CHAPTER I

INTRODUCTION
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One of the tasks of nation building and development is to bring members of the national community into a network of relationship and institutions which enable them to participate actively in decisions affecting their individual and group welfare (Milton, 1966:63). While this is true of all nations it has posed a considerable problem to the developing nations. Many who are in charge of shaping the destiny of these new nations accept the principle that members of the national community should have an opportunity to participate actively in making decisions affecting their lives. Various countries have therefore started experimenting with different types of politico-administrative institutions which would provide opportunity to people to take part in nation building; the nature, character and scope of such institutions are varied depending on the attitude of their national elites and the level of development of the countries concerned. However, a look at the different governance system world over, the variety of such politico-administrative institutional mechanisms is not very intriguing. Except a few aberrations, institutions based on democratic ethos are taken to be the vehicles of self-rule all over the world. Democratic design of living is the order of the day. More than one hundred nation-states are based on democratic system of governance today.

1.1 The perspectives on democratic decentralisation and the need for decentralization: Democracy as opposed to military dictatorship upholds an institutional mechanism, which is based on principle of equity and justice in enjoying the power to take decisions; Decisions that has inescapable implication for the persons making the decision. After attaining independence, India, given the magnitude of plurality in its socio-cultural fabric, rightly choose the democratic way of marching forward as a nation.

Democracy is that form of government in which the masses of people posses the right to share in the exercise of sovereign power derived from the State. Democracy literally means the rule of people (The Greek word Demos means the people.). It has been defined as the government of the people, for the people and by the people. It may be either pure (direct) or representative (indirect). It is the representative democracy, which is most common. Ideally in a direct democracy all citizens will be able to assemble to discuss and solve their problems.
But this is not a practicable proposition because the state covers a vast territory and a large population spread over many towns and cities. Even in ancient Greece where the state consisted only of single cities, the system was that the citizens would assemble together, but then the population consisted of a large number of people who were slaves and, therefore, not citizens. Even in more recent times, where attempts were made to introduce something like direct democracy, it was found that as the number of people increased, a majority of them tend to develop interests that are not relevant to politics. As a result a minority of citizens, who have interest in politics and also a talent, become political leaders. By adopting a system of representation through election, it is possible for the mass of people to share in the exercise of sovereign power or to exercise the functions of government. Representation and election evolved over a period of time, but they now constitute one of the basic characteristics of democracy.

Democracy assumes political equality and opposes any particular class possessing special political privileges or monopolizing political power. It implies the rule by majority and the rule of law as conforming to general public opinion. Representation is only an approximate way of expressing the will of the people, and the majority rule is the practical way of giving effect to it. Governments in practice vary in the degree of democracy from the point of view both of the number of people who share in political authority and of the actual extent of control exercised by the people who possess the authority. But the general characteristics of a democracy is easily understood: (1) The form of Government should be supported by general consent; (2) Laws should be made by representatives chosen by a wide electorate; (3) The main governing head of the state should be elected, either directly or indirectly, by a popular vote or should be responsible to the legislature; (4) The right to vote should be conferred to the adult population; (5) Election should be periodically held in a free and fair manner; (6) The opportunity to serve in government should be open to all citizens; (7) People should be assured the enjoyment of their fundamental liberties; (8) The law of the land should limit power of government.
In the twentieth century, the pressure of public opinion and the international community has been working so much in the cause of democracy that democracy has almost become a universal label. Many of the governments, which are authoritarian, have adopted the label of democracy for their regimes, though they did not possess the characteristics. Thus, for example, communist states are called People's Democracies, the Indonesian regime described itself as Guided Democracy, Pakistan was supposed to have been given Basic Democracy by Ayub Khan and expression of peoples will by Musharaf government.

Indian life is a mosaic of diverse tradition, culture and vocation. Democratic design of living was therefore not an option before the framers of the Constitution but one of functional necessity. The Constitution of India accordingly incorporated provisions entrusting the task of nation building to the peoples representatives at states and central level who are directly or indirectly elected by the people themselves. The people's representatives represented the plural India. This is also in a way reaffirmation of Indian unity and integrity.

According to Rajni Kothari “The only alternative to a decentralized and genuinely democratic political system in a country like India is the gradual dissipation, erosion and ultimate disintegration of the state as well as the nation. There have already been many signs of these- the power of regional straps has increased, parochial tendencies of region and caste are very much on the upsurge, at lower levels contractors and wheeler dealers in money and muscle power are in command. All in all, authority of the Indian state is getting eroded at all levels” (in Singh, 2000: 1). The corrective to such a state of affairs will need be conceived in terms that are organic rather than mechanistic. The real case for decentralization rests not on the claims of territorial rights of juridical entities or political parties, but on the comprehension that in a country like India a centralized polity is incapable of dealing with an unjust social order, that is inimical to the democratic political process and that it is inherently unstable.

The main case in point is that neither authoritarian nor the West minister's style parliamentary democracy seems to work in India. The main snag in both is the centralization
of the political process. The existence of massive poverty has all these years been made an excuse for concentrating power and resources at the Center. Failure to alleviate poverty is ascribed to faulty policy but not vested interest entrenched in the centralized nature of the state. Top down approach to the maladies of poverty has been the norm. To move towards a structure of democratic participation, it necessarily involves changing the structure of the state.

During the last five decades we have gone heavily in the direction of centralization economically, technologically and even politically-despite our federal democratic structure. Gandhi had warned us against these developments and advocated his model of decentralization. Nehru who was presiding over the phase of the National integration and initiating a process of self reliance, both of which forced him to centralize the state, was nonetheless committed to the democratic ideals that he not only supported but took keen interest in the development of democratic decentralization in the country. After Nehru, there has been a sliding back in the process.

1.2 Decentralization in some third world countries-Africa: ‘Africa over the past century has set up a laboratory of experiments with various system of local administration, in both colonial and post-colonial period. Every form, from direct central administration to strongly autonomous local governments, has been tied in a mixture of different societies. By far the most impressive implementation of decentralized local government is the Nigerian experience, which was began by the military regime in 1975 and continued through the successive military regimes (Meenaskshi Sundaram, 1994:19)

Nigeria is a creation of British colonialism. The history of the Nigerian local government can be divided into six major periods, each one coinciding with a significant event in Nigeria’s political history. These are – a) The early colonial period from 1900-1952; b) The late colonial period from 1952-1965; c) The first military regime from 1966-75; d) The second military regime from 1975-79; e) The presidential civilian era from 1979-83; and f) The third military era from 1984 onwards (ibid. 25). During the early colonial period, local
government in Nigeria largely means the local manifestation of the central government. Though the political institutions in different regions were structurally diverse, the central figure was a ‘Perfect’ assisted and advised by ‘Expatriate Officers’. Associated with them with varied degree of relationship and responsibility were the native authorities.

As the demand for self-government reached its peak in the late 1940s, a period which coincided with the term of the labour government in Britain, each of the regions substituted British type three tiered democratically elected local government system for the indirect rule system. Though these experiments in local democracy could not succeed, the principles they represented, namely integration of traditional chiefs into local administration and the integration of local government administration into central and state administration, continued to engage the attention of policy makers in Nigeria. When the military came to power in 1966, therefore, one of the first things they did was to dissolve all the Local Government Councils and replace them with Management Committees comprising officials and a few handpicked members. The local councils became mere advisory committees to the field units of the central departments with a drastic reduction in their power and finances and thus in their effectiveness.

In his guidelines for the new Constitution the then head of state, Murtala Mohammed, urged the elimination of over-centralization of power and as a matter of principle to decentralize power whenever possible as a means of diffusing tension. A set of national guidelines was issued, in 1976, for the reform of local governments. To strengthen their independence, the office of the divisional officer was abolished.

The new Nigerian Constitution (1989) once again guarantees the system of local govt. by democratically elected local government council. It establishes autonomous governments at two levels below the center- states and the local governments within them. Each tier has specifically protected powers and revenues that are allocated in advance by a formula to fund legislative policies. The inclusion of a whole chapter (Chapter 8) on local self government in the 1989 Constitution clearly signifies the creation of local government as the acknowledged third tier of the government in Nigeria.
Each local government area has been divided into such number of wards, not more than 20, as may be necessary and each local government council will have a directly elected chairman and a vice-chairman (the Constitution of the Federal Republic of Nigeria, section 284 and 298). From among the elected councilors the chairman will have to appoint not less than three and not more than five supervisory councilors who may be allocated with the portfolios of finance and economic planning, works, education, health and other social services (ibid., section 302). The local government councils have a term of 3 years in office within which the electorate can recall any councilor or the chairman, though the procedure prescribed for such a recall is quite cumbersome. Though no provision exists in the Constitution enabling the state to dissolve an elected council in the event of any mismanagement, it is more than possible that the states may include such a provision in their own enactments (providing for structure, composition and other matters relevant to the local government in their states).

