CHAPTER - III
GRASSROOTS DEMOCRACY IN THE FIRST DECADE OF INDEPENDENCE
In the preceding chapter, we have presented in some detail, the theoretical analysis of 'grassroots' democracy in its multi-dimensions and its genesis and gradual growth in India starting from the Vedic period till independence. Also, a critical analysis concerning the place of grassroots democracy during British-raj and the forceful advocacy by Mahatma Gandhi to revive these age-old institutions in India have been given in a comprehensive manner. In this chapter, we propose to examine in detail the place and status assigned to grassroots democracy in the constitution of free India reflecting Gandhian ideals and the status of grassroots democracy in the first decade of independence.

Grassroots Democracy: Its Place in the Constitution

It appears somewhat strange that despite the ancientness of the institution of village panchayat in India and despite Gandhi ji's unequivocal propogation of 'village Swaraj' and the 'Panchayats', the makers of the constitution drafted a constitution for India which did not include any provision for establishing panchayats. B.R. Ambedkar, who was mainly instrumental in giving a final shape to the constitution, had a strong negative view regarding the ancient caste-ridden village Panchayats of India. He was not in a mood to include these panchayats in the constitution of free India and his attitude was reflected in the remarks given by him in the Constituent Assembly on 4th November, 1948.
Ambedkar said:

"I hold that these village republics have been the ruination of India. I am, therefore, surprised that those who condemn provincialism and communilism should come forward as champions of the village. What is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism? I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit".

Besides Ambedkar, initially, Nehru's attitude towards Panchayats was also not favourable, which is revealed by his letter addressed to Mahatma Gandhi on 9 October, 1945. His reaction was:

"I do not understand why a village should necessarily embody truth and non-violence. A village, normally speaking, is backward intellectually and culturally and no progress can be made from backward environment, narrow-minded people are much more likely to be untruthful and violent". When Gandhi came to know that the proposed constitution for free India had not provided for panchayats, his reaction was: "I must confess that I have not been able to follow the proceedings of the Constituent Assembly ... There is no mention or direction about village panchayats and decentralization in the foreshadowed constitution. It is certainly an omission calling for immediate attention if our independence is to reflect the people's voice".

1. Quoted in Malaviya, H.D., Village Panchayats in India, Economic and Political Research Department, All India Congress Committee, New Delhi, 1956, P.258.


had warned the leaders in charge of framing the constitution never to come to him for discussions on the constitution again, if panchayats are not going to be one of the central pillars of Indian Democracy.

As a matter of fact, disapproval by the father of the nation created serious problems. A series of protests were registered and the standpoint of B.R. Ambedkar was vigorously challenged. The prominent members who challenged the standpoint of B.R. Ambedkar were Madhav Rau of Mysore, H.V. Kamath and Prof. N.G. Ranga. The depth of despair of the members of the Constituent Assembly may be gauged from the following observation of Prof. N.G. Ranga:

"I wish to remind the House of the necessity for providing as many political institutions as possible in order to enable our villagers to gain as much experience in democratic institutions as possible in order to be able to discharge their responsibilities through adult suffrage in the new democracy that we are going to establish. Without this foundation stone of village panchayats in our country, how would it be possible for our masses to play their rightful part in our democracy?"

Thus two divergent views predominated the debate as to the inclusion of 'Panchayats' in the constitution. Ultimately, the matter was referred to Sir B.N. Rau, the constitutional adviser,

4. See the article by George Mathew 'Congress (I) and Panchayati Raj' in the Hindu, dated June 7, 1993.

whether the whole thing could be reexamined and the constitution re-drafted. It was then too late to redraft the constitution with the panchayats as its basis. On November 22, 1948, K. Santhanam, a member of the Drafting Committee, moved an amendment (Art 31A) which as a part of the Directive Principles enjoined on the state the duty of organising village panchayats and "endow them with such powers and authority as may be necessary to enable them to function as units of self-government". This amendment was accepted that very day after a brief discussion which expressed the consensus of the Constituent Assembly in favour of decentralised democracy or grassroots democracy. B.R. Ambedkar immediately accepted this by saying that "I have nothing more to add".

When the constitution was enacted and adopted in its final shape Article 31A was renumbered as Article 40 and was incorporated in the text of the constitution as a part of the Directive Principles of State Policy (Part IV) which, however, is not justiciable. Article 40 reads thus: "The state shall take steps to organise village panchayats and endow them with such power and authority as may be necessary to enable them to function as units of self-government". In another place in the constitution, 'Local Government' finds a mention. Schedule Seven, List II (State List) reads: "Local government, that is to say, the Constitution and powers of municipal corporations, improvement trusts, district

8. The Constitution of India, Article 40.
boards, mining settlement authorities and other local authorities for
the purpose of local self-government or village administration". 9
Perhaps, this is an interesting way of defining local government
without giving due place to panchayats. Commenting on this section,
Basu says:

"The entry is very wide and empowers the
State Legislature to legislate with respect to
any subject relating to local government. It
can also confer such powers as it itself
possesses, upon a local authority, including
the power of taxation (within the limits of
List 2), for the purposes of local
self-government". 10

Thus panchayats were made a part of the constitution. But
certain question still remained unanswered. Why did panchayats not
come under the legally enforceable part of the constitution? Why
were not they given the constitutional status and recognition they
deserved? Perhaps, the majority of the members of the Drafting
Committee were in favour of concentrating all powers at the Central
and state levels. Therefore, it appears that panchayats were made a
part of the constitution simply to please Mahatma Gandhi and there
was no serious urge on the part of the Congress leaders to make it
a substantive part of the constitution.

