The Article 40 of the Constitution of India provides that the State Government should give such powers and authority to the village Panchayat so as to enable them function as units of self Government. This point was further emphasised by the Balvant Raj Mehta Committee in their study report on community Projects. The Committee said "The democratic Government operating over large areas through its executive machinery can not adequately appreciate local needs and circumstances. It is, therefore, necessary that there should be a devolution of power and decentralisation of machinery and that such power be exercised and such machinery controlled and directed by popular representatives of the local area."*

Let us now examine the extent of actual devolution of powers and functions to the Panchayats by different Panchayat Legislations in the State.

It appears from the old Panchayat Legislations that the ideas of self Government and decentralisation were never envisaged. The Panchayats established under the Village Chaukidari Act 1870 had only one function of imposition and realisation of Chaukidari Tax mainly for the payments of salaries to the Chaukidars entertained by the Panchayats. The balance if any, remaining after payments to the Chaukidars, was utilised for the improvement of sanitation and lighting of the village. The
The local Self Government Act 1915 as amended up to 1926 provided for the establishment of Village Authorities under the Local Boards with such powers and functions as the concerned local Board could delegate. The Board entrusted the Village Authorities only such works the estimated cost of which did not exceed Rs. 250.00 and with the prior approval of the commissioner such other works the estimated cost of which did not exceed Rs. 5 00/-. Such works included construction and maintenance of roads, tanks, wells etc., Besides, the Board could entrust management of Bazaars, Ghats, Ferries, Primary School, Dispensaries and Sarai serais, supervision of burial grounds, and certain functions under Rural Health and Sanitation.

FUNCTIONS OF RURAL PANCHAYATS

Under the Assam Rural Panchayat Act, 1948, the Rural Panchayat was assigned as many as 37 functions which was later on reduced to 33 by an amendment of the Act in 1955. These functions included municipal functions like village sanitation and conservancy, clearing and lighting of roads. Administrative functions like maintenance of census records, registration of births, deaths and marriages, village surveys, relief works, control of grazing grounds, slaughter house, regulating burial grounds, Sarai serais, production and disposal of food, stuff, regulation of melas, hats, pounds, Sarai houses, prohibition and fragmentation of holdings, removal of encroachment on public properties, disposal of unclaimed cattle etc.
Developmental and Welfare functions included the construction and maintenance of roads, public wells, tanks, drains, waterways, improvement of agriculture, promotion of cottage industries, maternity and Child Welfare, hospital, primary education, cooperatives, sports and recreation, village volunteer force, improvement of cattle etc. By an amendment of the Act in 1955 certain functions like taking curative and preventive measures on epidemic, maintenance of hospitals, dispensaries, maternity and Child welfare, primary education were taken away. Even than a long list of varied functions remained. The most unfortunate part of the matter was that such optimistic assignment of functions to the Rural Panchayats remained mostly in the list. For the performance of these functions a Grant in aid of Rs. 33000.00 for 3 years was allotted to each Rural Panchayat. This financial assistance to the Rural Panchayat was so meagre that they could not carry out most of the functions assigned to them. They had to confine themselves to works like the construction and maintenance of village roads, public wells, tanks, drains, and bunds, maintenance of libraries, construction of office buildings. They could however, organise self help works with the active people's participation in most of the local development works. Some Rural Panchayats could however, establish Model agricultural and horticultural farms, fishery tanks, cottage industry centres.
The framers of the Act perhaps thought that
with such a provision the Panchayat would be able to
have the required funds to start with and they would
have their own sources of income by way of taxation under
the Act and by the creation of remunerative assets. It can
however be said that the long list of functions was a
guide line. A Rural Panchayat could carry out any of the
functions included in the list.

The Primary Panchayat established under the
Act had to function as an executive agency of the Rural
Panchayat. In actual working the Rural Panchayat with
their limited funds could hardly involve the Primary
Panchayats in the execution of the development works.

The Rural Panchayat could prepare its own
scheme and programme but such scheme or programme should
be implemented subject to control and approval of the
Deputy Commissioner or Sub-Divisional Officer. Therefore,
this institution was never given the opportunity of
functioning as the true self Governing Institution.

