Chapter II

Genesis and Development of Rural Democratic Institutions in India

2.1 Introduction

India, the seventh largest country in the world by area and the second largest by population, occupies a strategic position in Asia, looking across the seas to Arabia and Africa on the west and to Burma, Malaysia and the Indonesian Archipelago on the east. Geographically, the Himalayan ranges keep India apart from the rest of Asia.

India lies to the north of the equator between 8°4' and 37°6' north latitude and 68°7' and 97°25' east longitude. It is bounded on the south-west by the Arabian sea and on the south east by the Bay of Bengal. On the north, north-east and north-west lies the Himalayan ranges. Kanyakumari constitutes the southern tip of the Indian peninsula where it gets narrower and narrower, loses itself to the Indian Ocean.¹

India measures 3214 km. from north to south and 2933 km. from east to west with a total land area of 3,237,263 sq. km. It has a land frontier of 15,200 km. and a coastline of 7516.5 km. Andaman and Nicobar Islands in the Bay of Bengal and Lakshadweep in the Arabian Sea are parts of India.²

India shares its political borders with Pakistan and Afghanistan on the west and Bangladesh and Burma on the east. The northern boundary is made up of the Sinkiang province of China, Tibet, Nepal and Bhutan. India is separated from Sri Lanka by a narrow channel of sea formed by the Palk Straits and the Gulf of Mannar.³ India’s 28 states and 7 union territories have a total of one billion plus population with an average density of about 300 per square kilometre.
Rural Democratic Institutions envisage the existence and functioning of democratic institutions at the local or rural level. It implies the extension of democracy to the remote areas of the country. Democracy, as we know, is not only a form of government but also a way of life and an economic ideal.

2.2 Importance of Rural Democratic Institutions in India

In a country of India's nature the rural democratic institutions have a special significance. Since majority of the population lives in the remotest rural areas, they can experience the cherished ideals of democracy only if the political system is capable of materialising those ideals through the institutions of local self-government.

India is a vast country. Most of its people live in villages or in small towns. These are often quite far from the seats of government. Therefore, in addition to the central and state governments, there is also a level of government, which is much closer to ordinary people living in small towns and villages. This is rural self-government.

Democratic decentralization is a "concept based on the recognition of the right of the people to initiate and execute the policy-decisions in an autonomous way." It envisages people's participation as the foundation on which the whole edifice of local self-government rests. Only by participation, people can feel the real taste of democracy. Therefore the concept of democratic decentralisation is "liberal, democratic, political ideal-the concretised form of which is local self-government."

The justification of rural democratic institutions is that it stands in favour of decentralised administration. The fact, that decentralised decision-making ensures the well being of all those who are likely to be affected by such decisions, is quite well known. The rationale of this premise is derived from the democratic imperative that all those, whose interests are affected by decisions, ought to take
part in the decision-making process. Decentralisation in terms of ‘sharing the decision-making authority with lower levels of organisation’ should be understood in the context of the institutional framework of division of power. It provides the theoretical bases for the decentralised political institutions that promote decentralised decision-making. Crook and Manor observe, “Decentralisation combined with democratization might provide greater transparency, accountability, responsiveness, probity, frugality, efficiency, equity and opportunities for mass participation”.

Another rationale of decentralized governance is derived from the known drawbacks of centralized decision-making at the macro levels of governance. “Under democratic decentralisation the underlying idea is to widen the area of democracy, by granting both authority and autonomy to the people at the lower levels. One could say that here the attempt is to create democracies within democracies. In contrast to this, under democratic centrism, the idea is to provide a democratic base to the gilded autocratic lop.” Thus democratic decentralisation seeks to vest in the institution of local government effective power in a larger measure so that they may be developed into what Bryce describes as “the tiny fountainheads of democracy”.

Since the representatives are drawn from all sub-regions and from all sections of the community under the democratically decentralized governance system, two important results can be expected: (a), the emerging power structure would not be all that unequal or of the enclave type; and (b), the articulation in the decision-making process of local needs and aspirations of people belonging to different sections would be more probable.

Smith argues that advocacy for decentralisation has been a part of the liberal political tradition and it is beneficial for the functioning of democratic system at the national and local levels. As people’s participation is ensured by inspiring them and by creating some special institutional mechanisms at local
levels, implementation of decisions is more likely to be effective under decentralised governance. "Functioning of representative institutions at local levels leads man to feel that he is not ignored and that his dignity and freedom have been accepted in the political fabric of the state. This sort of psychological gratification, in the long run, proves to be a source of stability to the roots or the 'body politic' as a whole".11 The association of non-governmental and people's organizations with decentralised government units, which is most likely to happen at the grassroots levels, would help mobilize resources, especially voluntary labour, for development and facilitate monitoring of implementation process.

The decentralised governance system, to be effective in its operations, needs a conducive environment for carrying out decentralised decision-making in an appropriate manner. To effect such an environment, it is necessary that the decentralised political structures provide all citizens access to the decision making process. But if these structures are such that access to decision-making is restricted only to some individuals or to some sections of the community, then political decentralisation would be incapable of ensuring the well-being of all citizens. In other words, the decentralised political institutions should have a representative character in the true sense of the term, giving every section the opportunity to participate in the decision-making process. "Institutions of democratic decentralisation were seen as 'opportunity structures' to gain such power"12 by the people living in the remotest regions. The policy of reservation of seats for the weaker sections and backward regions can be justified on this ground.

Moreover, it is also argued that democracy, if it is not to perish after its uneasy inception, should be strengthened at the grassroots level. At the grassroots levels of democracy, "people deal with problems of immediate and direct importance, which are intelligible to them in terms of their personal experience."13 Besides, local government plays a vital role in the life of the people. It affects
them from the cradle to the grave. It is therefore, the most suitable place to nurture the democratic spirit. A number of eminent thinkers have emphasized the vital importance of local government institutions in the general democratic setup. Bryce eulogizes them as, “the best school for democracy and the best guarantee of its success is the practice of local government”\textsuperscript{14} H.J.Laski says, “Local government….is educative in perhaps a higher degree, at least contingently, than any other part of government”\textsuperscript{15}

The institutions of local government can act as a valuable corrective to maladministration and political manoeuvring. They provide a forum for the whole villagers to participate in the dual process of making and implementing decisions. When the people begin to do things themselves, they feel the decisions are their own.

Local or rural self-government institutions differ from local governments. Local governments imply administrative organs at local levels whereas local self-government institutions refer to those administrative organs functioning on the basis democratic principles at local levels. The Panchayati Raj institutions stand for fulfilling the ideal of rural self-governance in India. Panchayati Raj institutions are being treated as real democratic political organs which would bring the masses into active political participation and also would establish a genuine political control from below, from the vast majority of the weaker and poorer sections of rural India.\textsuperscript{16} It will decentralise democracy.

The government at the local level has been created for effective administration by ensuring active involvement of the people at large. Taking the ordinary citizens into confidence in the process of administration has been beneficial both for the governmental system and the people. It will ensure effective administration and serve as a training field for the people in remote villages.
As the nature, authority and functions of the local administrative body differ from nation to nation and also from state to state within a nation, it is very difficult to define the term local government acceptable to all. However, it has been defined in various ways, but the simplest definition is a government at local level having authority to perform public activities within its territory. According to Jackson, the term local government is "concerned with localities and not with the country as a whole. It must, for this reason, be subordinate to national government. The term further implies, some jurisdiction or activity of public nature." According to William A. Robson, local government may be said to involve the conception of territorial non-sovereign community, possessing the local rights and necessary organization to regulate its own affairs.

