CHAPTER VII

CONSTITUTIONAL STATUS AND FOOTING FOR INSTITUTIONS OF GRASSROOTS DEMOCRACY
In the foregoing chapter, we have given a critical analysis of how these grassroots democratic institutions were marginalised and sidetracked due to political allergy, bureaucratic neglect and proclamation of National Emergency. Also, we have analysed the steps taken by the Janata government to reinvigorate these institutions by constituting a national-level committee, known as Asoka Mehta Committee. In addition, a critical appraisal of grassroots democracy between the two Mehtas, has also been presented with a view to forming an idea of the status of Panchayati Raj institutions in the successive years.

In this chapter our main concern shall be to highlight the setting up of other committees in this regard, the growing demand for providing a constitutional base for grassroots democracy; Prime Minister Rajiv Gandhi's approach and policy in respect to grassroots democracy; the unsuccessful 64th Constitutional Amendment Bill; and the subsequent incorporation of the 73rd Constitution Amendment Act, making grassroots democracy a part and parcel of the organic law of the land, and thereby creating a third stratum of government in the Indian Polity. Also, an attempt will be made to analyse the major flaws and drawbacks of the aforesaid Amendment Act; its various ramifications and implications.

New Phase of Experiment in Some States

The appointment of Asoka Mehta Committee in 1977 marked a turning point in the history of grassroots democracy. Although
the recommendations of the said committee were turned down by the Conference of the Chief Ministers held on 19th May, 1979 and were not implemented upon by the Janata government, still then the Committee's Report inaugurated a new phase of experiment in grassroots democracy in such states as West Bengal, Karnataka and Andhra Pradesh.

The very idea to introduce a new system of governance below the state level can be said to have started when West Bengal took positive and significant steps to revise its existing panchayatiraj law and introduced a new and full-fledged system in the light of the recommendations of Asoka Mehta Committee in the year 1978. Soon states like Karnataka and Andhra Pradesh followed suit by revising their existing system of panchayatiraj. Following the West Bengal experience in the year 1983, Karnataka introduced a new and modified panchayatiraj system suiting to its local interests and needs. Thereafter Andhra Pradesh followed the footsteps of both West Bengal and Karnataka by introducing a new system of panchayatiraj as per the recommendations of Asoka Mehta Committee. Also the State of Jammu and Kashmir passed new acts in this regard. But a marked difference was there in case of the panchayatiraj before and after Asoka Mehta Committee. First, the emphasis shifted from development organisation at local level to a political institution. Second, the emphasis also shifted from bureaucracy to the political elements; and thirdly, for the first time, there was the official involvement of political parties in the election of these local bodies.
In addition, Balwantrai Mehta Study Team made development central to the Panchayatiraj system and the report of the said Study Team affirmed that community development can be real only when the community exercises the necessary powers through its chosen representatives and maintains a constant vigilance on local administration. Holding such views, it recommended the establishment of statutory elective local bodies at village, block and district levels. But, the attempt taken by the states like West Bengal, Karnataka and Andhra Pradesh on the lines of the Asoka Mehta Committee recommendations, had been to transform panchayats into genuine political institutions in order to make these bodies the focal point of self-government.

With a view to revitalise the local bodies and to introduce a new system of governance below the state level, necessary steps were taken by the government of West Bengal to involve political parties in the elections to the local bodies even when the prevailing political climate and administrative arrangements was against such participation by political parties. Thus, in West Bengal, the local bodies elections of 4 June 1978 witnessed the official participation of political parties for the first time in India.

In Karnataka, the local bodies elections of January 1987 and in Andhra Pradesh the elections of these local bodies of March 1987 were held on party lines. In all the three states mentioned
above, whenever the elections to the Panchayats were held there was a high percentage of polling. Thus, it had become an established fact that local bodies elections on party lines had made the villagers of these three states more politically conscious. The local leadership had also become politically more responsible since the reputation of political parties depend on the integrity and performance of the local leaders.

Again, in order to ensure wider participation of the young people, the Government of Karnataka had reduced the voting age to eighteen and Andhra Pradesh followed suit. Although the voting age was twenty one in West Bengal (until it was lowered nation-wide on 28 March 1989), young people were already on the forefront in these bodies. This ensured youthful leadership and dynamism in the local bodies.

