Chapter-III

HISTORY OF PRIS IN INDIA
Since the Vedic times the village in India has been considered as the basic unit of local self administration. The will of the village people has dominated every village republic. In ancient polity, the activities of village administration were to manage tanks, pastures, temples, markets; dispensation of justice, taxation etc. The administration of village was controlled by the village panchayat headed by Gramik and Gramin (Rajput, 1984:46).

Local government functioned in India in the time of imperial Mauryas but in the sense in which it is understood today it is an offshoot of the British rule. After ancient time panchayat lost its function, but in the British period Mayo and Rippon revised the ancient village panchayat in modern era. The Indian Council Act of 1861 inaugurated the policy legislative devolution and Mayo’s resolution of 1870 on financial decentralization was its outcome. Administrative convenience and financial stringency prompted the imperial government to transfer to the control of provincial government certain departments of administration which included education, medical services and roads. Lord Mayo’s resolution emphasized that local supervision was necessary for success in the management of the funds devoted to education, health and public works. This could lead to the development of self government and for the association of Indians to
greater extent than earlier in the administration of affairs. After all the Government of India Act of 1961 was passed these council were subsequently to be established at the local level to form the bases of local self-government or Panchayati Raj in India (Mahajan, 1986:38).

The resolution of the 18th May 1882 of Lord Rippon stands out as a land mark in the development of local self government and led to the people undertaking the management of their own affairs. He is rightly credited with the enunciation of a new philosophy of developing the capacity of the peoples for self help which could be done only by peoples through participation in local government. It was also necessary to share power with the growing number of educated people who would then be able to share the burden of the work and to improve efficiency. The government of Rippon desired the provincial government to apply in case of local bodies the same principal of financial decentralization which Lord Mayo’s government had began towards them. The resolution of 1882 which marks the effective beginning of the local self government in India. The development of local bodies was advocated not only with a view to improving administration, but as an instrument of political and popular education. The resolution embodying this doctrine has been hailed as the Magna-
Carta and Lord Rippon, its author as father of local self government in India (Maheshwari, 1971:17, ventatragaiys & pattabhiram, 1969:109). A document of such historic importance is worth quoting!

"In advocating the extension of the local self government and the adoption of this principle in the management of many branches of local affairs. The Governor General in council does not suppose that the work will be in the first instance, better done than if it remained in the sole hand of the government district officers. It was not primarily for improvement in administration than this measure was put forward. It was chiefly desirable as an instrument of political and popular education. His excellency in council has himself no doubt that in course of time, as local knowledge and local interest are brought to bear freely upon the local administration, improved efficiency will in fact follow….It is not un-commonly asserted that the people of this are themselves entirely indifferent to the principle of local self government, that they prefer to have such affairs managed for them by government officers. The Governor General in council does not attach much value to this theory. It represents, no doubt, the point of view which commends itself to many active and well-intentioned district officers, and the people of India are, there can be really no doubt, remarkably tolerant of existing fact’s. As education advances more there will be rapidly growing up all over the country an educated class of public
The annual reports of every government tell of an ever-increasing burden placed upon the shoulders of local officers. The cry is everywhere for increased establishments. The universal complaint in all the departments is that of overwork. Under these circumstances, it becomes imperatively necessary to look around for some means of relief, and the Governor General in Council has no hesitation in stating his conviction that the only responsible plan open to the government is to induce the people themselves to undertake, as far as may be, the management of their own affairs, and to develop, or create, if need be, a capacity for self-help in respect of all matters that have not, for imperial reason, to be retained in the hands of the representatives of government” (quoted in Maheshwari, 1971:17-18). Reforms projected by Ripon were ignored by government and district officers who were responsible for putting them into practice, the local daroga and bania were the real bosses in the village and the locals leadership was not concerned while formulating the policy but rather this policy was imposed from above, unfortunately therefore, Lord Rippon resolution, often desirable as the milestone on the roads of Indian Self-government or Panchayati Raj remained a dead letter for a long time (Purwar, 1960:46-47).
The next steps in the history of Panchayati Raj was the report of the Royal Commission on decentralization which was appointed by the government in 1907 and published in 1909. The then Secretary of the State of Indian was alarmed at a gigantic state of over centralization and he took a serious note of it and called it a great mischief. He attributed it to a widening gulf between the officials and the people of the India. The commission recommended that it is most desirable, alike in the interests of decentralization and in order to associate the people with the local task of administration, than an attempt should be made to constitute and develop village panchayat for the administration of local village affairs and became a instrument of people participation (Malaviaya, 1956:221). The commission laid emphasis on the development of village panchayat and gave the importance of Sub-District Boards and recommended that these should be established in every taluka of tehsil and should be the principal agencies in rural board administration. The proposals and suggestions of the commission were favorably commented by the Government of India but the officials found same practical difficulties to implement in the different part of the country. They were not willing to share power with the people as it would weaken the hold of bureaucracy on them. The inefficient bureaucracy for not doing even the little that was suggested
in the report of the Royal Commission on decentralization for people participation (Mathew, 2000:4).

