Chapter – II

A HISTORICAL PERSPECTIVE
OF
PANCHAYAT RAJ INSTITUTIONS
2.1. Introduction

Independent India inherited local self-government as a small wing of the national governmental system. The rural local bodies were the Village Panhayat Councils and the District Boards with some organizational linkage between them. The third rural body (local board) which was at the intermediate level between these two local bodies were established in most of the places, but were abolished subsequently during the second quarter of twentieth century. The independent India thus inherited a modern type of rural local self-government in place of traditional village panchayats.

The Constitution of India promulgated in January 1950 for setting up a democratic and semi-federal system also includes a provision relating to the panchayats. The Article 40 in the chapter on "Directive Principles of State Policy" states that "the states should 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. Article 40 of the Constitution is an important authoritative affirmation and impetus for the laws in states under general guidance of union government.

Measures were taken by states to bring their laws in conformity with Article 40 of the Constitution. In the states, where no law was existing to provide for panchayats, new laws were passed. By 1951–52 there were over 70,000 village panchayats functioning in the country. Since 1950, the major landmarks in the evolution of Panchayati Raj system in India have been launching of Community Development Programme and National Extension Service, appointment of Balwantray Mehta Committee, introduction of three-tier system of Panchayat Raj,
appointment of Ashoka Mehta Committee, reform efforts by union and state
governments and the constitutional amendments.

2.2. Community Development Programme and National Extension Service

In tune with the twin goals of democracy and development, the Government of
free India launched the Community Development Programme on 2\textsuperscript{nd} October, 1952 to
synchronize the birth anniversary of Mahatma Gandhi. President Rajendra Prasad
hailed this programme as “the small seed which will grow into a huge and mighty
tree.” Jawaharlal Nehru described this programme as “real, solid, constructive work
which would bring about a great revolution in a peaceful manner and not by breaking
heads and yelling”.

The basic premise on which the CDP rests is to motivate the rural people to
undertake self-reliant community based approach to improvement of economic and
social condition of their life and environment. The government is to provide
necessary guidance and technical and financial assistance to the rural people for
undertaking the activities needed by the people the CDP is programme for all sided
development as distinguished from the development of a particular aspect of rural life
like agriculture, education, health, animal husbandry, sanitation and cottage
industries. The target aimed at by the CDP is giving the villager a fuller and richer
life.

The Community Development Programme was started on pilot basis in
selected areas called community projects. Fifty-five community projects started
functioning in the country in 1952 in the areas endowed with irrigation facilities or
assured rainfall. A year later a development programme with limited scope and
funding named as National Extension Service (NES) was launched as a prelude to the
launching of CDP in the remaining rural areas of the country. The NES started in 1953 had, in a decade, covered the entire country.

A new basic administrative unit named development block was created in most parts of the country to serve as the locale of the CDP and NES. About 300 villages were covered under a block. The development block was headed by the block development officer and comprised of several specialist extension officers. As the last link in the administrative set up for the community development, the village level worker was conceived as a multi-purpose worker looking after 5 to 10 villages.

The state development committee consisting of the Chief Minister and the ministers in charge of development departments was set up in most states for enunciating general principles of policy. The development commissioner at the state level was the secretary of this Committee. At the Central level, there was an Administrator of Community Projects. He was responsible for planning, directing and coordinating the community projects throughout India. He worked under the general supervision of central committee constituted to lay down the broad policies for the implementation of Community Development Programme and National Extension Service. The CPA was assisted by an executive staff to advise him on administration, finance, personnel and other matters related to CDP and NES. The central committee consisted of the members of the planning commission.

For providing people’s participation in local planning and implementation of these two programmes advisory bodies with citizen membership were set up at block and district levels. The block level advisory committee consisted of the representatives of village committees and cooperative societies, the members of central and state legislatures
and progressive farmers. The district level advisory committee consisted of citizens and heads of various technical departments.

The CDP and NES failed to achieve their objectives mainly because of lack of public participation, which considers as one of the critical variables in the achievement of development goals. Their organization and administration reposed little trust in the citizens. In other words, the CDP and NES instead of people’s programmes with government assistance, became government’s programmes with varying degrees of people’s participation. Furthermore, the existing institutions of local government, both rural and urban, were completely kept out of the administration of these programmes thereby impoverishing both.

