

## PANCHAYAT RAJ: HISTORICAL PERSPECTIVE, DEVELOPMENT AND POST INDEPENDENCE ERA

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### Abstract

*Change is a universal constant and driven by the same force, society also functions on the same. The society, needless to say, inclusive of its various components, whether it is its organization, functioning, governance, etc., all passed through such variance. The social transformation which society had faced also transformed the way of governance. The socio-political phenomenon had seen a tremendous change in various phases of historic period of India. But one such concept which though got transformed in its structure and functioning is the 'Panchayat System', yet the essence remained constant throughout. There remained various factors which affected this system. The journey from monarchical control to the control of bureaucracy and to the point when it found its place in the grund-norm of country, i.e., in the Constitution of India, had affected the system of panchayat tremendously. Experiments had been conducted on the system and thus, the conclusion could be defined as both the boon and the bane for society. The journey from the ancient till the modern period is not full of glorifying moments, but it had also gone through the dark phase. The dark phase was the time when the said system became extinct. The British rule though, in the later part, tried to revive the system but during dawn of the British rule in India there was the dead end to the system. Panchayat was totally ignored. The revival was need of time. This research paper is meant to deal with the changes which Panchayat System had seen from ancient period till present times and how it covered its' journey during these periods ultimately affecting the governance and narrating the importance of the grass root democracy.*

**Keywords:** Panchayat, Governance, Three-Tier, Constitution, Sabha, Samiti, Parishad.

### Introduction

*"When the panchayat raj is established, public opinion will do what violence can never do."*

—Mahatma Gandhi

Governance of a country is a subjective concept. One single criteria of the governance cannot be made ideal of all. Being a dynamic concept, it keeps changing from time to time and

according to the need of the society. Many countries have unitary form of government and many others have federal form. Being the unitary and federal is also subject to the size of the territory of the concerned country and the population it holds in it and also the objectives which its founding father had sought to achieve. When the country is comprised of vast territory and huge population, then governing the country mere by a central power is a difficult task. As a result, many a times the system breaks down into various stages through delegation of powers and ultimately the masses have to suffer if proper delegation is not carried out. In the same pattern and realizing the same difficulties, India adopted for the diarchy system which was introduced in India by the Britishers through Government of India Act, 1919. This diarchy system proved to be beneficial in various aspects. Like, it enhanced the people's participation in the Legislature and also the Indian people who were acquainted with the problem of Indian masses became the member of the legislature, which helped in the favorable law making for the Indian society. After achieving independence, India continued to be federal in structure so that the governance of the country can be effectively carried out, but the Constitution Framers kept the binding forces active through giving it a unitary spirit by framing the Constitution in such a specified manner. That is why it is said that the Constitution of India is Federal in nature but unitary in spirit.

Now, a question arises as to what is the need of the Governance? Why the effective governance is so required for the proper functioning of the nation? When it will be needed? If the jurisprudential essence of the governance and the society and its need have to be seen then various jurists can be taken into account. The earlier concept of the governance came into light when the people who were living freely and in the natural state felt the need for the formation of state. Thus, when State is formed then the need of Governance arises so as to protect and regulate the society.

According to Aristotle, "Man is a social being and instinct of his sociability has given rise to the origin of state."

But another theory focused more on the concept of self-preservation. With the advancement of the civilizations the human started to feel threat over his life and property and hence the people started to enter into a sort of social contract.

As per the philosophies of Thomas Hobbes (1558-1679), the human is having an inherent trait of self-preservation and he has a nature to avoid pain and miseries and to meet out his objective of self-preservation and avoidance of pain and miseries he entered into social contract.

On the other hand, another prominent jurist named John Locke (1632-1704), pointed out that the state of nature was the golden age and only property was insecure and to preserve his property, he entered into social contract.

One more distinguished jurist Jean Jacques Rousseau, propounded the theory of the General will and in his theory, he said that “Social Contract is mere a hypothetical construction. Man, only united for preservation of his rights of freedom and equality and to his they surrendered their right not to single individual but to the community which was the general will.”

All these led to the formation of society and ultimately the State.

