CHAPTER I

Introduction

1.1: Introduction

Democracy has become one of the most popular forms of government among the independent countries of the world since the Second World War. But the nature of democracy may not be always the same in different countries. “Even the contemporary ideological struggle between the Soviet Union and the United States of America,” according to Jayapalan, “was being carried on its banner, ironically each side claiming to be a better democrat than the other.”\(^1\) Democracy, observes Laski, “has a context in every sphere of life and in each of the sphere it raises its special problems which do not admit of satisfactory or universal generalization.”\(^2\)

The word, democracy was originally compounded from two Greek words ‘demos’ meaning the people and ‘kratein’ meaning ruling power, its original meaning was “government in which the ruling power resides in the people.”\(^3\) In a democratic form of government the governing power rests with the people and it may be described as “a system of government under which people elect their rulers either directly or through their representatives periodically.”\(^4\)

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2 Ibid., p.310
Democracy is definitely a superior form of government “because the right and interests of every person are secure.”

According to the Oxford English Dictionary the word ‘grass’ means ‘vegetation consisting of short plants with long narrow leaves’ and ‘root’ means ‘the part of a plant normally below ground, which acts as a support and collects water and nourishment’. Beneath the visible blades of grass, keeping the grass alive and making it grow are the simple roots. Getting down the grassroots meant looking at the “underlying principles or basic facts of matter”. In the words of Charles Earle Funk, the lexicographer, who remembered the phrase from his Ohio boyhood in the late 1800’s, it was in the grassroots where you would truly understand a situation and effectively respond to it. The Oxford Reference Dictionary has also described grass roots as “the most basic level of an activity or organization” The Wikipedia, the free Encyclopaedia had mentioned that-

“Grassroots democracy is a tendency towards designing political processes where as much decision-making authority as practical is shifted to the organization’s lowest geographical level of organization. To cite a specific hypothetical example, a national grassroots organisations such as an NGO, would place as much decision-making power as possible in the hands of a local community instead of the head office. The principle is that for democratic power to be exercised it must be vested in a local community instead of isolated, atomised individuals. As such, grassroots organisations exist in contrast to so-called participatory systems which they tend to allow individuals equal access to decision-making irrespective of their standing in a local community they reside in.”

To make a democratic form of government more successful the decision-making power as far as practicable or possible may be placed in the hands of the local organizations instead of the head office. It is well known that the most important objective of a democratic form of government is mass participation; and this may be achieved only when the grassroots organisations are activated.

5 Ibid. p.77
7 Ibid.
The main objective is that for democratic power to be exercised it must be vested in a local community for which the plans and programmes have been laid down and implemented. The democratic power should not be centralised or placed into the hands of an individual who are beyond the reach of the local community. This is believed to bring in accountability and transparency which is the need of our democratic system to function efficiently. It may also be pointed out that grassroots system also differs from representative system that allows local communities or national memberships to elect representatives who then go on to make decisions without the consents of the local community. Grassroots democracy may also mean the most essential foundation of democracy, for it assures mass participation of all the individuals. All the planning process should be initiated from the grassroots representatives for whose benefit most of the development programmes are made. They may also be known as the target group. As such power must be driven from below and not from the top.

The framers of the Indian Constitution were also committed to democratic ideals as promised by the national leaders during the freedom struggle. But in a diverse country like India decentralization of democracy is a must, so that every section of the people may have the feeling that they are not deprived of their legitimate political rights. For this purpose, India has adopted federalism in the constitution to ensure division of powers between the Centre and States. But division of power at the Centre and the State is not enough to fulfil the desire of our democratic principle; as such, the existence of a local self-government based on the elected representatives of the local community is believed to enhance the desire of our democratic principles.

When we talk of democracy, people often focus on the representative of the people at the central and state government. But the most important part of it lies at the bottom or grassroots level. It is realised through local-self government and by decentralizing democratic power so that power may not be concentrated in the few hands but reach even those people living in the remotest area of the country. The success of Indian democracy depends upon the
development or progress of the villages or rural society which constitutes about eighty percent of the Indian population. As Sumita Mishra mentions, “In the age of modernity where traditions are fast changing the success of democracy ultimately depends upon the political culture of the rural society.”

In India, grassroots democracy exists in the form of Panchayati Raj institutions which are “the prime instrument of decentralization at the grass root level.” The process of democratic decentralisation in the form of the Panchayati Raj system started in the 1950’s but declined after the mid 1960’s. Since 1970 several efforts were made to revive these institutions, but with little success. However, with the enactment of the 73rd Constitution Amendment Act, 1992, Panchayat institutions have been revitalised and a process of democratic decentralisation has been ushered in all the states except in those few states Jammu and Kashmir, Meghalaya, Mizoram, and Nagaland which are exempted from compulsory adaptation.

The main features of the new Panchayati Raj system include democratic decentralisation, rural local-self government with election at regular intervals that is after every five years, reservation of seats in the Panchayats for women and members of Schedule Caste and Schedule Tribes and extensive devolution of government responsibilities to local authorities. It is designed to serve as an organisation and system for encouraging the rural people to come forward for securing socio-economic developmental objectives through self-help and self-efforts in the form of active participation in the institution of rural local government. In the process the rural community will become its own masters for many decision-making powers and making of planning programmes will be vested in their own hands.

