

Social Justice in Panchayati Raj in India

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ABSTRACT

The Constitution of India is the best known for its magnificent social treatise, begins with the glorious preamble which guarantees the key-concepts as liberty, equality, justice and fraternity to the entire people of the country. These expressions postulate an unwritten pledge that everyone will do justice to one another especially for the common man – for the man on the street and in the farm, for the driver of the bullock-cart and for other suppressed and neglected sections. This was the reason why the Founding Fathers had chosen to prefer justice to Liberty, Equality and Fraternity for placement in order; again social justice was assigned a preferential place over economic and political. Otherwise the expression in the preamble – “We the people of India give unto our-selves this Constitution” loses its meaning and import, as much as the promise in Article 38 – (The State) shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice – social, economic and political shall inform all institutions of national life. Thus, Social Justice in a comprehensive sense must penetrate in depth and permeate in its widest spectrum to all aspect of social life, including the stigmatized untouchability and the so-called members of the Backward classes. The concept of Social Justice must take within its sweep the objective of removing all inequalities and affording equal opportunities to all citizens in social and economic affairs. Our country is not a utilitarian State, but a Democratic Republic with committed to welfarism. The problems enumerated above which concern the overwhelmingly large number of the citizens, could never be successfully tackled unless the State uses its most effective ameliorating devices against socio-economic and socio-legal instrumentalities that necessarily calls for a total reform for balancing economic structure and thereby relieve the body-politic of the tension. In the process, the new era of Social Justice in the Democratic Republic of India could be surely ushered, when our condition favours introduction of democracy at the grass-root level i.e., the creation of Panchayati Raj Institutions (PRIs) which embodied in Article 40 of the Constitution³. The basic conviction that Village Panchayats could play an important role in the social transformation and implementation of development programmes. In this paper, an attempt has made how far the Village Panchayat contributed for achieving the empowerment of women.

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INTRODUCTION

In the history of human development, woman has been as important as man. In fact the status, employment and work performed by women in society is the indicator of a nation's overall progress. Without the participation of women in national activities, the social, economic or political progress of a country will be stagnated. The fact is that most of

the women's domestic role is combined with economic activities and utilization of their skill and labour to earn extra income for the family, which makes the family to lead a decent life. Women are regarded as the “better half” of the society and at par with the men.[1,2] Efforts are being made to realize that women are real “better half” in men's life. They

share abundant responsibility and perform a wide spectrum of duties in running the family, handling the house hold activities like rearing, feeding, attending to farm labour, tending domestic animals and the like, and the most important role now women need to perform more responsibly is her active participation in politics. Political empowerment of women should be one of her prime priorities and the governments and the society must contribute steps in that way to make women participate in the political arena. For that, participation in local self- governments provides initial steps as they are closer to the rural folk. Panchayati Raj Institutions have always been considered as a means to good governance and 73rd Constitutional Amendment was effected in the hope that it would lead to better governance and provide political space to the disadvantaged section of the society like schedule caste, schedule tribes and women. Panchayati Raj Institutions that work as grass-root units of decentralized democratic self-government have been considered as an instrument of socio-economic transformation in rural India. At the local level the 73rd Constitutional Amendment act of 1992 has made two important provisions for the involvement of women in decision making and preparation of plan for development. This Amendment has made a provision that at least one-third of women would be members and chair persons of Panchayats. Involvement of people at the grass-roots level is the most important means of bringing about socio-economic development. Decentralization of power to the Panchayati is seen as a means of empowering people and involving them in decision-making process. Local governments being closer to the people can be more responsive to local needs and can make better use of resources. The democratic system in a country can be ensured only if there is mass participation in the governance. Therefore, to achieve this objective, a system of democratic decentralization popularly known as Panchayati Raj has been introduced in India.

Dr. B.R. Ambedkar believed that the village represented regressive India, a source of oppression. He argued against Panchayats as he was apprehensive about the continuation of caste Hindus hegemony. Further he opined that villages in India were caste-ridden and had little prospects of success as institutions of self-government. His Hindu code bill was an idea to bring equality and justice in society through emancipation of women by extending equal property rights to women. He held that the emancipation of Dalits in India was possible only through the three-pronged approach of education, agitation and organization.[3,4] He was viewed essentially as a egalitarian and a social reformer

rather than a nationalist. With reference to 73 rd and 74 th Constitutional Amendment Acts, we can remember his view that "The remedy lay in creating an egalitarian and truly democratic panchayat raj system in the country". He also fought for providing reservation in Panchayats to involve all depressed classes in the rural governance. Regarding Decentralization (Self Government) Ambedkar said- "Unless I am satisfied that every self-governing institution has provisions in it which give the depressed classes special representation in order to protect their rights, and until that is done, I am afraid it will not be possible for me to assent to the first part of the Bill." Now, the time has come for revisiting (reviewing) the concern of Ambedkar School of Thought with relevance to the present day.[5,6]

