



An Inclusive Approach of Socio-Economic And Political Justice Under Panchayati Raj Institution

*Manish Parshuram Pawar ** Dr. Ashok Shankarrao Pawar

* Research Student in Law, Department of P.G. Studies in Law, Dr. BAMU, Aurangabad

** Research Guide and Associate Professor, Department of Economics, Dr. BAMU, Aurangabad

ABSTRACT

Panchayati Raj System has considered the weaker section by providing reservation in seats and offices of Gram Panchayat, Panchayat Samiti and Zilla Parishad. It has stated by the Union Panchayat Raj Minister of India in the interview to Frontline that, "... there are more elected women representatives in India alone than in the rest of the World out together." He further expressed that, "[w]e have an opportunity of 12 lakh women in the Panchayats alone. This is an extraordinary act of social and political empowerment." This revolution is without precedent in history and without parallel in the world.

But, it may not be neglected that, still women are not fully equipped as much to take effective in village politics. They are dependant on the guidance of father or husband. Literacy and educational level of women representatives is very low, in most of the cases husbands or male members of family have been found acting as proxy for women representatives.

Keywords : 73rd Constitutional Amendment, Three Tier Structure, Political Justice, Reservation

SOCIAL JUSTICE AND THE INDIAN CONSTITUTION

The Preamble of the Constitution of India promises to secure to all its citizens social, economic and political justice; liberty of thought, expression, belief, faith and worship; equality of status and opportunity and dignity of the individual.⁴ These goals have been incorporated in the form of fundamental rights and directive principles of the state policy and other provisions of the Constitution.

Founding fathers of the Constitution gave general content to the concept of Social Justice in Article 38 of the Constitution which reads as,

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 the institutions of the national life.... The State shall, (also) in particular strive to minimize the inequalities in income and endeavor to eliminate inequalities in status facilities and opportunities, not only amongst individuals but also among the people residing in different areas or engaged in different vocations.

To ensure the equality of status and opportunity, Clause (1) of Article 15 of the Constitution prohibited discrimination on the grounds of race, religion, caste, sex, place of birth or any of them. Clause (3) of this Article also clarified that this provision will not prevent the State from making any special provision for Scheduled Castes, Scheduled Tribes, Other Backward Class (SCs, STs, & OBCs) and Women. Article 46 also provides for the special care for educationally and socially backward section of the society.

Part XVI of the Constitution also, contains special provisions relating to certain classes. Article 330 provides reservation of seats for Scheduled Castes and Scheduled Tribes in House of People. Article 332 provides reservation for above said sections in the Legislative Assemblies of the States.

These are the provisions which provided for the upliftment of weaker sections of the society. The Hon'ble Supreme Court has upheld the validity of the enactments made by the legislature to give effect to these provisions. The Supreme Court upheld

the Report of Mandal Commission in the both famous (1st and 2nd) Mandal Commission cases.⁵ In this report the Commission recommended to provide reservation for the Other Backward Classes. Hon'ble Supreme Court felt that, there is need to maintain a balance between reservation and efficiency not only with reference to Scheduled Caste or Scheduled Tribe but also with reference to Other Backward Classes. Sacrifice of merit may have to be made for Social Justice.

PANCHAYATI RAJ AND ECONOMIC JUSTICE

"The benefits of economic development must accrue more and more to the relatively less privileged classes of society and there should be a progressive reduction of the concentration of incomes, wealth and economic power."⁶

After independence, initially governments paid the attention on development of urban area. But, the rural area could not gain the attention of the government. It was observed by Pandit Jawaharlal Nehru that, to achieve the development of India in all aspects, it was essential to pay special attention on rural development. The World Bank too emphasized on the development of marginalized section of the society. According observation, "[r]ural development is strategy designed to improve economic and social life of a specified groups of people".

PRIs are the perfect and proper channels to achieve the economic and social development at grass root level. Through the different schemes, the government attempts to divert the economic resources towards villages for its development. The PRIs perform a pivotal role in the rural development. It has become more effective and transparent in its governance. The then Secretary of Ministry of Rural Development of Government of India, rightly observed, "[t]he Constitution (73rd Amendment), has marked the beginning of a new age in the evolution of democratic institutions and decentralization in planning for economic development in India."⁷

Jawaharlal Nehru was keenly interested in the development of the Indian agriculture and for that matter interested in the education of farmers for which he initiated Community Development Programme [hereinafter referred to as CDP], co-operative move and Panchayati Raj movement to involve the farmers in the task

of national development.

panchayati raj and political justice

"Tie up a baby's arms and legs and then leave it to teach itself to walk. If it does not succeed blame the body. The free body will learn equilibrium through tumbles, the tied up body will become paralyzed and will never walk".

