

CHAPTER-III

PANCHAYATI RAJ – A HISTORICAL PERSPECTIVE

Contemporary debates on decentralization has revolved around three important issues: issues of historicity,⁹² issues of expanding democratic spaces,⁹³ and finally inclusive growth as well as inclusive politics of social categories.

These debate have over looked certain historical facts – one, it has overlooked the historicity of decentralization particularly in the imagined history of orient, and thereby accept the argument that it is a post-colonial contemporary phenomenon, particularly it belongs to the decade as well as the realm of globalization. The latter is argued on the ground that many developing countries witnessed the process of decentralization either during 1980s or 1990s as part of policy prescription advocated by the global agencies. One can give many examples for such a trend. In Bolivia, for example the trend began during 1994, although it came as a reaction to cultural recognition of identities of different ethnic groups. However it can be said that it came as part of “prescription of globalization”. Similar is the case of Chile, Columbia, Republic of Guniea Bassue(1994), Mali (1993), Niger etc.

Incidentally a linkage has been established between democratic space as well as inclusive growth. For example World Bank in one of its reports argue that, “Decentralization has kept its promise as far as the strengthening of democracy at the national level is concerned, as well as the central government's commitment in favor of rural development. It has thus contributed toward moving away from the bias toward urban areas

⁹² Schmidt Vivien A., [Democratizing France](#): The political and administrative history of decentralization , University of Massachusetts, Boston , 1991.

⁹³ Kumar Girish, Local Democracy in India: Interpreting Decentralization, Sage publications, New Delhi, 2006.

in matters of development; to better management of the coordination of integrated rural development projects, and ensuring their sustainability. Decentralization has also reduced poverty which results from regional disparities, in paying more attention to the attendant socio-economic factors, in facilitating the gradual increase in development efforts.⁹⁴ In fact the debate began during the decade of 1980s/1990s. However there are no consensus as to whether granting too much power to the grass root institutions would help in shifting the arena of politics from above to grass root level. Even there are no consensus about the implication of such transfer of power on to different social categories, particularly women, dalits and tribals. However what is required is a historical analysis of the growth of decentralization, reflected in the Panchayati Raj Institutions in the past history. This would enable us to dismiss the myth that decentralization is contemporary phenomenon belonging to the period of globalization.

Panchayati Raj Institutions, the grass root units of local self government have been considered as instruments of socio economic transformation in rural India. Involvement of people at the grass root level is the most important means of bringing about socio-economic development. Panchayati Raj is identified as institutional expression of democratic decentralization in India. Decentralization of power to the panchayats is seen as a means of empowering people and involving them in decision making process. Local governments being closer to the people can be more responsive to local needs and can make better use of resources. The democratic system in a country can be ensured only if there is mass participation in the governance. Therefore, the system of democratic decentralization popularly known as Panchayati Raj is considered as an instrument to ensure democracy and socio-economic transformation.

⁹⁴ World Bank, Decentralization, Fiscal Systems and Rural Development, Washington, 1988.

Gandhi advocated that India lives in her villages. Indian independence must begin at the bottom, thus making every village a republic or panchayat, enjoying full powers. He remarked that true democracy cannot be worked by twenty men sitting at the centre. It has to be worked from below by the people of every village. These dreams lead to the inclusion of Article 40 in the Directive Principles of the State Policy of Constitution of India. Almost after five decades of independence, in the year 1993, the Government of India took a revolutionary step by making Panchayati Raj Institutions a part of the Constitution.

India has a long tradition of local governments, going back to more than 4000 years. This institution has survived numerous political changes and upheavals in the ancient and medieval periods till the advent of the British Raj. With the coming of the colonial administration, the patterns of the working of the local bodies underwent marked changes.

Panchaya ti Raj in Pre British Period

The word panchayat is derived from the word *pancha panchasvanusthitah*, has references in to the existence of Grama Sanghas or rural communities. The institution of Panchayati Raj is as old as Indian civilization itself. It was in existence since ancient periods, having an effective control over civil and judicial matters in the village community. The Rigveda, Manusamhita, Dharmashastras, Upanishads, Jatakas and others, refer extensively to local administration, i.e. the panchayat system of administration. In the Manusmriti and Shantiparva of Mahabharata, there are many references to the existence of Grama Sanghas or village councils.

The earliest reference to panchayat is derived from the word *Pancha*, that refers to an institution of the five (pancha panchasvanusthitah) is found in the Shanti-Parva of

Mahabaratha, pancha and panchavanustitah are semantically close to panchayat.⁹⁵ A description of these village councils are also found in *Arthashastra* of Kautilya who lived in 400 B.C. *Arthashastra* gives a comprehensive account of the system of village administration prevailing in his time. During this period, the village administration was carried under the supervision and control of *Adyaksha* or headman. There were other officials such as *Samkhyaka* [accountant], *Anikitsaka* [veterinary doctor], *Jamgh karmika* [village couriers], *Chikitsaka* [physician]. The village headman was responsible for ensuring the collection of state dues and controlling the activities of the offenders. In Ramayana of Valmiki, there are references to the *Ganapada* (village federation) which was perhaps a kind of federation of village republics.⁹⁶

Self-governing village communities characterized by agrarian economies existed in India from the earliest times. It is mentioned in Rigveda that dates from approximately 200 B.C. The village was the basic unit of administration in the Vedic period. The most remarkable feature of the early Vedic polity consisted in the institution of popular assemblies of which two namely '*Sabha*', and the '*Samiti*' deserve special mention. A *Samiti* was the Vedic Folk Assembly that in some cases enjoyed the right of electing a king while the *Sabha* exercised some judicial functions. Both the *Samiti* and *Sabha* enjoyed the rights to debate, a privilege unknown to the popular assemblies of other ancient people. The office of the village head man (*Gramani*) indicates the emergence of the village as a unit of administration. In the later Vedic period, the *Samiti* disappeared as a popular assembly while the *Sabha* sank into a narrow body corresponding to the kings Privy Council.⁹⁷

⁹⁵ Singh Raj, Panchayat Raj Manual: A Socio-Historical Cum Legal Perspective, Anmol Publications, New Delhi, 1996, pp.10.