The Panchayati Raj amendment which took effect in 1993, have led to a range of interesting initiatives in different parts of the country, undertaken not only by State Governments but also by political parties, NGOs,

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9 S.N. Mishra and Sweta Mishra, *Decentralised Governance* (Shipra Publication, Delhi, 2002), p.9
grassroots organisations, women’s group and other activist formations. The success, weaknesses and recent developments brought in through the local institutions in the rural areas of different states have become an interesting field of study after the launching of the Seventy-third Constitution Amendment which made the introduction of the Panchayati Raj system mandatory and brought in uniform democratic institution at the grassroots level.

1.2: Statement of the Problem

As stated earlier, the Indian democracy at the grassroots level exists in the form of Panchayati Raj institutions since many years back. Soon after India got her independence, the importance or significance of these institutions has been realised and its working has been revised with a desire to utilize them as an instrument for accelerating faster socio-economic development in rural India with mass participation. In the meantime, Mizoram has also witnessed a remarkable change in the process of its administration. The villages in Mizoram (Lushai Hills District) were ruled by the autocratic chiefs while the political activities in Mizoram were dominated by the middle class in the name of a political party called the Mizo Union.

In the first election to the members of the Lushai Hills District Council in 1952, Mizo Union won 17 seats out of the total of 18 seats. The Mizo Union became increasingly aware of their civil rights and were conscious of the dignity of man. This forced them to launch civil movements for establishing the rule of the people and to capture power in the administration and politics of Mizoram. The movement gained strong momentum throughout the district and this paved the way for the abolition of chieftainship and the setting up of a democratically set-up institution at the grassroots level where power would reside in the people. To them the traditional system was too fragile to cope

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11 Jean Dreze and Amartya Sen, Democratic Practice and Social Inequality in India (Sage Publications, 2002), p.14
with the new developments and they too were almost too late in this realization. They strongly condemned the indigenous chieftainship and continued to attach importance to the development of Mizoram and the Mizos through democratic processes.

The Lushai Hills District Council soon after its formation began to make laws for the formation of the Village Councils, one for each village. The law in regard to the formation of the Village Councils was called The Lushai Hills District (Village Council) Act, 1953, which was assented to by the Governor of Assam on November, 29, 1953. After completing all formalities “the first election to the Village Council was organized by the District Council which began on April, 21, 1954.” The village administration in the Lushai Hills which so long was with the chiefs began to be performed by the democratically elected Village Councils from 1954. Thus, the villages in Mizoram became village republics where power is held by the people and their elected representatives, headed by the President. The Village Councils therefore became the smallest Panchayati Raj institution but the greatest foundation of grassroots democracy in Mizoram.

Though grassroots democracy does not exist in the form of Panchayati Raj institution in Mizoram, it exists, in the form of the Village Council system since 1954. All the villages have got their own local-self government and power has been decentralised under the democratic set-up. Thus, the rural masses were relieved of the rule of the autocratic chief in whose hands all the power of the village administration has been vested.

The working of the Village Councils in Mizoram becomes a very controversial issue after fifty years since its inauguration. The administration of the Lushai Hills Districts which enjoyed the status of the District Council under the Government of Assam, passes through several stages, that of “the union territory in 1972 and a full-fledged state in 1987.” Therefore,

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14 Nag, Op., cit., p.38
15 Chitta Ranjan Nag, op., cit., p.66
“the government of Union Territories (Amendment) Act, 1971(83 of 1971) had brought an end to the existence of the Mizo District”, and the possibility of enjoying special status under the Sixth Schedule came to an end as it has got its own government. Thus, the Village Council, established under the Sixth Schedule was “handed over to the Local Administration Department by the state government”. The gap between the Village Council and the state government therefore became too far with the absence of the intermediary level or District Council and the local government became helpless under the state politicians and bureaucrats who wanted to retain all powers in their hands.

Since the inception of Union Territory in the Mizo Hills the bureaucrats or Government officials became the masters of the Village Council and the elected bodies became subservient to the bureaucrats which is very much against the spirit of democracy. It is remarked,

“Unfortunately, the Village Council in Mizoram has been left orphaned since its inception by the higher law making bodies which have reduced it to a mere manipulative tool and instrument of political parties in their struggle for power in the process of which the Village Council, a grass root institution of democracy come to be tainted with corruption, favourism, nepotism and incompetency.”

Therefore, a proper examination must be made with respect to the present functioning of village administration in Mizoram and better method of administration must be adopted in the state.

If we look into the problem which has been faced by the Village Councils in Mizoram, we can see that most of them are caused due to the failure of decentralisation of power at the grassroots level. Moreover, the Village Councils have no proper place in the Indian Constitution and there is no means of protecting its powers and functions. Under the Panchayati Raj system the powers and functions of the local bodies have got proper place in the Constitution and are liable to protection. “Article 40 of the Constitution enjoins upon the government to take steps to organise village panchayats and give these such

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16 C.Nunthara, Pachayati Raj Nge Village Council (Calron Impression, Shillong, 2003), p.3
17 Ibid., p.13
powers and authorities which may be necessary to function as a unit of government. Accordingly, a new part IX was added to the Constitution under 73rd Amendment Act. The present Village Councils merely look like a field agency of the state government holding an important position but having no real power. The problem of urbanisation and backwardness of the villages in the absence of a developed infrastructure is a clear indication of the inadequacy of village administration.

