

## **History of Panchayati Raj Institutions in West Bengal and Participation of Women**

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### **Abstract**

This paper traces the origin and development of the origin of the Panchayati Raj System in West Bengal. The Panchayati Raj can be traced to Bengal Chowkidari Act which was passed by Lord Mayo in 1870, the resolution issued by Lord Rippon in 1882, Bengal Local Self Government Act of 1885, Bengal Village Self Government Act of 1919 and West Bengal Panchayat Act of 1957. The act of 1957 introduced two tiers- gram panchayats and anchalik Panchayats and district boards continued as Zilla Parishad. Before 1993 elections which were held on the basis of reservation one third seats for women, there were less than 1 per cent women members elected to different panchayat bodies in West Bengal. If they were not elected, then they were nominated. After 1993, the number of women representatives increased to 35 percent in Gram Panchayats, 33 percent in Panchayat Samiti and 34 percent in Zilla Parishad.

**Keywords:** Panchayati Raj Institutions, West Bengal, Participation of women

### **History of Panchayati Raj Institutions in West Bengal 1870-1977**

The origin of the system can be traced to the efforts of the British colonial state to create a system of self government in the late nineteenth century, starting with the Bengal Chowkidari Act passed by Lord Mayo in 1870, the 1882 Ripon Resolutions, the 1885 Bengal Local Self Government Act and the 1919 Bengal Village Self Government Act. Statutorily constituted Panchayats were established in Bengal in 1870 when the Bengal Village Chowkidari Act was passed. These Panchayats were not democratic, being composed of persons nominated by the district collector or any subordinate officer chosen by him, with the sole purpose of levying and collecting Chowkidari tax for the maintenance of the village watchmen (Ghosh, 2013, p. 605).

On 18 May 1882, lord Ripon, the viceroy of India, issued a resolution encouraging the setting up of local government. When comprehensive scheme for setting up local government institutions was put forward through the Bengal Local Self- Government Act of 1885, it fell far short of the ideals set forth in the 1882 resolution. This act provided for a three-tier structure for rural Bengal. At the top, there was to be a district board having jurisdiction over the entire district; at the middle level, a local board covering a sub division; at the lowest level the union committee with jurisdiction over a union or group of villages (Datta, 2002, p. 95) . In many ways this was only a half-hearted attempt to establish local self government in rural Bengal. First, the institutions were hardly democratic in character. District board members were indirectly elected by the local boards. Members of the local boards and union committees were elected by a restricted electorate. There were officials who were members of both the district and local boards and real authority was exercised by them. Second, the district was made the unit of local self government and consequently

the local board had to act as the mere agency of the district board with no autonomy of its own, while the condition of the union committees was even worse. Local boards were soon found redundant and in 1936 these were abolished. Third, chowkidari Panchayats as well as union committees co-existed for a long time. The establishment of union committees in terms of the 1885 act was extremely unsatisfactory. Thus in practice denied any kind of self-government and, as a result, some of the basic needs of the people like sanitation, roads or drinking water remained unattended (Ghosh, 2013, p. 605).

The Bengal partition agitation of 1905 heralded a new era in the nationalist movement making administrative reforms inevitable. The imperial Government had no other alternative but to decentralize administrative powers. In 1909 the Royal Commission on Decentralisation and in 1914 the District Administrative Reforms Commission appointed by the Government of Bengal pleaded for a unified system of rural local government and favoured the establishment of a network of unified rural local authorities combining the functions of the Chowkidari Panchayat and the Union Committee. This led to the birth of the Union Board under the Bengal Village Self Government Act, 1919 ( Datta, 2002, p. 95). This act was practically the first attempt to introduce self governing institutions for the rural people of the province. The act of 1919 had provided for the creation of union board consisting of a group of villages. Union board had an elected body consisting of all adult males having residence within the union and paying local tax that is, union rates or cess. Thus it was a restricted electorate. Each union boards had a president and a vice president elected by its members. The term of office of the members was four years. The government showed sincerity in implementing the provisions of the act. Unlike the union committees, steps were taken to constitute the union boards quickly and to hold elections to them. By 1936-37, the number of elected boards rose to nearly five thousand( Ghosh, 2013, p. 607).

