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CHAPTER – 02

EVOLUTION OF LEGAL STRUCTURE OF PANCHAYAT RAJ INSTITUTIONS IN KARNATAKA

Since the establishment of modern panchayat Raj institutions in Karnataka, rural local government has assumed considerable significance. While local governments deserve attention with regard to all aspects both current & historical, this study is confined to the evolution of legal structure for panchayat Raj institutions in modern Karnataka.

The state of Karnataka has not been the same unit in name, composition, & size through history. The present size, composition came into existence on 1st November 1956. It consists of old Mysore state, most of the kannada speaking parts of the old Bombay & madras provinces, parts of the old state of Hyderabad & the whole area of kodagu (Coorg). The old Mysore state formed the nucleus around which the new state was formed in 1956. The new state was called as the ‘state of Mysore’ till 1973. The state of Mysore was renamed as ‘KARNATAKA’ on 1st November 1973.

A study of historical local self government in rural Karnataka in the context of the present day panchayat Raj institutions in Karnataka is intended here.

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1 The state reorganization Act 1956.
to know that how the supra legal structure for PRIs have been built & on what basis.

Modern local government in Karnataka is just a century & five decades old. It all began in 1862 with the establishment of a separate "LOCAL FUND". Therefore, 1862 becomes the starting point.

2.1: BUILDING LEGAL REGIME FOR PANCHAYAT RAJ INSTITUTIONS

British Empire began to introduce legal reforms to local institutions from the middle of the 19th century onwards. In the case of Mysore this legal reform began in 1862 with the creation of Municipal committees in urban areas & local funds in rural areas. After the sepoy mutiny in 1857 the crown in England usurped the power of the government of India which was under the control of East India Company. British parliament started making law for India & enunciated the policy of financial decentralization in early 1860s. Under these influences "local fund" was established in 1862 & local fund committees were set up in 1874.

Out of the collections of plough tax, ferry funds, sale proceeds of stray cattle, & fines for cattle trespass, the "local fund" was separated from the general revenue of the state & was placed at the disposal of civil officers for the construction of some minor works like village roads & subsidiary means of communications. This beginning in modern local government was made in the wake of the post-mutiny policy of financial decentralisation pursued by the British government. But true to the policy the "local fund" meant to the last only financial decentralisation, & there was not even a semblance of political or

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3 The first war of Indian independence
4 Umapathy, op cit p.39
administrative decentralisation. The distinguishing character of local governments established since 1862 has been their statutory character. They are established, regulated & controlled by the state.

In the field of local government in Mysore the important step came with the reform introduced in administration by 1874. It provided for the establishment of local fund committee in every district for the Administration of local funds. Each district committee consisted of the deputy commissioner as president, & Assistant commissioners at district head quarters & Assistant commissioners in charge of sub-divisions, the executive engineer, all Amildars in the district as ex-officio members, & one inamdar elected by inamdars of the district, & six nominated proprietors or land holders as non-official members. The decision was taken by a majority. The rules provided for a quorum of just three members including the president. The committee was to meet ordinary twice in a year.

The committee was to promote the health, comfort & convenience of the inhabitants of the district concerned. Amildar had to prepare a statement of projects like construction & maintenance of “hospitals dispensaries, roads, dharmashalas, markets & wells & other works for improving water supply with estimates & submit the same to the deputy commissioner. The deputy commissioner would place it before the district local fund committee along with the budget estimates for the whole district prepared by him. The committee had the power to select the works & to approve the estimates, which were however, subjected to the final approval of the chief commissioners. The committee could sanction the estimates up to Rs 1000/ & works costing less than Rs 500/. The president of the committee was responsible for the execution of the decisions of the committee.

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6 Umapathy op cit p.40
7 Ibid. Notification No 110 Mysore Gazette, July 11, 1874. No 27 part I pp 166-69 (Rule No 1)
8 Ibid
9 Ibid Rule XI. Pp 167-8
The fund of the committee was made up mainly of one Anna cess in settled, & the half Anna cess in unsettled Taluks on every rupee of revenue, & such other funds as government was pleased to make.\textsuperscript{12}

Thus, the sources of the district local fund committee's income were limited. And, its power to spend its income was also subject to the conditions; (i) the funds at the disposal of the committee should be spent exclusively in the taluk in which they were collected. (ii) one fifth of the local fund cess should always be assigned to the educational department for expenditure in the taluk, in which the same was levied, and (iii) the remainder should be spent exclusively upon roads & communications & works subordinate thereto Viz., Dharmashalas, rest houses, roadside tree planting, or roadside water supply provisions, & in aid of the establishment of charitable dispensaries. These restrictions coupled with the limited resources made a mockery of the principle of financial autonomy.\textsuperscript{13}

Divisional commissioner was empowered to order any special expenditure from funds inappropriate or from funds saved from previous appropriations.\textsuperscript{14} Thus, rapid progress could not be expected in the local institutions as there was constant interference of the divisional commissioner in the administration of funds.

In its actual working the local fund committee could not function democratically because the officials on the committee not only out-numbered, but also controlled the non-officials who were in fact mere nominees of the former. Thus, the attempt made in 1874 to give a say to the non-officials in the administration of local funds suffered mainly from the chronic preponderance of officials, & the morbid lack of bureaucracy perpetuated in local administration.

\textsuperscript{12} Ibid Rule X P.167 One Anna formed one sixteenth of a Rupee.
\textsuperscript{13} Umapathy. Op cit p. 42.
\textsuperscript{14} Supra, note 10 Rule VI p.167.
During the post rendition period i.e., after 1881 the government of Mysore felt the hollowness of 1874 reforms in local administration & dissented strongly against the 1874 rules. This feeling was reinforced by the famous Ripon’s resolution of 1882 espousing the people’s participation in the local administration.\textsuperscript{15}

The desire for change in the sphere of local self-government was initiated by Lord Ripon’s Resolution which was dispatched in May 1882 to Mysore government as well. For Lord Ripon Local self-government (not the central or provincial govt) was the only possible vehicle to train the Indians who had liberal democratic aspirations. He made a resolution in 1882 to embody the idea by extending the power of local bodies & making them democratic institutions. The Resolution stated: “The policy thus enunciated by the government of India has, on the whole, been loyally, & in some cases cordially, accepted by local governments, several of which have already drawn up schemes for giving effect to it, & have submitted these for the information of the government of India. The only reasonable plan open to the government is to induce the people themselves to undertake, as far as may be, the management of their own affairs; & to develop or create, if need be, a capacity for self help in respect of all matters that have not, for imperial reasons, to be retained in the hands of the representatives of government.\textsuperscript{16}

This Resolution gave a definite lead to the advancement of local self-government & a concrete & practical form to the hopes & aspirations of the Indian people. The said resolution while recognizing the necessary of giving latitude to the provincial governments, lays down some more fundamental principles\textsuperscript{17} regarding the constitution of local bodies.

\textsuperscript{15} Umapathy, op cit p. 44.
\textsuperscript{16} Quoted in thesis on panchayat Raj system. Submitted to university of Mysore, Mysore. By Dr. Ramesh p.27.
\textsuperscript{17} Lord Ripon’s resolution of 1882 Para 12, 13, 17 as quoted in Ramesh’s thesis. Supra, note 16
A large preponderance of non-official members—in no cases the official members to be more than one third of the whole.

Non-official members of the board shall be chosen by election.

Control should be exercised from without rather than from within &

Non-official to be the chairman of the board as far as possible

The Resolution in clear terms called upon the provincial governments to extend throughout the country a network of local bodies charged with definite duties & entrust with definite funds & emphasized on the necessity of having the area of the local unit so limited as to ensure both local knowledge & local interest on the part of the each of the members. Thus, this resolution has been considered as a landmark in the evolution of local self-government in modern India & Lord Ripon, thus is regarded as the father of local self-government in modern India.

In the year 1883, by the time the third annual session of the Dasara Assembly met in October 1883, the government of Mysore had published a draft regulation on local bodies in the Mysore Gazette. This draft Regulation was significant as they provided for, nomination of non-official members of the taluk board, & appointment of officials as presidents of local boards. However, the government almost apologetically argued, that the people were not yet ready to work an election system & that the government would carefully watch the growth of political consciousness in the people to withdraw the official element from the board as soon as possible, & also to give election its due place.\(^\text{18}\)

The draft Regulation was referred to a committee of officials & later on in April 1885 it was submitted to the government of India for sanction. The same was received back some where in 1886. Yet the draft Regulation could not become a law till 1902.\(^\text{19}\) The delay was perhaps due to two reasons viz., (1) That the government wanted to reconsider the draft & (2) That Sir Seshadri Iyer who

\(^{18}\) Umapathy, op cit p.46
\(^{19}\) However, in 1896-97 the government of India reviewed the total progress made by urban & rural bodies by examining the municipal & local boards.
succeed sir Rangacharulu as dewan in 1883 was not as much keenly interested in bringing about reforms in the local bodies as his predecessor. Finally, the reforms proposed came about in 1903.

2.2: THE MYSORE LOCAL BOARDS REGULATION 1902

The birth of the 20th century brought about in its wake tremendous changes in the field of the local board regulation which was long overdue finally took place in June 1902, & it was published in the Gazette.21 The Rules under the new Regulations called The Mysore local Board rules 1903 were gazetted in October 1903.

The new Rules & Regulation not only provided for the overdue reforms in the district local fund boards, but also broke new grounds by providing for the establishment, for the first time in Mysore of a three-tier local government system in rural areas with the district board at the top, the taluk board in the Middle & the panchayat union at the base.22

Here we shall take note briefly of the constitution & working of the three-tier structure of local governments. Each of the eight districts in the state came to have a district board under new Regulation. The government was authorized to fix the number of members on each district board subject to a minimum of 6. The government under the rules issued in 1903 had fixed the strength at 25 members. Every district board had three types of members, viz, official, elected, & nominated.23 Official members of the board were the deputy commissioner, all revenue assistant commissioners in the district, the chief or senior officer for the district in charge of each of the medical, engineering & education departments. These were the ex-officio members of the board. However, the ex-officio

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20 Umapathy, op cit p 47.
21 The Mysore local Boards Regulation II of 1902. The Mysore Gazette, 3.7.1902. part III
22 Regulation II of 1902. cl .3
23 Rules of 1903 s.8
members were not to exceed one third of the total number of members of the boards. The elected members were the non officials from each taluk. They were elected by the members of the taluk board from among themselves. This election by the taluk board of its representative to the district board provided an organic interlink between the two bodies very much similar to the inter-linking of these two bodies in the modern panchayat Raj system.