Discussion

Social Justice in Panchayati Raj has undergone a major change of direction in the light of The Constitution Seventy-third Amendment (Act), 1992. In the backdrop of social transformation, social justice in all its dimensions, i.e., fairness, entitlement, equality, and impartiality has been operationalised through democratic decentralisation. For preservation of human rights, and to sustain functional democracy, the study analyses the process of political restructuring and examines the institutional changes in the new paradigm of development. In order to find out the gap between policy-formation and policy-implementation, the operational dynamics of the New Panchayati Raj Act has been studied. Further, to achieve the goal of distributive justice, both structural and contextual factors to revitalise the power devolution in favour of weaker sections call for the observance of rule of law. For evolving a sound substructure of democratic government supported by social development, it is necessary to reinvent a new democratic system of government and governed. The role performance of street-level bureaucrats and local political executives for eradication of poverty has been scanned towards the aim of designing an integrated system of decentralised administration. The study also suggests new measures for effective development, and management of Panchayati Raj institutions. Policy makers, planners and administrators will find the present study highly valuable.[7,8]

Panchayats have been the backbone of the Indian villages since the beginning of the recorded history. Gandhiji's dream of every village being a republic or Panchayats having powers has been translated into reality with the introduction of three-tier Panchayati Raj system to enlist people's participation in rural reconstruction.

24th April, 1993 was a landmark day in the history of Panchayati Raj in India as on this day the Constitution (73rd Amendment) Act, 1992 came into force to provide constitutional status to the Panchayati Raj institutions.

1. To provide three-tier system of Panchayati Raj for all states having population of over 20 lakh.
2. To hold Panchayat elections regularly for every 5 years.
3. To provide reservation of seats for Scheduled Castes, Scheduled Tribes and women (not less than 33 percent).
4. To appoint State Finance Commissions to make recommendations regarding financial powers of the Panchayats.
5. To constitute District Planning Committees to prepare draft development plan for the district as a whole.

According to the Constitution, Panchayats shall be given powers and authority to function as institutions of self-government.[9,10]

The most important feature of the 73rd Constitutional Amendment is to facilitate social change and social justice among the marginalised sections of the society with the help of reservations. It is indeed a path-breaking step towards evolution of an egalitarian society. The reservation makes Panchayati Raj Institutions more participatory and representative. All sections of rural society get represented and local institutions seem more democratic. Reservation has not only inducted these deprived groups to enter into the ruling segment, but has ensured them a life of dignity. They are gradually developing leadership capabilities which will ensure a bright future for the SCs, STs, OBCs and women.

With the implementation of 73rd Constitutional Amendment, women are actively participating in the meetings of Panchayati Raj bodies and their views are given due significance in the policymaking process aimed at development of their villages. Women are coming out of their houses, canvassing for elections, asking for votes in their favour. Reservation has certainly helped in the improvement of the position and status of Dalits and women in the society. [11]

Results

The Panchayati Raj system was first adopted by the state of Rajasthan in the Nagor district on October 2, 1959. The second state was Andhra Pradesh, while Maharashtra was the ninth state. This system was adopted by the state governments during the 1950s and 60s, as laws were passed to establish Panchayats

in various states. It also found its backing in the Indian Constitution, with the 73rd Amendment in 1992 to accommodate the idea. The Amendment Act of 1992 contains provisions for the devolution of powers and responsibilities to the Panchayats, both for the preparation of economic development plans, social justice and for implementation in relation to 29 subjects listed in the eleventh schedule of the constitution. The Balwant Rai Mehta Committee was a committee appointed by the Government of India in January 1957 to examine the working of the Community Development Programme (1952). The Act aims to provide a 3-tier system of Panchayati Raj for all states having a population of over two million, to hold Panchayat elections regularly every five years, to provide seats reservations for scheduled castes, scheduled tribes and women; to appoint a State Finance Commission to make recommendations regarding the financial powers of the Panchayats and to constitute a District Planning Committee to prepare a development plan draft for the district.[12,13]

A block Panchayat (Panchayatsamiti) is a local government body at the tehsil or taluka level in India. This body works for the villages of the tehsil or taluka that together are called a Development Block. The Panchayat Samiti is the link between the gram Panchayat and the district administration. There are a number of variations of this institution in different states. It is known as Mandal Praja Parishad in Andhra Pradesh, Taluka Panchayat in Gujarat, Mandal Panchayat in Karnataka, Panchayat Samiti in Maharashtra etc. In general, the block Panchayat is a form of the Panchayati Raj but at a higher level. The constituency is composed of ex-official members (all sarpanchas of the Panchayat Samiti area, the MPs and MLAs of the area and the SDO of the subdivision), co-opt members (representatives of SC/ST and women), associate members (a farmer of the area, a representative of the cooperative societies and one of the marketing services), and some elected members. The Samiti is elected for five years and is headed by the Chairman and the Deputy Chairman.