⁹⁶ Ghosh Rathna, Pramanik Alok Kumar, Panchayat System in India. Historical, Constitutional and Financial Analysis, Kanishka Publication, New Delhi, 1999, pp. 208.

⁹⁷ Singh Raj, 1996, op.cit. pp.10.

In the course of time, village bodies took the form of panchayats that looked into the affairs of the village. They had the powers to enforce law and order. Customs and religion elevated them to the sacred position of authority.

Besides this there was also the existence of caste panchayats. This was the pattern in Indo Gangetic plains. In the south, the village panchayats generally had a village assembly whose executive body consisted of representatives of various groups and castes. These village bodies, both in the north and south India, had been the pivot of administration, the centre of social life and above all a focus of social solidarity.⁹⁸

In the Mouryan period, the village was the basic unit of administration. Villagers used to organize works of public utility and recreation, settle disputes, and act as trustees for the property of minors. But, they had not yet evolved regular councils. The village council appeared to have evolved into regular bodies in the Gupta period. They were known as *Panchamandalas* in central India and *Gramajanapadas* in Bihar.⁹⁹ These bodies negotiated with the government for concessions and settlement of disputes. The inscription of Chola dynasty shows the construction and functions of the village assembly and their executive committees. The village administrations were performed by the elected representatives forming village council.

During the medieval and Moghal periods, village bodies were the pivot of administration. In the Moghal period, particularly in the regime of Sher Shah, the villages were governed by their own panchyats. Each panchayat comprised of village elders who looked after the interest of the people and administered justice and imposed punishment on defaulters. The head man of the village, a semi government official, acted as a coordinator

⁹⁸Mathew George, Panchayati Raj in India, An Overview. Status of Panchayati Raj in India, Concept Publishing Company, New Delhi, 2000, pp.3.

⁹⁹Altekar A.S., State and Government in Ancient India, Motilal Banarasi Das Publications , New Delhi, 1997, pp. 229.

between the village panchayat and the higher administrative hierarchy. Akbar accepted this system and made it an indispensable part of civil administration. In this period, each village had its own panchayat of elders. It was autonomous in its own sphere and exercised powers of local taxation, administrative control, justice and punishment.¹⁰⁰

The Moghals introduced elaborate administrative machinery with a hierarchy of officials, particularly in the field of revenue. The Moghal local administrative system lasted over centuries. It was with the collapse of the Moghal strong hold, the British established their hegemony in India.

British Period

The British came to India as traders, and before long established an inroad into the cultural nexuses of the land. The primary focus of the British Raj was much to do with trade and little to do with governance and development. The local governments were hardly their first priority. In fact till the advent of the British rule in India, the rural republic had flourished and thrived. With the emergence of the British Raj in India, panchayats ceased to play a role that it once played. But, local self government as a representative institution was the creation of the British.

In the initial days, the interest of the British was limited to the creation of local bodies with nominated members. These bodies were built around trading centers. Thus in the year 1687, a municipal corporation came to be formed in Madras. Set up on the British model of town council, this body was empowered to levy taxes for building guild halls and schools. As time passed, similar bodies were set up in other major towns and this model became

¹⁰⁰Ghosh Rathna, Pramanik Alok Kumar, 1999, op. cit, pp.209 - 210.

prevalent, helping the British widen their taxation power. This model continued to comprise nominated members with no elected elements what so ever.¹⁰¹

It was Lord Mayo, the then viceroy of India (1869 to 1872), who felt the need to decentralize powers in order to bring about administrative efficiency and in the year 1870 introduced the concept of elected representatives in the urban municipalities. The revolt of 1857 that had put the imperial finances under considerable strain and it was found necessary to finance local service out of local taxation. Therefore it was out of fiscal compulsion that Lord Mayo's resolution on decentralization came to be adopted.¹⁰²

The Bengal Chowkidar Act of 1870

The Bengal Chowkidar Act of 1870 marked the beginning of the revival of the traditional village panchayati system in Bengal. The Chowkidar Act empowered district magistrates to set up panchayats of nominated members in the villages to collect taxes to pay the chowkidars or watchmen engaged by them.¹⁰³

Ripon Resolution (1882)

Lord Ripon made remarkable contribution to the development of Local Government. In 1882, he abandoned the existing system of local government by the officially nominated people. According to his local self government plan, the local boards were split into smaller units to achieve greater efficiency. In order to ensure popular participation, he introduced an election system for the local boards.

The government resolution of 18th, May, 1882, stands as a landmark in the structural evolution of local governments. It provided for local boards consisting of a large majority of elected non-official members and presided over by a non-official chairperson. This is

¹⁰¹ George Mathew, 2000, op.cit, pp -4.

¹⁰² Ibid, pp. 4.

¹⁰³ Ibid , pp.4.

considered to be the Magna Carta of local democracy in India. This resolution proposed the establishment of rural local boards where 2/3rd of whose membership was composed of elected representatives.¹⁰⁴ He brought in the concept of self-government in urban municipalities. He is treated as the founding father of urban local government. Ripon's resolutions followed a series of Committees, Commissions and Acts in this line. The Royal Commission on Decentralization in 1909 elaborated further the principles of Ripon resolution. But this remained merely on paper. Ripon's scheme did not make much progress in the development of local self government institutions.