Indian democracy was thus shaped as a 'Half-way
Democracy' wherein Swaraj or 'self-rule' stopped at the central and
state levels, but it did not percolate down to the level of the

9. The Constitution of India, 7th Schedule, List II (State List)
(Private) Ltd., Calcutta, 1960, P.713.
The makers of India's constitution could not bring it in tune with the political ideology of the Freedom Movement.

It may be argued that perhaps the urban elites and their rural counterpart and the bureaucracy had a disdain for panchayats and did not want a genuine transfer of power to the rural masses so as to enable them to become the master of their own destiny.

Post-independence emphasis on Grassroots Democracy

After attainment of independence a new phase of evolution of local government in India began in 1948 consequent on the conference of ministers of Local Government which deliberated on various problems of local bodies. With the establishment of a democratic constitution in independent India, a new hope and a universal desire was pinned on the Indian leadership for establishing popularly elected government at the local levels in order to make it a training ground for democracy and an institution for shoudering the responsibilities of rural development. Against this backdrop, the legislations enacted in early fifties by the various state Governments to establish gram-panchayats as units of village self-governments and to take necessary executive steps for the actual organisation and functioning of gram-panchayats can be easily understood and appreciated. The enactment of the plethora of statutes by the various state legislatures with a view to establishing and organising gram-panchayats was a definite step to strengthen grassroots democracy in India, but the focus remained only at the village level.

In Orissa, however, the then elected Congress government had taken significant steps even earlier than the inauguration of the constitution by enacting the Orissa Gram-Panchayat Act of 1948 for organising village panchayats as the most basic grassroots units of rural local self-government.

Grassroots Democracy in Orissa: Historical Background

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 the ex-tributary states which had merged with it. The said act was known as the Orissa Gram Panchayat Act, 1948. Before we delve into it in order to analyse its silent features, it is pertinent and necessary to have a glimpse of the traditional and informal grassroots democratic institutions of Orissa in order to maintain the historical perspective.

Grassroots democratic institutions existed in the villages of Orissa (then known as Kalinga) as a part of their social and cultural values enriched with customs. These institutions had survived during Afghan rulers and even during the Marathas. After 1751, the Marathas divided the entire territory of Orissa into two board political districts, the Mughalbandi and the Garhjat districts.

The Mughalbandi districts mainly including the coastal areas were divided into 150 parganas and placed under 32 revenue commissioners or 'amils'. Each pargana was divided into several
'Mahals'. There were also hereditary revenue collectors called as talukdars, kanungo, and chaudhuris. Revenue was directly collected from raiyats or through village headmen. The administration mainly paid attention to crop failure due to flood or drought; peasants were given remission from panchayat of land revenue. The Garhjat districts covering the hill tracts were allowed to be ruled by twenty-four tributary chiefs, who paid tributes to the Maratha government. They administered their respective areas, enjoying autonomy. British rule in Orissa was inaugurated by the 'Treaty of Deogan' on 17 December, 1803, marking 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 1912 when it formed a division of a separate Province, called Bihar and Orissa.12 Rural local governments had been constituted under the Bihar and Orissa Local Self-Government Act, 1885 for the districts of Cuttack, Puri and Balasore. Likewise, the districts of Ganjam and Koraput as a part of the Madras Presidency till April, 1936, were covered by the Madras Local Boards Act, 1920 while the district of Sambalpur was governed by the Sambalpur Local Self-Government Act, 1939, derived from the local administration system of the former Central Provinces and Berar.13 When Orissa was constituted as a separate province in 1936

12. The definition 'Province' remained in force till the coming into effect of the Constitution of India on 26th January, 1950, following which it was called the Orissa State.

During British rule, in the province of Orissa, there were District Boards, the apex body, Local Boards at the sub-divisional level and the Union Boards at the village level. The main functions of the district board were to provide for primary and secondary education, to maintain and construct roads and to maintain charitable institutions and to manage public health in the rural areas. District boards were elected on the basis of limited franchise and the presidents and the vice-presidents of such boards were indirectly elected by the members of the respective boards. For official transaction they had executive officers appointed by the provincial government and these officers worked under the control of the president of such boards.

Below the district boards, there were local boards and union boards at the sub-divisional and village level respectively with minimal functions assigned to it. In the ex-Madras areas (Ganjam and Koraput), village courts had been established under the Village Courts Act, 1889. The most important laws that were enforced by the local bodies included the village Chaukidari Act 1870 which trained the village chaukidars to assist the police in maintenance of law and order and registration of births and deaths. These chaukidars were attached to the daffadars (Para-Police Constables) who were under the dual control of the police station and the union or local boards. This chaukidari system was subsequently abolished without an efficient substitute.\(^{14}\)

\(^{14}\) George Mathew (ed.), *op.cit.*, P.160.
These boards remained in force for quite a long time and finally were abolished by the introduction of Panchayati Raj in Orissa in 1959.

Orissa Gram-Panchayat Act, 1948

The Orissa Gram-Panchayat Act was passed in the year 1948. It received the assent of the Governor-General on the 11th December 1948 and was published in an extraordinary issue of the Orissa Gazette, dated the 22nd December, 1948. In Orissa, more than 500 Gram Sabhas and about 200 Adalti Panchayats in 2000 villages had been set up on the 15th August, 1949 to commemorate the Independence Day. We may now turn to the salient features of the Orissa Gram-Panchayat Act, 1948.

