CONCEPTUAL FRAME: The term 'democratic decentralization' has been described in India by various names, as, for example, 'functional democracy', 'grass-root democracy', 'building from the below', 'panchayati raj', etc.etc. However, these nomenclatures do not truly reflect the spirit behind democratic decentralization. For, in all of them, much more importance has been assigned to democratic element than to its development aspect.

To properly analyse the concept of democratic decentralization; the term 'democracy', though literally meaning the rule or power of the people, is in fact a very comprehensive concept. Apart from being a way of life (which is perhaps much more crucial an aspect), it is essentially a form of government, based upon the fundamental assumption of equality of all individuals and of their equal rights to life, liberty (including the liberty of thought and expression), and the pursuit of happiness.¹ In its totality, democracy, therefore, implies that any democratic structure entrusted with the task of development and administration is expected to be not only democratically

constituted according to the principle of election but should also reflect people's free will and function according to the wishes and needs of the locality. In other words, they reflect the element of democracy both in their constitution and in their day-to-day functioning. Thus, the idea behind democracy (and this alone distinguishes it from all other forms of governments) is that it involves a large number of people in the decision-making process. It bases political authority on the will of the individuals who by a process of co-operation make decisions that are binding on the whole community. At the lower levels where the size of the citizenry involved is not very large and unwieldy, all the adults are directly associated with decision-making. This type of democracy is described as 'participatory democracy'. At the higher echelons, direct association becomes difficult, hence the method of representation is resorted to. In that case the democratically elected people's representatives take decisions on behalf of their constituents. This type of democracy is described as 'representative democracy'.

As regards the term 'decentralization', it literally means "away from the centre". Erman Rimer explains that decentralization is a system in which there are many centres of government, local and central, each with a recognized

right of independent existence and functions. Generally, power is located at one single centre unless it is the case of a federation. In the interests of efficiency and effectiveness, power is dispersed among various local units, the size of which depends upon various local factors operating in a particular state. It is from these geographically scattered small centres that a part of the power is administered. The process by which the legislative, judicial and administrative power is transferred from a higher level to lower levels is called decentralization.\(^5\)

Sanathraya Delta Study Team on 'Democratization', in its report defines decentralization as "a process whereby the government divests itself completely of certain duties and responsibilities and devolves them on to some other authority".\(^6\)

It seems that most of the writers have limited the scope of decentralization only to the governmental structures, but it must be noted here that decentralization being a

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6. Government of India, _Report of the team for the Study of Community Development and National Extension Service_ (New Delhi: Committee on Plan Projects, 1957), Vol. 1, p. 7. This Committee was appointed by the Committee on Plan Projects (of the Planning Commission of India) in 1952, under the Chairmanship of Sanathraya Lehto, which envisaged democratic decentralization for the first time in India, more popularly known as 'Panchayati raj'. The Committee recommended a three-tiered pattern of Panchayati raj to be introduced in the villages of India. Hereinafter cited as Sanathraya Lehta Committee Report.
useful tool of administration, has also been made use of in non-governmental organization and other institutions, such as, churches, labour unions, business corporations, voluntary associations and the like. These institutions also show a good deal of variation in the degree of local discretion which they permit, as well as in the extent to which their operations are localized.7

It may further be emphasized that decentralization does not involve the devolution of powers alone. It is a process in which some responsibilities and duties are also transferred by a higher or central authority to the institutions or organizations at the lower levels thereby providing to the latter adequate incentive for autonomous functioning. Accordingly, the term indicates a situation wherein authority and powers are dispersed from one single centre to a number of centres.

Thus, the underlying idea behind democratic decentralization is to widen the area of democracy by granting (generally through the instrumentality of legislative measures) both authority and autonomy to the people at the lower levels. In simple words, it symbolises an attempt to create democracies within democracy.8 It seeks to vest in the institutions of local government power in a large measure so that they may be developed

into what Bryce describes as "the tiny fountainheads of democracy". Accordingly, democratic decentralization can be defined as a process whereby some duties, responsibilities, authority and powers are devolved to the institutions of the people by the higher authority at the lower levels thereby entitling them to discharge and manage their own affairs. Therefore, it implies a mass participation of the people at the grass-root levels both in decision-making and decision implementing processes.

