



Panchayati raj institutions and 73rd amendment act

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Abstract

The importance of rural development for India was felt since the beginning of planned era. India lived in its villages and pleaded for the distribution of power among rural masses in India. The supremacy of the people and the people's democracy and sovereignty at the grass roots level, is vested in the Panchayati Raj Institutions. Panchayati Raj was a kind of commonwealth of reformed and reconstructed village communities. The object to be achieved was human happiness with full mental, moral and spiritual development. Gandhi ji wanted to establish such a society where every individual got maximum freedom and opportunity to develop his personality and character to the fullest extent. By imparting constitutional recognition to Panchayati Raj Institutions it was thought that these institutions, which hitherto remained ineffective, would become effective in the formulation and implementation of Public Policy at the grassroots level. It would strengthen the position of Panchayati Raj Institutions and enable them to shoulder the responsibility of running rural administration in an efficient and efficacious manner. The future of India depended upon the future of its villages.

Keywords: panchayati, raj institutions, communities, responsibility

Introduction

The Panchayati Raj is an ancient concept, which has a long history in India. They are probably as old as the organized life of man ^[1]. As a matter of fact, India has been the cradle of rural local government, which continued to flourish from the times of Vedic civilization to the advent of British rule. In the Indian history, the village was the basic unit of government whether the central authority was monarchical or republican. The rural local government is the very foundation stone on which every empire in India has been reared. The rise and fall of the empires or the external aggressions were not able to abolish this system ^[2].

The village has been mainstay of rural India throughout the centuries. The term for the village was the 'grama', which is an immemorial unit; it has also been called the 'ksetra' and 'urvara', which from the Rig Vedic denoted plough land. The 'Gramik' or 'Gramini' and other village elders were responsible for defence. There was little interference by the state in their activities ^[3].

Research Methodology

The study is based on both primary and secondary sources. The Punjab Panchayati Raj Act, 1994 was the primary source of information. The secondary sources like books, journals, magazines and articles have also been examined thoroughly.

Panchayati raj in independent India

After independence, though India faced many problems, yet among all those problems, the problem to develop the villages was considered to be main problem in India. After independence, it was matter of surprise that the "Villages" did not have any place in the draft Constitution. It was openly announced by Dr. B.R. Ambedkar that, "Village republics has

been the ruination of India". According to him, village was "a sink of localism, a den of ignorance, narrow mindedness and communalism. He was glad that the draft constitution has discarded the village and adopted the individual as the unit" ^[4]. There were many other eminent scholars in the Constituent Assembly, who also supported the views of Dr. Ambedkar and did not give much importance to the villages. But, there were others who supported the Gandhian Concept and adopted an effective line of argument and a compromise suggested by K. Santhanam was reached whereby Panchayats found place in the "Directive Principles of State Policy" in the Indian Constitution Article 40, provides,

"the states were directed to take steps to organise Panchayats and to endow them with such powers and authority as may be necessary to enable them to function as unit of self-government" ^[5],

After independence, the responsibility to develop the villages fell entirely on the national leaders. A radical development programme was framed to get rid of basic problems such as poverty, ignorance and lack of basic amenities of life (food, clothing, shelter, education and employment). It was marked to progress the rural areas entirely and intensively and to organise the people through the movement named the Community Development Programmes. For this purpose, foreign aid was sought and the result was that the Community Development Scheme in India was launched with the help of Indo-American Technical Cooperative Agreement, 1951. The agreement was to help India and to assist programmes and run 55 point projects in order to shape the destiny of the local areas and communities covered by these projects and also launched some ideas and experiences to organise and to work

at the local and to make the villages a paradise [6]. These programmes were chalked out by various schemes and were put into practice by Dr. Rajindra Prasad, the then President of India on October 2, 1952, the birthday of Mahatma Gandhi, who laid greatest importance for the betterment of villages. It had included all round improvement of agriculture, education, health, sanitation, welfare of cattle, provision of employment etc [7].

