AN OVERVIEW OF THE RURAL LOCAL SELF-GOVERNMENTS

3.1 Introduction:

Local Self Government is the management of local affairs by such local bodies who have been elected by the local people. It is widely accepted that self-governing institutions at the local level are essential for national growth and for effective people’s participation and that they are an integral and indispensable part of the democratic process. ‘Grass-roots of democracy’ based on small units of government enables people to feel a sense of responsibility and to inculcate the values of democracy. At the same time, it also offers a unique opportunity to participate in public affairs, including development work. In a vast, diverse and complex subcontinent, decentralisation is also a political and administrative imperative. Self-governing rural local bodies are described in the Indian context as institutions of democratic decentralisation or Panchayati Raj. The role of local self-government in the state administration is of considerable importance and requires some discussion. Therefore, the discussion on local government is deemed necessary to provide the conceptual background to the present study. This chapter is focused on the concept, nature and history of panchayats in India and in Karnataka.

3.2 Concept of Local Self-Government:

Local government is that part of the state government in federal countries, dealing mainly with local affairs, administered by authorities, subordinate to the state government. The local authorities may be elected independently of the state authority by qualified residents. Alternatively, they may consist of partly elected and partly nominated or wholly nominated members. Normally, the state government has no jurisdiction within the local area in respect of matters administered by the local authority. Thus, the local authority derives its power from a portion of the same electorate from which the state authority derives its powers. However, the local
authorities are the creatures of the state legislature. They cannot do many things without the explicit sanction of the state government.

3.3 Nature of Local Self-Government:

The Local Government institutions are known by different names. In India the popular term is local self-government; in England local authorities; in other places local authorities / bodies or local government. According to Venkatarangaiya and Pattabhiram: Local self-government means, “administration of a locality, a village, a town, a city or any other area smaller then the state, by a body representing the local inhabitants, possessing a fairy large amount of autonomy, raising at-least a part of its revenue through local taxation and spending its income on services.’’

This definition is somewhat comprehensive in the sense that it includes both rural and urban LSGs. The Rural LSG comprises Village Panchayats, Intermediate Panchayats and District Panchayats, which are also popularly named as the Panchayati Raj Institutions (PRIs) in India. The urban LSG comprises Municipal Corporation, Municipalities and Town Panchayats.

### Local Self-Government

- **Rural LSGs**
  1) District Panchayat (A top tier)
  2) Intermediate Panchayat (A Intermediate tier)
  3) Village Panchayat (A bottom tier)

- **Urban LSGs**
  1) Municipal Corporations
  2) City Municipal Councils
  3) Town Panchayat
  4) Notified Area Committee
  5) Cantonment Board

3.4 History of Panchayats in India:

Panchayati Raj is an ancient institution with a new concept. It is a part of local self-government. It embodies the individuality of man’s group activities, reflecting the
spirit of liberty. It is an integral part of body politic of a country recognized or created under law for the management of local affairs of a human settlement with geographic boundaries. It emerges with the transfer of authority to the locally elected body with a statutory right to make, unmake and remake local decisions for which they are politically accountable to the local electorate.

The term ‘Panchayati Raj’ denotes the administration of a village or a group of villages by a body representing the village inhabitants, possessing some sort of autonomy, raising a part of its resources through their own contribution and spending it on village welfare activities. In general, local government may be said to involve the conception of a territorial, non-sovereign community possessing the legal right and the necessary organization to regulate its own affairs. This in turn, presupposes the existence of a local authority with power to act independently of external control as well as the participation of the local community in the administration of its own affairs. This indicates that Panchayati Raj is democracy at the grass root level.

In the Indian context, Panchayati Raj essentially means a body of five (‘Panch’) members who are elected or chosen by the people in the villages and was accepted as the leaders who would guide all socio-economic activities of the village and would be the arbitrators and judicial tribunal in matters of any dispute among the members of the community. However, with the passage of time the number has not remained sacrosanct. In short, the panchayat became the democratic and self-governing institution of a village.

The government operates from the capital and all important decisions of policy and programming are taken at this place. Nevertheless, such are the amount and variety of works to be done that it is very difficult for a single authority to undertake directly the performance of all of them. The government too, does not have the requisite knowledge of all diverse problems that are local in character. As Laski said, “we cannot realise the full benefit of democratic government unless we begin by
the admission that all problems in their incidence require decision at the place and by the persons by whom the incidence is most deeply felt.”  

3 According to Mahatma Gandhi, “true democracy cannot be worked by the twenty men’s sitting at center. It has to be worked from below by the people of every village.”  