The deputy commissioner continued to be the ex-officio president of the district board. The government was authorized however, either to appoint the vice-president or allow him to be elected by the members of the board subject to its confirmation by the government. The term of non official members of the board was fixed to three years.

The district board was made responsible for the construction or establishment & repairs & maintenance or management of (a) roads & allied works; (b) schools, hospitals, dispensaries, & markets; (c) water supply; (d) famine relief; (e) cattle pounds; (f) public ferries; (g) agricultural shows & industrial exhibitions, & (h) any other local work aimed at promoting the health, comfort, convenience, interest or welfare of the people.

The district board had source of income such as a house tax, fines & surplus proceeds of sale of cattle under the cattle trespass Act, ferry collection, tolls, license fee, fees, rents & profits from the district board property. This income was apart from the portion of local one Anna cess which it was getting formerly. The income from all these sources & all sums assigned by the government or contributed by local bodies, within district, and all private contributions to the board, went to form the 'district fund'. For the management of this enlarge 'district fund' the district board was obliged to appoint a 'finance

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24 Umapathy, op cit p.51
25 Rules of 1903 s.9(1)
26 Regulation II of 1902 CH III cl ,7
27 Ibid, cl 20.
committee,' consisting of not less than three of its members. The function of the committee was to prepare the budget estimates for every year & to submit it to the board for approval & after approval to look after the application of the budget. Interestingly, to take note, that the 1903 rules (s.83) established a ‘local fund general’ & a ‘village school fund’ apart from the district fund established by the regulation 1902.

A taluk board was constituted for every taluk in the state under new Regulation. The minimum strength of the taluk board fixed by the regulation was 6. But the 1903 rules, had fixed the strength of members at 12 composed of (1) The assistant commissioner in charge of the taluk (2) the Amildars of the taluk, (3) the medical officer in charge of the dispensary at taluk head quarters, (4) the senior officer for the taluk of the public works department (5) four land lords elected by other holders of property who are adult & male in the taluk or in default of election, to be appointed by the government, on the recommendation of the deputy commissioner, (6) one member of the municipal board of the taluk head quarter elected by the municipal board members from among themselves or in default of election appointed by the government & (7) the remainder (three) appointed by the government to provide representation to interests unrepresented on the board. The president of the taluk board was the assistant commissioner & in his absence the Amildars. The term of the non-official members was three years. The taluk boards were created only to be the agents of the district boards in the taluks & were obliged therefore to discharge any duty assigned by the district boards.

The panchayat union was the village level organization established by the 1902 regulation. They were established at select villages & minor towns on the recommendations of the deputy commissioner concerned. It was a wholly

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28 Ibid, cl 22(1)
29 Ibid S.7
30 Ibid s.17 (1)
nominated body. Its members were nominated by the government on the recommendation of deputy commissioner.\textsuperscript{31} The panchayat union had a minimum of 6 & maximum of 12 members, & the government had the power to lay down the exact strength of each panchayat union. The chairman of every panchayat union was also appointed by the government.\textsuperscript{32}

The panchayats did not have either an independent set of functions or an independent fund & own source of income. They were merely agents of the taluk & district boards & were obliged to carry out such functions & spend such funds as granted by local boards.\textsuperscript{33}

The new Regulation established three-tier structure of rural government & provided for organic relationship between district board & the taluk board. There was a hierarchical, rigid, functional, financial, & administrative relationship among the three-tier structure of the rural government. Administratively, district board with regard to taluk board & the latter with regard to panchayat unions were in a superior position. The superior bodies would get from the lower bodies in their jurisdiction annual statements & reports about performance in the current year & estimates of work & expenditure for the ensuing year, & other reports they desired.\textsuperscript{34} They could also impose limits on the expenditure proposed by the lower bodies, reverse the latter’s resolutions & when they failed to discharge properly within fixed time any function delegated to them, the superior bodies had power to intervene in their jurisdiction & perform such function directly.\textsuperscript{35}

However, the government had the power to declare any taluk board as an independent board having all the powers, privileges, functions resources &

\textsuperscript{31} Rules of 1903 s.8(1)
\textsuperscript{32} Ibid s.6(2)
\textsuperscript{33} Umapathy op cit, p, 55.
\textsuperscript{34} Regulation II of 1902 cl 2.
\textsuperscript{35} Ibid cl, 10-12
liabilities of the district board. But no panchayat union could become an independent panchayat at any time.\textsuperscript{36}

The 1902 regulation under its chapter IV had provided the government with direct controls over the local boards & panchayat unions. The deputy commissioner as the agent of the government had the following powers.

1. Power of entry into & inspection of any local body in the district.
2. Suspend the execution of any order, direction, resolution, or any other activity of any local body or its committee in the district if in his opinion it was likely to cause injury or annoyance to the public.
3. Direct any local body to do any function which he thought necessary; & if the local body concerned failed to discharge that function within the stipulated time he could directly undertake that function at that cost of that local body, &
4. In extreme cases, of default or inefficiency of local bodies he could even supersede such bodies for a specified period of time.

During the operation of 1902 regulation there were 8 district boards, & 77 taluk boards. The numbers of panchayat unions were made to vary from 38 in 1903 to 264 in 1916.

There was an official domination over these local bodies which were evidential by the following factors;

1. Substantial numbers of officials were always members of these bodies
2. Officials occupied all important positions such as president, vice- president of these bodies.
3. Numerically, the officials together with the nominated members who were practically the nominees of the officials themselves, since, they were appointed by the government on their recommendations, reduced the role of the elected members, & thus made the local bodies to be handmaids of officials.

\textsuperscript{36}Umapathy. Op cit, p, 57.
Financially, the taluk board & the panchayat unions obviously did not have any finances worth mentioning. And, the district board had very inadequate & inelastic resources. Indeed, district boards derived almost 2/3 of their income in their early years from only one source, i.e., 76% of the local cess on land revenue allotted by the state. The district boards numbering 8 together in 1905-06 derived from this source Rs 5,05,600/ out of their total income for that year of Rs. 7,32,389.37

Viscount Morley, the then secretary of state for India from 1901-10 was alarmed at the stupendous growth of over centralisation & he took a serious notice of it. Hence, the 'Royal commission' was appointed in December 1907. The commission sought the public opinion about the steps to be taken for the resuscitation of the age old institution of village panchayats.

Public opinion favoured the revival of the panchayats, but was opposed to the grant of extensive powers to the official dominated existing panchayats, which had already become very unpopular for not doing any constructive work. The Royal commission suggested that the headman of the village should be the ex-officio chairman of the panchayat & other members should be selected by a system of election by the villagers. The commissioned favoured the formation of a small body of about five members.

The commission had suggested the following functions & powers for the panchayats.38

1. The commission was strongly of the view that the local self-government should start from the village level instead of from the district level.

2. The commission was in favour of entrusting some judicial functions to the panchayats, to relive the regular courts of their burden & to check the long due petty disputes.

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3. The commission recommended granting some powers to panchayats to deal with the day-to-day needs of the villagers.

The Royal commission felt that unless adequate sources of income were made available to them it would have been impossible for panchayats to carry out their duties properly. The commission, therefore, recommended the following sources of income to the panchayats.

1. The assignment to it of a portion of the land cess levied for local boards purposes in the village.
2. Special grants for particular object of local improvements to be made by the district board or the collector.
3. The receipts from village cattle pounds or markets, which may be entrusted to its management.
4. Small fees on civil suits filed before it.\(^\text{39}\)

These Recommendations were published in 1909 & it was urged by the Indian national congress at its 24\(^{th}\) session at Lahore “to take early steps to make all local bodies from village panchayats upwards elective with elected non-official chairman & to support them with adequate financial aid.\(^\text{40}\)

In 1915 the government of India issued a resolution leaving the matter of introducing legislation on local self-government to the provincial governments. The resolution suggested certain important general principles wherein it granted some judicial powers to panchayats & powers to levy taxes for education & sanitation. But this resolution was not given effect to & the whole scheme remained on paper only.\(^\text{41}\)

During the second decade of the 20\(^{th}\) century, more deliberations about reforms in local self-government than ever in the past took place. Two separate

\(^{39}\) Ibid p. 244
\(^{40}\) Supra, note 39.
\(^{41}\) Jathar R.V. op cit. p.24
committees were constituted in 1914 to go into structure and finances of the local bodies in Mysore state. One of these committees was “local-self government committee” with a purpose to consider what improvements were necessary in the constitution & functions of local bodies⁴². The other committee known as the “local finance committee” with a purpose to investigate the scope of operation & financial organisation of the several local funds & to propose measures for their revision & for placing local finances on a satisfactory footing⁴³. The two committees submitted their reports along with recommendations in 1915.

The local self-government committee made large number of recommendations for the reorganization of local bodies in the state, viz., constituting the taluk boards as incorporated bodies having their own independent funds, with authority to frame their own budgets, and exercising all the functions of the district boards within the limits of their own jurisdiction. It also proposed a raise in the status of panchayat unions and desired to make them more independent. The committee also recommended for elected majority in all rural bodies, elected presidents & vice-presidents, separate engineering establishments for the district boards, and for the transfer of the charge over primary education, medical relief, veterinary dispensaries & certain Muzarai institutions to district boards.⁴⁴

The local finance committee recommended for; increased grants from the local bodies, abolition of local fund-general & the village school fund & transfer of their receipts along with the transfer of primary education & other functions suitable to district boards. It sought to increase the receipts of the district fund by over 50%, exclusive of the village school fund.

⁴³ Ibid
⁴⁴ Umapathy, op cit, p, 63.
The local self-government conference relating to local boards and municipalities—the first of its kind in Mysore & even in India was held in 1915. Convened on the initiatives of certain leading non-official gentlemen the conference was well attended, considered the recommendations of the two-committees referred to above & placed before the government in possession of the views of the public on all important questions involved.\(^45\)

The recommendations of the both the committees & the conference were taken cognizance of by the government of his highness in their famous order dated 16.11.1916. In this government order, the government indicated that the system of unions were to be replaced by ‘STATUTORY VILLAGE COMMITTEES’ called village panchayats consisting of a minimum of three & a maximum of seven members, majority of whom would be elected.\(^46\) The government also proposed to have a panchayat president elected by the panchayat members.