The United Nations Division of Public Administration defines a local government as "a political sub-division of a nation (or in a federal system, a state) which is constituted by law and has substantial control of local affairs, including the power to impose taxes or to extract labour for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected." The definitions make it clear that a local government is a lower level government, when compared to a national or state government; it is set up by law and has certain responsibilities; it is normally elected.

In India, the term 'local self-government' is used instead of the term 'local government' as used in other countries because a local self-government unit seeks to give opportunities to the people for the expression of their views with regard to local affairs. More than that, i.e. was a belief among early Indians that rural democracy enables the rural people to choose their representatives to take care of local affairs on their behalf.

India has a democratic government not only at the central and the state levels, but at the local levels as well. The government at the local level is often known as local self-government. Local self-government is democratic rule in the
immediate neighbourhood. It is called local self-government, because it is an arrangement under which people can govern themselves.

Thus there are two main reasons for local self-government. First, this makes the government at the lowest level democratic. Secondly, participation of the local people makes the government better and more knowledgeable.

2.3 Genesis and Development

India had a long tradition of having democratic institutions particularly at rural or local levels. "India has had a tradition of self-governance and panchayats have been in existence since the Vedic times. They were institutions of self-governance, exercising enormous formal and informal powers and enjoying exalted status."20 The term 'Samiti' in the Rigveda mantra '....samiti: Samaaneesamaanam' refers to the council of people's representatives. The Atharveda attests to the control the 'samiti' exercised even on the kings. The Vedas report that the Kings were virtually selected and elected by these councils.21

Jawaharlal Nehru points out in 'The Discovery of India' that in olden days, "the village panchayat or elected council had large powers both executive and judicial and its members were treated with the greatest of respect by the King's officers".22

Now it becomes clear that in India, the idea of rural democratic institutions is not something imported from elsewhere. Some sort of local administrative systems have existed throughout the region in one form or the other ever since times immemorial. They were different in name, nature and functions in different parts of the country mainly because of the lack of a national political unity in those days.

The genesis and development of rural democratic institutions in India have been analysed historically under the broad four periods as given below: (1) The
Early Period – that deals with the early history of the genesis and development of rural democratic institutions up to the coming of the British rule in India, (2) The Period of British Rule – that deals with the different stages in the evolution of local administrative system up to the emergence of independence, (3) The Post-independence Period – that deals with the various proposals aiming to the establishment of rural self-governing or Panchayati Raj system up to the final culmination in the 73rd constitutional Amendment Act, 1992 and (4) The Present Stage – that deals with the developments after the passing of the 73rd Constitutional Amendment Act.

2.3.1 The Early Period

India has long traditions of local democracy. In the words Altekar, “from most ancient times, villages in India have been the axle of administration.” The institution of the panchayat is said to have guided and controlled the administration of the villages of India in her entire history. People’s institutions bearing various names existed all over the country even in Vedic times.

Vedic and post-vedic sources show the Indian village as a self-sufficient and autonomous miniature republic. This fundamental feature of the Indian polity has given a line of continuity to its history in the sense that kingdoms and empires rose and fell but the village has survived. Village social organization can be clearly understood by centering the discussion on the Panchayat, an effective agency of social control for ages. The autonomous village is best described by Metcalfe, “The village communities are little republics, having nearly everything they can want within themselves.... Dynasty after dynasty tumbles down, revolution succeeds revolution,...but the village community remains the same. .....This union of the village communities, each one forming a separate little state in itself, has....contributed more than any other cause to the preservation of the peoples of India .... and the enjoyment of .....freedom and independence.”
In the Vedic period the village was administered by a respected official called ‘Gramani’, advised by a council of elders. “Gramani” was probably at the head of the village administration. The post carried considerable prestige and is described to be the object of the highest ambition of a Vaisya. The King exercised his powers over the village through the ‘Gramani’.27

The village administration in India during the Mauryan period (324 B.C.-236 B.C.) was closely linked with agriculture. The size of the village ranged from 100 to 500 families. For a systematic and efficient administration of the village, administrative staff was composed of the headman, the accountant, village officials of different grades, the village couriers and a veterinary doctor. In addition an official in charge of sanitation and another in charge of horse training were also included.28

In the Maurian age, every village had its own Sabha (assembly) which debated all matters relating to the village and framed rules necessary for the community. The Sabha was the center of the multifarious activities of the village. It discussed religious and social matters. It arranged numerous types of entertainment. The Sabha met under a shady tree where the representatives of village families, the elders and other experienced folk gathered. Thus the Indian people lived independently in these self-governing village republics.29

The well-established village administrative system in India continued even during the Mughal period. The self-governing community under the Mauryas and the Guptas was still healthy and vigorous. The traditional officers, headman, accountant and watchman, were still active notwithstanding the rise and fall of kingdoms and empires.30

However, with the advent of the more centralised administrative system, the characteristics of Mughal regimes, the villages lost much of their autonomy and sheen. Land revenue began to be collected by the central government through its
own collectors. Village disputes, which hitherto were settled locally, began to be referred to the central courts.

2.3.2 The Period of British Rule

Local self-government in India, although existed in ancient times, owes to a great extent, to the British rule in India for its present structure and style of functioning. "Local self-government in India, in the sense of representative organization, responsible to a body of electors, enjoying wide powers of administration and taxation, and functioning both as a school for training in responsibility and as a vital link in the chain of organisms that make up the government of the country, is a British creation." But in the initial stages of their domination they gave importance to the local governments at the urban levels rather than at the village levels. "A marked feature of the local self-government institutions during the British regime in India was that these institutions did not reach the village". This is because the British rulers deemed it wise and profitable to have direct dealings with the tenants. The existing village machinery was, therefore relegated to the background.

It is evident that under the British rule in India the autonomy of the panchayats gradually disappeared owing to the establishment of local civil and criminal courts, revenue and police organisations, the increase in communication, the growth of liberal democracy and operation of the individual Ryotwari System.

The British Government, though it succeeded in undermining ancient local institutions and the way of life of the people, soon realised the importance and necessity of local institutions in the administration of the country. Thus several steps were taken to establish an alternative system of local self-government in India. As everybody knows, those steps were primarily intended to satisfy the interests of the Empire rather than confer local autonomy to the people. It is also believed that the British rulers were very much influenced by administrative and
financial considerations. In due course of time, they realised the fact that effective and efficient administration can be made possible only with the co-operation of the people. With this aim they established city corporations in the cities of Madras, Bombay and Calcutta and District samities under the chairmanship of district collectors in various districts.35

However, the first systematic attempt to make provincial government responsible for the administration of their own affairs was Lord Mayo's resolution of 187036. It was hoped that the operation of this resolution in its full meaning and integrity would afford opportunities for the development of self-government, for strengthening municipal institutions and for the association of natives and Europeans to a greater extent. As a corollary to this policy several acts were passed which not only extended the elective system but also increased the powers of the municipal bodies.37 Though considerable progress has been made since 1870, both in the number and usefulness of local institutions, it could not satisfy the Indians fully.

