CHAPTER V

LOCAL GOVERNMENT

The long-drawn political parleys with the British Government successfully concluded in the middle of 1947 and on 15th of August that year India regained her national independence. A new chapter thus was opened in the history of the country. The dawning of the new era furnished to the nation a glorious opportunity to recast the political structures of the country at all levels and thereby give a practical shape to the views of the father of the nation. But it is our hypothesis that whereas the institutional fabric of the country was drastically reshaped, little was done to build it in the image of Gandhi. In this and the next chapters, we make an attempt to assess the impact of Gandhian view of democratic decentralization.

Although it was obvious that local government was the only relevant field where the concepts of democracy and decentralization could be affected, yet the vast thick jungle of local institutions in India rendered the task of the researcher difficult. The constraints, resulting from the limited nature of time and other equally valid factors made him adopt the policy of pick and choose of the institutions. Keeping in view the twin consideration that India is a land of villages and that the centre of India had selected the countryside for the ambitious experiment of democratic
decentralization as stipulated by the Mwantray Hehta study Team, the researcher decided to focus his attention exclusively on the countryside. Even this decision did not smother his work. For, the countryside of India by itself presented a highly intricate network of varying patterns of local government institutions. To overcome this baffling problem, the researcher thought it prudent to concentrate his study on the four leading models of democratic decentralization namely: Mwantray Hehta, Maharashtra, Gujarat and Tamil Nadu. With this decision, the stage was set for an in-depth study of the implementation process of Gandhian views.

To begin with the legislative measures through which the local government institutions were established or remodelled in the states concerned were thoroughly screened in order to find out how far do they conform or deviate from Gandhian concept of democratic decentralization. Afterwards, an effort was also made to carefully follow their operation over the years.

Another aspect of the study relates to the constitution of the country. Since the constitution is a basic document which governs each and every aspect of the institutional fabric of the country, it was thought in the fitness of the situation that it should also be studied in order to find out how far does it reflect the philosophy of Gandhi with regard to democratic decentralization. In this chapter we discuss the position of Gandhian concept of democratic decentralization vis-a-vis the Constitution and the legislative measures of the
four models. We reserve the examination of their implementation aspect to the next chapter.

II

With the transfer of power from an alien regime to a nationalist government, a necessity was felt to drastically restructure the institutional fabric of the nation so that the long cherished goals of nation-building and development might be mostly attained. To this end, the first and foremost thing that was to be done was the enactment of a new constitution. Already a 'constituent assembly' had been established by the outgoing British government to draft the said constitution. (In fact, this assembly was the outcome more of a political settlement with the British and less of a deliberate attempt on the part of the nationalists to achieve a certain cherished end). Thus, the constitution-making process had already been set in motion.

Every thinking mind longingly hoped that the new constitution would reflect (if not wholly but at least partly) the spirit of Gandhian principles. But to the wonder and surprise of everyone, the draft constitution did not make a mention of even the democratic decentralization or in simple words 'Gandhi's scheme of panchayat raj' for the rural masses of India. Late Chiranjiv Narayan brought it to the notice of Bapuji Gandhi through a letter in which he said that, " ...... the Constitution as foreshadowed
makes no mention of the village panchayats ....... " In his reply to this omission, the Mahatma wrote a special article in the *Harijan* issue of 21st December, 1947 and observed that it was certainly an omission calling for immediate attention, if India's independence was to reflect the people's voice. The Mahatma once again reminded the people as also the constitutio makers that the greater the power of panchayats, the better would it be for the people.  

In November, 1948, the draft was formally presented to the Constituent Assembly by Dr. B. Ambedkar, Chairman of the Drafting Committee. Again, it did not provide any room for Gandhian concept of democratic decentralization even though its omission had been widely criticised for over a year. People vainly hoped that the drafting committee might have made amends in the final draft. The Gandhians felt that it was a clear-cut betrayal of Mahatma Gandhi as well as of the cherished aspirations of the Freedom Movement. For, panchayati raj had been the keynote of all the participants, especially those who sincerely believed in Gandhian concept of 'Village Swaraj' or 'Gram Swaraj' largely based on 'self-sufficient' and 'self-dependent' village communities. As a result, during the debate, they constantly reiterated the necessity to base the new system of government on the old pattern of panchayati raj or building up democracy from below.

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2. Ibid.
replying to the criticism that the draft constitution did.

not represent the rural pattern of India and that it might.

have preferably been drafted on the principle of democratic

decentralization, Dr. B. R. Ambedkar referred on the floor of

the constituent assembly, to one, Charles Etcaife, who had

once remarked, "dynasty after dynasty tumbles down. Revolu-
tion succeeds revolution. Indeed, Ratanlal, Tagore, Narottam, et al,

inherit, are all masters in turn but the village communities

remain the same. In times of trouble they arm and fortify

themselves. A hostile army passes through the country. The

village communities collect their little cattle within their

walls, and let the enemy pass unprovoked". Such was the

past, Dr. Ambedkar argued, which the village communities had

played in the history of the country. Further, he added,

"knowing this, what pride can one feel in them? .... I hold

that these village republics have been the ruin 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.".

Such a remark by a person of no less an eminence and

importance than Dr. B. R. Ambedkar, enraged the members all the

more. Speaker after speaker, expressed his disapproval of the

remarks of Dr. Ambedkar.