It was after such profound & prolonged deliberation in government committees, public conferences & government chambers, that the government of his highness took the next significant statutory step in the growth of local self-government in Mysore by enacting the Mysore local boards & village panchayat regulations IV of 1918\(^47\).

2.3: THE MYSORE LOCAL BOARDS AND VILLAGE PANCHAYAT REGULATION 1918

This regulation came into effect by 1919 has ushered in a lot of liberal mind in the field of local self-government in Mysore. The liberal provisions of the 1918 regulation were mainly three, viz., (a) an overall decentralisation of powers,

\(^45\) Umapathy, op cit, p, 64.
\(^46\) Ibid p, 65.
\(^47\) As study area shivamogga falls under the then Mysore state the provisions of The Mysore local boards and village panchayat regulation 1918 is traced
functions & funds to the local bodies; (b) A substantial increase in the number of elected members on local bodies & the broadening of the franchise, & (c) the creation of a new three-tier rural government structure with district boards, taluk boards & village panchayats each having for the first time considerably independent functions, powers & resources.

The district board came to have for the first time in Mysore, the numerical predominance of elected members. Under the 1918 regulation, elected members number amounted to as many as two thirds of the whole strength of the board. The strength of the board was fixed by the rules issued under the regulation 1918. Previously, elected members of the district board came only from taluk boards in the district. But under 1918 regulation they came from a number of different sources. Their number & source were as follows.

a. One non-official representative from each taluk elected by the taluk board members of each taluk from among themselves.

b. One representative from the district head quarters municipality, & one representative each from every other municipality with 7000 or more of population or Rs 6000/ or more income, to be elected by the municipal councilors. But the total number of representatives of municipalities was not to exceed four at any one time.

c. One representative of Inamdars elected by Inamdars in the district.

d. One representative each from the recognized association of agricultural, industrial, commercial, legal, plantation, & educational interests to be elected by each association.

In the absence or failure to elect a representative, the government had the power nominate a person from that source to the district board.

The deputy commissioner, all the assistant commissioners in charge of revenue in the district & the chief or one senior officer of each of the department of education, engineering & medicine in the district, were continued as the ex-
officio members of the board. The remaining numbers of seats were to be filled by nomination by the government.48

In so far as the president, either he was to be elected or appointed from among the members of the district Board, & wherever there was to be an appointed president, the vice-president was to be elected by the district board.

The district board under the 1918 Regulation acquired additional functions such as (a) Irrigation & drainage works, (b) demonstration forms, (c) encouragement of industries & (d) any other measure intended to promote agricultural or general economic improvement of the district. Further, in 1921 by an Amendment of the 1918 Act, certain matters relating to agriculture, education, industries & commerce were transferred to local boards49. All these functions are additional responsibilities to what it was having under 1902 Act.50 The district boards retained all the sources of income they had made under the 1902 Act, except, the house tax which was transferred to village panchayat. In addition to what they had district boards acquired some new sources of income viz., the toll on unusual vehicles or users on road, the special cess for the purposes of constructing railroads or tramways & a cess for guaranteeing the loans raised.51 More important than above was the assignment of the income from the local fund general & the tax to the district boards. Further, they were authorized to impose an education cess for the improvement of education in the district.

The taluk board acquired a corporate personality similar to that of the district board. Ten of its total strength of 20 was to be elected members. The board was consisted of (i) four representatives of landlords elected by the landlords in the taluk (ii) One representative of the Inamdars elected by inamdars of taluk; & (iii) One representative each from every qualified village panchayat elected by the

48 The rules no R 7559-Lb., issued under the Regulation IV of 1918, sec,2 The Mysore Gazette, vol 54, no 5 part III 30/1/1919, pp2-3 as cited in Umapathy ,op cit p, 88.
49 Regulation III of 1921.
50 Umapathy op cit, p, 64.
51 Regulation 1921, cl 23 & 24.
members of the village panchayats. The official members were continued to be the ex-officio members.

Exclusive charge was given to the taluk boards with regard to purely local road works & the maintenance of local public buildings. They could also undertake any other local service provided the district board permit. They were obliged to carry out any other function entrusted to them by the government. Important features of the 1918 Regulation was that it created for the first time a separate ‘taluk fund’.

The regulation 1918, for the first time provided for the compulsory establishment of ‘statutory village panchayats’. Panchayats could be either for a single village or a group of contiguous villages. Significant changes were made as regarding the composition of the village panchayats. Minimum strength went up from 3 to 5 & the maximum from 7 to 12. This was to be determined by government. Not less than one-half of the strength of any village panchayat was to consist of elected members. The Patel^2 of the village was made an ex-officio member of the village panchayat. Every village panchayat could elect a chairman of its own.

Thus, the village panchayats were constituted on a more democratic basis than in the past & were also given a set of functions & the powers to fulfill them. The financial provisions of the regulation 1918 endowed the village panchayat with some financial autonomy, including the right to impose certain taxes. They were authorized to levy house tax, a tax on vacant sites, & a cess with previous sanction for the purposes of local construction works.

Significant changes were made regarding conduct of business, local administration & committees. They are (i) the quorum was raised & uniformly fixed for all the local bodies at one-third of the whole strength of the body;(ii) the

^2 The headman of the village was called as ‘PATEL’ on the basis of holding of land, & money power possessed.
boards were authorized to appoint "works committees & (iii) the powers of local bodies to employ officers & servants were subjected to a new set of uniform rules framed by the government.\(^{53}\)

In the three-tier rural government structure, organised pyramidically, the interrelationship among the tiers was a well fabricated one. The taluk board had some representation on district board & the village panchayats had representation on the taluk board. However, each tier was subject to the general supervision & control of the next higher structure. The government had the power to declare any taluk board as an independent taluk board & such taluk board would be free from the control of the district board & would be working directly under the control of the government.

The deputy commissioner continued to enjoy the powers to inspect & scrutinize the buildings, premises & documents of local boards; to suspend the resolutions or orders of local bodies, & to intervene in cases of emergency to get any thing done in public interest from local bodies. Under the 1918 regulations the government armed itself with authority to pass bye-laws & rules on a number of new subjects like markets, slaughter houses etc.\(^{54}\)

The village panchayats, in this period of less than a decade in which the 1918 Act was in force, registered an increase in their number over the previous period. The raise was, from 264 union panchayats in 1916 to 728 village panchayats in 1926.\(^{55}\) Nevertheless, this increase was insignificant when compared with the 16000 numbers of villages in the state during that period. In a number of

\(^{53}\) Umapathy op cit, p. 76.
\(^{54}\) Regulation 1918, cl, 38-39
other villages, however, the village improvement committees\textsuperscript{56} established in 1914 continued to exist.

After the introduction of diarchy in British India, there was a steady development of the desire to introduce constitutional reforms in Mysore also. For this a committee\textsuperscript{57} was constituted under the presidentship of Dr Brajendranath Seal. The committee in its report made some very significant remarks on local—self-governments in the state. It suggested (i) that local government especially, the district board should be made the true master of local interests, (ii) that all local matters of local interests, should be referred by the legislature & its committees to the district board & (iii) that the district board should have representation on governmental committees dealing with local interests, the committee thought that there was need for a separate committee to go exclusively into the problems of reforms in local government.\textsuperscript{58}

The, then government initiated move in the meanwhile to convene a ‘local self-government conference’: to go in to all questions connected with the development of the local self-government in the state. This historic second conference was held at Bangalore for four days from 24\textsuperscript{th} April 1923 & passed in all 48 resolutions. The same was substituted to the government. After these resolutions were thoroughly examined by a special officer appointed by them, the government of Mysore issued on 23\textsuperscript{rd} December 1924 a government order which passed “final orders on the general questions of policy involved” in them.\textsuperscript{59}

To give effect to the recommendations of the second local self government conference, the government formulated & introduced two separate bills in 1925. The first of these “The Mysore village panchayat bill”. This was an

\textsuperscript{56} The Mysore village improvement Manual, Govt press, B, lore. 1917, pp-1-7. 'VILLAGE IMPROVEMENT COMMITTEES' (VIC) were established under the village improvement scheme whose main objective was, 'to Stimulate economic & other activities in rural areas.'

\textsuperscript{57} Popularly known as the seal committee.

\textsuperscript{58} Umapathy, op cit, p80.

indicative of the high significance attached by the government of His Highness to the reform of village government, after the latter was emphasized by decentralization committees report & the government of India’s resolutions of 1915 & 1918 on local self government, as well as by the seal committee report.

The second bill on rural local government, introduced in the same year was “The Mysore district boards’ bill”. These bills which were primarily based upon the government order on local self government issued in 1924 were designed, indeed, in such a way as to give a silent burial to taluk boards. Both the bills were passed by the legislatures in the first half of 1926 as the government desired. The assent to both THE MYSORE VILLAGE PANCHAYAT (REGULATION II) OF 1926 & THE MYSORE DISTRICT BOARDS REGULATION (REGULATION III) OF 1926 was given on 1st July 1926 & the same were brought to force in the year 1927.

2.4: THE MYSORE VILLAGE PANCHAYAT REGULATION OF 1926

The 1926 Regulation dealing with rural self government were the products of the new liberal climate created by the “Diarchy” introduced by the government of India Act 1919, the recommendations of the seal committee on constitutional reforms in 1923 & also of the second local self government conference held in the state of Mysore in 1923.

Under these new legislations only village panchayats & district boards were re-established in 1927. The new village panchayats too had jurisdiction over single or group of villages as the case may be. In small villages called “Hamlets” the whole body of voters enjoyed the right to exercise by themselves the duties &

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60 The Mysore Gazette, vol 61, part III no 29, pp 212-226 & no 31, pp 242-67 cited in Umapathy, op cit p,88. These regulations repealed the local boards & village panchayats regulation of 1918 & abolished all district boards & taluk boards & village panchayats & their committees & joint committees established under it.
powers of village panchayats. The district boards with jurisdiction over the whole district were established by the government, under the new district boards’ regulation III of 1926. A strange aspect of the rural bodies in this period was both village panchayats & district boards were severely & unjustly separated from each other.

A significant innovation by the new district board regulation was the extension of franchise to even certain non-property owners above 21 years of age provided they were either university graduates, or retired officers of the Mysore state, or income tax assesses residing in the electoral constituency of the district board.

Functions of the district board under the 1926 district board regulation were classified into (1) obligatory & (2) optional. With the abolition of taluk boards & the taluk fund a portion of the taluk board resources were transferred to district boards. Being a corporate body, the district board had power both to raise loans & to give loans & with governments previous sanction, it could even give grants in aid. The significant powers given to district board was that it could re-appropriate funds from one head to the other in the budget sanctioned by the government.