Each union Board covered on average 8 to 10 villages with a total population of 10,000. They functioned under District Boards. Union boards were variety of functions. There were normal municipal functions, such as sanitation, conservancy, water supply, maintenance of roads or drains, or regulatory functions, such as control on construction of buildings. There were some development functions as well, such as, promotion of the cottage industry, or establishment of primary schools or libraries. The boards could exercise control over the rural police (chowkidars and dafadars). Subject to such control was exercised by the government over the boards, especially regarding rules of operation, audit of accounts, power of annulling proceedings, and supersession in case of default, the union boards had autonomy in their functioning. As regards finance, union board could levy a rate on the owners or occupiers of buildings within the union (Ghosh, 2013, p. 607).

Thus from 1919 onwards, undivided Bengal had two sets of local government institutions- district boards at the uppermost level and union boards at the lowest. Each tier had a district corporate status and a separate statute delineating its powers, functions and obligations, but there was no organic linkage between the two institutions. The union boards continued to function for about four decades, and in the process created such lasting influence that even later developments introducing democratic decentralization could not alter some of the traditions created by them. Yet one may ask to what extent these institutions could be said to have had the characteristics of true representative governments at the local level (Ghosh, 2013, p. 607). First, it must be noted that social and economic power in the villages was concentrated in the hands of a small group consisting of the landed gentry, zamindars and intermediates, and the professional classes. Union or district boards used to be dominated by these groups, which had vested interest in the status quo. Second, official control had shifted the autonomous growth of these bodies. Finally, all these bodies suffered from acute shortage of funds. Throughout British rule the principle of 'local taxation for local

purposes' had been pursued. The government had disowned any responsibility of providing funds for local purposes which, in its perception, included not only sanitation, road, water supply or schools but also the rural watch men. In fact, the Act had provided that payment of salaries and equipment for the chowkaridars and dafadars is made the first charge on the income of the union boards. An impoverished economy based on an exploitative and tenure system could only provide a meager base for local taxation and both the union and district boards suffered from chronic shortage of funds for providing amenities to the people. At least 50 percent of the income of the union boards used to be spent on the salaries of chowkidars and dafadars, leaving almost nothing for other essential services (Ghosh, 2013, p. 607).

The system introduced by the British was sought to be changed after independence. It was replaced by the panchayat system. Constitution of village Panchayats replacing the union boards was initiated in the fifties. In 1954, the West Bengal Legislative Assembly had passed a non-official resolution asking the government to take steps to establish village panchayats and endow them with judicial, administrative and other powers. A draft bill was introduced in the assembly in 1956, which, after scrutiny by a select committee, was enacted in 1957 as the West Bengal Panchayat Act. The act of 1957 replaced the Bengal Village Self Government Act of 1919 and restructured local self government in village by introducing two tiers- *gram panchayats* and *anchal Panchayats*- in place of the union board. Besides, a new concept called the gram sabha was introduced ( Ghosh, 2013, p. 607 and Datta, 2002, p. 96).

Although the report of the Balwantrai Mehta committee recommended the establishment of the three tier panchayat system, west Bengal initially ignore the report .There was no attempt to opt for the all India pattern of a three tier panchayat system. On the other hand, no serious endeavour was made to implement quickly the provision of the 1957 act. As a result, the progress in the conversion of union boards into *anchal Panchayats* and *gram Panchayats* was extremely slow. It was only after june 1964 that the entire rural areas was covered by the *gram* and *anchal Panchayats*. Moreover, there was no linkage between the Panchayats in the village and district boards. In other words, the old model of union boards and district boards was allowed to continue ( Ghosh, 2013, p. 608).

