CHAPTER- III

PANCHAYATI RAJ INSTITUTIONS IN THE POST COLONIAL PERIOD

3.1 MAHATMA GANDHIJI’S CONCEPT OF VILLAGE PANCHAYAT.

Though from 1920 to 1947 Mahatma Gandhi’s attention was concentrated on getting freedom for India from time to time he expressed his ideas about Village Panchayats. His concept of Village Panchayats could not take concrete shape till India got freedom. One such concept, which is often quoted, is given below:

“My idea of Gram Swaraj is that, it is a complete republic, independent of its neighbors for its vital wants and yet interdependent for many others in which dependence is a necessity. Thus every village’s first concern will be to grow its own food crops and cotton for its cloth. It should have a reserve for its cattle, recreation and playgrounds for its adults and children. Then if there is more land available, it will grow useful money crops. The village will maintain a village theatre, school and 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 co-operative basis. There will be a compulsory service of village guards, who will be selected by rotation from the register maintained by the village. The Government of the village will be conducted by the Panchayat of five persons elected annually by the adult villagers, male and female both possessing minimum prescribed qualifications. These will have all the authorities and jurisdiction required. This Panchayat will be legislature, judiciary and executive combined, to operate for its year of office. Any village can become such a republic to day without much interference".

Further Gandhi made it equivalent to his principle of self-governance, which he used to call as swarat. The salient features of swarat which sometimes Gandhi used to call Ramrajya, were self-sufficient and self-governed village, sustenance and respect to labour and social equality, justice (keeping in view the nature of village disputes from which the villagers suffered and the quality of justice, Gandhi conceived that the Village Panchayat composed of democratically elected representatives of the village people was ideally suited to dispense justice to the poor and illiterate people. Gandhi was not in favour of any separate Judicial Panchayats. The ordinary Village Panchayat, according to
Gandhiji was better suited for the job, and truth. Gandhiji envisaged a free India its selfruled villages independently with self-reliance and self-sustenance. Gandhiji's thought strongly influenced a big section of the members of Constituent Assembly. But the opposite view was also equally strong. Now let us examine the debates held in the Constituent Assembly.

3.2 A DEBATE IN THE CONSTITUENT ASSEMBLY.

In the post-colonial period, two major schools dominated in the Indian political scene. One school of thought argued for Gandhian philosophy of economics and politics. They recommended for making the village, the basic unit of political and economic system and which made the village a complete republic having self-sufficient status of an ideal village.

The other school of thought favored 'Western Welfare State Model', making the individual as the basic unit of economic system. Dr. B.R. Ambedkar and Pundit Nehru were the ardent advocates of this school. They showed a tendency to emulate western model of political and administrative institutions without considering the national heritage, political and economic manifestations which culminated in the nationalist movement. This school of thought dominated in the Constituent Assembly.

When the Constituent Assembly appointed two committees (Union and Provincial Committees) to propose a scheme for both Centre and State Governments, these two committees nowhere guided by the Gandhian philosophy of Indian polity. As Granville Austin stated, "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 thought". Pundit Nehru wrote about Indian village: "A village, normally speaking, is backward intellectually and culturally and no progress can be made from a backward environment. Narrow-minded people are much more likely to be untruthful and violent....".
Dr. B.R. 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 and communalism should come forward as champions of the village. What is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism? I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit”.

Discarding the village and adopting the individual as the basic unit of economic development is nothing but the main principles of western capitalist theory of development. For the further development of capitalism, they ignored the Gandhian philosophy of economics and sarvodaya ideology of Gram swaraj.

H.V Kamath, T.Prakasam, N.S Ranga, Alladi Krishna Swamy Ayyar, and other members in the Constituent Assembly took serious exception to Ambedkar’s wholesale criticism of the Village Panchayats. However, there was a compromise in the Constituent Assembly between these two schools, which fought ‘for’ and ‘against’ the Village Panchayats. The compromise ultimately reflected in an amendment moved by K.Santhanam on November 22, 1948 and was accepted by the Assembly. As Granville Austin stated, “Assembly members who criticized the draft for not giving Panchayats their due place were, then, not putting forward an alternative, a Gandhian constitutional philosophy. Their demand was not political, but administrative, and administratively, but not politically, their demand could be met.”

Finally, the advocates of village republics and gram swaraj, were compelled to satisfy with an insignificant provision under Article 40 of the Constitution, which says ‘the State should take steps to organize Village Panchayats and endow them with such powers and authority, as may be necessary to enable them to function as units of self-government. The Constitution in its 7th Schedule, under Article 246 lists the local government legislation
as being reserved to the States: ‘Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration’.

In commenting on this section, Basu says:

The entry is very wide and 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.

Though the Indian ruling class ignored Gandhian philosophy of development, based on villages, they could not ignore the Indian Society, which is predominantly rural in character, where more than seventy percent of population lives in villages, and this situation warned the government to take up programmes in a phased way.

One of the major weaknesses of Gandhian philosophical school on Village Panchayat was that, they had romantic view about the ‘ancient village republics’ in Indian and argued to review them in the similar fashion. The school failed to analyse the historical developments of the institutions and the changes taken place in the structure of Indian villages.

On the other hand the opinions of Dr. B.R. Ambedkar seems to be more pertinent to the existing caste system, and the domination of the upper class people in the village administration in India. Even after the expiry of fifty-five years of independence the dominance of upper caste people in the village administration has not been erased. Here, is an instance in which the upper caste dominance is prevailing even today in Karnataka.

In the words of Shivanavva-A Gram Panchayat member from Bijapur (Karnataka) “I was supposed to become the Chairperson because the seat was proposed to be reserved for an
SC Woman. But the landlord in our village didn’t want me to become the Chairperson. ‘Why should she, an illiterate person, become Chairperson?’ they asked. Four or Five men got together, convened a meeting and declared him as the Chairperson despite the seat being reserved for an SC! I didn’t get elected because they couldn’t bear to be superseded by an SC. How can they be above us? They asked.

“But I fought with them. ‘Why do they deny me what is mine? You are not giving me anything that is yours. The Government has given us reservation. So let us have it.’ I asked. ‘We cannot do that, Shivanavva’ they said. Then, I asked them to make me Vice-Chairperson, but that was a general seat. I said that just as they had taken away our reserved seat, they should give us the general one. They hushed up the matter for three months. After the landlord produced a low-income certificate and was made chairperson; his wife was made Vice-Chairperson. ‘There were three of us in the reserved category- two men and me. We remained members; the landlord and his wife became Chairperson and Vice-Chairperson’.

It can be said that, such things are happening in spite of the Constitutional protection to SC, ST, and Women & Backward Class people. However, such incidents cannot be generalized in the Panchayati Raj administration. It is true that, such kind of exploitation by the dominated high castes is often occurring in our society. But, what are the responsibilities of the Panchayati Raj officers? Is not their duty to restore the rule of law? However, if such stray incidents are unabated, this kind of incidents may spread to every nook and corner of the State. Hence, the State Government taking the cognizance of such incidents should act immediately by enacting suitable penal legislation. Otherwise, the very purpose of true empowerment will be defeated.

3.3 COMMUNITY DEVELOPMENT PROGRAMME.

3.3. A. Introduction, its Origin and Development.

The ultimate objectives of the freedom fighters was to get rid of poverty, penury, illiteracy, unemployment, disease and such other abominable evils from which India in bondage was suffering under British colonial domination. For about two hundred years, the
British exploited our wealth and resources to the maximum extent. Hence, to overcome the above said problems and to achieve rapid economic and industrial progress the Government had to undertake comprehensive development schemes and welfare programmes through a series of plans in order to provide the Indian masses with the opportunity to lead a good, free and full life. As Government had to undertake rapid and all sided development of the country with special emphasis on provisions of all basic amenities in rural areas, a large number of schemes were started through its own agencies, namely, the Government departments.

In March 1950, the Planning Commission came into existence and began to plan for large-scale economic and social progress. But no development in any walk of life can be achieved until it is backed by the development of rural areas and those who inhabit them. As such the Planning Commission gave concentrated thought for a period of two years to the development of rural area. Drawing inspiration from the various development programmes, reports of the commissions and committees, the Planning Commission came to the conclusion that rural development to be meaningful must embrace all aspects of rural life. The Planning Commission, therefore, thought of shaping village development programme, so as to attack the five giants of hunger, poverty, disease, squalor and ignorance through a self-help programme of Community Development.

