



# Genesis and Development of Panchayati Raj Institution in India: An Overview

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## Abstract

*India is essentially a rural and one of the largest democratic country in the world. The concept of Panchayati Raj is not very new in India. The existence of Panchayat dates back to Vedic, Mughal and British periods. Since ancient times, the whole village was a self-sufficient unit, and the communities lived under a common brotherhood. The Panchayat has been the backbone of the Indian village. The Panchayati Raj Institution is an ancient institution, but the term Panchayati Raj which denotes three-tier structures at the district, block and village level, is modern through the Seventy-Third Constitutional Amendment Act. It ensures people's participation in rural development at the grassroots level of democracy. This paper analyses the origin and growth of the Panchayati Raj Institution and the implantation of the 73<sup>rd</sup> Constitutional Amendment Act, 1992, in India. Furthermore, it will look into the genesis of the Panchayati Raj institution in India.*

**Keywords: Panchayati Raj, 73<sup>rd</sup> Amendment Act, Women, Decentralization**

## **Introduction**

The word "panchayat" literally means "assembly" of five, and these five people are respected elders chosen and accepted by the local community. Panchayati Raj is a system of governance in which gram panchayats are the basic units of the administration. The earliest reference to Panchayat is derived from the word Pancha, which refers to an institution of the five (puncha, panchasvanusthitah) is found in the Shanti-Parva of Mahabharata, Pancha and Panchavanusthitah are semantically close to Panchayat.<sup>1</sup> In India, the Panchayati Raj system is the prime instrument of decentralisation through which democracy becomes genuinely representative and responsive. The Panchayati Raj Institutions are considered local self-government meant for providing basic infrastructure facilities, empowering weaker sections of the society, and initiating the development process at the gross-root level of rural India, where the soul of India lives.

## The genesis of Panchayati Raj Institution

In ancient India, most of the historians view that the Panchayat were in existence in India even before the migration of the Aryans. The system of Panchayats and decentralisation, which they manifested, was present in India even during the Vedic and Pre-Vedic periods. In this period, most of the villages in India were autonomous units of administration. This contention can be supported by the frequent use of the word 'Gamine' in Vedas and 'JanPadas' in Valmike's Ramayana, which was perhaps a king of the federation of village republic. There was a 'Gram Sanghs' (Village Union) and 'Gram Saba's (Village Assemblies) often find important place in the Mahabharata, Manusmiriti and even Buddhist Jatakas. A description of these rural communities like janapada, garamas is also found in the Arthasasthra of Kautilya who lived in 400 BC. In Shankracharya's Nitsar given lucid account of the working of rural communities based on the principle of autonomous self-government.<sup>2</sup> The well-known Greek Traveller Magastheness has left vivid accounts of the 'Pantads' as he called to these Panchayats. Chinese travellers, Hieun Tsang and Fa-Hien have also told that rural India was very prosperous at the time of their visits.

Under Chalukas' administration to the lowest unit of administration was the village, where the village Panchayat or Gram-Sabha assumed an important place.<sup>3</sup>

In Medieval India, Muslim rulers too did not interfere in the working of Panchayat. Consequently, they were unaffected by this change in the government. Mohammad Bin Qasim, who conquered Sindh in 712 A.D., Subuktigin, who invaded the century in 991 AD and successive Muslim invasions, showed that they were nothing more than pseudo-religious adventure, plundering with no intention whatsoever to establish a stable government. Some others, Slave Dynasty (1206-1290 AD) and continued during the reigns of Khilji monarchs (1290-1321 AD), the Tughlaq Dynasty (1321-1413 AD) and the Lodhi Dynasty (1451-1535 AD) and even onwards. During this period, the settled government were established in India, and elaborate administrative and judicial systems were set up to enhance the government's efficiency.<sup>4</sup>

Mughal came to India in the 16<sup>th</sup> century and established their rule like most of the foreign invaders. They did not attempt to interfere or modify the local government of the village community in any manner. The Ain-e-Akbari, the Shahi Firmans and the Dastur-ul-Amals contain clear evidence in this regard.<sup>5</sup>

During the region of Akbar, the empire was divided into Sarkars, each Sarkar comprised of number of Parganas, which was actually a union of several villages. At every village, there was village Muqaddam (headman) and the village Patwari. All these men were not state employees but the servants of a village community.<sup>6</sup>

During British period, the local self-government flourished during the British regime. The first municipal administration in India was established in Madras through a Royal Charter provision of the East India Company on December 30, 1687. It was to mobilise resources through local taxes and to control the powers of then Governor of Madras. The Madras City Corporation was made responsible for the public services and civic. Besides collection of taxes, civil and criminal matters were also dealt with by it. A charter of 1726 superseded the Corporation by a Mayor's Court, which was more a judicial than an administrative body.

