

IMP.

What is Democracy

Man has a dynamic nature. He is always in search of something that is better. Even in political field man has made many experiments. The idea behind all these experiments was to find a kind of government under which state's sovereignty and individual's liberty would remain balanced. The latest experiment is known as Democracy.

The word 'Democracy' is derived from two Greek words "Demos" which means 'the people' and "kratos" which means 'the rule'. So originally and really Democracy means the rule of people.

Definitions of Democracy

Democracy has been defined by various philosophers and writers in different ways e.g.

Mahatma Gandhi defines as "Democracy is a way of life".

Aristotle definition of democracy, "It is the rule of mob and condemns it".

Seelay defined it as "a government in which everyone has a share".

Abraham Lincoln defines it as "The government of the people, by the people and for the people".

In short democracy is that form of government in which sovereignty remains in the hands of the entire nation, which can make and unmake the government.

Types of Democracy

Following are two types of democracy

1. Direct Democracy

Under this system the people take direct in the affairs of the state. The people themselves are the rulers and they are the ruled at the same time. They themselves make the laws, enforce them and decide cases according to these laws. Such a democracy existed in City States of ancient Greece and Rome. Some practices of direct democracy are still observed in Switzerland and in some states of the USA.

2. Indirect or Representative Democracy

After the creation of large nation states, it became impossible for all the people directly to participate in the affairs of the state. Under this form of government the people elect a small number of representatives or delegation and give them the authority to run the government. Since the people rule through these representatives, we give the system the name of indirect or representative democracy. Today in almost all the countries of the world there is indirect or representative democracy.

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WE, THE PEOPLE OF INDIA, having solemnly

resolved to constitute India into a

SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and

to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and

worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual

and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty sixth day of November, 1949, do
HEREBY ADOPT,

ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Fundamental Rights

Part-III of the Indian constitution from article 12 to 32, contains fundamental rights.

Part-III of the Indian constitution is called corner stone of the constitution and together with part-4 (directive principles and state policy) constitutes the conscience of the Constitution. This chapter of the Constitution has been described as the Magna Carta of India.

Fundamental Rights are individual rights are enforced against the arbitrary invasion by the state except, in the case of Art. 15 (2), Article 17, Article 18(3-4), Article 23 and Article 24 where these can be enforced against private individuals also.

FRS are not absolute rights and Parliament could put reasonable restriction. The grounds for the restriction may be the advancement of SCs, STs, OBCs, women, and children; general public order; decency, morality, sovereignty & integrity of India; security of the state, friendly relations with foreign states, etc.

According to Article 12, 'the state' includes the

Government and Parliament of India.

Government and Legislature of States.

All local or state authorities such as municipalities, panchayats, district boards, improvement trusts, etc . within the territory of India or under the control of Government of India.

Classification of Fundamental rights

Originally Constitution provided for seven Fundamental Rights viz.

Right to equality (Article 14-18) समानता

Right to freedom (Article 19-22)

Right against exploitation (Article 23-24) शोषणाविरुद्धाचा अधिकार

Right to freedom of religion (Articles 25-28) धर्म

Cultural & educational rights (Articles 29-30) सांस्कृतिक आणि शैक्षणिक अधिकार

Right to Property (Article 31)

Right to constitutional remedies (Article 32).

Right to Privacy

But, Right to property was removed from the list of the Fundamental Rights by the 44th Constitution Amendment Act, 1978 and after amendment, it was made legal right under Article 300-A in part-12 of the Constitution.

At present there are only six Fundamental rights, six fundamental rights are described below in brief.

Right to Equality (Articles 14-18):

Article 14 (Equality before law):

Article 14 says that state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Art. 14 is available to any person including legal persons viz. statutory corporation, companies, etc.

Art. 14 is taken from the concept of equal protection of laws has been taken from the Constitution of USA.

The concept of the rule of law is a negative concept while the concept of equal protection of laws is a positive concept.

The concept of equality before the law is equivalent to the second element of the concept of the 'rule of law' propounded by A.D. Dicey, the British jurist. But certain exceptions to it are, the president of India, state governors, Public servants, Judges, Foreign diplomats, etc., who enjoy immunities, protections, and special privileges.

Article 15 (Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth):

Article 15 says that the state shall not discriminate against only of religion, race, sex, place of birth or any of them.

Under Article 15 (3) & (4), the government can make special provisions for women & children and for a group of citizens who are economically and socially backward.

Article 16 (Equality of opportunities in matters of public employment):

Article 16 says that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

Article 17 (Abolition of Untouchability): Article 17 says that Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offense punishable by law.

Article 18 (Abolition of titles):

Article 18 says that no title, not being a military or academic distinction, shall be conferred by the State. No citizen of India shall accept any title from any foreign state.

The awards, Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri, called as The National Awards would not amount to title within the meaning of Article 18(i).

