

The 73rd Constitution Amendment and Good Governance in West Bengal

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Abstract: On the basis of the 73rd Constitution Amendment Act (1992) Gram Panchayat (GP) has been constitute as a elected local government of the grassroots level people and provide a more accountable, transparent, open, equitable, efficient and participatory governance. The objective of this amendment is to strengthen local government institutions as a form of democratic decentralization has been justified in terms of its potential contribution towards participatory and responsive governance. Through this Amendment Act (1992) Gram Panchayat has get Constitutional recognition as the institution of local self-government, where people can participate directly in the decision-making and decentralized planning. The 73rd Constitution Amendment Act, 1992 and all the West Bengal Panchayat Acts and its amendments has been provided some attributes of good governance, such as democratization, accountability, transparency, openness, efficiency, popular participation, empowerment, etc.

Key words: Democratic decentralization, Decentralized planning, Good governance, Participatory governance,

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I. INTRODUCTION

The 73rd Amendment of the Constitution of India has take some crucial positive steps to establish good governance at the grass roots level of rural area on the basis of democratic decentralization. It has deepening and widening the democracy at rural India and has been made rural local government very closer to the people. It has carried such changes in the political and administrative process while delegating the power and functions of the bureaucrats to the grass roots level. The main purpose of the amendment is to bring administration and politics as well as local government closer to the people and provide participatory popular and responsive local government. Decentralized and elected local self government is an institution of the grassroots level democracy. Through these institutions local democracy has been deepening its roots. Local democracy can play a crucial role in enriching the practice of democracy. It makes the democratic system relativity accessible to the disadvantage and thus expands the scope of social and political participation of the common people. It makes government more responsive, transparent and accountable. It ensures efficient and prompt service delivery as well as gives an opportunity, to the ordinary citizens to learn the art of collective decision-making in order to influence public policies (Ghosh and Kumar, 2003). More participation of the citizen makes local government more democratic, open and transparent and there governmental decision is much-more influenced by the citizens. Real decentralization of decision-making power makes government more flexible, citizen-centric, open, accountable, participatory, responsive and less-corrupted. Decentralization ensures better service delivery and people's direct participations in collective decision-making process. The some attributes of good governance had already been presence in West Bengal Panchayat system before the 73rd Amendment of the Constitution of India.

The Mandatory Provisions of the 73rd Constitution Amendment Act (1992)

The 73rd Amendment of Constitution is the basis of democratic decentralization in rural India as well as in rural West Bengal. It makes Panchayati Raj Institutions (PRIs) more participatory, democratic citizen-centric and accountable. Panchayati Raj system are the basic unit of democratic decentralization through which decision-making power and authorities transferred from higher level of government (Central and State government) to the grassroots level of society and democracy becomes truly representative and responsive. Decentralization ensures grassroots level people's participation in decision-making process of administration and development planning of the government. The Panchayati Raj institutions are considered as local self-government meant for providing basic infrastructure facilities, empowering weaker sections of the society and

initiate the development process at the grassroots level of rural India. The 73rd Constitution Amendment Act (1992) has been recognized the people's participation in the process of planning, decision-making, implementation and service delivery system in rural India. The 73rd Constitution Amendment Act, 1992 that came into force with effect from 24th April, 1993 has vested Constitutional status on Panchayati Raj Institutions. The mandatory provisions of the 73rd Constitution Amendment Act (1992) are:

- (a) Establishment of a "Gram Sabha" at the village level comprising registered voters of the village (Article 243A).
- (b) Establishment of a three—tier system of Panchayati Raj; at the village, intermediate and the district levels (Art. 243B).
- (c) All levels of Panchayats will consist of person elected directly from the territorial constituencies. The territorial constituencies shall be carved out in such a manner that the ratio between the population of each constituency and the number of seats allotted to it should be uniform throughout the Panchayat area [Art. 243 C (1) and (2)].
- (d) The chairperson of a Panchayat at the intermediate level and district level shall be elected from among the directly elected members representing the territorial constituencies [Art.243c (3)].
- (e) Reservation of seats for scheduled castes and scheduled tribes in proportion to their population and seats to be allotted by rotation [Art.D(1)].
- (f) Reservation of offices of chairpersons for scheduled castes and scheduled tribes in proportion to their population and offices to be allotted by rotation [Art.D(4)].
- (g) One third of the total number of seats and offices, both in the reserved and unreserved categories, shall be reserved for women (including scheduled castes and scheduled tribes women) and allotted by rotation [Art.243D(2) and (4)].
- (h) All members of the Panchayat whether or not directly elected shall have the right to vote in the meeting of the Panchayat [Art.243c (4)].
- (i) Tenure of five years of Panchayat is fixed from the date of its first meeting. The tenure cannot be extended and in case a Panchayat is dissolved it has to be reconstituted within six months [Art.243E].
- (j) Devolution of powers, authority and responsibilities Panchayats to enable them to function as institutions of self-government (Art.243G).
- (k) Powers to impose taxes by the Panchayats (Art.243H).
- (l) Constitution of Finance commissions every five years to review the financial position of the Panchayats and recommended the principles on the basis of which taxes and non-taxes are to be apportioned between the Panchayats and the consolidated fund of the state (Art.243 I).
- (m) The legislative body of a state may, by law, make provisions, with regard to the maintenance of accounts and auditing of such accounts (Art. 243 J).
- (n) Constitution of a state Election commission for the superintendent, direction and control of the preparation of electoral rolls and conduct of elections to the Panchayats. The Governor shall appoint the state Election commission (Art. 243 K).
- (o) Extension of the above provisions to the scheduled areas with such exceptions and modifications (Art. 243 M).
- (p) Bar to interference by courts in the electoral matters with regard to validity of any law relating to the delimitation constituencies and allotment of seats to such constituencies (Art. 243 O).

Good Governance, Participation and Empowerment

Good governance is associated more with efficient and effective administration in a democratic framework. It promotes freedom of information, a strong legal system and an efficient administration, backed by political mobilization of the disadvantaged. As a process, good governance is dedicated to the achievement of the three great objectives humankind in the present day world, as enshrined in the proclamation of the Social Development Summit (1995): (a) alleviation of poverty, (b) creation of productive employment, and (c) social integration. The sea changes that have taken and are still taking place on a global scale add urgent and compelling dimensions to the demands of good governance. These relate to the changes fostered by the expanding process of globalization, regionalism and regional co-operation in political, economic and commercial spheres (Shelley, 2001, p. 166).

The concept of good governance demands that the government must not only be representative but also responsive to the needs of the governed. A strong sense of responsiveness and commitment to serve the governed would ensure efficient delivery of services to the people (Mukhapadhya, 1998). In developing countries, it is the government, which initiates and implements developmental programmes. It much gains the support of the people in discharge of their responsibilities with regard to programmes, particularly at the cutting-edge level. Such support would strengthen democracy as well as positive response of the community to developmental programmes, which should be the ultimate goal of good governance (Syndicate Paper, 2001).

Thus government should take such initiatives where the needs and requirements of the citizens will be fulfilled. It would require the government to ensure the people a substantive role in decision-making and implementation. In order to established citizen-centric governance, the government should strengthen the right of the citizens. The process of decentralization has empowered the grassroots level peoples to give them such power and authority as they can perform very positive role in the formulation and implementation of the development programmes. “Decentralization of power, participation of citizens in local decision-making, implementation of schemes affecting their livelihood; and quality of life are essential aspects of good governance that need urgent attention” (Pal, 2003,p.173).Through popper decentralization power can reached at the grassroots level of the society and people will be empowered to participate in local developmental programme. Local people can determined their priority and needs and actively involved to formulation and implementation of the developmental policy to ensure their demand. Therefore decentralization ensures peoples’ participation in governance and basic service delivery.

The 73rd Amendment, West Bengal Panchayat Acts and Good Governance

On the basis of the 73rd Constitution Amendment Act (1992) Gram Panchayat (GP) has been constitute as a elected local government of the grassroots level people and provide a more accountable, transparent, open, equitable, efficient and participatory governance. The objective of this amendment is to strengthen local government institutions as a form of democratic decentralization has been justified in terms of its potential contribution towards participatory and responsive governance. Through this amendment Gram Panchayat has get Constitutional recognition as the institution of local self-government, where people can participate directly in the decision-making and decentralized planning. On the basis of democratic decentralization power has been reached at the grassroots level and Gram Panchayate has transform in to a self-governing autonomous and elected body of the local people.