The foregoing analysis indicates certain essential ingredients of this process, which can be summarized as under:

First, the concept represents existence of authorities at various levels, each closer to the ultimate sovereign — the people. Second, there is a distinct allocation of activities to each one of the above mentioned authorities. Third, these authorities be democratically constituted. Fourth, they must work democratically. Fifth, the autonomy of the lower level authorities should be subject to supervision, guidance and (limited) control by the higher authorities.

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9. Quoted by N. Thanagar, op. cit., p. 34.

See also D. Gupta, "Working of Democratic Decentralization in Rajasthan" in The Modern Review, September 1967, Vol. 54, No. 3, note 657, p. 115 "Democratic Decentralization has come to mean local self-government, which is so essential for the working of democracy".

See also H. N. Bobad and D. Kaliraj, Local Development Administration in India (Bombay: Popular Prakashan, 1970), p. 111. He says that in simpler words it is "free popular management of local affairs".

It may further be noted that a number of other terms, such as 'delegation', 'devolution', 'deconcentration', etc., have quite frequently been employed to express the same meaning as decentralization. Therefore, to avoid controversy, it becomes essential to make a distinction among all these competing terms.

Delegation of powers is an act whereby a political authority possessing certain powers turns over the exercise of those powers, in full or in part, to another authority. Accordingly, the powers of the delegate are precisely those that belonged to the delegant, and the actions performed in virtue of the delegation have the same juridical nature as if they had been performed by the delegant himself. "Delegation should not, therefore, be regarded as permission or authorization; rather, it is a transfer of power".\(^\text{1}\) It depends upon the delegant whether or not he is to delegate his power to someone else, and, if so, how much of it. In other words, the delegate cannot demand, and much less assume or take for granted, that the power is to be delegated to him. Further, the delegant may impose the transfer of his power with certain conditions regarding the nature of the exercise of the delegated powers.\(^\text{1}\) Delegated power can also be resumed. However, in pragmatic terms, (to quote James \(...\) esler again) power can escape one's grasp once it is delegated and the


agent develops alliances with administrative, political, and economic groups that prefer the agent's decisional orientation to that of his principal. Thus, both doctrinal and pragmatic considerations demand of the delegator to carefully specify the conditions governing the use of delegated power, to establish informational procedures that permit his auditing of the performance of his agents, and to retain and apply sanctions for disapproved behaviour. Therefore, in simpler terms delegation of power should not be mistaken for decentralization. The former does not divest the government of the ultimate responsibility for the actions of the authority to whom power is delegated; this authority is under the control of the government and is in every way subordinate to it. Decentralization, on the other hand, is a "process whereby the government divests itself completely of its certain duties and responsibilities and devolves them on to some other authority". Thus, in a decentralized system of government, the local authorities are given adequate and independent powers as well as financial resources. Their functioning is also not too much hinged by the control of the government, though they may receive guidance from the government which may be helpful in implementing their decisions. It must, again, be clarified that the authority remains strongly limited to those few

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12. Ibid., p. 373.
13. Ibid., pp. 372-73.
14. Supra, p. 3.
matters in regard to which the transfer has been specifically made and they also remain dependent on the over-all authority of their superior. 15

Another competing term is devolution. It also means the dispersal of authority, a process wherein power is transferred from one organ of government to another by means of an act of legislation. Devolution may be effected either 'constitutinally' or 'statutorily'. The former course is adopted generally in the case of federations where the powers are divided between the federal centre and the federating autonomous units. The division is effected by means of a written and a rigid constitution so that the division once made may not be frequently tampered with by the whims and caprices of the powers that be. This arrangement is territorial in character. 16 Authority may also be devolved by the centre (which is the repository of power) to the subordinate units by means of a parliamentary statute. This transfer of authority can be both territorial and functional in character. 17 It has been observed that devolution of responsibility cannot be complete without a complete devolution of control over the necessary resources. Admittedly such devolution cannot be completely feasible in any country. 18

As regards the term deconcentration, it is generally associated with administrative executive functioning of the government. Quite often, it so happens that a functionally

15. Ibid.
16. Ibid.
17. Ibid.
congested centre devolves some of its functions not to the government of any territorial sub-units but to the administration on the spot. This is done in the interests of efficiency and effectiveness. In this case, discretion as well as responsibility remains intact with the centre whereas only the authority of the administration of power is transferred. In comparison to this process, decentralization (as noted above) implies the devolution of both power and responsibility not to administrative heads, but to territorially demarcated units of government which function through a council of locally elected persons, acting in their own discretion, with their own officials.