But, State got formed after various developments in the society which took place with the passage of time. These developments took place as a result of war between two communities, annexation of territory, etc. All these factors resulted in the enhancement of the territory which ultimately led to the State formation. But before that the State comprised of the tribe or the community level and the people where lived was ultimately called the village. This was also to be governed as the law and order and the justice have to be properly imparted within the society.

When the State got bigger, the local administration were adversely effected as all the obligations of maintenance of the law and order and the justice delivery system have to be carried out by one man who was termed as King. If we keep aside the western philosophy, and try to look into the Indian ancient society, then we can found that since the time immemorial the local administration system were very much well planned.

### **Historical perspective of panchayat system**

In India the decentralizing of power took place with a view to provide justice or nyaya to each and every person and also for better maintenance of law and order. Since, the time immemorial and from the pre-vedic era the urge to provide justice to people was such that the authorities were divided at various levels for the purpose of administration of justice to each and every individual.

During vedic era, there is no explicit mention about the existence of the judicial organization in separation. But it does not mean that they do not have a feeling of protection of justice. Rather, it appears that the elders acted as a judges and punishment was awarded according to the nature of offence and also according to the local custom and usages. For the same purpose, the mention of Sabha, Samiti, Vidath and Gana can be found in Rig Veda which ranges from (1500-1000 BC). Vedas also record that the Sabha functioned as the court of justice.

In later vedic period (1000-600 BC), mention can be found of Sabha and Samiti, which were for the control over affairs of State. The importance of justice during this era can be more understood by the extract which is taken from *Mahabharat*<sup>1</sup>:

“Maintenance of justice and maintenance of offenders (*Dusta nigrata, sista paripalan*) are also the aspect of the problem of protection. It is the duty of the king to punish wrongdoers and if he neglects his duty, then he would go to hell.”<sup>2</sup>

In the epic of Mahabharat it is also laid down that “it is only by coercive action, danda that civilized life could exist.”<sup>3</sup>

Manu in his *Manusmriti* talked about – ‘Dharmorakshati Rakshitah’ ,i.e., He was also of the view that the King is protector of justice and he is *Dandadhar* and he keeps people in perimeters of dharma by penalising the wrongdoer.<sup>4</sup>

As we see in pre-vedic era, there was no distinct autonomous justice centric institution for the delivery of the same, except Sabha, which was at village level. But on other hand in post-vedic era, the administration of justice became centralized. This institution was established in such a way that it remained separate from executive. King was considered as apotheosis of law and as a result of growth of society and being the protector of law and order, he became encumbered with various tasks like protecting the territory and managing the affairs of the State and ultimately the justice delivery system got adversely effected.

To protect the institution of justice and to keep faith in the law of the State, the need was felt to reform the institution which imparted justice. The reform was made and the problem was tried to be sorted out. The solution was delegation of judicial powers. Such delegation of judicial powers was done to the hands of experts at various levels and the King’s Darbar became the appellate authority.

On such an event, various Indian celebrated philosophers can be quoted who talked about the Courts and their working patterns. In such a reference, *Brihaspati*, can be quoted, where he categorizes the court into four types:

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<sup>1</sup> H.V.Sreenivasa Murthy, History of India, Pg No. 193, Eastern Book Company,Lucknow,13<sup>th</sup> Edition,2014

<sup>2</sup> ibid

<sup>3</sup> ibid

<sup>4</sup> Supra note 1 at 194.

1. “*Pratishtha*: These were the courts which were established in towns. Generally, these were established at fixed places.
2. *Apratishtha*: These were the Circuit courts.
3. *Mudrita*: Court presided over by the judge, who is authorized to use the Royal Seal.
4. *Sasita*: This was the King’s Court.”<sup>5</sup>

On the same lines, the reference can be found by the ‘Narada’, who categorizes the courts into following types:

1. “*Kulani*: This was the Village councils.
2. *Sreni*: These were the Guided Courts.
3. *Puga or Gana*: These were the assemblies.”<sup>6</sup>

Other than these scriptures, there can be found various other things which laid down about the importance of the justice delivery system and how they were maintained. In such a pattern the Inscription of the Sanchi Stone which was made by Chandragupta-II can be taken into account. This inscription talked about the ‘*Panchamandali*’ which was the resemblance of the Panchayat.

