CHAPTER TWO

Emergence and Growth of Panchayat Institutions in India
I. PRELUDE

The Panchayati Raj is an ancient concept which has a long history in India. The elements of panchayats did exist in the ancient period. In this way these are the oldest administrative institutions in the country. "The tradition of having panchayats, has been one of the fundamental concepts of Indian Culture"\(^1\). If we go into the historical context of PR system, we will find that the system has been existing in India since the ancient Vedic periods. In Vedic age, the village was looked after by a person who is known as Gramini. Likewise in the periods of Mauryas and Guptas references are found of a village and a district respectively. The Mauryan and Gupta administration, provided a systematic
base to the PR system. During the Mughal administration, panchayats used to perform works relating to administrative social and economic development.

By the time of the British rule in India, panchayats had practically lost their importance and identity. The first attempt made by the British government to establish local self government was in 1869, when a district local fund was created consisting of a local cess of one anna in a rupee, of land revenue, toll and ferry charges and cattle pond receipts. The district local fund committee was empowered to incur expenditure on local works and education. Taluk level committee were also established. The true spirit of local government can first be traced to Lord Mayo's resolution of 1870 which proposed a sharing of revenue with the provinces. Lord Ripon's resolution of 1882 for the first time stressed the educative aspect of administration. He stated, "it is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly defined as an instrument of political and popular education". The next important piece of legislation was the Bombay village panchayat act, 1920. Under this act, the panchayats was constituted into an elected body. The members were elected by adult male villagers. District local boards were vested with the power to supervise and control panchayats. The Hatch committee was appointed in 1925 to consider the
position of village panchayats. It recommended the enfranchise-ment of women, handing over the control of bazaars and slaughter houses etc. It further recommended contribution of funds to the panchayats by district local boards and the governments. As a result the Bombay Village Panchayat Act, 1930 empowered the village panchayats to take up various activities, including some socio-economic functions and gave them power to levy various taxes and duties to increase their income.

Although the panchayats were revived by Lord Ripon in 1882, they did not in real sense represent the will of the people and the panchayats could hardly be said to be a local self government. It was vested with little power and was totally controlled by the Government and its authorities. People had little say in the administration of the village by the government. It's source of finance were very much limited.

The 'popular education' through the system of local self government as envisaged by Lord Ripon in 1882 was hardly realised in the next sixty-five years of British rule. In 'Young India', 28, May, 1931 Mahatma Gandhi criticised the role of the British Government in the following words: "Panchayats has an ancient flavour, it is a good word. It literally means an assembly of five elected members by
villagers. It represents the system, by which the innumerable village republics of India were governed. But the British Government, by its ruthlessly thorough method of revenue collection, almost destroyed the ancient republics which could not stand the shade of revenue collection".

Gandhi, Nehru and Democratic Decentralisation

The rural character of the economy and the need for regeneration of rural life was stressed by Mahatma Gandhi. The concept of 'power to people' finds an important place in Gandhi's view on panchayati raj. He writes, "it is certainly an omission calling for immediate attention, if our independence is to reflect people's voice. The greater the power of panchayats the better for the people". Gandhiji had dreams of democracy commencing from the villages. He believed that democratic freedoms have to be founded in institutions of self government in every village of India. It was essential creed of Mahatma Gandhi's manifesto for freedom that free India's democratic institutions would be built from our villages upwards to the highest tier in the nation's capital. As a matter of fact, panchayati raj was an important component in Gandhi's vision of future India in which economic and political power was decentralised and each village was self reliant economically. He was in favour of giving power to the people in the villages and seeking their participation in governing the country.
Jawaharlal Nehru, preferred the term panchayati raj to democratic decentralisation because it conveyed the essential message to the people of rural areas. He established the institutions of PR as the primary instrument for bringing development to the door step of rural India. He saw the panchayats the indispensable for the democratic involvement of the people of rural India in the development of rural India. He believed that progress would not really reach 5,00,000 villages of our country by imposition from above. Progress would come only through the efforts of the people themselves through institutions directly elected to carry out their will. He wanted, "the panchayats to be elected by the people and endowed with the powers and authority and charged with the responsibility to become the primary means of development. He wanted finances to be developed on the panchayats to make them viable, responsible and disciplined." Nehru in the period after 1958 was intensely interested in decentralisation and PR as a means of taking democracy down to the grass root level.

On achieving independence the field was clear. The constitution of India has a directive principle in Article 40 which declares:
"the state shall take steps to organise village panchayats and endow with such powers and authority as may be necessary to enable them to function as units of self government."
Community Development Programme

'Community is a term which is applied to the societies and social groups where they are considered from the viewpoint of geographical distribution, individuals and institutions of which they are composed'. CDP was launched on 2nd October, 1952 in 55 pilot projects. Eventually it was to cover the whole country. It sought to achieve the allround development of the country side through efforts of the people who are the beneficiaries. It followed an integrative approach to the village community. The Sarvodaya School of Shantiniketan (Bengal) - 1921, the Marthandom experiment in old Travancore - Cochin State, 1921, the experiment at Gurgaon (Punjab) 1927 the experiment in Baroda State, 1932, the Firka Development Scheme in Maharashtra, 1948 and the Etawah Project, in U.P. 1948 had taught many lessons and that accumulated experience helped in formulating the strategy of the programme.

The objectives of the CDP were: "First increase employment and increase production by the application of scientific methods of agriculture including horticulture, animal husbandry, fisheries etc. and the establishment of subsidy and cottage industries, secondly, self help and self reliance and the largest public extension of the principle of cooperation and thirdly, the need for developing a portion of the vast
unutilised time and energy in the country side for the benefit of the community.