Although Mizoram may be kept out of the purview of the 73rd Amendment Act, 1992, there is a necessity of finding out a better substitute to replace the existing local self-government. It may be more favourable to make necessary arrangement for the Amendment of the existing Village Council System in order to suit the present administrative system without replacing it by another Act or local self-government. The Village Council system being valued so much by the tribal people living in Mizoram having a firm belief that it has protected the customary law of the Mizos by its judicial power. It is also believed that their fear of assimilation by the plain people in various ways has been get rid of by not allowing them to participate in the working of the Village Council or in the local administration.

This research work attempts to examine the workings of the Village Council and to discover a better democratic arrangement in Mizoram (including the Autonomous Districts), so that the grassroots democracy in the state may be a better training ground for young politicians in building up a better foundation of democracy. Moreover, through a better local administrative system faster socio-economic development may be achieved in the villages where the larger part of the population lives.

1.3: Review of Literature

The study of grassroots democracy has assumed great significance in the modern political system. As such, it attracts the attention of many scholars, journalists and politicians; and a number of works can be found

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19 Hans Raj, *Indian Political System* (Surjeet Publication, Delhi, 2002), p.516
relating to it. But only few works have been found on the working of grassroots democracy in Mizoram and some of the works may be analysed as below.

Chitta Ranjan Nag’s book attempts to focus on the events in the political arena in Mizoram since the end of the British Colonial Rule in 1947. It covers the political and administrative evolution and discusses the formation, powers and functions of the Lushai Hills District Council and Pawi-Lakher Regional Council. It highlights the origin of the Village Council but fails to discuss the important role played by the Village Councils after the autocratic rule of the chief.

S.N. Singh’s book mentions that Village Council paved the way for democratic system at the lowest level in Mizoram and has encouraged the villagers to follow democratic path. But no discussion has been made on the deficiency of the Village Council in the modern society where many changes have taken place in the state political scenario.

J.T. Vanlalngheta’s book has attached great importance to local-self government in order to achieve social and economic growth. He had mentioned that if democratic set up has been accepted by the state why not adopt the new Panchayat System given by the Constitution. This will ensure uniformity with other parts of the country and this is the only means to achieve development in the state. But the author does not mention all the achievements made by the Village Council at the beginning of its existence under the Mizo District Council.

The book entitled Modernisation of Mizo Society includes nineteen scholarly and research papers dealing with the theoretical concept of modernisation and various issues, challenges, problems and constraints concerning modernisation or development of the Mizo Society. It has been suggested that the Government of Mizoram is concerned with the implementation of the new Panchayati Raj system, which is the need of the state,

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thereby; Mizoram will definitely join the national mainstream, deriving a lot of benefits from the democratically, politically and economically viable system to better the socio-economic conditions of the rural poor tribesmen. So, a comparative study of the Village Council and the Constitutional provisions concerning panchayats has now become necessary.

Lalchungnunga’s book traces the course of the political history of the Mizo people, and does explain why and how of what happened in Mizo politics. The author has pointed out that the abolition of chiefship is considered as a right step in modernisation of Lushai Hills, because the process of modernisation of Mizos would have been rendered slow by the constraints of the traditional system.

C. Nunthara’s book attempts to study the interplay of society and Polity in the context of emerging ethnic identity and consolidation in Mizoram. One chapter has been devoted on political development in Mizoram which tells us that the British administrators felt the need for having a system of village administration in which the elders should be elected by the people. The book has, however, made no attempt to find out a better local-self government suitable to the developing political system.

Prasad and Agarwal have attempted to examine the political, administrative and economic development of the people and the state. Analysing the functioning of the Village Council, they mention that it has been an important grass root institution of democracy and has to function effectively. They suggest that the Act should be suitably amended by providing greater autonomy to the Village Council in administrative, financial and judicial spheres and also transform it into an effective unit, for formulating and executing plans of economic development and rural reconstruction on the pattern of other village institutions like Panchayats.

Though many writers have made some contribution to the related work no serious efforts have been made so far to examine the working of the Village Council in Mizoram exclusively. This work will attempt to find out the merits and drawbacks of the Village Council in the context of grassroots democracy. And an attempt will be made to examine the relationship of socio-economic factor in the working of Village Councils.

1.4 Objectives of the study:

The main objectives of the present thesis are as follow:

- To examine the working of the Village Council in Mizoram since its inception.
- To compare the similarities and differences of the Panchayati Raj institutions and the Village Council system.
- To critically examine the model of local-government in Mizoram.
- To study the factors responsible for the weakening or strengthening of the democratisation at the grassroots level.
- To provide suggestion for the improvement in the working of the Village Council system.

1.5: Hypotheses

- The efficient working of grassroots democracy in Mizoram is dependent on the working of the Village Council.
- The functioning of the Village Council in Mizoram is dependent on the attitude of the bureaucrats and state-level politicians.
- The weakening of the Village Council in Mizoram is due to the vote bank politics and lack of adequate financial or economic resources.