Formation of Gram-Sabha

The Provincial Government may, for the purpose of introducing the village panchayat system, establish a Gram Sabha for any village having a population of not less than fifteen hundred inhabitants. Such a Gram Sabha shall consist of all adults ordinarily residing in such villages.

The Act provides for two general meetings, one annual and the other half-yearly, of the Gram Sabha and the time and place of all the meetings of the Grama Sabha shall be notified in

15. The Orissa Grama Panchayats Act, 1948, (ORISSA ACT XV OF 1948)
17. Section 5, Clause (1) of the Orissa Grama Panchayats Act, 1948 (ORISSA ACT XV OF 1948).
the prescribed manner. In the annual general meeting the budget of the following year shall be passed and in the half-yearly general meeting the accounts of the previous year shall be considered.

Constitution of the Grama Panchayat

Soon after its establishment, a Grama-Sabha shall elect from among its members an executive committee which shall be known as the Grama Panchayat. It shall also elect a Sarpanch and a Naib Sarpanch from among its members. The number of members of a Grama Panchayat shall be such as may be calculated on the basis of one member for every one hundred of the population of any village subject to a minimum of fifteen members in addition to the Sarpanch and the Naib Sarpanch. However, the Act provides that the Sarpanch and Naib Sarpanch to the first Grama Sabha shall be nominated by Government. The Sarpanch and the Naib Sarpanch shall hold office for a term not exceeding three years and they shall be eligible for re-election for one further term of three years. In the event of death, disqualification, resignation or removal of a Sarpanch or Naib Sarpanch, a new Sarpanch or Naib Sarpanch shall be elected to the vacancy and shall hold office for the unexpired portion of the term of office of the Sarpanch or Naib Sarpanch.

The Sarpanch shall give effect to the decisions of the Grama Panchayat in the execution of his duties. If the Sarpanch considers that any such decision (a) is subversive of peace and

18. Section 17, The Orissa Grama Panchayats Act, 1948 (ORISSA ACT XV OF 1948)
order in the locality; or (b) results in manifest injustice or unfairness to an individual or body of individuals or a particular community or (c) is generally against public interest, he shall refer the matter to the sub-divisional Magistrate and thereafter act according to such directions as he may receive from such Magistrate.

POWERS AND FUNCTIONS OF GRAMA-PANCHAYAT

The Act provides for a wide range of functions for the Grama Panchayat which are broadly divided into two categories, namely, obligatory and discretionary functions. The obligatory functions of the Grama Panchayat provide for construction, repair, maintenance of public streets, medical relief, first-aid, sanitation, conservation, curative and preventive measures in respect of an epidemic, registration of births and deaths and marriages, primary education, maintenance and construction of public tanks for supply of water for drinking etc.

The discretionary functions of the Grama-Panchayat provide for maintenance of village forests, medical treatment of cattle and prevention of cattle disease, establishment of a sound credit system and to prevent rural indebtedness and poverty, promotion of co-operative farming, marketing of agricultural produce, establishment of libraries, reading rooms, organising a body of Grama Sebaks in the matter of social activities, maternity and child

19. Sections 21 and 22 of The Orissa Grama Panchayats Act, 1948 (ORISSA ACT XV OF 1948)
welfare centres, establishment of clubs for recreation and games, establishment of works or the provision of employment, regulation and abating dangerous and offensive trades, encouragement of human and animal vaccination, adult education and any other measure for the benefit of the community and promotion of their social, moral welfare.

STAFFING

The Act also provides for the appointment of the staff in case of Grama Panchayat. The Grama Panchayat shall appoint a Secretary and other staff absolutely necessary for the purpose of administration subject to the approval of the Registrar, Co-operative Societies. Other whole time and part time appointments may be made, if considered essential. The strength of the staff, their salaries etc. should be subject to the approval of the Registrar of Co-operative Societies.

THE GRAMA FUND—FINANCE

The Act provides for the establishment of Grama fund for each Grama Sabha and the sources of revenue of the Grama Panchayat.\(^{20}\) These sources are: taxes, rates and fees levied by the Grama Panchayat; fines imposed and realised by it; contributions and grants from the higher Panchayat authorities like District Boards; sums received by way of loan or gifts; receipt from cesses; sale proceeds of dust, dirt, refuse collected by the Grama

---

\(^{20}\) Sections 40 and 44 of the Orissa Grama Panchayats Act, 1948 (ORISSA ACT XV OF 1948)
Panchayat; money sanctioned by the Government for specified purposes.

The income from different sources enumerated above shall be credited to the Grama fund and the Grama fund shall meet all the expenses incurred in execution of the obligatory and discretionary functions of the Grama Panchayat.

EXTERNAL CONTROL

The Registrar of co-operative Societies, Orissa or any other officer with powers of a Registrar, shall be the head of the Grama Panchayat Department and the official adviser of Government in matters relating to panchayat scheme. He shall exercise the general powers of inspection, supervision and control over the performance of the administrative duties of the Grama Panchayats. The Registrar may himself inspect the immovable properties owned by a Grama Panchayat and may call for records, inspect the books or documents in possession and control of the Grama Panchayat. The Registrar shall cause periodical audit of the accounts of the Grama Panchayat and has powers to dissolve and reconstitute or abolish the Grama Panchayat in case of neglect of duty and abuse of powers by the Grama Panchayat.

