from below by the people of every village.

The first comprehensive Village Panchayat Act was passed in 1947. Panchayati Raj was first implemented in the state of Rajasthan. Some states such as Andhra Pradesh, Karnataka and Gujarat showed serious concern by enacting the necessary legislation and there by implementing the democratic decentralization while others took it easy.

By 1953, almost all the states had created departments for panchayats. Their main functions were to arrange for the organization of the panchayats through their field staff and to supervise their work. As a result, the progress has been quite good. Many states governments set up committees to enquire about the functioning of the local government and they also give suggestions to them for the betterment of the society.

A Constitutional Obligation

The main objectives of the constitution of Panchayati Raj were to decentralization of power and development of villages. Cooperation and participation was also another reason for the creation of Panchayati Raj. In 1952 Community Development Projects (CDPS) were also complemented by Panchayati Raj. The CDPS were considered as projects of development from the government. If we want development the initiative should have come from the below, the masses of people, from the grassroots. To overcome this difficulty a committee headed by Balwant Rai Mehta was constituted².

Balwant Rai Mehta Committee

This committee was appointed by the government of India in 1957 to examine the community development. This committee should be helpful to decide and implement programmes for villagers themselves. In this committee villagers play an active role for the development of village. The responsibility of the execution of development programmes was left to the elected members of the Panchayati Raj.

The Mehta committee suggested a three tier structure of rural local self government in India which links the village to district. The three institutions are:

1. Panchayat — Panchayat is at the village level which consists of the Gram Shaba, the Gram Panchayat and the Nayaya Panchayat. All the adults of the village, who meet least twice a year, form an assembly. They discuss the annual programmes and elect members of the gram panchayat.

Gram Panchayat is helpful for the development and welfare at the village level; it is also an agency for planning. Under gram panchayat population is covered near about 5,000 to 15,000 or more. The strength of the members is about 15 to 30 and they hold office for 3 to 4 years. Every Panchayat has an elected Sarpanch, a vice sarpanch and a Panchayat Secretary. Gram Panchayat is an agency which covers social and economic development. It also covers entire field of sanitation and public health.

2. Panchayat Samiti — The Panchayat Raj is an agency at the block level which consists of near about 100 villages and cover population about 80,000 to 1,20,000. It consists of heads of the village panchayats in the block, MPs, MLAs residing in the block area; scheduled tribes, scheduled castes and representatives of women. Its main function is the social and economic development of the society.

3. Zila Panchayat — Zila Panchayat is a supervisory and coordinating body at the district level. This is the agency of rural self government. It includes all heads of the Panchayat Samitis in the district. The collector of the district is a nonvoting member. Thus the membership of the Zila Panchayat is fairly large varying from 40 to 70. Its functions are varying from and powers vary from state to state.

The Panchayati Raj could not come out as a successful story. Its main reason was that the decisions had been taken by the non official's who are illiterate and uneducated could not wield their power. The three tier Pattern of Panchayati Raj by Balwant Rai Mehta committee crumbled down and a new pattern was constituted which was known as the Ashok Mehta Committee.³

Ashok Mehta Committee

This committee was appointed to revive and strengthen the declining Panchayati Raj System in the country. In December 1977, the Janta Government appointed a committee on Panchayati Raj. It asked for transformation of the panchayat from an implementing agency to a institution. The need for constitutional amendment was felt by implementing this recommendation. It however, took more than a decade for the first steps in this direction to be taken in the form of the 64th Constitution Amendment bill which was defeated in Rajya Shaba. In 1992, legislation, the 73rd Amendment Bill has provided a new dimension to the concept of Panchayati Raj.

73rd Constitution Amendment Act

The 73rd Constitution Amendment Act 1992 provided a new direction to the concept of Panchayati Raj. The present Panchayati raj differs from the Balwant Rai pattern. The bill was first introduced on the 15th may, 1989. It sought to reduce the powers of the states over the panchayats and bring the latter in direct touch with the federal government. Many schemes as well as finances were to be directly delivered to the panchayats. This was however, opposed strongly by the states as well as non-congress parties. As a result, the bill was defeated in the Upper house by a narrow margin. The bill was reintroduced in 1991. It was in the shape of 72nd and 73rd Constitution Amendment Bills though without many of the controversial provision relating to elections, financial power etc. It had additional provision such as one-third representation for women in chairperson's position. The bills were then sent suggestions and improvement. The suggestions received were considered by a Joint Committee The two bills which were passed on 24 April, 1993, came into operation as 73rd and 74th Amendments to the constitution of India. ⁴