5. Ibid.
In the discussion in the Constituent Assembly, Shri ... clement that there was nothing of local self-government anywhere in the draft of the Constitution. He reminded the members of the Assembly of the Gandhian plan of panchayati raj which should become the base of the Indian Constitution. His conviction was that to safeguard democracy against totalitarian and fascistic, the only remedy was decentralization of power. Similarly, Prof. Hiren Chakravarti7 and Shri ... ase took strong exception to Mr. Baudh's derogatory remarks about the village — "as sins of localism and sens of ignorance, narrow-mindedness and communism", and of his reference to Betelunci's 'patetic faith' in village communities.8 Shri A.K. Noor commented, 'I do not see how we can split our country. Shairi and Harkishan taught us in almost the last centru that we gave in the last days of his life to strive for panchayati raj. If Mr. Baudh cannot see his way to accept this, I do not see what remedy or panacea he has got of uplifting our villages .... If we lose sight of the strength of our unity we lose sight of everything.'9 In the same vein, Shri Lokanath Misra10, Shri Sambayyan Singh11, Shri Ram Chandra Sinha,12 Shri S. R. Rakesh13, Shri Santaman14, Shri ... idwa15

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6. Ibid., pp. 212-13. B. Radhakrishnan's speech on motion redrafting Constitution. In his speech, he regretted, ".... from the structure of the Constitution it appears that it stands on its head and not on its legs. Thousands and lakhs of villages of India neither had any hand nor any voice in its framing. I have no hesitation in saying that if lakhs of villages of India had been given their share on the basis of adult franchise in drafting this Constitution its shape would have been altogether different". p. 213.

7. Ibid., pp. 216, 205.
8. Ibid., p. 19.
9. Ibid., pp. 19, for further details see p. 221.
10. Ibid., p. 241.
11. Ibid., p. 250.
12. Ibid., p. 254.
and many others strongly condemned Mr. Ambedkar's remarks on village panchayats and Gandhi's approach to rural democracy and pleaded that power should be handed over directly to villages. They expressed that they had been taught to think of village panchayats as the future basis of administrative machinery. The Gandhi and the Congress outlook had been that the future constitution of India would be a pyramidal in structure and its basis would be the village panchayats. In this way, the Chairman of the Drafting Committee was criticized by various members of the House for not including Gandhi's plan of panchayat system into the draft constitution.

The long debate that thus ensued witnessed numerous members criticizing Mr. Ambedkar for this serious omission. Very few came to his rescue. At last, a couple of amendments were introduced, noteworthy amongst which were those of Prof. B. V. Ranga, S. Rangasamy Ayyangar and of V. A. Kasturirangan. The first two withdrew their proposals, leaving only that of V. A. Kasturirangan in the field, which was finally accepted. The compromise that was finally reached was to insert into the chapter on 'Directive Principles of State Policy' a new article, then numbered 31-A. It said, "the State shall 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."
Later on panchayats found place in the 'directive principles of state policy' of the Indian Constitution, under Article 40, in Part IV.

However, the incorporation of an article in the constitution enjoining upon the future governments of the country to build up panchayats as effective institutions of local government did give to Gandhians an element of satisfaction, particularly after having waged a long and fierce battle with those who were opposed to Gandhi's concept of democratic decentralization. But if one were to assess their achievement in the larger perspective, one would feel highly disappointed over it. Here it was expected that the whole governing system of the country would be remodeled on Gandhian lines; Gandhians were successful in securing the inclusion of only one small article of their design. Even one article would have been sufficient had it provided that the village panchayats were to become the base of the whole governing structure of the country. But nothing of the sort was promised therein. Thus, the members of the Assembly not only deviated from Gandhian approach to democratic decentralization, but also the lofty dreams of 'gram sawraj' or 'panchayati raj' or 'samaj raj' and the like were contemptuously cast aside by the Constitution makers of the nation. Still more surprising, those principles which Gandhi hate (such as centralization, parliamentary democracy, federation) were laudably adopted to become the guiding principles of our republic.
To look to the underlying causes of this wholesale deviation from Gandhian path: we, in the first instance, find that the disciples and supporters of Gandhi had themselves not been convinced of the relevance of his philosophy to the modern times. A glimpse of this fact is available in the policies and programmes of the Congress Party before independence. In this context, the observation made by Shashikanta aptly explains the lack of commitment on the part of the Congress: he says that the Congress Party which was not wholly wedded to Gandhian principles, made little efforts to build up a Constitution based upon them, as there had been differences between Gandhi and Congressmen on many issues. Similarly, many years back, some of the members of the Congress Party regarded the freedom movement of Gandhi as a reversion to an autocracy of an oriental type, dominated by priestly influence and worked especially for the profiteering community. Some of the Congress members also resented Gandhian theatrical fast against 'Commmunal Award - 1932'. Some of them felt uneasy at Gandhi's commitment on behalf of the Congress during the 'Second Round Table Conference'. The constitutional plan of January 1946, referred to above, submitted by Gandhi to the committee charged with framing the Congress Constitution was also rejected by the committee believing that Congress could neither forego its political role nor become so decentralized.

19. A sixth out of the seven members of the Committee were members of the Constituent Assembly.
In October, 1945, Gandhi had stressed in his letter to Jawaharlal Nehru, the need for decentralized political institutions. But the Congress Party and many of the Indian leaders had been coaching their demand for independence in terms of parliamentary democracy on the Western lines and had participated in the modified forms of representative government that was introduced in India. Furthermore, the constitutional plan presented by the Congress was entirely different from that of Gandhi. Recasting the plan as conservative and undemocratic, the Congress proposed a liberal democratic parliamentary system of government with a centralized federation. One is therefore convinced that the Congress Party had been gradually drifting away from Gandhian ideology.