Furthermore, administrative deconcentration is one of the methods to create the local government. Under such an arrangement, the field officials enjoy a few, limited and specially delegated powers and do not have any authority with them. That is why they remain dependent upon the central government which can modify their powers at its will. They are, accordingly, the creation of an administrative action and do not possess an independent entity of their own. Explaining the implications of deconcentration, Harold S. Alphen says, "In deconcentration, it merely sets up administrative units or field stations, simply or in a hierarchy,... as to what they should do and how they should do it. No major matters of policy are decided locally, no fundamental decisions taken. The central agency

reserves all basic powers to itself. Local officials are strictly subordinate; they carry out orders." The local government, created thus, is nothing better than an administrative projection of the central or state government. This type of government may be described as local government, as distinguished from local self-government, whereas under decentralization the institutions and not officials of local nature are created and the usual mode of establishing them is parliamentary action. The statutes that create them, clearly define their territorial and functional jurisdiction and also lay down the broad guidelines in accordance with which they are to be organized. Unlike the institutions of local government, they do not owe their existence or powers to the administrative fiat of the central or state government. They exist in their own right. If their jurisdiction is to be modified, the law governing them must be amended by the same legislature which has created them; simple administrative action would not do. Harold J. Alderfer again points out that in decentralization, local units are established with certain powers of their own and certain fields of action in which they may exercise their own judgments, initiative and administration. 22

In this connection it may be clarified that the British system has been organized on decentralized lines, whereas the French system is based on deconcentration. For

22. Ibid.
example, the local government institutions in England have emerged from two different streams. Some of them trace their origin to pre-historic days when the United Kingdom had not yet come into existence. At that time, they were petty kingdoms, loosely organized and primitively administered. In the process of unification that followed, they retained some of the powers with them and made over the rest to the new king or. As years rolled by, these powers were further developed and strengthened.

The second category comprises those units which are the product of the later times. In the wake of the industrial revolution, a number of new towns and boroughs rose to eminence. These were granted royal charters and other concessions, which conferred on them the municipal status. Local autonomy thus achieved by various units came to be considered a prized possession by each one of them. They would zealously safeguard and keenly protect it. The Central government would not unluckily interfere in their affairs, though, of late, some adverse forces, threatening central aggression have emerged. But still local autonomy continues to remain very much intact.

On the contrary, France since good old days, has been a closely-nit, centrally administered state. Its kings and emperors took hard pains to protect its unity and integrity. It is in pursuit of that aim that they had appointed prefects and other emissaries to look after their interests. These central government agents ruled localities strictly according
to the dictates of their masters. Later, when the emerging force of democracy made people clamour for a share in the decision-making process of the country, local councils, consisting of the popularly elected representatives of the inhabitants of the communes were created. But these councils could not somehow secure an upper hand over the prefects and other local officials, the latter continued to wield both power and influence. The local councils came to function under their supervision, direction and control. They were, however, conceded some power and authority. But they could not acquire that status and stature which institutions of local self-government possess elsewhere in the world. They function, more or less, as coordinate units, acting at the behest of the prefects.

To conclude, the concept of democratic decentralization implies the devolution of sizeable powers and responsibilities by the central government through properly enacted legislative measures to the democratically created territorial units. Under this arrangement, the units of local government enjoy, more or less, complete autonomy within the territorial and functional jurisdiction that is thus delegated to them.

