

Return of Panchayat System in the Hills of Darjeeling after Two Decades

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ABSTRACT

Panchayat is the system of lowest level of local self-government in rural areas. The 73rd constitutional Amendment of 1992 in India established the Panchayati Raj system, which is considered a significant step in the evolution of democracy in India. But, in the case of Gorkhaland Terroterial Administration Area, comprising Darjeeling and Kalimpong district of West Bengal, panchayat election was not conducted as per directed by the constitution of India. West Bengal's hill district Darjeeling witnessed panchayat election after over 20 years. In the Darjeeling Hills the last Panchayat election was held in the year 2000 with the then GNLF party under Subash Ghising objecting to Panchayat elections in 2005 alleging that the Panchayat was diluting the powers of the Darjeeling Gorkha Hill Council (DGHC.) Since then Panchayat elections have not been held in the Hills. In 2000, election was held to the Gram Panchayat only with Ghising expressing fears that the Panchayat Samity would overlap the powers and functions of the DGHC.

Keywords: Panchayat, Election, DGHC, GTA, Darjeeling Hills.

The Panchayat raj is a political system, originating from the Indian subcontinent, found mainly in India, Pakistan, Bangladesh, Sri Lanka, and Nepal. It is one of the oldest systems of local government in the Indian subcontinent, and historical mentions date to around 250 CE. The word *raj* means 'rule' and *panchayat* means 'assembly' (*ayat*) of 'five' (*panch*). Traditionally, panchayats consisted of wise and respected elders chosen and accepted by the local community. These assemblies settled disputes between both individuals and villages

The Panchayati Raj Institution (PRI) consists of three levels:

- Gram Panchayat at the village level.
- Block Panchayat or Panchayat Samiti at the intermediate level.
- Zilla Panchayat at the district level.

But, Incidentally, in the GTA area elections will be held to the Gram Panchayats and Panchayat Samitis. With the formation of the DGHC in 1988, the three tier Panchayat system prevalent throughout the country was replaced by a two tier system in the Darjeeling Hills by amending the Indian Constitution in 1992. For reinstating the three tier Panchayat in the GTA area, the constitution has to be re-amended.

The Darjeeling Hills have always been an exception in the Political History of India:

From its initial year till the Independence, Darjeeling District was a "Non- Regulated Area". (where acts and regulations of the British Raj did not automatically apply in the district in line with rest of the country, unless specifically extended).

From 1862 to 1870, the nomenclature of "Non-Regulated Area" was changed to "Regulated Area."

The phrase "Non-Regulated Area" was again changed to "Scheduled District" in 1874 and again to "Backward Tracts" in 1919.

Later it was known as "Partially Excluded Area" from 1935 until the independence of India. Irrespective of the term used, the fact remained that the Darjeeling Hills were considered different from other parts of India. After Independence, it was formally absorbed into the Union of India as per the Absorbed Areas Act 1954. It was only after this that Darjeeling became a part of mainstream India.

DGHC (Darjeeling Gorkha Hill Council) :-

The signing of the Darjeeling Gorkha Hill Council Accord between Subash Ghisingh, the West Bengal Government and the Centre, Darjeeling followed the rest of India in every way.

The DGHC became a new form of administrative unit, thereby once again giving it a unique status. Its uniqueness once again came into the forefront when the panchayat elections were declared in the hills after the formation of the DGHC, as per the requirements of the constitution.

Section 243-B of the Constitution Panchayat Raj system

It says: "There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this part."

But, unfortunately this Panchayat Raj Act was not followed in the DGHC Area; because of the fact that the leadership of the Gorkha National Liberation Front who had accepted the DGHC and were running the same felt that the Panchayati Raj system would encroach upon the powers and authority of the DGHC and erode its relevance.

Recognizing this as a legitimate grievance, as well as for the fear of toppling the apple cart, the Centre amended the Constitution and incorporated **Section 243M (3)** into it.

The section reads: "*Nothing in this Part(a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under an law for the time being in force;(b)shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.*"

Once again Darjeeling became an exception to the rule, that too with a Constitutional guarantee this time, with the government agreeing to have only a two-tier panchayat system in the Darjeeling hills rather than the three-tier system which was in force across the country.

In the Darjeeling Hills the last Panchayat election was held in the year 2000 with the then GNLF party under Subash Ghising objecting to Panchayat elections in 2005 alleging that the Panchayat was diluting the powers of the Darjeeling Gorkha Hill Council (DGHC.) Since then Panchayat elections have not been held in the Hills. In 2000, election was held to the Gram Panchayat only with Ghising expressing fears that the Panchayat Samity would overlap the powers and functions of the DGHC.

The GTA area comprises parts of the Darjeeling district mainly the hills and the Kalimpong district.

5 blocks fall under the GTA area in the Darjeeling district with 387952 electors. There are 70 Gram Panchayats with 598 seats and 5 Panchayat Samities with 156 Panchayat Samity constituencies under the GTA in Darjeeling district. There are 514 polling stations. "In the Kalimpong district there are 42 Gram Panchayats with 260 constituencies and 280 seats. There are 4 Panchayat Samitis with 76 constituencies.