The next step in completing the structure of the first generation Panchayat system was taken during the Third Five Year Plan Period. In 1963, the West Bengal Zilla Parishad Act was passed to provide for the remodeling of local government with a view to associating local authorities with development activities and bringing about democratic decentralization and people's participation in planning and development. Under this act, two corporate bodies were created- *anchalik parishads* at the block level and *zilla parishads* at the district level ( Ghosh, 2013, p. 608 and Datta, 2002, pp. 96-97).The 1957 act providing for gram and anchal Panchayats and the 1963 act providing for *anchalik* and *zilla parishads* formed the basis of the panchayati raj structure of the state. It was a four tier system instead of the three tier system recommended by the Balwantrai Mehta team. Although this forth tier panchayat system existed till 1977 but it remained stagnant. There were no election to the anchal and gram panchayat and anchalik parishads and zilla parishads remained superseded (Ghosh, 2013, p. 609). Webster (1992) identifies the two key problems that rendered these governments ineffective. First, responsibility for delivery of most important public services and developmental programs were retained by departments and ministries of the state government. Bureaucrats appointed by the state government and accountable only to their hierarchical superiors in the district and state capitals were the principal agents in the delivery system. There was no scope for the voice of the local government to be heard by the bureaucrats. Second, there was no scope for representation of the interests of the vast majority of tenants and agricultural workers, while the

existing structure of land relations continued to remain highly unequal owing to the failure of the state government to implement any serious land reform (Mookherjee, 2007, p. 206).

Clearly, West Bengal started its journey at a time when the phase of decline of the Panchayat institutions in other States of the country had begun primarily because of the lack of political support, bureaucratic neglect and inadequate statute to make Panchayat bodies representative, responsive and strong. According to one observer the Zilla Parishads and Anchalik Parishads faced their inglorious death as soon as they were born. The Gram Panchayats and Anchal Panchayats continued at the local level. But they had no effective role (Datta, 2002, p. 97).

### **History of Panchayati Raj Institutions in West Bengal 1977-1993**

All this changed with the ascendance of a left government to power at the state government level in 1977. After a decade of political violence and upheavals, the Left Front (LF), a combine of leftist parties led by the Communist Party of India (Marxist) (known as the CPI (M)) came to power on the promise of vigorous agrarian and political reform. Its agrarian reform program involved forceful implementation of existing tenancy laws that gave security of tenure and a legally stipulated minimum crop-share to tenants (operation barga), and distributing landholdings above the legally permitted limits from landowners to small and marginal farmers as well as the landless rural poor in terms of its achievement on both these counts it is by far the leading state in the country (Ghatak, 2002, p. 46). Its political reform program consisted of empowering the three-tiered panchayat system with a gram panchayat (village council) for a cluster of villages at the bottom, a panchayat samiti covering the area of a block, and a zilla parishad for the district. (Mookherjee, 2007, p. 207) In west Bengal, gram panchayat having a population numbering about ten thousand have become convenient units for local self government. Moreover the panchayat samitis which are at the block level have proved to be viable and convenient units. There were 3,242 gram panchayat and 324 panchayat samitis in west Bengal ( Mathew, 1995, p.22).

In 1977 the provision and maintenance of all local public goods, and implementation of most local public projects were handed over to formally elected village councils (Gram Panchayats). Previously these functions were discharged by bureaucrats working under state and central governments, a system that received widespread criticism as in corrupt. There is much evidence that the poor functioning of local public services in India relates to the centralized and non participatory nature of their management. However, there is little scope for citizens to voice their demands and criticisms in the formal institutional structures while education, health and poverty alleviation programmes take up a fair share of the budgets of the central and the state governments, a rather small fraction of the benefits trickles down to the intended beneficiaries because of corruption at various levels of the government. It is common to observe the serious problem of absenteeism of salaried teachers in rural public schools and of doctors in rural public health clinics (Ghatak, 2002, p. 45).

The experience of West Bengal under the panchayat system stands in sharp contrast with the other states in India and together with land reform it has been credited for playing an important role in the impressive economic turnaround of the state since the mid 1980s (Swaminathan, 1998, p. 2597) . While a handful of other Indian states periodically experimented with decentralization prior to the 1990s, it is only since the passage of the seventy-third and seventy-fourth constitutional amendments in 1993 that the rest of India has systematically begun to implement such a system .The west Bengal decentralization experiment thus predated the all India experiment and is frequently hailed as an instance of successful implementation of decentralization that other Indian states would