Thus, the courts which were established at the lowest level in the villages were called the Village Panchayat. These panchayats were infused with carrying out the administration of the village but the main task was to carry out the judicial works as they were given such powers. ‘*Kautilya*’ called the presiding officer of the Panchayat as the ‘*Gramvridha*’.<sup>7</sup> Besides, this he was known by other names also in various other areas such as, Gopa, Gramabhojaka, Gramani, Gramyaka, Gramakuta, Pattanika, Mahantaka, Mahatakka. The work which was expected to be done by the village panchayat was that of imparting justice to the inhabitants of the village in case need arises. According to *Yagnavalkya*, these village courts had the sanction of king behind them.<sup>8</sup>

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<sup>5</sup> Supra note 1 at 195.

<sup>6</sup> Ibid.

<sup>7</sup> Supra note 1 at 200.

<sup>8</sup> Supra note 1 at 82.

Talking about the panchayat system, the briefest discussion can be found of the Cholas administration. The panchayat system of the Cholas depends upon the type of the village. The classification of the village in the Chola administration was of two types:

1. Ur Village

2. Brahmadeya Vilage

‘Ur’ village was a common village and the the assembly which was formed in this village was also known as ‘Ur’. It was consisted of each and every member of the village excepting the untouchables. This assembly carried out all the works of the administration including justice delivery.

When the ‘Ur’ village was considered as ordinary village then at the same time on the other hand ‘Brahmadeya’ village was considered to be of utmost significance. ‘Brahmadeya’ village were the ‘Agraharas’ that were granted by the kings to the Brahmins. Here the assemblies were also different. These were called ‘Mahashabhas’. One of the peculiar features of the ‘Mahasabha’ was that it was an autonomous body having election system.

After the members of ‘Mahasabha’ have been elected then various committees had been formed regarding various portfolios. One of those committees was the judicial committee, which was known as ‘Nyayattar’. The task of the ‘Nyayattar’ was to settle the disputes and to deliver the judgments. This was not the end. The judicial system was well planned and as a result, the appellate system was also established. The king being the fountain head of justice was vested with the power to hear appeal. The appellate power was vested with the King as a result of the delegation of power. The dignity and the important work of Panchayat does not remained confined only to the ancient India, but also it continued to play an important role during medieval times. The other peculiar feature which appeared in the medieval times was that the judgment given by the Panchayat used to be become final and generally it did not have the appellate power. The punishment which they inflicted included fines, public degradation or reprimand or ex-communication.

In the same manner, the elegancy of the Panchayat system carried to maintain its dignity in British era also.

### **Panchayat system during British regime**

When the Britishers started to establish their reign in India, then there came various phases in which the judicial system developed. This development was according to need of time. The more territory Britishers annexed the more reform in judicial system was needed. With the annexation of another territory the governance of the concerned territory became the subject area of the Britishers. For such purposes Britishers established various institutions for resolving the dispute between residents and among Britishers and other section of people. For such purpose the Britishers established various courts such as Sadar Diwani Adalat, Sadar Fouzdari Adalat, Sadar Nizamat Adalat, Moufassil Adalat, etc. But establishing these types of courts proved beneficial only to those who were resident of the nearby area and who had proper and sufficient resources. These adalats were established in the city-area or in the district areas and the persons who resided in far off villages suffered difficulty in reaching these courts. This demanded them hefty amounts and hence the justice remained difficult to reach till them.

There was a hit and trial method. When the Bengal was annexed the suggestions regarding the establishment of the Panchayat system was made.

But the actual changes were brought when these adalats started to face the heavy work load and hence the justice started to become delayed. Justice delayed is justice denied. Moreover, this was also showing the lack of efficient administration. Hence, it was the need of time to reform the judicial system. The main thing for which the judicial system was craving was the decentralization of judicial powers. Separation of judicial power from that of executive and legislature was also the immense need of time.