Andhra Pradesh took another step in this direction by providing direct election of the Zila Parishad Chairman and Mandal Panchayat President. Since the entire electorate took part in the election of their local bodies Chairman/President, there was the wider participation of the people in the electoral process.

In addition, these three states under review had also taken necessary steps for the reservation of seats for the weaker sections in the local bodies. In Karnataka, the 1983 Act reserved 25 percent of the seats for women and 20 percent for the Scheduled Castes and Scheduled Tribes. Initially, in Andhra Pradesh, under
the Andhra Pradesh Panchayat Samitis and Zila Parishads Act, 1959, reservations were only for SCs and STs. But the 1986 Act provided for reservation of 20 percent seats for Backward classes and 9 percent for women.

All the measures adopted by West Bengal, Karnataka and Andhra Pradesh converge to a district government approach by giving more weight to the Zila Parishads. For example, in West Bengal the district Magistrate had to assist the Sabhadhipati (chair person) of the Zila Parishad. In Karnataka, the remuneration and perquisites equivalent to those of a minister of state and deputy minister, were being given to the Zila Parishad adhyakshas (chair persons) and upadhyakshas (vice-chair persons) respectively. In Andhra Pradesh also the same status, remuneration and perquisites as in Karnataka were envisaged for the Zila Parishad Chairman.

In short, the steps taken by the three states were really encouraging so as to develop Panchayatiraj system as an instrument of vigorous rural local self-government and to secure the effective participation of the people in the decision making process. Since these acts in the State of West Bengal, Karnataka and Andhra Pradesh gave more powers to the local bodies and as their orientation was more political than developmental, they evoked widespread enthusiasm among the rural people. This remarkable enthusiasm among the ordinary people in West Bengal, Karnataka and Andhra Pradesh stimulated the movement to provide a constitutional status to Panchayatiraj institutions.
Towards a constitutional status

From 1985 onwards, after the successful implementation of Panchayatiraj in West Bengal and Karnataka, the process of making Panchayats vibrant and pulsating institutions of self-government was initiated. Democratic participation of the people in the local elections was forthcoming ensuring youthful leadership and dynamism in local bodies. A growing demand to bring Panchayatiraj within the framework of the Constitution was slowly and steadily raising its head.

G.V.K. Rao Committee

In 1985, the Planning Commission set up a committee to review the existing administrative arrangements for rural development and poverty alleviation programme (popularly known as CAARD) under the chairmanship of Prof. G.V.K. Rao. The said committee suggested activization of Panchayati Raj Institutions (PRIs); a three-tier system of PRIs, assigning planning functions to them; introduction of the concept of district budget; creation of District Development Commissioners (DDC) who may be having higher status than that of the District Collector to look after and co-ordinate all the developmental activities in the district; appointment of a State Finance Commission once in every five years to determine the quantum of money to be provided to each zila parishad and reservation of seats for the SCs, STs and women.¹

L.M. Singhvi Committee

In June 1986, the Government of India set up a committee under the Chairmanship of L.M. Singhvi to prepare a concept paper on the revitalisation of the Panchayati Raj Institutions. The committee recommended that local self-government should be constitutionally recognised, protected and preserved by the inclusion of a new chapter in the Constitution. Local self-government, and more particularly, Panchayati Raj Institutions, should be constitutionally proclaimed as the third level of Government. Also, the committee recommended that the conduct of elections to these local bodies shall be entrusted to the Election Commission of India operating through State Commissions. The Committee further made a plea for setting up of a Panchayati Raj Judicial Tribunal and making provisions for adequate financial resources for the Panchayati Raj Institutions.  

Workshops

Between December 1987 and June 1988, Five workshops of District Magistrates were organised at different places in the country on 'Responsive Administration' in which the Prime Minister Rajiv Gandhi himself participated. These workshops, inter alia, recommended that a "democratic framework at the local level was indispensable for responsive administration". Again, states like

Karnataka which wanted to devolve powers to the Panchayats realized that a constitutional amendment was necessary. Mr. Abdul Nazir Sab, the Minister for Panchayati raj in Karnataka under the Janata government, observed, "Soon we realized that within the limitation imposed by the constitution, the ideology of a 'Four Pillar State' - village, district, state and centre - could not be implemented in toto by the state government ... Without a constitutional amendment guaranteeing the 'Four Pillar State', our efforts may not be as fruitful as we desire".  