PANCHAYAT POLICE

The Act provides for the appointment of requisite number of dafadars and choukidars by the District Magistrate. They are the para-police constables and their important powers are to inform the nearest police station and the Sarpanch of a Grama Panchayat of
every unnatural, suspicious or sudden death and of all disputes which are likely to lead to a riot. They shall arrest all proclaimed offenders and assist the panchayat in making collections under the Act and keep a watch over the possible damage of panchayat property.

ADALATI PANCHAYATS

The Act also provides for Adalati Panchayats, a judicial body in case of Grama Sabha. There may be an Adalati Panchayat for one Grama Sabha or several Grama Sabhas constituting a circle. The Adalati Panchayat is an example of a statutory tribunal which is vested with judicial functions and is deemed to act like a court, the members of which are popularly elected. It has limited original and criminal jurisdictions and it determines cases and suits referred to it within the local area. These village tribunals are expected to give justice to the villagers who will not hereafter go to headquarters of civil and criminal courts for lodging petty complaints and claims and to put an end to the curse of ruinous litigation in the countryside.

Community Development Project: A Novel Experiment

Soon after Independence in 1947, the Central as well as State Governments had to grapple with problems of the eradication of the evils like poverty, illiteracy, unemployment, disease. The growing wishes and aspirations of the masses and nation-building

21. Sections 57 to 64 of the Orissa Grama Panchayats Acts, 1948 (ORISSA ACT XV OF 1948)
became their primary concern to fulfil which comprehensive development schemes and welfare programmes were undertaken through a series of Five-year plans. The involvement of the people in their development through grassroots democratic institutions and making these institutions the proper agencies for implementing development programmes, were contemplated in the First Five Year Plan. Thus the First Five Year Plan observed, "The Constitution has provided for democratic institutions at the centre and in the States, but so long as local self-governing institutions are not conceived as parts of the same organic constitutional and administrative framework, the structure of democratic government will remain incomplete".  

22 The First Plan thus wished that the grassroots democratic institutions would be organised in such a way as to assume the agency functions of the higher authorities and came to conclude that "unless a village agency can assume responsibility and initiative for developing the resources of the villages, it will be difficult to make a marked impression on rural life, for, only a village organisation representing the community as a whole can provide the necessary leadership".  

23 Thus, as a part of these developmental measures a large number of schemes were started with a special emphasis on provision of all basic amenities in the rural areas. The Community Development Programme, modelled after the experiments at

23. Ibid., P.133.
Marthandam, Shantiniketan, Baroda, Etawah and Nilokheri, was the most important innovation initiated in the First Plan. It was intended to develop the rural areas intensively and to organise the village people. Jawaharlal Nehru, the political heir of Gandhiji, inaugurated the programme on October 2, 1952, though no central legislation was enacted during his regime. It was started on a pilot project basis in selected areas called 'Community Projects'. 'Block' was an innovation of the community development programme and no representative institution existed at this level. A Block Advisory Committee (later known as Block Development Committee) was set up at each block. It was purely an advisory body and possessed no executive functions. Its aims were to advise in the planning and execution of the C.D. Programme and to help in enlisting popular support and participation. This committee consisted of officials and non-officials both ex-officio and nominated.

Community Development Programme aimed at overall socio-economic development of the rural sector with the co-operation of the people. The role of the government was to be that of adviser and guide. The programme covered agriculture, animal husbandry, poultry farming, subsidiary occupations, irrigation, co-operation, village and small scale industries, housing, communication, education, health and sanitation. The underlying philosophy of the Community Development was government schemes and programmes would be implemented with people's participation, though the

24. The term block refers to an administrative unit, below the sub-division of a district for organising community development and agricultural extension programmes.
ultimate objective was people's programmes to be carried out with people's participation.25

These programmes brought about radical change in the composition and functioning of development bureaucracy. As a result, new institutions were installed and new administrative roles were introduced. Block Development Committee, Co-operative Society, Mahila Mandal, Yuvak Mandal, B.D.O., E.O., V.L.W. etc. were the examples of efforts in institution building and in introducing new or modified administrative roles.26 It was a fact that people's participation was emphasised in CD Programmes to break the traditional inertia of the people but it was on non-institutionalised basis. Again, it was sought in the form of support and co-operation and voluntary contributions in the form of cash, kind and labour from the rural people for the accomplishment of programmes.

Initially, a lot of good work was done by the programme personnel in the countryside; but ultimately, it proved to be a 'colossal failure' and 'complete loss'. No doubt, there has been a general increase in rural consciousness of economic and to some extent of social needs, but the objective of inspiring positive efforts based on self-help for promoting economic and social development had been comparatively unsuccessful.27

27. Ibid., P.33.
Reasons for its failure are two: First, the programme was trapped by bureaucracy and important decisions were confined to the higher level. Committees constituted at the block level were purely ad-hoc and advisory in nature and not based on democratic principles. Second, the desired response and co-operation from the people were not forthcoming as the villagers looked upon the programme as one of the many schemes of the government. Perhaps, the mutual interdependence between development work and the grassroots democracy was not clearly grasped at that time.

Along side the Community Development Projects, the Government had launched the National Extension Service which was intended to give scientific and technical help to the village people so that they could improve their lot. But, unfortunately, this attempt also failed and the performance was below expectation.