In particular, with the expansion of territory under Madras Presidency, the judicial work before Sadar Adalat increased enormously and the judicial work which was vested in Sadar Adalat and in Governor and his council started to find it difficult to dispose off the case. With all these problems in the mind various steps have been taken to properly regularize the judicial system. But all those changes did not solve the problem. Ultimately, the Company's Director in 1812, took note of arrears of District Adalat and gave suggestions to again adopt the ancient usage of Indian justice delivery system. So, the Company's Directors suggested for adjudication of small suits by the Panchayat System.

“By giving sanction and aid of our authority to the ministration of ‘potails’ and headman, assisted by panchayat or juries to which the people have been accustomed, we should provide for more efficaciously for speedy and equitable division of questions of limited value, than we

could hope to do by any Regulation to be carried into effect through the tedious process of courts, constituted on principles of our ‘zilla’ tribunals.’<sup>9</sup>

The already established various established judicial establishment incurred heavy expenditure, and thus, in dispatch of 29<sup>th</sup> April 1814, Company’s Director complained the same. They also focused on problem that English judges being not accustomed by the custom, usages, languages and habits of the Indians, so proper justice is difficult to impart. They suggested for the appointment of the Indian origin judges, so that they can efficiently dispose off the case related to cultural and local problems. Indian judges being aware about the Indian society and hence could accordingly deliver the judgment which is suitable as per the local conditions. They emphasized that in pre-British indigenous system ‘patels’ acted as a judge, magistrate and collector within his village in former capacity he settled disputes, assisted in important cases by a panchayat. Therefore, they suggested authorizing the district and village panchayat to hear and determine certain suits.

For carrying out the said suggestions and to elaborately examine the situation the Directors of the company appointed, a commission under the Chairmanship of Sir Thomas Munro. The commission was having the full power to observe the judicial system and to suggest reform for the flaws, if present any.

Munro was supporter of paternalist school. He was in favor of the fact that the Indian culture should be preserved and the Britisher’s governance policies should not be applied for their own good. He wanted to preserve the very culture and traditions of India and wanted to adopt the local administration policies of India. In fact the idea of establishment of Panchayat system was itself advocated by the Munro and the Director’s were impressed with his idea. That was the reason due to which Munro was appointed as its head. In a report, dated 15<sup>th</sup> August 1807, Munro had observed, “... the trial by panchayat is as much common law in India in civil matters, as that by jury is of England. No native thinks that justice is done, where it is not adopted.”<sup>10</sup>

In 1814, Munro Commission went to Madras and carried out substantial investigation in existing affairs of State. Commission gave various advises and on basis of those advises

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<sup>9</sup> Justice G B Patnaik, Yasobant Das, *et. al.(eds.)*, *Outlines of Indian Legal and Constitutional History* 222(Lexis Nexis, Gurgaon,2014)

<sup>10</sup> *Ibid.*

various suggestions were enacted through multiple Regulations in 1816. Few most prominent changes carried out through regulations were:

- Village headman was authorized to hear petty suits.
- The powers which were given to native judges were extended.
- A legal recognition was granted to the village and district panchayats.

The age-old institution of Panchayat for adjudication of suits was also revived. They could try any suit without limitation of amount or value, upon the agreement of both parties to that mode of trial.<sup>11</sup>

Though, these provisions as to establishment of Panchayat was suggested and proposed but the Governor-general-in-council had a dissimilar regarding the same as the Governor-General-in-council was in support of the Cornwallis tradition. Cornwallis was not in support of Panchayat system and he wanted to implement the judicial system as was in fashion in England. In regard to the Panchayat the Government's view was that village panchayat formed "the institution of rude and barbarous tribes, rather than of countries with a dense population and in which the trade, commerce, and agriculture and consequent opulence was widely diffused."<sup>12</sup>

Another step was taken by the Britishers for the establishment of local self-government when Lord Mayo, the 4<sup>th</sup> Viceroy of India assumed his office in 1869. He remained in office till 1872. For increasing the efficiency in the administrative set-up and to increase the arrears for the government and to reduce the expenditure and for the overall better justice delivery system, the year 1870 marks the leading light. For fulfilling such purposes, Lord Mayo issued a Resolution.