Montagu-Chelmsford Reforms of 1919

In this backdrop, Montagu Chelmsford reforms were passed in the year 1919. This reform transferred the subject of local government to the domain of provinces. The reform also recommended that as far as possible there should be a complete popular control in local bodies and the largest possible independence for them, of outside control. By 1925, eight provinces had passed village panchayat acts. However, these panchayats covered only a limited number of villages with limited functions.¹⁰⁵ But this reform could not get much result as far as democratization of panchayats was concerned and lead to a lot of organizational and fiscal constraints.

Government of India Act (1935)

This is considered as another important stage in the evolution of panchayats in British India. With popularly elected government in the provinces, almost all provincial administrations felt duty bound to enact legislations for further democratization of local self government institutions, including village panchayats. Although the popular government in the provinces governed by the Congress vacated office following the declaration of Second

¹⁰⁴Ibid, pp.4.

¹⁰⁵Stephen F., Rajasekaran, An Empirical Study of Women in Local Self Governance in Karnataka, Search publications, Bangalore, 2001, pp.6.

World War in 1939, the position as regards local government institutions remained unchanged till August 1947, when the country attained independence.

Even though the British government did not have interest in the village autonomy, they were forced to do so, in order to continue their rule in India and moreover to meet financial necessities. The Indian rural republic had flourished till the advent of British. It received a set back during the British rule. Self contained village communities and their panchayats ceased to get substance. They were replaced by formally constituted institutions of village administration. In the highly centralized system of British rule, village autonomy seems to have lost.

Panchaya ti Raj in Independent India

The task of strengthening panchayati raj system fell on the Indian government formed after independence. It was clear that India a country of villages had to strengthen village panchayats to strengthen democracy. Mahatma Gandhi who strongly believed in *Grama Swaraj* pleaded for the transfer of power to the rural masses. According to him the villages should govern themselves through elected panchayats to become self sufficient. But surprisingly, the draft Constitution prepared in 1948 had no place for Panchayati Raj Institutions. Gandhi severely criticized this and called for immediate attention. It is thus, that panchayat finds a place in the Directive Principles of the State Policy. Article 40 of the Directive Principles of the State Policy states that ‘the states shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them function as units of self governments’.¹⁰⁶ The most important aspect to

¹⁰⁶ Bharatada Samvidhana, English-Kannada version of Constitution of India, Published on behalf of the Government of India by the Director, Department of Printing, Stationary and Publication, Government of Karnataka, Bangalore, 2001, pp.19.

strengthen grass root democracy was neglected by the Constitution makers as Directive Principle of State Policy is not legally binding on the governments.

The first organized effort to tackle the problem of rural India was made through Community Development Programme in 1952 and National Extension Service in 1953. The programme was based on an integrated approach to the various aspects of rural development. The objectives were to promote self help and self reliance among the rural people, to generate a process of integrated social, economic and cultural change with the aim of transforming social and political life of the villagers. Community Development Programme was launched in 55 selected blocks. The programme was based on an integrated approach to the various aspects of rural development. The programme made provisions for appointing Block Development Officers [BDO] and Village Level Workers [V.L.W]. This programme was intended to bring socio economic development of the rural masses on democratic lines, but failed to take off along the expected lines due to the absence of an effective instrument for people's participation.

Balwantrai Mehta Committee

Balwantrai Mehta Committee was the first Committee set up in 1957 to look into the problems of democratic decentralization in independent India. The Committee was asked to report on community development projects. The Committee made far reaching recommendations in the direction of democratic decentralization and rural reconstruction. It pointed out that the community development programme was not successful because it failed to evoke local initiative and that in the absence of local initiative and local interest, development would not be possible. The committee laid down five fundamental principles.

1. There should be three tier structures of local self government bodies from village to the district level and these bodies should be linked together.

2. There should be genuine transfer of power and responsibility to these bodies to enable them to discharge their responsibility.
3. Adequate resources should be transferred to these bodies to enable them to discharge their responsibilities.
4. All welfare and developmental schemes and programmes at all three levels should be channeled through these bodies, and
5. The three tier system should facilitate further devolution and disposal of power and responsibility in future. The committee envisaged three tier system of panchayats known as Zilla Parishad, Panchayat Samiti and Gram Panchayat and recommended encouragement of peoples' participation in community work, promotion of agriculture and animal husbandry, promoting the welfare of the weaker sections and women through the panchayats.¹⁰⁷

For the first, time the Committee made recommendations for co-opting of two women who are interested to work for women and children. However, like the rest of the male members, women were not to be elected but were to be co-opted.

The recommendations of the Balwantrai Mehta Committee came into effect on 1st April 1958. Rajasthan was the first state to implement it on 2nd October 1959. By mid 1960s, panchayat had reached all parts of the country. More than 2,17,300 village panchayats covering over 96% of the 5,79,000 inhabited villages and 92% of rural population had been established. There was enthusiasm in rural India and people felt that they had a say in the affairs affecting their daily life. These were considered as the promising days of Panchayati Raj Institutions in India. The report of the Ministry of Community Development had stated in 1964-65 that younger and better leadership was emerging through Panchayati Raj Institutions

¹⁰⁷Mishra Sweta, "Women and the 73rd Constitution Amendment Act, A Critical Appraisal", in Raj Sabstin, Edward Mathias (eds), People's Power and Panchayati Raj: Theory and Practice, Indian Social Institute, New Delhi, 1998, pp.98.

and there was a fairly high degree of satisfaction among the people with the working of the panchayats.¹⁰⁸

The recommendations of Balwantrai Mehta Committee were implemented by many states in the country. Till the mid sixties, Panchayati Raj system flourished in India. But there was decline in Panchayati Raj Institutions after the mid sixties mainly because of centralized tendencies of functioning all over the country.¹⁰⁹ The elections were not held regularly and the participation of people weakened in these bodies. Inefficiency, corruption, favoritism, uncertainty and irregularity led to their decline. Most of the development programmes were kept out of their preview. Centrally sponsored schemes were initiated; parallel administrative bodies were created and government reduced funds considerably. During the period of national emergency, bureaucracy got the upper hand and these institutions lost their significance. The village panchayats were made subordinate units of government to implement its programmes.

