CHAPTER-II

EVOLUTION OF PANCHAYATI RAJ SYSTEM IN KARNATAKA: A BRIEF SURVEY

In an age of development, villages have gained increasing importance and recognition in India. The origin of panchayat Raj could be traced to the Vedic period. Arthashastra and sukraneethisara describe simple village societies of their times which were the basic units of administration. The Jataka tales state that the villages transacted their business themselves. During the Mauryan period villagers used to organize works of public utility and recreation though they had not evolved any formal council. The village councils appear to have evolved into regular bodies during the Gupta Period. According to some historical studies have traced the word panchayat was in vogue referring to such units of administration although it might have lost its sematic meaning. Thus, in ancient and medieval India, village panchayat worked primarily as institutions for administering justice, collecting revenue ensuring village defence, undertaking public works and performing other important functions. They enjoyed a state of splendid isolation having little to do with the affairs of the government outside their domains. By the beginning of the 17th century an attempt to establish constitutional monarchy was made by the Marathas. Several documents of the Maratha period show that kings like Shivaji and Rajaram refused to entertain any suit if it was directly brought to the Royal Court. It was invariably referred to the village Panchayat concerned.
India is a remarkable land of ancient culture, civilization, art, administrative and political systems. As it is predominantly an agrarian and rural society, the majority of its population lives in villages.3

Villages are the backbone of the country's economic, social and political development. In the words of Mahatma Gandhi, If the village perishes India will perish too, it will be no more India. Throughout Indian history villages have been considered as the basic units of all round development.4 Hence politicians, administrators, planners and intellectuals have highlighted their crucial role in the country.

With the spread of British rule in India the Panchayats had a set back. The rulers started to interfere in the internal affairs of these republics. Some functions of the village Panchayats and community were taken over by the local land owners and officers of the state. This led to oppression which demoralized and retarded the growth of the self governing institutions. Despite this interference, village councils continued to function in some parts of western and southern India till the end of 18th century and even in the beginning of the 19th century. Mount start Elphinstone the firsts Governor of Bombay in 1819, observed that each village was a republic with its panchayat as the executive body, providing watch and ward, maintaining a village Chowkidar, settling the disputes and maintaining several employees for the administration of essential services. Henry Maine states that the Indian villages were living and not dead institutions.
The Village Panchayats under the East India Company rule had reached the verge of extinction. To quote the report of congress Village Panchayat Committee:

"The inordinate greed of East India company caused slow but steady disintegration of these village panchayats. The deliberate introduction of land lordism and the Rayatwari system as against the Manazwari or village tenure systems. Dealt almost a death blow to the corporate life of the village communities. The excessive centralization of executive and the judicial powers in the hands of the Government officials deprived the village functionaries, of their age long powers and influence".

However, the rule under the company did introduce certain reforms in local administration. Under the highly centralized system of British administration village institutions lost their identity as independent units of Government and thereby became limbs of centralized rule.

The British who were heavily burdened with the centralized administration discovered that the village Panchayat institutions would be a solution to their problem. Lord Mayo’s scheme of financial decentralization was the first step in this direction. To quote Samanth, Local Self Government as a conscious process of administrative devolution and political education may be said to be initiated by the scheme of financial decentralization of Lord Mayo’s Government.
The next important landmark was the famous resolution of Lord Rippon of 18th May 1882. As a result of this, laws were passed between 1883-1885 in various provinces to create a 'Two tier' system of Panchayat Raj with district Boards and sub-district Boards based either on the Sub-Division or the Taluka (Tehsil) level.

The Royal Commission appointed by Lord Curzon in 1907 Charles Hobhouse as its Chairman recommended the establishment of local self-government units for villages to manage their affairs. Thus the recommendations of the commission certainly had for reaching consequences and served the best interests of the Villages. Another important step in revitalizing the village panchayats came in the year 1918. In 1918 new resolution observed to in make the village Panchayat living units to initiate interest in the villagers with powers to control the local affairs in the village, so as to make them the natural expressions of corporate life of the individual villages. The resolution of 1918 and the Government of India Act of 1919, brought Local Self Government under provincial Government which was under the charge of elected ministry. The Indian National Congress also took a keen interest in early 1920s to popularize Panchayat Raj system. Many provinces made radical changes in the Local Self Government institutions that came under them. This had the desired effect and Acts were passed in eight provinces in British India for the establishment of village panchayats.