However, the Lord Mayo's Resolution only acted as lodestar, but the real protagonist was Lord Ripon. Due to his Resolution on the Local Self Government, he was called as Father of Local Self Government. On May, 18, 1882, Lord Ripon issued the resolution for the same. The only drawback of this resolution was that the resolution was more urban centric. It lacked the focus on the rural area.

In the year 1907, Royal Commission on was established under the chairmanship of Sir H. W. Primrose. This commission advocated for the delegation of the administrative set-up at the village level. This suggestion was further supported by the Montague-Chelmsford Reform (1919), wherein local self-government became the domain the provincial ministers. The

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<sup>11</sup> Supra note 9 at 223.

<sup>12</sup> Supra note 9 at 225.

development in the field of panchayat system saw a more significant change after The Government of India Act, 1935.

### **Development of panchayat system in post- independence era**

Congress Party has always advocated for the Panchayati Raj bodies. Even our Father of the Nation, Mahatma Gandhi was staunch supporter of the establishment of the Panchayat Raj bodies. The fore-fathers of the Indian Constitution, with the objective of establishment of these concerned bodies has inserted Article 40 of the Indian Constitution which says, “The State shall take steps to organize village panchayats and endow them with such power and authority as may be necessary to enable them to function as units of self-government.”

When, India got independence, then the first Prime Minister of India, Pt. Jawahar Lal Nehru, with the aim of fulfilling the establishment of full-fledged Panchayat System adopted the American ‘Block Model’. This system was adopted to secure the participation of people in the local self-government system. Under this system, the Community Development Programme was launched in 1952. Under this programme, Block Development Officer was appointed for each block so as to look after the proper carrying out of the said programme. Various objectives were planned to be fulfilled in the said programme. Few of the objectives are:

- Proper enforcing of the health benefit programme.
- Providing adequate primary education in the villages.
- Imparting training to farmers for adopting efficient method of agriculture.
- Imparting training to people for making them capable and self-reliant. etc.

There were certain drawbacks due to which the programme which was enforced with high aspirations had not been able to meet the desired results. The biggest drawback was the high amount of involvement of the bureaucracy, which ultimately resulted in the reduced participation by local people. The link which was desired to be established through this system between the local people and the administration was not able to meet its’ desired aims and aspirations.

Any change in any implemented programme or any alterations or any new policies cannot be enforced merely by declaring it. Rather a proper planning and thinking are required to be done before bringing it into form. Proceeding on the same pattern, Central Government had appointed another committee. This committee was appointed to recognize the drawbacks of the prevalent system and for suggesting the reforms for the removal of such drawback. The

committee was Balwant Rai Mehta Committee. It was established in 1956. After understanding all the drawbacks, the committee suggested for the reforms. Various major reforms were:

1. To distribute between villages and district a three – tier structure of local self-government. More specifically Grama Sabha at village levels, zila panchayat at block level and Panchayat Samiti at Block level.
2. These bodies should be given real powers to exercise at the levels on which they are established.
3. These institutions should be vested with duty to enforce the programmes of social welfare at these levels.
4. Proper financial resources should be provided to these institutions so that they could properly dispose off their duties.

These recommendations were submitted by the committee in 1957. In 1958, National Development Council accepted the recommendations of the Balwant Rai Mehta Committee and asked the states to adopt for democratic decentralization. The peculiar features of every tier at each level are as follows:

**4.1. Grama Panchayat or Sabha:** It is the lowest unit and it comprises of all the adult members of the village or it can also be the cluster of villages falling under Gram Sabha. It is elected for a period of 5 years. Numbers of members differ from State to State. But one thing which remains common in all the states regarding Gram Sabha is the tenure. The tenure of Gram Sabha is 5 years. Another ambiguity exists as to the source of the income of the Gram Sabha as it is not clearly defined anywhere and it also differs from one state to another state. The basic source of income in general cases are the tax which is collected by the body concerned such as octroi taxes, house taxes, vehicle tax and taxes generated from the sale and purchase of animals etc. Many a times, the State also provides finances to the Sabha for implementing effectively various programs at village levels.