A significant step towards the development of rural democratic institutions in India started with the efforts of Lord Rippon as the Viceroy. The Government Resolution of 18, May 1882, during his Viceroyalty which includes provisions for the inclusion of elected non-official members and a non-official chairperson for local bodies is considered as the Magna Carta of local democracy in India.38 He introduced elective element in local bodies because he felt that local interest and local knowledge would improve the efficiency of Local bodies.39

The resolution of Lord Rippon laid down the following main principles for the guidance of provincial governments: (1) Local bodies should have mostly elected non-official members and the chairman shall be a non-official, (2) The state control over local bodies should be indirect rather than direct, (3) These bodies must be endowed with adequate financial resources to carry out their functions. To this end certain sources of local revenue should be made available to
the local bodies which should also receive grants from the provincial budget and
(4) Local Government personnel should operate under the administrative control of
the local bodies. The government personnel who are deputed to the local
government must be treated as employees of the local government and subject to
its control.

It was in 1906, that the Indian National Congress, under the presidency of
Dadabhai Naoroji, declared its political aim for the country as nothing less than
'self-government'. At this juncture a major development had emerged in the form
of Royal Commission on Decentralisation. This commission studied the different
aspects of the matter of local self-governments in India. Although this
commission comprised five Englishmen and only one Indian, namely, Ramesh
Chandra Dutt, it recognized the importance of panchayats in the Indian context.40
The commission recommended that, "it is most desirable, alike in the interests of
decentralisation, in order to associate the people with the local tasks of
administration that an attempt should be made to constitute and develop village
panchayats for the administration of local village affairs". 41

Like Rippon's resolution, the suggestions made by the Royal Commission
on Decentralisation also remained largely on paper. Dr. Annie Besant, in her
presidential address, at the Congress Session in Calcutta in 1917, blamed the
'inefficient bureaucracy' for not doing even the little that was suggested in the
report of the Royal Commission on Decentralisation.42

On the basis of the fresh policy of Great Britain as declared by the
government in the House of Commons in 1918, there emerged the Montagu-
Chelmsford Reforms of 1919. The Government of India Act of 1919, introduced
a new system of administration known as Dyarchy in which the item of local self-
government became a 'transferred subject'. It implies that local self-government
was brought under the domain of Indian ministers in the provinces. It was a
promising move and an advancement in this sphere. The 1919 reforms suggested
to the establishment of local self-governing institutions with complete popular control over the local affairs. Notwithstanding this professed objective of the Montagu-Chelmsford scheme, it did not make the panchayat institutions truly democratic and vibrant instruments of self-government at the level of the villages due to various constraints, both organisational and fiscal. 43

However, as a result of the 1919 act a number of provinces and princely states came forward to enact laws for the establishment of village panchayats. By 1925, eight provinces in British India had passed such acts. These provinces were: Madras (Panchayat Act of 1920), Bombay (Village Panchayat Act of 1920), Bengal (Self-Government Act of 1919), Bihar (Self-Government Act of 1920), Central Provinces and Berar (Panchayat Act of 1920), Uttar Pradesh (Village Panchayat Act of 1920), Punjab (Panchayat Act of 1922), and Assam (Self-Government Act of 1925). 44

The introduction of Provincial Autonomy as a result of the Government of India Act of 1935, once again provided another important step in the evolution of Panchayati Raj in India. Due to the grant of provincial autonomy, popularly elected governments emerged in the provinces. They felt duty bound to enact necessary legislation for achieving decentralization of local self-government institutions, including village panchayats. But the situation remained almost unchanged following the outbreak of the Second World War in 1939.

By 1947 the situations changed drastically and the British introduced the 1947 Act, which established a Constituent Assembly to draft a constitution for free India.

The Constituent Assembly appointed a Drafting Committee, with B.R. Ambedkar as its chairman, which worked on the original draft and produced the Draft Constitution. 45 However, it may be pointed out as a mistake on the part of the framers of the constitution that they failed to find a place in the constitution for
Panchayati Raj, a concept with which India had a prestigious tradition. It might not have been an accidental omission as evidenced from the views of Dr. B.R. Ambedkar who said in the Constituent Assembly that, "what is the village, but a sink of localism, a den of ignorance, narrow mindedness and communalism?" He may not be criticised if he thought that in the caste-ridden Indian social set up the village based Panchayati Raj would be a burden for the rural mass of the country.

It was an omission and perhaps an apparent lapse on India's national commitment to democratic decentralisation that, in spite of the Indian villages having a history as the basic unit of administration and despite the nationalist movements commitment to panchayats and above all Mahatma Gandhi's untiring campaign for the concept, the first draft constitution of the nation did not include even a single mention regarding panchayati raj.

Mahatma Gandhi had strong faith in the establishment of democratic system at the village level. It was he 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 a real sense of swaraj, or self-rule. He elaborated his views on village panchayats as follows: "My idea of village swaraj is that it is a complete republic independent of its neighbours for its own vital wants and yet independent for many others in which dependence is a necessity........The Government of the village will be conducted by the panchayat of five persons annually elected by the adult villagers, male and female, possessing minimum prescribed qualifications. 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 year of office. Any village can become such a republic today without much interference even from the present government whose sole effective connection with the villages is the execution of the village revenue........Here
there is perfect democracy based upon individual freedom. The individual is the architect of his own government." 48

In short, Mahatma Gandhi wanted the common man in India to have a decisive say in the management of state affairs. Decentralisation of power in free India was dear to his heart. Gramaswaraj and Sarvodaya were his favourite ideals. Mahatma Gandhi considered Panchayati Raj both as a means and an end. He sincerely believed in its immense potential for democratic decentralisation and devolving power to the people. Besides he was of the opinion that Panchayati Raj could play an important role in the social transformation and implementation of developmental programmes. The functions of the panchayats should be comprehensive, covering almost all aspects of the social, economic and political life of the village community, so that the village can enjoy a large measure of local autonomy.

He proposed that self-sufficient and self-governing villages shall be the basic unit of public administration in free India. He strongly comments that, "Indian independence must begin at the bottom. Thus every village has to be self-sustained and capable of managing its affairs." 49

Thus, to the father of the nation who represented the ideological framework of Indian national movement, the omission of Panchayati Raj in the draft constitution was unbearable. He demanded immediate attention on the part of the Constituent Assembly so that independence might reflect people’s voice. The final result was the inclusion of Article 40 in the Directive Principles of State Policy of the Indian constitution which declares, "The state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government". 50 This provision asserts that the panchayat is a must for having an integrated economic development in the country without which the rural masses have no share in the administration of the country.
2.3.3 The Post-independence Period

The dawn of independence provided the real opportunity for materializing the dream of democratic decentralisation in the country. As far as India is concerned, 80% of its population lives in villages which means India is a country of villages. A country becomes truly democratic only when all the people are given their due share in the working of the system. In India it can be achieved only through village autonomy. So village level institutions are the part and parcel of Indian democracy. Thus in India democratic decentralisation can be achieved and actualised through Panchayati Raj institutions.