The term Community Development is generally understood to mean the development of the rural communities. The term Community Development as a concept assumed importance since 1948, and it was defined by the Cambridge Summer Conference as a "Movement designed to promote better standard of living for the whole community with the active participation, and if possible, on the initiative of the community, but if this initiative is not forth-coming spontaneously, it should be roused and stimulated by special technique designed to secure its active and enthusiastic support of the community". Since then, Community Development has been defined as a movement, as a process, as a method and as a programme of action. Irwin Sounders defined it as a "movement that holds unusual promise and are worthy of unabashed commitments by those who want to see poverty and illness alleviated among the great mass of the under-developed countries are removed". In 1955, United Nations Bureau of Social Affairs defined Community Development as a
process designed to create conditions of economic and social progress for the whole
community with its active participation and the fullest possible reliance upon the
community's initiative'. Community Development is also defined as a "Method
whereby the time log in providing means for the development of the rural community can be
materially shortened and the under-developed manpower of the village can mobilize itself to
improve the utilization of the present resources and to discover the new ones". In October
1955, a team of consultants to Internation Co-operation Administration after visiting South
East Asian Countries found that Community Development expressed itself as "a concrete
programme of action "with administrative structure", "budget", "personnel", "resources",
"plans" and "goals". Thus viewed Community Development is a movement, a process, a
method and a programme of action. It is a movement because it aims at fighting the giant
evils of man such as hunger, illiteracy, disease etc., and promotes ways and means for
realizing the higher standard of living. It is a process of change because it seeks to change
the outlook of millions of people living in the country side- a change with regard to habits
and practices, modes of organization and living. It is a method also by which the social and
economic life of the rural people are improved in considerably short period of time, and it is
a programme of action and an integral part of the official policy of many under developed
countries like India, Philippines, Pakistan, Egypt, Lebanon etc. In short, Community
Development is an effort to improve the social and economic life of the rural people and to
change their very outlook with regard to social and economic aspect of life within a
reasonably short period.

3.3.B. Objectives of the Programme.

The main objective of the Community Development Programme is to promote "The
greatest good of the greatest number". This is the old nineteenth century ideal of Jeremy
Bentham and John Stuart Mill. The greatest good of the greatest number in India cannot be
realized unless production, especially in the agricultural sector, is appreciably increased.
Hence:

"The purpose of the Community Project shall be to serve as a pilot in the
establishment, for men, women and children, covered by the project area of the right to live:
food—the principal item in the wherewithal’s as for this purpose receiving the primary emphasis in the initial stages of the programmes.\textsuperscript{27}

The activities which answer the above purpose cover a wide list ranging from reclaiming the virgin and wasteland and providing improved agricultural implements to organizing local and other sports activities and melas. The activities that are to be undertaken under this programme are the following:

1) Agricultural and allied fields,
2) Communication – Provision of roads etc.,
3) Education – Elementary & Social education.
4) Health – including sanitation & midwifery services.
5) Training – to agriculturists, artisans etc.,
6) Employment – encouraging cottage industries etc.,
7) Housing – to both ruralites & urbanites.

3.3.C. Contents of the Programme.

There are three major activities involved in these programmes:

(i) An increase in production and employment in the agricultural sector.

(ii) The application of the principle of self-reliance and co-operation on an extensive scale for which a variety of institutions have been set up, such as the provision of free education, free medical aid, sanitation, health measures etc.,

(iii) Harnessing to the maximum extent possible the available manpower resources through such measures as Shramdan (gift of labour), etc., See the following table III.1.
The programme of Community Development started on October 2, 1952, with the launching of 55 Community Projects comprising 27,388 villages and a population of 16.4 million. Each of the 55 projects covered about 300 villages with an area of about 450 to 500 square miles, a population of about 2 lakhs and a cultivated area of about 1,50,000 acres. The project area was divided into three development blocks. It was meant to be a pilot scheme, in order to see how the people reacted to the programme and what were the pitfalls
that one was apt to encounter in the propagation of the movement. Within a few months of
the launching of these pilot projects, it was prominently experienced that the people were
ready, even keen, for the programme. Therefore, the National Extension Service
Programme a somewhat less intensive programme in character—was formulated and put into
operation on October 2, 1953. This was a great plan for the upliftment of the rural masses in
India. It was contemplated to cover the entire country with about 5,000 blocks each
comprising about 100 villages and a population of about 70,000. The number of blocks
went on increasing from the year-to-year till by October 1967, the entire rural area in the
country was covered with community development blocks, their total number being 5,265.
The number of villages covered was 5,66,900 and the population covered was 4066 lakhs.
This programme was initiated with a view to removing the mental lethargy of the rural
people, i.e., to develop both an urge and the initiative for better living conditions. It is a
human movement that seeks to “Instill in the people a will for a better life, create in them a
passionate desire for improving their standard of living through their own efforts and in full
co-operation with the neighbours”.

A schematic budget was laid down for each and every block, in the beginning for
three years and subsequently for five years, with definite sums earmarked for various items
of works such as construction of wells, construction and repair of roads, sanitation, irrigation,
medical facilities, construction of schools, development of agriculture, animal husbandry and
irrigation.

As a result of all this, considerable work was done in the countryside. Within a short
period of 4 or 5 years, good results were seen and it had positive achievements, which could
not be denied or ignored. But on the other hand, criticism began to be expressed everywhere
even in the Assemblies and Parliament regarding the functioning of the Community
Development Programme.

The main criticism was that it failed to enthuse the local people for active
participation in their development programmes. Involvement of the people in all the phases
of the programme including planning and implementation did not keep pace with the
expanding programme. It was noticed that the programme, instead of being a people’s
programme with Government assistance, became more and more a Government programme with varying degrees of people's participation. Thus in practice the roles have been reversed. The emphasis was also not placed on human growth. The UNESCO delegation in 1954 was frank in its comment when it pointed out, "We do not see the human touch, in any case not as much as we expected. There is some welfare work, but little is done on the social side. The human aspect is being neglected".


There were four stages of development in Community Development, according to the Summer Cambridge Conference. They were:

(1) Psychological stimulation – a period in which the campaign was conducted to rouse the people to know their social and economic needs and create in them initiative and enthusiasm for better and fuller life;

(2) Participation period – It was a stage in which the people were asked to realize the importance of the programme and actively participate in the various facets of the programme;

(3) Initiative period – a stage in which the people were asked to take active interest in identifying their needs and problems and demand for necessary assistance from the government; and

(4) In the last stage, the people themselves were required to frame and implement the programme with least expectation from the Government. Further, these four stages were broadly classified under two heads:

(a) Community Development as a Government programme with people's participation.

(b) Community Development as a people's programme with Government participation.

In the first phase, the Government was to assume the responsibility for enlisting the co-operation and participation of the people. The Government was required to undertake responsibility to create enthusiasm, initiative and desire in the minds of the people for better standard of living. In the advanced stage, the community was required to attain self-reliance, self-help and co-operative spirit in all its activities. The community should be capable of
organizing and planning for its development. The role of the Government would be limited to organizing for supplies and equipment technical and financial aid. Thus Community Development in the ultimate phase was a process of social action on which the people of the community organize themselves for planning and action, define their individual needs and solve their problems, execute their plans with maximum reliance upon community’s resources and supplement these resources wherever necessary. With the sources and material for governmental and non-governmental agencies outside the community \(^{31}\), it may thus be defined as an organized effort to improve the condition of community life and capacity for community integration and self-direction.\(^{32}\).

The Methods:

1. Voluntary labour or Shramadan – It means that each member of the community should contribute in the form of labour to the community’s development.

2. Employment in community activities – It means that every member who is unemployed in the community should be given work in the development project and he/she must be paid for their work.

3. Community labour contract – It means that any voluntary organizations or statutory local body may undertake government contract for development work and the net profit derived there from may be utilized for the development of the community.

4. Co-operatives – These methods when adopted simultaneously will yield good results.

5. Methods of co-ordination of Community Development, co-ordination of all agencies engaged in community development were important, because it was essentially an integrated approach to the development of the community and calls for the co-operation of all agencies engaged in welfare activities – both governmental and voluntary. Generally, the responsibility for coordinating the various agencies engaged in welfare is with the Government. The methods generally employed are the co-ordination committees, staff meeting, conference and seminars. It was also necessary to adopt all methods simultaneously though in different degrees.
3.3.E. Administrative Organisation.

With the launching of the Community Development Programme, the administration was reorganized and reequipped. The then existing administrative machinery was reorganized into integrated development departments suited for the tasks of Community Development Programmes. The general pattern of the then reorganized administration were as follows:

At the centre, there was a Central Committee to lay down the broad policies. A separate ministry was appointed under it, to plan, direct and co-ordinate the Community Development Programme throughout India; and in consultation with the appropriate authorities in the various States. A highly qualified staff on administration, finance, personnel, community planning and other matters assisted him.