Gram Sabha or the Gram Panchayat is vested with the duty to perform following three functions:

**4.1.1. Civic Amenities:** It consists of managing and maintaining the proper sanitation system, drainage system and drinking water system. It also manages the proper lightning, transport and school for village children.

**4.1.2. Developmental Work:** It is also the duty of the Gram Sabha to develop infrastructure as to tanks, irrigation system, ponds community halls, roads, etc. This is all done to increase the facilities for the village people so that it would be convenient for them to participate in the main stream of the society.

**4.1.3. Social Welfare Activities:** All the activities which are associated with the welfare of the village people are carried out and promoted by the Gram Panchayat. Social welfare activities such as, animal husbandry, family planning programmes, maintain of birth and death record, etc.

Besides, Gram Sabha there is various places where Nyaya Panchayat are also established. The members of these Nyaya Panchayat are elected by the members of the Gram Sabha. These Nyaya Panchayat are authorized to hear and decide the cases which relate to petty offences in both civil and criminal matters. They are authorized to impose fines but not authorized to impose punishment of imprisonment. This facility of hearing of petty cases before Nyaya Panchayat is essential for the village people so that they do not have to bear heavy financial burden in hiring a lawyer and they do not have to feel uncomfortable in complying with the processes of the court. In pleading before Gram Panchayat there is no need of lawyers, as only the victim and accused can argue for their cases. Generally, there is no provision as to appeal of the decisions of the Nyaya Panchayat but many States also lays down the provision as to appeal in small courts.

**4.2. Panchayat Samiti:** It is the next body after the Gram Sabha. In the wake of democratic Decentralization, it comes in middle of the Gram Sabha and Zila Prishad, or at intermediate level. Panchayat Samiti is organized at block level. It is given various names as according to the areas and the States. The various names are like Anchlik Parishad, Anchalik Panchayat, Zonal Samiti, etc. The organizations of this body do not have a specified organization and structure. It differs from one State to another, and in every different state the composition differs. But in such a difference, there comes certain similarities such as, in many areas the composition is of all the heads of the Gram Panchayat. A provision as to reservation of seats for the purpose of the representation of the people of Schedule Caste, Schedule tribe and other backward classes and also of women have been made. The representation of all the caste and sex is ensured so as to provide for the effective participation and equal opportunity for the development to every person of the society. On the same lines, as general practice, the Samiti at various places is also elected by the members of the Gram Sabha. The head of the Samiti is

elected by members from among themselves and the head is known by various names in various parts of the country, like, Chairman, Block Pramukh, Pradhan etc. These Samiti are established at Block level and thus, therefore for the proper regulation of this bodies, the Block Development Officer (B.D.O.) are appointed as the Executive Officer of the Panchayat Samiti. The other officers who assist B.D.O. in carrying the plans properly are other officers such as Assistant Development Officer and Gram Vikas Adhikari. Furthur, the expenses which the Samiti incurred are provided by the State Government so that the Samiti can carry out its functions properly and effectively. The Panchayat Samiti has to perform various functions such as:

1. To control and keeping a check on the workings of the Gram Sabha.
2. To curb the expenses and the budget of the Gram Sabha that is not a real necessity.
3. To chalk out the plans for the development of the Block in such a way so that every person is benefitted in one way or the other.
4. To properly implement the Community Development Program at the Block level.

**4.3. Zila Parishad:** This is the top most level of the three-tier local self-government system. This is established at the district level. This is the link between the other two bodies, that is, Gram Panchayat and the Panchayat Samiti on one hand and the State Government on the other hand. It also helps in maintaining the co-ordination between the Panchayat Samii and the Gram Panchayat. The composition of the Zila Parishad also differs from State to State, but the difference is not very noticeable. The general composition is found to be the same. The constitution of the Zila Parishad consists of:

1. Gram Pradhans of all the Gram Panchayat in the concerned district.
2. Elected Members of the State Legislative assembly in that district.
3. Elected members of the parliament from constituencies wholly or partially falling in the district.
4. District Development Officer (he does not have voting rights).
5. Co-opted members representing the women and backward classes.
6. Representatives of the Schedules Caste and Schedules Tribes.
7. Chairman of District Co-operative Bank as co-member.