do well to emulate. (Mookherjee, 2007, p. 203). It is the first and only major state which has had timely panchayat elections on a party basis regularly every five years since 1978, a year after the Left Front government was elected to power in the state. The Left Front government in West Bengal has not postponed or rescheduled panchayat elections even when electoral compulsions dictated. Two noteworthy features of these elections, as brought out by the NIRD (National Institute of Rural Development) study, were that there was a high degree of political perception among the rural voters with no influence of caste in the socio-economic matrix and for the first time there emerged a new, youthful, literate, rural leadership in West Bengal. The political background for the above welcome change was to be attributed to the promises made by Left Front government for substantial devolution of powers and resources to the local bodies, and the large-scale enthusiasm created among the villagers due to the participation of political parties ( Mathew, 1995, p. 19). There was a campaign to fight vested interests represented by jotedars and mahajans. An aspect of democratic participation in local election, documented in Kirsten Westergaard's study of West Bengal (1986), was that a sizable proportion of the elected representation was the first important step towards increasing the control over the Panchayats on the part of the disadvantaged groups such as poor peasants, sharecroppers and landless labourers (Mathew, 1995, p. 21).

The lowest tier is the gram panchayat (GP), with a jurisdiction comparable to the British union boards or the post Independence anchal parishads which covers around 10-12 villages totaling around 10,000 residents (Mookherjee, 2007, p.207). It has 15-20 seats of representatives elected every five years. This village council is headed by a 'pradhan' (chief) and an 'upa pradhan' (deputy chief) elected from amongst themselves by the gram panchayat members. At the ground level, the village council is a very powerful body, wielding effective control over substantial resources and political power (Ghatak, 2002, p. 46). These elections were held every five years on a mandatory basis, starting with 1978. Of particular note is the political will of the state government to devolve significant responsibilities to the Panchayats, reducing the near monopoly power of bureaucratic departments in the previous regime.

Above the village council, there was the panchayat samiti (PS) at the block level. Each Panchayati Samiti covered, on an average, about 115 villages and a rural population of about 1,65,736, of whom 1,01,387 were eligible voters. An elected sabhapati or (president) heads the PS. The once all-powerful bureaucrat at this level, the block development officer (BDO), was now an executive officer to the panchayat samiti. This provided a direct linkage of the panchayats with the administration. It also allowed a popularly elected body to exercise some control over the administration (Ghatak, 2002, p. 46).

At the highest level, there was a zilla parishad (ZP), one for each district. In 1993, there were 16 ZPs with 656 elected members. The head of the ZP, the sabhadhipati enjoyed the rank of a minister of the state government (Ghatak, 2002, p. 46).

One of the salient features of West Bengal's Panchayati Raj was that members of all the three tiers were elected directly. The idea of direct election of chairpersons of different tiers did not find favour in West Bengal. By including chairpersons of the lower tiers as members of the higher tiers, an organic link was established between the three tiers. The MLAs and MPs were involved with the system as members of the panchayat samiti or zilla parishad, but they were not entitled to hold executive positions.

## **POST 1992 Amendments**

Major amendments to the panchayat act were made in 1992, 1994, and 1997. Anticipating the constitutional amendment, the 1992 amendment of the state act provided that not less than one-third seats of all the three tiers would be reserved for women. Similarly, seats were reserved for the SCs/STs in all the tiers, the number of such reserved seats being proportionate to the percentage of their population in the area. The panchayat election of 1993 was held on the basis of these amended provisions of the state act and, hence, West Bengal became the first state in the country to enable women to contest in slightly more than one-third of the total seats reserved for them. However, even though reservations were made in seats of members, no reservation was made in the 1992 amendment for the offices of chairpersons as required under the Constitution. The amendment made in 1994 also provided for reservation in the offices of both chairpersons and vice-chairpersons of all the tiers for women as well as for the SC/ST people. Accordingly, in the elections held in 1998, the offices of chairpersons and vice chairpersons of all the three tiers had been reserved for women (not less than one third of the total number of such offices) and for the SC/STs (in proportion to their population) (Ghosh, 2013, p. 613). In the 1997 amendment, even the officers of Pradhan and upa-pradhan of gram panchayat were made full time. A member was not eligible for election to any of these offices unless he declares in writing that on being elected, he shall be a whole-time functionary of his office and that during the period he holds such office, he shall not hold any office of profit, unless he has obtained leave of absence from his place of employment. Previously, there was no reservation of seats for women of general category or for the SCs and STs. There were, however, provisions for nomination of women, not exceeding two, if at least two women did not get elected (Ghosh, 2013, p. 612).