The village panchayats had a membership between a minimum of 7 & a maximum of 12. The electorate of village panchayat consisted of every village resident of either sex above 21 years of age. The chairman of village panchayat was selected by appointment or election from among the panchayatdars. The novel introduction to village panchayat by the 1926 regulation was the office of a secretary, for every panchayat to be appointed by the panchayat itself from among its own members.

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61. The village panchayat regulation 1926, cl 4-6
62. The Mysore district board regulation III of 1926 cl 9 schedule 1
63. The Mysore village panchayat Regulation Act 1926 cl, 5(1) & cl, 7 respectively. But, only men could be a contestant
64. Ibid, cl. 11
Another outstanding & unique feature of this period was the freedom given to every village, forming part of a group panchayat, to demand & get separation from the village panchayat of which it was a part. But this demand was to be made by 2/3rd majority of voters in the village. After securing the separation, the village concerned could merge with any other contiguous village panchayat provided the latter concurred for the merger. Such withdrawals and realignment could be made once in five years. Further it is interesting to note, that any village securing withdrawal from any village panchayat with 2/3 majority of its voters desiring it, could elect to have itself constituted into a ‘Hamlet’ in which all the voters would perform all the duties & exercise all the powers of the village panchayat under 1926 village panchayat regulation.65

The duties of the village panchayats were classified into obligatory & optional duties. The government had reserved the power to delegate to village panchayat the functions & powers under the village forest panchayat rules, & it could entrust to village panchayat the management of minor Muzarai institutions & supervision over village schools in the area.66 The village panchayat had wide powers to discharge these duties. These powers included the power to employ such officers & servants & committees, as may be necessary & to determine their service conditions including remuneration.67

The village panchayats secured more sources of revenue under the 1926 Regulation. The resources of village panchayat consisted of certain obligatory taxes, levies, cess, rates or fees, fines & other receipts. The obligatory taxes included a tax on all houses, shops, or places of trade or business vacant sites, hittals (backyards) & carts in the village or villagers with in its jurisdiction.68 The rates of these taxes had to be within the maximum fixed by the government. Optional taxes & so on could be levied by a village panchayat but only with the

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65 The Mysore village panchayat Regulation Act 1926, cl. 6
66 Ibid, cl. 25
67 Ibid, cl 27 to 34.
68 Ibid, cl.35 & 36.
approval of 2/3 of its members. The village panchayat was also free to commute any of its tax with regard to any payee, into labour not exceeding 18 days labour in a year.\textsuperscript{69}

The officialisation of the control over village panchayat under the regulation 1926 was consisted in the power given to the deputy commissioner to direct any village panchayat to enhance its income by raising its tax rates, & if that village panchayat fails to do so, enhance the tax rates by his own order whenever he thought that village panchayats income was not sufficient to meet the cost of discharging obligatory duties.\textsuperscript{70} In this period the tax collection methods were also considerably tightened up.

The village panchayat could prepare its budget, but its sanction was to be made by the Amildar who could not only scrutinize but also modify the village panchayat budget.

The 1926 Regulation on rural government enhanced deliberately the quantum of control over rural bodies. However, the safeguard against the abuse of these controls by officials was the power given to village panchayat to appeal against any officials controlling actions either to his superior or to the government as the case might be.\textsuperscript{71}

The 1926 Regulations were in force exactly for a quarter century- longer than any other rural self-government legislation in Mysore. In this period, there were 8898 village panchayats & 240 ‘Hamlets’ by 1926; whereas by 1939-40 there were 11,941 village panchayats & in 1949-50 the number of village panchayats had increased to 12,571.\textsuperscript{72}

The 1926 legislations while they strengthened the district boards & the village panchayats they led to the abolition of taluk boards. While the bodies

\textsuperscript{69} The Mysore village panchayat Regulation Act 1926, cl.37.
\textsuperscript{70} Ibid, cl 38.
\textsuperscript{71} Ibid, cl, 47, 54, & 55.
\textsuperscript{72} The Report on the Administration of Mysore, for the respective years. Govt press, B, lore.
established under the 1926 legislations functioned with some success in their first decade of existence, a number of defects & deficiencies in these institutions became obvious in course of time. The rise of a number of new & often rivaling institutions under various development schemes, such as, of the concentrated propaganda scheme 1936, the Hobli Drive scheme of 1942, & the rural development scheme of 1948 introduced in the rural areas weakened these institutions. Indeed the lack of coordination among these multiple agencies, the achievement of national independence in 1947, the accession, integration & democratization of the princely state of Mysore in the Indian union, led to the establishment of the “integration & coordination committee for local bodies” in 1949, to recommend measures to integrate, coordinate & strengthen the various local bodies in rural areas.73

2.5: MAHATMA GANDHIJI’S CONCEPT OF VILLAGE PANCHAYAT

Mahatma Gandhi had expressed his ideas about village panchayats during his struggle for independence. His concept of Gram swaraj, which is often quoted, is as below;

“My idea of GRAM SWARAJ is that, it is a complete republic, independent of its neighbors for its vital wants & yet interdependent for many others in which dependent is a necessity. Thus every village’s first concern will be to grow its own food crops & cotton for its cloth. It should have a reserve for its cattle, recreation, & playground for its adults & children. Then if there is more land available, it will grow useful money crops. The village will maintain a village theatre, school & public hall. It will have its own water works ensuring clean supply. Education will be compulsory up to the final basic course. As far as possible every activity will be conducted on cooperative basis. There will be a compulsory service of village

73 Umapathy, op cit p,207-8
guards, who will be selected by rotation from the register maintained by the village. The government of the village will be conducted by the panchayat of five persons elected annually by the adult villagers, male & female both possessing prescribed qualification. These will have all the authorities & jurisdiction required. This panchayat will be legislature, judiciary & executive combined to operate for its year of office. Any village can become such a republic to day without much interference".\textsuperscript{74} Further, Gandhi made it equivalent to his principle of self governance, which he termed as SWARAJ, & also used to call as ‘Ramrajya.’ The salient features of swaraj were self sufficient & self governed village, sustenance & respect to labour & social equality, justice (keeping in view the nature of village disputes from which the villagers suffered & the quality of justice, Gandhiji conceived that the village panchayat composed of democratically elected representatives of the village people was ideally suited to dispense justice to the poor & illiterate people. Gandhiji was not in favour of any separate judicial panchayats. The ordinary village panchayat, according to Gandhi was better suited for the job.) & truth. He envisaged free India, its self-ruled villages independently with self-reliance & self sustenance.\textsuperscript{75}

2.6: PANCHAYAT RAJ & THE CONSTITUENT ASSEMBLY

The constituent assembly appointed two committees (union & provincial) to propose a scheme for both centre & state governments. The minutes of the committee meetings contain no mention of a Gandhian constitution or of panchayat or indirect government. The question of decentralization, when discussed, was considered in the context of Euro-American constitutional precedent, in the context of unitary versus federal government or tight versus loose federalism. A Gandhian constitution seems not to have been given a movement’s

\textsuperscript{74} Gandhi M.K ., Harijan, 26-7-1942, p. 48 Quoted in Jathar R.V. Evolution of panchayat Raj in India, Jss institute of economics Research centre, Dharwad P,30
thought.\textsuperscript{76} Jawaharlal Nehru wrote about Indian village: "A village normally speaking is backward intellectually & culturally & no progress can be made from a backward environment. Narrow-minded people are much more likely to be untruthful & violent".

Dr Ambedkar made the following comments on the floor of the constituent Assembly. "Such is the part of the village communities have played in the history of their country. Knowing this, what pride one can feel in them? That they have survived through all vicissitudes may be a fact. But mere survival has no value. The question is on what plane they have survived. Surely on a low, on a selfish level. I hold that these village republics have been the ruination of India. I am, therefore, surprised that those who condemn provincialism & communalism should come forward as champions of the village. What is the village but a sink of localism, a den of ignorance, narrow-mindedness & communalism? I am glad that the draft constitution has discarded the village & adopted the individual as its unit.\textsuperscript{77}

The constituent Assembly members,\textsuperscript{78} took serious exception to Ambedkar wholesale criticism of the village panchayats. However, there was a compromise in the constituent assembly which ultimately reflected in an amendment moved by K.Santhanam on November 22, 1948 & was accepted by the assembly. The advocates of village republics & gram swaraj were compelled to satisfy with an insignificant provision under Article 40 of the constitution of India, which says "the state should take steps to organize village panchayats & endow them with such powers & authority, as may be necessary to enable them to function as units of self government. The constitution in its 7\textsuperscript{th} schedule, under Article 246 lists the local government legislation as being reserved to the states. Local government, that is to say, the constitution & powers of municipal corporation improvement

\textsuperscript{76} Austin Granville, The Indian constitution cornerstone of a nation, oxford university press, Delhi. P.34.
\textsuperscript{77} Vide constituent Assembly debates.
\textsuperscript{78} H.V.Kamath, T.prajasham, N.S.Ranga, Alladi Krishna swamy ayyar
trusts, district boards, mining settlement authorities & her local authorities for the purpose of local self-government or village administration.

The entry is very wide & empowers the state legislature to legislate with respect to any subject relating to local government. It can also confer such powers as it itself possesses, upon a local authority, including the power of taxation (within the limits of list 2), for the purpose of local self-government. The only constitutional provision, which can be invoked by the union government if it wishes to intervene regarding local government, is the presidential veto over legislation, which has been referred by the state governor.

The dawn of independence in 1947, the accession, integration & democratization of the princely Mysore state with the rest of the country & the enactment of a liberal democratic constitution for India impelled the state government to take a number of steps to reform the rural local government. These included the appointment of the venkatappa committee, the enactment of the village panchayat & district boards Act 1952 & the appointment of the chandrashekaraiyah committee.

The 'venkatappa committee' known formally as the “committee for integration & coordination of local bodies” was appointed by the government in September 1949 (i) to examine the extent of overlapping of work between the various bodies operating in the field of rural development viz., the district board, the rural development committees & the village panchayats; (ii) to examine the possibility of integrating the activities of these bodies & place them on a statutory footing; (iii) to examine the sources of revenue to be assigned to local bodies; & (iv) to suggest measures for coordinating, integrating & speeding up of development work in the state. The committee in its report submitted in June 1950

after listing the short comings, suggested the principles & plan for reorganization of rural government in Mysore.