A real awakening had started among the ordinary people in West Bengal and Karnataka on the successful implementation of Panchayatiraj. The growing demand to bring these local bodies within the purview of the constitution, was thus strengthened day by day. However, George Mathew has identified four views regarding the constitutional support for these local bodies that took place during that period. They are as follows:

1. The constitutional changes to guarantee elections to local bodies at the expiry of their term is a sufficient condition for bringing life into the local bodies.

2. The constitutional guarantee of elections is not a sufficient condition but only a necessary condition. What is really needed is a 'quantum jump' in political democracy providing for a three or four-tier government, that is, the centre, state, district and village governments.

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3. Local self-governments must be strengthened, but not through rigid and uniform constitutional provisions. Freedom at the state and regional levels for experimenting and evolving suitable system is a must.

4. A 'marriage' of district government and Panchayatiraj is possible. The concept of people's participation must be considered as an ideological commitment and therefore what are needed are legislative and structural measures to give legitimacy to people's participation". 5

Rajiv Gandhi's Approach and the 64th Constitutional Amendment Bill

When Rajiv Gandhi became Prime Minister of India, he thought that unless people were considered as an important factor in development process, grassroots democracy in particular and democracy in general could not function smoothly. During his short span of political life, he left a permanent mark on the political, social and economic life of India. He was firmly convinced that during the first forty years of Independence, massive influx of central funds and Centre-initiated schemes did not radically transform the rural environment. Commenting on Indian planning and bureaucracy, he remarked that the rural people, "were not receiving even 15 paise out of a rupee allotted to them by the government". 6 With a crusading zeal, he went about the task in a systematic manner by organising meetings with district magistrates


and collectors, village pradhans, voluntary organisations, and others concerned with Panchayatiraj institutions. Since for Rajiv Gandhi, Panchayati raj is an instrument of social and economic change especially for the poor and downtrodden, he spent several hours with the representatives of scheduled castes and scheduled tribes and consulted nearly 800 women representatives of panchayatiraj institutions drawn from all over the country. With the belief and conviction to provide 'power to the people', he observed, "Our democracy cannot be strong unless democracy in the villages is strong. We cannot have real development in the country unless the panchayats are made responsible for development in the villages and the people who live in the villages are involved in their own development". With strong determination and dynamism to transfer the power and resources to the people for formulating and implementing their own development plans, Rajiv Gandhi remarked, "We are on a threshold of a mighty revolution. It was a revolution envisaged by Jawaharlal Nehru when Panchayatiraj was launched three decades ago. The revolution was not realised because it lacked constitutional underpinning".

By the end of 1988, a sub-committee of the consultative committee of the Parliament under the chairmanship of Mr. P.K. Thungon recommended for giving constitutional status to the Panchayati Raj system in India.

8. Quoted in Rameshwar Thakur, Ibid., P.10.
It was against this background that on 15 May, 1989, the Rajiv Gandhi Government introduced the Constitution (Sixty-fourth) Amendment Bill in the Lok Sabha. While moving the Bill Rajiv said, "The single greatest event in the evolution of democracy in India was the enactment of the Constitution which established democracy in Parliament and the State Legislatures. This historic, revolutionary bill takes its place alongside that great event as the enshrinement in the Constitution of democracy at the grassroots".9 This Bill was adopted by the Lok Sabha in August 1989. However, it was defeated in the Rajya Sabha in October, 1989.10

The bill, even though a welcome step, was vehemently opposed on the following grounds by most of the opposition parties and the states ruled by non-Congress parties.

(a) Local government is a state subject and the central legislation is a direct interference in the jurisdiction of the states assigned to them by the Constitution.

(b) In the name of democratic decentralisation, what is actually aimed is too much concentration of powers in the hands of the Central Government.

(c) The opposition pointed out that the hasty steps taken by the Centre to bring reforms in the Panchayati Raj system are done with the obvious intention of creating a parallel centre of power in the states under the direct control of the Centre.


10. For the Text of the 64th Constitution (Amendment) Bill, see Appendix III.
Thus, the dream of Rajiv Gandhi could not be realised as the new Constitution (Amendment) Bill seeking to make Panchayati Raj system a part and parcel of the Constitution could not be duly passed to be placed on the Statute book.