Till early nineties, the gram panchayat or village councils had little formal accountability to the people whom they represented. The only effective control the electorate could exercise was through their votes in the next election. The situation has substantially changed with the introduction of the institutions of Gram Sabha (village council level annual meeting of the voters) and the Gram Sansad (constituency level six monthly meetings of the entire electorate of a constituency) on the early nineties subsequent to the 73<sup>rd</sup> Amendment to the Constitution of the country in 1993. The Gram Sabha or village council, comprising 10,000-15,000 voters, would have to meet once a year to review the proposed budget for the next year and previous year's performance. The village council meetings cover a large number of voters and as a result offer them limited opportunities to exercise effective control over their elected representatives as well as to provide inputs to the planning process. The Gram Sabha meets ordinarily in December every year after the completion of the half yearly meeting of the Sansad are included in the Gram Sabha meeting (Datta, 2002, pp. 105-106 and Ghatak, 2002, p.49). Gram sansad meetings are held twice a year, in May and November covering about 700 voters in which the elected officials and villagers meet in a public place to discuss local needs, new programmes, and choose beneficiaries of existing programmes, to review the past and proposed programmes, and inspect the accounts of expenditure and budgets. All eligible voters in a particular village constituency area (i.e, everyone who is 18 years or older) are eligible to attend the meetings (Ghatak, 2002, p. 49). The meetings of the Gram Sabha and the Gram Sansad are to be convened by the Pradhan, in his absence, by the Upa-Pradhan (Datta, 2002, p. 105).

The village Constituency or Gram Sansad meetings are thus an instrument of direct participation of the people in the planning process as well as monitoring elected representatives. West Bengal has however taken a step forward by making provision for Gram Sansad apart from Gram Sabha. All the voters of each of the electoral constituencies of a Gram Panchayat constitute a

Gram Sansad and all the voters of a Gram Panchayat area constitute a Gram Sabha. A Gram Sansad is required to guide and advise the Gram panchayat in regard to the schemes for economic development and social justice undertaken or proposed to be undertaken in its area and may : (Ghatak, 2002, p. 49 and Datta, 2002, p.105).

- a) Identify or lay down principles for identification of the schemes which are required to be taken up on priority basis for economic development of the village.
- b) Identify or lay down principles for identification of the beneficiaries for various poverty alleviation programmes.
- c) Constitute one or more beneficiary committees consisting of not more than five persons who are not members of the Gram Panchayats.
- d) Mobilize mass participation for community welfare programmes and programmes for adult education, family welfare and child welfare.
- e) Promote solidarity and harmony among all sections of the people irrespective of religion, faith caste, creed or race

The village constituency meetings are being held in West Bengal only for the last couple of years. Since 1998 meetings have been regularly held in practically all of the around forty-five thousand constituencies over the state (Ghatak, 2002, p. 49).

There was a Gram Panchayat for every village and group of village. A Gram Panchayat consists of the following members: (Datta, 2002, p. 100)

- (a) Members elected by the people, and
- (b) The members of the Panchayat Samiti, not being Sabhapati or Sahakari Sabhapati, elected thereto from the constituency comprising any part of the gram Panchayat.

Every Gram Panchayat is required to hold meeting at least once in every month on such date and at such hour as the Gram Panchayat may fix at the immediately preceding meetings. In case this is not done the matter is left to the Pradhan, the political head of the Gram Panchayat (Datta, 2002, p.101). The Gram Panchayats have three different types of other functions, obligatory, delegated, and discretionary, while the obligatory functions are civic functions, the other two are concerned with development and reconstruction. Subject to the availability of funds, the Gram Panchayats are responsible for providing sanitation, conservancy and drainage, prevention of public nuisance, taking curative and preventive measures in respect of malaria or an epidemic, vaccination, maintenance and repair of public streets etc( Datta,2002, p. 102 and Mookherjee, 2007, p. 210 ).The discretionary functions of the Gram Panchayats include lighting of public streets, construction and regulation of markets, promotion of cottage industries, co-operatives etc. Delegated functions are those which are assigned to the Gram Pamchayat by the state government, Panchayat Samiti or the Zilla Parishad( Datta, 2002, p. 102).

