

## **Perspectives on Village Panchayat through the Lens of Mahatma Gandhi and the 73<sup>rd</sup> Amendment Act, 1992**

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We live in an ultra-modern world where fast-food, token-culture, e-governance, etc. are the order of the day. Today, the state is enhancing the services that it provides to its people through e-governance, public-private partnership, etc. In a city like Mumbai, we look forward to better infrastructure, good services and better living conditions. However, the fact is just the opposite: slums, bad traffic jams, falling buildings, corruption, nepotism, linkages of government personnel with anti-social elements, and the list goes on . . . This only leads to frustration and hopelessness. This is the case with the commercial capital of India. What about the rural regions of India then? 'India Shining' was being proclaimed everywhere, but it was 'Bharat' that voted out a government from power. At the individual level too the situation is more or less similar if not worse. Everyone is scrambling around to get benefits for oneself without caring about others.

Mahatma Gandhi was not wrong when he felt that modern civilization has led to hardships. Man has become excessively self-centered by trying to gather wealth for himself. In this process, morality and spirituality are forced out of his life. A social order of inequality, oppression and deprivation prevails. In this process, centralized systems are developed at the cost of decentralization. Governments wouldn't care for decentralization as that could undermine their authority.

It is not an unknown fact that panchayats were considered to be the best agencies of the state government to carry out rural development activities in the rural areas.<sup>i</sup> Traditional Panchayats on the other hand were indigenous creations wherein the central government did not interfere with the working of the village organization. If it did so then the villagers resented it. A policy of non-interference was mutually honoured and strictly adhered to. Whenever a wrong was done, an individual complained to the entire society. However, with the passage of time due to individualism and the caste factor, the traditional panchayat became defunct and disappeared.

"Mahatma Gandhi was well aware of the Indian society and wanted village self-sufficiency (Gram Swaraj) to be the objective of independent India."<sup>ii</sup> He rejected the state in all its forms because it represented violence in a concentrated and organized form. Violence leads to centralization, but the essence of non-violence is decentralization. Gandhi dreamt of a non-violent state that was decentralized in its administration, consisted of self-sufficient, self-governing villages that required voluntary co-operation for dignified and peaceful existence. Such a structure is composed of innumerable villages that are every widening, never ascending circles. The outer circumference in this structure will not gain power to crush the inner circle, but will give strength to all within and desire its own strength from it.<sup>iii</sup>

Gandhi had a vision of a true democracy wherein life is not a pyramid, where the apex sustains the bottom. Instead, it is an Oceanic Circle, whose centre is the individual, who is ever ready to perish for the village, and the village is ready to perish for the circle of villages, till at last the whole becomes one life composed of individuals who are never aggressive but humble, sharing the majesty of the Oceanic Circle of which they are integral units. Thus, the individual, according to him was not isolated but interactive, participating and had a sense of belonging to his surroundings.<sup>iv</sup>

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In this decentralist system, the most important aspect is the norm of interpersonal cooperation, self-sacrifice and self reliance as against the modes of centralism in the modern state apparatus. For Gandhi centralization is inconsistent with non-violence because it definitely arrests individual initiative and creativity and also the capacity to resist tyranny. A decentralist order on the other hand, functions logically through the smallest micro unit, and through interpersonal interaction. It is here that 'Swadeshi' plays an important role. It makes one aware of one's duties. Performing one's duty is a self-defining action of 'knowing' and 'serving'. People interact and associate with each other, thereby ensuring a meaningful public life. This is further strengthened by ethical precepts like non-possession and bread-labour, implying an urge for economic equality and social justice. The pre-dominantly non-violent order will be based on dignity of human labour and non-acquisitive world view, which is just the opposite of the centralized order that thrives on concentration of power, callous competitive market system and exploitation of the masses.<sup>v</sup>