Even though the concept of democratic decentralization became popular in the wake of the historic Salivatray Rehta Study team (1957), India had had lofty traditions of autonomous functioning of village republics. Country's history of the ancient and medieval times is full of glorious accounts of dignified
manner her panchayats conducted the administration of the vast sprawling countryside of India. As far as the local government set-up of the present times is concerned, it is hardly a century old. In their bid to establish their rule in the country on a firmer base, the British had demolished all those institutions and practices which appeared to them as creating obstacles in their way. Traditional panchayat had thus become a victim of their campaign of administrative centralization. But when after the historic uprising of the Indian forces in 1857, various types of new demands began to be pressed upon the alien regime, it thought it prudent to once again establish local boards and (somewhat later) village panchayats. Some powers were also devolved to them. Despite the exigencies of the day-to-day situation and the ever-growing demand of the national leaders for the strengthening of these institutions, the village panchayats as also the district and other local boards continued to have a highly limited functional competence. It was only after the dawn of the Independence that they gained importance. Efforts began to be made to democratise their structures and vest them with substantial powers and resources. A new chapter in their history was thus opened.

With a view to highlighting the importance of local government institutions in the totality of the governing set-up of the country and (more importantly) to impressing upon the state governments the desirability to energise these institutions, the government of India convened in 1948 the first ever 'Conference of Local Self-Government Ministers.'
That high level national meet provided a positive direction to the state governments on how they should reinvigorate these institutions. In the Conference, it was emphasised that local self-government was and must continue to be the basis of any true system of democracy. These views were echoed in the 'First Five Year Plan' (1951). It visualized the village panchayats assuming responsibility for some important functions. The cumulative impact of all these policy directives was that some of the states conducted studies to reconsider the entire pattern of their rural local government institutions, while others directly initiated major changes in their existing form. A number of significant pieces of legislation were thus put on the statute book.

In the meantime, the historic 'Community Development Programme' (1952) was launched. To administer it, an elaborate bureaucratic structure, comprising the headquarters and the field agencies was developed. Though it was to function in the interest of the rural people, the latter were not provided any say in its management (except of course through a nominated local advisory committee). The Community Development Programme and its subsequent variant, the National Extension Programme (1953), therefore did not have anything to do with the existing local government set-up. This was a great anomaly—the two systems working parallel to each other and both directly and indirectly aiming at the same goal. Towards the mid-fifties a realization to this effect.

dawned upon the decision-makers at the highest level. Meanwhile, the Congress Party had begun applying its mind how to streamline the functioning of the panchayat structure in the country. In its meeting (held in New Delhi on the 23rd and 24th May, 1954) the Congress Working Committee advised the state governments to introduce the 'panchayat system' in their respective states. It underlined the need that while developing local self-governing institutions, the state governments should try to curb the tendency towards centralization, so that the masses could participate in the administration and other aspects of the community life. Besides this advice, it appointed a Committee on Panchayats which in its report (July 1954), once again emphasised the need to encourage and foster the panchayat system so that the basic principles underlying the constitution could be adequately fulfilled. The report of this Committee thus marked a significant landmark in the development of local government institutions. It stimulated the thinking on the subject all over the country.

Another equally important development was the convening of a Conference of Local Self-Government Ministers of all states of India. The conference was held at Calcutta on 25-27 June, 1952. The representatives of the Planning Commission, local self-government institutions and others were invited to participate. Besides emphasising the role that panchayats can play in the fields of local government and village planning, the conference took the historic decision to constitute the
'Central Council of Local Self-Government'. It would consist of the Central Minister of Health as Chairman and the Ministers of Local Self-Government and Panchayats of all states as its members. It was also decided to hold at least one meeting of the Council in a year and accordingly the first meeting of this Council took place at Tirala (22nd-25th June, 1955). It reviewed the progress made in various states in the light of the resolutions adopted by it in June, 1954.

It may also be mentioned that in 1954, Sri ...ray submitted the 'Administrators' Report to the National Development Council' on 'Local Development'. It pointed out that if democracy was to be a success, the government had to promote the development of non-official agencies. These agencies should emerge from the grass-roots and should provide leadership to the people, on the one side, and maintain the requisite pressure on the government agency as a check against its getting clogged, rusty or arbitrary, on the other. Again, it brought out that if work was to proceed and people were to be developed into the ultimate masters of their destiny, the villages would have to develop effective local organizations, both economic and political.