China: Prior to 1949, the Kuomintang China had a Bao-Jia system of local administration, a system organized on the basis of households. Each Jia was made up of 10 to 30 households; each Bao of 10 to 30 Jias and each district of 10 to 30 Baos. After the proclamation of Peoples Republic of China by Mao Zedong on October-1, 1949 party organs were built up at the level of peasant associations, which also functioned as government organs at that level.

However it was during the period of collectivization of farming that larger and larger groups of peasants came into existence. By December 1958 virtually all 740000 rural collectives containing over 120 million households had been reorganized into about 26000 rural peoples communes. The system had three- tiers: The Commune at the top, the production brigade at the intermediate level and the production team at the bottom, which, from 1962, was responsible for agricultural production and distribution of income as well as a unit of local govt. The communes were multifunctional and are responsible for local government, party affairs, social welfare etc.
The need to stimulate agricultural growth finally led to the phase of decollectivisation in the post-Mao era, which started with the third plenum of the eleventh central committee in Dec. 1978. The consequent introduction of the ‘household responsibility system’ in agriculture virtually dismantled the system of people’s communes; Political reforms were then introduced that called for reviving township governments and local elections, institutionalizing divisions of responsibility among party, government and economic cardes and creating self-managed village committees. The centerpiece of the reforms, namely separating govt. administration from commune management by establishing town and township government as the local organ of state power, was implemented between 1982 and 1985.

According to the Constitution all power in the People’s Republic of China belong to the people. This power is exercised through the People’s Congress at the apex. The different governmental levels are the Nation, the Province, the City, the Municipality/County, the Township/Town and the national village. While the deputies to the counties and the Township People’s Congress are directly elected by the people, deputies to the People’s Congress at higher level are elected by the people’s Congress at the next lower level. Their term of office is 5 years while that of directly, elected deputies at lower levels is 3 years. The people congress at township/country level works through standing committees, which can make local statutes subject to approval of next higher peoples congress. The township/town is the lowest organ of state power. By the end of 1989 China had 447 cities, 1,919 countries, 44704 townships and 11,060 towns.

The latest grass root level organization is the village committee, which is a self-managed mass organization, created by the village committee law, which is under trial implementation since June 1 1988. These are not units of government. Village Committees are responsible for handling the public affairs and utilities of the villages, mediating disputes among villagers, assisting in maintaining public order etc. A Village Committee consists of 3 to 7 members elected by all the villages called village council. The village committees manage the land under collective ownership of the village. Township govt. is expected to
offer guidance, support and assistance in the work of village committees while the village committee should help the township in carrying out its work.

**British Local Administration**: England is a pioneer in development of local administration. It offers strong local systems with tradition of decentralized pattern inspite of steady invasion by stronger central govt. British local govt. is not a direct projection of central govt., rather it is the out come of local history, geography and out burst of local politics. British pattern is seen in countries where there was British influence. These are south Asian countries, Africa countries, Australia and North America. The chief characteristics of British pattern of local govt. are – (a) popular participation and legislative dominance; (b) decentralization; (c) committee system and multi purpose activities.

Primitive concept of British local govt. can be traced to the different tiers of county, parish, and borough. These were not hierarchical bodies but independent, having control over staff through their own administration. In 1974 after the passing of Local Self Govt. Act 1972, it was seen that there existed six different local bodies in England- (a) Administrative counties; (b) county borough; (c) Non county borough; (d) Urban districts; (e) Rural districts; (f) Parishes.

In British pattern the elected councilor has the prominence over staff. The Chairman (or Mayor) of the council is a ceremonial head. Each singular local authority function through a number of committees. The committee has supervisory function over the administration of local authority and advises on certain aspects. The British system of local govt. had been pivotal in setting of the patterns of local govt. system in the British colonies.

1.3 **Local Self-Government in India-the concept and its evolution**: Local Self-government constitutes the basic building block of democratic polity. “Local governments are infra-sovereign geographical units found within a sovereign nation or quasi-sovereign states. Like other units of government local government units possess a definite area, a population, an organisation and also the authority to undertake public activities. Within its territory a local
government unit seeks to give opportunities to the people for the expression of their opinion in regard to local affairs. It enables them to choose their representations to take care of local affairs on their behalf” (Bhagban, 1974: 1). Thus Local Self-government is a structurally organised body endowed with legitimate power and have the duty of performing activities for public welfare. Local Self-government essentially involves the conception of a territorial, non-sovereign community possessing the legal right and the necessary organisation to regulate its own affair. This in turn presuppose the existence of a local authority with the power to act independent of external control as well as the participation of the local community in the administration of its own sphere, i.e., a Local Self-government has the following attributes: (a) territory (b) population bound together by a sense of community and (c) a governmental organisation which is responsible and responsive to the need and wishes of the local community. But the government is not sovereign; it is subordinate to superior authorities of the country. The powers and jurisdiction of a Local Self-government authority are limited and it functions within limits laid down by the law of the country. All types of hitherto existing Local Self-governments came to be known in the name of Panchayati Raj Institutions (PRI) especially after 73rd Constitution amendment, which was passed in 1993. In states and union territories where there were no Local Self-governments, PRIs were subsequently constituted with immediate effect. Local Self-government therefore, has to be seen as the substance of Panchayati Raj institutions. In fact both of them mean the same thing. Sufficient powers and functions are being developed now through different state conformity acts to enable Panchayats function as sovereign government within a state. The importance of this PRIs in administering development and socio-economic planning of our nation is second to none. Democracy is necessarily rooted in the power of people and these PRIs, which are hailed as people's institution, constitute a real breeding ground for the germination of democratic ethos. Panchayati Raj Institutions mark the beginning of a democratic process of nation-building and equal participation of everyone in national reconstruction. Gandhiji once remarked during the constituent Assembly debate ‘the absence of a mention about village Panchayats and decentralization in the foreshadowed Constitution.... is certainly an omission calling for immediate attention if our independence is to reflect the people's voice. The greater the power of the Panchayats the better for the people’ (Jain, 1976:127).
Local Self-government in Vedic times: During the time of Rig Veda (1200 BC) evidence suggests that self-governing village bodies called Sabhas existed. With the passage of time, these bodies became Panchayats (council of five persons). Panchayats were functional institutions of grass root governance in almost every village. The village panchayat or elected council had large powers, both executive and judicial (Nehru, 1964: 288). These panchayats or council of five members (Pancha) were closely equaled with Parameswar (God), and that God himself spoke through the Pancha, a belief which has sustained the institution through the ages and to an extent continued despite all the politicking in India today. The Kings officials treated them with greatest respect. Land was distributed by this Panchayat, which also collected taxes out of the product and paid the government’s share on behalf of the village. Above a number of these village councils there was a larger Panchayat or council to supervise and interfere if necessary (Nehru, 1964: 288). Custom and religion elevated these Panchayats to a religious position of authority. Besides the village Panchayat, there was also caste Panchayats. These were set up to check if persons belonging to a particular caste adhered to its code of social conduct and ethics. For instance, “the Brahmins governed literally through a senate and council of common people. The Jat clan of baliyan in Muzaffar Nagar district of Uttarpradesh offers an example of such Panchayat acting from Sisauli from the 12th century guarding the interests of the clan and getting from Akbar a Farman in 1850, which granted freedom of action and exemption from the payment of Jazia” and other taxes. Such caste Panchayats thus did exist and from them we may infer about existence of the professional Panchayat also, for during the medieval period, caste by and large had become occupational” (Ghosh, 1999: 72).

Feudalism made matters worse in some respects. The conversion of Jamindars dependent under the Zabt system to a service class of quasi officials who in turn were dependent upon the state, and the tendency in some cases to even bypass them to deal directly with dominant peasant cultivators, indicate that the penetration of the defenses of the rural society was a great task for the Mughal administration in the post 1560 period. Referring to the period after Aurangzeb, texts show that not only chiefs and nobles but also the headman of
the sub-divisions and villagers began to convert themselves into landlords through out the 18th century. The headman instead of being the champion of the villagers, as they earlier were, became potential if not actual, oppressors of the smaller and influential peasantry. They overcharged them for revenue and levied additional sums for village expenses. The Mughals introduced a more elaborate administrative machinery particularly in the field of revenue ‘with a highly bureaucratized hierarchy of officials’ (Singh, 1996 : 51).

However, the Mughals did not care for the village set up. ‘Casteism and feudalistic system of governance under the Mughal rule in the medieval period slowly eroded the self-government in the villages. A new class of feudal chiefs and revenue collectors (Zamindars) emerged between the ruler and the people’ (Khanna, 1999). And so began the stagnation and decline of self-government in villages. During the British rule, the autonomy of Panchayats gradually disappeared with the establishment of local, civil and criminal courts, revenue and police organisations, the increase in communications, the growth of individualism and the operation of the individual Roytware (landlord wise) system as against the mahalwari or village tenure system.