A second important reason, it seems, was the experience that India and its leaders had gained in the representative government. To begin with, many Indians were associated with local self-government institutions. Subsequently, they played an increasing role in the executive and legislatures of provincial and central governments. All this, Gandhi had reacted and pointed out that he did not know how many of them were in favour of or believed in decentralization and took village as the nucleus. He added, "I know on the contrary that many would have India ... and wish for India to have a strong centre and build up the whole structure round it ....


Another important factor for deviation was that many influential and powerful members of the Constituent Assembly had been intellectually committed to the liberal democratic traditions of Euro-American countries. Most of them had thus turned into relentless critics of Gandhi principles. They had thought that Gandhi principles could not solve the prevailing problem and crisis of India. Even Sir... as, as the constitutional adviser, constructed a framework of constitution based entirely on Euro-American constitutions, ignoring the profound idea suggested a parliamentary system of government with a centralized federation; thereby ignoring Gandhi's dream of panchayati raj. And, it is very much clear from the constituent assembly debates, as noted earlier, that persons like Dr. Ambedkar and Dr. B.R. had rejected ideas approach to decentralization and did not embody it in the draft Constitution.

Similarly, even within the Congress ran the forces of western ideology and been so compelling that a number of young intellectual Congressmen had begun to completely reformulate their views regarding social and political organization suggested by Gandhi. It may be recalled that

28. _S. Subbarao, "Gandhi, Congress and India", _JCN economic weekly_, p.41.
some of them had constituted within the Congress orbit a distinct socialist group. Regarding this controversy McDonald commented: "The mid-1930s saw a growing split within Congress ranks over its methods and goals, between Gandhians on the one hand, and Congress Socialists on the other. The Congress Socialists were young men, who as students had been drawn into nationalist politics during the non-cooperation movement, but who had become increasingly alienated both by the ineffectiveness of the Gandhians during the 1930s and the failure of the civil disobedience campaigns of 1929-30. In this disilllusionment they turned to socialism and they sought to capture Congress in order to direct the nationalist movement in a socialist direction." He further noted that there was "an ideological struggle between groups, who ..., were diametrically opposed ... The Gandhians believed in a multi-interest, non-class, non-violent movement, while socialists combined violence and class warfare to achieve a truly independent India, free, not only from the British, but also from all forms of economic exploitation ... Thus, the Congress Socialists formulated a critique of Gandhi and argued that a political movement had to be buttressed


26. Ibid., pp. 303-04.

27. Ibid., pp. 279-80.
by a concrete economic programme that would appeal to the poor masses. In fact, that programme was largely based on the western concept of socialism and planning. That intellectual atmosphere, prevalent at the time of the framing of the Constitution, had reflected itself in the resolution on 'aims and objects of the Constitution' moved by Jawaharlal Nehru. It was thus evident that a constituent assembly, majority of the members of which subscribed to the philosophy of western institutions, was accordinig to a draft constitution which sought to establish a centralized democratic structure of Anglo-American design, rather than a decentralized people's rule or socialist concept.

Another significant reason related to the set of circumstances under which the constitution was framed, is that the members of the assembly realised that to work out a Gandhian constitution under the prevailing conditions would be simply divorcing it from the reality. The interim government was faced with problems like famine, procurement and proper distribution of foodgrains, compelled the founding fathers not to think in terms of decentralized 'village republics'. The partition of the country, communal riots, integration of princely states, Pakistan invasion on Kashmir, and various other Allied events forced them to think in terms of a centralized constitution to bring stability and unity in the country. It was asserted by the constitutional experts that the socio-economic revolution could only be achieved by a central authority through planned economic progress and by developing agricultural techniques, transport and communication,
heavy and light industries, electric power and all other aspects of economy on modern lines. Both Jawaharlal and even B. R. Ambedkar had earlier pointed out that the sort of progress which was desired in India, did not fit in the whole scheme of a purely village society.28

Yet another factor was that some lawyer members of the Assembly had desired to have a practicable and workable constitution. Their argument was that the constitution, which was to be interpreted by the judiciary, must not be vague or based on sentiments or utopian ideals.

The founding fathers were also under the impression that Gandhian constitution based on decentralized lines, would be very difficult to work out in actual practice. They thought that the whole system of indirect elections leading to representation, could be undemocratic and politically dangerous in the prevailing context. It was felt that highly decentralized administration might not be conducive to the defence of India's newly won independence too. Direct elections, on the other hand, they felt, could provide suitable support to the desired social revolution. For, the members so elected would have wider contact with the people, as the system of direct election could cut across groups and factions, based on caste, colour, creed, language, etc.

Conclusively, it may be observed that if Gandhian principles failed to find a suitable place in the Constitution, it was no accident of history. Rather, it was the end result of a chain of events and thoughts which had been secretly working at the back of the mind of almost everyone who mattered at the time of the constitution-making.