Swaraj as a self rule means inner freedom or positive freedom. Without Swaraj as a self-rule, Swaraj as a self-government can degenerate into state oppression even in the so-called liberal societies. Gandhi insisted on being the change oneself. This personal transformation would transform the country by itself.<sup>vi</sup> Gandhi maintained that there should be 'personal swaraj' i.e. perfect discipline and control of oneself, and the capability to resist injustice and tyranny through 'satyagraha'. The masses should be educated to regulate and control authority. For him democracy is the rule of unadulterated non-violence and the nearest approach to civilization based upon non-violence is the erstwhile village republic of India. In 1942 he reiterated that:

seven hundred thousand villages of India would be organized according to the will of its citizens. These villages, each having one vote, would elect the district administration. The district administration will elect provincial administration which in turn will elect a president who will be the national chief executive. This will decentralize power among seven hundred thousand units. There will then be among these villages voluntary co-operation which will produce real freedom. The government of the village will be conducted by the panchayat by 5 persons annually elected by the adult villagers, male and female, possessing minimum prescribed qualifications. These will have the authority and the jurisdiction required. Since there will be no system of punishment in the accepted sense, the panchayat will be the legislature, judiciary and executive combined to operate its year of office.<sup>vii</sup>

This system, according to Gandhi, was democratic. Indirect elections would ensure that the representatives were tried and tested in public life. This would also substitute active participation for the present day passive representation. By this scheme, Gandhi visualized reduction in corruption and violence. It was also a scheme that was perfectly feasible because it would be accompanied by decentralization of political and economic authority and minimum jurisdiction of the state. For voters the only qualification would be manual work i.e. bread labour and not property or position. Thus, the voters will not become pawns in the hands of the politicians because they will make an intelligent choice and consciously adopt the ideal of bread labour.<sup>viii</sup>

Village Swaraj was the centre piece of Gandhi's vision of an independent India. The village was the locus of genuine freedom. This system should be based on the philosophy of limited wants. Its economy should be so designed that the structure of production, consumption and distribution is locality centered. Technologies used should be simple and not alienating and relationships should be essentially face-to-face. Gandhi's idea of village swaraj was that of a complete republic that was self-sufficient. It should have a reserve for its cattle, recreation and playground for adults and children. The village should maintain a village theatre, school and public hall. It will have its own waterworks ensuring a clean water supply which can be

done through controlled wells and tanks. Education was to be made compulsory up to the final basic course. As far as possible, each activity is to be conducted on a co-operative basis. Non-violence with its technique of satyagraha and non-co-operation will be the sanction of the village community. The government of the village will be conducted by the Panchayat of 5 persons annually elected by the adult male and female villagers, possessing minimum prescribed qualifications. They will have all the authority and jurisdiction required. Since there will be no system of punishments in the accepted sense, the Panchayat will be the legislature, judiciary and executive combined, to operate for its year in office.<sup>ix</sup>

The state is a secular state where the minority yields to the majority. This brings about a harmonious social life and ordered political life. The state is a means and not an end, the ultimate end being “the greatest good of all”. The state will govern least and use least amount of force because it is rooted in violence. This least government is practicable when people gain the capacity for voluntary co-operation and will learn to regulate their social life through voluntary organization. Thus, the village units would be self-sufficient and “as strong as the strongest”. The state will transfer much of its judicial work to the panchayats i.e. ad hoc arbitration tribunals, the personnel of which is usually determined by the parties to the case. Thus, administration of justice would be cheap.<sup>x</sup>

In the sphere of production, the non-violent society will be built on self-contained villages and cottage industries. Large scale centralized production had a dehumanizing impact. If the villages aimed at being self-contained and manufacture mainly for use, Gandhi had no objection even if the villages used modern machines and tools that they could afford to use. The only condition was that they should not become a means of exploitation of others.<sup>xi</sup> This is the reason why Gandhi’s Gramswaraj is not an organized anarchy of self-centered and unrelated villages. The village for Gandhi is a unit of national and even international entities that looks after its own welfare but also greatly contributes to the general pool of human growth.<sup>xii</sup>

Ironically, the Drafting Committee of the Constituent Assembly of India adopted the parliamentary form of government as opposed to Gandhi’s village based democracy. Nehru, Patel, B. R. Ambedkar and others had compelling reasons for the choice of a centralized, parliamentary-democratic state. This was needed not only to foster economic development and technical advancements but also to tackle such problems as famines, communal riots, the Pakistan-supported invasion of Kashmir, the Telangana rebellion and the defiance of the Nizam of Hyderabad.<sup>xiii</sup>