4 From this emerges the need of decentralisation with political and administrative connotations - constituting a centrifugal movement aiming to interest local organs, created in local areas, with powers, local in character. The presumption being that people belonging to locality know best, appreciates their own problems and needs, and can effectively solve them. Hence, the need to have ‘self government’ in local affairs by a political subdivision as distinguished from the administration of the area by a central or state government for the benefit of local people and thereby contributing cumulatively to the nation in totality. It is thus, “a medium of people’s participation, which is not remote or intermittent, and is not limited to electing representatives for a rather distant government, say, national and regional ones in two, three or five years, but is based on their participation in the day to day conduct of public affairs of their own local area, village or town, as the case may be.”  

5 Thus Panchayati Raj provides a broad based democratic structure so as to make the common man a real partner in the performance of his own civil and local affairs. 

Conceptually, Panchayati Raj is a multi-dimensional. It is an organised social entity with a feeling of oneness. In political terms, it is concerned with governance of rural area, constituting a political subdivision of a nation or state. In the performance of its function, it acts as the agent of the state. Then, as body corporate with juristic person, it represents a legal concept. The economic dimension of the Panchayati Raj has a bearing on its economy to deliver not only civil services but also to participate in the economic development of the nation. With local participation, planning will assume a need based form. Moreover, it is an administrative concept. Its members involve in making, unmaking and remaking administrative decisions in the council.
Its committees have a direct bearing on civic services to the local people and now, on nation building activities.

The essential attributes of Panchayati Raj are four-folds: its own area of jurisdiction; its power of decision making in general subjects through the participation of the community; its freedom to act independently of national or regional authority and to raise finance by contribution or taxation; and its general purpose in contrast to single purpose. These elements are common features that are applicable to the past as well as to the present Panchayati Raj systems.

3.4 (i) Panchayats in Ancient India:

Available literatures on ancient Indian polity testify to the existence of village administration that there is difference of opinion on its organisational structure. Vinoba Bhave says it was a caste panchayat formed with the heads of castes. He says “in those days there were five castes (or Varnas) in India; Brahmins, Kshatriyas, Vaishyas, and Surdas and added to those four there was the fifth made up of people who came from outside. A council of five began to be constituted with representatives drawn from these divisions. This was Grama Panchayati. All have to submit to the unanimously agreed decisions of these councils.” To Hugh Tinker, the word panchayat suggests form not purpose; “A technique of seeking agreement through consultation, hallowed, according to tradition by divine sanction; ‘Pancha Parmeshwara.’ This technique was mainly in social or economic organisations. But it was also extensively and usually accepted sense, although it was sometimes employed to apportion the village, land revenue assessment and many have had a role in regulating the duties of a village servant.” Hugh Gray says, “The inspiration for Panchayati Raj is derived from the tradition of ‘Pancha Parameshwara’, when God speaks through the fame and official publications speak of ‘Village Republics’ as established historical facts but do not list any source for this well established myth.” Nevertheless these views do not present the whole system for the opinions expressed pertain to a limited aspect of the system that also has several other features.
The villages in ancient India seem to be self-governing units. The Vedic polity treated the village as an institution next to family in importance. A.S. Altekar says that, “since the earliest times, the village has been the pivot of administration in India. Its importance was naturally very great in an age when communications were slow industrialisation unknown. Town played relatively an unimportant part in ancient Indian life. The Vedic hymns frequently pray for the prosperity of villages, but rarely for that of towns and cities.”

The villages were called ‘Gana’ and ‘Republic’ which meant a form of government in which the power was vested in the groups of people. It was looked after by an association of villagers selected for the purpose of administration. The Atharvanveda describes the ‘Saba’ and ‘Samiti’ as twin daughters of Prajapathi who sent them to earth to nurture human civilisation. They were both a social club as well as village councils. All respectable households of the village were the members of the Sabha. Benerji observes that; “in the early Vedic times the villagers themselves managed the simple affairs of the village. The states being small there was hardly any distinction between the central and local governments. In course of time, however, it was found necessary to have a separate organisation for the management of local affairs as the state grew larger in size and the distinction between the two kinds of governmental activities becomes more and more marked.” He further says that, “originally it seems the villages were completely self-governing. They were practically free from central control.” Thus in the light of this knowledge one may infer that democratic procedures had been practiced in the administration of villages.

There was no significant development in the state of village assemblies during the early Maurya period. During this period, as Kautilyas Arathasastra (300 B.C.) refers, villages used to organise works of public utility and recreation, settle the disputes between their residents and act as ‘Trustees’ for the property of minors. But they had not yet evolved regular councils; for the Arathasastra refers to village elders acting trustees, and not to any village council.
In Karnataka and Tamil states, the primary village assembly consisted of all the householders from 600 A.D. Numerous inscriptions from Karnataka show that the number of the Mahajanas (Great men of the village) was very large, sometimes 200, 500, even 1000. There is a clear evidence to show that they included all the village householders.