28. "J. Indoc. 4, cit., p. 13."
with a view to assessing the degree of conformity as also of deviation of the various models of panchayati raj with Gandhian concept of democratic decentralization, we have tried to focus our attention on the four cardinal aspects of their functioning, namely, their structural pattern, their functional competence, their financial resources and their relationship with the state/central governments. We discuss each one of these aspects as under:

1) Structural pattern:

Before we go into the details of the present structural pattern of democratic decentralization, it is worthwhile to briefly review the outlines of the structural pattern of Gandhiji's concept of decentralization. Gandhiji sought to make village the base of the governmental structure of the country. As per plan of his, the total adult populace of each village was to constitute the 'assembly' of the village which in its turn was to elect from among themselves the 'panchayat'. The village panchayat was to be an autonomous body, enjoying decision-taking powers with regard to all such matters as relate to the village people. It was to be answerable for all its acts to the village assembly for a specific period of time, to be decided by the people themselves. The next rung of the governmental hierarchy was to be comprised of the block /mandal panchayats to be called block/ taluk panchayat consisting of the representatives of the village panchayats indirectly elected by the members of village panchayats, like the village panchayat and taluk
Panchayat, there was to be a district panchayat which too
was to be constituted out of the members of the block
panchayats of the area. Its functional jurisdiction would
extend to all such matters as relate to the district. The
assembly at the state level and the parliament at the national
level were also to be patterned likewise. Thus, demand
visualised as noted earlier that every village should be a
republic or panchayat having full powers — self-sustained,
self-reliant and capable of managing its own affairs.29
However, this does not exclude the dependence and willing
help from the neighbours or from the world outside.30
To look at the various models presently in
operation in the country, the satyagraha eeta model, tough
containing a number of deviations, appear to be the nearest
to mahatma’s approach while the satyagraha model the farthest.
The satyagraha eeta model provides for an organically linked
three-tier structure, the higher-tier emerging out of the
immediately lower one.31 On the contrary, the mahatma
model constitutes an outright violation of foundational principle
of organic lineage and of total responsibility. To elaborate,

29. ibid., Vol. 1, p. 35.
30. ibid.

The Committee said, “In regard to the constitution of the
panchayat, we suggest that this should be purely on an
elective basis”. p. 16. “... the panchayat sabarj should be
constituted by indirect elections from the village
panchayats, the panchayats within the block area can be
grouped together in convenient units, and the panchayats of all
the panchayats in each of these units shall elect from
amongst themselves a person or persons to be a member or
members of the panchayat sabarj” p. 16.

We say not a whole parish of which the members will be the
residents of the panchayat sabarj, all members of the state
legislature and of the Parliament representing a part or
whole of a district whose constituencies lie within the
district and district level of icers...” p. 19.
It provides for the village panchayat, on the one hand, and the zila parishad on the other. Both of them are directly elected by the primary voters and in this way one does not have anything to do with the other, much less of owing its existence or accountability to the other. As regards the intermediary tier — the panchayat samiti, it emerges not from the lower-tier — village panchayat — as was stipulated in the land law scheme, but from the zila parishad. It comprises the members of the District Council (zila parishad) elected from the area of the block, some co-opted members of the zila parishad resident within the area of the block and two sarpanches to be elected from each territorial constituency formed for elections to the zila parishad. The zila parishad tries to steer in between these two extremes, however leaning more toward the panchayat model than toward the Indian Panchayati Raj model. While the village panchayat is directly elected in Gujarat, the zila parishad is an odd mixture of the categories of members. One half of them are directly elected (the primary voters and one half consists of representatives of the panchayat samitis of the district. The land law model is a class in itself. While it takes the structural pattern of village panchayat and panchayat samiti respectively the one suggested by Landi, it robs the zila parishad of its true representative character. In Tamil Nadu, the district development council (of the zila parishad is officially described) consists of the bureaucratic and the elective

32. ANNUAL COMMITTEE REPORT ON DEMOCRATIC DECENTRALIZATION, I.cit., pp.72-9.
33. Ibid., p.69.
elements, the former comprising all the district-level
doctors of all the development departments and the latter
the chairmen of the panchayat samiti, the district
co-operative bank, and the municipal boards.

While drawing a comparison between various models and
the Janata model, a reference may relevantly be made to
the recommendations of the Asst. Delta Committee. Though
having not the fate of a still-born baby, the Asst. Delta
Committee report does concretise the thinking of a certain
section of the public opinion of the country. This report
makes an interesting reading of both its resemblances and
deviations from the Janata model. In place of the well-
integrated three-tier structure, it suggested that panchayati
raj should, in the long run, comprise only two tiers — the
zila parishad at the district level and the Mandal panchayats
at the Mandal level. This suggestion implied that the
middle tier be done away with. Further, both the zila
parishad and the Mandal panchayat be composed of the directly
elected representatives of the primary voters. Another
equally radical recommendation was that the basic institution
of the panchayat — to be called Mandal panchayat — was to be
a large-sized body, a terrorising its jurisdiction not over one
small village but over a large tract of territory enclosing
a cluster of numerous villages. 34

Both these recommendations seriously militate against
the basic tenets of Janata philosophy, as pointed out

34. Asst. Delta Committee report on panchayati and
institutions, pp. 15, 54.
earlier, Gandhi wanted to make village the base of the
governmental structure so that the people who know one another
intimately by living in a small, compact territory, may be
able to manage their affairs in a communitarian spirit of
goodwill. But contrary to that expectation, the Asoka Mehta
Committee put forward the suggestion of large-sized panchayats
having a population of a couple of thousands of persons. In
such a set-up, people's problems relating to their immediate
needs will also be managed in an impersonal manner as the
higher affairs of the nation are presently managed. Equally
contradictory was its suggestion of direct elections of the
higher tier of panchayati raj. In support of this suggestion,
the Committee argued that indirect elections afford scope for
people with means and position to influence the course of
elections by dubious means, bordering on malpractices.
According to the view of the committee, direct elections, on
the other hand, give a sense of participation to the general
public in the formation of their institutions. The leadership
thrown up by them would be more responsive to and would
command better respect among the people.35 However, the
fact remains that indirect elections constituted a
contradiction of Gandhian philosophy.