2.3.3.1 Community Development Programme

With the inauguration of the constitution, Indian democracy wanted to bring a new social order on the basis of a planned economy in which the Panchayati Raj institutions had a major role to play. While making his concluding speech in the Constituent Assembly on November 26, 1949, Dr. B. R. Ambedkar said, “It is quite possible in a country like India where democracy from its long disuse must be regarded as something quite new, there is danger of democracy giving place to dictatorship........we must make our political democracy a social democracy as political democracy cannot last unless there lies at the base of it, social democracy.”

Social democracy implies a way of life which recognises liberty, equality and fraternity as principles of life. It can be materialised only by converting political democracy into social and economic aspects of democracy. Thus in order to resolve the contradictions in terms of economic and social inequality which existed in the political democracy of India at the time of independence, a process of planning for development under the leadership of Jawaharlal Nehru was initiated in 1950.
Several measures were taken by the central as well as the state governments to reckon with the objectives of Article 40 of the constitution. Now the state is under the responsibility of organising the villages and investing them with such powers and authority with a view to making the villages units of self-government. State, being the 'trustee' of the people, must involve them in a positive and active manner in the process of exercising powers for which villages shall be the starting points.  

A notable step was taken by the central government on October 2, 1952, known as Community Development Programme. It was to bring about administrative and technical coordination among the different agencies of the government at the block level, that the block headquarters were ultimately turned into a repository of multi-polar knowledge integrated at that level.

It was a programme, which covered all aspects of the economic and social life of villages. The objective was to mobilise all institutions and voluntary organisations for rural development. Although there was no devolution of powers in Community Development Programme, it was considered as the first step towards decentralisation. “This programme is intended to take steps to ensure people’s participation by organising non-statutory committees at the village and block levels”.

The C.D.P. was intended to deal with the economic, social and political aspects of the rural people but it failed to yield the desired results. At the end of the first five year plan in 1957, a committee under Balawantri Metha was constituted to evaluate the planned projects under the C.D.P.

2.3.3.2 The Balwantraí Metha Committee

The Balwantraí Metha Committee was a team on Community Projects and National Extension Service appointed on January 16, 1957 vide letter in
COPP(1)/3/57, dated January 16, 1957 from the Secretary, Committee on plan projects Government of India.

The Committee submitted its report on November 24, 1957. With regard to the failure of the C.D.P., the committee came to the conclusion: (1), sufficient public response was lacking in the activities of C.D.P., (2), huge wastage of public expenditure took place, (3), people did not regard the C.D.P. as their own and consequently did not associate with them.56

In order to rectify the shortcomings of the programme, the committee emphasised the need for transfer of decision-making powers to the village panchayats which had hitherto been vested with the state governments. Thus the committee believed that Community Development can be real only when the community understands its problems, realises its responsibilities, exercises the necessary powers through its chosen representatives and maintains a constant and intelligent vigilance on local administration. Balawantrai Metha study team therefore, recommended the early establishment of statutory elected local bodies and devolution of all necessary resources, powers and authority to them.57

The Committee did not favour the introduction of a uniform system throughout the country and laid down certain principles in this regard. The states were left to evolve their own patterns while observing the fundamentals. The main principles emphasised by the committee were:

01. Rural development and rural improvement are possible only with local initiative. This in turn could be achieved through democratic decentralisation. Democracy stipulates that the bodies in charge of developmental works in rural areas shall be elected ones, because elected bodies alone could work according to the wishes and needs of the people. Decentralisation on the other hand implies genuine and effective delegation of powers to the local bodies, with sufficient discretion and financial
resources. The government should exercise no control over them, except in the way of offering necessary guidance.

02. There shall be a three-tier structure extending from village to the district with the intermediary structure serving as a link between the two.

03. There shall be genuine transfer of powers and responsibilities to these institutions and all the programmes of social and economic development shall be channelled through them.

04. Adequate resources shall be provided to these bodies so that they may discharge their responsibilities effectively.

05. This system should be tried with the intention of making further devolution and dispersal of powers and responsibilities in future.58

Thus the Balawantrai Metha Committee recommendations was a land mark in the history of the development of Panchayathi Raj institutions in India. The pillars of the structure of Panchayati Raj were erected in a constructive and future oriented style during this period.

On January 12, 1958 the National Development Council endorsed the proposals for democratic decentralisation. It affirmed the objectives of democratic decentralisation and suggested that each state should workout the structure which suited its conditions best.59 Panchayati Raj institutions, being units of local self-government, came as a state subject under the constitution and the states and union territories were free to design their structure, powers and functions keeping in view their local situations.

Panchayati Raj System

The proposal for 'Democratic Decentralisation in institutional terms has come to be known as Panchayati Raj. The idea has taken different institutional
forms in various states. Even the Balawantrai Metha Committee had envisaged the possibility of structural variations in the institutional framework of Panchayati Raj.

The basic objective of Panchayathi Raj is to evolve a system of democratic decentralisation and devolution of powers, functions and authority to rural people with a view to ensuring rapid socio-economic progress and speedier and inexpensive justice. The main objective of introducing Panchayati Raj system is to extend democracy up to the grassroots level and to ensure involvement of the people in all-governmental processes and developmental activities.60

**The Structure of Panchayati Raj**

The Panchayati Raj system as envisaged by the Balawantrai Metha Committee had a three-tier structure, viz. the village Panchayat at the base, the Panchayat Samiti covering a group of villages in the middle and Zilla Parishad at the top.61

**Village Panchayat**

The village panchayat which forms the basic unit of the three tier system, is an executive body of the village. It chiefly consists of representatives elected by the people of the village. The panchayat has an elected chairman, popularly known as ‘Sarpanch’. The Sarpanch occupies a vital place in the panchayat structure.62

The panchayat as a body is accountable to the general body of the village known as Gramasabha, which meets at least twice a year. Gramasabha is an institutional form of participatory democracy. It provides an opportunity to all the people, willing and capable, to participate in the developmental process.63 The Gramasabha examines all accounts of the Panchayat.

G Gramasabha reserve the right to lay down guidelines for the panchayat. The main functions performed by the village panchayat include maintenance of roads,
wells, schools, preservation of burial grounds, sanitation, public health etc. It takes necessary measures for the promotion of agriculture and animal husbandry, cottage industries, co-operative societies etc.\textsuperscript{64}

Grama Panchayats can levy certain taxes and duties to meet their expenses. Some of the taxes, which the Grama Panchayats can levy, include taxes on animals, vehicles, houses and professions. They can also levy duty on transfer of property under their jurisdiction.\textsuperscript{65}

Panchayat Samiti

The second tier of the system consists of representatives of various grama panchayats came to be known as the Panchayat Samiti. The chairman of the Panchayat Samiti is generally a non-official and is elected by the members of the Samiti. He is commonly known as ‘Pradhan’. The main function of the Panchayat Samiti is to co-ordinate the work of the various panchayats within its jurisdiction. It also looks after the developmental works within the area. Thus it is responsible for the preparation of plans for developmental projects.\textsuperscript{66}

Zilla Parishad

The Zilla Parishad stands at the apex of the three-tier structure and is the highest developmental agency in the district. The district shall be the unit of planning with the Zilla Parishad consisting of a majority of members elected directly by the people and the rest from the Panchayat Samitis. M.L.As and M.Ps should be associated with their respective Samitis as well as the Zilla Parishads. The district body shall be empowered to levy taxes and also collect land revenue, which it should share with the lower tiers of panchayati Raj bodies.\textsuperscript{67} There is also provision for special representation of women, members of scheduled castes and scheduled tribes.