The constitutional 73rd amendment act, 1992

The idea of conferring a constitutional status on local government was not forgotten. A review of the working of Panchayati Raj Institutions has shown that in many states, they have become weak and ineffective owing to a variety of reasons, including the failure to hold regular and periodical elections, prolonged suppressions, inadequate representation to the weaker sections like the Scheduled Castes, the Scheduled Tribes and Women, lack of financial resources and inadequate devolution of powers and responsibilities on them. Having regard to the inadequacies in the existing system, and keeping in view the Directive Principles of State Policy enshrined in Article 40 which aims to endowing Panchayats with such powers and authority as are necessary to enable them to function as units of self-government, it is proposed to add a new part to the Constitution regarding the Panchayats [8]. The Congress Government under the Prime Ministership of P.V. Narasimha Rao once again considered the matter of the constitutionalisation of Panchayati Raj Bodies. It drastically modified the proposals in this regard to delete the controversial aspects. Finally, it introduced the Constitutional Amendment Bill in the Lok Sabha on the 7th September, 1990; it could not, however, be taken up in view of the political changes that took place immediately thereafter. A comprehensive amendment was introduced in the form of (Seventy Second Amendment) Bill, 1991 on the 16th September 1991 by the present government, which was subsequently referred to a Joint Select Committee of the Parliament in December 1991 for a detailed examination. The Joint Committee presented its report to the Parliament in July 1992. Wide ranging consultations were held with the representatives of the different political parties by the government, on the Bill as reported by the Joint Parliamentary Committee and necessary amendments were brought in through a process of consensus. The Constitutional (72nd Amendment) Bill as finally passed with near unanimity in the Lok Sabha on the 22nd December 1992 and in the Rajya Sabha on the 23rd December 1992. Through constant and vigorous efforts, it has been possible to secure the ratification of this bill from 17 States in record time and the bill was submitted to the President of India for his assent. The assent was accorded on the 20th April 1993 and the Constitutional (73rd Amendment) Act, 1992 has come into effect from the 24th April 1993 [9].

Addition of eleventh schedule

Part IX has been added by 73rd Constitutional Amendment Act, 1992 to the Constitution. It contains sixteen Articles from Article 243-243 O. After the tenth schedule of the Constitution, the eleventh schedule having the following 29 items has been added:

Following the 73rd Constitutional Amendment, the Government of Punjab enacted the Punjab Panchayati Raj Act, 1994. It extends to the whole of the State of Punjab [10]. The new Act replaced the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samitis and Zila Parishads Act, 1961. The Act established a three-tier Panchayati Raj System in the state with 17 Zila Parishads at the district level, 138 Panchayat Samitis at the block level and 11597 Gram Panchayats at the village level. The salient features of the Act are as follows:

Gram Sabha

The Act provides for a Gram Sabha as the foundation of the Panchayati Raj system. It is a body consisting of person registered in the electoral rolls of a village comprised within the area of Panchayat at the village level. A village or a group of contiguous villages with a population of not less than 200 constitute a Gram Sabha area. Every Gram Sabha holds two meetings in each year, in the months of December and June with a quorum of one fifth of the total number of its members. The meeting of the Gram Sabha will be presided over by the sarpanch of Gram Panchayat and in his absence by any panch to be elected at the time of meeting [11].

Gram panchayat

The Panchayat is the executive Committee of Gram Sabha. Panchayat means an institution of self-government for rural areas. Members of the Panchayat are called Panches. A Gram Panchayat consists of a Sarpanch and five to thirteen panches accordance with its population. They will be elected by Gram Sabha directly. Article 243 D provides the reservation of seats.

1. Seats shall be reserved for
 - a. the Scheduled Castes; and
 - b. the Scheduled Tribes,

In every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

2. Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.
3. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.
4. The Offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and Women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total

number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State.

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women. Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

5. The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) and shall cease to have effect on the expiration of the period specified in article 334.
6. Nothing in this part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of Backward Class of citizens.

The term of office of Gram Panchayat will be for five years. The quorum for conducting a meeting is half of the members.

Powers and functions ^[12]

Under Section 30 of the Panchayati Raj Act, the government has entrusted the obligatory and general functions to the Gram Panchayats. These are as follows:

- General functions.
- Construction, repairs and maintenance of community assets.
- Agriculture, including agriculture extension.
- Animal husbandry, dairy and poultry, fisheries.
- Farm Forestry, minor forest produce, fuel and fodder.
- Khadi, village and cottage industries.
- Rural housing, rural electrification including distribution of electricity.
- Non-conventional energy source.
- Poverty alleviation programme.
- Education, including primary and secondary schools.
- Adult and non-formal education promotion of adult literacy.
- Public health and family welfare.
- Welfare of weaker sections and in particular the SCs, STs and BCs.