Another deviation of this Committee was its
recommendation regarding the open participation of political
parties in the elections of the panchayati raj institutions.

35. Ibid., p.51.
The Committee pointed out, "... it is essential to have
a directly elected component preponderant at Zila Parishad
and Mandal levels with a view to strengthening the
democratic process below the state level in rural India".
Gandhi never allowed the political parties to interfere in the affairs of the local bodies but the Asoka Mehta Committee was of the opinion that their participation would make for a clearer orientation towards programmes and would facilitate healthier linkages with higher level political process. Even the Committee emphasised that it was rather necessary to provide constructive outlet to opposition parties. "Direct elections coupled with programme-based contents would offer greater scope to weaker sections for availing the opportunities offered by the political system".  

After examining the various patterns of panchayati raj in India, we arrive at the conclusion that notwithstanding the fact that the present structure might have been in consonance with the needs and exigencies of the present times, the existing framework is nowhere near the ideal picture of the decentralized democratic set-up as conceived by Gandhi. It would not be an exaggeration if it is remarked that the present structure (especially in the manner it operates) is neither democratic in character nor decentralized in substance. It functions in a highly impersonal and bureaucratic manner as any other institution of the higher echelons of the governmental hierarchy does. It is commanded from above rather than managed from below. The policies that it pursues and the decisions that it is formally required to adopt (or endorse) are invariably finalised in the closed chambers of the party high commands rather than in the open forums of people's assemblies.

36. Ibid., p. 52.
To come to the functional competence of the panchayati raj institutions, varied types of functions have been assigned to them. Broadly, the 'village panchayat' being the primary institution has been given the power to undertake such activities which are basically of a routine nature, irrespective of the fact whether they come under the field of administration or development. 'Panchayat Samiti' and the 'Zila Parishad' on the other hand, are given more comprehensive matters, as they require larger funds and a better organized administrative apparatus. However, after a thorough examination of the issue in hand, it is noticed that there is a lack of an uniform pattern among various states of the country in so far as the role played by each one of them is concerned. In certain states, like Punjab, Haryana and Rajasthan, the 'panchayat samiti' plays a more important role, relegating the 'zila parishad' to the background, assigning it only a secondary role of a mere co-ordinating nature. Reverse is the case in states like Maharashtra, where the 'zila parishad' has been made the king-pin of the panchayati raj in place of the 'panchayat samiti'. Under this model the panchayat samitis have been reduced to just the executive agencies of the zila parishad. This is not enough, as a few states like Uttar Pradesh and Gujarat have adopted a different pattern which seeks to strike a compromise between the two. For instance, this pattern does not completely reduce the zila parishad to a mere advisory and co-ordinating body. Instead, it provides both the tiers – the panchayat samiti and the zila parishad,
an equal amount of executive power. Another variation has been noticed in the states like Tamil Nadu and Karnataka, where the zila parishad has not been given even co-ordinating and supervisory powers. There, it is concerned only 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.

While reviewing and evaluating in Gandhian terms the functional competence of panchayati raj institutions in different parts of the country, it has been found that except in a few states like Gujarat and Maharashtra, these institutions have been rarely given an opportunity to perform their functions on a sizeable scale. The essential idea that all developmental activities should flow through these institutions lost ground in practice because the panchayats were not given the adequate power to accomplish their desired goals — the targets which came under the Gandhian scheme of democratic decentralization.

Under Gandhian scheme of democratic decentralization, the villages would enjoy maximum local autonomy, and the functions of the village panchayats would be very wide and comprehensive covering almost all aspects of social, economic and political life of the village community while the higher level bodies would perform the minimum activities. We may now examine the extent of the impact of the Gandhian plan on the present functioning of the village panchayats.
According to the Gandhian scheme of things, the village panchayat was to be the over-all incharge of the primary education of the population living in the village. It was not only to look after its various administrative aspects, but was also to develop it according to its own local needs and requirements. But what we see today in various states is that the village panchayat does not have any role to play in this major activity of the public life. It has been assigned the duty of putting up the building for the school. Everything else is to be managed by the government. How does the school function, what is taught to the students, whether studies are conducted efficiently or not; etc. — are of absolutely no concern of the village panchayat. It is no better than a helpless spectator of things.

Sanitation and Medical Relief: Another significant panchayat function, according to Gandhi, was to provide for good sanitation in the village through proper drainage and a host of cleanliness and preventive measures. Similarly, the village panchayat was also to maintain village hospitals and maternity homes, providing free medical facilities to the village people. But at present the village panchayats are helpless to carry out such activities as they have to depend upon the grants-in-aid from the government in order to undertake such activities. They suffer from a perpetual paucity of funds and the state governments do not bother to provide the needed resources to them. Moreover, in most of the states, it is the government which decides about the nature of medical facilities and the type of machinery or the arrangements to be provided in the villages.
Agriculture: Yet another important field in which the village panchayat was expected by Gandhi to play a significant role was agriculture. He thought that it was the most suitable institution to make proper arrangements for irrigation, good seeds and efficient implements through co-operative shops; to ensure that the necessary quantity of food-grains be produced within the village itself; to check soil erosion and reclaim waste land through joint effort; to manage co-operative farming and co-operative credit banks; to provide loans to the farmers for the promotion of agriculture and to assess the rent of each agricultural plot in the village. But under the present system, the village panchayat has been deprived of all such functions and power. The higher authorities appear to have overshadowed the village panchayats. Now every single agricultural operation is planned and directed by the state-appointed agriculture extension officers and other functionaries.