The Advisory Committees, created to enlist popular support and participation in the Community Development Programme, lacked capacity, vitally and power to represent people’s point of view. Indeed, only lip service was paid to local initiative and cooperation. It was under these circumstances that the National Development Council constituted a Committee on Plan Projects, which appointed a Study Team under the Chairmanship of a senior legislator, Balwantray Gopaljee Mehta in 1957 to diagnose the maladies and imbalances of CDP and NES.

2.3. Balwantray Mehta Committee Report

The Balwantray Mehta Committee was appointed to review CDP and NES and arrangements for execution of these schemes and improving efficiency in their implementation. The Committee was asked to examine the extent to which the CDP Movement had succeeded in utilizing local initiative and in creating institutions to ensure continuity in the process of improving economic and social conditions in the rural areas. The Committee was also asked to assess the requirements of personnel for CDP and NES. The Mehta Team had kept its term of reference in view while
formulating recommendations about reorganizations of institutional arrangements for the CDP and NES.

The Balwantray Mehta Report published in 1957 is an essay on the science and art of democratic decentralization, dealing both with its theory and with practice, with its basic postulates and institutional premises. The report had suggested the scheme of democratic decentralization as a measure remedial to the failure of the Community Development Movement to evoke people's initiative and mobilize their voluntary and spontaneous participation. As a preface to the scheme of democratic decentralization, the authors of the report observed: “Admittedly, one of the least successful aspects of the Community Development Programme and National Extension Service work is its attempt to evoke popular initiative”.

The Mehta Team recommended the creation of institutions which were to be statutory, elective comprehensive in duties and functions, equipped with necessary executive machinery with adequate resources and with enough freedom and autonomy. To secure this the Committee envisaged the three-tier system of rural local government, namely village panchayat at the village level, the panchayat samithi at the block level and the zilla parishad at the district level.

Of these three, however the most effective body was visualized at the block level. All developmental programmes at these levels should be channeled through these institutions. The Committee also recommended that the system of rural local government evolved should be such as will facilitate further devolution and dispersal of power and responsibilities in future.

The Panchayat Samithi would be located at the block level to provide for institutionalized participation of people in planning and implementation of development programmes. Above the Panchayat Samithi, there would be an
institution at the district level named Zilla Parishad to replace district board. The Zilla Parishad would be primarily concerned with guiding the panchayat samithi. The existing village panchayats would continue to function at the village level and work under the overall supervision of the panchayat samithi.

All these three units of rural local government should be organically linked up and should be in operation simultaneously. The Mehta Report mentioned that the composition of Panchayat Raj institutions should be suitably representative of all sections of people. The report underlined the need of comprehensive, appropriate and effective training of the people’s representatives in the Panchayati Raj units.

The National Development Council, while endorsing, in January 1959, the introduction of Panchayat Raj at district and block levels suggested that each state should so evolve its Panchayat Raj structure as would be suited to the peculiar conditions prevalent in the state. Acceptance of Panchayat Raj with necessary variations to suit conditions in states was also favoured by the Central Council of Local Self-Government. This does not, however, suggest or imply deviations from fundamental principles and patterns envisaged by the Committee.

The Union Government held meetings of state ministers and administrators to persuade the state governments to establish the three-tier system of Panchayat Raj. The Union Government agreed to guide the support the system. As a result a network of PRISs began to be built by the state government. The lead in the establishment of panchayat raj system was taken by the states of Rajasthan and Andhra Pradesh. The scheme of democratic decentralization was launched in Rajasthan on October 2, 1959. In Andhra Pradesh the scheme was introduced on 1st November 1959.

The necessary legislation had also been passed and implemented in Assam, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Orissa and Punjab.
West Bengal the West Bengal Panchayat Act, 1956 was in force and legislation for setting up of bodies at the block and district level was undertaken. In Kerala a new and comprehensive panchayat act was passed in 1960 and was implemented. Legislation for the upper tier was also undertaken.

