



Status of Panchayati Raj System in Bihar

Ahmad Nawaj

Research Scholar, ICSSR Doctoral Fellow Awardee
Centre for Non-Violence and Peace, A. N. Sinha Institute of Social Studies, Patna-800001
Email: asrfahmad21@gmail.com

ARTICLE DETAILS

Research Paper

Keywords:

*Constitution, Election,
Local Self-Government,
Panchayati Raj Institutions,
Panchayat Samiti*

ABSTRACT

The Panchayati Raj System is not an institution of the modern era. Such institutions were also present in the Vedic age. In the Vedic text, Sabha and Samiti denote the present institution like Panchayat. Further, in the ancient Smrity text, we also find some institutions at the village level, like Kula and Shreni. The great Mauryan and Gupta dynasties of ancient India witnessed such institutions. But later, it changed the shape during the Mughal to British rule. During the British era, the famous Mayo's Resolution of 1870 accelerated the institution's development by allowing powers and responsibility at the local level. But further, in 1882, Lord Ripon strengthened the institution of local-self-government. He provided a detailed and democratic structural framework for those institutions. We can say that Mayo's Resolution of 1870, Lord Ripon's Resolution of 1882, the Royal Commission Report on decentralisation of 1909, the Government of India Resolution of 1915 and the Montague Chelmsford Report of 1918 create a better path to reorganise the local institution like Panchayat at village level. After independence, in the early draft of the institution of the Constitution, the issue of the Panchayat system was not included. The constitutional development process witnessed the lack of strong political will, right from the beginning of the time when the Constitution was drafted. Although Panchayat Raj Institution faced non-inclusion in the initial phase of the drafting of the Constitution. But later through Article 40

under the Directive Principle of the State Policy, it was included. Through Article 40 state can take action to organise and set up a Panchayat and endow them with powers and responsibilities. But finally, by the Balwantray Mehta Committee recommendation, in 1992 through the 73rd Constitutional amendment Panchayati Raj Institutions got a Constitutional status. The main objective of this paper is to figure out the development process of villages by the Panchayati Raj Institutions since the enactment of the 73rd Constitutional amendment till the present time.

Introduction

India is a country of villages. It is also known as the oldest Republic set up in the world. The most ancient Republic status found in India was- Lichhavi Gantantra (Republic of Lichhavi). The region today is known as the state of Bihar. Thus, the root of the Panchayat system is linked with our state. Lichhavi was very famous in ancient times for its glorious democratic setup. They were left to govern themselves partly as a particular state of economic affairs. Not only Vedic texts but also Smriti texts witnessed village-level institutions like today's Panchayat. Where, in Vedic texts Sabha and Samiti, the other side in Smriti texts Kula and Shreni described as such institutions which relate to the local self-governance system.

During the British rule, the old Panchayat system changed its system. It almost lost its autonomy to its social development or economic activities. It was used only for the help of collecting cess/taxes imposed by the British government. In 1870, Lord Mayo introduced a cess on rural roads in the villages. In 1885 the Bengal Local Self-Government Act was passed to replace the previously acted district road cess committees by the district boards and local boards at the district and sub-divisional level respectively. This was extended to the Patna district by 1886. The members of the district boards were partly nominated and partly elected. But all members of the local boards were nominated. The 1885 act also created union committees in semi-rural towns. Some of them were converted into union boards. Other side, it can be said that a series of efforts like Mayo's Resolution of 1870, Lord Ripon's Resolution of 1882, the Report of the Royal Commission on decentralisation in 1909 and the Montague-Chelmsford Report of 1918 created the path of the establishment of Panchayat system, which was

completely different from the old Panchayat system. Thus, that was not the revival of old Panchayat bodies. The Bihar and Orissa Village Administration Act was passed in 1922. Through the act, all members of union boards were elected. There were some provisions for a few elected Panchayat also. With the advent of 1935 popular governments in autonomous provinces, the zeal for the spread of Panchayat had begun. But the village economy was held in the grip of the landlord class. So, due to financial scarcity, the popular Panchayat system could not grow at the grassroots level in Bihar.

But after the independence scenario changed. The Bihar Local Self-Government Act of 1947 was passed. The act provisioned to create district boards in the area which was smaller than the revenue district. Further, the Amendment Act of 1950, provided the provision of electing all members of the local boards by an electoral college of the district boards. The Bihar Panchayati Raj Act of 1947 aimed to replace union committees with village Panchayats.

During the early Constitution drafting session, the Panchayati Raj Institution could not find any attention. The constitutional development process witnessed the lack of strong political will, right from the beginning of the time when the Constitution was drafted. Although Panchayati Raj Institution went through the non-inclusion in the initial phase of the drafting of the Constitution. However, through Article 40 under the Directive Principle of the State Policy, Panchayati Raj Institutions (PRIs) were included in the Constitution. Article 40 mandates that states can take action to organise and set up a Panchayat and endow them with powers and responsibilities.