Ashok Mehta Committee (1977)

In this backdrop in 1977, the Janata government appointed a Committee with Ashok Mehta as chairman and was entrusted with the task of enquiring into the causes responsible for the poor performance of Panchayati Raj Institutions. It was also asked to suggest measures to strengthen Panchayati Raj Institutions. The committee suggested two tier system of Panchayati Raj consisting of Zilla Parishads at the district level and Mandal Panchayats at the grass root level as against three tier system suggested by the Balwantrai Mehta Committee. The committee recommended constitutional protection to the Panchayati Raj Institutions and further decentralization of power at all levels.

¹⁰⁸ Mathew George, 2000, op.cit, pp.6.

¹⁰⁹ Singh Samsher Malik, The New Panchayati Raj, Rural Transformation in the State of Haryana, Aalekh Publication, Jaipur, 2002, pp. 4-5.

A noteworthy feature of the report is that it recommended regular elections to these bodies and open participation of political parties.

The Ashok Mehta Committee Suggested:

- Ø Reservation of seats for the weaker sections
- Ø Two seats for women
- Ø Adequate financial resources for the panchayats
- Ø Requirement of Constitutional sanctions
- Ø To extend people's participation in developmental activities.¹¹⁰

Due to the fall of the Janata government, the Ashok Mehta Committee recommendations were not implemented. Few states including Karnataka formulated new legislation on the basis of the recommendations of this Committee. Both the Committees overlooked the importance of panchayats as units of self government.

During 1980's, two important Committees were appointed to look into local governments. GVK Rao Committee in 1985 and Dr. L.M. Singhvi Committee in 1986. The GVK Rao committee recommended the revival of Panchayati Raj Institutions such that greater responsibility of planning, implementation, and monitoring of rural development programmes could be assigned to them.¹¹¹ L.M. Singhvi Committee recommended that the Panchayati Raj institutions should be constitutionally recognized and protected. New chapter in the constitution should be provided to define their powers and functions and free and fair election to be conducted through the election commission. Committee recommended for the

¹¹⁰Ibid, pp. 5

¹¹¹Ghosh Rathna, "Panchayati System in India. Historical and Constitutional Perspective", in Rathna Ghosh (ed), Panchayati System in India. Historical, Constitutional and Financial Analysis, Kanishka Publishers, New Delhi, 1999, pp.215-216.

appointment of finance commission and all the rural development programmes are entrusted to the Panchayati Raj Institutions by amending schedule VII of the constitution.¹¹²

73rd Amendment Act, 1992

Following these circumstances, Rajiv Gandhi the then Prime Minister of India, introduced the 64th Amendment bill on local government on the 15th May, 1989 in the Parliament, but it failed to get the required support. A second attempt was made in September 1990 to pass the bill in the Parliament. The bill however was not even taken up for consideration. In September 1991, a fresh bill on Panchayati Raj was introduced by the Congress government under P. V Narasimha Rao, the then Prime Minister. It was passed in 1992 as the 73rd Amendment Act 1992 with minor modifications and came into force on 24th April 1993.

The Salient Features of the Act are:

The Act provided for the establishment of grama sabha in each village. It will be a body comprising of all the adult members registered as voters in the panchayat area.

There shall be a three-tier system of panchayat at village, intermediate and district levels. Smaller states with population below 20 Lakhs will have option not to have intermediate level panchayat.

Seats in panchayats at all three level shall be filled by direct election. In addition, the chairperson of the village panchayat can be made member of the panchayat at the intermediate level. MP, MLA, MLC, could also be member of panchayat at the intermediate and the district level.

¹¹²Report of the Committee on Revitalization of Panchayati Raj Institutions, L.M. Sanghvi, chairman, Government of India, , Delhi, 1986.

In all the panchayats, seats should be reserved for SCs and STs in proportion to their population and 1/3 of the total number of seats will be reserved for women. Offices of the chairperson of the panchayat at all levels shall be reserved in favour of SCs and STs in proportion in the state. One-third of the offices of chairperson of panchayats at all levels shall also be reserved for women.

Legislature of the state shall be at liberty to provide reservation of seats and office of chairperson in panchayat in favour of backward class citizens. Panchayats shall have a uniform five year term and elections to constitute new bodies shall be completed before the expiry of term.

In the event of dissolution, election will be compulsorily held within six months. The reconstituted panchayat will serve for remaining period of five year term.

It will not be possible to dissolve the existing panchayats by amendment of any Act before the expiry of its duration.

A person who is disqualified under any law, election to the legislature of the state or under any of the state will not be entitled to become a member of a panchayat.

Independent election commission will be established in the state to superintendence, direction, and control of the electoral process and preparation of electoral rolls.

Specific responsibilities will be entrusted to the panchayats to prepare plans for economic development and social justice in respect of matters listed in XI Schedule. For the implementation of development schemes, main responsibility will be entrusted to the panchayats.

The panchayats will receive adequate funds for carrying out their plans. Grants from state government will constitute an important source of funding but state government is also

expected to assign the revenue of certain taxes to the panchayats. In some cases, panchayat will also be permitted to collect and retain revenue it raises.

In each state, finance commission will be established within one year and after every five years to determine principles on the basis of which adequate financial resource would be entrusted for panchayats.

Panchayats existing on the 24th April 1993 will be allowed to complete their full term except when they are dissolved by the house by resolution.¹¹³

Article 243 G of the XI Schedule includes the following Activities :

- Agriculture, including agricultural extension
- Land improvement, implementation of land reforms, land consolidation and soil conservation
- Minor irrigation, water management and watershed development
- Animal husbandry and poultry
- Fisheries
- Social forestry and farm forestry
- Small- scale industries, including food processing industries
- Khadi, village and cottage industries
- Rural housing
- Drinking water
- Fuel and fodder
- Roads, culverts, bridges, waterways and other means of communication
- Rural electrification including distribution of electricity
- Non conventional energy sources

¹¹³ The Constitution (Seventy-Third Amendment) Act, 1992, Government of India.