They were:

1. Bengal Self-Government Act of 1919
2. Bihar Self-Government Act of 1920
5. Madras Panchayat Act of 1920
6. Uttar Pradesh Village Panchayat Act of 1920
7. Punjab Panchayat Act of 1922; and

Even in Many Princely States the Panchayat Acts were passed as noted below:

3. Travancore Village Panchayat Act, 1925.
9. Hyderabad Village Panchayat Act, 1940.
10. Mewar Gram Panchayat Act, 1940.

Local Self-Government as it was conceived in this period was that of a compact community, managing its local affairs through the Government of its locality by elected representatives and themselves managing a small area of territory. It was a sub-system in the overall political system which included both local community and local officials.

The independence of the country ushered in a new period in the history of local government in India. In 1948, the Ministers of Local Self-Governments of the provinces met under the Chairmanship of the Central Minister for Health, Amrit Kaur. The Minister observed:

"I believe, this is the first time that, the Government of India has called a conference... Apparently, no conference, of those responsible has been called so far because the subject falls entirely within the provincial sphere. At the same time the subject of local self government in of such vital importance to the general well being of the people that, I felt, it would be definitely beneficial if a forum
could be provided where those responsible for this important arm of
the administration all over India could meet together periodically
exchange ideas, and discuss problems of common interest”.

Jawaharalal Nehru, who inaugurated the Conference saw the vital role for
Self-Government in free India and remarked:

“Local Government is and must be the basis of any true system of
democracy. We have got rather into the habit of thinking of democracy at the top,
which may not be a success unless you build on this foundation from below”.

After a good deal of thought, and discussion in the constituent assembly
K. Shantharam moved a resolution for the incorporation of ‘Panchayats’ in the
Constitution. This motion was put to vote and the resolution was unanimously
adopted in the final shape of the constitution in party IV Article 40 States:

“The State shall take steps to organize village panchayats and endow them
with such powers and authority as may be necessary to enable them to function as
units of self Government”.

Thus ‘Panchayats’ are given a Constitutional status. The National Planning
Commission which came into existence in March 1950 with the object of
establishing a welfare state through democratically planned social and economic
development of the people realized that socio economic justice could not be
achieved without the development of the rural areas and rural community because more than 70% of the Indians live in villages. It was also relised that the national development would lose much of its significance of these rural areas were not developed. Hence, the development of the rural areas and the rural community was given prime place by the planning commission. The planners wanted the village Panchayat to develop as the agency for local planning, development and administration.

After the inauguration of the Indian Constitution several state Governments took the initiative to establish village Panchayats in accordance with the constitutional provision. The recommendations of the Balawanta Rai Metha committee further improved the situation. Today ‘Panchayat Raj or Democratic Decentralization is the dominant politico administrative device in India to achieve the goal of Rural development. With the report of Balwant Rai Mehta committee, the importance of these units of administration was relised and their role in the national development was significantly brought out.

The Balwant Rai Mehta team proposed a three-tier institutional organization in which the village panchayat was to form the base of this hierarchical system. This three tier structure according to the report was organically linked between the village level and district level and functioned on the main lines as enumerated by the team. They were:
1. There should be genuine transfer of powers and responsibility.
2. There should be transfer of adequate resources to discharge the responsibility; and
3. All development programmes are to be channeled through these bodies.

It was Jawaharlal Nehru, the then Prime Minister, who gave the name ‘Panchayat Raj’. He did not like the phrase ‘democratic decentralization’ for he felt that;

Democracy means power springing from the people. The system could to be called ‘Panchayat Raj’ either as Panchayat constituted territorial Jurisdiction confined to the village. He named it as ‘Panchayat Raj’ because, accordingly, what was being envisaged was not territorial Government or administration, but rather, an approach to administration guided and vested in the people themselves.