At the State level, there was a State Development Committee consisting of the ministers of the various departments with Chief Minister as the Chairman. It was a policy-making body. It required to frame broad policies and leaves it to the Development Commissioner to give concrete shape to them. The Development Commissioner, who acts as its Executive Secretary, assisted the State Development Committee. He was the highest administrative leader of the State Community Development Programme, and act as the connecting link between the heads of the departments, and assist the State Development Committee in arriving at the proper decision; and again, he interpreted the decisions of the committee to the heads of the departments and gives concrete shape to the policies. As the head of the administration of the Community Development Programme in the State, he was in-charge of direction and control. As a coordinator, he was to co-ordinate the activity of the various heads of departments and this facilitates the integrated approach. He controlled the lower level activities through the inspection and review. He could further delegate his authority and responsibilities to the lower officials.

3.3.E. (i) District Organisation.

At the district level, the Deputy Commissioner (D.C) was in charge of supervision, direction and control of the Community Development Programmes in their jurisdiction. They co-ordinate the activities of the various development departments at the district level
through the co-ordination committee meeting attended by various district heads of the development departments and the D.C as the Chairman. The role of the D.C as the District Development Officer was commended because he could promote the inter-departmental co-ordination at the district level by virtue of his office.

The D.C acts as the middle link between the field offices and the headquarters. He occupied the intermediate rank charged with the responsibilities for administering the Block Officers and Offices in charges. As a middle manager, he had to act with and under the top management to accomplish these broad objectives of administration.

3.3.E.(ii) Block Organisation.

The blocks were the, lowest administrative units in the State, the jurisdiction of which corresponds to that of a Tahsil. A Block Development Officer who was in charge of overall development of the area and the people headed each block. He had to work under the general supervision of D.C. He had wide variety of function to perform, because he should act as coordinator, supervisor, and a public relations officer in addition to his basic function as the head of the field agency. As a coordinator, he had to co-ordinate the activities of the various Extension Officer working under his administrative control. As the head of the field agency, he had to bear two-fold function-

1) Execution of the programme and
2) Routine administrative function.

In short, he was the captain of the team of the development personnel working in the block with a view to develop and organize the communities for its own welfare and hence, he was responsible for the function necessary in achieving this goal, but within the limits prescribed by the Government.

The Block Development Officer was assisted by two sets of officials in the task:

1) A group of technical and professional men, and
2) A group of village level workers.

Normally, there were Extension Officers in the field of Agriculture, Animal Husbandry, Co-operation, Industries, Engineering, Panchayats, Social Education and Women's Programmes. They had to receive technical guidance from the district level
officers and in consultation with the Block Development Officer they were required to work through the Gram Sevaks to implement the respective programmes. They had to work under the dual control of the Block Development Officer and the district heads, because they work under the administrative control of the Block Development Officer, but were technically responsible to their district heads.

3.3.E. (iii) Village Level Workers.

In every block unit, there were ten village level workers called the Gram Sevaks, each one of whom was in charge of a group of villages. Each Gram Sevak was in charge of a group of villages varying from 3 to 13 depending upon the area and population of the block. Though, the Gram Sevaks were officials, yet, essentially they were men of the people. They had to work with the villagers as friends, guides and philosophers. They required exploring the needs and sentiments of the community through informal, contact with the assistance of the Block Development Officer and the extension staff, trying to solve them and to improve their conditions. Since, it was they who live with the people and contact them constantly, and work with them, the role of the village level workers in the success of the Community Development Programme was of utmost significance and importance. Though they were essentially agricultural extension workers, they should be treated as multi-purpose workers in view of their close relationship with the community, which makes it easier for implementing all types of programmes through the Gram Sevaks.

The Gram Sevaks had to work under the technical guidance of the Extension Officers and under the administrative control of the Block Development Officer. They were essentially block staff, although they live in villages. See table III.2
Table-III.2
ORGANISATION OF COMMUNITY DEVELOPMENT PROGRAMME (1952-1959)

Chief Secretary

State
- Members of Board of Revenue

District
- Collector
  - Senior Officer and coordinator

Sub district
- Sub collectors

Village
- Patwaris and village officers

Development Commissioner
- (additional Chief Secretary)
- Development Committee

Secretaries to Government
- (Directors of Depts.)

Technical Functions in the Field

District Development Committee
- (Collector=Chairman)

Development Blocks
- 1955-57 = Block Advisory Committees
- (BDO=Chairman)
- 1957-59 = Block Development Committees
- (Non-official Chairman)

Block Development Officer
- Extension Officers

Village level workers
- male and female

Key:
- ----- = Coordinating membership
- ----------- = Instructions issued
- ---------- = Line of command
3.3.F. Causes for Failure.

The following reasons have been considered as the causes for failure of Community Development Programme in India. They are:

1) Uneven distribution of the benefits of the programme.
2) Absence of clearly defined priorities in the programme.
3) Failure to evoke popular response.
4) Unqualified personnel.
5) Lack of functional responsibilities.

The above causes were also accepted by the Programme Evaluation Organization in its reports from the very beginning of the programme. The Second Evaluation Report (April 1955) pointed out that "An emphasis on organizational compliance and official responsibility is threatening to turn a State induced popular movement of rural regeneration into an official programme of tasks in which the people were asked to participate". The same tendency was noted in later evaluation reports which continuously stressed the need for utilizing "Organized channels of the village community for the planning and implementation of development programme", in order to secure greater public participation.

What was worse, the participation of the more prosperous sections of the village community in such works was less than that of others. Those who benefited the most participated the least. On the other hand, the landless and indigent sections, who lived almost literally from day to day, found it hard to take part in such works willingly and freely. A certain measures of coercion had been applied here and there to make these sections contribute their labour in such works without receiving even nominal reward for it. Some people have gone to the extent of saying that the programme has totally failed in relation to its most important objectives.

It was then realized that, it was necessary for the people at the village, the block and the district levels to have a sense of statutory partnership in the development programme, much in the same way as the members of the State Legislature and the Parliament feel about their obligations to the country and to the institution in which they function. Thus, the lack of response from the people give rise to the view that participation in the process of decision
making would evoke commitment on the part of the decision makers for implementing the programme. Perhaps, this encouraged the Study team to make its revolutionary recommendations on democratic decentralization.

It was in such circumstances, that the Committee on Plan Projects, a high powered body, constituted by the National Development Council, under the Chairmanship of then Union Minister for Home Affairs, appointed in 1957 a Study team for Community Projects and National Extension Service 36, with a view to economy and efficiency with specific reference to the following aspects:

i) The content of the programme and the priorities as assigned to different fields of activity within it;

ii) The arrangements for the execution of the programme with special reference to:

a) Intensification of activities in the sphere of agricultural production;

b) Co-ordination between

1) The different ministries/departments at the Centre;

2) The Centre and the States;

3) The different agencies within the Community Projects Administration and other State Government organizations and departments;

c) The organizational structure and methods of work with a view to securing a greater speed in the dispatch of business;

iii) The assessment of the requirements of personnel for Community Projects and National Extension Service and examination of existing training facilities in order to meet the growing requirements of personnel for extending the coverage of the programme;

iv) The assessment of the extent to which the movement has succeeded in utilizing local initiative and in creating institutions to ensure continuity in the process of improving economic and social conditions in rural areas;

v) The methods adopted for reporting upon the results attained by the Community Projects and National Extension Service.
vi) Any other recommendation that the team may like to make in order to ensure economy and efficiency in the working of the Community Projects and the National Extension Service.

The Committee, in its report published in 1957 was struck by the following three findings:

1) The Community Development and National Extension Service Programme had failed to evoke popular initiative;
2) Local bodies at a level higher than the panchayat had evinced but little enthusiasm in the Community Development Programmes; and
3) Even the Panchayat had not come into the field of community development in any significant way.

To secure this, the committee envisages a three-tier system of rural local government, namely Village Panchayat at the village level, the Panchayat Samiti at the block level, and the Zilla Parishad at the district level. Of these three, however, the most effective body was visualized at the block level.

3.4 AN EVALUATION OF VARIOUS COMMITTEES REPORT REGARDING PANCHAYATI RAJ STRUCTURES IN INDIA.


On 16th January 1957 the Committee on Plan Projects, a body established by the National Development Council to secure 'the maximum possible economy and to avoid wastage arising from delays and inefficiency' set up a team for the study of Community Projects, which was led by late Shri Balwantray G.Mehta, a member of the Loka Sabha, later Chief Minister of Gujarat State. Its terms of reference were; first,

- To study and report on the Community Projects and the National Extension Service, with a view economy and efficiency, with special reference to problems connected with the organic linking of Village Panchayat with popular organizations at a higher level; and
- Secondly, by stages determined in advance, the reorganization of district administration so that democratic bodies should take over the entire general administration and development of the district or subdivision perhaps other than
such function as law and order, administration of justice and certain function pertaining to the revenue administration⁴¹. The Committee in its report published in 1957, made the following findings.