In 1990, however, the government took a fresh view on the subject, and after consultation with the Chief Ministers another Constitution (Amendment) Bill was introduced in the Lok Sabha in September, 1990. But the V.P. Singh government's Constitution (Seventy-Fourth) amendment Bill could not be taken up for consideration as the government went out of power on 9 November 1990.

The Constitution (Seventy-third Amendment) Act, 1993

The very process of 'empowering people for their prosperity', initiated by Rajiv Gandhi, did not stop after the failure of 64th Constitution Amendment Bill. The pledge given by the Congress party in its election manifesto to the people had been redeemed by P.V. Narasimha Rao after he assumed power as Prime Minister of India in June 1991.

On the basis of the recommendations of a group of Ministers of the Narasimha Rao Government, the Bill to amend the constitution was introduced in the Lok Sabha in September, 1991. The Bill was then referred to a Joint Parliamentary Select Committee for its examination. The Lok Sabha passed it on 22nd December 1992.
and the Rajya Sabha on 23rd December, 1992 as the Constitution (Seventy-third) Amendment Bill. After ratification by more than half of the State Assemblies, the President of India gave his assent on 20th April, 1993 and the Act was brought into force by a government notification on 24th April, 1993 as Constitution (Seventy-third) Amendment Act, 1993.11

Salient features of the Constitution (Seventy-Third) Amendment Act, 1993

The main features of the Act, in brief, are as follows:

(A) The Gram Sabha will be a body comprising of all the adult members registered as voters in the Panchayat area.

(B) There shall be three-tier system of Panchayats at village, intermediate and district levels. Smaller states with population below 20 lakhs will have option not to have the intermediate level Panchayat.

(C) Seats in Panchayats at all the three levels shall be filled by direct election. In addition, the chairpersons of the village Panchayats shall be ex-officio members of the Panchayats at the intermediate level and chairpersons of Panchayats at intermediate level shall be members of panchayats at the district level; M.Ps, M.L.As and M.L.Cs could also be members of panchayats at the intermediate and district levels.

(D) In all the panchayats, seats would be reserved for SCs and STs in proportion to their population and one-third of the total number of seats will be reserved for women. One third of the seats reserved for SCs and STs will also be reserved for women.

11. For the text of the 73rd Constitution Amendment Act, 1993 see Appendix IV.
(E) Offices of the chairpersons of the panchayats at all levels shall be reserved in favour of SCs and STs in proportion to their population in the state. One third offices of chairpersons of panchayats at all levels shall also be reserved for women.

(F) Legislature of the state shall be at liberty to provide reservation of seats and offices of chairpersons in panchayats in favour of other backward class citizens.

(G) Average panchayat shall have a uniform five-year term and elections to constitute new bodies shall be completed before the expiry of the term. In the event of dissolution, elections to Panchayat bodies will be compulsorily held within six months. The reconstituted panchayat will serve for the remaining period of the five year term.

(H) It will not be possible to dissolve the existing panchayats by amendment of any act before the expiry of its duration.

(I) A person who is disqualified under any law for election to the Legislative Assembly of the state or under any law of the state will not be entitled to become a member of a panchayat.

(J) An independent Election Commission will be established in each state for superintendence, direction and control of the elections to Panchayat bodies at all the three levels and also preparation of electoral rolls.

(K) Specific responsibilities will be entrusted to the panchayats to prepare plans for economic development and social justice in respect to matters listed in xi Schedule (29 items). For the implementation of development schemes, main responsibility will be entrusted to the panchayats.
(L) The panchayats will receive adequate funds for carrying out their plans. Grants from State Govt. will constitute an important source of funding but State Governments are also expected to assign the revenue of certain taxes to the panchayats. In some cases, panchayat will also be permitted to collect and retain revenue it raises.

(M) In each state, a Finance Commission will be established within one year and after every five years to determine the principles on the basis of which adequate financial resources would be allocated to the panchayat bodies at all levels.

(N) The panchayats existing on the 24th April, 1993 will be allowed to complete their respective terms except when they are dissolved by the House by a resolution.