In the year 2000, when Panchayat elections were last held in the hills of Darjeeling, even Section 243M of the Constitution was overlooked and only a single tier system was formed in the hills.

Instead of the three-tier Zilla Parishad, Panchayat Samitis and Gram Panchayats, which was a constitutional requirement, only the village level gram panchayats were constituted in the hills.

This single-tier system too was dispensed with in the year 2005 when Ghisingh threatened to relegate DGHC to the junkyard if panchayats were formed in the Hills of Darjeeling. The area under DGHC and later **Gorkhaland Territorial Administration** remained without the legally mandated panchayat system; despite it being unconstitutional as well as unfair to the rural population.

While the panchayat offices did exist and were operational for many panchayat related works, the fact remained that they were run by low level government staff rather than by elected representatives. The Executive Assistants became all powerful at the gram panchayat level.

Why did Ghisingh and his party oppose in the hills the three-tier panchayat system?

The elected panchayat samiti Sabhapati at the block level would be more powerful than the councillors of DGHC and GTA councillors and the Zilla Parishad Sabhadhipati (Zilla Parishad Chairman) would definitely have a higher standing than the former DGHC or the current GTA chairman.

Besides, unlike the DGHC or the GTA, the Panchayati Raj is an integral part of the Indian Constitution and the panchayat system would definitely have more importance than the so-called state within a state. In effect, the former DGHC and the current GTA, are only just glorified Zilla Parishads; hence the opposition to the three-tier panchayat

system in the hills by those at the helm of political affairs in the hills. There have been demands for a three-tier panchayat system in the hills from certain quarters, but till the Constitution is amended again this isn't possible.

The Constitution has already being violated in the Darjeeling district because of the fact that the Constitution mentions one Zilla Parishad per District while Darjeeling district indirectly has two: the GTA for the hills of the Darjeeling district, and Siliguri Mahakuma Parishad for the plains areas of the district. In effect both these administrative units are Zilla Parishads, if not technically.

Panchayat Election After 23 Years:

After 23 long years finally the areas under the Gorkhaland Territorial Administration (GTA), formerly the Darjeeling Gorkha Hill Council (DGHC), was all set to hold two-tier Panchayat elections on July 8 2023.

"We will hold two-tier Panchayat elections in the GTA area as per the announcement of the election commissions. All necessary preparations have been made. Nomination has started from Friday at all block offices. This time ballot paper and boxes will be used. Strong rooms and counting centres will be made in each block," stated S. Ponnambalam, District Magistrate, Darjeeling and the Principal Secretary, GTA.

With the declaration of the state-wide panchayat elections on July 8, the hills finally have a legitimate panchayat system even if it would still be a truncated one with only a two-tier panchayat system to be elected as per Section 243M (3). The rest of West Bengal will have a three-tier panchayat while Darjeeling and Kalimpong districts will have elections for only a two-tier system.

The GTA area comprises parts of the Darjeeling district mainly the hills and Kalimpong district. 5 blocks fall under the GTA area in the Darjeeling district with 387952 electors. There are 70 Gram Panchayat with 598 seats and 5 Panchayat Samities with 156 Panchayat Samity constituencies under the GTA in Darjeeling district. There are 514 polling station. Kalimpong being the newly formed district it is the smallest amongst the 22 districts in West Bengal in all respects as far as the panchayat elections are concerned. It has only 42 gram panchayats, four police stations, 260 constituencies, 281 seats, 263 polling stations and a voting population of only 175,932. The Darjeeling district fares a little better. In comparison to the rest of the districts of the West Bengal state.

The Kalimpong and Darjeeling districts will be the two smallest districts for the coming elections. With two political groupings clearly emerging in the hills, the Hamro Party, Gorkha Janmukti Morcha, BJP, GNLF combine along with a few other smaller parties, and the Bharatiya Gorkha Prajatantrik Morcha and Trinamool Congress combine, the political heat is all set to beat the record heat wave in the history of panchayat system in the area.

The emergence of the United Gorkha Alliance will no doubt challenge the might of the ruling BGPM and Trinamool, but the baggage that individual members of this grouping carry could be a serious hindrance to their dreams of coming back to relevance in hill politics.

On the other hand, the ruling parties will have to battle the anti-incumbency factor, the public perception that this alliance is against the statehood demand and the recent allegations of corruption in the Har Ghar Jal Yojna which could waylay their panchayat aspirations.

Though, if their performance in the GTA elections is any indicator, then it appears that this political combination is at the moment riding the strongest and the swiftest horse.

Eventually, the election were conducted in a very peaceful manner, the party which is an ally of the Trinamool Congress (TMC) i. e. Bharatiya Gorkha Prajatantrik Morcha (BGPM) bagged 349 out of 598 gram panchayat seats in Darjeeling. In Kalimpong, out of 281 seats in gram panchayats, BGPM won 168 seats in at least 30 gram panchayats.

The Bharatiya Gorkha Prajatantrik Morcha (BGPM) has bagged more than 65% of seats in 112 gram panchayats and 6 of 9 panchayat samitis in Darjeeling and Kalimpong districts where polls were held on July 8.

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