The present Panchayati Raj is constituted as an amendment to the Constitution of India. It is the central Act which is adopted by all the states of the union, some important features of the Act are as below:

- Creation of a State Elections Commission to conduct elections to PRI's
- To provide reservation of seats for the SC's, Its Tribes and women in the Panchayatas at all levels. Reservation of seats for the SC and St will be in proportion to their population in that area and 30%seats are reserved for women in all the Panchayats.
- Each PRI will have tenure of five years and in case it is dissolved by the state government fresh election will be held within a period of six months.
- It also provides for the establishment of a finance commission by each state within two years of the commencement of the Amendment and thereafter at the interval of five years.
- It also laid down that the legislature of a state to a panchayat such taxes, duties, tolls and fees levied and collected by the state governments for such purposes and subject to such conditions and limits.
- Creation of a three-tier Panchayti Raj structure at the zila, block, and village levels.
- In order to review the financial position of the PRI's, each state to set up a State Finance commission for five years.
- Some states like Uttar Pradesh, Haryana, and Bihar etc have provision of Nyaya Panchayat to settle the dispute at all the three levels.
- Panchayats will be considered political institutions in a truly decentralized structure.
- The election to local bodies has to be regularly.

The objective of the 73rd amendment is to build the Panchayati Raj as an effective decentralized political institution at the grass root level .The division of functions in its 11th Schedule makes it in reality essentially an implementing agency for developmental activities.⁵

A Critique of 73rd Constitution Amendment Act

The 73rd Constitution Amendment Act came into force in April 1993. Hardly five years have passed, during this period not much empirical research has dwelt on the evaluation of the program. Some analysis has been made about the act. Some of the draw backs of the Act have been pointed out which are as below :

Inadequate number of women:- In villages there are less qualified women to work as members in various committees so it is difficult to find our adequate number of females to work as members of the Panchayati Raj. Such a poor situation does not assure us for healthy working of the Panchayati Raj.

Corrupt bureaucracy and leadership:- In India an overwhelming part of our development money goes to the purse of bureaucrats. The same applies to our leadership also. The rural leadership is more than shrewd. It knows the art of grabbing money. In such a situation, what will be the late of development in village India is anybody's guess.⁶

- Illiteracy: - As we find today, the female literacy rate is very poor in our villages. In such a situation what would happen to the female members at different tiers of Panchayati Raj. It is believed that as members of PRIs they will work according to wills and wishes of the male members.
- Bias towards elites and middle class: - Though the Act has a focus on women and weaker sections of society, it is guessed that the creamy_layer of these disadvantaged groups would corner most of the benefits. It has been the experience in our country that though the development schemes are oriented to weaker sections, the beneficiaries have always been the higher echelons among the weaker sections. The weakest of the weak, the poorest of the poor would continue to suffer in the new pattern of Panchayati Raj also.

Conclusion

To make our India a successful nation, it is very necessary that we should have to develop our villages. The introduction of the Panchayati Raj system through the 73rd Amendment of the Indian Constitution tried to address this by prescribing a three tier system of governance for the entire country, effective since 1993. The amendment mandates that responsibility, resources and decision -making authority be placed in the hands of elected local councils or Panchayats. The Decentralization versus centralization debate can be better understood in a cost benefits analysis framework. Centralization has the benefits that 'bureaucrats' who are in charge of planning and implementing are well trained with the required expertise and are in a better position to co-ordinate plans across different jurisdictions. Additionally, although this is debatable, they are relatively free from populist pressures. However, the shortfall of such an approach include a lack of flexibility in terms of understanding changing local needs and the problem of accountability in ensuring that those in the chair are motivated not by their own gain but public interest. Decentralization, on the other hand, Suffers from the reverse- it empowers the public to sensitize policies to their own needs but often the people who make and implement plans lack expertise. As pointed out in paper Panchayati Raj: grassroots democracy in India, "grassroots democracy in India has been ushered in by an amendment to the constitution from the "top". This was not because of a mass movement by the people." This calls for some serious thought in the direction of why power equations are perpetrated and consistently upset any attempt at moving towards greater development and empowerment of the poor.

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