The various programmes of CD as mentioned earlier, to attain above objectives were carried out through the government departments. The bureaucracy has certain in-built structural limitations which do not provide initiative to the beneficiaries. The local community was receiving programmes without much involvement of its own in formulating them. As a result "people's programmes" were carried out with "government participation" rather than people's participation. The committee on plan project remarked in 1957 "so long as we do not discover or to create a representative, and democratic institution which will supply the local interest, supervision and care necessary to ensure that expenditure of money upon local objects conforms with the needs and wishes of the locality, invest in with adequate power and assign to it appropriate finances we will never be able to evoke local interest and excite local initiative in the field of development."

However with all its vitality, institutional structure, built-in methods of administration, the CDP was found 'wanting'. It was losing its 'extension' content and its 'method', elements were making the system lore rigid, centralized, expenditure biased and was concentrating on 'physical outputs' as against 'non physical' outputs which ultimately sustain and increase
the major capital stock of an industrial nation. Its physical particularly economic results were also not equal to the expectations of the planners. The fifth development commissioner's conference in May, 1956 therefore observed: "we cannot go far from where we have arrived unless we have a wider partnership with technical departments, wider partnership with people's institutions and wider partnership and political institutions of the country".

Thus finally the CDP was basically a method commonly described as the extension approach, its programme being transitory in character in the sense of being related to the stage of development in the economic growth of the country. In contrast to this, panchayati raj, which will discuss in the coming pages, is a means category concept, if not an end itself as thinkers like Jayaprakash Narayan tends to believe. As a method CDP is not extraneous to panchayati raj which, in fact would do well to adopt, absorb and work through the extension approach. Thus the spirit of CDP can be kept intact and even nourished with popular support and participation within the fold of PR, provided the element of power is not allowed to subjugate the extension approach and negative it in operation. Such a synthesis would not merely contribute to the survival of the CD tradition but, far more than that, would strengthen the working potential of panchayati raj as a development mechanism.
Rise of Panchayati Raj

The development of panchayati raj (PR) therefore can be said to be the logical outcome of the CDP. Panchayati raj as described by Harison as the most important potential invention of independent India, is a complex system of rural local self government. With the rise of PR, a new phase of local government was ushered in by democratic decentralisation to make the lower units of administration more popularly elected, more socially broad-based and more engaged in the wider range of activities than hither to.

The philosophy of decentralisation claims that all powers and responsibilities regarding development matters intimately affecting, the rural people should belong to a viable socio-economic community. The expectations would be those powers and responsibilities which can better exercised by some other governmental organisation at a higher level and for a larger area of operation and those technological improvements which favour larger units of administration. The unit of local government must be sufficiently small so that people can understand it. It must be sufficiently near so that people can live up to its expectations.

Panchayati raj is regarded as the heart and soul of Indian politics. The health and strength of Indian democracy depends on its sound functioning. It is the agency of social
progress, economic stability and social prosperity and political development. The objectives of PR are decentralisation, development, social change and institutional leadership under its aegis forms the nucleus of a new emerging elite in rural India.

Panchayati raj has passed through four distinct phases within its short span of life:

(a). The phase of ASCENDENCY (1959-1964)
(b). The phase of STAGNATION (1964-1969)
(c). The phase of DECLINE (1969-1983) and
(d). The phase of REVIVAL (1983 onwards).


The phase of ascendancy witnessed an important landmark in the history of panchayati raj. The basic pillars of the PR structure were erected in a constructive and future oriented style during this period. This period witnessed the appointment of Balwantrai Mehta Committee.

Balwantrai Mehta Committee was appointed in 1956 to study the whole problem and suggest ways and means for implementing the scheme of PR on some uniform lines throughout the country. On 12 January, 1958 the National Development Council endorsed the recommendations of the Mehta Committee. Thereupon, the central council of the local self government
at its fifth meeting held at Hyderabad in 1959 took stock of the action taken by the states to implement the decision of the NDC. At this stage it recommended "while the broad pattern and fundamentals may be uniform there should not be any rigidity in the pattern. In fact the country is so large and PR is so complex a subject with far reaching consequences that there is the fullest scope of trying out various patterns and alternatives. What is most important is genuine transfer of power to the people. If this is ensured, form and pattern may necessarily vary according to the conditions prevailing in different states".

The committee made the following important recommendations.

1. The government should divest itself completely of certain duties and responsibilities and devolve them to a body which will have the entire charge of all development work within its jurisdiction, reserving to itself only the functions of guidance, supervision and higher planning.

2. At the block level an elected self governing institution should be set up with its jurisdiction co-existence with a development block.

3. The panchayat samiti should be constituted by indirect election from the village panchayats.
4. The functions of the panchayat samiti should cover the development of agriculture in all its aspects, improvement of cattle, promotion of local industries, public health, welfare work, administration of primary schools, and collection and maintenance of statistics. It should also act as an agent of state government in executing special schemes of development entrusted to it. Other functions should be transferred to the panchayat samities only when they have started functioning as efficient democratic institutions.

5. The state government should give to those samities adequate grants-in-aid conditionally or unconditionally or on matching basis with regard to economically backward areas.

6. All central and state funds spent in a block area should invariably be assigned to the panchayat samiti to be spent directly or indirectly excepting when the samiti recommend direct assistance to an institution.

7. A certain amount of control should inevitably be retained by the government eg. the power of superceding a panchayat samiti in public interest.

8. The constitution of the panchayat should purely be on an elective basis with the provision for co-option of two women members and one member each from the scheduled castes
and scheduled tribes. No other special groups need be given special representation.