Similarly, the municipal corporation were also set up as a part of local self-governance in Bombay and Calcutta, but it was not until 1793 that the municipal administrations were placed on a statutory basis by the Charter Act of that year.<sup>7</sup> The period ‘witnessed the gradual decadence of the village community as an effective form of local polity’.

### Milestones in the Evolution of Local Government (Panchayati Raj) in India

•	<b>1882</b>	The Resolution on Local Self-Government by Lord Rippon.
•	<b>1907</b>	The Royal Commission on Decentralisation.
•	<b>1920</b>	For the first time the Panchayats established in July 1921, under the UP Villages Panchayats Act, VI of 1920, in Agra and Mathura Districts.
•	<b>1947</b>	The United Province Panchayat Raj Act, established Panchayat in all parts of the state.
•	<b>1948-49</b>	Constituent Assembly debates between Gandhi and Ambedkar on Gram Swaraj (self- rules) in Indian polity.
•	<b>1950</b>	The Constitution of India comes into force on January 26; Directive Principles of State Policy (DPSP) mentions village panchayats as ‘units of self-government’ (Art. 40)
•	<b>1952</b>	Community Development Programmes starts on October 2 at the Gram Panchayat level.
•	<b>1957</b>	Balwant Rai Mehta Commission – an early attempt to implement the three tiers panchayat structure at district, block and village levels.
•	<b>1959-1961</b>	UP Kshetra Samitis and Zila Parishads Act (now, renamed as UP Kshetra Panchayats and Zilla Panchayats Adhiniyam, 1961)
•	<b>1963</b>	K. Santhanam Committee – recommended limited revenue raising powers for Panchayats and the establishment of State Panchayati Raj Finance Corporations
•	<b>1977</b>	Asoka Mehta Committee – appointed to address the weaknesses of PRIs, concluded That a resistant bureaucracy, lack of political wills ambiguity about the role of PRIs and elite capture had undermined previous attempts at decentralisation, recommending that the district serve as the administrative unit in the PRI structure.
•	<b>1985</b>	GVK. Rao Committee – appointed to address weaknesses of PRIs, recommended that the block development office (BDO) should assume broad powers for planning, Implementing and monitoring rural development programmes.
•	<b>1986</b>	L.M. Singvi Committee – recommended that local self-government should be Constitutional status of Panchayats and the Gram Sabha (the village assembly) should be the grass-root level of decentralised democracy in India.
•	<b>1992</b>	The 73rd Amendment to the Indian Constitution – PRIs at district, block and village levels are granted Constitutional status. The Gram Sabha is recognised as a formal democratic body at the village level.
•	<b>1993</b>	73 <sup>rd</sup> Amendment Act, comes into force in Country in April 24, 1993.
•	<b>1993-94</b>	All state governments pass Conformity Acts between May 30 1993 and April 23, 1994
•	<b>1994</b>	The government of Uttar Pradesh amended two Acts named as UP Panchayat Acts, 1947 and UP Kshetra Samitis and Zilla Parishads Acts, 1961 through the Uttar Pradesh Panchayat Law Amendment Act, 1994 which came into force from April 22, 1994.
•	<b>1996</b>	The Panchayat (extension to scheduled area) PESA- Act was recommended by Dileep Singh Bhuria committee to the Powers of self-government are extended to Tribal communities tradition for upliftment their societies as well as administration for villages.

## Panchayati Raj Institution in India since Independence

*“Our cities are not India. India lives her seven and half lakhs of villages and cities live upon villages”.*

**M.K. Gandhi**

The idea of Panchayati Raj and Community Development was the implementation of those recommendations into a reality. The organisational and administrative structure required for this purpose was to be set up in the right earnest. The village people were to be made conscious of the mess in which they had fallen and were to be made familiar with the ways and means of extricating themselves from this socio-economic such. To make the teeming millions living in India's villages feel the warmth of the newborn independence and develop a new zeal in their lives, it was decided to organise the panchayats on a fresh footing and protect them under a legal framework. Consequently, panchayats found their place in the Directives Principles of State Policy of the Indian Constitution because it was keenly felt by the framers of the Constitution that Political democracy can be meaningful only if the economic and social problems of 82% of the Indian population were to be taken in an integrated way. It gave rise to the Panchayati Raj Institution in an organised manner.<sup>8</sup>