Local Self-government during British Period: The Panchayat was never the priority of British rulers. The rulers were interested in creation of controlled local bodies, which could help them in their trading interest by collecting taxes for them. ‘When the colonial administration came under severe financial pressure after the 1857 uprising, remedy sought was decentralization in terms of transferring responsibility for road and public works to local bodies’ (Tinker, 1967). However, the thrust of this compelled decentralization was with respect to municipal administration.

It was only from 1870 that viceroy lord Mayo’s resolution (for decentralization of power to bring about administrative efficiency in meeting people’s demand and to add to the finances of the colonial regime) gave the needed impetus to the development of local institutions. It was a landmark in the evolution of colonial policy towards local government. The real benchmarking of the government policy on decentralization can however, be
attributed to Lord Rippon, who in his famous resolution on Local Self-government on May 18, 1882, recognised the twin consideration of local government: (i) administrative efficiency and (ii) political education. The Rippon resolution, which focused on towns, provided for local bodies consisting of a large majority of elected non-official members and presided over by a non-official chairperson. This resolution met with resistance from colonial administrators. The progress of the local government was tardy with only halfhearted steps taken in setting up of municipal bodies. Rural decentralisation remained a neglected area of administrative reform.

The Royal Commission on Decentralisation (1907) under the Chairmanship of C.E.H. Hobhouse recognised the importance of Panchayats at the village level. The Commission recommended that 'It is most desirable, alike in the interest of decentralisation and in order to associate the people with local tasks of administration, that an attempt should be made to constitute and develop village panchayats for the administration of local village affairs' (Malviya, 1956). The commission made provision for a genuine electorate consisting of the members of the village panchayats, elective majority on all boards and new representation to minorities through nomination. They also recommended for the formation of the village panchayat and reconstitution of the local boards where they had been abolished so that Local Self-government may be built up from the bottom.

The Montague-Chelmsford reforms (1919) brought Local Self-government as a provincial transferred subject, under the domain of Indian ministers in the provinces. Due to organisational and fiscal constraints, the reform was unable to make Panchayat institutions truly democratic. However, 'the most significant development of this period was the establishment of village panchayats in a number of provinces, that were not mere adhoc judicial tribunal, but representative institutions symbolising the corporate character of the village and having a wide jurisdiction in respect of civic matters' (Shiviha, 1976). By 1925, eight provinces had passed panchayat acts and by 1926, six native states had also passed panchayat laws.
Inauguration of provincial autonomy under the Government of India Act, 1935, marked the evolution of Panchayats in India. Popularly elected governments in provinces enacted legislations to further democratize institutions of Local Self-government. But the system of responsible government at the grass root level was least responsible. D.P. Mishra, the then Minister for Local Self-government under the Government of Indian Act, 1935 in central provinces was of the view that ‘the working of our local bodies ... in our province and perhaps in the whole country present a tragic picture ... inefficiency and local body have become synonymous terms ...’.

All the above efforts notwithstanding, ‘a hierarchical administrative structure based on strict supervision and control was evolved by the British Government. The administrator became the focal point of rural governance. The British were not concerned with decentralized democracy but only with fashioning an administration that met their colonial objectives’ (World Bank, 2000: 18).

Local Self-government during freedom struggle and Gandhian Gram Swarajya: On the Indian front the Indian National Congress from 1920s to 1947, emphasizing the issue of All India Swarajya, was busy in organising movements for independence under the leadership of Mahatma Gandhi. However, there was no unanimity among the top leaders regarding the status and role to be assigned to the institution of rural Local Self-government. On the one end a group of leaders were in favour of strengthening the village Panchayat to the fullest extent and on the other end Dr. B.R. Ambedkar was opposed to the idea.

Although the freedom movement, Gandhiji laid emphasis on the importance of the Panchayat through which he wanted to the achieve Gram Swaraj for the teeming million of Indians. Gandhiji on his return from South Africa in 1915 said that ‘the real Bharat resides in the seven-lakh villages and these must participate in the development of the country’ (Gandhiji, 1959: 3). In 1931, Gandhi wrote in Young India, ‘The concept Gram Swaraj could materialise only when every village was self-sufficient and interdependent...the strength of the center must rest on the strength of its foundation in the villages and not at their expenses’.
It was Gandhiji who, for the first time in the 20th century wished to revive the Panchayats with democratic bases of their own and invest them with adequate powers so that the villagers could have the real sense of Swaraj and that ‘the villages would be a complete republic independent of its neighbors for its own vital wants and yet interdependent on many others in which dependence is a necessity. The Panchayat of five persons annually elected by the adult villagers, male and female possessing minimum prescribed qualifications will conduct the government of the village. These will have all the authority and jurisdiction required. Since there will be no system of punishment in the accepted sense, the Panchayat will be the legislature, judiciary and executive combined to operate for its years of office. Here there is perfect democracy based upon, individual freedom. The individual is the architect of his own government’ (Gandhiji, 1942).

Unfortunately these views of the father of the nation had not been shared by many, most notably by Ambedkar, the chairman of the drafting committee of the Constitution, who in the Constituent Assembly said ‘what is the village, but a sink of localism, a den of ignorance, narrow mindedness and communism’ (Constitute Assembly debates, 4-11-1948). He believed that these village republics have been the ruination of India. The condition of the caste-ridden villages at that time was such that one can easily understand why Dr. Ambedkar thought this way. His strong opposition to the concept of village as the unit of administration had resulted in the Panchayats not even finding a mention in the first draft of independent India’s Constitution. While Gandhiji considered it as ‘an omission calling for immediate attention if our independence is to reflect the people’s voice’, some others felt that ‘Dr. Ambedkar’s attitude was typical of an urban high-brow and that without the foundation stone of village panchayat in our country how would it be possible for our masses to play their rightful part in our democracy’ (Prof. N.G. Ranga, Constituent Assembly debates, 9-11-48).

In the backdrop of these confusion and conflicting perspectives on Local Self-governance the President of the constituent Assembly wrote to the Constitutional advisor, asking him whether the whole thing can be reexamined and the Constitution redrafted from
that point of view. It was then too late in the process of Constitution making to redraft the whole Constitution having the Panchayats as its base. It was, therefore thought better to incorporate the Panchayats in the directive principles of state policy and retain the framework of Parliamentary Government based on direct popular election both at the center and in the states of the union. Art. 40 of the Constitution merely states that 'the state shall take steps to organise village Panchayat and to endow then with such powers and authority as may be necessary to enable them to function as units of self-government' (Basu, 2000:45).

Local self Government after independence: The advent of national planning in India during the fifties broadened the scope of rural extension. The first five-year plan visualised Panchayats at the village level mainly as agencies of development, public welfare and land reforms. It wished that 'the Panchayats at the village level were so organised as to enable them to assume the agency function of the higher authorities' (Planning Commission, 1953:133). The second five year plan went a step further and specifically recommended 'a network of active Panchayats for securing (a) comprehensive village planning; (b) a more just and integrated social structure in rural areas; (c) development of a new type of leadership in order to facilitate the process of rapid transition of rural society; (d) a complete pattern of development administration in the district envisaged in the programs of community development and national extension service' (Planning Commission, 1956:148)

India’s development in the yearly fifties was planned without taking cognisance of Gandhiji’s ideas of Gram Swaraj. It did not take long to realise the folly of this line of approach. The Community Development Projects inaugurated in 1952 which was modeled after the experiments at Marthandam, Santiniketana, Barda, Etawah and Nilokheri, soon found themselves in a blind ally in the absence of effective instruments of people’s participation. In order to suggest an institutional set up to secure this participation in community development and ‘National Extension Service Programme’ the committee on plan projects in 1957 constituted a team for the study of the two programmes. Balwantrai G. Mehta, who was a Member of Parliament, headed the study team. The study team’s view was that without an agency at the village level 'which could represent the entire community,
assume responsibility and provide the necessary leadership for implementing development programmes, real progress in rural development could not come about at all'. The committee recommended among other things: (a) establishment of 3 tier local bodies at panchayat, block and district level and devolution of adequate resources, power and authority to them; (b) local bodies constituted for a term of 5 years; and (c) middle tier to be constituted by indirect election from the village panchayat. The study report was considered by National Development Council in January 1958 and by 1959 all the States have passed their panchayat Acts.

Another committee headed by K. Santhanan was established on 1963 to look solely at the issue of PRI finance. The committee was asked to determine issues related to sanctioning of grants to PRIs by the state government, evolving mutual financial relations between the three tiers of PRIs, gifts and donations and handing over revenue in full or part to PRIs. The committee recommended among other things: (a) special power to levy tax land revenue and home taxes; (b) all grants at the state level should go to PRIs in consolidated form; (c) setting up of a Panchayati Raj Finance Corporation to provide loans and financial assistance to PRIs.