THE ASSAM PANCHAYAT ACT 1969

According to the Assam Panchayat Act 1969
any resolution of a Gaon Sabha (the assembly of voters)
should be carried out by the Gaon Panchayat (the execu-
tive committee of Gaon Sabha ) as far as practicable.
Thus it was left to the discretion of the Gaon Panchayat.
The function of a Gaon Sabha was simply to review the progress and draw up plans. Such provision was quite necessary to ensure an active role of the Gaon Sabha. As the importance of Gaon Sabha for the purpose of mobilising active participation of the people was felt very much by the Government of India, a study team on the role of Gaon Sabha was appointed with R.R. Divakar as the Head of the Team. The Committee in its report suggested that the institution of Gaon Sabha should be statutorily recognised in all Panchayat legislations in force in the different States. The Assam Panchayat Act 1959, however, already recognised Gaon Sabha as a statutory organisation. This Committee suggested among others that the Gaon Sabha should be entrusted with the following subjects:-

(1) Plan and Budget of Panchayat.
(2) Village plans and their implementation.
(3) Periodic reports on the workings of Panchayat and accounts, expenditures.
(4) A review of progress particularly of village Volunteer Force, Village Production Plans, utilisation of loans etc.

The Central Council on Local Self Government in its sixth meeting held at Bangalore in 1960 recommended.
Gram Sabha as a body consisting of the entire adult population of the village should be given full recognition as a legal entity and the Gram Panchayat should be responsible for its activities to the Gram Sabha. The Gram Sabha should generally approve the budget and the annual plan and periodically review the progress of works of the Gaon Panchayat.

It appears in this regard that the Assam Panchayat Act 1959, already provided for carrying out the resolutions of a Gaon Sabha by the Gaon Panchayat as far as practicable. This provision was there perhaps due to the limited fund provision and as a safeguard from the numerous resolutions likely to be taken by the Gaon Sabha. As regards approval of the Gaon Panchayat Budget by the Gaon Sabha no such provision was made in the Act. Presumably it was not found feasible in a Gaon Sabha meeting of about 550/600 persons. The provision for periodical review of the works of the Gaon Panchayat by the Gaon Sabha was made in the Act. Though the Gaon Sabha was given full recognition and scope for mobilising people's participation in the works of the Gaon Panchayat, our experience of Gaon Sabha meeting shows that very little interest in a Gaon Sabha meeting was evinced by the villagers.
GAON PANCHAYAT.

The concept of Panchayati Raj has envisaged that village Panchayat should be endowed with such powers and authority which enable them to function as effective self governing institutions. Some thinkers on Panchayat administration are of the opinion that there should not be any limitation on the functions of the Gaon Panchayats. In this regard Shri B. Mukhorjee, I.C.S. expressed the view that "The list of functions shows in the Panchayat Law should be large in order to show the village people the wide field of work that the Community can take up. Even this should not be regarded as an exhaustive but only an illustrative list."

On the contrary some other thinkers on Panchayat administration are of the opinion that only limited functions should be given to the Panchayat and that too in a cautious manner. The Taxation Enquiry Commission headed by John Mathai stated "Instead of the multifarious functions which now figures in the enactments, a few well chosen and clearly defined duties should be assigned to the Panchayats and that these should be coordinated with similar functions assigned to district Local Boards or other Rural Boards."
The Commission preferred entrusting the village Panchayat with limited functions like the establishment and maintenance of village schools, improvement of communication, sanitation, water supply, minor irrigation etc. The socio-economic functions should exclusively be left out for the cooperative societies only. The commission expressed that only such functions which would provide considerable scope for associating Panchayats more effectively with the local plan and development should be entrusted to the Panchayat.

The Balkmantrai Mehta Committee suggested three categories of functions to the Panchayat (1) independent or discretionary functions (2) obligatory functions and (3) judicial functions. As regards the independent functions the village Panchayat was to formulate its own plan and programme of development at the village level. As regard the obligatory functions it was to divide between agency functions and compulsory duties. It was to function as an agent of the Panchayat Samity so far as implementation of the Block programme is concerned. The compulsory duties included water supply, sanitation, lighting, maintenance of records and welfare of backward classes. As regard the judicial functions as Panchayati Adalot was to be formed for a group of village Panchayats by the District Magistrate from a panel of members to be suggested by such village Panchayats.
The Assam Panchayat Act 1989 endowed the Gaon Panchayat, Anchalik Panchayat and Mohkuma Parishad with almost all the functions suggested by the Mehta Committee. The functions assigned to the Gaon Panchayat can be broadly categorised as Municipal, Administration, Welfare and Developmental functions.