Further, as the movement picked up a momentum, it was increasingly felt that the Community Project Department, which had so far been functioning as a part of the Planning Commission needed to be elevated into a separate ministry. This realization ultimately led to the establishment of a new 'Ministry of Community Development' in September, 1956. Sri ...ray, the architect of 'Community Development' in India, became its
first Minister. Prime Minister Nehru described this step as a new chapter in the fascinating stage of rural India. Meanwhile, the government had discovered that the Community Development Programme had run into difficulties largely because of the non-association of the rural people. The Taxation Inquiry Commission (1953-54) and the 'Fourth Evaluation Report' on the working of the Community Projects and National Extension Service Block, and the 'Second five-Year Plan' had brought out this fact in their respective reports. But since the subject was a complex one, it needed a detailed study by experts. Accordingly, the Planning Commission urged the National Development Council to have the whole issue investigated by a team of experts. Already, the 'Committee on Plan Projects' which had been established by the National Development Council, constituted a study team under the chairmanship of Shri Salwantray Chhta, in January, 1957, to review the working of the Community Development Programme and National Extension Service. This team submitted its report on 26th November, 1957. Their report revolutionised the entire thinking about the Community Development as well as the rural local government. It was undoubtedly an outstanding and important landmark in the field of democratic decentralization.

Taking a forceful plea for democratic decentralization of power, the Committee observed that the lack of popular initiative and participation of the people at the grass-root level was the sole reason for the poor impact of the Community

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development programme on rural population. Keeping in view this fact the Committee emphasised: "So long as we do not discover or create a representative and democratic institution which will supply the local interest, supervision and care; ... 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 development".

Accordingly, it recommended a three-tiered structure of democratic decentralization comprising: the panchayat at village level, panchayat samiti at the block level and zila parishad at the district level.

The recommendations of the Salwantray Deshta Committee, were accepted by the 'State Development Council' in 1959, and affirmed the objective of introducing a democratic structure of administration within the district above the village level.

In 1959, the 'Central Council of Local Self-Government' in its fifth meeting at Hyderabad, took stock of the situation and reviewed the action taken by the states in the implementation of the decision of the State Development Council. It recommended that the states, while implementing the recommendations of the Salwantray Deshta Report, might concede the freedom to modify it (within the broad framework of the three-tier system) in the light of the special needs and interests of their respective areas. It was in the light

26. Ibid., p.5.
27. Ibid.
28. Lanchavati and at a Distance, op. cit., (1).
of this autonomy conceded to the states by the Central Council of Local Self-Government that the states of Maharashtra and Gujarat constituted Committees (the Hali Committee and the Harikh Committee) to study the Salwantray Heta'learn's recommendations. These two committees suggested far-reaching improvements which were accepted by the respective governments.

The democratic decentralization which was described by Prime Minister Nehru as 'Panchayati raj' was introduced for the first time in the state of Rajasthan, on 2nd October, 1959.\(^{29}\) It was followed by Andhra Pradesh and later on implemented by almost all the states of the Union.

A bird's eye view of how democratic decentralization (Panchayati raj institutions) has fared in some of the states would provide a valuable insight into the structural and operational aspects of the panchayati raj. It must be pointed out that in a country of India's size and diversity, certain unevenness in performance is inevitable. Moreover, historical vicissitudes further complicate the picture. Similarly, structures and functions have been changing over the years. At present four models of panchayati raj are functioning in India. These can be summarized as under:

The first model has been designed in accordance with the recommendations of the 'Salwantray Heta'learn Study Team'.\(^{30}\) According to this pattern, panchayati raj is a closely-knit (organically linked), three-tier structure—panchayat at village level, panchayat samiti at the block level and zila

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29. Ibid., p.(ii).
30. For details see the *Salwantray Heta'learn Committee Report*, Op.Cit.
The members of the panchayat are directly elected by the adult residents of the village. The elected members of all the panchayats (called panchs and sarpanches) of a block, combine to elect the members of the next higher tier — panchayat samiti; who, in their turn, elect the members of the top body — zila parishad. In this model, the middle tier, i.e., panchayat samiti has been made the key institution, wielding all executive powers, whereas the zila parishad plays the secondary role of a mere co-ordinating and supervising body.