1.6: Methodology

The study has adopted empirical method to examine the workings of the Village Council system. The study has been made on the working of the Village Council system which has been looked after by the
Government of Mizoram, exclusive of the Village Council under the three Autonomous District Councils in the southern part of the state. To be more familiar with the study a detailed examination has been made on the working of the two selected Village Councils by adopting comparative case study method. The two villages are: Chanmari within the inner heart of the capital city and the other NE Khawdungsei which is more than 200Km. from the capital. The two has been circumspectly selected on the ground that one has been in the urban area which has been thickly populated and the other in the rural area which has been thinly populated. The socio-economic condition of the two selected villages has also got lot of differences that mould the attitude of the villagers on the working of the Village Council. The scholar has used questionnaire, schedule as well as interview techniques. The questionnaire is administered on all the members of the two Village Councils and on 200 respondents selected from among the people residing in each of the two villages. The study has also covered other grassroots organisation of the selected fields such as YMA, MHIP and MUP which made lot of contribution in working of the local-self government.

The study depended mostly on the primary sources, questionnaire served to the selected members of the Village Council, students and common people. Interviews were conducted with some of the Village Council Presidents, Secretaries and members. Interviews were also conducted with the older persons having great experiences in the working of the Village Council and other prominent persons having knowledge on the subject. The researcher studied the minute books and records maintained by some of the Village Councils and other non-governmental organisations at the grassroots; documents and publications of government, Legislative Assembly debates, collections of data etc. These primary sources are also supplemented by the secondary sources that include both published and unpublished works apart from journals, newspapers, articles and other relevant materials. The study has also to a great extent depended upon historical researches and an analytical study of the past events which took place in Mizoram.
Although the universe of the study is primarily Mizoram, a look into the functioning of the Panchayati Raj institutions as a whole is also made to make the research work more relevant and useful.

1.7: Relevance of the Study

The importance of the study carried out in this work cannot be denied owing to the fact that the Village Council system in Mizoram hardly has undergone any remarkable change after fifty years of its existence, as such, it is important to find out whether the administrative system which has undergone different stages is still suitable to handle the present system of democratically set up institution at the village level. There is also an attempt to find out whether the local-self government and the administrative structure in the state fulfil the desires and aspirations of the people who have given great importance to the decentralization of power.

The review of literature carried out earlier in this chapter also suggests the importance of carrying out the analytical study of the Village Council system from various dimensions. It is immensely desirable to make a comparative study of the existing form of local government in Mizoram with that of the Seventy-third Constitution Amendment, Act 1992. This comparative study is expected to find out the deficiencies of the Village Council system in Mizoram. It is also believed that a close examination of the Village Council system is expected to bring in better suggestions to replace the weaknesses of the administrative structure prevailing in the rural areas of the State.

From the above discussion, there is a need to carry out a study of the Village Council system in Mizoram. The study may also reveal to the researchers and students whether the Government of Mizoram has taken the right step by not implementing the new Panchayati Raj system owing to the existence of the democratic set-up of the Village Council system as a form of local-self government at the grassroots level in the State.
1.8: Aspects of the study: The Chapterisation Scheme

The study has been organised into seven chapters. They are as follow:

The introductory chapter deals with the statement of the problem and the objective of the study; it presents the review of the existing literature on grassroots democracy in Mizoram and also deals with the methodological aspects of the study. This chapter also deals with the evolution of the Panchayati Raj system and the implementation of the Constitution (Seventy-third Amendment) Act, 1992 in a separate section.

The second chapter provides the profile of Mizoram which is necessary in order to understand the political study of a particular region. It also analyses the traditional Mizo society, the emergence of the middle class and the growth of political consciousness among the Mizos.

The third chapter deals with the formation of the Village Council and the working of grassroots democracy under the Lushai Hills District (Village Council) Act, 1953. It also highlights the working of the Village Council under the Lushai Hills District Council and also discusses the working of the Village Council system under the Government of Mizoram.

The fourth chapter makes a comparative study of the village Council system and the Panchayati Raj system in order to find out their similarities and differences.

The fifth chapter analyses the working of the three important non-governmental grassroots organisations- YMA, MHIP and MUP in Mizoram and their relationship with the Village Council system.

The sixth chapter examines the working of the two Village Councils; one in the rural area and the other in the urban area with the help of field research and study of the records of the Village Councils and the local NGOs, also with the use of questionnaire and interviews. It also provides a critical evaluation of the actual working of the Village Council.
The concluding chapter provides the summary and conclusions. It also provides suggestions.

1.9: Panchayati Raj Institutions:

Before we proceed to the next chapter, it is relevant here to discuss the evolution and working of the 73rd Constitutional Amendment Act, 1992 in this section. This will provide us with the insight about the need or otherwise of its adoption in the context of Mizoram. First, we will also touch upon briefly the history of the panchayat system in India. Secondly, we will delineate the features of Panchayati Raj institutions as a result of the Balwanrai Mehta recommendation. Third, we will examine the main features of the 73rd Constitution Amendment Act, 1992.

In the administrative set-up of any state, local government has an important role to play because the development of every community in every sphere strongly depends upon the form of the administrative set-up it has got at the local level. In the Indian villages, the Panchayati Raj institutions have played a very important role from time immemorial, though many dynasties came and went and the Indians have experienced different forms of administration. The role of the Panchayats in the Indian villages may not be uniform and it might have passed through several stages, but its importance cannot be denied; and it has been strongly believed that a better means of village administration may bring faster rate of economic growth in the Indian villages where most of our population lives. It is also believed that community development and economic acceleration can be experienced only if the rural areas in India have got better form of administration.