Under the category of municipal function the Gaon Panchayat was assigned functions like water supply, sanitation and conservancy, cleaning of wells, roads, drains, tanks, etc., lighting of streets, maintenance of burial grounds, play grounds, public places, cattle pounds, hats disposal of unclaimed cattle, destruction of stray days, regulation of fairs, dharmasala, slaughter houses, stands for buses, carts, watch and wards and fire prevention etc.

Under the category of administrative functions the Gaon Panchayat was assigned the functions like maintenance of records and statistics, registration of births, deaths, and marriages, management of lands, prevention of public nuisance, distributions of relief, submission of reports, statements to the proper authorities, preparation of plans, budget and byelaws and acting as executing agency of Anchalik Panchayat and such other functions as enumerated in the Act.
Under the category of welfare and development functions the Gaon Panchayat was assigned functions like the construction and maintenance of roads, bridges, buildings, tanks, wells, waterways, drains, bunds, establishment and maintenance of libraries, clubs theaters, places of recreation and games, promotion of art and culture, improvement of agriculture, minor irrigation, cattle improvement, promotion of cooperatives farming, cottage and village industries, organisation of village volunteer force etc.

Now the question is to what extent the above functions were effectively performed by the Gaon Panchayats. Of all functions assigned to the Gaon Panchayats the State Government insisted upon the functions relating to agricultural production, in order to make the country self-sufficient in food stuff.

The Block administration was to devote entirely on increasing the agricultural production. The Gaon Panchayat being an executing agency under the Block administration was directed to spend at least three fourth of its annual working fund only on agricultural programme. This had consequently led the Gaon Panchayat to ignore other functions. On the other hand the villagers were not provided with any other services. As a result the villagers were least interested in the Panchayat.
In practice the Gaon Panchayat simply functioned as a distributing agency of improved seeds, fertilisers, pesticides, agricultural implements etc., to the cultivators on behalf of the Development Block and Anchalik Panchayats. Before the Gaon Panchayat was entrusted with these functions they were carried out by the Gram Sevaks. The Gram Sevak had to popularise use of fertilisers and other inputs in the agricultural fields. Since the responsibility of distribution was shifted to the Gaon Panchayat, the Anchalik Panchayat in many cases simply deducted the price of such inputs from the funds of the Gaon Panchayat concerned. On the other hand, it was difficult on the part of a Gaon Panchayat to realise the price of fertilisers and other inputs from the cultivators. Sometimes even the outstanding dues on such account of the Block was deducted from the concerned Gaon Panchayat. This state of affairs affected the resource position of the Gaon Panchayats and they could not avail their funds for the purposes of their own functions.

Now let us consider again what should be the role of Gaon Panchayat. There are three distinct schools of thought in this regard. The first school view the Gaon Panchayats as a local self-Government institution and that it should be entrusted mainly with municipal and administrative function. They however, do not object in assigning the development functions to them.
The Second School views the Gaon Panchayat as an agency for the implementation of Community Development Programme.

The third school says that democracy must have its strong foundation at the grass roots and all such functions which can be carried out by the Gaon Panchayat at the local level should be entrusted to them. This school is of opinion that the list of functions assigned to the village Panchayat should be wide and must not be exhaustive and such functions should be carried out by the Panchayat with full powers and authority and without any control from outside.

The concept on Panchayati Raj as given by this school is an ideal one. But such a state of affairs will arise only after a long and careful process of decentralisation. At present while the Panchayati Raj Institutions are established by the State Government they are subject to control of the Government. The Government would be able to dispense with its control and guidance if these institution can shoulder full responsibilities of rural welfare and development effectively solely depending on their ability and resources.

From the pragmatic point of view it would be more purposeful to entrust the Panchayat firstly with municipal and developmental functions. The administrative functions may be progressively assigned to the Panchayat
in consideration of its capability to shoulder such responsibilities. The list of functions assigned to the Panchayat should be an illustrative one so as to cover all aspects of local administration, welfare and development of the people as may be needed by them locally.

**Anchalik Panchayat.**

The Mehta Committee recommended that the Block Samity should concern itself with agriculture, veterinary and animal husbandry, fisheries, public health and sanitation, village industries, cooperation, education and social education, pilgrimage and festivals, construction and maintenance of roads, bridges, minor irrigation projects, tanks, wells and collection and maintenance of statistics.