9. Main resources of income of panchayat will be property or house tax, tax on markets and vehicles, octroi or terminal tax, conservancy tax, water and lighting rates, income from cattle ponds, grants from panchayat samities and fees charged from the registration of animals sold.

10. The budget of the village panchayat will be subjected to scrutiny and approval of the panchayat samiti, chief officer of which will exercise the same power in regard to the village panchayat as the collector will in regard to the zilla parishad. No village panchayat should however, be superceded except by the state government who will do so only on the recommendations of the zilla parishad.

11. The compulsory duties of the village panchayats should include among others provision of water supply, sanitation, lighting maintenance of roads, land, management, collection and maintenance of records and other statistics and the welfare of backward classes. It will also act as an agent of the panchayat samiti in executing any scheme entrusted to it.

12. The judicial panchayat may have much larger jurisdiction than even a gram sevak's circle, and out of the panel suggested
by village panchayats the sub divisional or district magistrate may select persons to form judicial panchayat.

13. To ensure necessary coordination between the panchayat samities a zilla parishad should be constituted consisting of the presidents of these samities, M.L.As and M.Ps representing the area and the district level officers. The collector will be its chairman and one of his officers will act as secretary.

Undoubtedly, the Balwantrai Mehta Committee was confronted with the problem of how to lay down some uniform lines of PR in view of the vast size and varying social, political and economic conditions prevailing in different parts of the country. It was thus properly visualised by the Mehta Committee and wisely endorsed by the National Development Council, to take into view broad patterns of the scheme without sticking the idea of a rigid uniformity that would have made their job not only tedious by impossible as well. As a result the government of India did not insist that every state should follow the same pattern.

III. THE PHASE OF STAGNATION (1965-1969)

After the phase of ascendancy (1956-64), the panchayati raj institutions witnessed the phase of stagnation from 1965 to 1969. Unfortunately, no serious attempts or efforts were
made neither to revamp nor to revitalise the PR structure. Since mid sixties, the panchayati raj has been in a low profile. As a form of local government, it has fallen out of favour everywhere, except in Maharashtra and in Gujarat, where it has been relatively more successful. Increasingly its justification is sought purely in terms of an agency to augment agricultural production. The stagnation is the result of four major factors. The new national and state level leadership which emerged around 1966 had much thinner links with the ideals of Mahatma Gandhi and thus much weaker ideological commitment to panchayati raj. Secondly, the mounting food shortage of this period and the crop failures of 1966-67 led to a reshuffling of priorities in the community development programme itself, resulting in an over riding emphasis on agricultural production. In the process a comprehensive concept of rural development got reduced to a mere project for agricultural production. Thirdly, the trend of Indian political system has been markedly centralised since the mid sixties but the pace towards centralisation of power got considerably accelerated since 60's. During that period political leadership, the state governments were being made subservient to the central government. This exactly is not the climate under which panchayati raj can grow and flourish. Fourthly, the technology discovered at this time served only to reinforce the already powerful centralised pressures, in
the process, relegating panchayati raj to a lower, even unimportant status.


The third phase in the history of the panchayati raj is the period between 1969 to 1983. This was a period of decline. No serious or sincere effort was made neither at the centre nor at the state levels like the period of stagnation as mentioned above. In the political side, this phase witnessed the change of the congress ministry at the centre and it culminated in the appointment of Ashoka Mehta Committee in 1977 to revamp the PR structure. As far as the states were concerned Karnataka, West Bengal, Andhra Pradesh made appreciable efforts to rejuvenate the PR structure in their areas.

Ashoka Mehta Committee submitted its report in 1978. The major recommendations of the committee were:

1. In the panchayati raj structure, there should be a two tier set up, i.e. a district level, zilla parishad and a mandal panchayat covering a population of 15,000 to 20,000.

2. With the two tier structure, the committee also suggested ultimate abolition of the block as a unit of development administration.
3. All development functions relating to a district which are now performed by the state government should be placed under the zilla parishad.

4. The term of panchayati raj institutions should be four years. Direct election to these bodies should be held simultaneously.

5. Political parties could participate in the panchayati raj elections.

6. Elections to panchayati raj bodies should be conducted by the chief electoral officers of the states in consultation with the election commission.

7. Nyaya panchayat should be kept separate from the developmental panchayats. A qualified judge should preside over them and elected panches should act as members of benches of Nyaya panchayats.

8. Panchayati raj bodies should normally not be superceded, but if supersession become necessary election should be held within six months.

9. Representation of the scheduled castes and scheduled tribes in all panchayat bodies should be on the basis of their population.
10. There is complete transfer of land revenue collections to panchayati raj institutions over a period of five years.

11. A permanent annual grant of not less than Rs.2.50 per capita should be made to the mandal panchayats.

12. The committee agreed to the need for some provisions in the constitution in order to provide the panchayati raj institutions the requisite status as well as assurance of continuous functioning, and wanted that this aspect should be considered.

Shri E.M.S. Namboodiripad, who was a member of the Committee appended a note to the Report in which he has expressed the following views:

1. I am opposed to the suggestion of including the nominee of district level cooperative federation and other categories of members of zilla parishad and other panchayati raj institutions. I am for purely elected bodies at all levels of PR bodies.

2. With regard to the election to all PRIs, proportional representation with the list system should be adopted. I am of the view that Indian politics and the state of political parties in our country have reached a stage in which the adoption of the list system even for state legislatures and for parliament would help the solution of many problems which are now considered insoluble.
3. I have already stated that I am in full support of the idea of a two tier PR - the larger panchayat which has been given in the report the name of mandal panchayat and the zilla parishad. I am in support of it because, of the general consideration that the two tier set up is likely to be less expensive and more effective as well as my own experience in Kerala.