The Conformity Legislation

The 73rd Amendment Act, 1993 came into force on 24th April, 1993. As per the provisions of the Act, the different states of India shall have to amend old acts or legislate new Acts on Panchayats within one year. All the states passed their conformity legislation by the end of 24th April, 1994. Again, under the provision of the above Amendment Act, elections to all the tiers of the Panchayats had to be held within six months of its coming into force. But except the states such as Madhya Pradesh, Haryana and Tripura, other states have not honoured this provision. Panchayat elections in states like Orissa were held after a warning from the Centre to withhold central assistance. This clearly demonstrates the
lack of strong political will on the part of the Party in power to make Panchayatiraj a grand success. Thus the political elites, with a disdain for grassroots democracy, have only accepted the letter of the Act without assimilating the spirit of it.

Issues and Concerns

After the incorporation of the Seventy-Third Amendment into the text of the Constitution, the panchayats constitute a part and parcel of the organic law of the land. A third stratum, a three-level federalism, has been created in the Indian political system enabling the rural people to share some specified powers and functions at the village, block and district levels for formulation and implementation of development projects intended for rural areas, and thereby, to be a partner in the decision-making process. This is indeed a notable political development as the 'empowerment trend' has started, and it was earnestly believed that democracy at the grassroots level would be more vibrant and vigorous. The 73rd Amendment Act significantly marked the beginning of this process in bringing democracy to the doorsteps of the rural poor. Serious discussions and debates were held among the academics and pro-panchayatiraj intellectuals as to whether the said Act was a 'political reform' or an 'Administrative Reform'. Nirmal Mukarji expressed his serious concern about the very wisdom of a constitutional Amendment to make Panchayatiraj more vibrant and effective. He remarked: "(1) Can a constitutional provision by itself be an adequate substitute for political will? (2) Given the
harsh realities of the states, would these statutes be implemented in letter and spirit or would they remain laws on paper only? (3) Is implementing decentralisation below the state level through the most centralising of all conceivable instruments - a constitutional amendment - desirable?"  

Article 243G of the Constitution (Seventy-third Amendment) Act lays down, "The legislature of a state may, by law, endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government..." The term 'may' in the said Article may be treated by the State governments as only permissive and not mandatory, although in constitutional law 'may' is always regarded and interpreted as 'shall'. However, as experience shows, some of the state governments have taken a flexible view of 'may' and have been very reluctant and halting in devolving appropriate and adequate powers to the Panchayats below the state level.  

As per the provisions of Article 243G Panchayats shall be made "institutions of self-government". But, the very term 'institution of self-government' is not defined in the Amendment Act. While expressing his concern over this, Nirmal Mukarji asked the question: "First, what does self-government mean if each of the


13. See Appendix - IV.
three levels of panchayats in the typical state is to have this commodity? Second, when it comes to endowing powers and authority, how far should be State Legislatures go to ensure self-government at each level?  

The literal meaning of 'self-government' is 'autonomy' or government without outside interference. Panchayats, in order to function as 'institutions of self-government', argues Mahipal, have to fulfil three basic conditions, viz., "(a) institutional existence, that is, the decisions are taken by the people's representatives, (b) institutional capacity, that is, the institution is empowered to make rules independently, and (c) financial viability, that is, it is sufficiently empowered to raise financial resources to meet its responsibilities". In simpler terms, panchayats should enjoy functional, administrative and financial autonomy. However, the panchayats cannot enjoy full and absolute autonomy; for their autonomy is derived from the Constitution as well as the relevant statutes enacted by the legislature of the State within whose jurisdiction the Panchayat bodies are constituted to function.

The ultimate source of powers and responsibilities of any institution is not only a source of empowerment but also a source of restraints over the powers and functions conferred. For example, the Constitution of India which has created at the Union level such important organs as the Parliament, the President and the Council