It is interesting to find that the Second Five Year Plan sought to give a new direction to the planning process of the nation with a view to actively associating with it the panchayati raj institutions. To that end, the concept of 'planning from below' was developed, whereby each village was supposed to work out its own plan in keeping with its resources and needs. Then, the targets of various villages were to be aggregated at the block level and in this way the plan for the district, state and of the whole nation was to be worked out and finalised. This concept thus sought to accord

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37 Government of India, Second Five Year Plan (Delhi: Planning Commission, 1955), p. 156. For details see Chapter VII of the Plan on District Development Administration, pp. 148-164.
a respectable place to the village panchayat in particular. But the way it was worked out in practice, denuded it of its true spirit. As various unofficial accounts reveal, the planning process remained as much untouched as hitherto was the case. The planners at the apex level continued preparing the targets for the nation as a whole. When these were finalised by various relevant bodies, these would be split up into state-wise targets. Then the state-level authorities would further split them up into district targets, which, in their turn, would be broken into block targets and, finally, into village targets. The figures thus worked out, would be unofficially communicated to the village panchayat and it would be asked to fill up a couple of proformas. How there would ensue the process of communication from the bottom to the top. That was the real story how the concept of planning from below was actually put into operation. The net result was that village panchayats, or for that matter all the panchayati raj institutions, remained as much neglected as ever. The real spirit of the scheme of planning from below, ultimately stood frustrated. Nobody ever took pains to assess the real needs of the village.

Industries, Trade and Commerce: To Gandhi, village panchayats could organise the production of khadi for village consumption and small-scale cottage industries on co-operative lines. Similar steps could be taken for the promotion of co-operative


dairy and village tannery using the hides of dead animals. In the field of trade and commerce, the panchayats could organize co-operative godowns, provision of cheap credit facilities to village artisans for necessary purposes, export of surplus commodities and import of those necessities which could not be produced in the village, etc. etc. But what is observed is that now here village panchayats have been vested with the power to undertake the promotion and management of village industries. At the panchayat samiti level, a provision has been made for an extension officer for industries. His role is to enthuse and encourage village industries. Besides, some financial provision is also made under this head. But the panchayati raj institutions as such have not been conceded a direct role in the development of industries. Much of the initiative remains confined to individual effort, the panchayati raj institutions by and large, remain idle spectators.

Justice: Keeping in view the rampant nature of village disputes, the constraints from which the villagers suffered and, above all, the quality of justice, Gandhi was convinced that the village panchayat composed of the democratically elected representatives of the village people was ideally suited to dispense justice to the poor and illiterate people. Besides ensuring speedy and cheaper justice, the village panchayat would bring out the facts and might also help compound disputes among the people. Thus, Gandhi thought of according to the village panchayat a major role in this particular field.
In this connection, it must be noted that Gandhi was not in favour of separate judicial panchayats. The ordinary village panchayat in his opinion, was better suited for the job. As regards the actual practice, serious efforts appear to have been made almost everywhere. In Punjab, Haryana and Himachal Pradesh the village panchayats have been vested with judicial powers, while in Uttar Pradesh, Bihar, Gujarat, Jammu and Kashmir, Manipur, Rajasthan, Tripura and West Bengal, separate judicial panchayats (Nyaya Panchayats) have been constituted.\[40\]

Thus an effort seems to have been made to provide a significant role to the village panchayats in the judicial field. But it has been observed that the panchayats have, by and large, failed to come up to the expectations of the people. This has been partly due to the lack of experience on the part of the panches and sarpanches, and partly due to the non-cooperation of the government. A number of study teams have brought out these facts. The Committee on Panchayati Raj in Rajasthan (1973) for instance, comments that the Nyaya Panchayats were languishing for want of funds, secretarial assistance, adequate powers and people's faith in them. The Committee had recommended the abolition of Nyaya Panchayats.\[41\] The Maharashtra Evaluation Committee on Panchayati Raj (1971) had also found entrustment of judicial functions to the Nyaya Panchayats both "out of place and

\[40\] Asoka Mehta, Committee Report on Panchayati Raj Institutions, p. 54.

\[41\] Ibid., p. 55.
unworkable" and had recommended the abolition of Nyaya Panchayats. Similarly, the Badal Team (1969) report for Punjab felt that with a view to enable Gram Panchayats to devote greater attention to development work, judicial powers might be withdrawn from them. Kahu Committee Report for Orissa (1958) felt that the Adalti Panchayat has not been able to discharge its duty as a full fledged village court and that it has been able to establish itself only as a compromising body. According to Asoka Mehta Committee, the working of Nyaya Panchayats has shown mixed results. The Committee pointed out: "The dilemma facing the rural people seems to be that, while they want justice at their door steps, their experience does not encourage them to place faith in Nyaya panchayats as constituted today."


The Committee propounded, "So far as Nyaya Panchayats are concerned, .... they are all dormant. Most of these have been organized on paper and have not started functioning. We, however, feel that in the context of new ideas about individuals' rights and arbitration of the same by impartial judicial functionaries which have now permeated even upto the remotest village, the existence of the Nyaya Panchayats in the present form is an anachronism. These need to be scrapped".