The Sarpanch, in addition to his duties, exercises administrative, supervision and control over the work of the staff. He will have the general responsibility for financing and executive administration of the Gram Panchayat. The sarpanch will be removed through a no-confidence motion by at least two-third majority of the total number of panches. However, this will not be applicable during the first two years.

Financial Resources

Under Article 243H the Legislature of a State may, by law, -

- a. authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- b. assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

- c. provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
- d. Provide for constitution of such Funds for crediting all moneys received, respectively, by or behalf of the Panchayats and also for the withdrawal of such moneys there from, as may be specified in the law.

Panchayat Samiti

The Panchayat Samiti consists of the following members:

1. According to article 100 of this Act, six to ten directly elected members from territorial constituencies in the Panchayat Samiti area at the rate of one member for every 15,000 population.
2. Representatives of the sarpanches directly elected by them from amongst the sarpanches of the Gram Panchayats in the Panchayat Samiti areas; provided that the ratio of the representatives of the sarpanches and that of the directly elected member will be 60:40.
3. MLAs, a major portion of whose constituency falls in the Panchayat Samiti area.
4. MLAs who are registered as electorates within the Panchayat Samiti area.

All the members of the Panchayat Samiti will have the right to vote in the meetings of the Panchayat Samiti. Seats are reserved for Scheduled Castes and women in every Panchayat Samiti. Not less than one-third of the total numbers of seats are reserved for women belonging to corresponding reserved seats of SC/ST. Not less than one-third of the total seats are reserved for women (including the number of seats reserved for women belonging to the SCs and the STs); Reservation should be on rotation basis. One seat is reserved for BCs in Panchayat Samiti where their population is not less than 20 percent.

Powers and functions

The Punjab Panchayati Raj Act, 1994, is concerned with the powers and functions of the Panchayat Samiti. Panchayat Samiti has:

- To perform many activities in the area of agriculture, agricultural production.
- To improve the breeds of cattle, pigs, sheep etc., for the improvement of fishery, dairy, poultry etc.
- Minor irrigation, water management and watershed development.
- To improve the Khadi, Village and Cottage industries.
- To apply to schemes of rural housing, drinking water and poverty alleviation programmes.
- It is the responsibility of Panchayat Samiti to make the co-operation among different communities.

Zila Parishad

Every Zila Parishad consist of:

1. The members directly elected from territorial constituencies in the district at the rate of one member for every 50,000 population. If the population is upto 5 lakh, there has to be a minimum of 10 directly elected members and if the population is more than 12 lakh, the total number of such members will not exceed 25.
2. All chairpersons of Panchayat Samitis.

3. All MPs and MLAs representing a part or the whole of the district where majority of their constituency falls.

All the members of the Zila Parishad have the right to vote for the office of Chairperson and Vice-Chairperson out of the directly elected members. Not less than one-third, of the total number of seats are reserved for Scheduled Casts. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election in a Zila Parishad, are reserved for women. If the total population of Backward Classes in the district is not less than twenty percent, one seat is reserved for Backward Classes in the Zila Parishad. Reservation should be on rotation basis.

Powers and Functions

Zila Parishad has to take appropriate steps for the betterment of input and output techniques in the field of agriculture, social forestry, Minor forest production, fuel and fodder, the Vaccination of the children to save them from the dreadful diseases, to repair the roads, social welfare and welfare of the weaker sections, education, for the improvement of fishery, dairy farming, poultry etc. It also acts as an advisory body for Panchayat Samitis. It co-ordinates the development plans of the Panchayat Samiti. The main function of the Zila Parishad is to co-ordinate and to supervise the activities of the Panchayat Samitis in the district. It scrutinized and approved the budget of the Panchayat Samitis. Its main functions are of co-ordinating, supervising and of advisory nature.

Conclusion

Although in the Act much has been said, yet during this short period, a review of the working of PRIs has shown dissatisfaction. It is a fact that PRIs in the country were not functioning in right direction. Their role in development process as institution of public participation, resource mobilization, diminished. Reservation to the Women and SCs produced poor quality of leadership, which is fully ignorant about the significance of Panchayati Raj Institutions. There is need to have a fresh look on the working of Panchayati Raj System in India so that they could become vibrant institutions of democracy at grassroots level.

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