- Poverty elevation programme
- Education, including primary and secondary schools
- Technical training and vocational education
- Adult and non-formal education
- Libraries
- Cultural activities
- Market and fairs
- Health and family sanitation including hospital, primary health centers and
- dispensaries
- Family welfare
- Women and child development
- Social welfare, including welfare of the handicapped and mentally retarded. Welfare of the weaker sections and particular, of the scheduled cast and scheduled tribes
- Public distribution system

The 73rd Amendment Act is an attempt to restructure the Panchayati Raj to reach the grassroot level. The bill for the first time gave constitutional status to Panchayati Raj institutions and it became mandatory on all state governments to implement it. This Amendment brought about uniformity in structure, composition, powers and functions of panchayats. It gave impetus to Panchayati Raj to promote social and economic development and improvement in living condition of rural India. The main criticism leveled against the Act is that these institutions are viewed as implementing agencies for developmental activities and that they are not given the status of decentralized political institutions.

Criticism apart, the Act fulfilled the dream of constitutional status to Panchayati Raj Institutions and the state governments brought new legislations to implement it. It has been

explained as the beginning of silent revolution. This Amendment for the first time in the history of Panchayati Raj Institutions gave opportunities for women in large numbers to enter local administration.

Panchayati Raj in Karnataka

The State of Mysore (renamed as Karnataka in 1973) was formed in 1956 by bringing together erstwhile princely state of Mysore districts of Bombay, three districts of Hyderabad, two districts of Madras and the centrally administered territory of Coorg.

The development of local governments in the old Mysore state was not different from the development of local governments in India. The old Mysore state was ruled by many dynasties since the 6th century. History records that it was ruled by the Shatavahanas (121 B.C to 174 A.D), the Kadambas (360A.D to 565A.D), Gangas (350 A.D to 1050 A.D), Chalukyas of Badami (375A.D to 793 A.D), and the Rashtrakutas (973A.D to 973A.D). Inscriptions dating back to 1005 AD provide considerable information on the subject. The tradition of village bodies was very strong. Local governments were called by different names like Grama, Agrahara, Nadu and Vishaya. These kinds of local governments were powerful during the time of Cholas. There were uncontrolled local institutions called Grama, Agrahara. In Agrahara villages, the assembly of the Mahajans (head of the families of learned Brahmins) served as the local body. At times, the village assembly was known by a numerical suffix as in the case of aivathu okkalu (50 families) or muvathu okkalu (30 families). The functions of the village assembly included maintaining temples, arranging festivals and running chaultries and aravattiges (centers to distribute water), collecting tolls, conferring gifts for meritorious services, installing statues of heroes who die in village

defense during raids by enemies and bandits, maintaining families of such deceased heroes by grant of land and settling disputes.¹¹⁴

The rule of Yadavas of Devagiri and Hoysalas (between 1200 to 1336 A.D) was the important period in the history of Karnataka. They did not pay much attention to local governments. But history tells us that local governments functioned efficiently on their own. This continued till the Vijayanagara Empire. There were examples of flourishing assemblies during this period. There are disputes among the historians regarding the existence of local governments. These disputes show that local governments were functioning independently and during the end of the 16th century, local governments were like republics with their own financial support.

The Odeyars ruled Mysore from 1610 to 1761. It was from 1761 to 1799 that Mysore was under the rule of Hyder Ali and Tipu Sultan. During 1810, it again came back to the hands of Odeyars. Mummadi Krishnaraja Odeyar ruled until 1862. There were no major changes in the history of local governments during this period. The radical change in the Panchayati Raj system begins with the colonial British rule. As the British consolidated their rule, they introduced their own kind of local governments.

British government marked the beginning of modern local governments in 1874, with the establishment of 'Local Fund Committee' in each district. However these committees were subordinated to the bureaucracy and membership was entirely restricted to officials. Hence they did not evoke local interest and initiative.¹¹⁵ Lord Rippon's resolution on local governments in the year 1882 is another important development in the history of Panchayati Raj in Karnataka. Even though it did not had much of liberal ideology; it tried to bring

¹¹⁴Mathew George, Karnataka Panchayati Election . Process, Issues and Membership Profile, Concept Publishing Company, New Delhi, 1997, pp. I.

¹¹⁵Ibid, pp. 2

democracy in local governments. Lord Rippon's law also paved way for the formation of the Mysore Local Boards Act of 1902.

The Mysore Local Boards Act came into force from November 1, 1903, creating a three tier local government system for the first time in the history of Karnataka. It provided for Union (village) panchayat with a nominated chairman, a Taluk Board with a sub divisional officer as president, and a District Board with a deputy commissioner as president.¹¹⁶

The Act of 1902 functioned for nearly a decade. Since there were several problems in the Act, the government of Mysore constituted two Committees in the year 1914 to solve the problems, one, the Local Self Government Committee under the chairmanship of M. Kantharaj Urs, second, the Local Finance Committee under the chairmanship of Dewan Bahadur C. Srinivas Iyenger. These Committees went into the question of liberalizing the constitution and power of local bodies to make them effective. They recommended an elected majority in all districts and taluk boards and independent powers for the taluk boards.¹¹⁷

In the year 1915, a conference on local self governments was held under the presidentship of the ex-Dewan of Mysore, K. P. Puttanna Shetty. This conference recommended local governments need to be made effective. All these developments paved the way for the formation of the Mysore Local Boards and Village Panchayati Regulation Act 1918. It provided for the establishment of village panchayats with enhanced powers and participation by elected members. In fact it was the first significant step in establishing self governing bodies for rural areas in the state.