The national leaders have been working hard to bring in better method of village administration which has finally resolved to constitute a strong foundation for grassroots democracy affecting the Indian villages. Moreover, the new Panchayati Raj system has been initiated to fulfil our national commitment to democratic decentralization. These village bodies till recent times have played a very important role because they are the lines of contact with
higher authorities on matter affecting the villages and the village community as a whole. Before making a comparative study of the Village Council system and the Panchayati Raj system which has got great similarities and dissimilarities in their structure and workings we shall make a study of the new Panchayati Raj system.

1.9.1: The Panchayats before the advent of the British

In the past villages in India were self-governing, isolated and self-sufficient institutions. They were governed by the “Sabhas” (council of assemblies) and “Gramins” (senior persons of the village) who became the line of contact with higher authorities on matters affecting the villages. In course of time, this village bodies took the form of “Panchayats” (an assembly of five persons) which look after the affairs of the village. This made the Indian village communities “the little republics” though all the villagers do not participate in the institution. These institutions got a wide and extensive judicial power. The Indian customs elevated them to a sacred position of authority. They were sustained by the land revenue of the villagers.

These ancient village communities have been immortalized by Sir Charles Metcalfe, a leading civilian in the East India Company, who in 1830, described these communities as-

“Little republics having nearly everything they want within themselves; and almost independent of foreign relations; they seem to last where nothing else lasts ....... This union of the village communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India through all the revolutions and changes which they have suffered; and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence.”

The above passage had clearly revealed the position of the Indian villages in the past.

1.9.2: The Panchayati Raj during the Colonial Period

The advent of the British led to the decline of the self-sustained village communities and the extinction of the village Panchayats. They were gradually replaced by formally constituted institution of village administration created by the British in order to fulfill their desire to earn more profit and to meet the administrative expenditure. These village institutions created by the British were to levy and collect taxes most systematically. They were merely comprised of nominated members with no elective element. The first municipal corporation created by the British in India was that of Madras which was set up in 1688 by the rule of the East India Company by the order of the Court of Directors. The presidency towns of Calcutta and Bombay had their own corporations in 1772 and 1793 respectively. With the passage of time the sphere of their activities and taxation powers were widened to promote the trade activities of the British. This has created great discontentment in the hearts of the Indians during the Indian National Movement.

In 1906, the Congress, under the Presidentship of Dadhabhai Naoroji, accepted “self-government” as the political goal for the country. The word ‘local-self government’ also formed its beginning during the Indian National Movement because it meant much more than the form of local government created by the British to the Indian nationalists. In 1907 the royal commission has given an important place for the creation of Village Panchayat in the administration of local affairs. In 1909, the 24th session of the Congress at Lahore adopted a resolution demanding the government to take early steps “to make all local bodies form village Panchayats upwards elective with elected non-official chairman” and “to support them with adequate financial aid”. Under these circumstances, the Montagu-chelmsford Reforms 1919 made local-self government a transfer subject which means that local self-government was brought under the domain of Indian ministers in the provinces. The reform had suggested that there should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control. In

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28 Ibid. p.650
almost all provinces and a number of native states, Acts were passed for the establishment of village panchayats though it did not make all panchayat truly democratic and vibrant instrument of self government at the level of the villages, due to various constraints, both organizational and fiscal.

The inauguration of provincial autonomy under the government of India Act 1935 marked an important stage in the development of panchayats in the country. With popularly elected government in the provinces, almost all provincial administration were obligated to enact legislations for further democratization of local-self government institutions, including village panchayats. The Indian National Movement has made the village panchayats its ideological framework. Gandhiji, during his struggle for independence had put emphasis on the importance of making every village a republic or panchayats having full powers. He considered panchayats as a means as also an end and sincerely believed in their immense potential for democratic decentralization and for developing power to the people.

1.9.3: Panchayati Raj in Independent India

The status of Panchayati Raj in independent India did not remain stagnant but had undergone various stages and takes the form of evolution. When India got her independence a provision for the panchayat institutions has been found in the Directive Principle of State Policy though it is not mandatory. Article 40 in Part IV of our Constitution says that “The state should take steps to organize village panchayats and endow them with such power and authority as may be necessary to enable them to function as units of self-government”. Item 5 in the Seventh Schedule has also mentioned that “Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.”
1.9.4: The Balwantrai Mehta Committee

Though the Indian Constitution did not mention the creation of Panchayat institutions a mandatory it came as a revolutionary step for securing social, economic and political justice for the citizens of free India. In pursuance of the Directive Principles of State Policy a new social order, ways and means were discovered. The launching of the Community Development Programme on the 2nd October, 1952 and the National Extensive Services on the 2nd October 1953 set the stage for the organization of the Panchayati Raj institutions. These programmes aimed at securing socio-economic development of the rural areas and were designed to secure the involvement of the rural people in the task of rural development. However, the working of the twin programmes did not make much achievement and did not succeed in getting the participation of the people which was one of the most essential requirements. In order to suggest an institutional set-up to secure the people’s participation a study team was constituted by the government in 1957, named after its chairman Balwantrai Mehta. The Balwantrai Mehta Committee submitted its report in October 1957 and suggested the organization of the Panchayat Raj system in the rural areas. The Committee recommended the a scheme of democratic decentralisation with three tier structures of local bodies, namely, the Panchayat at the village level, the Panchayat Samiti at the Block level and the Zila Parishad at the District level.29

The main recommendations of the Balwantrai Mehta Committee on democratic decentralization were:

- There should be three-tier structure of local self-government from the village to the district with the village at the bottom and the district at the top, with its intermediary link of the institutions all organically related to one another.