After independence the West Bengal Panchayat Act was passed in 1956. According to this act ‘Gram Panchayat’ and ‘Anchal Panchayat’ were constitute. The Anchal Panchayats were located above gram Panchayats in legal and administrative hierarchy. These two institutions were became the formal source of local level political power. The members of these institutions were created a scope of participation of the grassroots level people in local administration. ‘The West Bengal Zilla Parishad Act was passed in 1963 to provide for remodelling of local government with a view to associating the local authorities with development activities and bringing about democratic decentralization and peoples’ participation in planning and development’ (Paramanik and Dutta,2004 ,p.3). About this two acts Webster express his views as ‘...this were little more than a facade with the state government merely paying lip service. To the ideas of popular participation and decentralization embodied in the proposals of the Mehta Report (Balbant Rai Mehta Committee Report, 1959). Participation was minimal, the powers and responsibilities devolved were few, financial support were lacking, departmental and administrative officials continued to function as before and Panchayati Raj remained little more than a distant idea given the absence of political will on the part of the state government’ (Webster, 1992, p.21). But these two acts were not sufficient for effective decentralization of decision-making power and authority. There was not much scope of these two acts to involve grassroots level peoples’ in decision-making process.

A strong and relevant law was made by the West Bengal state assembly in 1973 is called West Bengal Panchayat Act (1973). This new Act (1973) provided for a three-tier Panchayati Raj system—Gram Panchayat at the village level (a group of villages), Panchayat Samiti at the block level and Zilla Parishad at the district level. The Act exposed some certain functions (obligatory, delegated and discretionary) and responsibilities to each. The Act also provided for direct popular election to all three tiers. The main objectives of this Act was to involve local peoples’ in local level decision-making process and widen the democracy at the grass root level on the basis of the decentralization. The Act was not really able to establish democratic governance at the grass root level. But we can consider the Act as a foot step towards democratic decentralization.

The 73rd Constitution Amendment Act, 1992 has been provided Constitutional recognition to the Panchayat and provided adequate power, authority and responsibility as they (PRIs) worked as a institutions of the grass root level peoples’. According to this Constitution (73rd Amendment) Act, 1992 West Bengal government also changed some relevant part of the existing Panchayat Act (1973). ‘To ensure effective participation of the people in the process of development, West Bengal Panchayat Acts, 1992 and 1994 were enacted, making the institutional innovations like Gram Sabha and Gram Sansad, where all the electors of the Gram Panchayat area are involved in the development process. It has provided the village people of the Gram Panchayat area the power to advice the Gram Panchayat with regard to the identification of schemes to be take for economic development of the village, to the selection of beneficiaries of various poverty alleviation programmes and Constitution of beneficiary committee for ensuring peoples’ involvement in the identification, implementation and follow-up of various development projects and overall equal distribution of developmental benefit from multiple community welfare schemes. The Amendment Act, 1994 tries to make room for autonomous political space and workability of mass mobilization, promotion of harmony and solidarity among

people. The Act has empowered the people to record the illegal actions and miscarriage of duties with regard to the implementation of various development schemes on the part of the Pradhan of Gram Panchayat or any Gram Panchayat member. Under this Act, Gram Panchayat is the unit of self-government. The Amendment Act of 1994 also empowers the Gram Panchayats with the tasks of identification, preparation and implementation of various schemes for economic development and social justice' (Mallick, 2011, P.37).

The West Bengal Panchayat Amendment Act (1992) has been provided representation for the socially and economically weak and backward sections of the people. The Act has stated clearly that in every term of elections to all the Panchayat bodies, the Gram Panchayat, the Panchayat Samiti and the Zilla Parishad would be reserved for the scheduled caste and the scheduled Tribe (SC and ST) Persons in the ratio of their respective proportion in the populations of that Panchayat body. It is also provided that, from among the seats reserved for the scheduled cast and scheduled tribes person, at least one third of the seats would be reserved for the women members belonging to those communities. According to this act at least one-third of the total seats of each tier of Panchayati Raj institutions (PRIs) would be reserved for women (including scheduled castes and scheduled tribes women). The west Bengal Panchayat Amendment Act 1992 has confirmed the participation and representation of the women and weaker sections of the grassroots level people. The Act, 1992 legally ensured the involvement of people (including, SC, ST and women) in decentralized Panchayati Raj institutions (PRIs).

II. CONCLUSION

The 73rd Constitution Amendment Act (1992) and all the West Bengal Panchayat Acts and its amendments has been provided some attributes of good governance, such as democratization, accountability, transparency, openness, efficiency, popular participation, empowerment, etc. All these attributes and ideals can be achieved through decentralization of decision making power and authority. Decentralization and devolution of powers, responsibilities, authorities and resources to local government like Panchayati Raj Institutions (PRIs) may provide better service delivery and promote good governance, if we keep these institutions free from any type of political bias.

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