¹¹⁶Ibid., pp. 2

¹¹⁷Ibid, pp.2

The Mysore District and Mysore Village Panchayat Act (1926)

The Mysore District and Mysore Village Panchayati Act, 1926, is another important development in the history of Panchayati Raj in Karnataka. Between 1919 and 1948, twenty native states passed acts for the establishment of panchayats as local self governing bodies along democratic lines. The Mysore state was one among the twenty states which enacted this act. It provided for the district boards with adequate powers and functions and resources.¹¹⁸ The act abolished taluk boards and for the first time provided for the appointment of a secretary among its members. It gave voting rights to people above twenty years of age. But women were not given opportunity to contest gram panchayat elections. So women were totally kept out of the decision making power at the local level. This system continued till the year 1952.

Developments after 1947

In the wake of India's independence, the trend was towards making local bodies autonomous and effective. Gandhi's idea of 'Grama Swaraj' articulated this concern. This idea had its own impact on Karnataka.

After independence, the princely state of Mysore came under the category of part 'B' state in the Indian Union. Later, with the reorganization of states, several areas were added to Mysore. It was renamed as Karnataka in the year 1970. The erstwhile princely state of Mysore had to adjust itself to the changed conditions and the requirements of the new political system. In this situation, the government formed a Committee under the presidentship of V Venkatappa in the year 1949. It was asked to suggest measures regarding the changes to be brought about in the local governments. This integration and coordination committee recommended two tier systems that are gram panchayat at the local level and the

¹¹⁸Ibid, pp.2

district committee at the district level.¹¹⁹ Venkatappa Committee submitted its report in the year 1950. On the basis of this report the Mysore Village Panchayats and District Boards Act, 1952, was formed. But the Act could not achieve expected results.

In the year 1953, with the intention to strengthen local governments, a Local Board Enquiry Committee, popularly known as D H Chandrashekariah Committee was formed. This committee submitted its report in 1954 and suggested three tier systems with Taluk Boards at the intermediate levels, adding to the earlier system. But the suggestions were not implemented.

The Mysore Village Panchayats and Local Boards Act 1959

The Balwantrai Mehta Committee report provided a new impetus to the system of Panchayati Raj. Taking note of this committee as well as the historical evolution of local government institutions in the state, a new local self government set up was introduced considering all parts of the recognized states. The Mysore Village Panchayats and Local Boards Act, 1959 was enacted.

The Act introduced three tier Panchayati Raj systems with directly elected bodies at the village and taluk levels and indirectly constituted body at the district level. A directly elected village panchayat was constituted at every village or group of villages with average population of 2500 people. Members of the taluk development board ranging from 15 to 19 were also directly elected. Seats were reserved for S.Cs and S.Ts at both the taluk and village levels according to the population in the area, while two seats each were reserved for women at both levels. The district development council consisted of MPs MLCs, TDB presidents,

¹¹⁹ Ahmed Rafeek Y., 1998 op. cit, pp. 173-174.

women members and district government officials.¹²⁰ The district developmental council was essentially a co-coordinating and supervisory institution. Under this Act, about 8,411 Village Panchayats and 96 Town Panchayats, 175 Taluk Developmental Boards and 19 District Developmental Councils were established.

Comparatively, this new act was an improved attempt at strengthening Panchayati Raj Institutions. But this act had its own defects. It did not make provision for financial autonomy and development programme for local institutions. The district council was only an advisory, supervisory body and taluk became the basic unit of administration.

Kondaji Basappa Committee

In the backdrop of the failure of 1959 Act, a new committee on Panchayati Raj was formed under the chairmanship of Kondaje Basappa. The committee recommended the constitution of an executive body like zilla parishad with non official chairman, with devolution of more powers to taluk development boards and to provide for consolidated relationship between the village panchayats and TDBs. It excluded MPs and MLAs from Panchayati Raj Institutions and provided for the establishment of nyaya panchayats.¹²¹ On these recommendations a bill entitled 'The Mysore Panchayati Raj Bill 1964' was introduced. But the bill could not be passed due to political factors.

The Karnataka Zilla Parishads, Taluk Panchayat Samithies, Mandal Panchayats and Nyaya Panchayats Act, 1983

The year 1983 marked a new era in the history of Panchayati Raj in Karnataka. For the first time, the Congress party lost power in the state and the Janata party formed the government. Chief Minister, Ramakrishna Hegde who was committed to implement the

¹²⁰Karnataka Socio-Economic Profile, Status of Panchayati Raj in the States and Union Territories of India, Institute Of Social Science, Concept Publishing Company, 2000, p.p.134.

¹²¹Ahmed Rafeek Y., 1998, op.cit, pp. 175 -176.

slogan of 'power to the people' started a new experiment on local governments based on the recommendations of the Ashok Mehta Committee. The Janata government introduced a bill patterned on the recommendations of Ashok Mehta Committee, in the state assembly in 1983. The Janata government enacted a legislation called as, The Karnataka Zilla Parishads, Taluk Panchayat Samithies, Mandal Panchayats and Nyaya Panchayats Act, 1983. The Act received the assent of President of India on the tenth day of July, 1985.

The objective was to provide for the decentralization of powers and functions to these local bodies for the purpose of promoting the development of democratic institutions and securing a greater measure of participation by the people in the governmental plans and in local and governmental affairs.¹²²

The act was regarded as the landmark in the history of local governments in India. Though Panchayati Raj was declared as one of the strategies of decentralized governance in India, in the early few years very few states took serious steps to operationalizing this objective. Till the mid-eighties, the system adopted in Karnataka was that of one of strong state governments.¹²³ Karnataka government for the first time showed willingness to make local governments a 'real centre of power'. The act was brought into force with effect from 14th, August, 1985. Karnataka was the second state after West Bengal which had proclaimed its full faith in the devolution of authority on Panchayati Raj.