4. I oppose the recommendation in favour of a qualified judge to preside over an elected Nyaya panchayat being associated with him. The report itself admits that there is no enthusiasm for Nyaya panchayat, the reasons being that people do not, expect elected panches to be objective and do justice to the poor. Any proposal for bringing the judiciary closer to the people, can, therefore, be considered only as a matter of reforming the judicial system and not as a part of democratic decentralisation of administration. The government may consider the various reports, referred to in our report, separately and not as part of strengthening PRIs.

5. I am afraid that the ghost of the earlier idea that PRIs should be completely divorced from all regulatory functions and make it confine themselves only to developmental functions is haunting my colleagues.

6. Instead of having a statutory provision that the chairman of such panchayat or zilla parishad shall always be drawn from
the SCs or STs, a convention should be established among all the political parties contesting the elections that a minimum percentage of every party's candidates for the chairman's posts shall be drawn from the SCs and STs.

7. The problems of administration and financial resources dealt within chapters VIII and IX should, in my view, be dealt with from a different angle.

8. It is unfortunate that the report does not take into consideration the fact that there are voluntary organizations which have a sizeable membership and are active in the rural areas, such as the kisan sabha, agricultural labour organizations, student's, youth and women organizations etc. which are not and would refuse to be non political. Many of them are very active and enjoy the confidence of the people. Wherever such organizations exists, they should be given an important role in the schemes of human resources development.

In spite of the reservations, criticisms and suggestions I am of the view that the report, if accepted and implemented, would go for in decentralising and democratising the administration.

In this way, Ashoka Mehta Report has made an attempt to revitalise the panchayati raj system as established according to the recommendations of the Balwantrai Mehta Report. The second Mehta has built upon the first one, though in a certain
way he has also given much of his own in the form of according constitutional status to PRIs. Thus the two Mehtas constitute two landmarks in the history of local self government in our country, though each has its distinctive conceptual framework of analysis and examination.

After the submission of Ashoka Mehta Report - the phase of decline - witnessed three more developments ie, the chief minister's conference, 1979, Dantwala committee, 1977 and Hanumantha Rao committee in 1983. An analysis on it is given in the following pages.

The Chief Ministers' Conference, 1979

A conference of chief ministers held in 1979 to consider important recommendations of Ashoka Mehta committee. But it did not accept the concept of mandal panchayats and favoured continuance of existing three tier system. The consensus was also against political parties taking part in panchayat elections. The chief ministers also did not consider the constitutional amendment necessary. It was felt that a model bill should suffice which states could with such local modifications as considered necessary.

Working Groups on Block and District Planning

In the beginning of 80's, a number of anti-poverty programmes were introduced for the implementation of which district
Rural Development Agencies (DRDAs) and other related organizations at lower levels were created. With this structural innovations, the need for integration of panchayat raj system with rural development programmes and administration was seriously felt. The concept of decentralised planning at district level and below was conceived. Various aspects of decentralised planning were examined by two expert groups, namely the working group on block level planning headed by M.L. Dantwala (1977) and the working group on district planning headed by C.H. Hanumantha Rao (1983). Both groups recommended that the basic decentralised planning function has to be done at the district level. With such a concept of district planning as the back ground, the working group detailed the various arrangements necessary for rendering the district planning process effective including the various pre-requisites that should be met the institutional arrangements that should be devised and then essentials of planning methodology that should be followed. The recommendations of two expert groups provided a solid basis for recasting and revamping PRIs.

V. THE PHASE OF REVIVAL (1983 onwards)

It will not be wrong to say that after 1983 panchayati raj institutions entered in an era of progress and prosperity. The change in the prime ministership itself made basic, drastic and fundamental changes in the revival, restoration and revi-
talisation of the basic ideals of the PRIs. After Rajiv Gandhi, came to power, he made sincere and whole hearted efforts to implement the panchayati raj in letter and spirit. The scheme of PR as unfolded by the then prime minister, was the most comprehensive and radical blue print of participatory democracy officially publicised so far. Mr. Gandhi showed the necessary stamina and political will to implement this plan. He not only altered the basic character of the district administration but also unleash forces which would bring profound changes in the relationship between the state and central governments. After decades of neglect, democratic decentralisation – PR – has moved centre state again. To quote Mr. Gandhi, "Democracy without panchayati raj is a negation of Mahatma Gandhi's dreams. Development without PR is a negation of Jawaharlal Nehru's vision: "Real change" said Panditji, "comes, of course, from within the village, from the very people living in the village and is not imposed from outside"20.

In this context, an attempt has been made in the following pages to high light critically the present phase of PR – the phase of Revival – from G.V.K. Rao committee (1985) to the new steps taken by the central government headed by Shri Viswanath Pratap Singh.
G.V.K. Rao Committee (1985)

In 1985 a 12 member committee under the chairmanship of Dr. G.V.K. Rao was appointed to review the existing administrative arrangements for rural development and poverty alleviation and also to recommend appropriate structural mechanism to ensure that they were planned in an integrated manner and effectively implemented. The committee made the following recommendations.

1. The panchayati raj institutions have to be activised and given all the support needed so that they can become effective organisations for handling people's problems. Elections to those bodies should be held regularly.

2. The committee recommended a 3-tier structure for panchayati raj institutions.

3. The district should be the basic unit for policy planning and programme implementation. The zilla parishad should, therefore, become the principal body for management of all development programmes which can be handled at that level.