15. Mahipal, op.cit., P.76.
of Ministers, and the Supreme Court of India, has also spelt out the restraints under which each of the above organs is to wield its powers and discharge its responsibilities. Similarly, the legislatures, the executive and judicial organs created at the state level have been endowed by the Constitution with their respective jurisdictions and powers; at the same time these organs exercise their respective powers and perform their respective functions within the parameters of restraints spelt out in the various provisions of the Constitution. This basic scheme of constitutionalism, namely, wielding powers under restraints embodied in the Constitution, is equally applicable to the Panchayati Raj institutions identified in the seventy-third constitutional amendment. For their jurisdiction is determined by Section 243G read with the Eleventh Schedule which enumerates a list of 29 matters. These matters and many more have from the very inauguration of the Constitution been included in the State legislative list. But through the process of devolution the State legislature will enact suitable law or laws, as the case may be, to enable the Panchayats at the appropriate level to prepare plans for economic development and social justice and implement schemes of economic development and social justice with regard to matters enumerated in the Eleventh Schedule. This devolution of powers of policy making and implementation would be subject to such conditions as might be specified in the enabling statutes of the State legislature.

It may be noted here that autonomy of the Panchayats at different levels is restricted to matters as listed in the Eleventh Schedule in conformity with Section 243G of the 73rd Amendment Act.
Their autonomy is further restricted to the conditions which a State legislature may stipulate in the enabling statutes by way of devolving powers and responsibilities upon the Panchayats at appropriate levels.

Thus it may be seen that so far as functional autonomy is concerned, experiences gained in different states would suggest that this provision of the Central Act is not followed strictly for allocating functions among the three tiers of PRIs. In states like Karnataka, Haryana, Himachal Pradesh, even though clear-cut demarcation of functions has been done, the enabling statutes in those states have empowered the governments concerned to amend the functions assigned to the Panchayats at the lower levels.

In Orissa, even though allocation of functions among the three-tiers of PRIs has been done, the enabling status empowers the state government to issue administrative orders, directions and instructions to the Panchayats at the lower levels to discharge their functions properly. In case of Grama Panchayats, while discharging their discretionary functions, prior approval of the state government is necessary.

In the case of administrative autonomy, the State governments possess the power of inspection and enquiry into their affairs and suspension of panchayats' resolutions. Even, in most states the key functionaries at all tiers of panchayats are state government employees, who constitute the administrative apparatus
of the elected Panchayat bodies. In these states the Panchayats have no separate cadre of officers and employees through whom administrative autonomy can be maintained; the only exception are the states of Gujrat and Rajasthan.

Grant of financial autonomy to the panchayats by the states, is also a crucial problem. It is difficult to imagine how the panchayats at the three lower levels would get regular financial assistance from the State government most of which are carrying on under severe financial constraints and have been confronted with almost continuous paucity of funds to meet their needs on both plan and non-plan expenditure accounts. Experience in different states would suggest that their governments have introduced certain qualifying clauses in respect to financial grants to the Panchayats. In Andhra Pradesh, Haryana and Tamil Nadu, the qualifying clause is 'within the limits of its funds'. In Punjab, it is 'to the extent, its funds allow to perform'. In Himachal Pradesh and Madhya Pradesh 'as far as the Gram Panchayat funds allowed to perform within its area' and in Gujarat 'funds at its disposal'.16 The qualifying clause in case of Orissa is 'within the limits of its funds'.

A critical analysis of the Constitution Amendment Act, 1993 would reveal that there are three different types of provisions such as 'mandatory', 'enabling' and 'discretionary'. The mandatory

ones have been fulfilled by all the states while variations are noticed among different states in incorporating the 'enabling' and 'discretionary' provisions in their newly enacted or modified Acts.  

An important aspect which is missing in the Constitution Amendment Act of 1993 is that it did not provide for a system of decentralised justice at the grassroots level. Keeping in mind the federal character of Indian polity, making panchayats as institution of self-government shall be meaningless without a decentralised judicial system. The need for radical restructuring of the system providing an alternative forum for resolution of disputes at the grassroots level, was acknowledged by the Law Commission of India in its 114th Report (August 1986). That commission had recommended 'Gram Nyayalaya' at the grassroots level. But this recommendation has not been incorporated in the new series of legislation adopted in the wake of the 73rd Amendment. Dr. N.R. Madhava Menon viewed this as, "a retrograde step of disempowerment where an important institution for access to justice for the common man is left out of self-government. It is a serious lapse particularly in the context of the 114th Report of the Law Commission of India". Again, the 73rd Amendment Act of 1993 did not provide for a decentralised system of police administration at the grassroots level, which is a crucial area to be studied and brought to national attention.