The development of the local self government institutions or Panchayati Raj got further fillip with the introduction of Montague Chelmsford Report which made local self government a transferred subject under the scheme of Diarchy (Kazi, 2002:69). To make local self government really representative as well as responsible, the Montague Chelmsford Report on the Indian constitution reforms had suggested that there should be, as far as possible, compete popular control in the local bodies and the largest possible independence for them from outside control (Khanna, 1972:29). Notwithstanding this professed objective of the Montague Chelmsford Scheme, it did not make local self government democratic and vibrant instrument. The most significant development of this period was the establishment of village Panchayat’s in number of provinces. However, these statutory panchayat covered only a limited number of villages and had, generally, a limited number of functions (Mathew, 2000:5).

The Government of India Resolution of 16 May 1918 revised the entire question of local self government in the light of announcement of 20 August 1917. In order to give effect to the new policy outlined, the resolution suggested that local bodies should be
made as representative as possible of the people. The resolution of 1918 approved the proposal of establishing departments of local self government or Panchayati Raj institution in the provinces. After all this resolution stated that local bodies should not be looked upon as mere mechanical adjuncts of local self government but as association designed to develop village corporate life on the basis of the intimacy existing between the inhabitants who had not only common civic interest but also kept together by ties of tradition and of blood. The provincial governments were urged to make an effective beginning towards development of village panchayat. The Government of India’s Act of 1919 was passed and enforced in 1920. All the provinces passed their respective acts to revive and resuscitate panchayat so as to ensure people participation in the local affairs (Purwar, 1967:53). Yet this attempt also did not lead to the sharing of power with the people and their continued to be the concentration of power in the hands of government officials.

It was a Gandhiji, who for the first time in the 20th century articulated the need to revive the Panchayats with democratic bases for their own and invest them with adequate power so that the villagers could have a real sense of gram swaraj. In his opinion, the village would be a complete republic independent of its neighbors for its own
vital wants and yet inter dependent for way others in which dependence is necessity. The government of the village will be conducted by the panchayat of five person annually elected by the adult of villagers, male and female, possessing minimum prescribed qualification. They 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 combinened to operate for its year of office, here there is a perfect democracy based upon individual freedom. The individual is the architect of his own government (Meenakshisundaram, 2004:110).

Gandhiji writes! "My idea of village swaraj is that it is a complete republic, independent of its neighbors for its vital want, and yet interdependent for many other in which dependent is necessity. Thus every village's first concern will be to grow its own food crops and cotton for its cloth. It should have a reserve for its cattle, recreation and play ground for adult and children. Then if there is more land available, it will grow useful like money crops, thus excluding ganja, tobacco, opium, and the like. The village will maintained a village theater, school and public hall. it will have its own waterworks ensuring water supply. This can be done through controlled wells and tanks.
Education will be compulsory up to the final basic course. As far as possible every activity will be conducted on the cooperative basis. There will be no castes such as we have today with their graded untouchability. Non violence with its techniques of Satyagraha and non-co-operation will be the sanction of the village community. There will be a compulsory service of village guards who will be selected by rotation from the register maintained by the village. The government of the village will be conducted by the panchayat of five persons, annually elected by the adult villagers, male and females, possessing a minimum prescribed qualification. These will have all the authority and jurisdiction required. Since there will no system of punishment in the accepted sense, this 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 extraction of the village revenue....my purpose is to present an out line of villager government here there is a perfect democracy based upon individual freedom. The individual is an architect of his own government. The law of non violence rules him and his government. He and his village are able to defy the might of a world. For the law governing every villager is that he will suffer death
in the defense of his and his villager’s honors” (quoted in Mahajan, and Sethi, 1958:333).