4. The president of zilla parishad can be directly elected for a term co-terminus with the zilla parishad or for one year each on the Mayoral pattern. The work of zilla parishad should be done by a number of sub committees elected on the basis of the proportional representation so that participatory democracy will be developed and encouraged.
5. Panchayati raj institutions at the district level and below should be assigned important role in respect of planning, implementation and monitoring of rural development programme.

6. The committee recommends the introduction of the concept of district budget. It is desirable that it is brought into being as quickly as possible.

7. The preparation of a proper plan is a pre-requisite for having a process of development which will ensure that the poor are properly taken care of. All the development departments should clearly indicate the activities which they would under for assisting the poor.

8. The district plan should include all the resources available both in the plan and non-plan as well as institutional resources.

9. The committee is of the view that development administration at the district level has to be treated as a major activity involving significant responsibilities and therefore, recommend that a post of District Development Commissioner (DDC) be created to look after the coordinate all the development activities in the district.

10. The DDC may be made the Chief Executive of the zilla parishad in these states where the panchayati raj institutions
hold the responsibility for planning and implementation of various development programmes.

11. In these states where zilla parishad are not on position, the DDC could function as Chairman and Chief Executive of the District Development Council.

12. The office of the DDC should be of a higher status than that of the district collector in order to establish the primacy of the development administration over maintenance administration.

13. The committee recommends that the block development office should be the sheet anchor of the entire rural development process. For this purpose the status of this office should upgraded. The chief executive officer of the block/tehsil may be designated as Assistant Development Commissioner (ADC). The ADC should be an officer of the status of sub divisional officer.

14. The ADC should be a dynamic young person, preferably below the age of 35 and in any case not above 40. His background, training, managerial capability and motivation should be appropriate for the task as the leader of a team which will incharge of all development functions in the block.

15. On the basis of certain criteria of population, area and terrain, average size of the block may be one lakh population in the hilly and difficult terrain and tribal areas.
A national seminar on decentralisation of power - the Karnataka model - held in New Delhi in October, 1985 under the auspices of the institute of social sciences has identified several important issues.

A. There are three dominant views on this subject among those who advocate decentralisation through PRIs.

1. Local self government must be strengthened, but no through rigid and uniform constitutional provisions. Freedom at the state and regional levels for experimenting and evolving systems suitable to each state is the crux of the matter.

2. The constitutional changes to guarantee elections to local bodies at the expiry of their terms is sufficient condition for bringing life into the local bodies.

3. The third school believed that the constitutional guarantee of elections is not a sufficient condition but it is only a necessary condition. What is really needed is a 'quantum jump' in political democracy, providing for a three tier system, viz. centre, state and district governments.

B. A 'marriage' of district government and PR is possible. The conception of participation of the people should be con-
sidered as an ideological commitment and therefore what is needed is legislative and structural measures to give legitimacy to people's participation.

C. In the present political milieu, demand for local self government and strengthening of PRIs through district government could even by construed by status quoists as a recipe for disintegration. It is difficult for them to understand that tendencies of disintegration are there because of the fact that there is no political power into the people and no participation at the local level.

D. A question like decentralisation of political power must be discussed with the workers and activities of voluntary groups at the grass root level because what they will say have greater realism and force. It is hoped that soon a forum of such grass root level workers will be convened to give greater impetus to the prevailing popular demand for the PRIs.

L.M. Singhvi Committee (1986)

In June 1986, an 8 member committee headed by L.M.Singhvi was appointed to prepare a concept paper for discussion at a national workshop to review the growth, present status and functions of PRIs and make them truly effective instruments in the constructive task of rural development and nation building. The main recommendations of the concept paper were:
1. Village may be reorganised and many of them may in the process be grouped and enlarged in order to make for more viable village panchayats.

2. The PRIs have to be viewed as units of self government which would naturally facilitate the participation of the people in the process of planning, and development and as part of the concept of self government. Development planning should be democratic planning.

3. Local self government should be constitutionally reorganised, protected and preserved by the inclusion of a new chapter in the constitution.

4. A panchayati raj - judicial tribunal to be constituted in each state to adjudicate controversies in relation to elections, suspensions, suppressions, dissolutions and other matters relating to the working of PRIs and its elected personnel.

5. Ways and means should be found to ensure the availability of adequate financial resources of PRIs to function effectively.

Sarkaria Commission on Centre State Relations

Though the Sarkaria commission did not make an elaborate study of PRIs, as it was not covered by its terms of reference, it made several significant recommendations to the subject. They are:
To rectify the functioning of the local self governing bodies it is necessary to ensure by legal provisions analogous to those in Articles 172 and 174 of the constitution that elections to zilla parishads and municipal corporation are held regularly and these institutions do not remain superceded for long periods. The power of enaction of such a low rests under entry 5 list II exclusively in the state legislatures. Nevertheless, uniformity in these aspects of the law throughout the territory of India is essential. The uniformity can be secured by adopting in the following order of preference any of the alternatives given below.

1. (i). By laws with respect to this matter made by all the state legislatures in accordance with a model bill prepared on the basis of consensus at the forum of the inter state council.

(ii). By a law on this subject made by parliament under Article 252 (1) with the consent of the legislatures of all these states.

(iii). By a parliamentary law uniformly applicable throughout India containing provisions analogous to Articles 172 and 174 of the constitution.

Adoption of alternative (1) will not require any amendment of the constitution. However as a conditional precedent for
adopting alternative (ii) those aspects of the matter which are analogous to Articles 172 and 174 will have to be carved out of the ambit of Entry 5, List II and transposed as a separate item to List III. We recommend that in order to ensure that elections to zilla parishads and municipal corporations are held regularly and these institutions do not remain superceded for long period, any one of the alternatives (i), (ii) and (iii) be pursued in the order set out above. Resource to alternative (iii) may be had only as a last resort when attempt to follow alternative (i) and (ii) fail or are otherwise found infeasible.