Admittedly, one of the least successful aspects of the C.P and N.E.S work is its attempt to evoke popular initiative. We have found that a few of the local bodies at a level higher than the Village Panchayat have shown any enthusiasm or interest in this work; and even the Panchayats have not come into the field to any appreciable extent. An attempt has been made to harness local initiative through the formation of ad hoc bodies mostly with nominated personnel and invariably advisory in character. These bodies have so far given neither indication of durable strength nor the leadership necessary to provide the motive force for continuing the improvement of economic and social conditions in rural areas. So long as, we do not discover or create a representative and a democratic institution which will supply the 'local interest, supervision and care necessary to ensure that expenditure of money upon local objects conforms with the needs and wishes of the locality', invest it with adequate power and assign to it appropriate finances, we will never be able to evoke local interest and excite local initiative in the field of development⁴².

To the Committee the remedy lay in decentralisation of responsibility and power to levels below the State. It recommended "Devolution of power to a body which, when created... will have the entire charge of all development work within its jurisdiction, the Government... reserving to itself the function of guidance, supervision and higher planning and where necessary, providing extra finance"⁴³.

It was in the spirit of this paragraph that the team made its recommendations. It proposed, in the first place, that an elected self-governing institution should be set up with its jurisdiction co-extensive with the development block (where it existed), and that this body, which it called the Panchayat Samiti, should be constituted by indirect election from the Village Panchayats, and have co-opted members- women, members of Scheduled castes and tribes, and locally resident persons having experience in administration, public life or rural development. The team also suggested the inclusion of a member from the Municipal pockets within a block, to facilitate administrative communication between the rural and
urban bodies. The functions of this new body should cover the development of agriculture in all its aspects, the improvement of cattle and local industries, public health, welfare work, administration of primary schools and the collection and maintenance of statistics. It should also act as an agent of the State Government in the execution of special schemes of development entrusted to it. The report then dealt with the sources of income of the Panchayat Samiti, and proposed that the State Government should give grants and aid with due regard to economically backward areas. The Committee recommended that all Central and State funds to be spent in the block areas should be assigned direct to the Panchayat Samiti. As regards staffing, the report suggested two sets of officers, one at the block level and the other at the village level. The block level officers would be a team of technical officers in charge of agriculture, public health, primary education and other services, headed by a Chief Administrative Officer. They would be drawn from the State cadres and lent to the Samitis, and would be under the ‘technical control of the corresponding district level Officers but under the administrative and operational control of its (samiti’s) Chief Administrative Officer.

Below the Panchayat Samiti would be the Village Panchayats, which should be directly elected with special provision for representation of Women, SC and STs. The report went on to list their potential resources and then to suggest the type of duties which these Village Panchayats might carry out, such as the ‘provision of water supply, sanitation, lighting, maintenance of roads, land management, collection and maintenance of records, and other statistics, and the welfare of backward classes. It would also act as an agent of the Panchayat Samiti in executing any of its schemes. The village level employees, such as the gram sevaks and the primary school teachers, would be recruited by the Zilla Parishad, and remain under the administrative and operational control of the Chief Administrative Officer of the Panchayat Samiti. The State Government would prescribe their service conditions.

The Committee recommended that once various functions were assigned to Village Panchayats and Panchayat Samitis, there would be very little left for any higher executive body other than the ‘Government’. Hence the Committee did not visualize need for any effective body at the district level. As the district continues to be the unit of administration
and the unit of co-ordination of the functions of all departments functioning within the area, the Panchayat Samitis operating in the district. Obviously need a coordinating organization at the district level. The Committee, therefore, recommended a Zilla Parishad, which should be purely co-ordinating, and supervisory agency and should have no executive authority. However the Committee felt that the three tiers should operate together to get the maximum out of the system.

The National Development Council, while endorsing the report, in January 1959, suggested the each State should so evolve its Panchayati Raj structure as would be suited to the peculiar condition prevalent in the State. The Central Council of Local Self-Government also favored acceptance of Panchayati Raj with necessary variations to suit conditions in States.

This does not, however, suggest or imply deviations from the fundamental principles and patterns envisaged by the Balwantray Mehta report. These broad principles are:

i) It should be a three-tier structure of local self-governing bodies from the village to the district, the bodies being organically linked up.

ii) There should be genuine transfer of power and responsibility to them.

iii) Adequate resources should be transferred to the new bodies to enable them to discharge these responsibilities.

iv) All developmental programmes at these levels should be channeled through these bodies.

v) The system evolved should be such as, would facilitate further devolution and dispersal of power and responsibilities in the future.

The Committee report was considered as an outstanding document. But it had failed to insist on the States to follow a particular or a prescribed pattern. Further the Committee did not think that district could be strengthened, even though, they felt strongly that the three tiers must be taken together if, democratic decentralisation were to succeed.

Taking the advantage of the above weakness of Balwantray Mehta Report and the recommendations of the Central Council of Local Self-government, the States created different types of Panchayat Raj structures suited to their environment. But mainly in the
form of three tiers structures. The former Bombay State was not agreeable to making the block level body the pivot of the Panchayat Raj system. Rather, it considered the district as the appropriate base to which power could be decentralized. However initially, these PRIs worked with enthusiasm. The Period 1954-64 can be called the period of ascendancy in the history of PRIs. However, later in most States except Gujarat and Maharashtra, these PRIs were superceded or were working only for the namesake. Eventually these Panchayati Raj bodies lost their dynamism due to lack of financial resources and lack of power in all aspects. Besides the above factors, some special resource development programmes like Intensive Agricultural Development Programme (IADP), Command Area Development Project (DADP) and special economic programmes designed for ‘target’ groups like ‘the Small and Marginal Farmers Development Agency’ (SMFDA), Drought Prone Area Programme (DPAP), Intensive Tribal Development Programme (ITDP), etc., all these programmes were financed and operated by the Central Government and they have no relationship, whatever, with the PRIs.

3.4. B. The Ashok Mehta Committee Report.

It was in this overall context that the Central Government in December 1977, appointed a 13-member Committee headed by Shri Ashok Mehta to suggest measures to strengthen the PRIs in various States. The Committee submitted its reports, which contains 11 Chapters and 4 Notes, Annexure and Statements making nearly 100 recommendations. The Committee observed that:

The dis-association of the growing and complex programme of development with PRIs which was considered unsatisfactory the inability of the bureaucracy to be attuned to execute the programme through elected bodies, the lack of political will to foster these institutions, several internal deficiencies in the functioning of PRIs and, above all, the lack of clarity about the concept itself have weakened the entire system.

The most significant recommendation of this committee is for the creation of a two-tiered system of panchayati raj consisting of Zilla Parishad and Mandal Panchayat, the committee, also favored district to be a strong unit and suggested the abolition of block as the unit of administration. The structure may be modified in case of areas with predominant
tribal population or in hilly or desert areas. According to the committee, a Mandal Panchayat alone will be able to ensure a balance between technological requirement and possibilities of popular participation in decision-making. The size of the Mandal Panchayat covering a population of 15,000 to 20,000 would be such as to make projects and schemes economically viable. The Zilla Parishad should consist of six types of members, viz, members elected from suitably demarcated electoral divisions, presidents of the Panchayats Samities on an ex-officio basis, nominees of bigger Municipalities, nominee of district level co-operative federation, two women who have secured the highest number of votes in Zilla Parishad elections (in the event of no women coming forward for election, two women may be co-opted) and two co-opted members—one with special interest in rural development and the other drawn from University or college teachers. The Chairman of Zilla Parishad would be elected from amongst the directly elected and ex-officio members.

The Zilla Parishad would function through a number of committees, the more important ones being constituted for agriculture, education, small industries, finance and public works, and on social justice. The Mandal Panchayat would consist of the following categories of members:

a) 15 members directly elected on village-cum-population basis;

b) Representatives of Farmer's service societies;

c) Two women securing the highest votes in Mandal Panchayat elections (if none contested, two women may be co-opted).

The directly elected members from amongst themselves would elect the President of Mandal Panchayat. The seats may be reserved for SC & ST. A committee with all women members of the panchayat represented on it, would also ensure that decisions are made by women themselves on priorities and choices in welfare and development programmes specially for women and children.