The original Acts of many states have been amended and brought several changes in the Panchayat Raj system in their respective states based on the recommendations of the large number of committees appointed by the Central and State Governments to evolve the functioning of the Community Development Programme and the structure that would be appropriate for its effective functioning. Some states had repealed old Acts and enacted new legislations. The Panchayat Raj was, thus, implemented in all states except in the hill states of Nagaland, Meghalaya and Mizoram and Union Territory of Lakshadweep in which the traditional councils of village elders still in existence.

2.4. Ashok Mehta Committee Recommendations

The creation of Panchayati Raj in 1959 with the object of entrusting the authority and responsibility for rural development to rural people is considered not only an innovation, but also a revolution. A.H. Hanson and Janet Douglas considered Panchayat Raj as India’s distinctive contribution to the theory of local government9. Norman D. Palmer described it as the most exiting experiment in democratic decentralization in any developing country.

It is assumed, by the national political leadership that once the pattern of institutional structure and legitimacy are established the Panchayat Raj institutions would take over functions of government and serve as vital institutions of policy planning and administration at the grassroot level. But what eventually happened to
the structural and functional aspects of the PRIs is quite disheartening. A number of developments have undermined the system and made it ineffective.

As these institutions took a shape, the MALs, MLCs and other politicians came to realize the strategic importance of PRIs and started looking at the representatives of these bodies as the political rivals. Therefore, they seemingly started a non-co-operation movement against these institutions. The declining support coupled with indifferent attitude of local level bureaucracy led further diminution of the development and administrative role of the PRIs making the political role more prominent. So much so that during the seventies it created an impression of ‘a God that failed’. Thus the earlier enthusiasm and promising performance began to decline rapidly.

The need for evaluation of the system was felt by both the Union and State Governments. A number of committees had been appointed by the Government of India to examine and report on one or the other aspects of Panchayati Raj. In a number of states also committees had been set-up to deal with the various issues relating to Panchayat Raj. However, the appointment of the Asoka Mehta Committee is to be regarded as an even of far-reaching significance in the annals of Panchayat Raj for the reason that the committee’s endeavor has been to take a systematic and total view of Panchayati Raj in the country.

The Janata Government, which came to power at the Centre in 1977 accorded highest priority to rural development. The Government considered that the maximum degree of decentralization, both in planning and implementation of rural development programmes was necessary. Accordingly, the Government set up a committee to enquire into the working of the PRIs and to suggest measures to strengthen them so as to enable a decentralized system of planning and development to be effective.
Ashok Mehta was the chairman of the Committee. The Committee elicited views through questionnaire, through meetings at the state level and through studies and discussions with several knowledgeable persons. A total view of all the aspects of PRIs was taken by the Committee. The Committee submitted its report on 21st August, 1978 to the Prime Minister.

Diagnosing the ills afflicting the PRIs, the Ashok Mehta Committee pointed out that haphazard programmes, non-performance, rise of vested interests, lack of political will on the part of the Central and State Governments, lack of adequate financial resources, etc., have positively contributed to its decline. It also felt that the concept of pachayati Raj itself got lost in the haze of conflicting interpretation.

However, the Committee hastened to add that this failing was not peculiar to Panchayati Raj only. It was only symptomatic of the decline afflicting the entire body politic of the nation. Without going into the details of the report of the Committee let us look at the major recommendations and the model suggested by it.

- The district should be the first point of decentralization, under popular supervision below the state level.
- Below the district level the Mandal Panchayats should be constituted by grouping a number of villages.
- At the village level, the people would be involved in Mandal Panchayats through Village Committees which would look after the municipal functions and related welfare activities.
- The Village Committee should organize two Gram Sabha meetings every year to explain the people what programmes the Mandal Panchayat is executing in their area and to channelise the people's feedback to the Mandal Panchayat.
• Whatever be the structural arrangements, the directly elected element must preponderate over the others at all levels.

• The chairman of Zilla Parishad will be elected directly. The President of Mandal Panchayat may, however, be elected directly or indirectly as the states may decide.

• The term of all elected bodies should be 4 years.

• In the elections, the Scheduled Castes and Scheduled Tribes should get representation on the basis of their population.

• The Panchayati Raj elections should be conducted by the Chief Election Officer of the State in consultation with Chief Election Commissioner.

• The State Government should not supersede the Panchayat Raj institutions on partisan grounds and if supersession becomes necessary these should be replaced by an elected body within six months.

• The State Government should not postpone elections of PRIs.