The Zilla Parishads should have some regulatory and advisory functions enjoined on them by statute and they should be in a position to match schemes
with resources and responsible for their implementation. It should divest itself of some of its specific functions and transfer them to panchayat samitis, co-operatives and other voluntary organisations. 68

The Zilla Parishad mainly performs co-ordinating and supervising functions. It co-ordinates the activities of the panchayat samitis falling within its jurisdiction. In some states the Zilla Parishad also approves the budgets of the panchayat samitis. In addition to these supervisory and advisory functions, the Zilla Parishad is also responsible for the maintenance of primary and secondary schools, hospitals, dispensaries, minor irrigation works etc. It also tries to promote local industries and art. 69

The Balwantrai Mehta Committee was confronted with the problem of laying down some uniform line of Panchayati Raj in view of the vast size and varying social, political and economic conditions prevailing in different parts of the country. It was thus properly visualised by the Mehta Committee and later on wisely endorsed by the National Development Council, that a broad pattern of scheme should be developed without sticking to the idea of rigid uniformity that would have made their job not only tedious but impossible as well. As a result the government of India did not insist that every state should follow the same pattern. 70

3.3.3.3 Ashok Mehta Committee

In 1977, the Janata government of Morarji Desai, decided to set up a Committee under Ashok Mehta to review the existing situation regarding democratic decentralisation in the states and union territories, the working of Panchayati Raj institutions and to make suitable recommendations for re-organising the Panchayati Raj system and to remove the shortcomings and defects with a view to enabling these institutions to fulfil their future role. 71 This
Committee comprised of 14 members including the chairman. The late E.M.S Namboothiripad was also a member of this committee.

The Committee made a thorough study of the matter and submitted its report in 1978 with the following recommendations for improved functioning of Panchayati Raj institutions.

The principal contention in the Ashok Mehta Report was the necessity for functional decentralisation in administration. "Where millions of people are involved and where the lot of the poor is sought to be improved through a very large number of micro projects, decentralised administration is an unavoidable necessity."

The most significant recommendation of the committee was the creation of a two-tier system with Mandal Panchayats at the base and Zilla Parishads at the top. It regards the revenue district as the first point of decentralisation below the state level. Thus it suggested the abolition of Grama Panchayats and Panchayat Samitis. With the two-tier structure, the committee also suggested ultimate abolition of the block as a unit of developmental administration. It recommended that the Mandal Panchayats should consist of 15 members directly elected by the people. It should also contain representatives of farmers, services, women etc. It favoured reservation of seats for the members of S.C. and S.T. on the basis of their population. The Zilla Parishad, on the other hand, should consist of members such as the presidents of the Mandal Panchayats, nominees of municipalities, two women members and two co-opted members. Seats should also be reserved for members of S.C. and S.T. The M.L.A.s and M.P.s of the area are also to be associated with the Zilla Parishad as ex-officio members. The district collector will continue to play an important role in the district set-up. "It has been recommended that the regulatory functions will remain with the collector and for some time to come he will continue to exercise the regulatory, revenue and other functions assigned to him by the state government."
Another major recommendation of the Ashok Mehta Committee was with regard to open participation of the political parties in the Panchayati Raj institutions. It held that the participation of political parties in the Panchayati Raj elections would ensure clearer orientation towards the developmental programmes and facilitate healthier linkages with the higher levels of political process.77

The question of financial resources shall be closely related to the functions and powers recommended for transfer to the Panchayati Raj institutions. With regard to this, the committee has expressed the view that the decentralised functions relating to plan implementation at district level should be transferred to the Zilla Parishad along with adequate funds.78 Accordingly it recommended granting of compulsory powers of taxation to these institutions. It favoured the transfer of taxes like professional tax, entertainment tax, special taxes on land and buildings etc to these bodies. It also provided for complete transfer of land revenue collections to Panchayati Raj institutions for a period of five years.79

The Committee unanimously recommended the inclusion of some provisions in the constitution in order to provide the Panchayati Raj institutions the requisite status as well as assurance of continuous funding.

An important recommendation of the committee is that the state government must not supersede the Panchayati Raj institutions on partisan grounds. If, however, the supersession becomes necessary, there should be an election within six months. "Having been elected by the freely expressed will of the people, a local government ought to run its full course set out in the governing statute itself." 80

In short, Ashok Mehta Committee Report has made an attempt to revitalise the Panchayati Raj system established according to the recommendations of the Balawantri Metha Report. The second Mehta has built upon the first one, though in a certain way he has also given much of his own in the form of
according constitutional status to PRIs. Thus the two Mehtas made landmarks in the history of local self-government in the country, though each has its distinctive conceptual framework of analysis and examination.81

Though the recommendations of the Ashok Mehta Committee were not implemented due to the change of government, some of these did exercise varying influences upon the working of Panchayati Raj in a few states. The states of Karnataka and Andhra Pradesh tried to remodel their respective Panchayati Raj systems on the recommendations of the Ashok Mehta Committee.

3.3.3.4 The Phase of Renovation and Revival Since 1985

Since the middle of the eighties, there has been growing interest within the union government and several state governments in reviving the role of the Panchayati Raj institutions. The change in the prime ministership also influenced the process of revitalisation of Panchayati Raj system throughout the country. When Rajiv Gandhi came to power, he made sincere and wholehearted efforts to implement the Panchayati Raj in letter and spirit.82

The Seventh Five Year Plan called upon the state governments to activate PRIs, particularly at the village and block levels, with a view to ensuring their active involvement in the planning and implementation of special programmes for rural development, particularly those concerned with poverty alleviation and provision of minimum needs.83

In 1985 the central government appointed a 12 member Committee under the chairmanship of G.V.K.Rao to review the administrative arrangements for rural development and poverty alleviation.84 The Committee, among other things, favoured a three-tier structure for Panchayati Raj institutions. It wanted the Panchayati Raj institutions to be activated and given all the support needed so that they could become effective organisations for handling people's problems. Elections to these bodies should be held regularly.85 It also recommended the
Before taking any follow-up action on the report of the Rao Committee, the government set up another committee under the chairmanship of a distinguished jurist L.M Singhvi in 1986. The Singhvi Committee made a clear recommendation favouring constitutional sanction for Panchayati Raj institutions.  

The Singhvi Committee advocated that Panchayati Raj should primarily be viewed as the local self-government system. It should be strengthened so as to serve the people better as one of the foundation stones of the country's democratic political system. It wanted that the local self-government should be constitutionally reorganised, protected and preserved by the inclusion of a new chapter in the constitution. Its secondary role of much importance was to continue to be an administrative agency for promotion and management of rural development. At the same time, several other conferences, seminars and workshops of senior administrators and public men were convened by the government in order to provide an opportunity for them to express their views about reinforcing Panchayati Raj for undertaking increased responsibility for management of local development and local affairs.