The National Development Council endorsed the recommendations of the Balawant Rai Mehta Committee at its meeting held in January 1958. the central council of Local self government at its 5th meeting held at Hyderabad in 1958 insisted for freedom to state Governments to shape the pattern of Panchayat Raj according to their needs. Both these bodies after endorsing this scheme recommended the scheme to State Government. They however, granted to the States an element of discretion to modify the scheme in the light of their respective local conditions.
The Central Government accepted the recommendations of the Balawant Rai Mehta Committee and gave freedom to the States to shape their Panchayat Raj institutions as per local exigencies. Rajasthan and Andhra Pradesh were first to accept this pattern, and Karnataka followed them with modifications. Subsequently, it was introduced in other States also. Some States have three-tier system, other the two-tier system and many others a single -tier system.

Panchayat Raj in Karnataka: Evolutionary History

The development of Local Self-Government in Karnataka is similar to the developments in other parts of India. The Satavhanas ruled this geographical area between 121 BC to 174 AD. The Gangas were in power between 350 AD to 1050 AD. Kadambas were the contemporary rulers of Ganga in this Deccan Plateau and ruled between 350 AD to 565 AD. With the Chalukyas of Badami and the Rastrakutas between 375 AD and 793, the political history of the Local Self Governments in the Deccan became distinct.¹⁴ The studies conducted in this direction have reference to local administrative units such as Grama Agrahara, Nadu, Vishaya and Nagara. The Chola Period is unparalleled in the history of the Local Self-Government in Karnataka. During this period, the Local Self-Government and autonomous bodies were known as Grama, Agrahara, and Nagara.

The political map of Karnataka during 1200-1336 AD was divided between the two dynasties, namely, the Yadavas of Devagiri and the Hoysalas of
Dwarasamudra. Inspite of the constant wars functioning of the local Government under these dynasties was efficient and smooth.

During the period 1336 to 1560 AD, until the battle of Talikote, the State of Karnataka was under the rule of Vijayanagar. There is some controversy regarding the status of Local Self Government units during this period. It appears that till the end of the 16\textsuperscript{th} century, the local institutions under different dynasties did continue to exist. They were self governing, self supporting, autonomous, republican and democratic in their functioning.

After 1600, the period is considered one of transition for Local Self-Government. The State of Mysore was ruled by the Wodeyars between 1610 and 1661AD and by Hyderali and Tippu between 1761 and 1799. After Tippu, it came under the rule of Dewan Pooraniah for a short period between 1799 to 1810. After 1810, it was again under the rule of Wodeyar.\textsuperscript{15} Sri Mummadi Krishnaraja Wodeyar ruled the State till 1862. No notable change was witnessed during the wodeyar's long period between 1610 and 1862. Local Self Government remained as before. The assemblies of ancient period, such as Nadu disappeared during this time.

In 1862, in the wake of the policy of financial decentralization by the British Government in India, the first modern local Government was established in rural Mysore viz., the Local Fund. The next important step in this direction came in 1874, when the Government of Mysore initiated administrative decentralization. By
1881, the Government itself felt the hollowness of 1874 reforms and was against the rule. This feeling was strongly reinforced by the Rippon’s resolution of 1882.\textsuperscript{16}

For the Purpose of this study Lord Rippon Resolution of 1882 is considered as the beginning of the modern period. A draft resolution was published in October 1883 on Local Bodies in the Mysore Gazette.\textsuperscript{17} Though significant, it was not very liberal. It did not help to bring about the much wanted change in the official domination in the local bodies an important fact approves this regulation was its attempt to establish the Taluk or existing sub division of the Taluk as a unit area for the Constitution of Local Bodies, thus trying to localize the administrative bodies and to bring administration nearer the people. This draft Resolution of the Act 1902 was framed and notified in the light or Rippon’s resolution and was spelt out in the year 1903. For the first time in Mysore a three tier system of Local Government viz., the District Boards at the top, Taluk Boards in middle, and the Panchayat Unions at the lowest level was established. The uniqueness of this new act was the establishment of the middle tier, the Taluk Board. It established an organic link between the bottom and the top most tiers.

Within a decade of the commencement of the operation of the 1902 Regulation there was a strong urge at all levels to amend it. In 1910, Regulation x of 1911 amended the Mysore Local Bodies Regulation of 1902.
In 1914, the Government of Mysore, appointed two Committees viz., (1) Local Self-Government Committee headed by Sardar Kantharaj Urs and (2) The Local Finance Committee headed by K.R. Srinivasa Iyengar.

The two committees submitted their reports in May and June 1915 respectively.