The committee recommended the establishment of statutory local bodies in rural Mysore only at the village & district levels & rejected the arguments for establishing a taluk level statutory body. According to the committee the taluk level body would not be consistent with the full-fledged local governments at the village & district level. It found it difficult to conceive independent resources, constitution & duties for taluk bodies, while full fledged district & village level bodies were retained. The committee pointed out that increased strength of village panchayats & district level organizations would substitute the taluk bodies as an additional training ground in public affairs. It conceded for the establishment of only a non-statutory coordinating body at each taluk level, consisting of chairmen of the village panchayats of the taluk as members & presided over by the assistant commissioner for local bodies. This body was to be only advisory in character.

The government of Mysore, having accepted on the whole, the recommendations of venkatappa committee, enacted “The Mysore village panchayats & district boards Act, 1952”.

2.7: THE MYSORE VILLAGE PANCHAYAT & DISTRICT BOARDS ACT 1952

This Act provided for the establishment of village panchayats & district boards as statutory bodies. In keeping with the committees recommendations the Act provided for the establishment of village panchayats for a village or group of villages with a population of less than 5000 & more than 2000 normally, & exceptionally for a village or villages with a population of less than 2000 but not less than 1000. It provided, for a minimum membership of 10 & a maximum of 20

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81 Ibid, p. 35.
for these panchayats; reserved seats for the scheduled castes;[^62] established the
universal adult franchise for village panchayat elections;[^63] Created the office of a
statutory secretary of the panchayat in addition to the elected chairman;[^64]
Delegated more functions to the panchayats on the lines suggested by the
committee; & strengthened the panchayat finance by providing for the assignment
to each panchayat, twelve & a half percent of the land revenue collected in the
panchayat area.[^65]

The district boards provided under the Act were to possess a minimum of
20 & a maximum of 40 members.[^66] In keeping with the recommendations of the
committee, the Act provided for the indirect election of all the members & avoided
nomination & appointment of ex-officio members.[^67] The electorate was to consist
of the members of every panchayat constituted within each taluk in the district. It
also provided for the reservation of seats to the scheduled castes.[^68] Apart from
providing for an elected president & vice-president it provided for the appointment
by the government of a chief Executive officer for each district board. It called
also for the establishment of four committees viz., (i) standing committee; (ii)
Audit committee; (iii) public health committee; & (iv) Scheduled casts
Amelioration committee, by each district.

In the field of finance of the district board the 1952 Act registered a
considerable progress. The district board gained under the new Act, (1) the entire
local cess on land revenue; (2) 6.25% of the land revenue collected in the district;
(3) a share as determined by the government in the 6.25 % of the land revenue
collected in the entire state & assigned to all the district boards; & (4) such portion
of the vehicle tax; road tax on lorries, buses & vehicles; service tax; & revenue on

[^62]: Sec. 6. The Mysore village panchayat & district boards Act 1952,
[^63]: Sec.8, ibid
[^64]: Sec. 15 & 18, ibid
[^65]: Sec 38, ibid
[^68]: Ibid, sec, 52.
registration of immovable properties within the local limits of the district board, as
may be assigned from time to time by the government. Along with the rents & fees
to be earned by the district boards, these assignments were to enrich the district
fund.89

The Act also provided for the appointment of the commissioner for local
self-government by the government as the chief controlling authority in respect of
all matters relating to the administration of village panchayats & district boards.
He would receive reports from the deputy commissioners of the district who
would actually exercise the controlling power over the rural local bodies.90

The 1952 Act though, was given force from 14th February 1952; substantial
portion of it never came into force. The village panchayats & district boards
constituted under Acts II & III of 1926 were authorized to continue to function
under the new Act from 14th February 1952. But when the question of the
formation of group panchayats according to the procedure laid down in the Act,
was taken up & objections were called for, it was found out that there was a large
measure of opposition to doing away with the system of single village panchayats
& to the formation of group panchayats. The Act was, therefore, amended in
August 1952 to enable the formation of single village panchayats even for villages
with a population of less than one thousand.91

The government found that there was considerable opinion against the
district boards being constituted on the basis of indirect election as provided under
the 1952 Act. The result was the appointment of the “local boards’ enquiry
committee” under the chairmanship of Sri D.H.Chandrashekariya on 14th
December 1953.

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89 Ibid, sec 106 & 107
90 Ibid., part iv, ch, xi
91 Report of the local boards enquiry committee, government of Mysore, Mysore state.1954.govt press,
B,lore.ch I pp1-2
Pending the submission of the committee's report, the district boards constituted in 1947, under the 1926 Regulation, were continued from time to time till 1st March 1954. Under the powers vested by the Mysore village panchayats & district boards (Amendment) Act 1954, the term of the boards was ordered to expire & the boards were placed under the charge of deputy commissioners of districts who were appointed as special officers to administer the district boards, in terms of the 1952 Act.92

The main recommendation of the chandrashekaraiah committee was that the district board must be continued & the taluk boards must also be set up to exist simultaneously. The committee felt that by establishing taluk boards... the wide gap that has been exist for long between the district boards & the village panchayats could be completely bridged.

The committee recommended that the control, coordination & supervision of local bodies should be carried instead of by the officials, by the local bodies themselves. This was done “with a view to enable one local body to help & guide the activities of another local body. Taluk boards would exercise controls over the village panchayats, the district boards over the taluk boards & the government over the district boards. But this control would be limited to (i) according sanction to budgets & (ii) exercising supervision over works & activities for which assignments or grants have been made.

The committee report was in line with the needs of Indian democracy & planned development programmes. In fact it foresaw many of the recommendations of the Balwant ray Mehta study team, which became the foundation of rural self government in India at the end of the 1950s. The committee, submitted its report to the government on 28th August 1954.

92 Report of the local boards enquiry committee, government of Mysore, Mysore state.1954.govt press, Blore., ch II, p.8
Pending the receipt of the report of this committee, the elections which were due had not been held & from 1st March 1954 the terms of the district boards had been ordered to expire & the boards had been placed under the charge of deputy commissioners of district who were appointed as special officers. The government also ordered for total direct election of the boards on the basis of Adult franchise in spite of the recommendations of both venkatappa & chandrashekaraiah committees’ report for indirect election. But this also required at least an Amendment to the 1952 Act. By this time state reorganization was round the corner & this was to bring about many new problems in every field of administration including local bodies. Therefore the status quo with the district boards being administered by the special officers continued.

With the reorganisation of Mysore state on 1st November 1956 new problem arose. Each of the different areas which came together to form the new Mysore state brought with it its own pattern of rural local government structure, functions & finances. Immediately after states reorganization, the rural Government in Bombay district local boards Act 1923 & the Bombay village panchayats Act 1933. In the Madras Karnataka region, the madras boards Act 1920 & the Madras village panchayats Act 1950 were in operation. In the Hyderabad Karnataka region, the Hyderabad district boards Act 1956 & the Hyderabad village panchayats Act 1951 were in force. In the kodagu (coorg) area the coorg panchayat Raj Act 1956 governed the rural local bodies. Therefore, the biggest problem in the state after reorganization was to bring about uniformity in the local government field by consolidating the legislations.

In the meanwhile, at the central government level there was serious thinking about the general pattern of local self-governement in rural areas necessary in the context of democracy & planning. The Balwant ray Mehta study team’s recommendations for the establishment of a powerful three-tier structure of

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94 Umapathy, op cit. p, 139.
panchayat Raj had become very popular. Many factors have urged the establishment of panchayat Raj in India.\textsuperscript{95} The demands of five-year plans & particularly of community development programme clinched the issue & brought about the establishment of panchayat Raj.\textsuperscript{96}

The community development programme started in 1952 under five year plans for planned rural development had failed to interest & involve the rural community in its development which was quite obvious by 1957. Therefore, the “study team on community development & National extension service” of the committee on plan projects, with Balwant ray Mehta as chairman, in its report submitted in 1957, urged the establishment of vigorous, democratic, decentralized, & self-governing local institutions to administer these programmes\textsuperscript{97}. The Balwant ray Mehta study team had recommended the establishment of a three-tier system of local government at the village, block & district levels, organically linked to each other by means of indirect election from the lower to the higher body. However, an option was given to the state governments to establish the key unit either at the block, taluk or district level according to their local traditions & needs & permitted the states to make the district level body either an advisory or an executive body.

At the centre’s persuasion & also to meet its own needs of integrating & consolidating the rural local government system in the state after the states reorganisation in1956, the Mysore government enacted “THE MYSORE VILLAGE PANCHAYATS & LOCAL BOARDS ACT 1959” which has established the panchayat Raj system in the state.

\textsuperscript{95} Article 40 of the constitution India, has directed the states to establish self-governing institutions at the village level.
\textsuperscript{96} Planning commission, the first five year plan, Govt of India, 1951, p, 139.
\textsuperscript{97} Planning commission, committee on plan projects; report of the team for the study of community projects & National extension service, 1957; pp 5-21.
2.8: THE MYSORE VILLAGE PANCHAYATS & LOCAL BOARDS ACT 1959

With the introduction of panchayat Raj in 1959 an integrated system, to do away with the heterogeneous pieces of legislation governing local bodies in different parts of the new state after 1956, came into existence. The dawn of panchayat Raj in 1959 heralded a new era in the area of rural self-government. It has lead to the establishment of fully democratic & vastly decentralized institutions of local self-government in rural Karnataka.98

This Act, which came into force from 1st November, 1959 was to govern the establishment & working of local governments in the rural areas of the entire new Mysore state.99 First elections to the local self-governing bodies under this Act were completed in 1960 & on 21st December 1960 panchayat Raj was formally inaugurated in the state by then president of India.100

2.8.1: MAIN FEATURES OF THE 1959 ACT

The chief objective of creating panchayat Raj in the state was to transfer power & responsibility for rural development to the people’s institution & secondly, to achieve certain well defined objectives of planned programmes through these institutions.101 Under the new Act, democratic local bodies with some decentralized powers have been established at three levels, viz., the village panchayat at the base, the taluk development board in the middle & the district development council at the apex.