The Committee although favored the Nyaya Panchayat, inclined to keep it as a separate body without mixing it with the people elected for development of Panchayat, it viewed that, the State Government should not supersede the PRIs on partisan grounds and if it is necessary an elected body should replace it within six months. The State Governments
should not postpone elections of PRIs\textsuperscript{63}. The Committee recommended direct participation and involvement of political parties in panchayat elections\textsuperscript{64}. As far as the functions of PRIs, the Committee recommended that local priorities in all development programmes vary from region to region and it is, therefore, necessary that the States and the Union Territories should have adequate scope for evolving their own list of functional priorities. All development functions relating to a district to which were being discharged by the State Government (except the function such as agricultural research, college and University education and other similar items involving complications or cutting across district boundaries) would have to be placed under the Zilla Parishad \textsuperscript{65}. Broadly, the Zilla Parishad will handle all the decentralized State programmes and plan for them at the district. The Mandal panchayat will handle the implementation work, administer, co-ordinate, and provide institutional supervision to on going field level projects\textsuperscript{66}.

As far as, the planning, the district as the strategic level for economic planning, the Zilla Parishad should be made responsible for planning at the district level\textsuperscript{67}. The State Government would have to provide continuous assistance in the process of district planning. It would have to ensure that the PRIs pursue the national objectives relating to weaker sections\textsuperscript{68}. In order to uplift the weaker sections, the Committee recommended that, the SC and ST should be provide fair representations in PRIs on the basis of their population. According to the Committee the reservation system can be supplemented by formation of a Social Justice Committees where the Chairman should be only from SC/STs. There shall be a ‘social audit’ of the funds and programmes earmarked for SC and ST by an independent authority\textsuperscript{69}.

Regarding the administration, with the decentralization of the functions of the State Government, all the concerned district-level officials would, therefore, have to be placed under the Zilla Parishads and lower tiers\textsuperscript{70}. All developmental staff with the Zilla Parishad should be placed under an officer to be designated, as the Chief Executive Officer of Zilla Parishad\textsuperscript{71}. Mandal Panchayat would be handling the developmental as also municipal and welfare functions. It would, therefore, be possible for them to have a fulltime Panchayat Executive Officer, instead of part-time assistant\textsuperscript{72}.
As regards taxation, the Ashok Mehta Committee wanted the PRIs to have 'compulsory power of taxation' to mobilize the necessary resources on their own thereby reducing their dependence on devolution of funds from the State Government. A select list of taxation powers should be given to the PRIs and out of them some should be made compulsory. It is not possible to have a standard list for all States. But certain taxes like house tax, profession tax, entertainment tax; special taxes on ‘land and buildings’ should be levied compulsorily by the PRIs at appropriate level. In addition to taxes, the PRIs should levy fees/taxes for services like lighting, sanitation, and water supply etc. The Committee recommended the complete transfer of land revenue to PRIs in a phased manner over a period of five years taking into account the buoyancy of other taxes.

Thus the Ashok Mehta Committee Report makes an interesting reading of both resemblances and deviations from the Gandhian Model. Some recommendations of the Ashok Mehta Committee were considered at the conference of Chief Ministers in 1979, where constitution of a three-tier Panchayat system was preferred as the committee did not compel the States to follow particular pattern.


Several other Committees and Sub-committees were set up for strengthening the PRIs. It can be remembered that to revitalize the PRIs the Janata Government set up Ashok Mehta Committee in 1977. The Committee reported in 1978. Before any decision could be taken on the report at the National level, there was a change in Government at the Centre and in several States. The new ruling party, the Congress (I) had no intention of implementing the report of a Committee set up by a different party, the Government looked for alternative ways. In 1984, the Planning Commission set up another committee under the Chairmanship of Dr. G.V.K. Rao, to Review the Existing Administrative Arrangements for Rural Development and Poverty Alleviation Programmes (CAARD). The Committee submitted its report in 1985. The Committee felt that it had to encompass all economic and social development activities handled by different agencies at the field level. It is not advisable any longer to limit anti-poverty programme to a few specific schemes. It also felt that Government machinery (bureaucracy) alone couldn't be assigned the responsibility for achieving economic development and social justice. The committee observed that, while
the objectives of removal of poverty, as laid down in the Seventh Plan must be adhered to, local initiative must be encouraged, and the detailed strategy worked out by local people. For this purpose the Committee recommended that PRIs have to be activated and given all the support needed so that they can become effective organization for handling people's problems with the help of voluntary agencies. Elections to these bodies should be held regularly. Further, the district should be the basic unit for policy planning and programme implementation. Some of the planning functions at the State level may have to be transferred to the district level for effective decentralized district planning. In this connection, the committee recommended the introduction of the concept of district budgets. The district plan should include all the resources available both in the plan and non-plan as well as institutional resources. The Committee felt & recommended that, it is necessary for the banking institutions including the co-operatives to ensure that, the credit requirement of the poor are adequately met, such facilities should also cover the legitimate consumption credit requirements of the poor. The process of economic development itself should be designed so as to reduce poverty and the implementation of land reforms has to be done with greater vigor so as to ultimately ensure that the land goes to the tiller. The Committee recommended that, the Rural Development, Agriculture and other departments should work under the purview of Chief Secretary designated as Development Commissioner. And at the District level a post of District Development Commissioner (DDC) be created to look after and co-ordinate all the developmental activities in the district. The Committee also recommended that the Block Development office should be the sheet anchor of the entire rural development process. For this purpose the status of this office should be upgraded. The Chief Executive Officer of the Block/Tehsil may be designated as Assistant Development Commissioner (ADC). The ADC should be an officer of the status of Sub-Divisional Officer. The ADC should be young and dynamic and in any case his age should not be above 40, the Committee further recommended that an average size of the block might be one lakh population in the plains and 50,000 populations in the hilly and difficult terrain and tribal areas.

Thus the GVK Rao Committee Report (1985), prepared at the instance of Planning Commission, recommended a bold scheme of democratic decentralization in which the
district level body was to be of pivotal importance. In 1986, appeared the L.M. Singhvi Committee Report, submitted at the instance of the Ministry of Rural Development. After tracing the growth and development of democratic decentralization, the Singhvi Committee resurrected the nearly forgotten Gram sabha, comprising all the inhabitants of a village, and called it as the embodiment of direct democracy. Besides, it wanted to vest PRIs with a Constitutional Status, saying “A separate chapter should be added in the Constitution of India, so as to make the identity and integrity of the PRIs reasonably and substantially inviolate”. It wanted the establishment of Nyaya Panchayats for a cluster of villages. As regards the participation of political parties in Panchayati Raj elections, it itself did not volunteer any definite recommendation and wanted a governmental decision which is pragmatic, workable and consensual and in consultation with different parties of the land.

3.5. 73RD CONSTITUTION AMENDMENT ACT 1992: AN UNIFORM APPROACH.

Though the Balwant Ray Mehta (1957), Ashok Mehta (1977) and G.V.K. Rao (1985) Committees appointed by the Central Government have suggested various recommendations, for the effective implementation of Panchayati Raj system in India, none of the above committees or the Central Government could do anything for the uniform Panchayati Raj system all over the country. The Santhanam Committee appointed by the Central Government too had pointed out that the PRIs in the country have utterly failed in collecting the taxes and dues on the part of them. Further the Sarkaria Commision on Centre-State relation also pointed out that the lack of holding regular elections to local bodies is the main reason for their ineffectiveness. The Commission suggested for a uniform law for the States regarding holding of elections and super session of Panchayati Raj bodies.

In the light of the various weakness of existing PRIs and on the basis of suggestions/recommendations coming from several platforms, the Central Government sought to pass a Constitutional Amendment Bill in the year 1989 providing for a uniform three-tier Panchayat body for every State by direct election, fixing a uniform tenure and reserving 30 percent seats for women, etc., This Bill was introduced on 15th May, 1989 and was passed by Loka Sabha, but was not passed by Rajya Sabha.
The Constitution (Sixty-Fourth Amendment) Bill was reintroduced by the Narasimha Rao Government on 16th September 1991 as the Constitution (Seventy-third Amendment) Bill, with some modifications and alterations. This Bill became an Act and came into force on April 24, 1993.

Until this Constitution Amendment was made, the formation, structure, composition, powers and functions, periodicity of elections and such matters regarding panchayats were entirely the responsibility of the States (Legislature and Government). With the coming into effect of the Constitutional Amendment, the legislative and executive action of State Legislatures and Government as regards Panchayats will have to be in accordance with the provision of Part IX of the Constitution.

The features of Part IX of the Constitution are:

3.5.A. Structure of Panchayati Raj.

1) It provides for three-tier Panchayati Raj body in every State, at the village, intermediate and district level;
2) At the village and district levels in the case of States/Union territories with a population not exceeding twenty lakhs.