The Urs Committee recommended for the purely representative Local Bodies and development oriented institution. Sri K.R. Srinivasa Iyengar Committee highlighted the necessity and the possible means for filling the gap of financial needs to Local Bodies. In June 1915, Mysore witnessed the Local Self Government conference which was the first of its kind and it was presided over by the ex-Dewan Sri K.P. Puttanna Shetty. This Conference was significant because:

a) It was a major step in the development of Panchayat Raj Institutions in Mysore.

b) It proved the growing importance of the institutions of Local Self-Government to understand their responsibility.

c) It brought Government and the opinion of Panchayat Raj functionaries together, thus helping policy formulators by giving a good feedback on the major issues involved in the recommendations of the two committee.
The Mysore Government after considering the recommendations of the Conference of Local Self-Government issued, Government Order on 16th November 1918. Under this new order Government accepted some of the recommendations of the Committees and of the conference with some necessary modifications. It replaced the Village Unions by statutory ‘Village Panchayats’. It was the first time in the history of evolution of Local Self-Government in Karnataka that his term was brought into usage. 18 Under the rules of Mysore Local Boards Regulation of 1916, the Government introduced the system of election to the posts of Panchayat Presidents and Vice-Presidents. Restrictions were placed on the voting rights.

In view of the proposed changes the government sought the collective opinion of the Local Bodies. The second Local Self-Government Conference was convened at Bangalore to discuss these and other matters relevant to the Development of Local Self-Government in the State. This Conference passed 48 Regulations which aimed at the improvement of the local Government institutions for better services in the rural areas and submitted the same to the Government. 19

At the same time in its recommendations, the seal committee had made noteworthy remarks on the local self-government in the State. The Committee stressed the need for a strong and efficient system of Local Self-Government especially at the village level. Its words are worth recalling:
Let it be burnt into the consciousness of all politicians that, unless people can be shown to be managing the Village Panchayat and Council, there can be no question of real or realized popular Government in spite of a hundred Conferences and a many meetings: our first concern, then, is to make village Government real.

With the 48 Resolutions of the conference of local Self-Government on the one hand and the observations of the Seal Committee on the other, the Government of Mysore a made a thorough scrutiny of both through a special officer appointed for this purpose.\(^{20}\) The Government after receiving the approval of the Assembly proposed to formulate two separate bills. Accordingly the bills were framed as per the Government order issued in 1924 and introduced them in the State Legislature in 1925. They were:

1. The Mysore Village Panchayat Bill.
2. The Mysore District Board Bill.

While defending itself regarding the proposed Bills as above the Government had put forth its arguments on these lines:

1. Panchayat institutions had to be made organic more powers had to be accorded to them by decentralizing.
2. The local leaders had to be kept in their own areas, so as to uplift their villages.
3. Gradation had to be avoided to have Federal Local Bodies through which complete autonomy could be given to the Village Panchayats.

These arguments supporting the action of the Government may sound very reasonable. But, with the removal of Taluk Boards, there existed a gap between higher and lower tier thus, necessitating the establishment of an institution to provide an organic link between them.

Under new Regulation of 1926, Village Panchayats and District Boards were established in 1927.

With the dawn of Independence in 1947 and the accession of the Princely States and Mysore's merger with Democratic India there were some changes introduced in the rural local Government system in all the states including Mysore. In September 1949, the Government of Mysore had appointed a Committee known as the Integration and co-ordination Committee for Local bodies. It recommended a two tier system of Local Self-Government. It consisted of elected viable Panchayat and District Boards with indirectly elected members. The committee rejected the establishment of a Taluk level statutory body.

The Government of Mysore accepted the recommendations of the Venkatappa Committee appointed in 1950 with minor changes. The Mysore Village Panchayats and District Boards Act, 1952, (Act IV of 1952) was enacted repealing the Regulation of 1926. Though the Act came into operation on 14th
February 1952, most of it was not enforced. The Village Panchayats and District Boards under the Acts II and III of 1926 were authorized to continue to function under the new Act of 1952. This was rather a peculiar feature in the history of evolution of Local Self-Government in the State of Mysore. The continuous amendments that were brought into the Act of 1952 made it difficult to implement.