The village panchayat & taluk board are both directly & separately elected & they lack organic linking. Indirect elections are very rarely given importance in

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98 Panchayat Raj has been established since 1959 not only in Karnataka but almost all over the country.
99 Now, KARNATAKA
100 Dr Radhakrishna.
101 Kulkarni H.L. panchayat Raj institutions in Mysore state. Administrative training institute, Govt of Mysore, p.2
the history of Karnataka. There exists a link between the taluk board & district
development council as the ex-officio membership on the district council was
given to the taluk presidents. The key unit of administration was established at the
taluk level rather than at the block level. The district level body was only an
advisory & supervisory body.\textsuperscript{102}

The village panchayat under 1959 Act was directly elected for each revenue
village or group of villages with a population of not less than 1500 & not more
than 10000.\textsuperscript{103} Town panchayats were established for a single village with a
population of more than 5000 & an annual income of not less than Rs 10000.\textsuperscript{104}
Village panchayats have a minimum membership of 11 & a maximum of 19, \textsuperscript{105} &
had a term of four years.\textsuperscript{106} The members of each panchayat elect its chairman &
vice-chairman. Each panchayat has a paid secretary appointed by the government
to assist it administratively. Structurally speaking the village panchayats under the
1959 Act did not differ much from the village panchayats existing under the 1952
Act. It is significant to note that the committee system\textsuperscript{107} was introduced at the
village panchayat level in Karnataka for the first time under the 1959 Act.
Provision was there for meeting of all adult voters in the village once a year to
consider & approve the village panchayats administrative reports & budgets.\textsuperscript{108}

Taluk development boards (T.D.B.) were established as middle tier bodies
for each traditional taluk. The T.D.B. members were directly elected by the people
in the taluk on a territorial constituency basis. Such members' number varied
between 15 & 19. The MLAs. / MLCs of the taluk who ordinarily resided in the

\textsuperscript{102} Umapathy, op cit, p.149.
\textsuperscript{103} The Mysore village panchayat & local boards Act 1959; sec, 3.
\textsuperscript{104} Ibid, sec, 4
\textsuperscript{105} Ibid, sec 5.
\textsuperscript{106} Ibid, sec, 24.
\textsuperscript{107} Village panchayat was obliged to appoint viz, 1, Agricultural committee, 2, Health committee, and
3, Village Industries committee.
\textsuperscript{108} The 1959 Act, op cit, sec, 83. However, the people including the village panchayat members were not
aware of the need to convene the GRAMSABHA. It was convened only if it is demanded by the taluk
development board which was supervising over village panchayats.
constituency were also made ex-officio members of T.D.B. with right to vote.\textsuperscript{109} There was no organic link between the village panchayats & the taluk boards\textsuperscript{110}, which was considered vital for co-coordinated functioning of these bodies.\textsuperscript{111}

To build the organic linkage between village panchayats & taluk development boards, the method adopted was to convene at least twice a year, a conference of all the chairman of the village panchayats in the taluk at the T.D.B. level.

Taluk development board was the most important executive agency in panchayat Raj. The most important obligatory duty of T.D.B. was to supervise & control the activities relating to the community development blocks within its jurisdiction. The taluk development board has to hold its ordinary meetings once in two months. T.D.B committees were of two types VIZ., 1. Obligatory committee consisting of i. Standing, ii. Audit & iii. Public health committees. & 2. Discretionary committee which was not specified in the Act. The head of T.D.B.was known as the president or Adhyaksha.

The third tier of the panchayat Raj was at the district level & was called as district development council (D.D.C.). The district development council was composed of 1. The presidents of all T.D.B.s in the district 2. The M.L.A.s & lok sabha members of the district & M.L.C.s & Rajya sabha members normally resident in the district, 3. Such of the district level officers numbering not more than 15 nominated by the government & 4. A representative each of women & scheduled castes.\textsuperscript{112} The deputy commissioner was the ex-officio president & the

\textsuperscript{109} The 1959 Act, op cit, sec. 96.
\textsuperscript{110} As there was provision for direct election to these bodies
\textsuperscript{111} To meet this criticism that the kondaggi Basappa report has recommended that while the T.D.B.shall have a 51% majority of directly elected members, the remaining 49% shall be indirectly elected from among the Village Panchayat members in the taluk.—Report of the committee on panchayat Raj 1963, as cited in Umapathy, op cit p, 179.
\textsuperscript{112} The 1959 Act : sec 187(1)
district development Assistant to the deputy commissioner who is an officer of the rank of an Assistant commissioner, was the ex-officio secretary of the D.D.C.\textsuperscript{113} The D.D.C. has only reviewing or supervisory, advisory, coordinating & guiding functions allotted to it in the legislation. It received, considered & approved the budget & administrative reports of the T.D.B.s in the district.\textsuperscript{114} This was a considerably big body of 53 members of whom 37 were non-officials & 16 were officials including the president & secretary of the D.D.C. This body has to meet only once in three months.

Under the 1959 Act, the chief controlling authority over panchayats & taluk boards was the divisional commissioner.\textsuperscript{115} Apart from powers of inspection & supervision, the deputy commissioner has the powers to (1) reduce the establishment of panchayats & taluk boards if he deems it to be excessive,(2) suspend the execution of any resolution or orders of panchayats or taluk boards if he deems it to be improper or injurious,(3) get any necessary work of panchayats or taluk boards executed on his own initiative if it is necessary in public interest, & (4) order the panchayat or taluk board to perform certain duties if they have neglected them.\textsuperscript{116} The power to supersede panchayats for a specific period or to dissolve them lies only with the divisional commissioners.\textsuperscript{117} Above the divisional commissioner's level the government then itself has the responsibility & authority over these local bodies.

To strengthen the panchayat Raj, the state government as early as in 1962 appointed a "committee on panchayat Raj" under the chairmanship of Sri Kondajjee Basappa & to implement the recommendations of this committee the state government introduced a bill entitled "The Mysore Panchayat Raj Bill 1964

\textsuperscript{113} The 1959 Act :sec 188.
\textsuperscript{114} ibid, sec189(1)
\textsuperscript{115} ibid, sec 196.
\textsuperscript{116} ibid, sec 198-202.
\textsuperscript{117} ibid ,sec 203(1)
“in the state legislature. The bill was allowed to lapse with the dissolution of the House in 1967.\textsuperscript{118}

A regretful fact was that the failure on the part of the state Government to hold elections regularly. While the first panchayat Raj elections were held in 1960, the second one came only in 1968 instead of 1964 as required by law. While the third election was due in 1972, it was held only in 1978. Obviously this was an unhealthy trend in the way of healthy political development of the countryside.\textsuperscript{119}

The ministries that existed between 1967 & 1972 continued to evince some interest in panchayat Raj. In 1968-69 the then government had convened state level conferences on panchayat Raj. Presidents & chief executive officers of taluk development boards, representatives of village panchayats & state level officials & ministers dealing with panchayat Raj & community development in the state attended these conferences. But, with the split in congress by 1969 began a period of general neglect of panchayat Raj. This happened all over the country.\textsuperscript{120}

The government of Karnataka has amended the Mysore village panchayat & local boards Act 1959 twice once in 1969 & again in 1978 & effected the following changes in the panchayat Raj legislation:

\begin{enumerate}
\item It has eliminated the people living in the cities & towns from contesting in taluk development board elections by suitably amending section 102 of the 1959 Act.\textsuperscript{121}
\item The term of panchayat Raj bodies which was originally four years has been extended through the 1978 amendments to five years;\textsuperscript{122}
\item It was made obligatory for every village panchayat & the taluk development board to appoint a ‘social justice committee’\textsuperscript{123}
\end{enumerate}

\textsuperscript{118} As the bill was made to lapse it is not necessary to go in to the details of the bill.
\textsuperscript{119} Umapathy, op cit p 170.
\textsuperscript{120} Ibid, p 200.
\textsuperscript{121} Karnataka Act No 25 of 1978, Karnataka Gazette Extraordinary dated 29th September 1978, sec, 22.
\textsuperscript{122} Ibid, secs, 9 & 26.
\textsuperscript{123} Ibid, secs, 13 & 29.
4. The function of ‘welfare of scheduled castes & scheduled tribes’ has been shifted from the discretionary to obligatory list both in the case of village panchayats & taluk development boards;\(^{124}\)

5. The 1978 amendment increased the rate of local cess on land revenue levied by government from 12 paisa in a rupee to 50 paisa & provided for an equal sharing of the proceeds between the village panchayats & taluk boards;\(^{125}\)

6. Finally, since 1980, collection of village panchayat taxes has been made an obligatory responsibility of the Talsildar\(^{126}\).

These changes though significant are not substantial. Neither any significant structural changes nor any substantial decentralisation of powers & resources are involved in these changes.

The congress party which governed the state then & formulated the Karnataka village panchayats & local boards Act, 1959 led government ruled the state uninterrupted till January 1983. However, for the first time in Karnataka’s history a non congress government was ushered into office by 1983, & the chief-minister was Mr. Ramakrishna Hegde. The janata government brought in a refreshing new outlook & policy towards local government. Forming its views in the light of the Ashoka Mehta committee Report\(^{127}\) the government then, abolished T.D.B.s, village panchayats & district council existing under the 1959 Act & proceeded to establish in their place Zilla parishads & Mandal panchayats.

The report submitted by national committee on panchayat Raj institutions headed by Ashok Mehta during the regime of Janata government in 1977, recommended a two-tier system of the rural local government & emphasized the

\(^{124}\) Ibid, secs, 11 & 31.

\(^{125}\) Ibid, secs, 15, 33, & 34.

\(^{126}\) The 1969 Amendment has authorized Talsildar to collect taxes & dues of any village panchayat.

\(^{127}\) The union janata government in 1977 appointed a committee on ‘panchayati Raj institutions’, with Sri Ashok Mehta as its chairman which submitted its report in 1978. The committee recommended that the district & a viable group of villages shall be the focal points of democratic decentralized administration. It recommended the establishment of zilla parishad & mandal panchayats for this purpose & also Nyaya panchayats at the village level. See Report of the committee on panchayat Raj institutions, Government of India, Ministry of agriculture & irrigation, Department of rural development, New Delhi, 1978. pp 175-202.
need for constitutional sanction to the panchayat Raj institutions. Most of the principles enunciated in this report became the basis of the Karnataka Zilla parishads, taluk panchayat samitis, mandal panchayats & Nyaya panchayat act 1985.