At many places the manner of constituting the Zila Parishad is different as they are elected by the members of Panchayat Samiti at block level. The head of Zila Parishad is elected from amongst the members who want to be elected as the head. The members of the Parishad casts the vote to those members who desire to become the head and thus, the head is elected from amongst themselves.

The Zila Parishad has to perform various functions. Such as:

1. To look after the policies of the Panchayat Samitis.
2. To take report on the development and implementation programmes of different social welfare policies.
3. To inform the State Government of time-to-time basis of all the steps taken in regard to social welfare programmes.
4. To organize the meeting of the Gram Pradhan and Block Pramukh, and to take feedback about their respective steps taken for implementing various programmes.
5. To distribute the funds received from the State Government to Panchayat Samitis.
6. To convey the information received from the State Government to Panchayat Samiti and to Gram Panchayat and also to convey the information and data received from Panchayat Samiti and Gram Sabha to State Government.

All the functions of the Zila Panchayat is carried out from the funds received from the State Government and also the State Government submits the annual budget for the Financial year so that the work of development and community development programmes can be carried out unperturbed.

The working of the Local self- government started to be carried out effectively and properly and the establishment of this system proved to be beneficial for bringing the people residing in village into main stream of the society. But, still there lacked the effectiveness and the regular working condition of these bodies. Such lacuna had to be filled. Thus, for such purpose, a committee was established by the name of Ashok Mehta Committee in 1977 by the Janta Government. The object of the committee was to examine the functioning of the Panchayati Raj Institution and to suggest the drawbacks from which it is suffering and the suggestions thereof.

After examining all the drawbacks, the committee submitted its recommendations in the year 1978. The recommendations of the committee were such that it completely changed the parameters of the Balwant Rai Mehta Committee. Some of the recommendations of the Ashok Mehta Committee are as follows:

1. To establish Gram Panchayat for every village, there should be established a Panchayat for the collection of multiple villages which will be called as 'Mandal Panchayat'.
2. To establish only two-tier Panchayat system that is, one at district level and another at Mandal level.
3. The Mandal Panchayat have to be composed of 15 members who have to be elected directly and will also consist of two representatives of women community and the representative of the farmers.
4. Seats have also to be reserved for schedule caste and schedule tribes.
5. The constitution of Zila Parishad has to be consisted of six types of members:
  1. Heads of Mandal Panchayat.
  2. Member representative of co-operative societies and municipalities.
  3. Two women representatives.
  4. Representatives of Scheduled caste and scheduled tribes
  5. Two co-opted members of which one would belong to teaching community and the other would belong to area of having knowledge and interest in rural development.
  6. Elected members of State Legislature and of Parliament as ex-officio members.
6. Head of Zila Panchayat shall be elected from amongst themselves for the period of four years.
7. There should be a separate body known as monitoring forum for the promotion of interest of socially and economically backward classes etc.

Though, various recommendations were made by the Ashok Mehta Committee, but it was not accepted by the government.

### **Panchayati Raj 73<sup>rd</sup> Constitutional Amendment Act, 1992:**

It took approximately four years to the Parliament to have an effective discussion and for passing the 73<sup>rd</sup> Constitutional Amendment Act in the year 1992. Till now, the status enjoyed

by the Panchayat was only a matter of policy but now after Seventy-Third constitutional amendment act the status of the Panchayati Raj System became that of constitutional one. Along this amendment another amendment was also passed that is, 74<sup>th</sup> constitutional amendment which deals with urban local self-government act but that is not our area of concern. The 73<sup>rd</sup> Constitutional Amendment became applicable in whole of India except some parts, that is, Meghalaya, Nagaland, Mizoram, and other hill states. The provisions have been little bit amended for the purpose of making it effectively applicable in the Union Territory depending upon their peculiar conditions of such areas.<sup>13</sup>