Next is the Maharashtra model, which has been designed on somewhat different lines. The architect behind this model was the 'Committee on Democratic Decentralization' set up by the government of Maharashtra, under the chairmanship of Shri V. V. Rosh.31 This model also provides for a three-tier structure which however is not so closely-knit as is in the first model (the Salwantray Rehta model). Here, the primary voters of the countryside not only elect the members of the village panchayat but also those of the zila parishad. The entire district is divided into a number of small electoral divisions and one councillor is elected from each one of them. Apart from this structural difference, variation also occurs with regard to the inter-tier distribution of functions.

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in this model, instead of the panchayat samiti playing the key role, it is the zila parishad which is the king-pin of the organization. Functioning under the administrative direction of a senior scale i.e., officer (called the chief executive officer), the zila parishad extends its jurisdiction over all development departments of the district. The district level heads of these departments function under the direct control of the zila parishad. All types of grants of the government are channelled through this agency. It must be noted here that under this model the role of the panchayat samiti is reduced to that of an advisory body or agency of the zila parishad.

The third model consists of those patterns which seek to strike a compromise between the aiyenaraya kendu model and the maharsstra model. The latter tradeoff model, for instance, does not completely reduce the zila parishad to a mere advisory body. Instead, it vests in the zila parishad certain powers of the executive nature. The gujarat pattern (which was designed by the Farikh Committee on democratic decentralization) goes a step further in the sense that it not only gives to the zila parishad some executive powers, but also suggests a novel method of its constitution. It demarcates the membership of the district level body into two halves, one half of the directly elected representatives of the primary voters and

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the other half of the representatives of the panchayat
sanitis.

Regarding the fourth model, a reference may be made to
the dalit laddu pattern. Though this is not very much different
from the salwantry athena model, it seeks to make the district
level body – district development council, as it is officially
described, an admixture of the representative and the
bureaucratic elements. Presided over the district chief, it
consists of all the district level heads of the development
departments, the chairman of the panchayat unions(sanitis),
district co-operative banks, municipal boards, etc. etc. As
regards its functional jurisdiction, it is concerned with the
distribution of grants, on the one hand, and advising the
government with respect to the problems and working of the
panchayati raj on the other. Besides, there is also a provision
for the panchayat development consultative committee at state
level (purely an advisory body).

In the end, a mention may also significantly be made to
the pattern of panchayati raj as suggested by the Asoka Mehta
Committee on panchayati raj institutions -197833 which was
set up by the Janata Government in December 1977. This
Committee recommended two-tier pattern of panchayati raj –
zila parishad at the district level and mandal panchayat at
the mandal level. In the structure that the Committee
envisioned, the zila parishad was to be the first point of

33. Government of India, Report of the Committee on
panchayati raj Institutions (New Delhi: Ministry of
Agriculture and Irrigation, Department of Rural
panchayati raj Institutions.
decentralization of the developmental functions of the state, charged with the task of planning for the district and co-ordinating of the programmes of the lower tiers. The panchayat samiti has a temporary existence under this scheme, basically an executive committee of the zila parishad. Next to the zila parishad, there is the mandal panchayat which occupies a pivotal place in the scheme of panchayati raj. On the whole, the committee wanted that, in the case of more powerful bodies like the zila parishads and the mandal panchayats, the directly elected component should preponderate over the ex-officio and co-opted elements. The committee has also recommended the open participation or involvement of political parties in panchayati raj institutions' elections. It seems that the committee was influenced by the Maharashtra pattern of panchayati raj. The committee submitted its report in August 1976. The National Development Council considered the recommendations and a Chief Ministers' Conference was held in Delhi on 19th May 1979, in which the structure of panchayati raj proposed by the committee was rejected. However, the Central Government directed the state governments to review the report of the committee and implement the recommendations with some modifications if they felt it necessary. But no action has so far been taken by anyone of the state governments.

34. Ibid., pp. 50-51.
35. The Tribune (Chandigarh, May 20, 1979), p. 1. Turning down the Akalkot Mehta Committee's proposal for a two-tier panchayati raj structure—of mandal panchayats and zila parishads—the Chief Ministers and Mr. Gorurji (Prime Minister) opted for the present three-tier panchayati raj institutions.