'The phase of ascendancy in the history of Panchayati Raj in India continued till 1964 to be followed by a phase of stagnation (1965-69) and then a phase of decline (1969-1977). With the passing away of the first Prime Minister of India pandit Jawaharlal Nehru the commitment to democratic values weakened. For all political rhetoric of PRIs being the nurseries of democracy, the PRIs were thus institutions of development management ensuring people's participation is development policies formulated at higher levels; not institutions of self-government meeting their own priorities even though they were meant to give effect to article 40 of the Constitution' (Joshi, 1998: 68). Several causes contributed to decline of PRIs. Firstly the bureaucracy, local vested interests and the elected representatives in the state legislature and in the parliament did not take kindly to PRIs whose ascendancy they feared. In 1966-67 the ministry of community development was reduced to the status of a department and brought under the Ministry of Food and Agriculture. In 1971 the very term Community Development was dropped and replaced by Rural Development.
**Local Self-government after National emergency:** The revival of interest in the Panchayati Raj came about with a change in Government at the national level during 1977. A committee was the setup under the chairmanship of Shri Ashok Mehta to take a fresh look at the whole situation. The committee had to evolve an effective decentralized system for PRIs. It recommended among other things: (a) PRIs as a two-tier system with Mandal Panchayat at the base and Zilla Parishad at the top; (b) representation of SCs and STs; and (c) four year term of PRIs. Though Moraji Desai at the center went out of office before any action can be considered on the Ashok Mehta committee report, the states of Karnataka, Andhra Pradesh and West Bengal passed new legislation based on this report.

At the initiative of the planning commission another committee under G.V.K. Rao was appointed in 1985 to suggest ways of revamping Local Self-government. The committee was of the opinion that a total view of rural development must be taken in which PRIs must play a central role in handling people’s problem. L.M. Singhvi committee (1986) initiated more thinking on PRIs. The Gram Sabha was considered as the base of a decentralize democracy and PRIs viewed as institutions of self-governance which would actually facilitate the participation of the people in the process of planning and development. Singhvi committee recommended among other things: (a) Constitutional recognition for Local Self-government; (b) inclusion of a new chapter in the Constitution; and (c) apolitical panchayat election.

The suggestion of giving PRIs the Constitutional status was opposed by the Sarkaria Commission (1998) on centre-state relations. But the idea, however, gained momentum in the late 80s especially because of the endorsement of the late Prime Minister Rajiv Gandhi who introduced the 64th Constitution amendment bill in 1989. Some of the salient provisions of the 64th Constitution amendment bill were: (a) obligatory for states to establish a 3 tier system of Panchayati Raj; (b) Election Commission responsible for superintendence, direction and control of elections to panchayats; (c) Constitution of Finance Commission in every five years; (d) provision for direct election to panchayat bodies and 30% reservation of seats for
women. However, the 64th amendment bill got defeated in the upper house and Rajiv Gandhi lost the election too.

After the National Front Government coming to power in 1989, it introduced the 74th Constitution amendment bill. The bill provided for a Gram Sabha at the village level and panchayats at the village and such other levels as the state legislature would decide. As regards the reservation for women the bill goes ahead of the 64th amendment bill by reserving 1/3rd of seats. However, 74th Constitution amendment bill could not become an act because of the dissolution of the 9th Lok Sabha.

The Congress Government under Narasimha Rao introduced the 72nd Constitution amendment bill in Sept 1991. It was referred to a joint select committee of Parliament. The Lok Sabha passed the bill on 22nd Dec. 1992 while the Rajya Sabha passed it the following day. Following the ratification by more than half the state assemblies the President gave his accent on 20th April 1993. The act was brought into force by a government notification on 24th April 1993 as the Constitution (73rd amendment) Act, 1992. This introduces part IX in the Constitution of India that contains provisions regarding the structure, composition, election and scope of powers of panchayats at the district, intermediate and village levels. The eleventh schedule added to the Constitution lists the subjects under which power and function could be given to panchayats at all levels.

1.4 Salient features of the 73rd Constitution Amendment Act, 1993.

i. Panchayats will be institutions of self-government.

ii. There will be a Gram Sabha for each village or group of villages comprising all the adult members registered as voters in the Panchayat area.
iii. There shall be a three-tier system of panchayat at village, intermediate (block/Taluk) and district level. Smaller states with population below 20 lakhs will have the option not to have an intermediate level panchayat.

iv. Seats in panchayats at all the three levels shall be filled by direct election. In addition chairperson of the village panchayat can be made members of the panchayat at the intermediate level and chair person of panchayat at the intermediate level can be member of the panchayat at the district level.

v. Members of Parliament, MLAs and MLCs could also be members of the Panchayats at the intermediate or district level.

vi. In all the Panchayats, seats would be reserved for SCs and STs in proportion to their population. Offices of the chair person of the Panchayats at all level shall be reserved in favour of SCs and STs in proportion to their population in the state.

vii. On third of the total number of seats will be reserved for woman. 1/3rd of the seats reserved for SCs and STs will also be reserved for woman. 1/3rd offices of the chairpersons of the Panchayats at all levels shall also be reserved for woman.

viii. The state legislature has the liberty to provide reservation of seats and offices of the chairpersons in Panchayats in favour of backward classes.

ix. Every Panchayats shall have a uniform 5-year term and election to constitute new bodies shall be completed before the expiry of the term. In the event of dissolution, elections will be compulsorily held within 6 months. The re-constituted Panchayat will serve for the remaining period of 5 year term.

x. It will not be possible to dissolve the existing Panchayats by amending any Act before the expiry of its duration.
xi. A person who is disqualified under any law for election to the legislature of the state or under any law of the state will not be entitled to become a member of Panchayat.

xii. State legislatures have the legislative power to confer on the Panchayats such power and authority as may be necessary to enable them to function as institutions of self-government (Art. 243G-243H). They may be entrusted with the responsibility of (a) preparing plans for economic development and social justice and (b) in regard to matters listed in the 11th schedule. The 11th schedule thus distributes the power between the state legislature and the panchayats just as the 7th schedule distributes the powers between the union and the State legislature.

xiii. A State may by law authorise a Panchayat to levy, collect and appropriate taxes, duties and tolls etc. The law may lay down the procedure to be followed as well as the limits of these exactions. It can also assign to a Panchayat various taxes, duties etc. collected by the State Government. Grants-in-aid may be given to the Panchayats from the consolidated fund of the State.

xiv. Within 1 year from 25th April 1993 i.e., the date on which Constitution 73rd amendment came into force and afterwards every 5 years the state government shall appoint: a Finance Commission to review the financial position of the Panchayat and to make recommendation as to (a) the distribution between the State and the Panchayats of the net proceeds of taxes, duties, tolls and fees leveable by the State which may be divided between them and how allocation would be made among various levels of Panchayats; (b) what taxes, duties tolls fees may be assigned to the Panchayat; (c) grant-in-aid to the Panchayat. These provisions are modeled on Art. 280, which contains provisions regarding appointment of a finance commission for distribution of finances between the union and states. (Basu, 2000: 270).

xv. The amendment provides for the Constitution of a State Election Commission consisting of a State Election Commissioner to be appointed by Governor (Art. 243 K). Powers of
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Superintendence direction and control of elections to the Panchayats including preparation of electoral rolls for it shall vest with the State Election Commission. To ensure the independence of the commission, it is laid down that State Election can be removed only in the same manner on the same grounds as a Judge of a High Court.

1.5 Extension of Panchayati Raj Act to the scheduled areas: The provisions of 73rd Constitutional amendment Act (Part IX) do not apply to the scheduled areas unless it is extended to these areas by an act of Parliament. New Panchayat Act was applicable to scheduled areas and tribal areas under Article 243M. Therefore, Government of India constituted a committee under the Chairmanship of Mr. Dilip Singh Bhuriya, a tribal leader of Madhya Pradesh and former Member of Parliament to recommend ways and means to extend the 73rd Amendment to the scheduled areas.

Based on the recommendations of the Bhuriya Committee the Parliament extended the Act to the scheduled areas in 1996. All the states were supposed to make special provisions in State Panchayat Acts in conformity with the provisions of the Extension Act, 1996 within one year i.e. by December 24, 1997. In Orissa, the Act got the assent of the Governor on 21st December 1997, and was made applicable to the tribal districts of the State with immediate effect.

Salient Features of the Orissa Gram Panchayats (Extension) Act, 1997

i. In all three tiers, the Chairperson should be a tribal. In any tier, not less than one-half of the total number of seats to be filled by direct election shall be reserved for the scheduled tribes.

ii. This act provides for power to Gram Sabha as the lowest governing institution.

iii. Enforcement of prohibition of the sale and consumption of any intoxicant.

iv. The ownership of minor forest produces.

v. Prevention of alienation of land and restoration of any unlawfully alienated land of a scheduled tribe and control over money lending to the scheduled tribes.
vi. No acquisition of land for development project, or mining lease for minor minerals shall be granted without the prior recommendation of Zilla Parishad.

vii. The ZP shall plan and manage the minor water bodies.

viii. The Gram Sabha has the powers to prepare plans and programmes for economic development of GP and give utilization certificate for the fund utilised.

ix. Identification of beneficiaries for poverty alleviation programme by Gram Sabha.