Through Panchayati Raj 73<sup>rd</sup> Constitutional Amendment Act, 1992, a new part, that is, Part IX is being added in the Constitution. This Part IX consists of 16 Articles. Through this amendment eleventh schedule has also been added in the Constitution. By providing the constitutional status to the panchayat, the panchayat became authorized to perform all the activities which are provided to it in the Constitution like levy of taxes, administrative control, etc. It also made it necessary to hold elections in the 5 years on regular basis. For holding these elections regularly an independent body, that is, State election Commission has also been established. By inserting provisions regarding reservation, the reservations of seats for the women have been made compulsory. The women have to be given 1/3<sup>rd</sup> reservation in these bodies at all level. Also, the minimum age to acquire the membership of panchayat has been reduced to 21 years.

In regard to the Eleventh Schedule, the Panchayat have been given full powers to take steps to implement the social and economic development programmes as enumerated in Eleventh Schedule.

### **Other dimension of panchayat**

Though, the Panchayat as a basic body of the local self-government is backed by the Constitutional validity but there are various other local custom bases panchayat which does not hold any legal recognition but have only a support of custom and ideologies of orthodox persons.

Basically, the point of contention is the Hindu Marriage Act, 1955. The Khap Panchayat is a quasi-judicial body. These Panchayat are more in the function in Western Uttar Pradesh, Rajasthan, and in most areas of Haryana. These Khap Panchayat are against the Hindu Marriage

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<sup>13</sup> [https://niti.gov.in/planningcommission.gov.in/docs/reports/sereport/ser/bihinter/st\\_bihch11.pdf](https://niti.gov.in/planningcommission.gov.in/docs/reports/sereport/ser/bihinter/st_bihch11.pdf)

Act, 1955 and the marriage age, Gotra system, etc. as under Hindu marriage Act and tries to carry out their own decisions according to their own made rules. The Khap Panchayat receives more of condemnation rather than upraising. The basis of this condemning the working of khap is the orthodox, illogical and biased decision. Most of the concern of Khap Panchayat is formulating the rules against women and against couples who are already wed inter-caste and inter-religious criteria or who aspire to enter into a bond of love marriages. At the last, girl suffers. All this is also supported by the family of the girl. They also, to protect their so-called dignity kills their girls by forcing them to drink insecticide or any other chemical or specifically poison itself. Many times, they are burnt also. Because the orthodox societies who favor this type of panchayat consider that the girls are the sole basis of all the misconduct and defamation caused to their families.

### **Problems and Suggestions as to Panchayati Raj Institution:**

#### **Problems:**

The biggest problem which is faced by the Panchayat Institution is the election of the members on the party lines. Mostly those persons are elected as members of the Panchayat who belongs to the ruling party of the State. Moreover, the hierarchical system also works as the influence of a particular family remains to be prevalent in the panchayat area, which ultimately creates the fear in the mind of people that if they do not vote for the particular candidate then it could result in the adverse effect to the voter. Also, the purchased vote is prevalent, which means the exercise of the mal-practices in the elections. Though these practices are mostly curbed in the eyes of law but in sad reality it is still in practices. Thus, corruption and nepotism work very well in these elections. Also, the high involvement of the bureaucracy makes the programme not as effective as it was dreamt of. The lack of spreading of awareness and non-fulfillment of the promises made by these bodies cause the village people to surmise about the utility of the Panchayati Raj Institution.

#### **Suggestions:**

The Panchayati Raj Institution could be made more effective by adopting various steps:

1. By providing financial autonomy to the panchayat.
2. By keenly observing the election process and by establishing the proper investigating agency so that they can catch the persons engaged in mal practices.

3. Certain changes have to be made in the institution so that the interference of the bureaucracy can be diminished in the working of these institutions.
4. Spreading the awareness about the working of these institutions among the village people so that they could participate properly in the working of the institution.
5. People should be encouraged to have information about the social and economic welfare programme, so that they could get to know about their rights and duties properly.