Despite the insistence of Gandhiji to recognize the village panchayat as the basic institution for Indian democracy but Dr, Ambedker who made the most significant contribution to the drafting of the Indian constitution did not share this view. He openly asked in the constituent assembly “what is the village, but a sink of localism, a den of ignorance, narrow mindedness and communalism.” He felt that only a centralized polity would be able to protect the interest of the deprived castes. He genuinely believed that these village republics have been the ruination of India. The condition of the caste ridden Indian village then was such that one can easily understand why Dr, Ambedker thought this way. His strong opposition to the concept of village as the basic unit of administration had resulted in the panchayat not even finding a mention in the first draft of independent India’s constitution. However, as a compromise, the organization of village panchayat ultimately found entry through article 40 of the Indian constitution under the Directive Principle of the State Policy. This article merely state that “the state shall take the step to organize the village panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self
government”. Since this left little obligation to introduce Panchayati Raj in India, there was no legislation at all to implement it until 1959 (Meenakshisundaram, 20004:110).

**History of Panchayati Raj Institution after Independence.**

The focus of this time was on the development of all sections and in March 1950, the planning commission came into existence and began to plane for large scale economic and social development. It was soon realized that no development would be achieve until it was backed by the development of villages since 80% of the people lives in the villages. The planning commission, therefore, thought of shaping the village development program, as to attack the five giants, of hunger, poverty, disease, squalor and ignorance through a self help program of community development (Dayal, 1970:3). The Community Development Program started on October 1952. The National Extension Service followed the Community Development Program providing an administrative apparatus to the latter. The National Extension Service Program was formulated and put into a operation on October 2 1953. (Desai, 1984: 612 and Dayal, 1970:3).

The committee on the plan project, a high power body constituted by National Development Council under the chairmanship of the Balwantray G Mehta appointed in 1957, to study after the
functioning of the Community Development Program. The report submitted at end of December 1957, had tried to find out what needs to done to make the performance match with promise (Dayal, 1970:9 and Maheshwari, 1963:9-10). The report revolutionized the entire thinking about the community development as well as the rural local government or Panchayati Raj Institution. It was undoubtedly an outstanding and important land mark in people participation in decision making (Sharma, 1987:18 -19). The team did not try to conceal the bitter truth and admitted that one of the least successful aspect of the community development and the National Extension work was its failure to evoke popular imitative (Mehta, 1957:3). The team pointed out “local people’s have not shown any enthusiasm or interest in the Community Development or National Extension Services. While am attempt had been made to harness local initiative, it failed because no attempt was made to create a representative end democratic institution which will supply the local interest, supervision and care needed to ensure it success. It was necessary to consider the needs and wishes of the local people and for this it was necessary to create local self government or Panchayati Raj Institution (Mehta, 1957:5). The team laid emphasis on immediately decentralization of power which had not yet taken place below the state level. It was of the opinion that it can be effected by a devolution of power to a local bodies or Panchayats
which, when created, will have the entire charge of development must be controlled and directed by popular representatives of the local area (Mehta, 1957:7).

The Balwantray Mehta committee report gave a blue print for Panchayati Raj Institution which was to serve as the institutional framework of people's participation in India. They suggested three tier schemes with Panchayats as the base, Panchayat Samiti as the intermediate tier, and Zila Parishad at the apex (Nariman, 1981:20-21 and Dayal, 1970:21). The panchayat should be a directly elected institution with provision for the co option of two women members and one member each from the SCs and STs. The report suggested that Panchayat Samiti which would firm the most important unit in the three tier scheme should have a jurisdiction co-extensive with a development block (Mehta, 1957:17). According to the report that there should be Zila Parishad (highest body of the PRIs) at the district level, mainly with a view to achieving the necessary co ordination between the Panchayat Samiti with the district. The Zila Parishad was to consist of the president of Panchayat Samiti, Member of Parliament and State Legislature and district level offices of the development (Mathur, 1981:23-Haldipur, 1981:166). The team further pointed out that if this experiment of democratic decentralization was to yield
maximum result, it was necessary that all the tiers of the scheme, viz, Village Panchayat, Panchayat Samiti and Zila Parishad should be started at the same time and operated simultaneously in the whole district (Mehta, 1957:128).