Workshops of collectors/district magistrates on responsive administration (1987-88).

Five workshops of collectors/district magistrates between December 1987 and June 1988 at Bhopal, Hyderabad, Gorakhpur, Imphal and Jaipur were organised by the Training Division in the Department of Personnel and Training of the Ministry of Personnel, Public Grievances and Pensions, Government of India. Through a process of consultation without precedent in the history of modern India, the then Prime Minister consulted a number of bureaucrats at different echelons. The delegates came to this conclusion that a truly responsive administration must be representative and responsive. It was felt that there was inadequate devolution
of authority and responsiveness at the district level. These workshops recommended appropriate constitutional provisions for ensuring timely and regular elections to local democratic institutions.

Chief Secretaries' Conference (1988)

The workshops were followed by a conference of chief secretaries of different states sponsored by Union Ministry of Personnel on 30 July, 1988 at New Delhi. The conference reached a consensus that the PR system in the country should be "revived and strengthened" by effecting necessary changes through political, consensus. The constitutional amendments may be required to assure periodic elections to PRIs and also to determine the subjects and persons to be conferred on them.

Thungon Committee (1988)

A sub committee of the parliamentary consultative committee attached to the Ministry of Personnel, Public Grievances and Pensions was set up in 1988 under the chairmanship of Shri RK. Thungon to consider the "type of political and administrative structure in the district for district planning".
The Major Recommendations made by the Committee were:

1. Panchayati raj bodies should be constitutionally recognised.

2. A three tier structure for panchayati raj with village panchayat at the bottom, district panchayat at the top and mandal (block) panchayat in the middle, has been recommended where it does not already exist.

3. The sub committee is in favour of a model with the zilla parishad as the only planning and development agency in the district.

4. The sub committee also suggests the setting up of a planning and coordination committee at the state level under the chairmanship of the planning minister. Presidents of the zilla parishad would be members of the committee.

5. The judicial functions of the village panchayat are required to be revived so that simple disputes can be sorted out at the village level itself.

6. The committee has recommended that MPs and MLAs should be suitably associated with zilla parishad.

7. The elected members of the zilla parishad, in addition to members like MPs, MLAs could as a general rule be 5 to 15
in areas with the population of less than 15 lakhs and 15 to 60 in areas with a population of over 15 lakhs.

8. As regard the procedure for the approval of the district plan, it has been suggested that the district planning and co-ordination committee of the zilla parishad should be well equipped and should be able to draw upon the latest technology including computer, linking the district with the divisional head quarters and the state capital with a two-way querying system.

9. The suitable constitutional provision to be made to ensure timely and regular elections. The elections could be conducted by the Chief Electoral Officers of the state.

10. In case a local body does not function in accordance with law or grossly abuses its powers, it could be suspended or dissolved by the state government. After any dissolution, the state government will have to bring a resolution in the state legislature before the end of the session or within six weeks of the commencement of the session whichever is earlier for approval by the house. In any case, a body should not be superseded for a period of more than six months.

11. The term of panchayati raj bodies should be for a period of 5 years. However, the state government may choose the term depending upon their requirements but this term may not be less than 3 years.
12. It is recommended that a separate panchayati raj judicial tribunal should be appointed by the state governments to adjudicate controversies in matters which hamper the functioning of these institutions.

13. It is recommended that the system of reservation for all the three tiers of panchayati raj bodies should be as per population. In case of areas with the tribal population of more than 30 percent, the chairman of the body should be a member from the scheduled tribes. Vice chairmanship of all the panchayati raj bodies should be reserved for a SC and ST member.

14. It is recommended that as a rule not less than two women should be members of panchayati raj bodies at each level. In case of bodies of small size with membership up to five, there would be only one place reserved for a woman member.

15. Collector/DC should be the pivotal point for both regulatory as well as development administration. Collector should be the Chief Executive Officer of the zilla parishad. The state government should appoint officers of the rank of additional collectors to assist the collector in development and regulatory administration respectively.
16. The sub committee feels that a detailed list of subjects to be dealt with at the district level should be prepared and included in the corresponding schedule of the constitution.

17. It is recommended that state government should set up finance commissions to lay down the criteria and guidelines whereby resources would be allocated to the districts.²⁵

**Law Commission Report on Decentralisation of Administration of Justice**

The law commission of India, after considering the problems of delay, expense and arrears of cases in courts, favoured the establishment of Nyaya Panchayats at the village level for adjudication of disputes.

**Panchayati Raj Sammelans**

The elicit the views of the delegates on the questions of greater decentralisation of powers to PRIs, three panchayati raj sammelans were convened at New Delhi (for 12 northern and western states), Calcutta (for eastern states) and Bangalore (for southern states). These sammelans suggested to introduce a constitutional amendment to give more powers to the PRIs. These sammelans conceived PR as a vital part of the country's democratic structure.

National conference on panchayati raj and scheduled castes was held at New Delhi on 24 February 1989. Addressing the delegates, the prime minister indicated to make constitutional provision for the reservation of seats for SCs and STs in PRIs on the basis of their population in the territorial jurisdiction of the PRIs concerned.


The Prime Minister laid emphasis on women's role in strengthening PRIs at the grass root level. Addressing the two day PRIs and women conference, he said there was a very meagre representation of women in the panchayats. He pointed out in the conference that 30 percent reservation in all PRIs and other elected bodies will be given to women. He also indicated that for providing greater representation, the constitution would be amended.