In 1989, the central government convened a national conference on Panchayati Raj and Women. In that conference the Prime Minister emphasised the importance of women's role in strengthening PRIs at the grassroots level. He gave an assurance that 30 percent reservation in all PRIs and other elected bodies would be given to women and for that the government wanted to amend the constitution.

The Singhvi Committee recommendations to provide constitutional sanctity to PRIs enthused the Indian states during Rajiv Gandhi's Prime Ministership. Thus the most debated as well as controversial constitutional amendment relating to Panchayati Raj known as the Constitution (Sixty Fourth Amendment) Bill,
1989 was introduced in the Lok Sabha on May 15, 1989. The amendment bill proposed to insert Article 243 in the constitution of India. This was to be the sole provision in a newly added part viz. Part IX.

The bill proposed to make it obligatory for all states to establish a three-tier system of Panchayati Raj—panchayat at village, intermediate and district levels.

By spearheading the introduction of the bill in the Parliament, Rajiv Gandhi said that, “it (the bill) is a revolution that will bring democracy to the door-steps of crores of Indians. It is a revolution that will bring development to lakhs of our villages. It is a revolution that will open doors of opportunity to millions of scheduled castes and scheduled tribes and half the population of our country, the women of India”.

2.3.4 The Present Stage

The present stage in the evolution of the democratic decentralisation has come with the passing of 73rd and 74th constitutional Amendment Acts, 1992. It is said to be a landmark in the history of local self-government institutions in India.

The Acts wanted the “Panchayati Raj bodies to be genuine and effective democratic and decentralised institutions, which provide ample opportunities for a large number of rural people to participate actively in the process of development and democratic decision-making and to infuse in the minds of the rural people a spirit of self-help, self-dependence and self-reliance and to obtain the experience in the art of self-government”. In this sense, it has provided a new dimension to the concept of Panchayati Raj. Now the concept of Panchayati Raj has come to be accepted as an extension of democracy down to the remotest villages.

The 73rd and 74th Amendment Acts provide for a constitutional status to the Panchayati Raj institutions throughout the country. The Acts provide for two types of provisions, i.e., mandatory as well as discretionary.
The mandatory provisions aim at the establishment of local self-government institutions with a uniform structure for the whole country and the states have no option other than to comply with it. Provisions like reservation of seats, Gramasabha, Finance Commission, Election Commission etc. are to be adopted throughout the country. The local government being a state subject, the discretionary provisions were left to the states to be enacted according to their needs and local situations.95

It is argued that "the political process in a pluralistic and highly diffused society of India's size can be carried on effectively and predictably only by operating through a decentralised structure of governance. And it is only on the basis of such a political process that effectiveness and predictability in the pursuit of larger socio-economic goals are possible."96

Thus the 73rd and 74th Constitutional Amendment Acts are the culmination of various proposals made by earlier committees appointed by governments from time on PRIs for giving them a viable shape.

Before going deep into the salient features of the 73rd and 74th Constitutional Amendment Acts, it is necessary to have an idea about the fundamental changes that these acts visualised as regards the local self-governing institutions. One can summarise them as:

1. From mere Directive Principles, Panchayati Raj and Nagarapalika institutions have been transformed into indispensable and indivisible units of local self-governance. These acts visualise the establishment of grama sabhas in which the direct participation of all voters is ensured.

2. Henceforth panchayat and municipal elections shall be held periodically. In case of dissolution of these bodies under any circumstances, the state governments are bound to conduct elections within a period of six months.
3. The reservation of one-third of seats and offices of chairperson for women in Panchayati Raj institutions is a path-breaking step in the administrative history of India.

4. Local self-governing institutions shall receive the funds allotted by the Finance Commission appointed by the state government.

5. The Acts set apart powers on 29 subjects to Panchayats and 18 to Municipalities.

2.3.4.1 Major Features of the Constitution (Seventy Third Amendment) Act

1. As visualised in Article 40 of the constitution, this constitution Amendment Act envisages the establishment of Panchayats as units of local self-government. Adequate powers and responsibilities would be devolved upon these panchayats at the appropriate level to enable them to prepare and implement schemes for economic development and social justice.

2. The Act provides for a compulsory three-tier structure of Panchayati Raj system in all states except where the population does not exceed 20 Lakhs. These are panchayats at the village, intermediary and district levels. The composition and number of members of these bodies will be determined by a law passed by the state legislature.

3. In all states there shall be a Gramasabha for each village or group of villages comprising of all the adult members registered as voters in the panchayat area. The panchayat will be accountable to the Gramasabha. The powers and functions of the Gramasabha shall be assigned by a law passed by the state legislatures respectively.

4. All the members of the three levels of panchayats shall be chosen by direct election from territorial constituencies demarcated for this purpose.
Every panchayat committee shall have a uniform five-year term and elections to constitute new bodies shall be completed before the expiry of the term. In the event of dissolution, elections will compulsorily be held within six months. The reconstituted panchayat will serve for the remaining period of the five-year term.

The direction and control of the preparation of electoral rolls and conduct of all elections in the panchayat shall be vested with the State Election Commission to be constituted by the state concerned.

One-third of the total number of seats shall be reserved for women. One-third of the seats reserved for S.C and S.T will also be reserved for women belonging to the respective category. These seats may be allotted by rotation to different constituencies in a panchayat. Similar reservations have been made in respect of offices of chairperson also.

The government should ensure the appointment of a Finance Commission to review the financial position of panchayats and make suitable recommendations regarding the allotment of funds to the local bodies.

A new schedule called the Eleventh Schedule comprising 29 items has been added to the constitution, which ought to provide an effective role to the Panchayati Raj institutions in the Planning and implementation of works of local significance ranging from drinking water, agriculture, land and water conservation to communication, poverty alleviation programmes, family welfare, education, libraries and cultural activities, maintenance of community assets etc.

Panchayat Raj bodies shall prepare plans for economic development, social justice and social welfare in respect of 29 subjects enumerated in the Eleventh Schedule.
Thus the evolution of Panchayati Raj in India took more than a century to reach the concept of ‘institutions of local self-government’ in the 73rd and 74th Constitutional Amendment Acts from the idea of ‘Local government’ of Lord Rippon in the year 1882. The interesting fact is that the concept of “institution of self-government.” is defined nowhere in the constitution. It may be recalled here that only three conformity legislations, viz., those of West Bengal, Tripura and Bihar unequivocally mention that the objective of their panchayat legislations is to endow panchayats with functions and powers so as to enable them to act as vibrant institutions of self-government. The other extreme is represented by the Haryana Act in this regard which categorically says that the panchayat system is meant for the better administration of rural areas.

2.4 The Kerala Experience

The state of Kerala situated in the South Western tip of India, came into existence in the present political shape on 1st November, 1956. It was constituted as per the States Reorganization Act, 1956 by the merger of erstwhile Travancore and Cochin states and Malabar and the Kasargod areas of the former Madras state.