- Dr. Annie Besant

The participation of people from every walk of life with adequate powers is sine-quo-non for successful democracy. To achieve the goal of Political Justice, each individual should participate in the process of policy making the decision and executing the same. Thus, instead of centralizing the powers in the hands of a few representatives it should be decentralized in the citizens for betterment of their self.

According to Friedman, '[d]emocratisation is a process of transfer of responsibility, authority and functions from a superior government unit to a lower government unit.'⁸

In the light of Friedman's explanation, the question may arise that, what actually we mean by the term 'decentralization' in the context of the word democracy. The very basic meaning of the decentralization is 'to give some of the powers of central government or organizations, etc. to smaller parts or organization around the country'.

Hence, for the success of democracy the involvement of the people is very essential. Unless and until the masses of grass root level take part in the policy making, the aim of welfare state can not be achieved.

Till the introduction of Panchayati Raj System as Constitutional mandate in 1993 through the 73rd Constitutional Amendment, people could only participate in Government at the top level indirectly by electing their representatives. The State shall take steps to organize Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. It was not being followed by several States. The elections of Panchayats were not been held from time to time. Marginalized section kept far from participation in the decision making process at grass root level. After 73rd Constitutional Amendment this picture has changed dramatically. It is helping in furtherance of efforts for establishment of inclusive democracy and to assure Political Justice at grass root level.

Henry Maddick rightly observed, that-

'[p]anchayat development under the Constitution has had three main aims, (i) to foster the involvement of individuals throughout the nation in the process of democratic government, (ii) to gain the villagers participation in national development from the village level and (iii) to upwards and to lessen the burden of states administration through decentralization.'⁹

As like Henry Maddick, S.K. Dey the then Minister for Community Development, announced as follows:

Panchayat Raj as we now visualize will, therefore, mean progressive increase in competence from ground upwards and corresponding transfer of responsibilities from the Centre to the ground. If one wishes to climb higher, one must reduce the burden of avoidable weight on his shoulders. In order to function at the level, our Centre must be relieved of responsibilities which should be discharged by the State Government, the State Government should relieved, likewise of responsibilities such as can be discharged by the Panchayati Raj Institutions along the line the Zila Parishad Panchayat Samiti.... It will bring about a complete link up of our people from the Gram Sabha to the Lok Sabha.

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It means the Panchayati Raj performs the role to bridge the gap between government and the people at the local level. It help to relieve the burden of the Centre and States governments because the powers were concentrated in the hands of Members of Parliament or the Members of Legislative Assemblies who are more concerned with the matters at the national sphere or at the State level. However, they are unaware about the pathetic plight of people at the remote area as these areas are end of their regular sight. So it was needed to decentralize the power of decision making and executing the same. These powers of policy making and execution of such policies should be in the hands of those people who are more concerned about them.

CRITICISM

In light of economic justice, we have seen that Union as well as State Governments initiated several welfare programmes for the rural people. The main objects of several Five Years Plans were introduced for infrastructural development, poverty alleviation and agricultural development.

But, as an institution of Self-Government, the Panchayat does not have adequate fiscal powers. The PRIs at present are principally, grant fed and their dependence upon the State Governments even for carrying out their routine functions is heavy.¹⁰ Article 243 H authorities State Governments to give power to the Panchayats in respect of levy, collection of fund within the Panchayats to regularize and control inflow and outflow of financial resources. But, it meaningless since the State Governments are reluctant to share their fiscal powers with the local self government institutions. Hence, the Panchayati Raj Institutions became only the government in rural development and remain self-government for the namesake.

It has also been discussed that, the Panchayati Raj System function as instrument to provide political justice. By way of devolution of power of decision making at grass root level it causes more and more participation of the people in democratic process. Article 243 G stated that State Legislature may, by law endow the Panchayats with such power and authority and may be necessary to enable them to function as units of self-government and such law may contain provision for the devolution of powers and responsibilities upon Panchayats... with respect to –

- a. The preparation of plans for economic development and social justice.
- b. The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

But, in the first place, the text of the Article 243 G uses the term 'may' (and not the mandatory 'shall') and thus, leaves open the possibility that a State Legislature may not endow any power and authority, upon the Panchayats.¹¹ Hence, unless the real power has been transferred in the hands of people at grass root level, we may not say it is devolution or decentralizations.

It is also discussed that, the right to information is very essential for the political justice. The citizen's right to information is an important instrument to promote openness, transparency and accountability in public administration.

But, it is to be noted that most of the people of the villages are illiterate. They hesitate to ask about information relating to the records and accounts of the Panchayat. Bureaucracy is one of the hurdles in the transparent governance. All the administrative and legislative powers are vested in the executives of Panchayati Raj Institutions. At Panchayat level Secretary (Gramsevak), at block level Block Development Officer and at District level Chief Executive Officer, exercises unrestricted powers regarding the Panchayati Raj Institutions.