1.6 Local Self-government – The National Scenario: With the enactment of Constitution (73rd) Amendment Act, 1992, on April 24, 1993, the state legislatures were required to amend their relevant acts replacing the old acts within one year. Accordingly all the States have made the necessary provisions in order to satisfy the requirements the Constitutional amendments. Uttarpradesh, Maharashtra, West Bengal and Orissa have made necessary amendments in their existing acts, whereas the other states have replaced the old acts with new acts. It is notable that in Orissa there is a separate act for each tier of Panchayati Raj and In Uttar Pradesh and Maharastra, there are two separate acts, one governing the Panchayats at the village level and the other for Panchayats at the intermediate and district level. In other states there is a unified act governing all the three tiers. It is interesting to observe that prior to the Constitutional amendment, in most of the states there were two separate acts governing the Panchayati Raj bodies while, some had as many as three separate acts. However, the states of Gujarat, Himachal Pradesh and West Bengal had a single act for controlling the activities of Panchayati Raj institutions.

‘Today there are about 2 million elected representatives at all levels of the Panchayat. These members represent more than 2.1 lakh Gram Panchayats, about 6000 intermediate level tiers and more than 500 distinct Panchayats. Spread over the length and breadth of the country, the new Panchayats cover about 96% of India’s about 5.8 lakh villages and nearby 99.6% of rural population. This is the largest experience in decentralised governance in the history of humanity’ (National Resource Centre, 2001: 12)
A close look at the Panchayati Raj System across the states reveals some subtle differences. While some states like Haryana and Kerala had two-tier system prior to Constitution amendment, all the states now meet the Constitutional requirement of a three-tier structure. In most states the major functions of the Gram Sabha include having discussions and making recommendations and suggestions on the annual statement of accounts, audit notes and annual administration report with respect to development programmes of the Gram Panchayat. In some states promotion of unity and harmony among all sections of the society in the village, mobilising voluntary labour and contributing in kind and lash for community welfare programmes, identification of beneficiaries for development schemes and promoting the adult education Programme are also functions of the Gram Sabha. The names of Gram Panchayats also differ from state to state while in majority of states it is Gram Panchayat; in some states it is Village Panchayat, village council and Halqa Panchayat (Jammu and Kashmir). The Chief Executive of the lowest tier is called in different names in different states like Sarpanch, Pradhan, President, Adhaksha and Mukhya (Bihar). Regarding the size of the Panchayat, some states have fixed the minimum and maximum number of members to be elected, keeping in view the size of population of the concerned Panchayat Area. Against this, in some states, population norms in terms of per member have been prescribed. There are some states where ranges have been prescribed. In most of the states as per the 73rd amendment the Chief executive at the lowest tier is directly elected and the same is indirectly elected at middle and upper tier. However the states of Karnataka, Kerala, Maharashtra and West Bengal have opted for the indirect election method at the lowest tier. There is also variation in the representation of Panchayat chairperson. There are some states where all the Panchayat chairperson have representations in the middle tier, in some other states 1/5th chairpersons represent, in other states like Gujarat, Madhya Pradesh and Maharashtra no Panchayat chairperson have representation in the middle tier (i bid: 26).

1.7 Local Self-government in Orissa in Pre-British Period: ‘The concept of Panchayats was built into the fabric of social life of Orissa as a cultural value even for the simple administration of justice. Informal and traditional Panchayats had existed in the villages of Orissa from time immoral, transacting the socio-cultural business of their members.'
Legitimacy was derived from customs and taboos with social sanctions working as effectively as law' (Mathew, 2000: 157).

Orissa traces its history to Kurukhetra battle, when the region was under the rule of powerful Kalinga Kingdom. Till the advent of the Afghan rulers around 1568, the system of local government centering on the Panchayats has survived many dynasties. The two hundred years following 1568 were a period of turmoil and confusion. After 1751, the Maratha rulers managed to wrest the territory from the Mughals (the successor of Afghans) and in order to administer it, divided it into two broad political districts – the Mughalbandi and the Garjhat districts.

The Mughalbandi districts comprising the coastal areas was divided into 150 praganas and placed under 32 revenue commissioners or amils. Each Pragana was divided into several mahals. For a systematic and better collection of revenue, hereditary revenue collectors called Talukdars, Kamungoes and Chaudhuries were appointed. Attempts were also made to collect the revenue directly from the raiyats or village headman. The Garjhat districts covering the hill tracts was allowed to be ruled by twenty four tributary chiefs, who paid tributes to the Maratha government for administrative autonomy in return.

British Period: The British rule in Orissa was inaugurated with the signing of the treaty of the Deogaon on 17 December 1803, which saw the end of Maratha rule and the inclusion of the Orissa region into the Bengal Presidency. The region of Orissa remained part of the Bengal Presidency till 1911, when along with Bihar it was formed into separate province. Hence till 1911, the laws prevailing in the Bengal presidency regulated Rural Local Government. After that Rural Local Governments were constituted under the Bihar and Orissa Local Self-government Act, 1885 for the districts of Cuttack, Puri and Balasore. When Orissa and Bihar became two separate provinces in 1936, the districts of Ganjam and Koraput (which were part of the Madras Presidency till April, 1936) were covered by the Madras local boards Act, 1920, while the district of Sambalpur inherited the Sambalpur Local Self-government Act, 1939, from the local administration system of the former central provinces and Berar.
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**Districts Boards:** The apex body of local government at the district level was known as the district board. The main functions of a district board as formed under Act XIV of 1920 were to provide for primary and secondary education to construct and maintain roads other than Highways and to manage public health and charitable institutions in rural areas. Like the municipalities district boards were elected on the basis of adult franchise. They had their President and Vice-President who were indirectly elected by the members of the respective boards. For the day-to-day work, they had executive officers, appointed by the provincial government for fixed periods. The board worked through committees like education, public works, public health and rural development committees. The district boards were abolished after the introduction of Panchayati Raj in Orissa in 1959, but they had provided the main school of democracy despite their limited franchise. Most of the national leaders had their schooling in democracy through them.

**Local boards:** the next lower tier was called local boards or taluk boards. Local boards worked as the leadership base for the local influential at the sub divisional level.

**Union boards:** The union boards were the lowest body. It was constituted under the Bihar and Orissa Village Administration Act, 1922 with minimal functions assigned to it. But during Second World War its members assumed importance as they were issuing permits for essential commodities that were being sold at controlled prices. In the ex-madras areas (Ganjam and Koraput) village courts had been established under the village courts Act, 1889 but were later abolished under the Orissa Gram Panchayat Act. The most important laws that were enforced by the local bodies inclined the village Chaukidari Act, 1870 which trained the village Chaukidari (Watchman) to assist the police in law and order and registration of births and deaths. The provisions of the Bengal village Choukidari acts of 1871, 1886 and 1892 had been successively incorporated in the act of 1920 referring to local boards.

**Local Self-government in Orissa after independence-Gram Panchayats:** ‘The pre-independence period had thus witnessed the operation of various acts applicable to different
districts’ (Rout (ed.), 1991: 10). Soon after, independence, the first comprehensive law establishing rural government at the village level had been enacted in 1948, covering what was then still British Orissa and ex-tributary states, which had merged with it. It was called the Orissa Gram Panchayat Act, 1948 and it had sought to establish and develop local government in the village communities of the provinces (the definition province remained in force till the coming into effect of the Constitution of India on 26 January, 1950, following which it was called the Orissa state). The Gram Panchayats then replaced the union boards established under the Bihar and Orissa village administration act 1922.

After a couple of years of the promulgation of the Orissa Gram Panchayat Act, Gram Panchayats started functioning in Orissa since 1950. But election for Samiti (middle tier) and Zilla Parishad (upper tier) was held for the first time in 1961 according to the Orissa Panchayat Samiti and Zilla Parishad Act, 1959. Later on Gram Panchayats were reorganized with suitable amendment in the year 1964. A new Gram Panchayat Act, 1964 was passed which replaced 1948 Act. Zilla Parishad was abolished in 1968 by way of an amendment to Panchayat Samiti ad Zilla Parishad Act, 1959 and District Advisory councils were constituted in place of Zilla Parishad, which were superseded by District Planning and Development Board in 1970.