- There should be a genuine transfer of power and responsibility to these institutions of local government.

29 Ibid., p.653
- Adequate resources should be transferred to these local bodies to enable to discharge those responsibilities.
- All programmes of social and economic development formulated through the network of planning should be channeled through these institutions.
- The whole system of Panchayati Raj should facilitate further devolution and disposal of power, responsibilities and resources in the future.\(^\text{30}\)

The National Development Council accepted the recommendation of the Balwantrai Mehta Committee and the Central Government called upon all the states to implement these recommendations in their respective areas through appropriate legal enactments. During this stage, the term “Panchayati Raj” came into vogue conceptually as a process of governance. The people in different parts of the country had welcomed the new democratic set up institution with great enthusiasm and the three tiers Panchati Raj Institution had started finding its place in various states of the country and a large percentage of the population had started finding their place in the political set up of the country.

Rajasthan was the first state to inaugurate the Panchayati Raj system after the recommendation of the Balwantrai Mehta study team. Prime Minister Jawaharlal Nehru inaugurated independent India’s first panchayati raj on the 2\(^{nd}\) October 1959 at Nagpur, about 260 kms from Jaipur, the capital of Rajasthan.\(^\text{31}\) The second state was Andhra Pradesh where the system was inaugurated nine days later at Shadnager.\(^\text{32}\) These states were followed by Assam, Tamil Nadu, Maharashtra, Karnataka, Uttar Pradesh, Punjab, West Bengal, Gujarat, Madhya Pradesh, Orissa, Bihar, Kerala, Jammu and Kashmir, Himachal Pradesh in due course. Till the end of 1975 there were 2,19,892 Gram

\(^{30}\) Ibid. p.653
\(^{32}\) Ibid., p.6
Panchayats, 3863 Panchayat Samitis and 201 Zila Parishads in the Country. Nehru had suitably remarked the system as “the most revolutionary thing happening in India; because behind it is hidden all the forces which when released will change the structure of the whole country.” In fact, the Panchayati Raj constitutes a major mechanism for securing democratic decentralization, rural local self-government, community development and socio-economic-cultural development of the Indian villages and all other rural areas.

It may be noted here that no uniform pattern of Panchayati Raj system has been observed in the whole country and it came into existence in different states with all kinds of variations in its structure of decision making, implementation, resource allocation, staffing pattern, training and recruitment of staff and devolution of power at different levels. The Mehta Committee report has been interpreted by different states in the light of the conditions prevailing in their own territories. For instance, the states like Tamil Nadu had introduced two-tier system, Assam had introduced three tier systems and West Bengal had introduced four-tier system. A wide variation existed between different states on relative position of the Panchayati Samitis and Zila Parishads. The tenure of the institutions and the three bodies varied from three to five years. After experiencing the working of the bodies for some years, different states have also amended the Acts by changing the terms of different bodies. There is also great variation in the composition of different bodies in different states. In fact, the Panchayati Raj which was introduced with lot of enthusiasm and with high expectation did not fulfill the aspirations of the people and mess up under the heavy weight of political factionalism, scramble for control over patronage among politicians and bureaucrats, scarcity of economic resources and the general apathy of the people.

1.9.5: The Ashok Mehta Committee

The weaknesses of the Panchayati Raj institutions came to the fore after a few years of its implementation in most parts of the country which prompted the government to set up another committee to examine the
working of the Panchayati Raj institutions. When the Janata Party came into power in the center in 1977, it appointed a High Power Committee on Panchayati Raj under the leadership of Ashok Mehta, popularly known as Ashok Mehta Committee, for revitalizing the Panchayati Raj system. The committee was set up to examine the working of the Panchayati Raj institutions and to suggest measures to strengthen them so as to enable a decentralized system of planning and development to become more effective. The Ashoka Mehta Committee had suggested the abolition of block as the unit of administration and recommended a two tier set up at District level (Zila Parishad) and Mandal levels (Village Panchayat at the bottom) covering population of 15,000 to 20,000. The Ashok Mehta Committee’s recommendation was discussed in the Chief Ministers’ Conference which had supported the continuity of the three tier structure. It also suggested the drawing up of a model bill which should be adopted and enacted by the states with necessary modification to suit the local needs. It may also be mentioned that it was the Ashok Mehta Committee who made the first official recommendation for including the Panchayati Raj in the Constitution in keeping with its approach that Panchayats should be regarded as political institutions rather than mere developmental institutions. The acceptance of the Ashoka Mehta Committee’s recommendation by various states may be known as the second generation panchayats.