2.9: THE KARNATAKA ZILLA PARISHADS, TALUK PANCHAYAT SAMITIS, MANDAL PANCHAYATS AND NYAYA PANCHAYAT ACT 1985

The preamble to the Act states that the purpose is not only to assign local government & judicial functions to these bodies but also “to entrust the execution of certain works & development schemes of the state five year plans to the Zilla parishads, taluk panchayat samitis, mandal panchayats & to provide for the decentralization of powers & functions under certain enactments to those local bodies for the purpose of promoting the development of democratic institutions & securing a greater measure of participation by the people in the said plans & in local & government affairs

The Karnataka Zilla parishad, taluk panchayat samitis, mandal panchayats & Nyaya panchayats bill 1983 was introduced in the state legislature in August 1983. The bill was passed by both the houses of state legislature & received the assent of the president of India in the second week of July 1985 & thus became an Act known as the Karnataka Act 20 of 1985, which was later published in the gazette. It came into operation with effect from 14th August 1985. However, the Act was not brought into operation in full measure as it was contemplated since the constitution of Nyaya panchayats was deferred for a period of five years in the beginning & they were not created. It was aspired by the then government that these new institutions under the changed concept would serve as a core & active

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128 Subha & Bhargava. Feminism & political empowerment of women: the Karnataka experience. M.R.Biju (ed) op cit p.162
129 Report of the joint select committee on the Karnataka zilla parishads etc.... bill 1983, as cited in Umapathy, op Cit, p 253.
institutions towards the goal of attainment of "GRAMA SWARAJ" & would facilitate to bring socio-economic transformation at the grass root level by increased peoples participation.

On the basis of Administrative hierarchy the new institutions in the descending order enumerated in the integrated system of panchayat Raj were (1) the Zilla parishads (2) the taluk panchayati samitis (3) the mandal panchayats, & (4) the Gram sabha. Of these institutions mandal panchayats & Zilla parishads alone were the elected bodies.  

All these institutions of corporate status enjoyed perpetual succession, the tenure of office of the elected members was five years & 25% of the elected seats were reserved for women in addition to 18% for SCs & STs. The members of these institutions were also covered under the provisions of the Anti defection Act 1989. After the enactment of the 1983 Act, elections to 19 Zilla parishads (except Bangalore urban district which had no Zilla parishad) were held on 2.1.1987 on party basis for electing 887 members. Elections to 2469 mandal panchayats were also held on 20th January 1987. The total number of seats in all these mandals was 54,397 in the state when the elections were held for the first time.

Some of the smaller town municipalities constituted under the provisions of Karnataka municipal council Act 1964 was reduced to the status of mandal panchayats after the enforcement of 1983 Act. They continued as interim mandals till 1988 (the time of expiry of existing then municipal councils). During the course of five years (1987-1991) a number of amendments were made to the 1983 Act so as to make their functioning more effective & to popularize them in the process of decentralization of administration & to increase peoples participation etc.

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The 1985 Act established a new pattern of rural local bodies; the GRAM SABHA is the basic tier of the system, comprising all eligible voters in the village. The gram sabha was required by law to meet at least twice a year. It discusses & reviews all developmental activities, programmes of the village, selects beneficiaries for all beneficiary oriented programmes, transferred to the panchayat Raj system & plans for local improvement.

The MANDAL PANCHAYAT covering a group of villages was the first elected tier of the system. In the entire spectrum of panchayat Raj institutions in the state the mandals were considered as basic & grass -root functionaries in the process of development & decentralization of powers to the rural masses. The 1983 Act, contemplated the constitution of a mandal panchayat for a group of villages with a population ranging 8 to 12 thousand with an exception of malnad districts where the population covered by a mandal was 4,000.

It was entrusted with all civic functions & powers & responsibility for development & welfare programmes with an intra mandal orientation. The number of seats in a mandal panchayat was one for every 400 voters. Twenty five percent of the membership was earmarked for women & 18% for SCs & STs. The president & vice-president are to be elected by the members of the mandal panchayats. Mandal panchayats were vested with substantial powers & autonomy to undertake developmental works specified under Mandal scheme-1 with its own resources. There was a provision to constitute three sub-committees of elected members viz., social justice, and production & welfare committees in order to ensure effective administration and co-ordination in their functioning.

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131 The 1985 Act, sec 3.
132 The numbers of developmental schemes exclusively transferred to mandal panchayat were 27 for which mandal panchayats were committed to execute. Under the jawhar Rozgar yojana, mandals, by & large were free to utilize the amount subject to central government guidelines. On an average of Rs 5 lakhs per mandal including the state per capita grant of Rs 7.50 were entrusted to mandals to carry out the developmental activities in their jurisdiction .Apart from this amount the state government used to provide funds under different development heads in the plan for such purposes such as water supply, housing communication, I.R.D.P. Etc.,
The Mandal panchayat was expected to assemble at least once in a month to conduct the deliberations. The secretary for the panchayat was to be appointed by the Zilla parishad who functioned as chief executive. The pradhans & Upapradhans were paid monthly honorarium of Rs 300 & Rs 150 respectively.

The sources of income of the Mandal panchayat included the allotment pf funds by the government or Zilla parishad, grants, loans, tax on buildings, lands, market fees, vehicle tax, etc., Under sec 114(3) of the KPR Act 1985, the government used to make per capita rate of Rs 10 per person residing in the mandal to be worked out on the basis of preceding census (1971). Out of this grant 25% was the share of Zilla parishad.

The 1985 Act, provided for the statutory body-The Taluk panchayat samiti at the Taluk/block level. The Act contemplated the constitution of a Taluk panchayat samiti for each revenue taluk as an intermediary agency between Zilla parishads & mandal panchayats to streamline the work of Zilla parishads & Mandal panchayats in the capacity of an advisory & coordinating body.

The Taluk panchayat samiti was purely a nominated body comprising of ex-officio members. It comprised members of Zilla parishad selected from the taluk, M.L.A.s & MLCs representing any part of the taluk, (excluding urban centers) & the pradhans of Mandals of respective taluk. There was also a provision for co-opting five members including the chiefs of TAPCMS (Taluk agricultural produce co-operative marketing societies) & primary agriculture & rural development banks, the SC/ST & women members & also from backward communities. The Block development officer (B.D.O.) used to function as its secretary & chief executive.

The main functions of the Taluk panchayat samitis were to give suggestions & guidance to Mandal panchayats in their work, to carry out various developmental schemes entrusted by Zilla parishads to supervise & protect the properties of Zilla parishad in a taluk, to co-ordinate the functioning of Mandals
etc., These non-representative bodies were not given any executive powers or funds of their own. The expenditure of Taluk panchayat samiti was to be met by the Zilla parishads.

Zilla parishads, the apex PRIs at the district level, were functioning like district governments, in their own way having jurisdiction over the entire revenue district excluding the urban local bodies like town/city municipalities & municipal corporations. The Zilla parishad was the second directly elected tier of the panchayat Raj system in Karnataka was a powerful body which administered the schemes & programmes evolved by it & transferred to it. One member was elected for every 28,000 population, to Zilla parishad. The M.Ps & M.L.As whose causes under the district or part thereof were members of the Zilla parishad. There was a provision to co-opt the District consumer cooperative bank as its member. The provision was made to have as many as nine standing committees in each Zilla parishad, in order to ensure effective administration & coordination. The Adhyaksha & the upadhyaksha of the Zilla parishads were provided with the status & salary of the minister of state & the deputy minister respectively.

The chief Executive of the Zilla parishad was designated as the chief secretary holding the rank of a senior I.A.S. cadre assisted by deputy secretary, chief accounts officer, & other staff.

The financial support for the functions of Zilla parishads came mainly from “the amount transferred to the Zilla parishads fund by appropriation from the consolidated fund of the state” & grants, assignments, loans & contributions made by the state government. This is in addition to levies, penalties, rent from land, properties, etc. The Zilla parishads did not have any power of taxation. The finance commission covering these new institutions was set up by the state government in February 1986, & the commission submitted its report in March 1989. The Zilla parishads were entrusted to undertake some developmental activities independently covering more than one Mandal panchayat.
The state development council was at the apex of panchayat Raj system. All the Adhyaksha of all Zilla parishads in the state, six ministers of the state & the development commissioner as its member secretary constituted the state development council headed by chief-minister. There was also a provision for setting up of a finance commission every five years to determine the principles, which the resources are to be shared between the state government & panchayat Raj institutions, & the basis on which allocations would take place among the Zilla parishads/Mandal panchayats.\(^\text{133}\)

The 1985 Act was implemented to give the highest priority to rural development to eradicate poverty & to improve the rural economy through people’s participation. Cadres were maintained for manning the Zilla parishad & the Mandal.

The first- five year term of the panchayats ended on January 1, 1992. Instead of holding elections, the congress (I) government appointed administrators to Zilla parishads & Mandal panchayats. In view of the constitution (73rd Amendment) Act 1992, the 1985 Act was repealed. In its place,\(^\text{134}\) The Karnataka panchayat Raj Act 1993 came into force. This Act incorporated the essential features of the constitution73rd amendment & established elected bodies at the three tiers-the village, Taluk & district levels, so that there is “greater participation of the people”.

2.10: THE KARNATAKA PANCHAYAT RAJ ACT 1993

The Karnataka panchayat Raj Act 1993 establishes a three-tier panchayat Raj system in the state with elected bodies at Gram, Taluk and district level for


\(^{134}\) The bill was introduced by the Karnataka Govt in the legislative assembly on April 1, 1993 & was passed on April 7. Legislative council passed the bill unanimously on April 13. & it came into force from May 18, 1993.
greater participation of the people & for more effective implementation of rural development programmes. The three-tiers of the panchayat Raj are;

1. Gram Panchayat / Village Panchayat
2. Taluk Panchayat
3. Zilla Panchayat

The three-tier panchayat Raj system is based on the population as ascertained at the last preceding census of which the figures have been published.

2.10.1: Gram Panchayat

Under the Karnataka panchayat Raj Act 1993, 5645 gram panchayats have been established & on an average, each gram panchayat has a population of 5300. Elections to 5645 Gram panchayats were held in December 1993. They consists of elected members each representing about 400 people. The Gram panchayats to be headed by Adhyaksha & upadhyaksha elected from among the members.

The Gram panchayats consisted of three standing committees, namely,

1. Production committee,
2. Social justice committee, &
3. Amenities committee.

Each committee consists of not less than three & not less more than five members including the chairman. The Adhyaksha is ex-officio chairman & also

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135 A Gram panchayat is constituted for a population not less than 5000 & not more than 7000 area or group of villages will be considered as a panchayat area, & there will be one member for every 400. sec,4. KPR Act 1993.
136 1991 census.
137 Sec, 45. KPR Act 1993.
138 Sec 61, KPR Act 1993.
member of production committee & Amenities committee. The social justice committee shall consist of at least one woman as a member & another belonging to the scheduled caste or scheduled tribes.\textsuperscript{139} The committees are competent to co-opt members.