The Act envisaged a three tier Panchayati Raj system. It made provisions for the establishment of zilla parishad for each revenue district in the state, thus replacing the district development council under the earlier Act. The zilla parishad was based on direct election. It was made fully responsible for the planning and implementation of development programmes

¹²²The Karnataka Zilla Parishads, Taluk Panchayat Samithies, Mandal Panchayats and Nyaya Panchayats Act, 1983, Government of Karnataka, pp.1.

¹²³Chandrasheker B. K., Panchayati Raj in India. Status Report, 1999, Rajiv Gandhi Foundation, New Delhi, 2000.

in the district. The president and vice-presidents were accorded the status of Minister of State and Deputy Ministers respectively. The taluk panchayat samities at the intermediate level were a coordinating body without executive powers and mandal panchayats for revenue villages or group of villages was established. The act also provided for the establishment of nyaya panchayats for each mandal. The zilla parishads and mandal panchayats had clearly defined jurisdiction for formulating schemes and program for promoting rural development.¹²⁴ The significant features of the 1983 act was that it allotted 25% reservation to women members, including SCs and STs and OBC women in local bodies. Another noteworthy feature of the Act was setting up of a gram sabha for each village consisting of the adults of the village. The gram sabha was expected to meet at least twice a year to discuss the implementation of developmental programmes in the village, approve new programmes of development and to select the beneficiaries. The implementation of the Act provided new phase to the Panchayati Raj system in Karnataka.

The Act has been hailed in the press as ‘revolutionary in concept and wide in its sweep’.¹²⁵ The Act generated considerable debate in the political, intellectual, and academic circles. The Prime Minister expressed an explicit interest in Panchayati Raj Institutions. On August, 1985 he wrote to all the Chief Ministers requesting them to hold regular elections to these bodies and give them administrative and financial support. Vice President of India, R. Venkataraman, while delivering the 10th Govinda Ballaba Pant Memorial Lecture, pleaded for amending the Constitution to make mandatory to hold elections to the panchayats.¹²⁶

The Panchayati Raj Act 1983 of Karnataka attracted nationwide attention because of its radical provisions relating to the devolution of powers to the district and the villages and the reservation provided for women.

¹²⁴Ahmed Rafeek Y., 1998, op. cit. pp. 177.

¹²⁵The Hindu, 21 February, 1986.

¹²⁶Hindustan Times, 14 December, 1985.

The enactment of the 1983 Act has no doubt been a landmark in the evolution of Panchayathi Raj, not in Karnataka alone but in the country as a whole. It was just a beginning in democratic decentralization.¹²⁷

The newly elected members took office immediately after the elections. Studies have shown that the Act was able to initiate changes in the Panchayati Raj functioning. However, it could not substantially alter the panchayat leadership. The system remained the domain of upper income land owners and dominant caste members.¹²⁸ Inadequate devolution of financial and administrative powers, lack of commitment on the part of bureaucrats and political leaders, lack of training for the elected representatives of the Panchayati Raj Institutions were the reasons cited for falling short of expectation. The Mysore Village Panchayats Local Boards Act, 1959 had provided for reservation of two seats for women at both the village and taluk levels. But the Act of 1983 provided for reservation of 25% seats for women in both the zilla panchayat and mandal Panchayat. This was a major initiative in favour of women. This was a major development and it was in fact considered as the beginning for subsequent developments at the national level.

¹²⁷Sadananda J.S., 2004, op.cit. pp.ix.

¹²⁸Mathew George, 1997, op.cit, pp. 4.

Karnataka Panchayati Raj Act, 1993

The passing of the Constitution Act of 1993 (seventy-third amendment) by the Parliament gave constitutional status to Panchayati Raj Institutions. It made holding of elections to the Panchayati Raj Institutions mandatory on the part of the state governments. It appended the 11th schedule to the constitution which broadly defined the functions of these bodies. It laid down formula for reservation of seats and defined the powers of state government vis-a-vis the Panchayati Raj Institution. In fact Karnataka was the first state to implement it. The Karnataka government introduced the Karnataka Panchayati Raj Act 1993 in the legislature on 1st April, 1993. With the approval of both the houses it came in to effect from 10th, May, 1993.

The Act established three tier Panchayati Raj Institutions with zilla panchayat at district level, taluk panchayat at taluk level and gram panchayat at village level. The Act which received the governor's assent on 13th, April, 1993 reads as follows:

‘An Act to replace the present enactment relating to panchayats by a comprehensive enactment. Whereas it is expedient to replace the present enactment to establish a three tier panchayati raj system in the state with elected bodies at the grama, (village), taluk and district levels, in keeping with the constitution amendment relating to panchayats for greater participation of people and more effective implementation of development programmes’.¹²⁹

¹²⁹ The Karnataka Panchayati Raj Act, 1993, Vijaya Publications, Bangalore, pp.1.

The Salient Features of the Act are as follows:

It established a three tier Panchayati Raj system in the state, based on the population as ascertained in the preceding census of which the figures have been published. It envisaged elected bodies at all the three levels.

It provided reservation for one third of the total seats at all levels for persons belonging to the backward classes who had an annual income below Rs. 10000.

Offices of chair persons at all levels were also reserved in favour of scheduled casts, scheduled tribes and backward class. Women got not less than one third seats in the reserved and unreserved categories of adhyakshas (presidents) and upadyakshas (vice presidents).

It provided for reservation of seats in favour of scheduled castes and scheduled tribes in proportion to their population and for reservation of not less than one third of total seats for women at all levels.