The Panchayati Raj Institutions (PRIs), through which the self-government of villages is realized, have been entrusted with task of “economic development, strengthening social justice and implementation of Central and State Government Schemes at grassroots level.

The modern Panchayati raj system was formalized and introduced in India in April 1999 as the 73rd Amendment to the Constitution.[14,15]

Under this system, an institution of ‘empowered local government’ is established with devolution of Functions, Funds and Functionaries (3Fs) to give

people not only the voice but the power of choice as well. The essence of Panchayati Raj is participatory local governance with bottom-up inputs into development process. It is part of a broader strategy of new ways of looking at and implementing participatory development in the light of a fresh parameter of 'inclusion' in governance.

Panchayati Raj has assumed importance for the democracy to ensure peoples' participation for equitable development and social empowerment in a transparent and accountable manner.

While people across India enjoyed the right to elect local representatives, the same freedom was not exercised in Jammu and Kashmir. It is only after the abolition of article 370, the Union Cabinet on October 21, 2020 approved adoption of Jammu and Kashmir Panchayati Raj Act 1989, paving way for local body elections in the Union Territory. It ensured establishment of all three tiers of grass root level democracy in the UT of J&K for the first time since independence.

In a fresh impetus towards strengthening grassroots democracy, free, fair and peaceful panchayat elections were held in the UT which led to the constitution of vibrant Panchayati Raj institutions here. In a significant achievement, these panchayat elections recorded a substantial 74.1 per cent voter turnout. A total of 3650 sarpanchs and 23660 panchs were elected to lay foundation for 3-tier Panchayati Raj system for the first time across J&K.[16,17]

After successful conduct of Panchayat elections, elections for Block Development Councils (BDCs) were conducted for the very first time in the history of J&K. The BDC elections saw an overwhelming voter turnout of 98.3 per cent in which 276 chairpersons were elected in a total transparent manner.

Finally, District Development Council elections were held in 8 phases which witnessed tremendous voter turnout of 51.7 per cent. The process elected 20 DDC Chairpersons and 20 Vice Chairpersons besides a total of 278 DDC members were also elected thus completing the implementation of 3-tier Panchayati Raj system in its total form.

After amendment of Panchayati Raj Act 1989, 27 subjects were transferred as part of 73rd amendment in the constitution.

Following establishment of three tier Panchayati Raj system in J&K, Rs. 1727.50 crore have been devolved under MGNREGA, Mid-Day Meal scheme and ICDS. In addition, 1889 Panchayat Accounts Assistants and 317 Panchayat Secretaries were recruited besides panchayats have been empowered to conduct social audit and grievance redressal.

In an endeavor to further enhance skills and efficiency of PRI representatives, a slew of capacity building and training programs are being conducted for Sarpanchs and Panchs in reputed training institutions like IMPARD and outside institutions as well. Besides, induction courses, digital literacy trainings, gram panchayat development plan trainings and training workshops have been organized for newly elected BDC Chairpersons. About 750 elected representatives have been provided training cum exposure visits outside UT.

For the first time since independence, elected grass root representatives were given formal protocol to unfurl the National Flag on Independence day and Republic day. The elected representatives are being given honorarium and formal position in the warrant of precedence and regular system of interaction of district officers with panchayat representatives has been institutionalized.

The administration organized historic 'District level planning process' meeting under the chairmanship of Lieutenant Governor, Manoj Sinha, which was attended by all DDC Chairpersons and members.[18]

Further, in an encouraging move, the plan allocation for Panchayats has been doubled from Rs.5136 crore in 2020-21 to Rs.12600 crore in 2021-22. The planning process has been accomplished in accordance with constitutional mandate. Besides, an insurance cover of Rs.25 lakh has also been provisioned for the elected representatives of all the panchayats.

Under Rashtriya Gram Swaraj Abhiyan (RGSA), about 195 panchayat ghars have been taken up with completion of 36, so far. Likewise, about 160 panchayat ghars have been taken up for renovation, of which, 105 have been completed. Besides, 1131 panchayats have been taken up for establishment of solar system there besides 3973 panchayats have been provided funds for procurement of computers with accessories.