### Constituent Assembly debate and Panchayats

All through the freedom struggle, the Indian National Congress perceived the Panchayats as people's institutions. Local self-governance was seen as the authentic voice of democracy. Village panchayats were central to the ideological framework of India's national movement. Many of our leaders, mainly Mahatma Gandhi, were wedded to Gram Swaraj's Concept (village Self-rule). The idea was to have a democratic process operating at the grassroots level and at the state and national level. However, all this could not be translated into action till achieving independence.<sup>9</sup> He also said that “when Panchayati Raj established, public opinion will do what violence can never do. The present power of the zamindars, the capitalists and the rajas can hold sway so long as the common people do not realise their own strength. If the people non-co-operate with the evil of zamindari or capitalism, it must die of inanition. In Panchayat Raj, only the Panchayat will be obeyed, and the Panchayat can only the work through the law of their making.”<sup>10</sup> After independence, several attempts were made in India to organise panchayats as institutions of self-governments in the rural areas. At that time of constitution-making, some Gandhian members of the Constituent Assembly raised the issue of structuring Indian polity based on panchayats, as envisaged in the concept of Panchayati Raj.<sup>11</sup> The provision relating to the organisation of village panchayats as units of local self-government was not incorporated in the original Draft of the Constitution. The President of Constituent Assembly, Dr Rajendra Prasad, therefore, drew the attention of Constitutional Advisor Dr BN. Rau to this omission. He regretted the omission but at the same time expressed his inability to change the basis of the Constitution, which they had drafted entirely. But unfortunately, the chairman of the Drafting Committee, Dr B.R. Ambedkar, defended the non-inclusion on the ground that the basis of the Draft Constitution was “individual” and not the “village”. Ambedkar's apathy for villages was severely criticised by members of the Constituent Assembly excepting two, Begam Aziz Rasool of Uttar Pradesh and Man Mohan Das of West Bengal. However, mobilised by the strong support of learned members in favour of inclusion of a clause of village panchayats.<sup>12</sup> On November 22, 1948, K. Santhanam

moved the following motion: After Article 31, the following new Article was added. Dr Ambedkar immediately accepted this by saying that “I have nothing more to add”. Thus, the motion was unanimously adopted on the organisation of village panchayats. In this way, Article 40 formed part of the Directive Principle of State Policy in part IV of the Constitution.<sup>13</sup> In this provision, “The state shall take steps to organise village panchayats endow them with such powers and authority as may be necessary to enable them to function as a unit of self-government.”<sup>14</sup>

The power to organise these institutions is vested in the states. The provision of the Constitution Article 246, entry no. 5 in the state list of the Seventh Schedule provides, “Local government, that is to say, the Constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and the other local authorities for the purpose of local self-government or village administration”.<sup>15</sup>

With the establishment of the planning commission in March 1950, scientific planning was started at a large scale for economic and social progress and for effecting agricultural improvements as the country’s most urgent and primary needs.

The concept of a Rural Extension Service briefly referred to in the Fiscal Commission Report was further developed by the Grow More Food Enquiry committee headed by V.T. Krishnamachari.<sup>16</sup> It recommended the need for extension services similar to the extension or advisory services in the USA, UK, etc., with the development of the block, usually of 100 to 120 villages as a unit for development.<sup>17</sup> And also pointed, “The workers must know and be known to all families in their villages, and improvement plans should be discussed and command the largest measures of support.” Serious thought was given to the question of linking the panchayats with the programme of economic development. The report on the Organization of Local Self-Institutions (Rural and Urban) with Planned Social Economic Development in India emphasised in 1951, “A democratic Government at the Centre can never function expressively unless supported by a democratic organisation of local administration”.<sup>18</sup>

The Five Year Plan Documents have mentioned the ideas of ‘decentralised planning’, ‘planning from below’, ‘people’s participation in planning, ‘multi-level planning’ etc. The concept of decentralised planning began when the Community Development Programme was launched on October 2, 1952, by the government of India under the Indo-U.S. Technical Cooperation Agreement, motivated by the need and desire for decentralised economic development. As a part of this exercise, the state Governments were requested in 1954 to prepare district and village plans. Subsequently, various committees, commissions, and study teams were constituted in the late fifties to strengthen Panchayati Raj in India. The Panchayati Raj Institutions came into being at the district and lower levels of administration to provide an institutional base for people’s active participation and involvement in development.<sup>19</sup>