The recommendations of the study team in favor of a system of democratic decentralization were considered by the National Development council in January 1958. The council emphasized that the foundation of any democratic structure had to be democracy in the village, and endorsed the recommendation of the team. It was, however, left to the state to work out the structure best suited to its condition. This point was further affirmed by the central council of local - self - government when it suggested that the evolution of this genuine transfer of power to the people may be left to the state government. Accordingly, the state government’s were evolving their own pattern of democratic decentralization. Subsequently, the term ‘democratic decentralization’ was given up and the term ‘Panchayati Raj Institution was adopted (Dayal, 1970:23-24& Maheshwari, 1963:9-10&Maheshwari, 1970:77). All most all the states government’s accepted Balwantray Mehta famous proposal for democratic decentralization. It was enthusiastically incorporated in the emerging consensus on National development in India However, although no
less than person than Shri Jawaharlal Nehru, the free India’s first prime minister, lent his personal support towards statutory institutionalization of the Balwantry Mehta study’s team’s proposals. The late Nehru inaugurated the Panchayati Raj Institution measure in Rajasthan on October 2, 1959 in impressive ceremony at Nagar (Dayal, 1970:26).

The Mehta committee was followed by K. Santhanam (1963) to examine the issue of Panchayati Raj Institution. The committee observed since 1957, the functioning of Panchayati Raj Institution was marked with various short coming and the desired result could not be achieved. The people’s participation in the activities of the PRIs was limited. They did not identify themselves with these institutions, and even panchayats did not make attempts to ensure their involvement in decision making process. Many panchayats were superseded and election were not held for many year’s. Rather, the whole process of development through panchayats gave an opportunity to the rural elites to emerge as center of power, and there usually was an alliance between local representative and government functionaries at the local levels. It further discouraged the rural women and other disadvantaged groups for meaningful participation in decision making and implementation process. Also, the state government and the local
political elites did not make positives steps to strengthen these local institutions (Gupta, 2004:29).

The establishment of first ever non-congress government at the centre in 1977 decided to a belief in a polity that ensure decentralization of economic and political power provided yet another opportunity for re-invigoration of Panchayati Raj Institution in India (Mathur, 1981:169-170). The committee on Panchayati Raj Institution was appointed by the Government of India in 1978, with Shri Ashok Mehta as its chairman to enquire into the working of Panchayati Raj Institution and to suggest measures to strengthen them so as to enable a decentralized system of planning and development to be effective. The terms of reference of the committee, inter alia required it to examine the working of Panchayati Raj Institution in regard to mobilization of resources as to plan and implementation of the scheme for the rural development in an objective and optimal manner, and in looking after the participation of women and other weaker sections of the society (Shukla, 1981:194). The committee took a keen note of the number’s of changes in the Panchayati Raj Institution that has been unfolding during the past two three decades. The story and ups and down of Panchayati Raj Institution was well brought out by the Ashoka Mehta committee in (1978) when it identified three phase in the life of
Panchayati Raj Institution starting from its inception till 1977: the phase of ascendancy from October 2, 1959, to 1964, the phase of stagnation from 1965 to 1969 and the phase of decline 1969 to 1977. After 1977, the decline was even more rapid for these sorry pasts, three arguments could be put forward: First, the Panchayati Raj Institution collapsed due to the weight of its own inner contradiction; second, the system was inherently sound but became emaciated because of certain condition beyond anyone's control. Third, the ruling elite deliberately 'killed' it (Mathew, 1994:3-4).

If we look at the first time phase (1959-64) all the states had passed Panchayati Raj Acts, and by the mid 1960's Panchayati Raj had reached all parts of the country. There was an enthusiasm in rural India and a feeling gripped that the people that they had a say in the decision making affairs which had effecting their daily lives. Those were the promising days of Panchayati Raj Institution in India. There was a younger and better leadership was emerging through Panchayati Raj Institution and there was a fairly high degree of satisfaction among the people with their working (Mathew, 1994:8-9). This enabled a large number of people to acquire leadership at the local levels because, in the earlier traditional socio political set up they had no access to the political and administrative organs. It was also felt that the conferring
of power on the people's representatives had improved the attendance of teacher's in the primary schools while block administration had become more responsive. People voiced their grievance before the Pradhans and got relief through them, and above all petty corruption, both among the subordinate staff as well as among the newly elected leaders, had declined, the former because the block staff had come under the Panchayat Samiti and the latter because the public reputation of the Pradhan was crucial for them to get re-elected (Mathew, 1994:9-10).