The implementation of Jammu and Kashmir Panchayati Raj Act aims to empower people in the Union Territory enabling them elect their own representatives who will plan the development of the district and implement welfare measures. This multi-level institutional governance model will also cater to the needs of different regions and sub regions and guard the public against the feelings of deprivation and under development.

Poor Implementation of the PESA Act, 1996

It also needs to be pointed out that tribal areas represent the last sumps of natural resources on this planet, simply because tribal lifestyle and culture

have inherent respect for the forests and natural resources and tribal religions and outlook ensures survival of all living beings, through holistic and ecologically sound belief system. PESA offers a wonderful way to strengthen their hands in the larger interest of social justice as well as deepen grass-root democracy. Implementing the following suggestions will achieve both the goals.

- Even after a decade and a half after the PESA Act, there is very little awareness about the Gram Sabha being designated as a self-governing body or having legal jurisdiction over the natural resources and forests. Neither is there any support mechanism for the Gram Sabhas to play any significant role.
- It is a clear indication that sincere implementation of PESA has not been seriously attempted by the state governments. They still want to govern the PESA areas through the centralized administration and laws that actually weaken what PESA provisions offer the tribal community. There is hardly any willingness on the part of the officials of various departments to relinquish control on resources and functions that are given to the Gram Sabhas by PESA. Nor do they have any respect for tribal lifestyle and culture. What is needed is the empowerment and capacity building of the tribal community through a sustained awareness campaign so they can take charge of their lives as envisioned in the PESA provisions.
- There is an urgent need to amend the Indian Forest Act, Land Acquisition Act, and other related Acts so that the ownership on minor forest produce, water bodies and land resources are explicitly handed over to the Gram Sabhas of the PESA areas.
- No State Government officer should have the power to over-rule any recommendation of a Gram Sabha. This legacy of British Raj is anti-democratic and must be abolished immediately.
- The current system of governance is still largely colonial in nature and the bureaucracy conditioned on centralized authority has been unable to accept the radical change envisioned in the PESA Act. Therefore, in order to sensitize them an immediate extensive training-cum-awareness campaign for all relevant officials of various ministries should be initiated.
- There is a need that Gram Sabha institutions should be developed as institutions of **self-governance** and not treated merely as institutions of **local governance**. The required administrative structure and machinery should be provided for

making the Gram Sabha an effective body of district administration. It is also imperative that the Gram Sabhas have direct access to funds so that they can exercise their power rather independently.

- Physical infrastructure in interior areas should be strengthened in order to protect the life and property of tribals. Special attention should be paid to the construction of culverts, bridges, check dams, compound walls for schools, etc.
- The concept of community ownership of resources in PESA areas should be integrated into the provisions of the Centrally Sponsored Schemes. All community resource based schemes should involve Gram Sabhas in planning and implementation.[17,18]

Conclusions

Panchayats have been the backbone of the Indian villages since the beginning of recorded history. In 1946, Gandhi had aptly remarked that the Indian independence must begin at the bottom and every village ought to be a Republic or a Panchayat with powers. His dream got translated into reality with the introduction of the three-tier Panchayati Raj system to ensure people's participation in rural reconstruction.

The passage of the Constitution (73rd Amendment) Act, 1992 (or simply the Panchayati Raj Act) marks a new era in the federal democratic set up of the country. It provided the much needed constitutional sanction to the Panchayati Raj Institutions (PRIs) for functioning as an organic and integral part of the nation's democratic process. It came into force with effect from April 24, 1993 and did not apply to the Schedule V areas of the nine states, Schedule VI Areas of the North-East and the District of Darjeeling in West Bengal as well as J&K.

The Panchayati Raj Act was needed in order to streamline the functioning of the PRIs, which were marked by long delays in holding of Panchayat elections, frequent suspension / super session / dissolution of the Panchayat bodies, lack of functional and financial autonomy, inadequate representation of marginalized and weaker sections and meager, occasional and tied Government grants. This crippled the functioning of Panchayats and did not allow them to function as institutions of local Self-Government as had been envisaged in the Constitution.

The Act has five main features: (a) a 3-tier system of Panchayati Raj for all States having population of over 20 lakh; (b) Panchayat elections regularly every 5 years; (c) reservation of seats for Scheduled Castes, Scheduled Tribes and women (not less than one-third of seats); (d) appointment of State Finance

Commission to make recommendations as regards the financial powers of the Panchayats, and (e) constitution of District Planning Committees to prepare development plans for the district as a whole.

Thus, the Panchayats have been endowed with such powers and authority as may be necessary to function as institutions of self-government and social justice. Providing real functional autonomy at the village level is at the core of the amendment Act.[19]

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