## Community Development Programme(CDP)

India is the only country in the world where the largest democracy exists. The introduction of the Community Development Programme in 1952 with people's participation as its central concern was thus conceived as an instrument to transform the social and economic life of the village community. Right from the beginning, the programme was blown out of proportion as one of the most beneficent revolutions and one of the significant experiments of the 20<sup>th</sup> century. CDP was the first comprehensive programme for the betterment of the lives of the masses peacefully with an organised administrative set up at the national, state, district, and block levels to implement the development programme.<sup>20</sup> The programme also aimed to develop the spirit of self-help among the villagers with the government's technical guidance and financial assistance. It encouraged collective action and community thinking through Panchayats and Cooperative societies. The different fields in which activities were organised are recreation, health, housing, cottage industries, agriculture, etc.<sup>21</sup> . As these community development programmes could not evoke people's participation, it became necessary to inquire into the causes of their attitude and suggest remedies. This job was entrusted to the "Team for the Study of Community Projects and National Extensions Service headed by Balwant Rai Mehta. The Committee submitted its report on November 24, 1957, laying the foundation of Panchayati Raj in India. Besides it, various committees have been constituted for strengthening the Panchayati Raj in India.

### Different committees on Panchayats

The government of India appointed many committees to study the implementation of self-government at the rural level. Balwantrai Mehta Committee recommended a three-tier system of governance for Panchayat; Ashok Mehta Committee suggested the need for a two-tier system at the ground level of governance; GVK Rao committee advised that elections in local governments are required to be conducted regularly, and the LM Singhvi committee emphasised the need for constitutional recognition of local self-government.<sup>22</sup>

### The 73<sup>rd</sup> Constitutional Amendment Act, 1992

Towards the end of the eighties, the Union Government started a series of consultations and workshops on working out modalities for constitutional status for the Panchayats. By the end of 1988, a sub-committee of the consultative Committee of Parliament under P K Thungan was constituted, which suggested constitutional status for the Panchayati Raj Institutions.<sup>23</sup> The original Panchayati Raj Bill (1989) was an initiative to decentralise power and politically enfranchise the poorer sections of the society, such as Scheduled Castes, Scheduled Tribes and women, who form a large part of the landless labourer and artisan population.<sup>24</sup> The amendment phase began with the 64<sup>th</sup> amendment Bill (1989), introduced in Parliament for constituting panchayats in every state at the village, intermediate and district levels. It proposed that the Legislature of a State could, by law, endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government. Unfortunately, though the Bill got a two-thirds majority in the Lok Sabha, it was struck down in the Rajya Sabha on October 15, 1989, by just two votes.

The National Front Government, headed by V.P. Singh also, made an abortive effort to provide Constitutional status to the Panchayati Raj System by introducing the 74<sup>th</sup> Amendment Bill in the Lok Sabha in September 1990 for both panchayats and municipalities. This failure notwithstanding, the government declared its commitment to the philosophy of 'power to the People' and to achieve this objective provided the much needed constitutional status to panchayats. Next, Congress-I Government, headed by PV Narasimha Rao, initiated the 73<sup>rd</sup> Amendment of the Constitution in 1991. A comprehensive amendment was introduced in the form of the Constitution (72<sup>nd</sup> Amendment) Bill in September 1991, which was subsequently referred to a Joint Select Committee of the Parliament in December 1991 for a detailed examination.<sup>25</sup>

Finally, after including the necessary amendments, the Constitution 72<sup>nd</sup> Amendment Bill was passed with near unanimity in the Lok Sabha on December 22, 1992, and in the Rajya Sabha on December 23, 1992. After ratifying the Bill from 17 states and getting the President's assent on April 20, 1993, the Constitution 73<sup>rd</sup> Amendment Act came into effect on April 24, 1993.<sup>26</sup> However, the historic 73<sup>rd</sup> CAA 1992, added a new part IX (The Panchayats) consisting of sixteenth articles (Article 243-243O) and the Eleventh Schedule to the Constitution.<sup>27</sup> It was meant to provide constitutional status to establish democracy at the grass-root level state and national levels. This amendment made the transfer of power to the Panchayats a part of this nation's essential document- the Constitution of India.