The executive powers of a Gram Panchayat vested in the Pradhan (chairperson) and in his or her absence, in the Upa- Pradhan (vice chairperson). They are elected at the first meeting of the Gram Panchayat after an election. This meeting is convened by the Block Development Officer. The Pradhan who is a whole time functionary, is responsible for the custody of the seal of the Gram Panchayat. Subject to the approval of the Gram Panchayat he has power to enter into any contract relating to work and expenditure of the Gram Panchayat. He can suspend any office employee appointed by the Gram Panchayat for misconduct or negligence of duty. He is required to report the same for approval at the next meeting of the Gram Panchayat. He is therefore the repository of all

executive powers. He may delegate some of his powers to the Upa-Pradhan. He cannot delegate his financial power without approval of the Gram Panchayat (Datta, 2002, p.106). A Gram Panchayat may, at a meeting specially convened for this purpose, by a resolution, delegate to Upa-Pradhan such duties or powers as it may think of.

### **Participation of women in Panchayati Raj Institutions in West Bengal**

To understand the level of women's participation in local government now, it is necessary to evaluate the extent of their participation historically. Women's representation in Panchayats has been finally fixed at one third after 1993 (now 50%) of membership and chair person's position after a long journey in British period and post Independence period. The local government bodies as statutory institutions had their beginnings in the local self government laws enacted in pursuance of Lord Mayo's Resolution of 1870 and Lord Ripon's Resolution of 1882. In the initial legislation on Panchayats in colonial period only the male residents who paid rent, land revenues or tax or had stipulated annual income were eligible to contest elections. In keeping with the dominant patriarchal nature women were neither voters nor candidates for panchayat elections even where these bodies had elected members. The panches were also elected from male owners of houses and proprietors or tenants, permanently residing in a village of the panchayat circle (Buch,2013, p. 50).

In Bengal, in the act of 1919 the electorate was to consist of all adult males having residence within the panchayat union and paying local taxes, union rates or cess (Buch, 2013, p. 50). Hence, there was no reference to male/female eligibility to vote or to contest elections .Before 1993 elections there was no provision for reservation of seats of women in the West Bengal Panchayat Act and it provided for a token inclusion of two women in every panchayat and if they were not elected, they could be nominated. There were less than 1 per cent women members elected to different panchayat bodies in the state (Datta P. , 1995, p. 74).

### **Women representation in all three tiers in West Bengal in 1993, 1998, 2003, 2008 elections**

Name of the tier	Year	No. of PRI Total members/		Total women members	SC. women	ST. women	Percentage of women
			No. of seats				
Gram Panchayat	1993	3243	61,010	21,489	6256	1680	35%
Panchayat Samity		332	9,453	3182	921	265	33%
Zilla Parishad		16	656	224	64	18	34%
Gram Panchayat	1998	3227	49199	17537	5156	1934	35%
Panchayat Samity		329	8515	2915	860	218	34%
Zilla Parishad		16	716	243	74	15	33%
Gram Panchayat	2003	3354	51,142	18721	5657	1496	36%
Panchayat Samity		333	8,564	3032	923	228	35%
Zilla Parishad		19	720	246	66	21	34%



Gram Panchayat	2008	3354	49545	18150	5038	1157	36%
Panchayat Samity		341	8563	2953	958	242	34%
Zilla Parishad		18	720	248	66	24	34%

Compiled by author. Source: (Ghatak, *Recent Reforms in the Panchayat System in West Bengal*, 2002), Panchayat and Rural Development Department, Government of West Bengal, 12 august 2010; 2003; 2008

After reservation of seats for women in 1993 election, there were 35 percent women in Gram Panchayats, 33 percent in Gram Samiti and 34 percent in Zilla Parishad. In 1993 election there were 35 percent in Gram Panchayat, 34 percent in Panchayati Samiti and 33 percent in Zilla Parishad. In 2003 election there were 36 percent in Gram Panchayat election, 35 percent women in Panchayat Samiti and 34 percent in Zilla Parishad. In 2008 election there were 36 percent Gram Panchayat, 34 percent in Panchayat Samiti and 34 percent in Zilla parishad.

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