The Chief Ministers Conference – Final Exercise

The Chief Ministers' conference held on 05 May, 1989 at New Delhi, was perhaps the last exercise of the former government in which the draft bill on PR was given the final touches. This conference was in fact the culmination of marathon discussions, sammelans, workshops, confabulations and seminars on the PRIs during over the last two years.
The Panchayati Raj Bill, 1989²⁶

It is in this background that the constitution (sixty fourth amendment) bill, 1989²⁶ was introduced in the Lok Sabha on May 16, 1989. The salient features of the bill are summarised below.

The amendment proposed to insert Article 243 in the constitution of India. This is to be the sole provisions in a newly added part, viz. Part IX the Panchayats.

Structure

The bill proposed for making it obligatory for all states to establish a three tier system – panchayat at village, intermediate and district levels – with the exception of states which have a population not exceeding 20 lakhs where states may not constitute panchayat at the intermediate level.

Popular participation

The bill proposed to provide for all seats in panchayats at all levels to be filled by direct election. But state legislatures may provide for the representation in panchayats of members of the house of the people and of the legislative assembly, and chair persons of panchayats at the immediately lower level, without voting rights. The chair persons of a
panchayat will be elected by the elected members of that body from amongst themselves.

Reservation

To ensure that scheduled castes, scheduled tribes and women get adequate representation, seats have been reserved for them. To ensure adequate representation to women, as nearly as 30 percent of the total number of seats to be filled by direct election in every panchayat shall be reserved for women and it shall be allotted by rotation to different constituencies in a panchayat. The number of seats reserved for the scheduled castes and scheduled tribes in every panchayat will be in the same proportion as the population of SC or ST to the total population of that panchayat area. At any rate, at least one seat shall be reserved for women. Of the seats reserved for SC and ST, 30% would be reserved for women belonging to SC or ST. However, the state legislature may provide for the reservation of the office of chairpersons in the panchayats for scheduled castes, the scheduled tribes and women. Only the elected members have the right to vote in the meeting of the panchayat.

Stability, Regular and Periodical Elections

It has been the experience that in most of the states elections are not held at regular intervals. The panchayats are dissolved many a time and fresh elections are not held
within stipulated time. Through this bill, an effort has been made to provide in the constitution itself for fixed tenure for those bodies and make it mandatory for election to be held at regular intervals on the lines on which elections are held for state assemblies and parliament.

The bill provides that a panchayat is dissolved before the expiration of its duration, an election to constitute the panchayat shall be held within six months from the date of dissolution, for the remaining period. To ensure adequate flexibility and stability, the bill also provides that the chairperson can be removed after a resolution has been passed by a majority of the total number of the elected members of the panchayat and by a majority of not less than two thirds of such members present and voting.

The bill provided, for conducting elections to panchayats by the chief election commission. The superintendence, direction and control of the preparation of electoral rolls for and conduct of, all elections to the panchayats shall be vested in the election commission.

Powers, Authority and Responsibilities of Panchayats

Past experience in the devolution of powers and responsibilities to PRIs has been far from satisfactory. In consequence the role of PRIs envisaged in Article 40 has not been
fulfilled. Recognising deficiencies in the existing system the bill provided, that the legislature of a state may endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self government. The bill also empowers the state governments to devolve powers and responsibilities upon panchayats at the appropriate level. These powers and responsibilities include:

(i) the preparation of plans for economic development and social justice
(ii) the implementation of schemes for economic development and social justice as may be entrusted to them, including those in relation to the matters listed in the eleventh schedule.

Allocation of Resources

Matching the constitutional provisions for the devolution of powers and responsibilities, the finance of panchayats all three level must be sound. For this, the bill provides that the legislature of a state may, by law

(1) authorise a panchayat to levy, collect and appropriate certain taxes, duties, toll and fees
(2) assign to a panchayat certain taxes, duties, tolls and fees collected by the state government.
(3) provide for making grants-in-aid to the panchayats from the consolidated fund of the states, and
(4) provide for constitution of such funds for crediting all moneys received respectively, by or on behalf of the panchayats and also for the withdrawal of such money therefrom as may be specified in the law.

Besides, the bill provided for the appointment of finance commission in the states. This power invested with the governor of states. It states that the governor of a state shall as soon as may be within two years from the commencement of the constitution (sixty-fourth amendment) Act, 1989 and thereafter at the expiration of every fifth year, constitute a finance commission to review the financial position of the panchayats and the commission has to make recommendations to the governor as to (A) the principles should govern.

1. The determination of the taxes duties, tolls and fees which may be assigned to or appropriated by the panchayats.

2. The distribution between the state and the panchayats the net proceeds of the taxes, duties, tolls and fees which are to be or may be divided between them under this part and the allocation between the panchayats at all levels of their respective shares of such proceeds.

3. The grants-in-aid to the panchayats from the consolidated fund of the state.
(B) Any other matter referred to the finance commission by the governor in the interests of sound finance of the panchayats. The governor shall cause every recommendations made by the finance commission together with an explanatory memorandum as to the action thereon to be laid before the legislature of the state.

Accounts and audit of accounts of panchayats

The accounts of the panchayats shall be kept in such form as the governor may, on the advice of the controller and auditor general of India, prescribe. The power to audit the accounts of the PRIs is vested on the controller and auditor general of India. The reports of the CAG shall be submitted to the governor of the state who shall cause them to be laid before the legislature of the state.