• The political parties should be permitted to take part in the election to PRIs and participate in their working.

• The states and union territories should have evolve their own list of functions to be devolved upon PRIs to suit the changing requirements.

• All the development functions relating to the district should be placed under the Zilla Parishad.

• With the decentralization of the functions of the State Government, all the concerned district level officials should be placed under the Zilla Parishads and lower tiers.

• Apart from the budgetary devolution from the State Government, the PRIs also should mobilize enough resources of their own.
Being conscious of the operational realities of PRIs the Ashok Mehta Committee adopted a flexible approach to the problem and recommended a "two-tier" model of Panchayati Raj. Keeping in view the development necessities the first point of decentralization below the state should be the district. Apart from being the basic unit of devolution, the district level should be treated as the unit of planning.

The Committee recommended that all development functions relating to a district which are now being performed by the State Government should be entrusted to Zilla Parishad. The Committee also felt that the funds should be transferred to Zilla Parishad automatically. An important related recommendation is that all the staff with decentralized functions should be under the Zilla Parishad. Administrative expenditure on the salaries and allowances of such transferred staff should be borne by the government.

For the second tier, the Committee thought in order to be viable the unit has to be bigger than the existing panchayat. It, therefore, suggested the creation of mandal panchayats each consisting of a cluster of villages covering a population of 15,000 to 20,000. The Committee further felt that a mandal panchayat would alone be able to ensure a balance between technological requirements and possibilities of popular participation in decision-making.

The Committee recommended direct election for both the tiers with reservation of seats for Scheduled Castes and Scheduled Tribes in proportion of their population and also two seats for women. The Committee categorically favoured the participation of political parties in Panchayati Raj.

A Conference of Chief Minister was called in Delhi in August 1979 to discuss the recommendations of the Ashok Mehta Committee. In the light of the discussions, to bring uniformity in Panchayati Raj pattern for the whole of the country, a model
bill was prepared with a hope that every state government will pass it and will follow an uniform pattern.

But unfortunately, in the course of events, the model bill did not attract the attention of state governments and the bill could not be passed. However, some states have tried to implement a few recommendations, but not all, of the Ashok Mehta Committee to revitalize the PRIs in their respective states. Andhra Pradesh, Karnataka and West Bengal have tried to follow the model envisaged by the Committee.

The Janata Government which came to power in 1983 in Karnataka enacted new legislation, namely the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1985, based on the recommendations of the Asoka Mehta Committee. It established a new pattern of rural local bodies, which comprised Mandal Panchayat, Taluk Panchayat Samithi and Zilla Parishad. Under the new dispensation of Karnataka, the Gram Sabha is the basic tier of the system and is a college comprising all eligible voters in the village.

The Gram Sabha is required by law to meet the least twice an year. It discusses and reviews all development programmes of the village, selects beneficiaries for all beneficiary-oriented programmes transferred to the Panchayati Raj system and plans for local improvement. The Mandal Panchayat, covering a group of villages is the first elected tier of the system. It is entrusted with all civic functions and powers and responsibility for development and welfare programmes with an intra-mandal orientation.

The number of seats in a Mandal Panchayat is one for every 400 persons. Twenty-five percent of the membership is earmarked for women and 18 percent for
Scheduled Castes and Scheduled Tribes. The President and Vice-President are elected by the members of the Mandal panchayat.

The Taluk Panchayat Samithi is a purely nominated body comprising ex-officio members, all the presidents of mandals in the taluk, all MAs/MLCs representing any part of the taluk, members of the Zilla Parishad representing any part of the taluk; presidents of taluk level cooperative societies and cooperative banks, plus five co-opted members belonging to SCs, STs, backward classes and women. The MLA representing the major part of the taluk is the Chairman of the Taluk Panchayat Samithi.

This body is entrusted with advisory, supervisory, review and inter-mandal coordination functions in relation to the mandals of the taluk. The Zilla Parishad is the second directly elected tier of the Panchayat Raj system in Karnataka. One member for every 28,000 population is elected to the Zilla Parishad. MPs and MLAs whose constituencies cover the district or a part thereof are members of the Zilla Parishad, but do not have the right to hold office in the Zilla Parishad. Reservations for women, SCs and STs, as in the case of mandals, are provided at the Zilla Parishad level also. The Adhyaksha and Upadhyaksha are elected by members of the Zilla Parishad.