At the time of the discussion of the non-justiciable Directive Principles of State Policy, most of the members spoke in favour of development of village panchayats. But, this is only within the framework of the parliamentary and federal form of government. K. Santhanam and others took up the cause and pleaded that the Indian state should take steps to organize village panchayats so that they may serve as an instrument of village upliftment, development of rural economy and of local self-government. Hence, Article 40 was incorporated into the Constitution for possible avenues of democratic decentralization. The Balwantrai Mehta Committee Report was a significant milestone on Panchayati Raj Legislation in 1959. However, the aspired objective remained a distant dream due to lack of political will, ill-co-ordinated administration and inadequate resources. The Ashok Mehta Committee, constituted two decades later, concentrated on rural development rather than democratic decentralization.<sup>xiv</sup>

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The New Panchayati Raj System is the outcome of the world-wide movement to liberate the people from the clutches of the big government and the total state system. The 73<sup>rd</sup> Amendment Act was passed in 1992 and is an important landmark which provides for holding elections every 5 years to panchayats governing India's half a million villages, and with the reservation of one third of seats for women and for Scheduled Castes and Scheduled Tribes in proportion to their population in each panchayat, a significant step undertaken for the empowerment of the underprivileged in Indian society. Sixteen years after the Ashok Mehta Committee recommended such a constitutional amendment, such a measure became effective. This shows the reluctance of the state level power structures to any dilution of their authority.<sup>xv</sup>

Under the new legislation, any subject controlled by the state administration will now be handled by the district, block and village level elected bodies. There was opposition to this devolution that led to panchayat elections being deferred for several years in many states. This Act will give villagers a much greater say in their own affairs. By reducing the distance between the ruler and the ruled, the new legislation should lead to the formulation of plans and programmes that are more relevant to the lives of the inhabitants of each area.<sup>xvi</sup>

The 73<sup>rd</sup> Amendment is historic because local self-bodies have been institutionalized to visualize the spirit of Article 40 of the constitution. It meant to delegate authority to the elected members at the grassroots level. There was also adequate representation through direct or indirect election of the chairpersons of the village panchayats, 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 subjects, while the municipalities cover 16. The Planning Commission and the Comptroller and Auditor General got involved to strengthen these institutions in dealing with subjects like primary education, adult education, basic health facilities, drinking water, etc.

The role of the bureaucracy has been reduced and local autonomy and accountability has been sounded. But the bureaucrats may get frustrated to work under the elected representatives in panchayats and they may deal with the new assignment half-heartedly against the spirit of democratic decentralization. How can the bureaucracy be motivated to make Panchayati Raj successful? It was proposed that periodic conferences, seminars and meetings of various heads of departments and elected members of local bodies may be convened to highlight the roles to be played by the civil servants in making the scheme a success. The conferences and meetings should be addressed by the Chief Minister and the role of the bureaucracy vis-à-vis the elected members should be discussed. There are apprehensions that, on the basis of caste and community or family rivalry in the villages, the 'power to the people strategy' may be motivated by the struggle for more powers and village bosses may have a share in the loot while widening the base of crime, corruption and communalization.

There is no device to train the people in democracy, develop their skills and knowledge for the development of society, people are not involved in any development processes from planning to implementation of schemes and programmes. There is a gap between the government and people hence there is no transparency in the transactions of the government. All these weakness will be avoided by involving the people in the development process through the Gram Sabha. The people will share their knowledge with others. Villages will have concrete data base for planning and people can express their grievances and demands. It

creates avenues to reduce social tension as the Gram Sabha develops a democratic culture through its meetings where everybody get a chance to speak and listen to others. Reservation of seats in all positions at all levels in local body institutions to women (33.3%) is a landmark in the history of women's movement in India. Also, unutilized resources have been put to use for the well-being of society.<sup>xvii</sup>