It envisaged the Constitution of a State Election Commission to conduct elections to the panchayats. It recommended constitution of State Finance Commission once in every five years to review financial position of panchayats and District Planning Committee in each district.¹³⁰

The Three-Tier Panchayati Raj System

Gram Panchayat

According to the Act, a gram panchayat is constituted for a population between 3000 and 5000. The area covered by a gram panchayat included group of villages. There will be one member for every 400 persons. The adyaksha and upadyaksha (president and vice president]) are elected from among the elected members.

¹³⁰ Ibid, pp. 2.

There are three Standing Committees in the grampanchayat, namely:

- Ø Production Committee
- Ø Social Justice Committee
- Ø Amenities Committee

A secretary is appointed by the government as the administrative head of the gram panchayat. The main function of the gram panchayat is to promote economic and social welfare, education and health in the gram panchayat.

Taluk Panchayat

For each taluk, there shall be a taluk panchayat consisting of local representatives from the state legislature and parliament apart from one fifth of the gram panchayat presidents in the taluk are chosen by lots every year (in rotation). Members are directly elected from the separate territorial constituencies at the rate of one member for every 10000 population.

The elected members of taluk panchayat must choose two members from among themselves to the post of president and vice president. The taluk panchayat has the following Standing Committees:

- Ø General Standing Committees
- Ø Finance, Audit and Planning Committee
- Ø Social Justice Committee

Group A officer of the state civil services is the administrative head of the taluk panchayat. Taluk panchayats are empowered to supervise the activities of gram panchayats in their jurisdiction.

Zilla Panchayat

Each district will have zilla panchayat consisting of members of parliament and the legislature from within the district, the presidents of taluk panchayats in the district and elected members in accordance with the scale of one member for 40,000 of the population.

The elected members shall choose two members from amongst them to the post of president and vice president. The zilla panchayats will have the following Standing Committees:

- Ø General Standing Committee
- Ø Finance, Audit and Planning Committee
- Ø Social Justice Committee
- Ø Education and Health Committee
- Ø Agriculture and Industries Committee

A chief executive officer, not below the rank of Deputy Commissioner is to be the administrative head of the zilla panchayat. The Act reduced the powers of zilla panchayat substantially. It may be noted that the Janata Dal government, through an ordinance made the presidents of zilla and taluk panchayats executive heads and gave them executive powers.¹³¹

Gram Sabha

The gram sabha is a statutory body of gram panchayat today. It is obligatory on the part of the gram panchayat to convene grama sabha meeting at least once in six months. All the adults who are in the voters list of the village are the members of the gram sabha.

Thus confirming to the mandatory requirement of the 73rd Amendment, Karnataka became the first state to implement the Panchayati Raj Act on the basis of this amendment

¹³¹ Mathew George, 1997, op.cit, pp. 7-9.

and holding elections to the panchayat under the act. Since its enactment, it has been amended on many occasions, leading to some important changes in the Act .The Janata Dal party which came to power in 1994, constituted an expert committee [The Nayak Committee] in the year 1995 with the intension to revamp the Act of 1993 and to restore autonomy of the kind obtaining under the earlier 1993 Act. The committee recommended many changes to the Act. The amendments were incorporated in the year 1997. It incorporated provisions for consequential arrangements with regard to the position of the new bodies, division of funds and liabilities. In the year 1998 seven new districts were formed. Therefore, the number of zilla panchayats has gone up from 20 to 30. A more significant development has been the issue of an ordinance in February 1999, reducing the number of gram panchayats. Under the ordinance, the population limit of a gram panchayat was raised to 10000 to 16000 as against 5000 to 7000 people. The reason given by the government is that under the earlier pattern the zilla panchayat was too small. They had limited financial resources and manpower and they were not capable of becoming effective instruments of development.¹³²

The system of Panchayati Raj in Karnataka has a long history originating from about 6th century A.D. The system has undergone considerable changes since then. The history of democratic decentralization in Karnataka has generally been of a promise and hope, although there are certain disappointments. The functioning of Panchayati Raj Institutions in the state shows that they have not fully emerged as peoples institutions. New class of power centers usually occupied by elite is emerging. Gram sabha has not been successful in ensuring downward mobility. In the recent years any change in government has resulted in changes in Panchayati Raj system. Every government seeks to strengthen its support at the grass root level against the opposition.

¹³²Karnataka, Socio-Economic Profile. Status of Panchayati Raj in the States and Union Territories of India, Institute of Social Science, Concept Publishing Company, 2000, pp.13.

Decentralization of powers and functions to the local bodies has been a successful experiment in Karnataka. The 73rd Amendment, setting aside the limitations, has led to significant advancement in local governments. The Karnataka Panchayati Raj Act 1993 was built up on the excellent earlier initiative taken in 1987 regarding decentralization. Apart from Sikkim Karnataka is the only state that has transferred fund, functions and functionaries with respect to 29 subjects in the 73rd Amendment. The Act has given impulse to panchayats to promote all round development in terms of poverty elevation, improving living condition, infrastructure, health, education, sanitation in rural India. It has given an opportunity to large number of people at the grass root level to participate in the local administration. A substantial number of scheduled castes, scheduled tribes and backward class representatives have got an opportunity to actively evolve themselves in local administration, which was otherwise a domain of upper castes and classes. Significant developments have taken place in the representation of women too.

Participation of women has gone up sharply at all levels. Mandating one-third reservation for women in membership as well in the position of chairpersons of panchayats at all three levels has given an opportunity for women to take the position of leadership. Today, rural women are able to participate in the decision making process. The emergence of these institutions has brought governance closer to the people. It can thus be traced from the history of Panchayati Raj system in Karnataka that women are treated slightly in a better way than many other states, even prior to the 73rd Constitution Amendment and with the implementation of the Act considerable number of women especially rural women of lower strata of society could become part of local administration. The long history of decentralisation through Panchayati Raj Institutions makes clear that it is not a contemporary

phenomenon. Growth of decentralisation is reflected in the past history. The 73rd amendment brought a new perspective to decentralization and political empowerment of women.