At the apex of the Panchayati Raj system is the State Development Council, which is chaired by the Chief Minister and Comprises the Adhyakshas of all Zilla Parishads in the state, six ministers of state and the Development Commissioner as its member-secretary. It is intended to provide a forum for continuous review and direction of the functioning of Panchayati Raj in the state.

There is also a statutory provision for setting up a Finance Commission every five years to determine the principles on which the resources are to be shared between
the state government and PRIs and the basis on which allocations would be among the zilla parishads/mandal panchayats.

The Left Front Government in West Bengal introduced some changes in the organization of Panchayati Raj system. In the first place, the Department of Community Development was taken out from the Department of Agriculture and merged with the Department of Panchayats to speed up the process of rural development in a concerted manner.

Secondly, the District Magistrate had been made the Executive Officer of the Zilla Parishad with a view to integrating panchayat administration with development administration at the district level. The Zilla Parishad had been given the services of all the officers and employees of the State Government at the district level. Similarly, all the block level officers had been statutorily associated with the Panchayat Samithi.

The government had also placed the services of the gram sevak, a village level extension worker of the erstwhile Community Development Department, at the disposal of the gram panchayats. In order to ensure financial discipline and to assist the Panchayati Raj bodies in the maintenance of accounts, a new audit and accounts organization was created under the government.

A provision was made in the State Panchayat Raj Act for village assembly of voters to review performance of the village panchayats. The political parties were allowed to participated in Panchayati Raj elections. In several other states amendments were made to their statutes for providing changes in Panchayati Raj. The representation for scheduled castes, scheduled tribes and women was enlarged.

The number of tiers of Panchayati Raj system was increased from the existing one to two or from two to three. There was some increase in devolution of powers,
functions and resources. Efforts were made to hold elections which had remained postponed on one plea or the other.

2.5. Other Union Government Initiatives

The Planning Commission has stressed in its five year plans the role of Panchayati Raj in promotion and management of rural development. According to the Commission effective people’s participation through Panchayati Raj in rural development would contribute to better responsiveness to people’s needs and aspiration and to coordinated and accelerated progress of this development. The Prime Minister wrote to the Chief Ministers of State Governments in 1984 to take appropriate action without further delay for holding of overdue elections to PRIs as well as revitalizing their functioning.

Another important step taken by the Union Government was to appoint two committees successively in 1985 and 1986 respectively to suggest ways and means for strengthening Panchayati Raj as vibrant local institutional set–up for playing an active and purposeful role in management of local services and appropriate development programmes.

The Committee on Administrative Arrangements for Rural Development (CAARD) set–up under the chairmanship of G.V.K. Rao, a senior administrator, in 1985 recommended the following measures:

- The PRIs should be given greater powers in relation to planning, implementation and monitoring of rural development programmes;
- The elections to PRIs should be held regularly;
• A post of District Development Commissioner who should act as incharge of all development departments at the district level and be the Chief Executive Officer of the Zilla Parishad should be created; and

• The post of Bloc Development Officer should be revamped.

The L.M. Singhvi Committee of the Union Department of Rural Development set-up in 1986 advocated that the Panchayat Raj should primarily be viewed as the local self-government system. It should be strengthened so as to serve better as one of the foundation stones of the country's democratic political system. In order to strengthen the status of Panchayati Raj its main features should be mentioned in the Constitution itself.

A sub-committee of the Parliamentary Consultative Committee attached to the Union Ministry of Personnel, Public Grievances and Pensions set up in 1988 under the Chairmanship of P.K. Thungon pleaded for the constitutional recognition of Panchayati Raj. The Thungon Committee recommended that the Zilla Parishad should be the most effective level in the Panchayati Raj system.

The Committee recommended for a detailed list of subjects for Panchayati Raj to be incorporated in the Constitution and setting up of the State Finance Commission to laydown the principles for devolution of financial resources to PRIs.