The Second Five Year Plan was an improvement over the First insofar as it made specific recommendations in favour of a network of active panchayats for securing comprehensive village planning, a more just and integrated social structure in rural areas, development of a new type of leadership in order to facilitate the process of rapid transition of the rural society and a complete pattern of development administration in the districts envisaged in the programmes of community development and National Extension Services. While laying down the guidelines for the
recognition of the district development administration, the Second Plan stressed the need for "establishment for development at the village level of an appropriate agency which derives its authority from the village community", and then "linking up, in relation to all development work, of local self-governing institutions with the administrative agencies of the State Government". 28

And again, the Local Finance Enquiry Committee (1951) and the Taxation Enquiry Commission (1954) also recommended to strengthen the local revenue base in order that the state's political sub-divisions may have the strength to be the foundations of the new socialist pattern of society.

In the wake of the failure of the CD Project, it became necessary to inquire into the causes of lack of initiative, apathy and indifference on the part of the rural population and to suggest remedies for the removal of those causes. In order to generate more enthusiasm and evoke greater degree of participation of the people in the process of rural reconstruction than hitherto received, an institutional device was thought proper. Balwantrai Mehta Committee was entrusted to inquire, among other things, into this question. This Committee has been officially designated as the "Team for the study of Community Projects and National Extension Service". After a thorough probe, the committee submitted its historic report on the

24th November, 1957. This report may be said to have laid the foundation stone of the Panchayati Raj - a system of institution building in the rural sector of India.

Towards a Structural Approach: Balwantrai Mehta Committee Report

The recommendations of the Balwantrai Mehta Committee Report\textsuperscript{29} were a series of revolutionary measures for strengthening the grassroots democratic institutions as an effective instrument for decentralisation and democratisation of power.

The Committee on Plan Projects constituted a Team\textsuperscript{30} popularly known as 'Balwantrai Mehta Study Team' for the study of Community Projects and National Extension Service.

The team consisted of six members including Shri Balwantray Mehta as its Chairman and Shri D.P. Singh, IAS, as the Member-Secretary.\textsuperscript{31} The terms of reference of the Team were very wide and comprehensive. It was asked to study and report on the Committee Projects and National Extension Service with reference to certain aspects, which, inter alia, included "...the assessment of the extent to which the movement has succeeded in utilising local initiative and in creating institutions to ensure continuity in the

\textsuperscript{29} Hereinafter shortly referred to as the 'Report'.

\textsuperscript{30} The 'Team' on Community Projects and National Extension Service was appointed vide letter No.COPP(I)/3/57 dated January 16, 1957 from the Secretary, Committee on Plan Projects, Government of India.

process of improving economic and social conditions in rural areas" and the Team was free to make "any other recommendation in order to ensure economy and efficiency".  

The study team made inquiries into the failure of the government sponsored Community Development Programmes and National Extension Services and between 21st February and 4th August, 1957, it visited 58 selected blocks in 13 districts. After a series of discussions and thorough probe, the Team observed that the programmes of rural development lacked popular initiative and interest. In its crucial observation, the Team remarked, "So long as we do not discover or create a representative and democratic institution which will supply 'the local interest, supervision, and care necessary to ensure that expenditure of money upon local objects conforms with the needs and wishes of the locality', invest it with adequate power and assign to it appropriate finance, we will never be able to evoke local interest and excite local initiative in the field of development".  

The findings and recommendations based on observations and studies of the Team were sent to the State governments. Later in September and first half of October, 1957, the Team held discussions with the State Government. The Report was then finalised and signed on November, 24, 1957 with a short note of dissent by Shri B.G. Rao. The National Development Council, the highest forum representing the Union government and the State governments in

regard to matters of planning in India's federal system, broadly accepted the recommendations of the Team and communicated to the states for implementation in the middle of 1958. The Central Council of Local Self-Government at its fifth meeting at Hyderabad in 1959, considered the action taken by the States to implement the decision of the National Development Council and recommended that "while the broad pattern and the fundamentals may be uniform, there should not be any rigidity in the pattern. In fact, the country is so large and panchayati raj (democratic decentralisation) is so complex a subject with far-reaching consequences, that there is the fullest scope of trying out various patterns and alternatives. What is most important is the genuine transfer of power to the people. If this is ensured, form and pattern may necessarily vary according to the conditions prevailing in different states". 

The Study Team made several recommendations, but its revolutionary recommendation of a three-tier system of democratic decentralisation for development administration was significant. The Team came to the inevitable conclusion that lack of popular initiative and participation in the C.D. Programme was due to absence of democratic institutions at lower levels and then considered the possibility of a 'single representative and vigorous democratic institution to take charge of all aspects of development work in the rural areas'.

The Report was divided into 18 sections, each section dealing with a particular aspect of the problem. The main features of the recommendations of the Team were establishment of a three-tier Panchayati Raj system—Village Panchayat, Panchayat Samiti and Zilla Parishad; demarcation of functions of the village panchayat and Panchayat Samiti; assignment of sources of income to the Panchayat Samiti and the Village Panchayat; setting up a permanent cadre of trained personnel for running the Panchayati system. At the village level Gram Panchayats were to be constituted to secure community action in as large a measure as possible with the Gram Sevak as the key figure in community development system and Panchayati raj.