43. See Asoka Mehta Committee Report on Panchayati Raj Institutions, p.55.

44. Ibid.,IV.18.2, p.55.
Every institution, big or small, needs finance in order to effectively discharge the responsibilities entrusted to its care. Gandhi, when conceived of his system of panchayati raj, was very much convinced that in his scheme 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. But the system as was finally worked out by the powers that be was much different than the one conceived by Gandhi. It must draw its sustenance and succour from outside. The higher echelons of power must part with some of their functions and finances only then could the panchayati raj institutions perform their role. Thus, in the present set-up, these institutions depend upon such sources of income as taxes and fees; and some revenue yielding schemes.

As regards the taxes that these institutions have been empowered to levy, at the village panchayat level, a distinction is generally made between the compulsory and the optional taxes, making the levy of the former obligatory, and that of the latter, discretionary. Many states, however, do not make any such distinction. By and large, the house tax, the profession tax and the vehicles tax, are commonly found everywhere. For instance, while in Andhra Pradesh and Karnataka, house tax and profession tax are compulsory, in Maharashtra, only house tax is compulsory. Whether compulsory or not, in most states the authorised items of revenue are house tax, profession tax, vehicle tax, licence fee, service fee and fines, etc.
Another important source of income for panchayats is the government grants; all the state governments give grants of different types to the panchayats. And it should be mentioned here that state-assistance is, indeed, the mainstay of the panchayat's income. While there is no uniformity in this assistance, most of the states have given the panchayats a share of land revenue. The pattern of share, however, varies from one state to another.

Besides, panchayats derive income from their productive enterprises, such as cinemas, fairs, flour mills, etc., etc. In some states, panchayats have landed properties and they derive income through them. In addition, all the acts provide for public contributions which the panchayats can accept.

Regarding the finances of the panchayat samiti in the country, there is a good degree of uniformity. It is the successor to the Community Development Block. As a result, in most cases, its jurisdiction, functions and other features, greatly influenced the financial arrangements. Almost all the states have made provision for the transfer of community development funds to the samitis. In most of the states, they have the power to levy taxes on certain items such as house tax, conservancy, cultivable land, irrigation tax, education cess, etc. Andhra Pradesh and Orissa are exceptions to this. Some states have transferred departmental functions to the samitis and to enable them to perform these functions, grants are given to them. The sources of income authorized for the

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panchayat samitis are grants and contributions from the union and state governments and from the zila parishads and the panchayats, income from property sales, share of land revenue, licence fee, other taxes, fines and fees. Surcharge on other taxes is allowed in states like Andhra Pradesh, Bihar and Madras.

The position of the zila parishads is quite different from that of the panchayat samitis. As noted earlier, the nature and functions of the zila parishads vary — one side of the scale is Maharashtra where it occupies a place of prime importance, and on the other side is Tamil Nadu where it is a purely advisory body; other states are positioned at different places along the scale. Their finances consist of funds received from the state government. They are also assigned a share of land cess, and other cesses and taxes. Further, in some states, they are empowered to levy certain taxes or enhance the taxes already being levied by the panchayat samitis and the panchayats. The authorized sources of income of the zila parishads in most of the states are grants and contributions from the union and state governments and the panchayat samitis and the panchayats, loans and gifts, income from property sales, sale of markets, endowments, etc., land/local cess, other taxes, fines and fees. The zila parishad under Maharashtra pattern, is an exception to the general position in the country. It is estimated that in that state, the parishads spend nearly a third of the total state revenue. In Maharashtra alone, the financial resources have been made commensurate with the functions and responsibilities of the zila parishads, while the general feature of the panchayati raj bodies in most states is the inadequacy of their finances.
Some other features of their finances also merit attention. Most important of these is the dependence on the state Government. Grants which state governments give to them are not given on the basis of any systematic study. Each state in its turn has to rely on the release of Central Government grants, there is nothing definite about the size of state assistance to the local bodies in general, which in any case differs from state to state.\(^46\)

Similarly, where the resources of the panchayati raj bodies have increased in money terms, the total purchasing power of resources had not increased commensurately. Therefore, the cost of services has grown enormously because of increase in salaries and allowances and wages and the cost of materials; there has been a steep decline in the purchasing power of the rupee and the state governments have not given additional assistance to these institutions to make up for the erosion in the rupee value.

 Keeping in view the present position of financial resources of the panchayati raj institutions, it can be stated undoubtedly that the financial resources are not adequate and satisfactory and, as a result, these do not fit into the scheme of Gandhian approach to democratic decentralization. Gandhi wanted that local bodies must be self-reliant and self-sufficient so far the basic or daily requirements of these bodies were concerned. Similarly, they must be provided with adequate, proper and independent financial resources to discharge their duties properly. However, one has only to

\(^{46}\) Ibid., p. 127.
look at the reports of the Committees on the subject which have unequivocally stressed this crucial aspect of local bodies. At the same time, one should look at the other side of the picture also. It has been noticed that where the panchayati raj institutions have been given power to impose taxes, they have not been using this power properly. The Santhanam Committee had pointed out "the deplorable failure of collection of taxes and due" on the part of the local institutions. According to the Committee, "taxation is undoubtedly an unpleasant task" and the real difficulty here seems to be the proximity and face-to-face nature of the panchayati raj institutions which makes it difficult for them to levy taxes. The closer the tax-levying body was to the people who were called upon to pay the taxes, the greater was the reticence on the part of local body to assess and collect taxes. The poor performance of local bodies in this respect is also due to the fact that the Central and State Governments have pre-empted them of their own taxes.