Kerala has always been a laboratory of political experiments. In the political history of Kerala, the idea of local government institutions is not a novel concept. Traditionally there had been decentralisation of power at the rural level in different parts of the state. Such village level political institutions were not democratic in the modern sense and consisted mainly of elders of different castes. The traditional village society in Kerala lived and functioned on caste basis, as one of the major sociological features of Kerala society is its caste ridden nature. The Brahmans lived in ‘Gramams’, the martial caste (Nairs) lived in ‘Tharas’ the lower caste (Ezhavas) in ‘Karas’ and the untouchables in ‘Cheris’ and ‘Muris’. There were evidence of the existence of certain similar bodies like ‘Panchamaha Sabha’, ‘Munnuttuvar’, ‘Arunuttuvar’, ‘Nattukuttam’ and ‘Desakuttam’ in the whole
length and breadth of Kerala. “These bodies were essentially representative and self-governing in nature and exercised checks upon the powers of the rulers and their administration and discharging social, economic and political functions within their jurisdiction.”

At the time of the formation of the state of Kerala in 1956, there were two Panchayat laws- the Madras Village Panchayat Act, 1950 and the Travancore Cochin Panchayat Act, 1950 – applicable respectively to the Malabar district and the Travancore – Cochin regions. These acts considered the panchayats as the basic units of administration and entrusted them with greater responsibilities.

After the formation of the State of Kerala, the first landmark in the history of democratic decentralisation was the enactment of the Kerala Panchayat Act of 1960, which rescinded the existing laws in the different regions of the state. With the enactment of this Act, the state in principle accepted a uniform law for the administration of panchayats. In a reply to the debates on the bill of 1960, the then minister for Local Government said in the State Legislature that, “The panchayat and grama swaraj envisaged in this bill is the recognition of the right of the people to govern themselves and it is going to make great changes in the political life of the State of Kerala because the panchayats are ultimately going to decide how a citizen should live and how he should take care of himself from cradle to grave.” The women members in the Legislative Assembly demanded the inclusion of provisions to protect women’s rights and even urged reservation of seats for them.

In Accordance with the objectives and reasons of the Kerala Panchayat Raj Act, 1960, an impressive list of duties and functions were assigned to panchayats. The act also provided that the government could authorise the panchayats to exercise other functions, such as collection of land revenue, maintenance of survey and village records, collection of village statistics, supervision and control over
government primary schools, as also public health, child welfare and maternity institutions and execution of community development works.\textsuperscript{108}

Another major step towards democratic decentralisation in Kerala was taken by the government headed by R. Sankar with the introduction of Kerala Panchayat Union Councils and Zilla Parishad bill in the Legislative Assembly in 1964. The scheme of this bill was on the lines of the recommendations of the Balwantrai Mehta Committee and the Panchayati Raj set up introduced in states like Tamil Nadu and Rajasthan.\textsuperscript{109}

The Act of 1964, recommended a three tier administrative system for local government. But it considered Block as the basic unit of planning and development, above village panchayats. At the district level, the bill proposed for an indirectly elected Zilla Parishad with supervisory and advisory functions. This bill also could not be enacted due to change of government in the State.\textsuperscript{110}

In 1965, ‘The Administrative Reorganisation and Economy Committee’ was appointed under the Chairmanship of M.K.Vellodi.\textsuperscript{111} The committee examined the issue of democratic decentralisation in the state in its different aspects. Among other things, the committee considered that the state administration should take the village panchayat as the basis and the fundamental part of the administrative process.\textsuperscript{112}

Another important milestone in the history of democratic decentralisation was the introduction of the Kerala Panchayati Raj Bill, 1967. This bill was drafted on the basis of the recommendations of the Vellodi committee report.\textsuperscript{113} The bill contemplated a two-tier system – Panchayat at the lowest level and the Zilla parishad at the district level. Before the completion of the process of enactment, the Assembly was dissolved in 1970, and thus the bill lapsed.

The Kerala District Administration Bill, 1971, was introduced by the new government as a continuation of the efforts of the previous government. The
The general structure of the bill was the modified form of the earlier bill of 1967. The bill envisaged a two-tier system of local administration. It gave attention to the District Councils and recommended direct elections to them. But this bill also lapsed before it could be enacted into a law.

A noteworthy development in the process of decentralisation in the state was the passing of The Kerala District Administration Bill in 1979. This bill was also a slightly modified form of the 1971 bill. Though it was A.K. Antony's government that introduced the bill in the Legislative Assembly, when the house passed it in 1979, the chief ministership had passed to P.K. Vasudevan Nair and when the bill became an Act on May 18, 1980 E.K. Nayanar was the Chief Minister.

The salient features of the Kerala District Administration Act, 1979, are as follows:

1. It envisaged a two-tier system of democratic decentralisation instead of a three-tier system as recommended by the Balwantrai Mehta committee.

2. The powers and functions of the District Councils were enhanced. It provided for direct election of the members to the District Council. It also sought to make the District Council a fully representative body of the people.

3. All the development officers in the district would work under the effective supervision of the President and Vice-President of the District Council.

4. The state government would have wide powers over the District Councils to ensure their proper and legal functioning.

5. Another major feature of the Act was the provision for the appointment of a finance commission, by the state government, to decide the pattern of financial assistance to the local bodies.
In the 1980s, the political atmosphere of the state took a different shape when there emerged a political polarisation hitherto unknown to the state under the leadership of the Communist Party of India (Marxist) and the Congress(I). The CPI(M), CPI and the Socialist parties united under a common banner called the L.D.F (Left Democratic Front), while all the rightist and centrist parties came under the common umbrella known as the U.D.F.(United Democratic Front) with negligible exceptions. Since then the government was controlled by these two fronts alternately and played the game for their political interests, ignoring the cause of decentralisation. In short, instead of evolving meaningful policies to make local administrative bodies, institutions of self government both the fronts competed with each other in appointing different committees with a view to either delaying or weakening the system of local administration.

It was in such a background that the Seventy Third Constitutional Amendment Bill, 1992, meant for the establishment of a uniform three-tier system of Panchayati Raj for the whole country was introduced in the parliament. It was passed by the parliament and came into effect on 23rd April 1993. This Act inserted part IX in the constitution. This part contains articles 243 to 243-0, dealing with panchayats. According to the constitutional provisions thus introduced the state laws on panchayats had to be amended by April 24, 1994.

Thus it became a constitutional obligation for all the state governments either to amend the existing laws or to introduce fresh ones for the purpose within the stipulated time frame. Certain provisions were mandatory while on many others, the state legislatures could make their own provisions.