The pivot in this three-tier system would be the Panchayat Samiti which would be coextensive with the Development Block. Block was recommended as the unit of planning and organisation on the basis of the Aristotelian Principle of being 'neither too large to


36. The Grama Sevak is a multi-purpose village level worker appointed by the State Government to help villagers to solve their problems as envisaged under the community development and extension programmes. The Block Development Officer exercises administrative control over him. The Gram Sevak has to be, in the first instance, an agricultural expert, and must also have working knowledge of a wide variety of other subjects like public health, animal husbandry, cottage industry etc. His female counterpart is Gram Sevika.
defeat the very purpose of creation, nor so small as to militate against efficiency and economy'. Panchayat Samiti - the middle tier - was the innovation, and the Report suggested that "all central and state funds spent in a block area should invariably be assigned to the Panchayat Samiti to be spent by it, directly or indirectly, except to an institution, assistance to which is either beyond the Panchayat Samiti's functions or its financial resources".37

At the district level, a new body - Zila Parishad was to replace the district boards. The Team wanted the Zila Parishad to perform the function of co-ordination only and it should be composed of the Presidents of Panchayat samitis, all members of State Legislature and of parliament representing a part or whole of a district, and district level officers of the medical, education, backward classes welfare, public works and other development departments of the State Government. The Collector will be the "Chairman of this Parishad and one of his officers will be the Secretary".38 Thus the apex body at the district level proposed by the Team would have a sort of advisory role, the role 'to warn, to advise and to be consulted'.

The structure of the proposed system as per the Report, should be an integrated one. The members of the Panchayat Samiti


were to be elected by the members of the Gram Panchayat within the area, and the Presidents of Panchayat Samitis within the district would become ex-officio members of the Zila Parishad. Each level of this structure would have the power to require the lower level to function as its agent. Again, the budget of the Gram Panchayat was to be approved by the Panchayat Samiti and that of the Panchayat Samiti to be approved by the Zila Parishad.

A cursory view of the Report would suggest that it laid down five fundamental principles underlining the spirit of democratic decentralisation and created a model of an organically linked three-tier Panchayati Raj system. These were: (i) there should be a three-tier structure of local self government bodies from the village to the district level and these bodies should be linked together; (ii) there should be a genuine transfer of power and responsibility to these bodies to enable them to discharge their responsibilities; (iii) adequate resources should be transferred to these bodies to enable them to discharge their responsibilities; (iv) all welfare and development schemes and programmes at three levels should be channelled through these bodies only; (v) the three-tier system should facilitate further devolution and dispersal of power and responsibility in the future.\textsuperscript{39} The proposals of the Study Team created a stir at first and much scepticism was expressed about the efficacy of the new setup.

The question whether the Block is a 'Social pattern' or a 'Social system' has examined by two American sociologists,\textsuperscript{39} B.S. Bhargava, 'Panchayati Raj: Power to the People' in Kurukshetra, Vol.XXXVI, No.3, December, 1987, P.14.
Ensminger and Beer. They posed the questions: 'Is the block only an artefact of government? Will it become solid and established or will it be a passing phase in the organisation of India's government? To what extent will it become a social system permanently embedded in the network of the total society of India?'

Their conclusion is - "The block, with a circle of villages in it, is a new organisation completely set up by government not yet completely formed as a social system but well on the way".  

Henry Maddick while criticising the dual responsibility of the technical officers at the block level, remarked, 'The position of the technical officers at the block level was complicated, for they were responsible to the B.D.O. in the first place for the implementation of the local block programmes and for co-ordinated efficiency in their discharge. On the other hand, they were also vertically responsible to their individual departments for technical activities and for statistical reporting, a link being established mainly through the district level technical officer to the director of the technical department at state level'.

Arch Dotson, a consultant to the Ford Foundation on planning administration, reviews critically the proposals of the Study team. Dotson argues that in the first place, there is a general failure in the Report to differentiate between the characteristics and requirements of different functions. To call the


entire gamut of local government services 'development work' may serve to bring the whole of local government under review, but it does not help to determine appropriate jurisdictions or to distribute functions among levels of government.42

In the second place, the lack of differentiation among functions also appears in the proposed distribution of activities between the panchayat samitis and the village panchayats. When the assigned activities of each level are examined, it is seen that both levels are often allocated the same responsibilities. For example, the village may supply drinking water; so may the Panchayat Samiti. The village is charged with the 'supervision' of primary schools, while the block is allocated the 'administrative control' of the same primary schools. The block is assigned 'the welfare of backward classes'; the village is to attend to 'the welfare of the backward classes-presumably the same classes. Moreover, the Report speaks of two 'sets of officers' of the block, at the village and the block levels.43

Again, there is yet a more comprehensive question concerning the proposed democratic decentralisation. When the entire scheme is seen with its collateral and secondary features, it becomes clear that this is not a proposal for local federation with powers and spheres assigned to each unit or level of units. It is,

43. Arch Dotson, ibid, P.44.
instead, a unitary outline, with a chain of command and with cumulative responsibility at each higher level in the hierarchy.\textsuperscript{44}

In spite of the criticisms made by the distinguished authors, the Mehta Committee contributed significantly to the cause of local self-government in India. Thus, the concept of rural extension and community development, in their revised form, broadened into that of Panchayati Raj which is a process of governance. Etymologically, the term Panchayati Raj is derived from Urdu and was coined by Jawaharlal Nehru. It is different from the term Panchayat, which connotes a local body limited to a geographical area.