The Sarkaria Commission which was mainly concerned with the Centre-State relations also considered the devolution of powers to local bodies. The Commission observed that the objectives of decentralized planning could not be achieved unless the Panchayati Raj and other local bodies were allowed full scope to play their role. They were of the view that for this purpose, it was necessary that the elections were held regularly and adequate finances were developed on these institutions.
The Commission recommended that the regular elections to and sessions of Zilla Parishads and Municipal Corporations should be ensured by legal provisions analogous to those Articles 172 and 174 of the Constitution and these institutions should not remain superseded for long period.

2.6. Constitutional Status to the Panchayati Raj Institutions

The Constitution of India has not foreseen integrated administrative development and percolation of genuine democracy to the grassroots. Left to the whims of the states local self-government was not developed into a live and viable infrastructure of Indian democracy. A constitutionally provided network of local self-government ensures grassroots participation in government and development.

It is very often stressed that the Constitution of India must be suitably amended to enable the Panchayati Raj to be enshrined in the supreme document of land itself. Late Jayaprakash Narayan had vociferously pleaded for the constitutional sanctity to the PRIs. While striking a note of caution on centralization of power, he had stated; I feel the idea of a three-tiered decentralized government cannot be successfully put into effect unless and until the PRIs are assigned due place in the Constitution and they are empowered to function as governments at their respective levels.

However, the Asoka Mehta Committee was not categorical on this issue, but it felt it was desirable to request the Central Government to give careful consideration to the document prepared by 21 eminent citizens. The document contains specific suggestions for giving PRIs constitutional mandate.

The High Power Committee on Panchayati Raj under the chairmanship of C. Narasimham, constituted by the Government of Andhra Pradesh in 1981, also pleaded
for according constitutional sanctity to the PRIs. It warned that the social cost of governing a vast country like ours by remote control, from the level of Union Government, or the State Government, for that matter, is very high.

The Narasimham Committee had pointed out in its report that giving constitutional status to Panchayati Raj bodies, ensuring their continuance by regular elections to be conducted by an autonomous authority, embodying the welfare of the weaker sections to be brought about by these bodies in all appropriate and uniform legislative measure and giving them enough financial teeth, the local bodies would become real and effective institutions at the grassroots level and prove to be the harbingers of democracy in the country, attended by growth with justice – social, economic and political in the constitutional parlance.

An independent status to Panchayati Raj would promote democratization at the grassroots levels, provide them with adequate responsibilities and matching resources, facilitate judicial review of arbitrary action towards Panchayati Raj, and make PRIs fully accountable to their electorate. The demand for constitutional status to the local bodies was more widespread during 1980s.

At many conventions and conferences including All India Mayors Conference and academic gatherings, appeals had been made to the Union Government to accord constitutional status to the local self-governing institutions. None other than Ramakrishna Hegde, former Chief Minister of Karnataka and pioneer in the genuine decentralization in his state, called for constitutional amendment to establish a four-tier federal system consisting of mandal panchayats, zilla parishads, state and union governments.
2.7. Sixty-Fourth Constitution Amendment Bill

In view of these demands and also because of political compulsions the Congress (I) Government at the Centre had come up, in May 1989, with a bill in favour of a constitutional amendment for the resurrection of Panchayati Raj backed by the slogan 'power to the people'. In the words of Rajiv Gandhi “unless PRIs were strengthened power goes not to the people but to the power brokers.” He wanted what he called “syndrome of dependence” of PRIs ended so that they become grassroots institutions with maximum devolution of powers and maximum democracy. He declared that the Centre had to step in where the states had failed and discharge its joint responsibility towards development under Article 40 of the Constitution.

The Sixty-Fourth Constitution Amendment Bill makes it obligatory for all states to establish a three-tier system of panchayats at the village, intermediate and district levels with a fixed tenure of five years and due reservation for Scheduled Castes, Scheduled Tribes and women. It enables state legislatures to endow, by law, the panchayats with adequate powers and authority so as to involve them in the preparation of plans for economic development and social justice and in the implementation of schemes on a wide range of subjects.

The Bill provides for a State Finance Commission to go once in five years into the nature and quantum of taxes and other levies that may be assigned or appropriated by the panchayats and distribution of net proceeds between the state and panchayats and among panchayats themselves besides determining the grants-in-aid payable to the panchayats from State funds. The Bill vests in the Election Commission the superintendence, direction and control of elections to the panchayats at three levels.
The Bill empowers the Comptroller and Auditor-General to audit the panchayat accounts, through his state level functionary, and cause his report to be laid before the state legislature concerned. The Bill also seeks to add a new schedule after the tenth schedule to the Constitution to supplement the provisions that already exist in the laws regarding panchayats in most states.