Normally the State Government should not undertake any of these or other development functions in the Block area. The committee further suggested that certain other functions such as maintenance and development of small forests, maintenance of watch and ward establishment, excise and such other items should also be transferred to the Block Panchayat Samities.

The Assam Panchayat Act 1959 assigned to the Anchalik Panchayat all the functions suggested by the Mehta Committee. In particular the Anchalik Panchayat was specifically assigned Public Health and Sanitation, Medical relief and preventive measures including maintenance of hospitals and dispensaries, maternity and
child welfare, construction and maintenance of minor irrigation works, embankment, roads, bridges, drains, buildings, maintenance and regulation of public buildings, spread of education above the middle school standard, establishment and maintenance of theaters, promotion of art and culture, sports and recreation, regulation of offensive trades or practices, collection or statistics, relief and welfare works, organisation of village voluntary force, agricultural development and agricultural finance, improvement of cattle poultry, animal husbandry and veterinary services, promotion and improvement of cottage and village industries. It was also the executing agency for any other programme that might be assigned by the State Government from time to time.

The Anchalik Panchayat was empowered to scrutinise and approve the Gaon Panchayat budgets and to supervise the activities of the Gaon Panchayat within its jurisdiction. The Anchalik Panchayat had full powers of control over the Block activities right from the preparation of plans and the execution of the same. The Anchalik Panchayat had also wide powers of taxation.

The Anchalik Panchayats were active as long as the Block funds under the Community Development scheme were available. But the tempo of developmental activities abruptly came down where funds were not available. This had happened because of the fact that for a period of 10 days years the Anchalik Panchayat failed to devote much attention to create their own resources by way of taxation
and remunerative enterprises. It however proved to be an effective body in implementing various development programmes of the Block and it could achieve success in the field of agricultural development to a considerable extent.

**MOHKUMA PARISHAD.**

The Mohkuma Parishad was entrusted with the function of approving the Budget of the Anchalik Panchayat and Bye Laws of the Gaon Panchayat. In distributing funds to the Anchalik Panchayats and Gaon Panchayats from the Subdivisional Rural Development fund the Deputy Commissioner or the Subdivisional officers must act according to the advice of the Mohkuma Parishad.

The Mohkuma Parishad was entrusted with any executive function. Later on the Assam Panchayat (Amendment) Act 1967, however, assigned executive powers for the execution of work which the Anchalik Panchayat was not in a position to do. So this amendment of the Act provided for the constitution of two important standing committees viz.

1. Planning and Administration Committees for the control and administration of the subdivisional cadre of Panchayat employees and

2. Agricultural Production Committee for the purpose of taking all necessary steps for increasing agricultural production within the subdivision. The Mohkuma Parishad was also assigned the function of settlement of hats, ferries and fisheries, and approval of Gaon Panchayat Bye laws.
THE ASSAM PANCHAYATI RAJ ACT 1972

GAON PANCHAYAT.

The Assam Panchayati Raj Act 1972 virtually decentralised most of the functions of the defunct Anchalik Panchayat to the Gaon Panchayat. The powers and functions provided for the Anchalik Panchayats under the repealed A.P.Act 1959 have now been distributed between the Mohkuma Parishad and Gaon Panchayat according to their importance at the sub-divisional and village level respectively. For example, functions like establishment and maintenance of theatres, recreation centres, promotion of arts and culture, organisation of welfare activities among women children and backward classes, organisation of voluntary labour, development of agriculture, horticulture, arranging agricultural finance, improvement of cattle and poultry, crop experiment and crop protection, improvement of cottage and village industries etc. which were assigned to the Anchalik Panchayat under the previous Act have now been assigned to the Gaon Panchayat under the present Act. Besides, these functions which were assigned to the defunct Gaon Panchayat have now mostly been assigned to the Gaon Panchayat established under the present Act. Further the Gaon Panchayat has been empowered to adopt its own subsidiary rules in matters of conducting meetings, assigning duties to and control of employees, division of duties to its members, powers to be exercised by the office bearers, and for granting money receipts. Besides, the Gaon Panchayat has powers of taxation and framing its own bye-law.
(Under the Assam Panchayati Raj Act, 1972) The Assam Panchayati Raj Act 1972 provides a wide scope for carrying out most of the developmental function within the Sub-division, by the Mahkuma Parishad. According to this Act the Mahkuma Parishad has been assigned a long list of functions under the broad headings, Sanitation, Medical and Public Health, Public Works, Education and Culture, Administration, Agriculture etc., Animal Husbandry and veterinary, Small Scale and village industries, cooperatives and Revenue and Forest. In the sphere of Medical Public Health, besides the function of curative and preventive measures on public health, establishment and maintenance of dispensaries, maternity and child welfare centres, Ayurvedic, Unani and Homeopathic dispensaries and certain new functions like organisation and maintenance of School Health Services, Health Education, Medical relief centres, granting of assistance to the Private charitable dispensaries, maternity houses and such other institutions, to plan and implement water supply schemes have been included. In the sphere of public works besides the functions of construction and maintenance of public works and institutions, establishment and maintenance of bazars, regulation of melas, the establishment and maintenance of any undertaking for rural employment, ware houses, trading centres and workshops for repair of agricultural implement and machineries, and management
of community land have been included. In the sphere of education and culture, besides the function of spreading education up to High and Higher Secondary School standard, construction and maintenance of school buildings, playground, theatres and certain other functions like establishment of horticulture and vegetable gardens in the school compounds, publication of literatures on Panchayati Raj and organisation of exhibitions, educational tours, seminars etc. have been included.