It was the government of West Bengal which had taken the initiative to implement the Panchayati Raj system in accordance with the recommendation of the Ashoka Mehta Committee. Later on Karnataka, Andhra Pradesh and Jammu and Kashmir had revised their existing Panchayati Raj Act in accordance with the reports made by the Ashoka Mehta Committee to suit to their conditions. The Panchayati Raj institutions as recommended by the Ashoka Mehta Committee had gained strong momentum because it had shifted grassroots democracy from a developmental institution into a political institution. It gave power to local bodies and as their principle was more political than

developmental, they induced great enthusiasm among the people both in their implementation as well as their working. The Ashok Mehta Committee Report could not earn much popularity because the new ruling party at the Center in those days had no intention of implementing the report of a committee set up by a different party.

1.9.6: The Pre-Seventy-third Amendment Act

During the 1980’s there was a growing realization that the failure of the Panchayati Raj system was the lack of Constitutional support. It has been well recognized that the non-functioning Panchayat institutions brought disregard to the entire impression and its performance. In 1985 a 12 member committee was appointed under the Chairmanship of Dr. GVK Rao for reviewing the administrative arrangement for rural development and poverty alleviation programmes. The Committee wanted to activate the Panchayati Raj institutions and put emphasis on the need for regular election to the local bodies. It recommended that the Zila Parishad should become the principal body in the implementation of development programmes and its Chief Executive should be responsible for planning and execution of development programmes.

Later on, in 1987 another committee under the Chairmanship of a distinguished Jurist LM Singhvi was appointed to review the functioning of the Panchayati Raj institutions which recommended the reorganization of villages to make village panchayats more viable. It suggested that Panchayat system should be primarily viewed as local self-government system and should be strengthened so as to serve as one of the foundation stones of the county’s democratic political system. It also suggested that adequate financial resources for Panchayat institutions must be provided so that it may enable them to function effectively.

In 1988, a sub-committee of the Parliamentary Consultative Committee attached to the Central Ministry of Personnel, Public Grievances and

Pensions was set up to consider the type of political and administrative structure in the district for district planning under the chairmanship of PK Thungon. The committee had pleaded for the constitutional recognition of Panchayati Raj and the term of the bodies should be fixed for a period of five years. It also recommended that a detailed list of subjects for Panchayati Raj should be incorporated in the Constitution and the setting up of the state finance commissions to lay down the criteria and guidelines for devolution of financial resources on the panchayati Raj bodies. The union governments also organized workshops of senior administrators concerned with Panchayati Raj affairs to provide opportunity for them to express their views about emphasizing and reorienting Panchayati Raj for undertaking increasing responsibility for supervision of local development and local affairs.

During the Rajiv Gandhi Government the Union Government decided to amend the Constitution of the country in order to provide significant protection to the Panchayati Raj institutions. On the 15th May 1989, the Constitution (64th Amendment) Bill was drafted and introduced in the Parliament. The main intention of the bill was to remove all the inadequacies of the Panchayati Raj, such as failure to hold regular and periodic elections, prolonged suspension, and inadequate representation to weaker sections of the Indian society, lack of financial resources and inadequate decentralization of powers and responsibilities to the institutions. The bill also provided for the establishment of Panchayats in every village and the states which have a population not exceeding twenty lakhs may be exempted from the constitution of the intermediate level. Though the Constitution (Sixty-fourth Amendment) Bill got a two-third majority in the Lok Sabha, in the Rajya Sabha on the 15th October 1989 it failed to meet the mandatory requirement by two votes. The Panchayati Raj system may not have achieved the required support to become mandatory.


36 Ibid., p.9
during the period of Rajiv Gandhi but it has developed into a nationwide controversial issue during the period.

1.9.7: The Constitution (Seventy-third Amendment) Act, 1992

In the Tenth General Election of the Lok Sabha which was held in 1991, the idea of Panchayati Raj system gained strong momentum; all the political parties through their proclamations and manifestoes had supported constitutional amendment for strengthening Panchayati Raj institutions and a Pro-Panchayati Raj climate was being created in the country. In September 1991, the Congress government under Nahrasimha Rao introduced the 72nd (Panchayats) and 73rd (Nagarpalikas) constitutional amendment bills. The two bills were passed by the Lok Sabha the on 22nd December 1992 and by the Rajya Sabha on the next day. By the time the Parliament passed the two bills, their sequence changed to 73rd and 74th respectively. Following their ratification by more than half of the state assemblies, the President gave his assent on the 20th April 1993. They came into force as the Constitution (Seventy-third Amendment) Act, 1992 on the 24th April 1993 and Constitution (Seventy-fourth Amendment) Act, 1992 on the 1st June 1993.\(^{37}\) In this manner, the historical Constitutional (Seventy-third Amendment) has been passed and the Panchayati Raj Institutions had started finding its rightful place in the Constitution and is inserted after Part VIII of the Constitution to be named as ‘Part IX’, the Panchayats. Accordingly, the scope of its powers, authority and responsibility is also inserted in the ‘Eleventh Schedule’ of our Constitution. This Amendment is the culmination of various proposals made by the earlier committees or sub-committees on Panchayati Raj thus giving the Panchayati Raj a viable shape. This Act seeks to preserve democracy at the grassroots, as it intends to give power to the people and urge the state governments to take appropriate action as well as legislative amendments be made in this respect.

\(^{37}\) Ibid., p.10
We shall now discuss the main features of the Constitution Amendment Act, 1992 which has been passed forty three years since India became a Republic.