The Orissa Gram Panchayat Act, 1964 was suitably amended in 1994 in conformity with 73rd Constitution amendment. There has also been amendment to the act in 1997 and 2001. As per the provisions of the Orissa Gram Panchayat Act the state is empowered to constitute and establish the Gram Sasan (village government), the Gram Sabha, the Palli Sabha (ward parliament) and the Gram Panchayat. The government can declare by notification any village or group of contiguous villages to be a gram. Orissa Gram Panchayat Act provides for Palli Sabha, consisting of all adult voters of a revenue village. All the adults above 18 years will participate in Palli Sabha sitting twice a year and prepare action plan and budget of the development for the Palli. Every ward will elect a ward member to the Panchayat whose term in office will be 5 years.
A panchayat will consist 11-25 directly elected ward members and a Sarpanch for five years. The Gram Sabha sitting will be held at least twice a year in the month of February and June. The February session will decide the developmental programmes to be undertaken on the basis of proposals received from palli sabhas of the Gram Sasan areas. The summer session of the Gram Sabha, held in June every year will evaluate the reports on the programmes and recommend any supplementary budget introduced by the Sarpanch. All members of the Palli Sabha of the Gram Sasan are also members of the Gram Sabha. The Gram Sabha thus, stood as an institution of direct democracy where all the voters are its members. In the palli sabhas too all adult villagers attend all sessions, as in the case of Swiss communes.

The Sarpanch is the Chief Executive of the Gram Panchayat, directly elected by voters of the Gram for 5 years. His powers and functions include convening Gram Sabha sitting, responsible for execution all development work by the panchayat, and custody of all Panchayat assets. After the Constitution of Gram Panchayat, the members elect a naib-sarapanch from among themselves for 5 years who undertakes the Panchayat work in the absence of Sarpanch. The act also provides for one third reservation for women. Sarapanch can be removed from office by a no-confidence motion passed by two-third majority.

Panchayat Samiti: Since 1955 a very powerful Local Self-government tier have been operating in Orissa. It was called Anchal Sasan (tahasil). An act passed during the Chief Ministership of Nabakrushna Choudhury, the visionary Bhoodan leader, had made revenue tahasils the unit local government above the panchayats. After the report of the Balwant Rai Mehta committee on democratic decentralization (1957) was made public, the state government introduced the 3-tier Panchayati Raj system in rural areas. Under the Orissa Panchayat Samiti and Zilla Parishad Act, 1959 the panchayat samiti was constituted at the block and the Zilla parishad at the district level, while the Gram Panchayat had already been constituted at the village level.
Former community development blocks were converted into Panchayati Raj Blocks. Each block had a Panchayat Samiti consisting of officials and non-officials as members. The non-officials included all the Sarpanches of the Gram Panchayats situated within the block. In the 1991 amendment to the Act one person could be elected from each gram directly to the panchayat Samiti. Membership thus came to be composed of 1961 general members, 585 from SCs, 876 from STs and 1,841 women (Orissa Election Commission Report 1992). The act was again amended in 1993 to provide for the electors of Chairpersons and Vice Chairpersons and for reservation of seats for SCs and STs and women. This women reservation also extends to seats reserved for SCs and STs as well. The membership came to include the Director of the Panchayat, the Block Development Officer and nominated officers representing departments of Education, Revenue, Agriculture, Co-Operatives, Veterinary Assistance, Gram Panchayats, Forests, Medical Assistance, Health Works. Another novel feature of the Panchayat Samiti (introduced by an amendment of Orissa Panchayati Raj Act, 1959 in 1991) was that the ex-officio members were denied the right to vote in it. The officials and the ex-officio members had the right to participate in the discussion only.

Orissa Panchayat Samiti Act, 1959 which was subsequently amended in 1995, 1997, 2001 contains details provisions regarding Constitution of the Panchayat Samiti [section (16)], superintendence, direction and control of elections (section 16-B), Powers and functions of the Panchayat Samiti Chairman [sub-section (1), (2), (3) under section – 19], removal of Chairman and Vice Chairman of the Samiti (section 40), dissolution and reconstitution of Samiti (section 41) etc. According to Orissa Panchayat Samiti (Amendment) Act, 2001, the chairperson of the Samiti is the chief executive of the block (section 18) and is accountable and responsible to it. The BDO as the executive officer is the main instrument of execution of resolution and will work under the control of the chairman of Panchayat Samiti. The budget is prepared by the BDO and with the approval of chairperson will be placed before the Panchayat Samiti for sanction. According to section 20 of the Orissa panchayat Samiti (amendment) Act, 2001, the Panchayat Samiti is entrusted with planning, execution and supervision of development programmes in the block, management of primary education and trusts, endowments or institutions, registration of births and deaths, verification of
development works implemented by Panchayats and such other works as delegated to them by then government. The powers and functions of the Chairperson includes implementation of development programmes through the BDO, to give grants with the government permission, supervision of any institution under the control of Panchayat Samiti, convening of Samiti meetings and to preside in the meeting etc. The term of the elected members of the Panchayat Samiti is fixed at five years. In case of dissolution, the new Samiti is to be constituted before the expiry of six months. The Chairpersons and Vice-Chairpersons are elected by the members elected by Grams from among themselves. In case the Chairperson is not woman, then the office of the Vice-chairperson is deemed to be reserved for women (clause I of sub-section 3 under section 16). After the 1992 election there were seven general, one SC, four STs and 302 women vice-chairpersons in the sate (Chandgotia (ed.) 2000).

Zilla Parishad: Zilla Parishad constitute the appex tier of the three tier Panchayati Raj System. The first batch of Zilla Parishad was constituted in January 1961 after the passing of Orissa Zilla Parishad Act, 1959. The newly constituted Zilla Parishads worked well but were abolished in 1968 through an amendment. An innocuous body called the District Advisory Council in July 1968 then replaced these elected bodies. Thanks to the political skill of late Shri Biju Pattnaik that Zilla Parishads were revived in 1991 under the Orissa Zilla Parishad Act, 1991. The act has subsequently been amended in 1995, 1997 and 2001. According to the Orissa Zilla Parishad (amendment) Act, 2001, the Zilla Parishad consists of (a) two elected members from each block for five years; (b) the chairpersons of the panchayat samitis in the districts; (c) the chairpersons of the municipalities and notified area councils; (d) the presidents of the central co-operative bank within the district; (e) every member of the House of the People and of the State Legislative Assembly representing constituencies which comprise wholly or partly the area of the Parishad; (f) members of the council of States who are registered as electors within the area of the Parishad (Orissa Panchayat Election Manual, 2001 : 205). The official ex-officio members include the Collector (as Chief Executive Officer), the executive officers, and district level officers from the health, education, public health, agriculture, Panchayati Raj, forest welfare works and co-operative departments, project administrator of the ITDA, project officers from DRDA etc. Each Parishad has to elect
a President and a Vice-President from among the elected members within 30 days of the Constitution of the Parishad (section 6). As in the other tiers of Panchayati Raj System, there is also reservation of seats for women, SCs and STs in the Parishad (section 8). The executive and emergency, power is vested in the President. He is empowered to implement the resolutions and decisions. Whenever emergency power is exercised it is subject to approval in the next quarterly meeting. According to Zilla Parishad Act, 1991 section 3, Zilla Parishad has the power to give grants to Panchayats, schools in the district, give scholarship, approval and sanction of Samiti budget, supervision of anti-poverty programmes, public health, electrification, minor irrigation, agriculture, social forestry etc. A number of measures have been provided in the Zilla Parishad Act to control these bodies. One whole chapter in the 1991 Act had been devoted to methods to exercise control over the Zilla Parishad. The Director of Panchayats was also made the Director of Panchayat Samiti and Zilla Parishads. The government has the power to suspend any resolution, remove the President / Vice-President, dissolve or supersede the Zilla Parishad and disqualify its members (chapter – IV). The Orissa Zilla Parishada act also has provision for no-confidence motion by a two third majority to remove the President. Though there has been provision of a finance commission. Practically it has remained a fact-finding body, as resource control and planning are concentrated in the Panchayati Raj Department. The law in Orissa provides that elections to Zilla Parishad to be held on party basis. Some of safeguards are also given in section 7 of the Act, which bars dissolution of the Parishad before completing its 5 year term or if dissolved provides for reconstitution of the Parishad before the expiry of 6 months. Some other important features of the act are powers of the president who is the Chief Executive authority of the Zilla Parishad and Collector of the district and Project Officer, District Rural Development Agency as Chief-Executive officer and ex-officio secretary of the Parishad respectively (Sec 9 an Sec 13).

Even as delivery agents of government development administration PRIs received halfhearted attention from political establishment in Orissa. But after 73rd amendment, which awarded Constitutional status to Panchayat Raj Bodies there has been a series of amendments to State Panchayati Raj acts. Gram Panchayat rules were suitably amended in 1997 with
regard to convening Gram Sabha, Palli Sabha, selection of beneficiaries, approval of schemes, discussion on G.P. budget, tax proposals, information dissemination etc.