The non–Congress (I) State Governments particularly in the south opposed the Bill. They saw a threat to the autonomy and powers of the state governments. They questioned the intentions of the Union Government for empowering the people with a measure seeking to transfer some of the powers and functions of the State Governments to the PRIs without implementing the measures proposed by the Sarkaria Commission.

In spite of the opposition from the non–Congress (I) state governments and opposition parties, the Congress (I) Government got the Sixty-Fourth Amendment Bill passed in Lok Sabha. The Bill was, however, defeated in Rajya Sabha in which the Congress (I) Party could not command a two-thirds majority to push through the legislation. The National Front and other opposition parties opposed the manner in which the Bill was presented hurriedly and they termed it as election eve stunt. Thus, first attempt to accord constitutional status to PRIs had failed.

2.8. Seventh-Fourth Constitution Amendment Bill

The National Front which came to power in November, 1989 also promised to strengthen the Panchayati Raj set up in the country. A constitutional amendment bill (74th Constitution Amendment Bill) seeking periodical elections to the PRIs and reservations for Scheduled Castes and Scheduled Tribes on the basis of their population was introduced in September, 1990. The Government had fallen before it could fulfill it’s promise.
2.9. Seventy–Third Constitution Amendment Act

The Constitution (72nd Amendment) Bill seeking to amend the Constitution for strengthening PRIs was introduced by the then State Minister of Rural Development, G. Venkataswamy in the Parliament in September, 1991. This Bill is a modified form of 64th Constitution Amendment Bill and more akin to the 74th Constitution Amendment Bill introduced by the V.P. Singh Government. The Parliament did not take up the Bill immediately due to serious differences between the government and the opposition on various issues of the bill.

The Congress (I) Government under the leadership of P.V. Narasimha Rao also did not push it because it had no majority in either House of the Parliament. It tried to convince the opposition for the need to pass the Bill. A Joint Parliamentary Committee under the chairmanship of Nathuram Mirdha was appointed to examine the Bill and report to the Parliament. The Parliament took up the Bill and JPC Report on December 1, 1992. The Bill became the Seventy–Third Constitution Amendment Act finally on April 23, 1993 with the assent of the President to the Bill.

The Act enshrines in the new part IX of the Indian Constitution certain basic features of the panchayat system “to impart certainty, continuity and strength of them.” A list of specified subject matters for which the panchayats may be empowered forms of new Eleventh Schedule of the Constitution.

The main provisions of the Act are given below:

- The Gram Sabha shall exercise such powers and perform such functions as the state legislature legally provides.

- A three tier panchayat system shall be constituted in every state. It shall comprise panchayats at the village intermediate and district levels. However,
a state with population not exceeding 20 lakhs may not have the intermediate
level panchayat.

• Membership seats in the panchayats at all levels shall be filled by direct
election from territorial constituencies.

• In all panchayats directly elected membership seats shall be reserved for.

• Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to their
respective population in total population in panchayat area. One-third of these
reserved membership seats shall be reserved for Scheduled Castes and
Scheduled Tribes women.

• Not less than one-third of seats, including the seats reserved for Scheduled
Castes and Scheduled Tribes women shall be reserved for women.

• Office of chairperson of panchayats at all levels shall be reserved for
Scheduled Tribes and Scheduled Tribes in proportion to their respective
population in a state; and not less than one-third of the chairperson office shall
be reserved for women.

• The state legislature may provide for reservation of membership seats and
chairperson offices in the panchayats for backward class citizens.

• The normal term of every panchayat shall be five years; if dissolved earlier,
fresh elections shall be completed within six months of the expiry of date of
dissolution.

• The Governor of the State shall appoint a finance commission within one year
of the commencement of the Seventy-third Constitution Amendment Act and
thereafter every five years to review financial position of the panchayats and
make recommendation for principles which should govern distribution of
resources between the state and the panchayats.
• The state legislature may legally endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government.