3.5.B. Composition.

The State shall provide by law for,
1. Direct election of Panchayats at each level;
2. Representation of Chairperson at the level of Village Panchayats, in the intermediate levels or at the district levels, as the case may be;
3. Representation of M.Ps, MLCs as provided in part IX;
4. All members of Panchayats, directly elected or otherwise will have a right to vote in the meetings;
5. The election of Chairperson of Panchayat at village level either by direct election or from among members;
6. The election of Chairperson of Panchayats at the intermediate or district level only from among the elected members;
7. The seats shall be reserved in favour of Scheduled Caste and Scheduled Tribes, in proportion to and less than one third of seats for women: reservation of posts of Chairperson in proportion of SC/ST in the State\textsuperscript{114};

8. Reservation of not less than one-third of the elected seats in each Panchayat (District, Intermediate or Village) for women; reservation of not less than one third the number of Chairpersons at each level\textsuperscript{115};

9. Rotation of reservation for women\textsuperscript{116}.

3.5.C. Duration.

Five years from the date of first meeting, unless sooner dissolved as provided by the law of the State; if dissolved sooner, elections shall be held within six months\textsuperscript{117}.

3.5.D. Powers and Functions.

The Legislature of a State to endow powers and authority to panchayats to enable them to function as institution of self-government and include powers to prepare and implement plans for economic development and social justice: Undertake implementation of schemes entrusted to them by State/Central Governments; and exercise powers as delegated in subjects listed in the Eleventh Schedule\textsuperscript{118}.

3.5.E. Finances.

1. The law by the State will provide for,
   (a) Levy taxes, duties and fees,
   (b) Allocation of taxes, etc., and
   (c) Grants to the Panchayats\textsuperscript{119}.

2. Once in five years the Governor will appoint a State Finance Commission, as provided in part IX of Constitution\textsuperscript{120}.

3. The Finance Commission Constituted by the President under Article 280 of the Indian Constitution shall make the recommendations to the President as to- the measures needed to augment the Consolidated Fund of a State to supplement the resources of the panchayats in the State on the basis of the recommendations made by the Finance Commission of the State\textsuperscript{121}.
3.5.F. Elections.

There shall be a State Election Commission, which will be responsible for preparation of electoral rolls and holding of elections to Panchayats.¹²²

3.5.G. Continuance of Existing Laws and Panchayats.

a) The existing laws on Panchayat can be in force only for a maximum of one year, that is, up to 21 April 1994.

b) The panchayats existing before 21st April 1993 may however continues until the expiry of their term, unless sooner dissolved by a resolution of the Legislature.¹²³

3.5.H. Other important features of 73rd Amendment Act 1992.

1) Establishment of ‘Grama Sabha’ at the village level comprising of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat.¹²⁴

2) A person who has attained twenty-one years of age is eligible for a membership of a Panchayat.¹²⁵

3) Audit of the accounts of the Panchayats to be done.¹²⁶

4) Courts are not to interfere in the electoral matters such as delimitation of constituencies, allotment of seats and election to any Panchayat. Petition challenging the election of any Panchayat can be presented to an authority created by the State Legislature.¹²⁷

The most important question relates to the powers and functions to be given to Panchayats at various levels. If they are to be institutions of self-government, the powers and functions should not be illusory. They should also be backed by adequate resources financial and manpower.

The 73rd Amendment Act, 1992 while conferring the PRIs a Constitutional Status has overcome the weakness and deficiencies of the various committee reports which were failed to provide the particular pattern all over the country. By virtue of this amendment, the three tiers uniform structure of PRIs have been ensured in every State, except in a State where the total population does not exceed 20 lakhs. In such States the Panchayat at Intermediate level may not be constituted.¹²⁸ The elections to the Panchayats shall be held regularly by the
States, and it is implied that the Centre can withhold the grants to the States if the elections to the Panchayats are not conducted regularly. However, if a panchayat is dissolved, an election to constitute such Panchayat shall be completed before the expiry of six months from the date of its dissolution. The autonomy of superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats has been ensured under this amendment. Further, apart from ensuring the reservation for weaker section (SCs, STs and Women), the States have been given power to make any provision for reservation in favour of backward classes in the Panchayats.

The 73rd Amendment Act, 1992, provides various opportunities:

a) To undertake integrated local development, using local resources.

b) Involvement and participation of people by compulsory conducting Grama sabha twice a year and making provision for community contribution for various schemes. For example, community contribution to Swatcha Grama Programme.

c) Responsive administration near to the people and improvement quality of service to the people.

d) Transparency in administration has been ensured by allowing the residents of a village to check the budget, accounts, expenditure, etc., at the Gram Sabha meeting.

e) Training of political workers in leadership. Increasing the sense of responsibility of citizens. Self-help and community co-operation. This has been ensured by recognizing the various associations like self-help groups, Sri Sakti and NGO association etc, by the Panchayats.

However, the 73rd Amendment Act, 1992 has its own weakness and threats, they are:

1) It has not created proper financial resource for panchayats by augmenting the Consolidated Funds of States;

2) There exists lack of trained manpower. In fact, this was one of the vital reasons for failure of Community Development Programme in India. This has not been overcome by this Amendment;

3) Heavy cost bureaucracy due to provincialisation/party which Central scales of pay etc;

4) There exists over-assumption of powers for political reasons;

5) Over dependence of people on Government;
6) Lack of public awareness & vigilance;
7) There will be reluctance of State level politicians to give-up powers;
8) Resistance from the State level Secretariat and Head of Departments;
9) Resistance from the functionaries of government departments due to reluctance to go over to or work under local authority;
10) Extreme financial stringency faced by the State Governments.

Further, the Constitution 73rd Amendment Act, 1992, envisages that, every State having a population of more than 20 lakhs will have a three tiers Panchayati raj system, namely at the village level, intermediate level and the district levels. The assessment of working of these local bodies in the States is proving too rigid arrangement. Hence, there is a need to provide flexibility to decide whether a two-tier system would operate with greater efficiency and economy in a particular situation or a three-tier structure would be essential.

The States of Meghalaya, Mizoram and Nagaland have been specifically, excluded from the operation of the 73rd Amendment Act, 1992. However, the legislature of these States have been given power to extend this amendment to their States, except in respect of the Sixth Schedule areas, by law. In these States a system of Village Council operating at the local level and performing regulatory and developmental functions on most of the subjects included in the Eleventh Schedule. The Eleventh Finance Commission (for the year 2000-2005) suggested that, these village level institutions be recognized as Panchayats for the purpose of the 73rd Amendment, by suitable legislative changes.

The hill areas in the State of Manipur, for which District Councils have been constituted under a Central Act, are excluded form the operation of the 73rd Amendment. Similarly, the provisions relating to district level Panchayats have not been made applicable to the hill areas of the district of Darjeeling in West Bengal. There are no enabling provisions in the Constitution for making the 73rd Amendment, applicable to these areas either now or at a later date. Hence, the 11th Finance Commission suggested that it is necessary to introduce suitable enabling provisions in the Constitution so that these areas too could get the benefits of 73rd Amendment Act.
Panchayats should have adequate administrative infrastructure and should also be able to raise financial resources on their own which, together with the devolution from the State Government, should enable them to perform their basic civic, regulatory and developmental functions with efficiency and economy. There are wide variations in the area and population served by different tiers of panchayats in the States. In some States, the population served by a village level Panchayat is only in hundreds, whereas, in some others, it is thousands. It appears that, in many cases, Panchayats at some tiers have not been conceived as viable units. Administrative re-organization is necessary to ensure their development as viable institution of self-government.

The Eleventh Finance Commission (for the year 2000-2005) has observed that the District Planning Committees under Article 243ZD have not come into operation in most States; The Metropolitan Planning Committees have not been constituted under Article 243ZE, in any State. On the other hand, in some States, District Planning Committees have been entrusted with executive functions, by which they tend to overshadow the local bodies. Immediate measures are required, to ensure that these bodies are constituted soon and they function as per the intention of the Constitution.

Article 243-I of the Constitution requires the Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third amendment) Act, 1992, and thereafter at the expiry of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor etc. But many State Finance Commission reports have not addressed the specific terms listed in the Article 243-I nor have they provided a clear idea of the powers, authority and responsibilities actually entrusted to the local bodies. Many reports of State Finance Commissions of various States do not clearly indicate the principles formulated for sharing or assignment of States taxes, duties, tolls, fees and the grant-in-aid.