The rejoicing of the people was short-lived, After Nehru's death in which political leaders were determined to end the threat to their leadership from the village, mandal or district leadership. They paid only lip services to the panchayats. The bureaucracy in alliance with local leader state and central level politician began to discredit the new system of highlighting its shortcoming. It saw in these local bodies the domination by the upper or dominant castes, corruption and total inaptitude. In the third phase 1964-1977 for about thirteen years after Nehru's death from 1964 to 1977, Panchayati Raj Institution remained the whipping boy of all those who wanted to discredit the decentralization of power. This phase marked a sharp decline in Panchayati Raj Institution (Mathew, 1994:15).
In view of this decline in 1985 G. V. K. Rao committee appointed by the Planning Commission to review the existing administrative arrangements for rural development, strongly recommended the revival of PRIs so that greater responsibilities of the planning, implementation and monitoring of the rural development program could be assigned to them. It had to encompass all economic and social development activities handled by the different agencies at the field level. Panchayati Raj Institution should activated and given the necessary support so that they can become effective organization for handling local development. The committee also suggested that the election to the local bodies should hold regularly. The Rao committee was followed by the Dr.L.M Singhvi committee; it was constituted by the Government of India, Dept of Rural Development in June 1986. The committee suggested that it considered the constitution of Gram Sabha for encouraging democracy at the grassroots level and also recommended that the PRIs should be constitutionally recognized, protected and preserved. It also suggested constitution provision to ensure regular free and fair election to the PRIs (Gupta, 2001:31-32).

PRIs after 73rd Constitutional Amendment, 1992-93, the rationale for the Constitutional Amendment was that though the PRIs have been in existence for a long time, these have not been able to
acquire the status and dignity of viable and responsive people’ bodies. Most states had not been serious in maintaining these institution and providing them continuity and durability. In general, these institutions were denied resources, responsibilities and power and election to these bodies were not held for years under some pretext or the other. Constitutional status to these bodies was, therefore considered as the only way to sustain the decentralization process in totality.

The salient features of the 73rd amendment are:-

1. The Act defines panchayat to mean institution of Self Government to which State Legislatures are required by law to endow powers and authority as are necessary to enable them to function as such. It also provides that such law may contain provision for the devolution of powers and responsibilities upon panchayat at the appropriate level with respect to:-

(a) Preparation of plans for economic development and social justice;

(b) Implementation of scheme of economic development and social justice, as may be entrusted to them in relation to matters included in the XI schedule. This schedule contains 29 items such as agriculture, land improvement, soil-conservation, fisheries etc.
2. The Amendment contain only the minimum possible mandatory provision to restrict the freedom of the state in their dealing with Panchayati Raj. Such mandatory provision include :-

(a) A three tier structure of panchayat with the exception of the state having population of not exceeding 20 lakh has been given the option of not having any panchayat at the intermediate level.

(b) Direct election of members of the panchayats at all levels, but the election of post of chairman at the intermediate and district level will be indirect. The mode of elections of chairman to the village level has been left to the State Government to decline.

(c) A uniform term of five years has been provided for the PRIs and in the event of their suppression, election to constitute the body should be completed before the expiry of six months for the date of dissolution.

(d) Reservation of seats of SCs / STs has been provided in proportion to their population at the each level. Not less than one third of the total membership has been reserved for women and these seats may be allotted by rotation to different
constituencies in a panchayat. Similar reservation has been made in respect of the office of the chairman also.

(e) The state legislature have been given the power to authorize the panchayats to levy, collect appropriate suitable local taxes and also provides for making grants in –aid to the panchayats from the consolidating fund of the concerned state.

(f) A finance commission to be constituted once in every five years to review the financial position of the panchayats and to make suitable recommendation to the state on the distribution of funds between the state and local bodies.

(g) Conduct of local elections by an independent state level election commission.

(h) With a view to ensuring continuity, it has been provided that all the panchayats existing immediately before the commencement of this amendment will continue till the expiry of their duration unless dissolved by a resolution to that effect passed by the state legislature.

(i) The state legislature would bring in necessary Amendment to their panchayats Acts within a maximum period of one year: 23rd April, 1994 (Singh, 2002:79-81).