In the sphere of administration functions like approval of Gaon Panchayat budget and bye laws, supervision of Gaon Panchayat, administration of Subdivisional cadre of Panchayat employees, settlement of basars, public ferries, fisheries, distribution of funds to the Gaon Panchayat etc. have been included.

In the sphere of welfare, functions like relief of distress to people caused by flood and other natural calamities, organisation of welfare activities among youths, women and children, and prevention of dangerous trades and practices have been included.

In the sphere of agriculture, horticulture, besides, all the required aspects of agricultural development certain other functions like establishment of farms, arranging agricultural finance, soil conservation and land reclamation, development of fisheries etc. have been included.
In the sphere of animal husbandry and veterinary the functions like establishment and maintenance of veterinary dispensaries, veterinary centres, improvement of cattle, poultry, establishment and maintenance of cattle, poultry, goat and pig farms and organisation of cattle shows and rallies have been included.

In the sphere of small scale and cottage and village industries, establishment and maintenance of Training-Cum-Production Centres, organisation of cooperative weaving societies and providing marketing facilities for cottage industries and village industries products have been included.

In the sphere of cooperatives the functions like organisation of cooperative societies and cooperative farming have been included.

In the sphere of Revenue and Forest, functions like propogation of land reform measures, organisation and supervision of gramdan villages, development of village forests and grazing reserves, and afforestation have been included. This Act further provided for transferring any of the institutions, works or development schemes of different development departments of the State Government along with the funds and officer/staff thereof to the Mohkuma Parishad. The officers and staff required for implementation of such transferred
schemes are to be placed at the disposal and control of the Mahkuma Parishad on deputation. The Mahkuma Parishads have the authority for execution of such transferred schemes by utilising the departmental funds, and staff.

In conclusion it can be said that the functions assigned to the Mahkuma Parishad and Gaon Panchayat are quite large and illustrative to meet the local needs of the rural areas.

The Section 35 of the Assam Panchayat Act 1972 provides clearly that subject to such rules as may be made by the State Government, Gaon Panchayat can provide for the requirements of its area in respect of any matter mentioned specifically in the list of functions assigned to the Gaon Panchayats, out of its own funds and resources.
The section 36 of the said Act provides that the Mahkuma Parishad can, subject to such rules as may be prescribed by the State Government, provide for all development works within its jurisdiction with its own funds and resources. However, the same Section specified the functions of the Mohkuma Parishad in particular with the strings of overall rights of the State Government attached thereto.
The Section 37 of the Act provides for transfer of departmental schemes, work or programme as may be considered necessary by the Government. On such transfer all rights and liabilities of the Government in respect of the same will be enforceable by or against the Mahkuma Parishad.
It is thus evident from the list of functions that wide field of activity is entrusted to the Mahkuma Parishad and Gaon Panchayats. These institutions can very well take up any work or programme from the respective list according to the importance and priorities of the local needs. The mode of assignment of the functions as provided in the aforesaid sections of the Act shows that the element of Self Government is underlying there. In respect of the Mahkuma Parishad, it can be said emphatically that since the Parishad can provide for all development works within its fold, this institution is theoretically recognised as a true self governing institutions. The achievement of the objectives of self Government, however, depends entirely on its capacity to make itself a useful institution.