Exclusion of certain states and areas

The constitutional provisions relating to panchayat raj shall not apply to the states of Nagaland, Meghalaya and Mizoram, the tribal areas in the states of Assam, Meghalaya, and Tripura, the hill areas in the state of Manipur for which district councils exist and the hill areas of the district, of Darjeeling in the state of West Bengal for which the Darjeeling Gorkha Hill Council exists. But the legislatures of the respective states may, with a majority of not less than two third of the members present and voting extend this part above said states.
Addition of Eleventh Schedule

After the tenth schedule to the constitution, the eleventh schedule having the following items shall be added.

1. Agriculture, including agricultural extension.
2. Land improvement and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries
6. Social forestry and farm forestry
7. Minor forest produce
8. Small scale industries, including food processing
9. Khadi, village and cottage industries
10. Rural housing
11. Drinking water
12. Fuel and fodder
13. Roads, bridges, ferries and waterways etc.
14. Rural electrification
15. Non convensional energy sources
16. Poverty alleviation programmes
17. Education, including primary and secondary schools
18. Technical and vocaional training
19. Adult and non formal education
20. Libraries
21. Cultural activities
22. Markets and fairs
23. Health and sanitation
24. Family welfare
25. Women and child development
26. Social welfare,
27. Welfare of the weaker sections
28. Public distribution system
29. Maintenance of community assets.

VI. PANCHAYATI RAJ INSTITUTIONS IN INDIA THE LATEST POSITION

It is to Balwantrai Mehta Committee that the present pattern of panchayati raj owes its parentage. It is given to Ashoka Mehta committee to take a close look at the institutions with a view to revitalising it. Credit goes to Shri Rajiv Gandhi and his cabinet, to revamp, rejuvenate, recast and reconstitute the panchayati raj structure, after decades of neglect. To quote his own words, "we are in the threshold of a mighty revolution... It is a revolution that will bring democracy to the door steps of crores of Indians". Between the two Mehtas and Rajiv Gandhi lie three decades of the functioning of this grass root government. These three are land marks in the history of local government in India though each has its distinctive conceptual angle to inform parts of its formulation.
In certain aspects the second Mehta builds upon the first, but in many others seeks a departure from his predecessor, while the first Mehta made the block as the level of decentralisation and thus the cornerstone of PR structure, the second treats the district level zilla parishad as the lynchpin of the new pattern. The block is a standardised unit being a product of thinking in the development context. The same may not perhaps be claimed in favour of the districts. Districts vary considerably both in size and population. Rajiv Gandhi made basic changes and gave PR a new dimension, seeks a deliberate departure from the two Mehtas.

At present, the PR system in the country is generally a three tier arrangement, the first at the village level, the second at the block and the third at the district level. The first tier at the village level is commonly known as gram or Gaon panchayat. The tier at the block level is generally known as panchayat samiti except in some states and union territories. It is called taluka panchayat, in Gujarat, Taluka Development Board in Karnataka, Jan Pad Panchayat in Madhya Pradesh, Panchayat Union in Tamil Nadu, Kshetra Samiti in Uttar Pradesh, and Anchal Samiti in Arunachal Pradesh. The tier at the district level is designated generally as zilla parishad or district panchayat. In Assam it is known as Mohkuma Parishad at sub divisional
level and district development council in States of Tamil Nadu and Tripura at Development District Level.

The following table and charts illustrates the tier wise classification of the PR system in various states and Union Territories.

The new government and panchayati raj

In an interview with Aroon Purie, Editor, India Today, the then prime minister, Viswanath Pratap Singh expressed the following view on PR.

"our model is better. We stand for real devolution of financial and administrative powers while retaining the federal system. Under the cover of the PR, they (Congress-I) want to hit at the federal system."
<table>
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<tr>
<th>States/Union Territories having traditional council of village elders</th>
<th>States/Union Territories having only one tier system</th>
<th>States/Union Territories having two tier system</th>
<th>States/Union Territories having three tier system</th>
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<td>Meghalaya</td>
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<td>Assam</td>
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<td>Chandigarh</td>
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AVERAGE NUMBER OF PANCHAYAT SAMITIES PER ZILA PARISHAD

Source: Panchayati Raj at a glance, Govt. of India, New Delhi 1989, p.28
AVERAGE NUMBER OF GRAM PANCHAYATS PER

PANCHAYAT SAMITI

Source: Panchayati Raj at a Glance 1988-89. Govt. of India, New Delhi, 1989- p.27
AVERAGE POPULATION PER GRAM PANCHAYAT

Source: Panchayati Raj at a Glance 1988-89, Govt. of India, New Delhi, 1989, p.25
AVERAGE NUMBER OF VILLAGES PER GRAM PANCHAYAT

Source: Panchayati Raj at a glance, Ministry of Agriculture, Govt. of India, New Delhi, 1989
PANCHAYATI RAJ STRUCTURE

ZILA PARISHAD
(DISTRICT LEVEL)
PRESIDENTS OF PANCHAYAT SAMITI AND
ELECTED, NOMINATED & COOPTED MEMBERS

STANDING COMMITTEES

STANDING COMMITTEES

PANCHAYAT SAMITI
(BLOCK OR TALUK LEVEL)
PRESIDENTS OF GRAM PANCHAYATS AND
ELECTED, NOMINATED & CO-OPTED MEMBERS

STANDING COMMITTEES

STANDING COMMITTEES

GRAM PANCHAYAT
(VILLAGE OR GROUP OF VILLAGES)
MEMBERS ELECTED BY GRAM SABHA

GRAM SABHA
ADULT RESIDENTS IN THE GRAM PANCHAYAT ACT

Source: Panchayati Raj at a Glance 1988–89, Govt. of India, New Delhi, 1989
Source: Panchayati Raj at a glance 1988-89, Govt. of India, New Delhi, 1989, p.24
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