• The state legislature may authorize a panchayat to levy and collect taxes, duties, tools and fees as well as may assign to panchayat taxes, duties, taxes and fees levied by the state government and also provide for grant–in–aid from the state government to the panchayats.

• A State Election Commission shall be appointed by the State Governor and shall be vested with authority for supervising, directing and controlling preparation of electoral rolls and conduct of all elections.

• The Eleventh Schedule of the Act contains a list of twenty-nine subject matters as reference for the state legislature while deciding about devolution of powers. These relate to: Agriculture and allied sectors, rural industries, basic infrastructure and services, social services and social welfare and family welfare, poverty alleviation programmes, public distribution system, maintenance of community assets and a few miscellaneous subjects.

Both the Union Government and State Governments had taken steps towards implementation of the Amendments Act. The Union Government asked the states to enact legislation within one year from the Amendment Act comes into force. The State Governments and Union Territory administration passed fresh laws or made amendments to the existing ones in conformity with the 73rd Constitution Amendment Act.

The elections to panchayats were held in States under the direction of newly appointed State Election Commissions. After elections panchayats had been reconstituted as constitutionally mandated institutions. The State Finance
Commissions had been set up to report on panchayat finance. Administrative action is being taken on these reports recommending improvement of the financial position of PRIs. The devolution of powers and transfer of functions along with appropriate finance and personnel have been promised by the state governments.

2.10. Conclusions

The Constitution of India promulgated in January 1950 for setting up a democratic and semi-federal system also includes a provision relating to the panchayats. Article 40 of the Constitution is an important authoritative affirmation and impetus for the laws in states under general guidance of union government.

Since 1950, the major landmarks in the evolution of Panchayati Raj system in India have been launching of Community Development Programme and National Extension Service, appointment of Balwantray Mehta Committee, introduction of three-tier system of Panchayat Raj, appointment of Ashoka Mehta Committee, reform efforts by union and state governments and the constitutional amendments.

The Community Development Programme was started on pilot basis in selected areas called community projects. Fifty-five community projects started functioning in the country in 1952 in the areas endowed with irrigation facilities or assured rainfall.

The Balwantray Mehta Committee was appointed to review CDP and NES and arrangements for execution of these schemes and improving efficiency in their implementation. The Balwantray Mehta Report published in 1957 is an essay on the science and art of democratic decentralization, dealing both with its theory and with practice, with its basic postulates and institutional premises.
The report had suggested the scheme of democratic decentralization as a measure remedial to the failure of the Community Development Movement to evoke people's initiative and mobilize their voluntary and spontaneous participation.

The Mehta Team recommended the creation of institutions which were to be statutory, elective comprehensive in duties and functions, equipped with necessary executive machinery with adequate resources and with enough freedom and autonomy.

It is very often stressed that the Constitution of India must be suitably amended to enable the Panchayati Raj to be enshrined in the supreme document of land itself. Late Jayaprakash Narayan had vociferously pleaded for the constitutional sanctity to the PRIs. The High Power Committee on Panchayati Raj under the chairmanship of C. Narasimham, constituted by the Government of Andhra Pradesh in 1981, also pleaded for according constitutional sanctity to the PRIs.

The Constitution (72nd Amendment) Bill seeking to amend the Constitution for strengthening PRIs was introduced by the then State Minister of Rural Development, G.Venkatraswamy in the Parliament in September 1991. This Bill is a modified form of 64th Constitution Amendment Bill and more akin to the 74th Constitution Amendment Bill introduced by the V.P. Singh Government.

Both the Union Government and State Governments had taken steps towards implementation of the Amendments Act. The Union Government asked the states to enact legislation within one year from the Amendment Act comes into force. The State Governments and Union Territory administration passed fresh laws or made amendments to the existing ones in conformity with the 73rd Constitution Amendment Act. Now in Andhra Pradesh, The Gram Panchayat Act 1994 is in force.
2.11. References


12. To name a few, the following committees are appointed to look into several aspects of Panchayat Raj: (1) Santhanam Committee on Panchayat Raj Finance (1963); (2) Maharashtra Evaluation Committee on Panchayati Raj (1970); (3) Rajasthan High Power Committee on Panchayati Raj (1971); and C. Narasimham Committee of Andhra Pradesh (1972).