The ‘production committee’ was meant to perform functions related to Agricultural productions, animal husbandry, rural industries & poverty alleviation programme.

The ‘social justice committee’ meant to perform functions related to promotion of educational, economic, social, cultural & other interests of scheduled castes, scheduled tribes & backward classes & also welfare of women, children & protection of people from social injustice & any form of exploitation.

The ‘Amenities committee’ is entrusted with functions in respect of education, public health, public works & others.

The government gives a minimum guaranteed grant to each gram panchayat per year. It can enhance its income from local cess & tax, levy.\textsuperscript{140} The Gram panchayat will also be getting 80\% of the central government funds allotted to the state under Jawahar Rojgar yojana to each gram panchayat.

2.10.2: Gram Sabha

The sec, 3 of the Karnataka panchayat Raj Act 1993, makes it mandatory for Gram panchayat to convene a Gram sabha in every village at least twice in a year. It is a body consisting of persons registered in the electoral rolls relating to village panchayats within the area of Gram panchayat. It is a forum wherein annual statement of accounts, report of administration & the development works undertaken by the Gram panchayats are reviewed. It also considers the development programmes proposed by the Gram panchayats for the current year.

\textsuperscript{139} Sec, 61(2) KPR Act 1993.
\textsuperscript{140} Sec 199, KPR Act 1993
It is responsible for identifying beneficiaries under different poverty alleviation & development programmes. The Taluk/ Zilla panchayats have to take into account the recommendations of the Gram sabha during the process of preparation of action plans.

2.10.3: Taluk Panchayat

A taluk panchayat has been constituted for every revenue taluk as the intermediate level in the panchayat Raj system. It consists of elected members each one representing 10,000 population or part thereof. However, Taluks having a population of not exceeding one lakhs have eleven members. Elections to all the 175 Taluk panchayats in the state were held during 13th -18th march 1995, on party basis. The office of Adhyaksha & upadhyaksha of Taluk panchayats have also been reserved for different categories.

2.10.4: Zilla Panchayat

A Zilla panchayat is consisting of elected members at the rate of one member for every 40,000 populations & part thereof. Elections to all the Zilla panchayats were held during March 1995 on party basis.

The members of these bodies are to be elected (non-party basis at the gram panchayat level & on party basis at the other levels) under the supervision of the state election commission which is to be appointed as per law. At all levels of decentralised governments, there is reservation of seats for SCs in proportion to their population but not less than 18 per cent of the seats, & a third of the seats are to be reserved for backward classes. Also a third of the total number of seats from all categories is reserved for women. MPs MLAs & MLCs will be ex-officio members in both Zilla & taluk panchayats with voting rights except for the

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141 One member for every 30,000 population in chikmagaluru & uttar kannada districts & one member for every 18000 populations in the district of kodagu.
142 There were 20 zilla panchayats.
election of the Adhyakshas – presidents. The Adhyaksha of all the Panchayat Raj bodies are to be elected by the elected members. Reservations of these positions are provided on the same scale as for the elected members.

2.11: ELECTIONS TO PANCHAYATS

Elections occupy the most important place in any political system. The state election commission (SEC) was appointed May 1993. Elections to all the three-tier were to be conducted in December 1993 on different dates. Under the new Act 1993, the dates of election to the Gram panchayats was fixed on December 29, 1993 & taluk panchayats & Zilla panchayats on 23rd January 1994. But only the elections to the Gram panchayat were conducted & the other had been postponed indefinitely.

Elections were held for 914 Zilla panchayat seats of 20 Zilla panchayats & 3340 Taluk panchayat seats of 175 taluk panchayats. Over 2.16 crore voters including 1, 06 crore women were eligible to exercise their franchise in the elections.

The Decentralised governance system under the 1993 Act which distinguishes it from the previous one\(^\text{143}\) are the following (i) A fully elected three-tier panchayat Raj system is provided for. (ii) Enhanced scale of reservation for women & for backward classes in the memberships. (iii) Reservation principle is extended to the office of the chairpersons of all the three-tier governments. (iv) Holding of Gram sabha twice a year is made mandatory. (v) There will be state election commission. (vi) Elections are to be held on non-party basis for Gram panchayats. (vii) The administrative head of Zilla panchayat is re-designated as the chief officer & will not be senior in rank to the deputy commissioner as before.

\(^\text{143}\) 1985 Act
2.12: LEGISLATIVE MEASURES FOR DEMOCRATISATION OF PANCHAYAT RAJ INSTITUTIONS

It was felt that the small sizes of the Gram panchayats constituted under the Act 1993 were not economically viable. Karnataka government therefore promulgated an ordinance amending sec 4 & 5 of the Karnataka panchayat Raj Act to restructure the Gram panchayat constituencies & to increase the number of electorates under each constituency. So even through the first five year term of the panchayat Raj institutions elected in 1993 was successfully completed in 1999, elections for next term were postponed since the changes required to be made by the ordinance would take some time.

During these times\textsuperscript{144}, some of the issues that were identified while implementing the Act 1993 were:

(i) Weak Gram Sabha,
(ii) Bureaucratic domination in panchayat Raj Administration at different levels,
(iii) Devolution of powers & functions between & among tiers; &
(iv) Rigid control & supervision of officials over panchayat Raj elected functionaries.

To overcome these lacuna & for rendering panchayat Raj institutions further effective as units of local self government at all tiers the state government has appointed an expert committee under the chairmanship of P.R.Nayak. The committee has to suggest for better Administration & functioning of the panchayat Raj institutions in the state. The committee having submitted its report on 19\textsuperscript{th} March 1996, which the state government accepted, & in contemplation of implementing these recommendations, it was proposed to bring about

\textsuperscript{144} 1993 to 1999.
comprehensive amendment to the Karnataka panchayat Raj Act 1993, to provide for the following, inter alia:

1. To make the preamble of the Act expressly declare that the panchayat Raj institutions should function as units of local-self government.

2. Consequent upon the 74th constitutional Amendment, to nomenclature the urban local bodies like sanitary boards, town Boards & notified area committee uniformly known as “Town panchayat”

3. To entrust the state Election commission, an independent body with specific task like delimitation of territorial constituencies & publication of names of elected members of all the Gram panchayats.

4. To provide for disqualifying such members of panchayat institutions who are directly or indirectly involved in the execution of works & supply of goods & services to the panchayats & who have not provided sanitary latrines for the use of members of their family.

5. To explain provide punishment for the offence of booth capturing & other related matters.

6. To require the Adhyaksha of the panchayats to cause the letter of resignation of members to be placed at the meeting of the panchayat.

7. To provide for the removal of members of Gram panchayat for defined misconduct.

8. To specify that the elections to the office of Adhyaksha & Upadhyaksha of panchayat Raj institutions be held within one month from the publication of names of elected members.

9. To provide a measure of stability on the term of office of Adhyaksha & Upadhyaksha of panchayats, by stipulating that a resolution expressing want of confidence in the Adhyaksha or Upadhyaksha of a Gram panchayat shall not be moved within one year from the date of last decision, such a resolution & in the case of Taluk panchayats & Zilla panchayats within six months from such dates.

10. To make certain functions obligatory on all panchayat institutions & to specify the functions of the panchayat bodies operating at different levels.

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11. To provide for appointment of appropriate committees by the Gram panchayats for specific purpose & joint committee for two or more Gram panchayats for any common purpose.

12. To state in necessary detail the consequences of having to divide a panchayat area into two or more panchayats, to amalgamate two or more panchayat areas to constitute one panchayat & to create a new panchayat by carving out areas from existing panchayats & provide that in all such eventualities the members representing these areas should continue in the interim Gram panchayat through the remainder of their elected term.

13. To effect certain structural changes namely, to ensure reservation on the social justice committee of the Taluk panchayat & Zilla panchayat & to increase the total number of members of the standing committee of the Zilla panchayat from five to seven, & to make Adhyaksha as the chairman of Finance, Audit & planning committee, & the Upadhyaksha as the Chairman of the general standing committee.

14. To require the Executive officer & chief Executive officer to advice, in writing the head of the panchayat which may pass any resolution or take any decision the implementation of which would contravene the provision of any law or the budgetary provision etc., pointing to the specific provision that is likely to be contravened.

15. To require the panchayats concerned to take follow up on the report of the inspecting officer made under sec 233 within thirty days, & providing for omission to be constructed as default in the performance of duty.

16. To delete the provision of sec 234, which enables appointment of a person to perform a duty in case of default of the panchayats, & to recover, expenses.

17. To re-allocate power of certain authorities under the Act by divesting these authorities of their power & vesting them in others to facilitate better functioning, namely:

a. The commissioner to be divested of the power of removal of Adhyaksha or Upadhyaksha of a panchayat, to be vested in the government.

b. The commissioner & chief Executive officer to be divested of their powers under sec 235 to be vested in the Zilla panchayat & Taluk panchayat respectively.
c. The chief Executive officer & commissioner to be divested of their power under sec 237, to suspend the execution of an unlawful order or resolution, of Gram panchayat & Taluk panchayat or Zilla panchayat, &

d. The commissioner to be divested of his power under sec 268 to dissolve a Gram panchayat, to be vested in the Zilla panchayat.

18. To provide appeal against every original order of a Gram panchayat.

19. To require a Gram panchayat to consider the development programme suggested by the Gram sabha at the time preparing its development plan.

20. To make Adhyaksha of Zilla panchayat the chairman of the district planning committee & the mayor or president of the municipal body having jurisdiction over the head quarters of the district, the vice-chairman.

21. To constitute “state panchayat council” to discuss matters relating to the functioning of the panchayats in the state under the chairmanship of the chief minister & the minister for rural development & panchayat Raj as vice-chairman.

22. To provide for consulting the “state panchayat council” before amending schedule I, II, or III under the Act, relating to functions of panchayats.

The Karnataka panchayat Raj Act 1993 has been enacted in view of the constitutional obligation on the part of the state to enact an Act within one year from the date of 73rd constitutional Amendment Act 1992 came into force. It is to implement the constitutional provisions at the state level. The Karnataka panchayat Raj Act 1993 has been supplemented by various rules, notifications & amendments.

Opportunity was also available to bring about certain consequential amendment based on functional requirement. On the basis of recommendations many Amendments were made to Karnataka panchayat Raj Act, 1993. In fact, these progressive amendments to KPR Act have been appreciated by the National commission for Reviewing of working of constitution.

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