- Every village within the purview of the Panchayat shall constitute a Gram Sabha which consists of all the voters within the area of the Panchayat.
- All the state shall constitute Panchayat at the village, intermediate and district levels. The states having a population not exceeding twenty lakhs shall be exempted from the constitution of the intermediate level.
- All the seats in the Panchayat shall be filled by persons chosen by direct election and each Panchayat area shall be divided into territorial constituencies.
- The Legislature of a state may by law provide for the representation of the Chairperson in each tier, of the members of the Lok Sabha and Legislative Assembly comprising wholly or partly a Panchayat area at every level other than the village level and of the members of the Council of States where they are registered as electors.
- In every Panchayat seats shall be reserved for Scheduled Castes and Scheduled Tribes in proportion to their population to the total number of population and one-third of the total number of seats shall be reserved for women which may be allotted by rotation to different constituencies.
- The members of the Panchayats shall be elected for a term of five years from the date appointed for its first meeting and all elections to the Panchayats shall be vested in the State Election Commission consisting of a State Election Commissioner appointed by the Governor.
- The Panchayati Raj institutions may have the power for the preparation of plans for economic development and social justice on those subjects enumerated in the Eleventh Schedule and is also endow with the power of its implementation.
- The Governor of a State shall constitute a Finance Commission to review the financial position of the Panchayats. The Panchayats may be
authorized by the State Legislature to collect and imposed taxes on the commodities under their jurisdiction.

- The Amendment may not be applicable to the States of Nagaland, Meghalaya and Mizoram and to the Schedule Areas under Article 244.

Since the inclusion of the Seventy-third Constitution Amendment in the Constitution, several states had started reorganizing their Panchayati Raj institutions by providing substantive changes in their structure and authorities confer upon them. This Amendment has brought uniformity in the functioning of democracy at the grassroots level, decentralize power and achieve the true nature of local self-government in the Indian federal structure with qualitative changes.

1.9.8: Endorsement of the Constitution (Seventy-third Amendment) Act, 1992

The Constitution (Seventy-third Amendment) Act, 1992 has made the introduction of the Panchayati Raj institution mandatory leading India into a new generation of grassroots democracy. The enactment of the new Panchayati Raj system brought on the threshold of a significant transitional stage where the political power has been transferred to the grassroots level improving the true spirit of democracy where people could realize that real power has been handed over to them and their involvement in the developmental activities; let them recognize their responsibility as a great citizens enhancing civic consciousness in them.

Article 243 (N) of the 73rd Constitution Amendment Act, 1992 has clearly mentioned that “Notwithstanding anything in this part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-Third Amendment) Act, 1992, which is inconsistent with the Provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier: Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless or sooner dissolved by a resolution passed to that State effect by the Legislative Assembly of that state or, in case of a
All the concerned authorities in all the states had passed a resolution within two years after the passing of the 73rd Constitution Amendment Act, 1992 which brought in their enactment and adoption. By the middle of the year 1994, all the twenty states under the Indian Union has shown some progress by enacting the famous 73rd Constitution Amendment Act, 1992. The inclusion of Part IX to the Indian Constitution has brought in remarkable achievement in rural India; it is through this insertion that for the first time in the history of India a high degree of uniformity prevails at the grassroots level of the Indian democracy.

**1.9.9: Extension to Schedule Areas**

The Constitution (Seventy-third Amendment) Act, 1992 has clearly mentioned that the Amendment as adopted by the Parliament may not apply to certain areas including the area covered by the Fifth Scheduled to the Constitution. These Scheduled areas include the land occupied by the tribals in the states of Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. It has been further mentioned that the Parliament may, by law, extend the provisions of this part to the Scheduled Areas and the tribal areas subject to such exceptions and modifications as may be specified in such laws and no such law shall be deemed to be an amendment of the Constitution for the purpose of Article 368. Considering the need and demand for extending the provisions of Part IX of the Constitution to the Scheduled Areas, a high level committee Chaired by DS Bhuria was constituted in June 1994 to examine all related issues and make recommendations on the salient features of the law for extending the provisions of the 73rd Amendment to the Scheduled Areas. It submitted its report in

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38 Article 243 (n) of the Constitution (Seventy-third) Amendment Act, 1992
January 1995 and the bill was introduced in the Parliament in December 1996. Subsequently, it was passed by the Parliament and with the President’s assent on 24 December, 1996 it became an Act namely, The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (No. 40 of 1996). This act is also commonly known as PESA in a very short way.

The Act has clearly mentioned that one year time limit was given to the eight states to amend the State Panchayat Act in accordance with the provisions but nothing notable has taken place though few steps have been taken by the few states for its implementation. The success of grassroots democracy depends upon the desired determination of all groups of people belonging to different caste or tribes residing in different parts of the country.

1.10: Conclusion:

In conclusion we may say that the New Panchayati Raj system as inserted in the Constitution in 1992 is expected to bring in great changes in the political set up of the states in the rural areas and bring in uniform administration through uniform local-self governmet. The new system is also expected to accelerate faster economic growth with greater chance for the people to participate in the developmental activities of their own villages.

It may also be noted here that a comparative Study of the two forms of grassroots democracy, the Village Council system and the Panchayati Raj system will be taken up to make the study more scientific and relevant. A detail examination of grassroots democracy in the form of the Village Council system will also be made in a separate chapter.