The newly inserted article 243-G of the constitution reads as, "subject to the provisions of the constitution, the legislature of a state may, by law, endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon panchayats at the
appropriate level, subject to such conditions as may be specified therein, with respect to: (a) the preparation of plans for economic development and social justice., (b) the implementation of schemes for economic development and social justice as may be entrusted with them including those in relation to the matters listed in the Eleventh Schedule.\(^\text{122}\)

2.4.1 **The Panchayati Raj Act, 1994**

In order to fulfill the constitutional obligation due to the 73\(^{rd}\) Act, the Kerala government introduced the Kerala Panchayat Raj Bill in the state legislature in March, 1994.\(^\text{123}\) The originally drafted bill was severely criticised by the intellectuals and public men on the contention that it failed to reflect the true spirit of democratic decentralisation as envisaged in the 73\(^{rd}\) Act. As a result of strong public opinion, substantial changes were made in the bill by the select committee. A very much improved Kerala Panchayat Raj Act was passed in the legislature and the District Administration Act, 1979 repealed.\(^\text{124}\)

The Kerala Panchayat Raj Act, 1994 gave a new impetus to the process of democratic decentralisation in the state. It has rewritten the history of decentralisation in the state. As the provisions of the 73\(^{rd}\) Constitutional Amendment Act are mandatory on all the states and the changes that can be made by the state legislature are minimal, only the areas where the states can make legislation in the matter are dealt with here. Among them the notable points are: (a) the Act introduced a three tier system of Panchayati Raj in the state vis-à-vis, Grama Panchayat, Block Panchayat and District Panchayat\(^\text{125}\); (b) the Act provided for the establishment of ward-wise Gramasabha. It acts as the soul of the Panchayati Raj system in the state. A number of supervisory and monitoring powers relating to developmental activities are entrusted with the Gramasabha. It also assists the process of identification of beneficiaries as well as a mobiliser of community efforts\(^\text{126}\); (c) a major feature of the Act is that it gives priority to
people's participation. Through Gramasabha, the people can participate in deciding the developmental schemes of the village.\textsuperscript{127}

Thus the 73\textsuperscript{rd} Constitutional Amendment Act has given rise to a new generation of panchayats. Now it is not possible for state governments to postpone local elections indefinitely but duty bound to conduct them every five years.\textsuperscript{128} Like-wise steps were taken for the appointment of a finance commission and an election commission by the government immediately after the passing of the act. The provision of one-third reservation of seats for women produced a great deal of enthusiasm not only among women but also among political parties. Political parties struggled hard to find out women candidates in the election fray. The provision of reservation of offices of chairperson to women also gained attention much before the conduct of elections. After completing the necessary arrangements elections to Panchayati Raj institutions were conducted in the state in September, 1995 for the first time following the passing of the historic 73\textsuperscript{rd} Constitutional Amendment Act and the subsequent Kerala Panchayat Raj Act,1994.

The 73\textsuperscript{rd} Constitutional Amendment Act, envisages a decentralized polity in which the panchayats should have a greater role in the process of nation building. The ever increasing governmental activities have made the devolution of powers, from the higher to the lower units of government inevitable in modern times. In India, this concept owes to Gandhi's scheme, that the structure of Indian polity should be based on seven hundred thousand village republics.\textsuperscript{129} He continues that such village republics shall be self-sustained and capable of managing their own affairs and interacting with others outside their respective villages in "an oceanic circle whose center will be the individual always ready to perish for the village, the latter ready to perish for the circle of villages, till at last the whole becomes one life composed of individuals, never aggressive in their
arrogance but ever humble, showing the majesty of the oceanic circle of which they are integral units.”

“The Panchayats should play an important role in bringing about a more just and integrated structure in rural areas and in developing a new pattern of rural leadership”. The powers, duties and functions of the Village Panchayats, Block Panchayats and District Panchayats are basically derived from sections 166, 172 and 173 respectively of the Kerala Panchayat Raj Act, 1994. A detailed enumeration of the powers and functions of the village panchayats are made in Schedule III of the Act. The powers and functions of the Block panchayats are listed in Schedule IV and those of District Panchayats in Schedule V of the Act.

2.5 Conclusion

It is universally accepted that local self-government is the fundamental infrastructure upon which the super structure of democracy is built. The concept of local self-government manifested itself in various societies with its own local characteristics down the centuries, but local self-government among a particular people is not borrowed from elsewhere. In other words, in each society, it emerged in consonance with the particular socio-political background. However, in its practical functioning it might have acted and reacted on each other.

In India the very term ‘panchayat’ betrays its indigenous feature. Local government had existed in India even before the Vedic period. The functioning of the panchayat was influenced by the four traditional social classes of India called the ‘Chatur Varna’.

Although the British established a colonial regime in India they contributed substantially to the advancement of local self-government, especially during the period of Lord Rippon.
It is deplorable that the Gandhian ideal of ‘Grama Swaraj’ did not find a place in our constitution. Of course, it is enshrined in Part IV of the constitution as a desideratum devoutly to be fulfilled.

Indians had to wait for a good four decades before the 73rd Constitutional Amendment Act, 1992 came into effect ushering in a uniform pattern of Panchayati Raj for the entire country. It is an epoch-making event in the history of independent India.

It is a fact that laws regarding local government existed in Travancore-Cochin and Malabar regions before the formation of the state of Kerala in 1956. Various governments that came to power since then have not been earnest in turning the idea of self-government into a reality. Panchayat elections were conducted in Kerala in 1978 after a long interval of 16 years.

What with political instability, shaky alliances, short-lived ministries and opportunistic shift in loyalties, attempts at ushering in local self-government institutions often proved futile. The Kerala Panchayati Raj Act, 1994 owes its passage in the state Assembly not to the interest evinced by the political parties but to the statutory binding of the 73rd Constitutional Amendment Act, 1992.
References


2  Ibid.

3  Ibid.


5  Ibid.


21 R. Krishnan Nair, *Gramavikasanam* (Malayalam), Kerala Bhasha Institute, Thiruvananthapuram, 1971, p.75.
29 Ibid.
30 Ibid., p.17.


34 Mario D. Zamora, op.cit., p.20.


36 Ibid.


40 Ibid.

41 H.D. Malaviya, "Village Panchayats in India", *Economic and Political Research Department, All India Congress Committee*, Delhi, 1956, p.258.

42 George Mathew(Ed.), *Status of Panchayati Raj in the States of India*, 1994, op.cit., p.3.

43 Ibid.

44 Ibid.


47 S.S. Meenakshisundaram, op.cit., p.55.


52 Ibid., p.90.


54 Sitha Ram Singh, op.cit., p.21.

55 R.S. Rajput, D.R. Meghe, op.cit., p.27.


63 Ibid.

64 Pant Niranjan, op.cit., p.13.

65 Chander Prakash, op.cit., p.281.

66 Pant Niranjan, op.cit., p.13


69 Chander Prakash, op. cit., p. 281.


74 P. Sharan, op. cit., p. 304.


76 P. Sharan, op. cit., p. 305.

77 Chander Prakash, op. cit., p. 288.

78 P. Sharan, op. cit., p. 305.


82 Ibid., p. 32.

84 Ibid., p.13.


86 G Morly Mohanlal, op.cit., p.13.


88 Ibid.

89 Ibid.

90 Prabhat Datta, op.cit., p.21.


92 Kurushetra, April, 1995, p.20.

93 Ratna Ghosh, Alok Kumar Pramanik, op.cit., pp. 33-34.


95 Ibid., p.25.

96 Rajni Kothari, *State Against Democracy: In Search of Humane Governance*, Ajanta Publications, New Delhi, 1988, p.188.


98 Pradeep Chaturvedi, op.cit, p.11

99 Ibid.


101 R. Kesavan Nair, *Village Development* (Malayalam), State Institute of Languages, Trivandrum, 1971, p.90.


107 Ibid.


113 S.P. Jain, B.C. Muthayya, op.cit., p.158.


116 Ibid.


121 Ibid.


124 Ibid.


126 Ibid.

127 Ibid.


129 M.K. Gandhi was referring to the number of villages in undivided India.