There was considerable opposition to the establishment of the District Boards based on indirect election. At the same time the National Planning Commission had suggested the establishment of Regional Boards for framing, executing and supervising the development programmes in such region. Public opinion was also not in favor of indirectly elected District Boards. Consequently the Government was in a dilemma as they intended District Boards to play an important role in Social Development programmes and five Year plans but for which they needed mass support. With such negative pressure on the Government, the Government was left with no alternative but to appoint the Local Boards Enquiry Committee to thoroughly examine the feasibility of establishing different institutions to carry out the important programmes of Social Development and the programmes under the National Planning Commission. A fully Representative committee, with Sri. D.H. Chandrashekarayya as its Chairman, was to enquire into the details of the problems faced by Government on 14th December 1953.

The Committee recommended a three-tier system of local Government institutions with District Boars, Taluk Boards, and Village Panchayats. The Government took its own time to establish taluk Boards. At the district level no
change was instituted. The District Boards were left to continue under the supervision of the Deputy Commissioners as per the terms of Government order dated March 1, 1954. The Government later accepted direct election to the District Boards based on adult franchise. Accordingly, the Act of 1952 was framed without any change.

The reorganization of the States took place on 1st November 1956 when the old Princely State of Mysore had to take new shape. May be this is one of the reasons why the Princely State of Mysore did not bring in the new Act of 1952 as it foresaw there changes. The erstwhile Princely State of Mysore became an enlarged Mysore State in 1956 after the integration of some areas from Madras, Bombay and Hyderabad. The Coorg was also merged with the new Mysore State.²⁴

Between the reorganization period and the Act of 1959 the Mysore State had only a few District Boards working under elected Presidents and most often other District Bodies were administrated by Special Officers. The Blawant Rai Mehta Committee Report and the pressing need of the State to consolidate the diversified laws that were governing the Local Bodies, were mainly responsible for the enactment of the Mysore Village Panchayat and the Local Boards Act, 1959.

The Panchayat Raj as envisaged under the Act of 1959 came into force on 1st November 1959. Elections to these Panchayat Raj Bodies were conducted in 1960. Panchayat Raj in the State was formally inaugurated by the President of India with a three-tier structure viz., Village Panchayat, Taluk Development Board, and
the District Development Council. Thus, Mysore joined the other States of the Indian Union in taking the bold venture to experiment with the new Panchayat Raj structure. Unfortunately, due to the unwillingness of the Congress Government, the Act of 1959 could not work towards its goal. In order to overcome these directives, in 1964 the Kondajji Bassappa Committee recommended major changes in the institutional setup of Panchayat Raj, but this was voted down by the same Government. It is only in 1981 that attempts were made to rejuvenate the Panchayat Raj institutions in the State, resulting in Act of 1983. At present in the State, the Congress Ministry is busy working into the possibilities of bringing about changes to this Act of 1983, thereby one another experiment at the Panchayat Raj level seems to be in offing in the States.

What is the obnoxious feature of this bill which subverts the essence of the local government system? The Directive Principles of State Policy in the constitution (Article 40) and the seventy third amendment are categorical that panchayat raj institutions are units/institutions of self government. So governance through local bodies below the state level is the crux of the problem. But the recent Karnataka act, in its preamble, has ignored this vital principle and reduced the panchayat bodies to the level of Social Development bodies. It says that the panchayats are being established “for greater participation of the people and more effective implementation of Social Development programmes” (emphasis added).

Almost all the committee which looked into the question of the relationship between elected local bodies and the officials have highlighted the principle that the
interface between elected functionaries of panchayat institutions and officials should accord primacy to accountability by the officials to the people’s representatives. Since independence, the non functioning and moribund democratic institutions below the state level have created a perverted attitude among the officials as well as state level political leaders to show a preference for officers raj but under the garb of helping the grassroots level democratic institutions.

The most celebrated feature of the 1983 Karnataka act was that it was the first radical attempt in the country to pass on governance to peoples representatives below the state level. Thus, due to this act, the adhyaksha of a Zilla Parishad came to enjoy the status of a minister of state, and the upadhyaksha that of a deputy minister, a fact which symbolized the attempts to recognize the sovereignty of the people. The administrators were placed under the adhyaksha who were to exercise supervision and control over the officers and employees.