One of the salient features of 73rd Amendment speaks about reservation for various sections of the society like women, SCs and STs and authorises state governments for making similar reservations for members of the backward classes. This is a welcome step. But, as the situation stands today, the majority of the village masses specially the SCs and STs are, by and large, dependent upon the landlords for their livelihood. Without economic independence, they will not be in a position to exercise their political rights freely and independently. In the same way, it is apprehended that the women would not be in a position to make use of the reservation provisions independently and objectively. Rather, their participation in the whole election process and its consequent political activity are more likely to be influenced by their husbands and family members. The main reasons responsible for this state of affairs could be the male-dominated social setup, economic dependence of most women on earnings of their husbands, large illiteracy percentage among the women, and social taboos governing women's due role in social and political life.

As per provisions of the 73rd Amendment Act, a list of 29 items are given in the XI Schedule of the Constitution, elaborating the idea of empowerment mentioned in 243G. But, a clear-cut demarcation of the functions to be performed by the different tiers has not been listed in it. Thus, in the Panchayat Acts enacted in different states, demarcation of functions assigned to different tiers is missing, which thereby creates confusion among different tiers as
to the formulation of policies and their implementation relating to developmental projects at the grassroots level. As per the central government's deadline, the exercise of either enacting a new act or modifying the old acts has been done hastily by the different states. Thus, problems such as "delimitation of constituencies, reservation to backward classes, elections to the positions of chairpersons at various levels and relation between elected representatives, especially non-officials and officials, have not yet been clearly defined". 19

Another factor which is to be considered with a realistic approach is that how the people at the grassroots perceive the much discussed 73rd Amendment Act. During fifty years of independence, people at the grassroots level were not fully oriented towards parliamentary democracy, in spite of efforts at political socialisation. The present scenario in Indian society indicates clearly almost total apathy, mass inaction and non-understanding of issues of common interest. Moreover, during these days, the Indian masses developed a syndrome of dependency expecting the government to come and interfere in each and every aspect of life. Further, people in rural areas were not made sufficiently aware of the significance of the Seventy-third Amendment Act.

The Positive Move

In light of the above discussion, we have observed that 73rd Amendment Act has laid the foundation for making grassroots

democracy more vibrant and dynamic, thus opening possibilities for the creation of a third layer governance in the Indian federal setup. To make this level active and viable the Centre did take certain positive steps.

First, with a view to strengthening the federal structure of the Indian polity the Government of India has taken certain positive steps to implement the 73rd Amendment Act. Just after two months of coming into force of the Act, on 3 July, 1993, the centre had organised a conference of Ministers/Secretaries in charge of Panchayats. Through such conferences suggestions were made to the states to devolve more powers and responsibilities on the Panchayats and, if deemed fit, District Rural Development Agencies (DRDAs) may be merged with the District Panchayats. In October, 1995 the Centre directed the states for putting DRDAs under the control and supervision of the Zila Panchayats. Despite such directives, adequate response was not forthcoming from the side of the states.

Secondly, with a view to making Panchayats financially strong and viable, the Tenth finance Commission has recommended for allocation of Rs.4,380.93 crore to panchayats for the period 1996-97 to 1999-2000.21


Thirdly, to impart training to the elected representatives and officials, three national level Institutes, viz. National Institutes of Rural Development, Hyderabad; Lal Bahadur Shastri National Academy of Administration, Mussoorie and the Indian Institute of Public Administration, Delhi have been identified by the Centre.

Fourthly, parliament has also passed an Act, viz. "The provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996" which received the Presidential assent on 24 December, 1996. This Act has extended part IX of the Constitution to the Scheduled Areas in the States of Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. This will not only establish a new socio-economic order in Scheduled Areas, but, if implemented effectively, would establish partnership between the state and the tribal people of the state.22

The Negative Trends

The steps taken by the Centre in strengthening democracy at the grassroots are no doubt significant. Yet, at the same time, the centre is also encroaching upon the rural development area by way of inventing rural development and poverty alleviation plans and centrally sponsored schemes which is not only a negative trend.

22. Part IX of the Constitution repealed the earlier Part IX and was inserted by the Constitution (Seventy-third)Amendment Act 1993 under the title, THE PANCHAYATS and made provisions for the creation and the empowerment of Panchayat institutions. Further details about the measures taken by the Central Government, see Mahipal, op.cit., Pp.77-78.
but goes against the spirit of 73rd Amendment Act. These centrally sponsored schemes might in the long run prove injurious to the health of grassroots democracy by killing the local initiative.