Gram Sabha as statutorily defined by Gram Panchayat (Amendment) Act, 2001 is the electoral college representing the electorates of the entire villages within the territory of a given Gram Panchayat. The state act also provides for Palli Sabha at each revenue village. There has to be a minimum of four Gram Sabha sitting in a year and a minimum of 10% electorates need to be present in the sitting for a quorum. Elaborate legal provisions are given for adequate information dissemination on the Gram Sabha sitting in advance. At least 15 clear days notice has to be given before Gram Sabha sitting, which is to be affixed in all schools PHCs, Anganwadi centre etc. (Orissa Gram Panchayat (Amendment) rule, 1997). There will also be drum beating in weekly haat (market place) and in each ward. Twenty-five prominent people in each ward have to be mandatorily informed about the Gram Sabha sitting (letter no. 12694/PR deptt. dated 08.08.1997). According to the provisions of Gram Panchayat rules the Sarpanch presides over the meetings of the Gram Sabha. The discussion in the Gram Sabha is held according to agenda and decision taken on the basis of the opinion of the majority present. According to the Orissa Panchayat (Amendment) Rules, 1997, section 5(3) and letter no. 1084/PR deptt. Dated 21.01.1999 the Gram Sabha has the following functions: (a) approval of plans, projects, programmes for social and economic development before these are actually taken up for implementation by the Gram Panchayat; (b) Identification and selection of persons as beneficiaries under the poverty alleviation and similar other programmes like IRDP, JRY, DWRCA, TRSEM etc.; (c) giving certificates of utilization of funds spent in that G.P.; (d) approval of the annual budget of the GP including the supplementary or revised budget. It also considers levy of all taxes, rents and fees and enhancement of rates thereof; (e) to safe-guard and preserve the tradition and custom of the people in scheduled areas; (f) enforcement of prohibition of sale of intoxicants, ownership of minor forest produce, prevention of alienation of land, control over money lending in scheduled areas.
Orissa state act, in addition to Gram Sabha, provides for Palli Sabha for each revenue mouza (village). Orissa Gram Panchayat rules clearly spells out the procedures and rules to be followed to convene Palli Sabha. It says Palli Sabha has to sit generally twice every year with prior notice mentioning time, place and date of the session issued six months before. The authority to convene the Sabha rests with the Gram Panchayat who in consultation with the ward member will schedule the meeting at a convenient place. A special session of the Palli Sabha can be convened if the Gram Panchayat or one fifth of the members of the Palli Sabha so decides. The ward member of the Palli Sabha who is elected to Gram Panchayat will preside over the sitting. The session of such Sabha does not require any quorum and proposals received can be passed by simple majority.

Panchayat rules also stipulate procedure for selection of beneficiaries for different anti-poverty schemes. List of beneficiaries has to be finalised on a priority basis by the Palli Sabha and the same will be sent to Gram Sabha for approval. Keeping target in view list of beneficiaries has to be finalised on a priority basis in the Gram Sabha for the Gram Panchayat. This list finalised by Gram Sabha cannot be changed by any one and will be sent to samiti for information and action.

1.8 Some important administrative directives and cabinet decision: A directive was issued by Director, Gram Panchayats, Orissa vide letter no. 12692 on 08.08.1997 about the function of the GPs to look into the peoples hope and aspiration by way of dissemination of information, issue of copies of the proceedings of the Gram Sabha, grant of access of people to see Panchayat records, display of official information at the Panchayat and Samiti level with regard to schemes (JRY, EAS, IAY, IRDP etc.), budget estimates, working place etc. The directive says that a list of all developmental programmes and projects running in the Panchayat containing details of the programmes, person responsible for execution, budget including revised budget has to be displayed in the Panchayat office notice board for the information of people. Copies of this list should also be displayed in different schools, Anganbadi and other public places. Every month a day will fixed for verification of list of Panchayat assets and cash records of Panchayats by the people. People can also get copies of
Panchayat records within 15 days of applying for the same to the Panchayat Secretary by
paying a fee of Rs. 2/-. The Panchayat records include the proceeding of Gram Sabha sitting,
cash records of all Panchayat programmes, list of beneficiaries selected for different anti-
poverty Programmes, income and expenditure of GP etc.

Nineteen important functions of the total 29 envisaged in 11th schedule were
transferred to Zilla Parishad vide no. PR (ZP) 1/99-6615(12) dated 27.05.99. These
departmental functions include Agriculture, Horticulture And Extension (excluding research &
technical), supervision of VAO, Soil Conservation And Watershed Development,
Veterinary, Medium Irrigation, Social Forestry and Afforestation, Khadi, Rural Industries and
Cottage Industry, Rural Housing, Rural Drinking Water, Library, Anti-Poverty Programmes
administered by PR department, PHCs and Hospitals, Primary, adult education and Non-
Formal schools (except training schools). The concerned district level officers of these
departments were declared as additional executive officers of these departments who were
accountable to the Parishad for the implementation of these programmes. The fund relating to
the programmes shall either be placed directly with the Parishad or will be utilised by district
level officer with the approval of the Zilla Parishad or their standing committees.

Another important step in the direction of strengthening Local Self-government in
Orissa was the transfer of control over trade and collection of minor forest produce to the
Panhayats vide no. 8(3) / PR Dated 26.5.2000. Villagers will have their traditional right to
collect minor forest produce from the jungle but once it enters the Panchayat area, Panchayat
control over its trading will be applied. Traders who want to buy the minor forest products
from the primary collectors have to apply for license with a fee of Rs.100/- for one year, i.e.,
October to September 30th of the next year. Licensed traders cannot buy below the minimum
price decided by the Panchayat and have to inform the Panchayat every year about the details
of their business.

Of the various concurrent functions, the government vide letter no. 5786 Dated
18.6.97 and 497 Dated 22.5.98 have envisaged schemes such as JRY, Rural Connectivity
Programmes, ICDS, Mid day meal Programme, Rural Sanitation Programme, Non-formal Programme, Adult Education, PDS and EAS for transfer to Zilla Parishad.

With the increase in welfare programmes, the volume of work with the Gram Panchayat have increased manifold. Keeping this in view the Government of Orissa have decided to pay Rs. 2,200/- p.m. to GP Secretaries as consolidated remuneration with effect from November 1, 1996. It has been also accepted in principle to give the Chairperson and Vice-Chairperson of the Zilla Parishad the honour of Minister of State and Deputy Minister with powers and prestige equivalent to ministers enjoyed in the Orissa cabinet. Provisions have also been made for appointment of retail shopkeepers and store agents in the district on the recommendation of the Zilla Parishad. Further the Chairman and Vice-Chairman of the Zilla Parishad will be paid house rent of Rs.3,000/- and Rs.2,000/- respectively and chairman will be entitled to use a vehicle on hire basis till a government vehicle is made available. For the purpose of hiring a vehicle Rs.1.7 lakh is allotted to the Zilla Parishad.

The Panchayat Samitis henceforth are permitted vide letter no. IPS – 23/99 – 5302/PR Dated 23.4.99 based on Orissa Panchayat Samiti law, 1959, Para 28 (3) to keep money in nationalised commercial banks. Accordingly Panchayat Samitis henceforth can open savings A/c in the scheduled commercial banks in addition to the PL A/c in vogue but not current A/c. Further as per the provision while funds available from the state plan budget for anti-poverty programmes will be deposited in the PL A/c, funds available from centre will be deposited in the commercial banks. The bank A/Cs and PL A/Cs will be operated by the concerned BDO of the block and in their joint signatures withdrawals with the help of cheques will be administered. As a precautionary measure to do away with bribery and corrupt practices, the PR Deptt. of the Government of Orissa vide letter no. 5435 PR / 1 – P5-82/99 Dated 29.4.99 have circulated a directive to the Chairman and Vice-Chairman of all ZPs and PSs to make payment of Rs. 10/- and above in terms of cheques.

At the instance of the Ministry Of Rural Areas and Employment, Government of India, New Delhi, the Panchayat Raj Dept. of Government of Orissa vide letter no. 6732
Dated 16.7.98 has issued directives to all district Collectors and Magistrates of the state to constitute district level vigilance and monitoring committee in order to oversee, supervise and monitor the implementation of the works under JRY Programme and all other programmes implemented by the Ministry. Accordingly administrative directives have been issued with regard to the structure, function as well as power of such squads at each level in order to initiate disciplinary actions / vigilance cases against the government servants as and when necessary.