Thus, Panchayati Raj, as a new pattern of community development, "will grow thus to be a way of life and a new approach to government as against a unit of government. It will bring about a complete link-up of our people from the Gram Sabha to the Lok Sabha".\textsuperscript{45}

Review of the Gram Panchayats in Orissa: The Gram Panchayat Enquiry Committee

In Orissa, right from 1948, Gram Panchayats were established as units for decentralisation of the administration. But,

\textsuperscript{44} Arch Dotson, \textit{op.cit.}, P.47.

it was felt and brought to the notice of the Government that in some cases, Gram Panchayats were not using their powers properly thus leading to misuse of power. Therefore, with a view to remove these difficulties and to give proper advice to Government for the smooth conduct and management of Panchayat Administration, Government of Orissa had appointed a committee, namely, the 'Grama Panchayats Enquiry Committee' with Shri Dinabandhu Sahu, Minister of Industries & Mining as Chairman.

The Committee submitted its report on 31st March, 1958 with notes of dissent by Shri Harihar Das, Shri Rajballabh Mishra and Shri Nishamani Khuntia. The Committee made several recommendations which mainly related to the establishment and constitution of Panchayats, its duties and functions and its financial resources, Panchayats in Back-ward areas, and Adalati Panchayats.

46. The Government of Orissa, Political and Services (Grama Panchayat) Department, Resolution No.4015, dated the 20th May, 1957.

47. The Committee shall consist of following members:

1. Shri Dinabandhu Sahu, - Chairman
   Minister, Industries & Mining

2. Shri Santanu Kumar Das, - Member
   Deputy Minister, Grama Panchayats, Fisheries & Co-operation

3. Shri Yatiraj Praharaj, M.L.A. - Member

4. Shri Hrusikesh Tripathy - Member

5. Shri Harihar Das, M.L.A.(Aska) - Member

6. Shri Raj Ballabh, Mishra, M.L.A.- Member

7. Shri Nishamani Khuntia,M.L.A. - Member

8. Shri Ananta Charan Tripathy,M.LA.- Member

Report of the Grama Panchayats Enquiry Committee, Orissa Political and Services (Grama Panchayat) Department, Government of Orissa, Bhubaneswar, 1958, Appendix III, P.147. Shri Santanu Kumar Das became a member of the committee with effect from 30th July, 1957 vide Resolution No.6234, Government of Orissa, Political and Services (Grama Panchayat) Department, dated the 12th August 1957.
A summary of the recommendations of the committee is given below:

(1) Regarding the size of the panchayats, the committee recommended that in the 'scheduled areas', the panchayat area should be so demarcated to cover a population of 2,500 only on the average. In the areas where the percentage of tribal and backward population is between 25 to 40 percent, the panchayat area should be so demarcated as to cover a population of 4,500 roughly, and where the said population is less than 25 percent, the panchayat area should cover a population 4,000 roughly.

(2) With sufficient regard to geographical contiguity and important physical features, a fresh rectification of boundaries in respect of Panchayats should be attempted.

(3) Palli Sabha should be established immediately and the election officers should, as far as possible, be gazetted officers.

(4) The panchayat will be entitled to nominate a woman member with all the rights and privileges and the village level worker should be co-opted as a development member of the panchayat without any right to vote in the interest of development of its local area. The life of Grama Panchayat should be five years instead of three years.48

As regards the duties and functions of the panchayats, the committee recommended that priority and importance should be given

---
to:

(1) Village uplift in all its aspects - the economic, social and moral development of the community as a whole; village sanitation, medical relief and public health; supply of drinking water; spread of education; development of co-operation and promotion of social and moral welfare.

(2) Rendering assistance to Government, the Block or any other official or non-official agency which takes up works of economic, social and moral development of the community in that area.

As regards administrative functions, priority should be given to: Acquisition of property; protection and management of property of Grama Panchayat; establishment and management of common grazing grounds; assisting and advising the villagers in obtaining loans from Government and co-operative societies, acting as a guide to the individual villagers; relief from famine, fire and other calamities and relief to the destitute and the sick; registering births and deaths, marriages and maintenance of necessary registers; maintenance of records relating to cattle census, population census and other statistics and bring under cultivation and plantation waste and fallow lands vested by Government in a Panchayat. 49

In order to improve the financial position of the Panchayats, the following measures were suggested by the committee:

(1) There shall be a 'Panchayat tax' which shall be compulsorily levied by all the panchayats in the state; an optional land tax or land cess should be assessed as a surcharge on land revenue; all other taxes, tolls, fees and rates shall be discontinued; section 45 of the Act relating to 'Labour tax' should be omitted.

(2) The State Government shall establish and maintain a fund to be called the 'State Rural Development Fund' and the following amounts shall be credited to it every year: (a) The entire income derived by Government from Kendu leaf leases; (b) the net proceeds of the 'development cess'; (c) 5 percent of the land revenue collected in the previous year. A prescribed portion of this fund may be set apart for assisting the panchayats in backward areas; a portion may also be contributed to the 'Sub-divisional Rural Development Fund' and the balance amount should be distributed to the panchayats on an equitable basis.