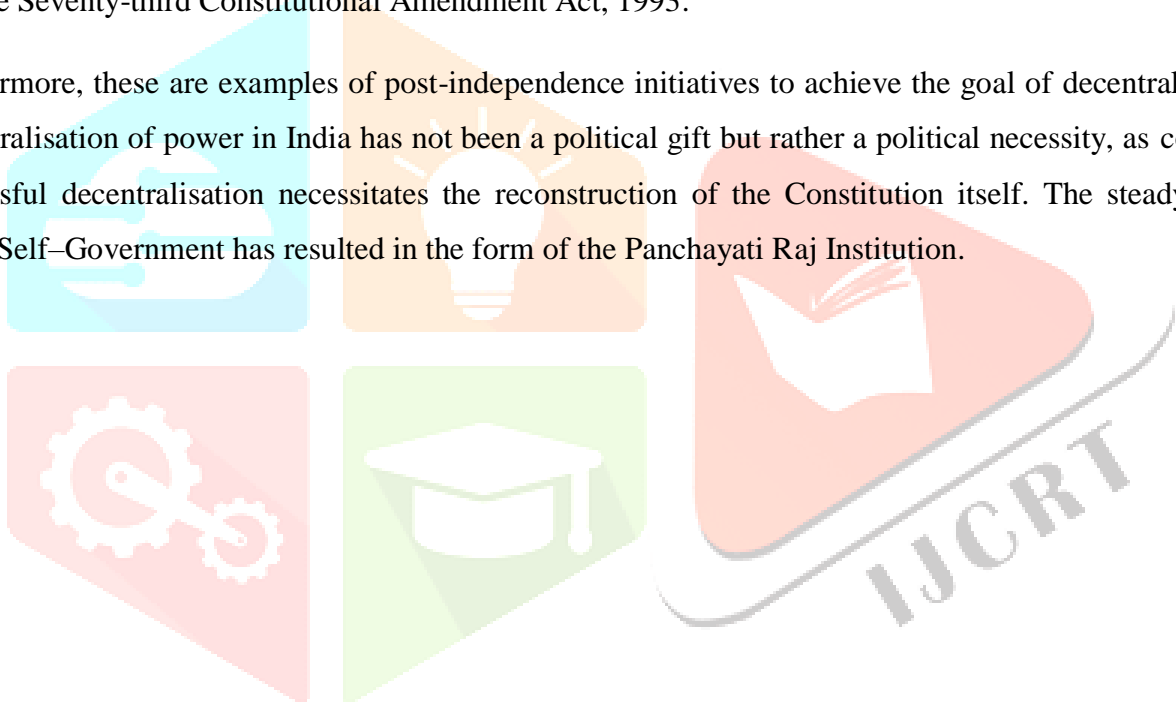
### **Some Highlights of the Amendment Act 1993**

The new Amendment Act has set in motion a new phase of democratic decentralisation of administrative powers to the local self-bodies. It is meant to delegate the authority to the elected members at the grass root levels. The primary thrust of the measure is that the elected local governments will hitherto be allowed to function in respect to their allotted areas of a task. The Act contains several features, such as an adequate representation through the direct or indirect election of the chairman of the village panchayats, maximum period of their suppression, mandatory appointment of the state-level Election Commission and Finance Commission, women representation and reservation for SCs/STs and backward classes etc. The functions allotted to these bodies cover 29, while those for municipal bodies are 16. There is a provision of the Planning Commission and the Comptroller Auditor-General's involvement to strengthen these institutions in dealing with the subjects like primary education, adult education, basic health facilities, drinking water, etc. Under the Representation of People Act, local government is now accountable to the elective local body than the state government. The role of the bureaucracy and the control of the state seems to have been marginalised.<sup>28</sup> Women have also been empowered through the Panchayati Raj institution, like the provision given in Article 243D in Indian constitution. It mandates that not less than one-third of seats at all levels a panchayat shall be reserved for women.<sup>29</sup>

## Conclusion

To conclude, the panchayats and sabhas have been the basic units of self-government in India for centuries. There have been a number of ups and downs in the journey of Panchayati Raj in India. Moreover, It can be concluded that the current Panchayati Raj institutions have their origins in the past. Even during the Mauryas, Guptas, and Harsha periods, which we refer to as the period of centralised sovereignty, it appears that the Panchayati Raj with effective local autonomy remained to exist. Panchayati Raj institutions have existed in some form or another throughout history. Unfortunately, the Mughal government was unable to significantly improve the operation of local institutions since they did not consider welfare activities, particularly at the village level. However, the British gave these local entities a new political flavour, a Western-style election system, despite their affection for these bodies being forced upon them by political forces. The need for the constitutional amendment of the PRIs was realised for a long time, particularly after the recommendation of the Balwantray Mehta Committee (1957), Ashok Mehta Committee (1978), GVK. Rao Committee (1985), and the Seventy-third Constitutional Amendment Act, 1993.

Furthermore, these are examples of post-independence initiatives to achieve the goal of decentralisation. The decentralisation of power in India has not been a political gift but rather a political necessity, as complete and successful decentralisation necessitates the reconstruction of the Constitution itself. The steady growth of Local Self-Government has resulted in the form of the Panchayati Raj Institution.





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