In early years there was District Planning Boards in each district to formulate consolidated plan document for the district supported by information from PS and GPs. In the mean time Orissa District Planning Committees Act, 1998 has come up after due amendment in the Orissa Panchayatiraj Act following 73rd amendment in the Constitution. The Act, clearly defines the Constitution, powers and function of the District Planning Committee (DPC). As per the Act about 80% of the members of the DPC shall be elected from amongst the elected members of the Zilla Parishad and the elected Councilors of the municipalities in the district in proportion to the ratio between population of the rural areas and the urban areas in the district. The remaining 20% shall constitute (a) a Minister from the council of Ministers nominated by the government who shall be the chairperson; (b) the Collector of the district who shall be the Member Secretary; (c) remaining members shall be nominated by the government from among the person having knowledge in planning agriculture, economics, irrigation, industry, education, rural development or social services. The term of the elected members will be 5 years. The primary function of the committee is to consolidate the plans prepared by the Panchayats and the Municipalities in the district. The chairperson of the every committee shall forward the development plan to the government with the recommendation of the committee. The committee shall have powers to review implementation of developmental programmes by the Panchayats and the Municipalities. Though the composition of the District Planning Committee in the state has been notified, including the number of ex-officio nominated members, the DPCs have not started functioning so far in the state. The state government is yet to frame rules to give effect to DPCs.
Development of Self-government Institution in Orissa has been through many ups and downs. Gram Panchayats and other Panchayati Raj Institutions were dissolved very often and each time fresh elections were held in 1967, 1970, 1975, 1984, 1992 and 1995. Many a times elections were not held and there were no Panchayat bodies in the state. During the Chief Ministership of late Mr. Biju Patnaik who was determined to strengthen Panchayatiraj institution in Orissa elections were conducted after a gap of 9 years for Municipalities, Gram Panchayats, Panchayat Samitis in early 1992 even much against the will of his own party MLAs. He is the first Chief Minister in India to implement 30% reservation of seats for women in Municipalities and Panchayats at a time when the centre was still only deliberating on the issue. After the change of the State Government in 1995, elected bodies of Gama Panchayats and Panchayat Samitis were dissolved by the Congress government on the pretext that the election of the said bodies were not held in accordance with the provisions of 73rd Constitution amendment. Ironically the State Govt. later neither followed the principles of 73rd amendment nor the State Gram Panchayat Act to re-constitute these bodies within the schedule time i.e., within 6 months of dissolution. Several petitions were filled in the State High Court and Supreme Court on this issue. After the verdict of the Supreme Court, finally in January 1997, after a lapse of 1 year and a half, elections were held for the three – tier Panchayatiraj system in Orissa. For the first time election was held for Zilla Parishad in the state after a long gap of 29 years.

Orissa is, after 1993, divided into 30 districts namely, Angul, Bolangir, Balasore, Bargarh, Bhadrak, Boud, Cuttack, Deogarh, Dhenkanal, Gajapati, Ganjam, Jagatsinghpur, Jajpur, Jharsuguda, Kalahandi, Kendrapada, Keonjhar, Khurda, Koraput, Malkangiri, Mayurbhanj, Nuapara, Nawarangpur, Nayagarh, Phulbani, Puri, Rayagada, Sambalpur, Sonpur and Sundargarh. The number of Grama Panchayats at the time of 1997 Panchayat election were 5262 with 314 blocks and 30 Zilla Parisadas. A total of 86, 338 peoples representatives were elected to the Grama Panchayats, 5260 to Panchayat Samitis and 854 to Zilla Parisadas. Of all the Panchayata functionaries 28, 595 ward members, 1862 Sarapanchas, 1870 Samiti members, 114 Samiti Chairpersons, 294 Zilla Parisadas members, 10 2P President were women. Election to all tiers of Panchayats including revised 6234
Introduction

Grama Panchayats were held in time in February 2002 (State Election Commission Report, 2002).

1.9 Review of Literature: In post-independent India, a series of committees have been set up to examine the Panchayati Raj system as an instrument of decentralized planning. Prominent among such committees were the Balwant Rai Mehta Committee (1957), the Ashok Mehta Committee (1978), G.V.K Rao Committees (1985) and L.M. Singhvi Committee (1986). These Committees made elaborate analysis and submitted voluminous report to the government rejecting in sum the trickle down theory to the bottom.

The study on Panchayati Raj Institutions in historical, structural and institutional perspective have also been made by S.C. Jain, 'Community Development and Panchayatiraj in India' (1976); Henry Maddick 'Panchayatiraj: A study of Rural Local Government in India' (1976); S.N. Mishra, 'Panchayatiraj, Bureaucracy and Rural Development' (1986); and U.T. Krishnachary, 'Community Development in India' 1985) and many others.

A quite good number of studies have been made on Panchayatiraj Administration. The most notable studies made after independence are D'ouglas Ensminger's 'A guide to Community Development'(1957); B. Mukherjee's 'Community Development in India' (1961); S.K.Dey's 'Community Development : A Birds Eye View' (1964) and Rajeswar Dayal's 'Community Development Programme in India' (1966) which dealt with the problems of Panchayatiraj administration along with the question of success and failures of community development programmes in India. On people's participation, a quite good number of studies have also been made like V.R. Gaikwad, 'Panchayatiraj and Bureaucracy- A Study of the Relationship Pattern' (1969); B. Abrahamson, 'Bureaucracy or Participation: the Logic of Organisation' (1977); John M. Cohen and Norman T. Uphoff, 'Rural Development Participation' (1977), Ramesh K. Arora (ed.), 'People's Participation in Development Process' (1979); H.R. Chaturvedi and S.K. Mitra, 'Citizens Participation in Rural Development' (1982). S. Dasgupta and L.S.N. Murthy have studied community
participation in West Bengal in their book, 'Panchayatiraj Institutions in West Bengal: A study in Community Participation'.

There are also many studies with limited focus on certain specific aspects of Panchayati Raj Institutions like leadership, election, women participation, rural development etc. One such notable study is 'Leadership in Panhcyati Raj - a study of Beed district', by Arjun Rao Y. Darshanakar. The study was conducted in Beed district of Maharastra with the objectives of understanding the nature and process of leadership building against an interacting economic, social and cultural context. Among the many of its findings, leadership is found to be deeply influenced by caste and economic status. There is a tendency to match caste by caste in producing leaders. Young leaders are found to be preferred to meet the complex development needs of Panchayats. Middle class agriculturists who have large number of poor labourers, working in their field dominate the leadership in Panchayati Raj Institutions. Though many panchayat leaders think social service to be their purpose, leadership, under the specific circumstances, is regarded as positions of authority, rather than one of service. As the leaders at each tier is indirectly elected in Maharastra use of unfair means like kidnapping and use of money is found to be easy as the size of the electorate is small and not diffused. State level political leaders also sometimes success in getting their 'yes-man' into these Panchayati Raj Institutions. In other words the Panchayati Raj leaders have become agents of village vote banks for the state level leaders.

The work of Girish Kumar and Budhadev Ghosh in 'West Bengal Panchayat elections-A study in Participation' focuses mainly on the extent of people's participation, attitude towards panchayat election and their role performance in West Bengal. The findings reveal deep rooting of PRIs in West Bengal. There has been an emergence of a new awakening among people regarding their rights and duties. Awareness among people regarding their responsibilities in panchayat elections is found to be very high also. Panchayati Raj Institutions now find acceptability among majority of people. People are found to see PRIs as instruments to ensure social equity and justice.
K. Subha discusses the critical aspects of emerging rural leadership and women participation through Panchayati Raj Institutions in her book ‘Karnataka Panchayati Raj Elections-Process, Issues and Membership Profile’. It was found that young married people are taking place of old leaders in Karnataka. Leaders at higher tiers of Panchayati Raj Institutions are progressively drawn from higher economic brackets. Regarding women participation most of the women panchayat leaders have politically active husbands. The provision of women reservation has set in motion a process of mobilizing women by political parties for their future political role.

C. Harichandan focuses on the functional aspect of Panchayati Raj Institutions in Tamil Nadu in ‘Panchayati Raj and Rural Development’. The approach and objectives of the study is to find out whether the Panchayati Raj Institutions have served as instruments of rural development with reference to agriculture, minor irrigation, education, health etc. the findings reveal that educational facilities, communication infrastructure agriculture and allied services have considerable improved due to the effort of Panchayati Raj bodies, while the health and welfare function of PRIs has not been satisfactory.

A general working of Panchayati Raj institution in Rajstan is discussed by S. Nagendra Ambedakar in his book “New Panchayati Raj at Work” with special focus on election, leadership, finance and rural development. It is found that males dominate the Panchayati Raj institution and education is not he sole factor in acquiring leadership status. Development works by PRIs is affected by the habit of officials to take decision independently and points to the need of merging district rural development agency with Panchayati Raj in Rajstan.

‘New Panchayati Raj System-an Evaluation’ by G. Palanithutai covers the process of Grass-root democracy in Tamil Nadu and the problem of training and orientation of Panchayati Raj members. It points out that the absence of a development orientation among the panchayat representatives hinders the success of PRIs.
So far as Panchayatiraj Institutions and people's participation in Orissa are concerned very little study has yet been made. The book edited by H.K. Mahtab, 'The Story of Freedom Movement in Orissa' (volume – IV, 1957), is an informative work on freedom movement and Praja Andolan in Orissa. This book makes a study of peoples participation in Orissa in the pre-independence period. First of its kind, F.G. Bailey, 'Caste and Economic Frontier' (1958) gives a good micro level sociological enquiry which offers insight into the process of socio political transformation taking place in an Orissa village. But the book does not emphasize the participation of the rural people as a result of socio-political transformation. Professor S.C. Dash 'Emergence of Modern Orissa' and K.V. Rao 'Pattern of Orissa politics' provide a historical analysis of the events leading to the creation of a state and political changes thereafter.