Decline of Panchayat Raj System in Karnataka

After its glory of 1983 Act and its international status, the 1993 act seem as a serious breach of this basic principle of democracy. While the act gives the adhyaksha of a Grama Panchayat the same powers as in the 1983 act, similar powers are not given to the adhyaksha of a Taluk Panchayat or a Zilla Parishad. The present government has deliberately reduced the position of the Zilla Parishad (now Zilla Panchayat) adhyaksha from that of an “executive head” to one “exercising supervision and control over the executive officer for securing
implementation of resolutions or decisions.” Thus the chairpersons have been made weak and titular. The situation is rendered all the more assured and vulnerable in cases where the adhyaksha belongs to either the SCs, STs or is a woman. Obviously, the party in power in the state does not trust the chiefs of the local bodies in the use of their powers.27

At the same time, the Karnataka Act has had a chapter entitled Inspection, Supervision. Which details the powers of officialdom? This chapter had detailed those powers of officers which will have a devastating effect on the functioning of the local bodies. Take, for instance, the provision which empowers officials (through on order of the government, of course) to enquire into the affairs of grama panchayats, taluk panchayats and zilla panchayats. The officers have the powers of the civil courts under the code of civil procedure and their verdict has to be executed as if it were a decree of the civil court more damaging is the power given to the chief executive officer (CEO) under Article 237 of the act. If, in the opinion of the CEO, the execution of any order of a grama Panchayat is “unjust” and so on, then “he may order or suspend the execution or prohibit the doing thereof”. This power in the case of taluk panchayats vests in the commissioners, and for zilla panchayats in the government. Thus the act makes the officer the arbiter and his judgment is made more important than the collective wisdom of the elected representatives of the panchayat.

While there are clear provisions in the 1983 act to give powers to the zilla parishads and their functionaries regarding postings, recruitment, transfer of and
administrative control over the officials, the related provision regarding administrative powers and authority in the new act have been taken away from the purview of the taluk panchayats and zilla panchayats. It may be noted that Section 155(3) of the 1993 act states:

Notwithstanding anything contained in this act or any other law for the time being in force, Government or any officer or other authority authorized by it in this behalf shall have power to effect transfer of the officers and officials so posted either within the Taluk or from one Taluk to another taluk.

In other words, even the transfer of a peon in the panchayat or a Zilla Panchayat will now rest with the officer. Wherever the term government is used, it is, for all practical purposes, a euphemism for officers at the district and lower levels. It also conveniently legitimizes ministerial level interference and hence opens the Pandora's Box. Karnataka has now shown the way as to how there should not be any administrative power or control for elected functionaries of the panchayat. In sum, the panchayats have been in no uncertain terms made subservient to the officials and an appendage of the state government. We may recall here the Sadiq Ali committee’s observation on this question thirty years ago while reviewing the functioning of panchayat raj in Rajasthan at the behest of the state government. In 1964 the committee had observed:

The elected representatives should recognize that it is the right of the officers to offer their advice on policy and that they are expected to do so. At the
same time, it should be recognized by the officers that it is well within the right of
the elected representatives to reject their (the officers) advice (see Jain et al.
1985:40).

A more serious lapse refers to the amendment section of the act. The
constitutional amendment empowers the state legislature to give powers and
functions to the panchayats. But Section 312 of the Karnataka act vest the power to
"omit, amend or add any activity programme or scheme covered by or mentioned
in Schedule I, II or III," in the government. It can be done by notification in the
gazette and later on all that the government has to do is just to place it before the
legislature. This provision makes the powers and functions of the panchayats
dependent on the sweet will of the governments of the time, sabotaging the very
concept of self government.

Till today, for several states the Karnataka panchayat raj act of 1983 had
been a reference point. But the new act of 1993 adopted by the assembly has
destroyed that honour. The National Institute of Social Development (NIRD) in
Hyderabad has just brought out a model bill for state which is inspired on the
seventy third constitutional amendment act. This is a far more progressive and pro
people measure. The intelligent and opinion-makers may do well to warn other
states against imitating Karnataka's "pro officers raj" act.
End Notes:

1. Rigveda-I Rigvedic hymns frequently pray for the prosperity of the villages, I-114, I-44.10.


9. Ibid.,


17. Ibid.,


24. Mysore Gazette, January 1, 1925 part-I pp.5-10