Five problems in particular plagued the earlier experiments of Panchayati Raj. These are: (i) irregular elections and supercession, (ii) insufficient devolution of powers, (iii) bureaucratic resistance, (iv) domination by rural elites, and (v) unsatisfactory working of the gram Sabha. The 73<sup>rd</sup> Amendment has tried to address these lacunae by reserving one-third of the seats for women and for SCs and STs in proportion to their population, by creating a State Election Commission and State Finance Commission, by keeping terms fixed by conduction regular elections, etc. But much remains to be done.<sup>xviii</sup>

The 73<sup>rd</sup> Amendment is remarkable for providing a larger participative forum for the rural population, not just regarding voting and supporting but also decision-making. The 'pyramidal' model of democracy and development has its constraints. Devolution takes place downward i.e. delegation of limited powers. Final decision-making authority is vested at the apex. This scheme has its constraints because it becomes ineffective if it is not accompanied by political will and civic awareness. The Gandhian model, on the contrary, visualizes an upward movement of authority from 'base' to 'apex' in the form of circles. In structural terms, the ideal of a self-reliant, self-governing village republic may appear anomalous in the context of globalized economy and mass politics today. The underlying spirit of interactive, co-operative 'principled' political activity, preached and practiced by Gandhi, is probably perennially relevant. The ideal of 'personal swaraj' for both leaders and voters is worth aspiring for, if only to remind ourselves that democratic governance is not merely a structural arrangement of 'rights' but also a normative concern with civic and political obligation as visualized by Gandhi.<sup>xix</sup>

All in all, it is not power that matters in the Panchayati Raj System. It is the responsibility which makes the system to function effectively. It is a small government approach which reduces the massive structures of the government and increases the responsibilities of the people. Government is not a provider but a facilitator for the people to take initiative to bring development, equity and social justice. To make this system work effectively, the people and their representatives should be educated to understand the role and responsibilities of the individual in the new system. By taking up the responsibilities, the individuals can administer development more effectively than the government.<sup>xx</sup>

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<sup>iii</sup> Asha Kaushik, "Constitutionalization of Panchayati Raj in the Gandhian Perspective," in : *Constitutionalization of Panchayati Raj: A Reassessment* e. R. P. Joshi, Jaipur: Rawat Publications, 1998, pp. 38-39.

<sup>iv</sup> *Ibid.*

<sup>v</sup> *Ibid*, pp. 39-40.

<sup>vi</sup> GVVSDS Prasad, "Gandhi's Hind Swaraj: It's Relevance for Today", in: *Gandhi Today* ed. S. V. Prabhath, New Delhi: Serials Publications, 2010, p. 156.

<sup>vii</sup> Kaushik, p. 41.

<sup>viii</sup> *Ibid.*

<sup>ix</sup> Peter Ronald D'souza, "Institutional Visions and Sociological Imagination: The Debate on Panchayati Raj," in: *Politics and Ethics of the Indian Constitution* e. Rajeev Bhargava, New Delhi: Oxford University Press, 2008, p. 84.

<sup>x</sup> Kaushik. P. 42.

<sup>xi</sup> *Ibid.*

<sup>xii</sup> Nagindas Sanghavi, "Gandhi and Tomorrow," in: *Gandhi Today* ed. S. V. Prabhath, New Delhi: Serials Publications, 2010, p. 44.

<sup>xiii</sup> Thomas Pantham, "Gandhi and the Constitution: Parliamentary Swaraj and Village Swaraj," in: *Politics and Ethics of the Indian Constitution* ed. Rajeev Bhargava, New Delhi: Oxford University Press, 2008, p. 60.

<sup>xiv</sup> Kaushik, pp. 43-44.

<sup>xv</sup> N. S. Ghelot, "Towards Panchayati Raj: Some Myths of Democratic Decentralization," in: *Constitutionalization of Panchayati Raj: A Reassessment* ed. R. P. Joshi, Jaipur: Rawat Publications, 1998, p. 47.

<sup>xvi</sup> *Ibid.* p. 48.

<sup>xvii</sup> *Ibid*, p. 49-51.

<sup>xviii</sup> Peter Ronald D'souza, p. 88.

<sup>xix</sup> Kaushik, p. 45.

<sup>xx</sup> G. Palanithurai, *New Panchayati Raj System at Work: An Evaluation*, New Delhi: Concept Publishing Company, 1929, pp. 19-20.