Right to Freedom (Articles 19-22):

Article 19 (Protection of certain rights regarding freedom of speech, etc.):

Article 19 says that all citizens shall have the right

to freedom of speech and expression.

To assemble peacefully and without arms.

To form associations or unions.

To move freely throughout the territory of India.

To practice any profession or to carry on any occupation, trade or business.

Article 20 (Protection in respect of conviction for offenses):

Article 20 says that state can impose reasonable restrictions on the groups of security of the state, friendly relations with foreign states, public order, decency, morality, contempt of court, defamation, etc.

Article 21 deals with Protection of life and personal liberty.

Article 21A states that that state shall provide free and compulsory education to all children of the age of 6-14 years.

Article 22 deals with protection against arrest and detention in certain cases.

Right Against Exploitation (Articles 23-24):

Article 23 deals with the prohibition of traffic in human beings and forced labor.

Article 24 deals with prohibition of employment of children in factories, etc.

Right to Freedom of Religion (Articles 25-28):

untouchability - अस्युच्छता

Part-3 12-35 article Fundamental Right gel.

Article - 34 - सत्तेचे विकेंद्रिकरण
दिकेंद्रिकरण

Article 25 deals with freedom of conscience and free profession, practice, and propagation of religion.

Article 26 deals with freedom to manage religious affairs.

Article 27 deals with freedom as to payment of taxes for promotion of any particular religion.

Article 28 deals with freedom as to attendance at religious instructions or religious worship in certain educational institutions.

* **Cultural and Educational Rights (Articles 29-30):**

Article 29 deals with the protection of language, script, and culture of minorities.

भाषा - लिपी संस्कृती
Article 30 deals with the right of minorities to establish and administer educational institutions.

* **Right to Constitutional Remedies (Article 32):**

उपनात्मक उपाययोजना
Article 32 deals with the right to move to the supreme court for the enforcement of Fundamental Rights including the Writs of (i) Habeas corpus, (ii) Mandamus, (iii) Prohibition, (iv) Certiorari and (iv) Quo warranto.

* **Right to Privacy:**

Right to privacy is an intrinsic part of Article 21 that protects life and liberty of the citizens.

The ruling has implications for the government's vast biometric ID scheme, covering access to benefits, bank accounts and payment of taxes.

Rights groups are concerned personal data could be misused. The authorities want registration to be compulsory.

9.1. Define democracy, explain types of democracy.

9.2.

PANCHAYAT RAJ SYSTEM

Democratic Decentralization

Democracy

The word "democracy" is derived from the Greek roots - 'cracy' meaning 'rule of' and 'demos' meaning 'the people'. It is governance of the people, by the people, for the people. The emphasis is on the 'people'

'Decentralization' means devolution of central authority among local units close to the areas served. Where authority devolves by this process on people's institutions, it is democratic decentralization.

The team headed by Balwantrai Mehta (1956) recommended 'democratic decentralization'. According to this committee to delegate the powers, responsibility and resources for planning and execution of the development programme to the people's institutions.

The study team recommended basic pattern of democratic decentralization with the Gram Panchayat (Village Council) at the village level, the Panchayat Samiti at the block level and the Zilla Parishad (district council) at the district level. The Gram Panchayat is at the bottom of the Panchayat Raj System and the Zilla Parishad is at the apex. The Panchayat samiti constitutes the middle tier of this three-tier new set up of rural administration.

The study team's recommendations as approved by the National development Council were communicated by the Center to the State for implementation. State of Madras had started as an experimental measure a pilot block of democratic decentralization in her own way as early as 1957. Andhra State started in July 1958, twenty pilot blocks more or less on the same lines as recommended by the study team, one in every district of Andhra.

Inspired by these experiences the State of Rajasthan became the pioneer to bring the whole of Rajasthan under democratic decentralization on October 2, 1959.

On Nov. 1, 1959, Andhra Pradesh state introduced this scheme of democratic decentralization.

- **Panchayat Raj**

There is something anomalous and contradictory in the term "Democratic Decentralization". It was also not easily understood by our people in India. At the instance of the Prime Minister it was decided to give this process of the three-tier administration a strictly Indian Name. "panchayat Raj" evolved as the natural expression that fitted admirably to the situation. Panchayat Raj means a system of Government. Horizontally; It is a network of village panchayats. Vertically, it is an organic growth of the Panchayat rising up to the national level. Panchayat Raj was accepted as the new concept because it meant administration by mutual consultation, consent and consensus.

A three tier system of democratic decentralization recommended the system operates at the district, block and village level, as follow

District level	-	Zilla Parishad
Block level	-	Panchayat Samiti
Village level	-	Village Panchayat

- **Gram Panchayat**

It is basic, first formal democratic institution at the village level. The chairperson of this unit is called as **Sarpanch**. It is primary unit of local self-government. Gram Panchayat is a cabinet of village elders, directly elected by the adult citizens of the village.