(3) There shall also be a 'Sub-divisional Rural Development Fund' and the following amounts should be credited to it every year:

(a) Income from all public ferries of the Sub-division;
(b) Income from public hats and bazars of the Sub-divisions;
(c) Income from public fairs and melas of the Sub-divisions;
(d) Contributions from the 'State Rural Development Fund; and (e) Contribution from any local authority.
The amounts collected in this fund should be distributed equitably among the panchayats of the sub-division every year and should be utilised by the panchayats for carrying out the various welfare works in their area.50

In respect of the working of Adalati Panchayats the committee recommends as follows:

The members of the Adalati Panchayat should not be elected but they should be nominated by the Panchayat, as far as possible, unanimously. The nominated members shall elect from amongst themselves, a person to act as the President of the Adalati Panchayat. An Adalati Panchayat should be established in every Grama Panchayat of the State and its jurisdiction should be co-extensive with that of the Grama Panchayat concerned. The President and members of the Adalati Panchayat shall hold office for a period of three years and shall be eligible for reappointment. The President and members of an Adalati Panchayat will be removable by the District Magistrate, after due enquiry, in case of inability or misconduct. The proceedings of the adalati Panchayat shall be generally open to the public. The committee deemed it expedient that the only function of the Adalati Panchayats will be giving an award in cases where the parties come to a compromise.51

The Committee, while concluding the Report, remarked that improvement in the working of panchayats can not be brought about merely by an amendment of the Act and the Rules or the administrative tightening up of control by the supervising authorities. It is the leadership in the village that will determine the future of the Panchayat administration. It is, therefore, of the utmost importance that the human material constituting the panchayat should be properly guided and utilised.

The Status of Gram Panchayats by the end of first decade of Independence

As discussed earlier, Art. 40 of the Constitution of India directed the State to establish village panchayats and develop them as 'units of Self-Government'. Attempts were made to set up Panchayats where they did not exist and to revitalise the existing ones. Legislation was pushed through all the states and Union territories and by the end of First Five Year Plan, there were 1,23,670 village Panchayats in India covering more than half the total number of villages in the country. The Second Plan envisaged to cover almost the entire countryside within the next five years. Still then, by the end of first decade of Independence, the overall picture of the rural institutions was gloomy and their record was far from satisfactory.

Village Panchayats of Gandhiji's dream was a people's

body where the real power was exercised by the common people in the village. But, on the contrary, the village panchayats cannot claim a strong tradition of democracy since the rural India is wedded to an undemocratic system of feudalism, casteism and traditional hierarchy. In such a situation, instances of people's apathy may be very frequent. The attempt to develop 'Gram Sabha' may be an attempt of integrating the people with the government, but this 'Sabha' can not function effectively as long as the individuals remain unresponsive.

An important objective of a democratic system of government is development of leadership. The success of all the institutions ultimately depends on the individuals who are required to implement them. But the decade's experience shows that the human material constituting the village panchayats are not properly guided and utilised. As a result, the village panchayats are pushed backward and become a strong seat of party politics.

During the first decade of Independence, to generate more enthusiasm among the masses, in the name of development, novel experiments were carried out, institutions were innovated and new administrative roles were created. It was hoped that people would come forward, break their traditional inertia and participate in the development programme. But as the experiment showed, there was a confused thinking among the rural people to the approach, aims and objectives of Panchayati Raj.
The role of bureaucracy again proved ambiguous. Instead of orienting rural people with the systemic goals, the officials placed in charge of the panchayat system never showed a genuine interest in it. Thus, a confused thinking coupled with bureaucratic indifference never brought the rural people nearer to the programme. As a result, the village panchayats became a caricature of rural democracy. Viewed in this context, by the end of first decade of independence, the village panchayats, the grassroots democratic institutions, had never shown any sign of progress as a people's forum and were reduced to the status of government agencies in case of rural areas.

In the state of Orissa, eventhough, an enquiry committee was instituted by the Government under the chairmanship of Dinabandhu Sahu to rectify the defects of Grams Panchayats so as to make these democratic bodies more vibrant, no significant step was taken for the implementation of its recommendations. The Government of Orissa slept over the valuable suggestions recommended by the Dinabandhu Sahu Committee and kept them in the cold storage for a longer period of time without taking adequate steps for its immediate implementation. Lack of genuine interest of the political elite to transfer power to the rural poor coupled with bureaucratic indifference were the contributing factors which hindered the process of implementation of the Committee's recommendations. Thus, by the end of the first decade of independence, grassroot democratic institutions in the state of
Orissa were existing only in form, attending to certain limited functions and acting as the agents of the state government and seats of party politics.

Summary and observation

To sum up the position of grassroots democracy by the close of the first decade of independence.

During the post-independence years it had been a pressing need for the policy makers to establish popularly elected government at the local levels and to provide rural infrastructure for development. As a result, legislations were pushed through by the various states for establishing grama panchayats as units of village self-government. But, soon it was realised and felt that people's participation was not forthcoming and desired response was lacking.

In order to make these democratic institutions vigorous and to evoke greater degree of participation of the people, a committee was set up under the chairmanship of Balwantra Mehta.

Balwantra Mehta study Team instead of suggesting adequate measures for strengthening Grams Panchayats, suggested a model of a new institution with an underlying principle of devolution of power through a three-tier interlocking institutions at and below the district level. Curiously enough, as we have noticed,
there was no move from the local levels to demand any devolution of power nor the people were considered as a factor in this process of institution building.

In the case of Orissa, earlier than the inauguration of the constitution, significant step was taken for the establishment of village Panchayats by enacting the Orissa Grama Panchayat Act, 1948 with a wide range of powers and functions. Soon, it was felt that these village Panchayats were becoming seats of corruption and misuse of power. To rectify the defects in the said Act, a process of reexamination was started through Grams Panchayat Enquiry Committee by the Government of Orissa. Unfortunately, we have noticed that, the valuable recommendations suggested by the said committee were not immediately acted upon.

Thus, by the end of the first decade of independence, the democratic institutions at the grassroot level were existing by name only, and instead of acting as people's forum, these democratic bodies were reduced to the status of the agents of the state governments and seats of party politics.