In 1952, a system of Group Panchayats or Community Development Programmes was launched by the Indian Government to accelerate the constitution of Panchayats in the state. Bihar started with twenty-five Panchayats per sub-division in the early phase. It was thought that to assist the villagers in developing Panchayats through a process of gradual evolution. Further, in 1961 the Bihar Panchayat Samiti and Zilla Parishad Act was enacted. It was done for organising the block and district-level Panchayats. In 1964 it was amended again. And that time the focus shifted from village level to Block and Zilla level departmental setup and development through the allotment by the state and central level government. By 1970 the three-tier system of administrative system was operational all over the state. But a vacuum was created during the Fourth Five-Year Plan when the Community Development Programme collapsed. The district development officer and block development officer implemented the new functions and allotments under the poverty eradication schemes. There was stagnation in the

process of democratic decentralisation. The bureaucracy was implementing development schemes under the guidelines above without any involvement of the people.

Panchayat Elections after Independence

Bihar has been a land of democratic systems since ancient times. It has faced many ups and downs from early times to the independence of the state. After achieving independence Bihar enacted a Panchayati Raj legislation in 1947. The Gram Panchayat and Gram Kachahri started functioning under the act in 1948. Elections of these institutions had been held regularly till 1964. After that only two times in 1971 and 1978-80 in the Chief Ministerial ship of Karpoori Thakur, the Panchayat elections held.

In 1979, elections were held for choosing the pramukhs and up-pramukhs of the block samiti. In the next year, the zilla parishad elections were held for choosing adhayakshas and up-adhayakshas. The newly elected Panchayat bodies functioned for a mandatory five-year term. However, there were no elections that could be held the tenure of the existing mukhiyas and the executives had to be extended through the government ordinance. The tenure of the pramukhs and up-pramukhs of block samitis was also extended. But the tenure of adhayakshas and up-adhayakshas of zilla parishads was not extended. These representatives were replaced by the deputy development commissioner cum-chief executive officers of the district. Thus, we see that elected institutions at lower levels, where the gram panchayat and panchayat samiti had their terms extended and the zilla parishads were superseded by the bureaucrats.

In 1978, the Ashok Mehta Committee Report impacted the structure of Panchayati Raj Institutions in Bihar. In the Panchayat elections which were due in 1983, an attempt was made to have indirect elections for the post of mukhiya and reduce the number of ward numbers to eight. This situation faced an adverse reaction. Further, in 1987 a system of reservation was introduced. Then, even the post of Mukhiya came to be reserved for the SC/ST in proportion to their respective population. But this was objected to and struck down by the court on the grounds of being undemocratic. In early of 1993, the state government had assured that the Panchayat elections would be held in 1994. However, the promise was unfulfilled even after six years of the enactment of the 73rd Constitutional Amendment.

Development of PRIs Post 73rd Constitutional Amendment

The new Bihar Panchayati Raj Act of 1993, replaced the old Panchayati Raj Act of 1947 and the Bihar Panchayat Samiti and Zilla Parishad Act of 1961. The new act has the advantage of consolidating the old two into one unit. So, the new act was being passed by the legislature without discussion.

The act provides for direct election of mukhiya and other panchayat members. Panchayat Samiti and Zilla Parishad members are also directly elected. But there is another provision for the block pramukh and zilla adhyaksha. They are indirectly elected through the act. Through the act, provision of one-third seats was reserved for women. This includes one-third of SC/ST/BC seats. The number is determined in the proportion to the population belonging to these categories in the area. The same ratio would be for Samitis and Parishads. While the ratio of mukhias, pramukhs and adhyakshas would also be the same. These posts are also reserved in the same way. The reserved seats would be allotted based on rotation.

The real bottleneck provision in the panchayat election in Bihar has been the reservation policy in the act. Further, the reservation policy ended in the Panchayat elections. In March 1996, the Patna High Court declared the reservation policy unconstitutional.

Development of Villages through the Panchayats after 2000

After the 73rd Amendment of the Constitution of India, the state of Bihar did not hold an election for the three-tier Panchayati Raj Institutions for more than two decades. By a notification on 30 March 1994, the election commission was constituted. However, the election could not be conducted as a result of the Patna High Court's objection related to the reservation policy of the Panchayat election. The Court cancelled certain provisions of the Bihar Panchayati Raj Act of 1993 regarding reservation for the post of chairpersons in the PRIs for SC, ST, BC and women.

Further, the state filed a Special Leave Petition in the Supreme Court against the order of the High Court. After a gap of three years, the matter was not taken seriously by the Apex court. An interim order was passed on 29 August 2000 to conduct an election by the law as it stands today. Then the state government had no option but to hold the election without the constitutionally mandatory provisions for reservation for the posts of chairpersons for SC, ST and women. After the interim order of the Supreme Court, the election process started at the Panchayat level. The 2001 election witnessed unprecedented

spontaneous enthusiasm amongst the rural people. The government could not do anything except allow the election to be held. Voters especially the women came out in a large number.

With all its deficiencies, the panchayat election in 2001 paved the way for the upheaval of women, rural masses and many more things like the emerging marginalised section of society. This led to the enactment of a new law by the government led by the then Nitish Kumar. The new government enacted the Bihar Panchayati Raj Act 2006 by replacing the earlier Act of 1993. The next election to the Panchayats, including the judicial Panchayats was conducted under the provisions of the new Act.