The announcement of MPs' Local Area Development Scheme (MPLADS) made by the centre one year after the 73rd and 74th Constitutional Amendment Acts were passed again defeats the spirit of the Constitution. Under such scheme each Member of Parliament has the liberty to suggest to the District Collector works to be done not exceeding ₹1 crore per year within his/her constituency. And, interestingly, all the 23 items of works meant to be implemented under the guidance of MPs under MPLADS are from the 29 subjects of the XI Schedule. Unless the schemes of development suggested by the MPs get the approval of the representative Panchayat bodies the idea of policy-making and involvement of grassroots democratic institutions in rural development will be meaningless and MPs' schemes would become another way of imposing upon Panchayats decisions taken elsewhere. Hence, proper means of co-ordination is very much desirable.

In spite of the above mentioned criticisms and negative trends, the 73rd Constitution Amendment Act is, no doubt, a significant step in providing a constitutional basis to grassroots democracy. It is just the beginning. Grassroots democracy has, indeed, travelled a long way from the idea of 'local self-government' of Ripon era to the 'Institutions of Self-government' of 73rd Amendment Act. The journey is not yet
complete. The actual working of the three-tier Panchayats in terms of the provisions of the Constitution and the appropriate State legislations in the closing decade of the twentieth century and in the coming decades of the twenty-first century will reveal the real strengths and weaknesses through which alone these institutions are expected to grow and evolve. For the present it must be appreciated that the Constitution has provided these institutions a status and a foundation which the constituent States cannot alter at their sweet will.

Summary and observation

Now, we may attempt a brief summary of our analysis and discussion in this chapter.

In course of our survey, we have noticed that after the successful implementation of panchayatiraj in the states of West Bengal and Karnataka basing on the recommendations of Asoka Mehta Committee, sufficient awareness was created among the rural people to have a vibrant and vigorous democratic governance at levels below the State governments. It came to be believed and realised that unless sufficient powers are devolved on these grassroots institutions, the fruits of grassroots democracy cannot be accomplished. Thus, a growing demand for constitutional support for these bodies at the grassroots was steadily raising its head.
With this increasing realisation to transfer more powers to the people and to make these democratic institutions more dynamic at the sub-state level, the Government of India constituted different study committees which made out a strong case for activisation of Panchayati Raj institutions for involving the people and projects in the planning process and also implementation of development schemes. These favourable trends were further reinforced by the approach and policy of Rajiv Gandhi as Prime Minister of India. His active interest and enthusiasm made Rajiv Gandhi to move in the Lok Sabha the Constitution (64th) Amendment Bill which fell through in the Rajya Sabha for want of majority support. Moreover, as the Congress party had become committed to Rajiv Gandhi's Panchayati Raj policy, P.V. Narasimha Rao as the next Congress Prime Minister during early nineties moved in the Parliament a full-fledged Amendment Bill that finally culminated in the 73rd Constitution Amendment Act. This put a stamp of constitutional recognition and status on Panchayat institutions at grassroots levels.

This 73rd Amendment Act is, no doubt, a watershed in the history of grassroots democracy by opening the possibilities for the creation of a meaningful 'third-tier governance' or 'sub-state federalism' in the Indian political system. Also, it is significant for the fact that it provided for the political and social uplift of the marginalised womenfolk and the downtrodden SCs and STs by giving a constitutional sanction for their adequate representation in the rural local bodies.
While analysing the various features of the Act, we have observed that the different states of India initially did not show a strong political will for the successful implementation of the provisions of the 73rd Amendment Act. An undercurrent of urban conspiracy and a bureaucratic neglect are the prime factors which were mainly responsible in creating hazards and obstructions for the full-scale implementation of the constitutional provisions.

Yet, as we have noted, Art.243G which is the kingpin of the Act, aims at making the panchayts the 'Institutions of self-government'. If we go strictly by the connotation of the term, it would require functional, administrative and financial autonomy to be guaranteed to these local bodies. At the initial phase the various state legislations do not appear to have grasped in appropriate measure the spirit of Art.243G.