3.6 CONCLUSION.

With the concept of 'welfare state' the government has permanent duty to improve the overall conditions of the poor. It is the policy of the Government to frame and chalk out the various programmes, projects and schemes. But, the real problem lies with the
implementation of these programmes with the genuine approach and national spirit. Especially, the responsibilities of the officials at all stages are more important to instigate and motivate the people to take part in the people’s programmes. The main reason for failure of CDP was lack of people’s enthusiasm and Official’s failure to instigate the people to take part in the programme despite the fact that the CDP promises for overall development of ruralites.

Regarding the Balwantray Mehta report, it can be stated that though it was an outstanding document it did not insist on the uniform Panchayati Raj system all over the country. It gave liberty to every State to have its own legislation and to set up PRIs of its own choice suited to the local genius, conditions, environment and requirement\(^\text{140}\). Further, the limitations imposed by the Balwantray Mehta report regarding the non-interference in the function of Panchayati Samiti and superseding of Panchayati Samiti by the Government was also not strictly adhered and most of the States failed to implement the limitations\(^\text{141}\). It was most unfortunate, that the same problems were continued with the Ashok Mehta Report regarding the uniform pattern of Panchayati Raj system. It directly attacked some important recommendation of Balwantray Mehta Report in abolishing the Panchayati Samiti at the block level\(^\text{142}\). It gave more importance to Mandal Panchayat and Zilla Parishad\(^\text{143}\). It further gave green signal to political parties to participate directly in the Panchayati Raj elections. Consequently, the whole PRIs in the country become the platform for petty politics for rural people ignoring their primary duties like cultivation. In fact in majority of States, PRIs became the battlefield where the domination of landlords and high caste people became the subject matter. The weaker sections became much weaker, despite, the various protective measures under the various States Legislations. However, the recommendations of Ashok Mehta Report regarding ban on superseding the PRIs on partisan grounds\(^\text{144}\), establishment of Nyaya Panchayats, preparation of Planning at the district level\(^\text{145}\), formation of social justice committees\(^\text{146}\) and compulsory taxation\(^\text{147}\) were the most effective recommendations.

It was the G.V.K. Rao Committee, which observed that Rural Development as an integrated concept for growth, social justice and poverty alleviation continues to be one of the principal areas of emphasis in the Seventh Five Year Plan. Infact, the Second Five Year
Plan sought to give a new direction to the planning process of the nation associating it with the PRI.\(^{148}\).

The G.V.K. Rao Committee further recommended that, the district should be the basic unit for policy and programme implementation. It also recommended that, it is necessary to encourage the voluntary agencies, with informed idealisms, operating in rural areas, in every possible way.

But, it was L.M. Singhvi Committee Report, in 1986 wanted to vest the PRIs with a Constitutional Status in the Constitution. Finally, we have the 73\(^{rd}\) Amendment Act, 1992, which gave us the uniform Panchayati Raj system throughout the country. But, despite the positive line of action emerging out of this amendment, one does not find grey areas, which will be experienced in due course of time. Some of them are presented below:

The ‘Grama Sabha’ has been made the soul of these bodies without any proper size and specific powers and functions. In fact, we have a wide diversity in the size of the Grama Sabhas.\(^{149}\).

Secondly, even after getting Constitutional status if PRIs powers and functions are not properly decentralized then, how can they be effectively contributing in the development process? The institutional relationship should be of partnership where the PRIs are treated with decorum as a separate unit of Government. Genuine effort should be made to cultivate mutual respect between them.

Thirdly, whatever plan is formulated by these bodies; it often ends up as statements of needs. When funds for meeting local requirements are not forthcoming, they loose interest in preparation of these plans. Therefore, there is a need to increase the Panchayats area of discretion in planning their own funds and in ensuring that the, sectoral schemes and other departmental programmes are co-ordinates and integrated by them.

Fourthly, the mode of election of the Chairperson at the village level Panchayat has been left with the State Legislature. Since, they will be a smaller body, it would be better if direct election of the Chairperson, and Vice-Chairperson at the village level is considered.
Fifthly, the very pertinent issue is whether the election to Panchayats is held without using the symbols of political parties? To make PRIs non-political body to avoid certain disadvantages and function above the political lines, a cool thinking is to be given in this regard.

For example, in Karnataka at the intermediate and district level the Panchayat elections are held using the symbols of political parties. Consequently there are always hectic political activities not only at the district level but also at the State level to grab the power at both levels. This creates a personal animosity among the ruralites. In fact to achieve good result the Panchayat elections should be apolitical one.

Sixthly, though the 73rd Amendment Act essentially seeks to empower PRIs in the right directions, one important aspect of Panchayati Raj is completely missing. This is about the power to adjudicate on disputes which arise in the village itself. Thus, the idea of dispersing justice locally, cheaply and expeditiously is completely absent. Notwithstanding the fact that the existing legislation on Nyaya Panchayat of some States contained good provisions, but, they were not made operational. Moreover, the Amendment Act does not provide for establishing Nyaya Panchayats, at the village level to adjudicate the dispute at the village level, which was in practice in olden days and in an inseparable part of our social system. Therefore, it is essential to consider this aspect while State governments enact or amend their Acts.

The 73rd Amendment Act, 1992, does not speak about the action that may be taken against, those States which have failed to appoint the State Finance Commission, as prescribed under Article 243-I, within a prescribed period. Even it does not provide, the alternatives if the State Finance commission has not been constituted by the States. If the State Finance Commission is appointed and the recommendation is submitted and the State has failed to take action on the recommendations of State Finance Commission what are the penalties against those States? This has not been specifically mentioned in the Amendment Act. Further, no time limit is prescribed under the 73rd Amendment Act, for submission of explanatory memorandum on the action taken by the State Government on the recommendations of the State Finance Commission. Hence, to overcome these deficiencies in the 73rd Amendment Act, suitable amendments are necessary.
The Eleventh Finance Commission has categorically observed that, in appointing the State Finance Commission that there is no uniformity in the various States of the country. This has led to a wide diversity in the matter, often missing some essential features. For instance, in some States, serving government officers are appointed as Chairpersons and members of State Finance Commission, and that too in ex-officio capacities. This puts limitation on the ability of the State Finance Commission to act as an autonomous body to make recommendations in a free and independent manner, as has been envisaged in the Constitution. Hence, the States should by legislation ensure, that the Chairperson and members of the State Finance Commissions might be drawn from amongst experts in specific discipline such as economics, law, public administration and public finances.

While Article 280(3) (bb) require the Finance Commission to make recommendations in relation to the panchayats of a State on the basis of the recommendations made by the State Finance Commission. However, it does not provide any alternative approach in respect of such State Finance Commission which failed to submit their reports. In the absence of the reports of State Finance Commission, the Finance Commission (Centre) can draw no opinion. It is therefore, advisable to make suitable amendments to the Constitution so that, the Finance Commission do not get into such a predicament. The words, ‘On the basis of the recommendations made by the Finance Commission of the State’ appearing in Sub-clauses (bb) of Article 280(3) of the Constitution be deleted, and the remaining word i.e., the measures needed to augment the Consolidated fund of a State to supplement the resources of the Panchayats in the State.

The Eleventh Schedule of the Constitution has listed the various matters/subjects to be dealt and implemented by the Panchayats. But no specific demarcation has been made with regard to which subject is to be dealt by which tier of the Panchayats. It is left to the State to make legislation. It is like a blank cheque issued to the State, under the 73rd Amendment Act, 1992. Under such circumstances, the State can misuse the power and it may affect the very process of genuine decentralization. Therefore, an amendment to this effect is necessary.

The 73rd Amendment Act empowers the women to represent in all the tiers of Panchayats by reservation of seats, not only to contest in the direct election but, also for the
offices of Chairperson and Vice-Chairperson. However, the majority of women representatives at all levels of Panchayats are being indirectly represented through their husbands. This proxy, administration of their husband should be restricted, in order to really empower the women in the Panchayat Raj administration. A suitable amendment in this regard shall be made immediately.

It can be concluded that, the PRIs from 1950-1992 have been molded by many experimentation by implementing the various committee reports at the liberty of the States according to their own environment. However, the education in the last 51 years could have achieved a lot, had the framers of the Indian Constitution given constitutional status to PRIs in the beginning of the Constitution itself.