The members of the Gram Panchayats have tenure of five years and are directly elected from wards while the Sarpanch is elected by the members. There is provision for reservation of seats for women and for scheduled castes and scheduled tribes. There is Gramsabha for each panchayat and the Sarpanch is required to conduct Gram Sabha meeting at least twice in six months. A Sarpanch is required to conduct meeting of the members of the Panchayat once in a month.

Gramsevak – He is paid secretary of Gram panchayat. He is appointed by Z.P. He is a official person.

• **Function of Grampanchayat**

a) Representative function

The sarpanch, members and Gramsevak represents the voice and opinion of the village people on the behalf of the Grampanchayat to the taluka Zilla level by attending the meetings or sending the official reports.

b) Regulatory and Administrative Function

1. Solve the dispute of village people.
2. Control the behaviour of people.
3. Implements the official programme given by the authority.
4. Conduct regular meetings.
5. The measures are enforced for the desired safety and sanitation of the village people.

c) Service or development Function

- Collection of taxes.
- Promotion of educational, health and communication facilities.
- Providing health and drinking water facilities.
- Produce authentic documents regarding birth, death or property details of village people.
- Look after general welfare and immediate development of village. e.g. Road, light, market

Source of Fund

- Collection of Taxes.
- Government Grants in Aid.
- Loans.
- Subsidies through Govt. programmes.

• Panchayat Samiti

This is the next tier of administration at the Block level. It consists of:

Structure

- i) Sarpanshas of all panchayats.
- ii) Local M.L.A.s and M.L.C.s with vote but-not to hold office.
- iii) One person nominated by District Collector for every Panchayat for which no sarpanch has been elected.

Reservation and cooption

- iv) Two women.
- v) One from scheduled castes.
- vi) One from scheduled tribes.
- vii) Two persons with experience in administration and public life.

The president and vice-president of the samiti are elected from among the village panchayat presidents.

Block Development Officer appointed by the Government is the chief executive of the samiti and functions as the leader of the team of block level officials.

Every panchayat samiti normally has seven standing committees as .

Standing Committee	
I -	Planning and Production
II -	Co-operation and Industries
III -	Education
IV -	Women Welfare
V -	Social Welfare
VI -	Communication
VII -	Taxation and Finance

Each subject committee consist of 7 members.

Powers and Functions of Panchayat Samiti

1. Harness the people's enthusiasm for raising the standard of living.
2. Implementation of the Development programme.
3. They have to exercise all the powers conferred on and perform all the functions entrusted to the Panchayat Samiti by the Government.
4. In particular, all the activities of Community Development Programme are taken over by Panchayat Samiti. The activities concerning the rural welfare and development in the field of Agriculture, Animal Husbandry.
5. The powers and functions of the District Boards, with institutions, staff and assets and Liabilities have been transferred to the Panchayat samiti.
6. The Panchayat Samiti can borrow funds for carrying out the programme.
7. The powers of the various authorities to accord administrative and financial sanction respect of the works and schemes of Panchayat samiti.
8. The loan funds available with some of the normal development department such as Agriculture, Animal Husbandry and Industries etc. are also made over to Panchayat Samiti to be similarly spent and recovered.
9. The funds available under the Village Housing Project are also entrusted to Panchayat Samiti.

Zilla Parishad

This is the third tier of Panchayat Raj operating at the district level. consists of:

1. All Presidents of Panchayat Samiti in the district.
2. The district collector.
3. M.L.A.s of the District
4. M.L.Cs. With right to vote but not to hold office
5. M.P.s of the District
6. Two women representatives.
7. One representative of Scheduled Castes.
8. One representative of Scheduled Tribes.
9. Two persons interested in rural development.

The members of the Parishad elect a chairman and a vice-chairman.

The District heads of development departments take part in the proceedings of the Parishad and its standing committees. There will be a secretary appointed by the Government, who attends all meetings of the Parishad and its standing committees. Official members are not entitled to vote.

Every Zilla Parishad has normally seven standing committees.

Standing Committee	I- Planning and Production
	II- Co-operation and Industries
	III- Education
	IV- Women Welfare
	V- Social Welfare
	VI- Communications
	VII- Taxation and Finance

Each subject committee consist of 9 members.

• Powers and Functions of the Zilla Parishad

1. Zilla Parishad should function as advisory body over the Panchayat Samiti ' with powers to a) approve their budgets b) co-ordinate their plans and c) distribute funds given by the Government among the blocks.
2. It has to prepare plans for all items of developmental activities in the district including Municipal areas.
3. It has to secure execution of plans etc. which are common to two or more blocks.
4. Secondary education is the responsibility of Zilla Parishad.
5. The Parishad should perform such of the powers and functions of the District Board as are transferred to it by the Government.

6. It should also perform the functions of Panchayat Samiti in respect of non-samiti blocks.
7. It should advise the Government in all matters relating to rural development in the district.
8. It should discuss and review at its ordinary meetings the progress made , or the results achieved under various items.