(b) **Supervision and Control**:

Panchayati raj institutions do not possess absolute autonomy as these are created as well as controlled by Central/State Governments. In other words these bodies function under the guidance, supervision, inspection, direction and control of the Central/State Governments. This is in keeping with the universal practice. The logic behind the

48. Ibid., 4.6, p.11.
argument that institutions of local government should be guided and supervised by higher authorities is that they, being the subordinate institutions need to be fostered by those who are their creators and benefactors. But there is involved a serious danger that the higher authorities which are supposed to foster them by their benign guidance may not dwarf their growth by their too harsh and impinging control.

In this respect, Gandhi did not approve much involvement of higher authorities in the routine functioning of local bodies. He, instead, wanted that panchayats should be given sufficient freedom, power and financial resources to manage their own affairs. He was against the strict control and too much interference of the government in the affairs of the local bodies. At the same time, he did not oppose assistance, guidance and parental care from the government.

All the committees which did the original spade work for the establishment of Panchayati Raj in the country appear to have taken a leaf from the book of Gandhi. For, all of them have taken a healthy view of the problem of supervision and guidance. The Salwantray Mehta Committee, for instance, observes that the panchayati raj institutions "must not be cramped by too much control by the Government or Government agencies. It must have the power to make mistakes and to learn by making mistakes, but it must also receive guidance which will help it to avoid making mistakes". Similarly,

the Naik Committee was also of the opinion that "the Government should take a positive step in sharing its authority with the local self-governing institutions and should have no mental reservations in transferring increasingly more executive and administrative functions to these bodies at various levels. At the same time, such a transfer of powers cannot and should not tantamount to any abdication by the state government of its constitutional responsibility not only for maintenance of law and order and execution of its regulatory functions but also for the over-all economic development and welfare of the people". The Committee recommended that the state would "retain certain powers of control over the local bodies and also provide sufficient safeguards and other remedies so that occasions for the exercise of such powers of control are reduced to the minimum". Here, the Committee's basic approach was that decentralization was good and must be done, but government must not let it fail. However, the Committee justified the power of the government to dissolve, reconstitute or supersede these institutions for incompetence, persistent default in their duties or abuse of power. Although, the Committee's arguments regarding supersession and control are convincing, but, perhaps, the members of the Committee, were not aware of the intention or attitude of the ruling parties at the state level, which generally misuse these powers on political grounds. As a result, panchayati raj institutions have become the tools in the hands of the political parties and not allowed to function in a free-atmosphere.

51. Ibid.
52. Ibid.,p.135.
The Parikh Committee also suggested the state government to constitute a special machinery for the supervision and inspection of panchayats of all levels for their guidance, proper co-ordination of their activities and for seeing to their constant progress. The Committee also recommended the formation of a state panchayat parishad to guide and co-ordinate the activities of the panchayati raj institutions. Anyhow, the committee was in favour of a genuine transfer of power and devolution of authority at the lower levels under the scheme of democratic decentralization.

While commenting on the issue of supersession of panchayati raj institutions, Asoka Mehta Committee highlighted: "The State Government should not supersede the Panchayati Raj institutions on partisan grounds and if supersession becomes necessary, these should be replaced by an elected body within six months. The State Government should not postpone elections of Panchayati Raj Institutions". Similarly, the committee also stressed that the Panchayati Raj statutes should be so framed as to facilitate the transfer of full powers.

To come to the actual practice, all states have set up departments of Rural Development and Panchayats which deal with the panchayati raj institutions. They maintain a constant touch with these institutions and also prescribe detailed guidance for their functioning. The state governments also depute their administrative personnel to the panchayati raj,

55. Ibid., p.192.
to man the senior positions of these institutions. Further, the state governments have the power to cancel or set aside resolutions of the panchayati raj bodies in case they are not consistent with the provisions of the Acts. The states have armed themselves with the ultimate power to supersede or dissolve the local bodies. A long hierarchy of officials, comprising Secretaries to the Governments, development commissioners, district collectors, district development and panchayat officers, exercise supervision over the working of these bodies. Thus, an elaborate framework of checks and control has been devised by state governments to oversee the functioning of the panchayati raj institutions.

It is very much within the competence of the state governments to oversee the working of the panchayati raj institutions. But unfortunately this supervision tends to degenerate into a cramping control. Keeping this fact in view, 'The Study Team on District Administration' emphasised that it would be better to empower an independent body to enquire into complaints of this nature, and if necessary, order the removal of a member or office-bearer of a panchayati raj body, to remove the suspicion regarding the politically motivated decision of the government. This suggestion seems well-worth considering in order to remove suspicion in the minds of elected representatives that the government would misuse its powers.

Another important point which generates controversy, is the power of supersession and dissolution. It is true that the question of superseding or dissolving a local body arises only when it appears that it is not competent to perform its functions or has exceeded or abused any of the powers given to it or has wilfully disregarded any instructions issued by the state government.\textsuperscript{57} It is well understood that the power of supersession or dissolution should be used only in extreme cases and not so frequently as at present used by various state governments. And, it has been observed that this power is used on partisan grounds. It is, therefore, necessary to examine that the use of this power is kept free of political considerations.

Therefore, it may be said that though the state governments are the final authorities in the matters relating to the local bodies yet the exercise of the final authority should not be unfettered and the power should not be misused in any case.