Regarding, the difference of opinions about the two schools in the Constituent Assembly, it can be concluded that, the main intentions of Gandhian and Ambedkar’s Philosophy, in respect of Village Panchayats is to establish the egalitarian society in our country through their own ways.
NOTES AND REFERENCES

   According to Gandhi, as instrumental values, Swaraj and non-violence cannot be attained unless the political system is decentralized (cited in Gandhi M.K., Village Swaraj (Compiled by H.M. Vyas), 1963, Navjivan Publishing house, Ahmedabad, P3. Gandhiji built up his decentralization on the concept of self-contained villages. To him, truth and non-violence can be realized only in the simplicity of village life rather than in a commercial civilization of urban India. Self-contained villages cannot be established unless the exploitation of villages by the cities is stopped. Exploitation of villages is itself organized violence.
3. Gandhi M.K., Industrialised and Perish (Compiled by R.K. Prabhu), 1966, Navjivan publishing house, Ahmedabad, PP.18-19. Gandhiji was very much convinced that in the Panchayat Raj system every village would be monetarily self-sufficing in nature. Partly, people would willingly and voluntarily contribute and partly the village institutions would yield some income and the Village Panchayat would not thus require any assistance from any outside agency.
   According to Gandhiji the Village Panchayat would provide a real swaraj to the villagers so, this village panchayat would provide ‘power to the people’ instead of ‘power over the people.’
   In Gandhiji’s scheme of decentralisation there must be healthy and moral relationship between the village and the city. As Gandhiji believed that the value of Swaraj could be attained only in self-contained villages, he preferred such elementary and small technology for village industries, as it would not replace human labour. But he opposed the introduction of technology of big machinery, which displaces human labour and has a tendency to concentrate wealth and power in a few hands. For details see Desai Mahadev. H., Day-to-Day with Gandhi, 1 Ed, 1962, vol.2.
   Since, Gandhiji assigned law-making power to the Panchayat, all the adult males and females of the village community would be in a position to participate in this political activity. The general body of adult persons would supervise the Executive and Judicial functions of the panchayat elected by the villagers for a fixed term of office.


10. Austin Granville, The Indian Constitution Cornerstone of a Nation, Oxford University Press, Delhi, 1972, P.34.

11. Quoted In: M. Shivaiah et.al., op. cit., 1976, P-49.


13. Ibid., P.250

14. Ibid., P.251

15. Ibid., P.252

16. Ibid., P.252

17. Austin Granville, op. cit., 1972, P.37


32. Dunham Arther, The Outlook of Community Development, the Social Welfare forum, Chicago, 1958, P.33
33. First Five Year Plan. Planning Commission Government of India New Delhi, 1952, P.228
36. The team is popularly known as the Balwantry Mehta Committee, after the name of its Chairman.
38. It may be of interest to note that the basic concept underlining the Panchayat Samiti was first visualized at the turn of last century. The Royal Commission upon Decentralisation (1907-9) had recommended the setting up of a similar body at the tahsil level. Quoted In: Maheswari Shriram, Evolution of Indian Administration, Agra, Lakshmi Narain Agarwal, 1970 (Chapter VII).
40. Balwant ray Mehta Report, Vol.1, P i-ii
41. Ibid., P. ii
42. Ibid., Vol. 1. P. 5, Para 2.1
43. Ibid., Vol.1. P.7
44. Ibid., P.126
45. Ibid., 9, P.126
46. Ibid., 10, P.126
47. Ibid., 11, P.127
48. Ibid., 12, P. 127
49. Ibid., 22, P.128
52. Digest on Panchayati Raj, issued by the Department of Community Development of India, April 1962, P.1
54. See, Approach and Recommendation of Ashok Mehta Report, Para.2
55. Ashok Mehta Report, Chapter IV.2 to IV.8.
56. Ibid., Chapter IV 6, IV 6.1, IV 6.2
57. Ibid., Chapter IV, 7.1, IV 7.2, IV 8.1, IV 8.2
58. Ibid., Chapter IV.2 to IV.8
59. Ibid., Chapter IV 9
60. Ibid., Chapter IV.10, IV.15, VII. 10.1, VII. 10.2, VI. 11, V.5.3
61. Ibid., Chapter IV.9, VII. 9.2, X.10.2
62. Ibid., Chapter IV.18, IV. 18.1, 18.2 & 18.3,
63. Ibid., Chapter IV.16
64. Ibid., Chapter IV.14
65. Ibid., Chapter V. 4
66. Ibid., Chapter V.1, V. 7.3, V. 7.4
67. Ibid., Chapter VI.1, VI. 6.1, VI.8
68. Ibid., Chapter VI.10
69. Ibid., Chapter VII.9.2, VII.9.3, VII. 10.1, VII. 10.2 and VII. 11.1
70. Ibid., Chapter VIII.1, VIII.2.1, VIII. 2.2
71. Ibid., Chapter VIII.4, VIII.5.1
72. Ibid., Chapter VIII. 10.1
73. Ibid., Chapter IX.12.2, IX. 5.4
74. Ibid., Chapter IX. 12.3
75. Ibid., Chapter IX. 12.4, IX. 8.2, IX. 8.3
79. Summary & Recommendations of G.V.K. Rao Committee Report, Chapter X Para.1
80. Ibid., Para-2
81. The Seventh Five-year Plan, Planning Commission, Government of India, New Delhi. 1985. This document focused some major weakness and drawbacks of PRIs and emphasized the need for radically changing the conventional Methodology of Planning for village and block level activities. It also suggested for providing substantial funds and autonomy to panchayati raj bodies.
82. Supra, at No.79, Chapter X Para.3
83. Ibid., Para 4 & 5.
84. Ibid., Para 6.
85. Ibid., Para 9 & 10.
86. Ibid., Para 12.
87. Ibid., Para 13.
88. Ibid., Para 14.
89. Ibid., Para 16 & 17.
90. Ibid., Para 19.
91. Ibid., Para 29.
92. Ibid., Para 30.
93. Ibid., Para 32.
95. Government of India, “Reports for the Study of Community Development and National Extension Service op.cit., Vol.1
96. Government of India, “Reports of the Committee on PRIs.
102. The Constitution (Seventy-Third Amendment) Bill, 1991, Bill No. 158-C of 1991. This Bill had sent for a wider circulation, for suggestions & improvements. The Bill was referred to a joint Committee of Parliament consisting of 30 members of Parliament drawn from both the Houses, Under the Chairmanship of Ram Nivas Mirdha, in December 1991. The Committee after detailed deliberations represented its report to Parliament in July 1992. The Lok Sabha passed the Bill on 22nd December 1992, and by the Rajya Sabha on 23rd December 1992. With the ratification by 17 States Assemblies, it was emerged as the Constitution (Seventy Third Amendment) Act, 1992, and came into force from April 24 1993.
104. Part IX is the outcome of 73rd Amendment Act, 1992, which deals with THE PANCHAYATS, see also section 2 of the Act.
106. Ibid., Article 243 B (2).
107. Ibid., Article 243 C (2).
108. Ibid., Article 243 C (3) (a).
109. Ibid., Article 243 C (3) (b).
110. Ibid., Article 243 C (3) (c) (d).
111. Ibid., Article 243 C (4).
112. Ibid., Article 243 C (5) (a).
113. Ibid., Article 243 C (5) (b).
114. Ibid., Article 243 D (1) (a) (b) & (2).
115. Ibid., Article 243 D (3) & (4).
116. Ibid., Article 243 D (4).
117. Ibid., Article 243-E.
118. Ibid., Article 243-G.
119. Ibid., Article 243-H.
120. Ibid., Article 243-I.
121. Ibid., Article 280 (1) & (3) (bb).
122. Ibid., Article 243-K.
123. Ibid., Article 243-N.
124. Ibid., Article 243 (b).
125. Ibid., Article 243-F (1) (a).
126. Ibid., Article 243-J.
127. Ibid., Article 243-O.
128. Ibid., Article 243-B (1) & (2).
129. Ibid., Article 243-E.
130. Ibid., Article 243-E (3).
131. Ibid., Article 243-K.
132. Ibid., Article 243-D (1) to (5).
133. Ibid, Article 243-D (6).
134. Article 243 B (1) and (2).
Chapter VIII, Para 8.28.
136. Indian Constitution, Article 243-M (2) (b).
137. Ibid., Article 243-M (3) (a).
138. Eleventh Finance Commission, supra No. 135 Chapter VIII, Para. 8.28 (9).
139. Ibid., Para 8.28; (i)
140. Jathar R.V. op.cit., P.54
141. Shri Ram Maheshwari, op.cit., PP.63 & 64.
143. Ibid., Chapter IV.2 to IV.8.
144. Ibid., Chapter IV. 16.
145. Ibid., Chapter VI.1, VI. 6.1, VI.8.
146. Ibid., Chapter VII 9.2, 9.3, 10.1, 10.2, & 10.11.
147. Ibid., Chapter IX. 12.3.
148. See Government of India, Second Five year Plan Delhi; Planning Commission, 1956, P-156.
149. See Indian Constitution, Article 243 (b).
150. Ibid., Article 243-G