The government accepted that for effective empowerment of the marginalised sections of society. Such people must obtain the post of chairperson at every level of the Panchayati Raj Institutions. Accordingly, the Act of 2006 provides for a reservation of 50 per cent of seats for women as well as that of chairpersons at all three levels of Panchayati Raj Institutions. As per the amendment in Articles 13, 15, 38, 40, 65, 67, 91 and 93 of the Bihar Panchayati Raj Act of 2006, there is a provision for a reservation system on a rotational basis after two consecutive general elections. And finally, the Bihar Panchayati Raj Act of 2006 can be a model for the empowerment of the most disadvantaged and socially and economically marginalised section of the population at the grassroots level.

Provision of Panchayat Sarkar Bhawan

The establishment of Panchayat Sarkar Bhawan in all the gram panchayats is a high priority of the government of Bihar. The objective of this project is to establish a Panchayat Sarkar Bhawan, an integrated Centre for local governance in all 8,463 Gram Panchayats by the vision and guidance of the Hon'ble Chief Minister of Bihar. Thus, Panchayat Sarkar Bhawan will be seen as a distinguished governance centre which boasts the local self-governance system.

As per the design, Panchayat Sarkar Bhawan will be a two-storied building. In which provision has been made for offices of the elected representatives and functionaries of the Panchayati Raj Institutions. Other facilities include Gram Kachahri Nyayalaya Hall, space for proper upkeep and safety of official records, a store, a hall for the meeting of the panchayat, a standing committee, a reception area for the general people, a service centre for providing computerised services, pantry, toilet etc. It is also to be used for conducting participatory meetings such as gram sabha. In addition to the above, these bhawans will also be used for disaster management such as flood, drought etc. Furthermore, it will

facilitate gram panchayat services for rural people who currently undertake multiple visits to various offices.

The estimated construction cost of a Panchayat Sarkar Bhawan with a built-up area of 5,920sq. ft. will be Rs. 82 lacs. When such bhawans come into existence, they will enable the panchayats to be more transparent and accountable in their functioning. Clusters have been formed consisting of an average of 5.8 Gram Panchayats. One Panchayat Sarkar Bhawan will be constructed in each cluster. The thirteenth Finance Commission's total allocation of Rs. 1,212.37 crore i.e., Rs. 1,000 crore – centre fund and Rs. 212.37 crore – state fund will be utilised in four years for the construction of 1,435 Panchayat Sarkar Bhawan.

In the Patna district, there is no availability of land for the Panchayat Sarkar Bhawan. So, in the 122 Panchayat, the construction of Panchayat Sarkar Bhawan is interrupted. Searching for land for this purpose is on the way. In Patna of 309 Panchayats, there are only 56 Panchayats have their Panchayat Sarkar Bhawan, in 12 Panchayats the construction for the same is in its last phase. And in 32 Panchayats it is proposed to construct such buildings.

Now 32 dismals of land will be used for the construction of a Panchayat Sarkar Bhawan, which was previously proposed 50 dismals of land for the same.

Conclusion

The last decade has seen a revival of the panchayat system in the state in accordance with the mandate of the 73rd constitutional amendments. Elections to the PRIs have been made regular. Since 2006, we have witnessed the fourth panchayat elections. By reserving 50 per cent of seats for women and by making reservation provisions for the entry of the extremely backward castes, the existing Panchayati Raj Act of Bihar has made local bodies truly inclusive in manner. Funds have also started flowing into the panchayats. Attempts are also being made to enhance the capacities. However, concerning the devolution of functions, fiscal powers and functionaries to the PRIs, the achievements of the state have been far below expectations.

But what is of greater significance is that about 50 per cent of PRI chairpersons are women and a majority of them are from the most marginalised sections like SC, ST and extremely backward classes. They are the kingpins of the gram panchayats which reflects their real political empowerment at the grassroots level in Bihar.

Acknowledgement

I sincerely acknowledge the A. N. Sinha Institute of Social Studies, Patna Aryabhata Knowledge University, Patna and Indian Council of Social Science Research (ICSSR), New Delhi for providing me with financial and other support.

References

Government of Bihar. (1948). *Reports on the Implementation of the Bihar Panchayati Raj, Patna.*

Government of Bihar. (2006). *Bihar Panchayati Raj Adhiniyam, Patna.*

Kumar, Girish. (2001). Overcoming State Resistance: Panchayat Elections in Bihar. *Economic and Political Weekly*, 36, (20), 1681-84.

Mathew, George. (1994). *Status of Panchayati Raj in the States and Union Territories of India.* Concept Publishing Company, New Delhi.

Rajasekhar, D. (ed.). (2022). *Handbook on Decentralised Governance and Development in India.* Routledge.

Reporter, (2024.06.24). Panchayat Sarkar Bhawan banane ke liye zamin ki talash, bheja patra. *Prabhat Khabar (Hindi)*, City News, p.2. Retrieved from

<https://epaper.prabhatkhabar.com/patna/patna-city/2024-06-24/1>.