Although the central powers gradually began to be more powerful as the foreign contacts increased, yet the basic force of the village assembly was not jeopardised even in as centrally administered an empire as that of the Maurya Empire. There is no clear insciptional evidence about the evolution of any regular council of standing committee formed for the transaction of village administrations. The ‘Sabha’ being a large body, could obviously have carried on the administration only through an executive committee or council, particularly in villages with high population, which has come to be known as village panchayat in later times. Historians like E.B.Havel and Banerjee write about the existence of village council in those days.

The village council appears to have evolved into regular bodies in the Gupta period at least in some parts of India. They were known by different names. They were called ‘Pancha Mandalis’ in central India and ‘Grama Janapadas’ in Bihar. The memoirs of the archeological survey of India (1904-1905) reveals that the village councils (Janapadas) in Bihar had developed into formal bodies, meeting regularly to transact administrative business and communicating their business to outsiders in formal and sealed communications. Inscriptions from ‘Epigraphica India’ shows that in Gujarat, Deccan and Rajputane in 600 A.D. village elders used to appoint a formal executive committee of their own. However, there is no clear information available regarding the election of its members. The functions of the council remain confined to those of village welfare activities and land management.

The information available for the later period is more clear and precise. According to Shukra Nitisastra, a description of the Indian village written about
800 A.D., the village panchayat in ancient India was an elected council with both executive and judicial powers and King’s officers respected its membership. Land was distributed by the panchayat; taxes were collected by it and paid to the central government for the village as a whole. The panchayat settled disputes between inhabitants and groups within the village.

The Chola inscriptions of the 10th century present a more detailed picture of the constitution and functions of the village assemblies and their executive committees in Tamil country. Under the Chola dynasty (900-1300 A.D.) there were two types of village assemblies. The primary assembly of the villagers was known as ‘Ur’ in the case of ordinary villages and ‘Sabra’ in the case of ‘Agrahara’ villages, mostly tenanted by learned Brahmanas. The Uttaramerur inscriptions of A.D. 819 and 921 of the Chola emperor, Parantaka-I laid down the regulations for the election of persons, for the several committees that administered the village. The members of the committees must be proficient in ‘Vedas’ and ‘Vedangas’. They were selected by lot. They hold office for a fixed term and were not eligible for re election, so that all might have an opportunity to serve the village.

Thus, self-governed little republics seem to have flourished throughout the country for centuries. With the passage of time, the state grew larger and this led to the growth of the King’s authority. The village assembly with began with supreme power and as the most effective foundation of the administrative structure, was gradually brought under the control of King and the village officials had become government servants.

Keeping in view the foregoing descriptions of village panchayat in ancient India, certain inferences can be drawn:

1. Originally, the villages were completely self-governing. They were practically free from central control. With the possible increase in the business of the community,
the central control gradually tightened and this state of affairs inveighed against the importance of villagers;

2. The central government (the King) derived its power from the villages i.e., community and not vice-versa. Though the villages lost their original importance in the later period, these were never subject to the strict authority of the King in ancient India;

3. The village panchayats had always held on the local affairs particularly on land management, defence and public utility works.

3.4 (ii) Panchayats in Medieval India:

   In the days of early Muslim rule or Moghal rule, the village panchayats continued to be self-governing as in the past. The authority of the state as accepted by Muslim rulers in medieval India was only in certain spheres while other spheres were left to be regulated by other organisations. Hugh Tenker observes thus, “the Mughals had interfered very little with the ancient customs of village government. They incorporated the village into the administration as a unit for revenue and police purpose only. The state dealt through the headman or Muqaddam who was held responsible for the maintenance of law and order and the restitution of theft within the area of his authority. The judicial powers of the village council, the panchayat were considerably curtailed under the Mughals, otherwise local affairs remained unregulated from above and the village officers and servants were answerable primarily to the panchayat.”

   Similarly, the Indian historians also claim that the panchayat system continued to go on during Mughal periods well. They credited the Muslim rulers with a policy of non-interference in the basic institutions of Indian administrative and socio-economic order. S.R.Sharma has made a study of the panchayats and their place in the administrative set up during the years between 1526 and 1707. He writes, “The Mughals had not resident functionary of their own in the villages. The Muqaddam
was probably the Sarapanch known by his name for his revenue functions. He had been distributing the demand slips and collecting land revenue from the cultivators. He was allowed 2½ per cent of the revenue as his remuneration. The Patwari was the accountant maintained by the villages at their own cost to keep account of the cropped area, the crops grown and the revenue due, demanded from and paid by every cultivator. Villages have cognizance of all cases of communal and matrimonial disputes, land disputes, disputes arising from sharing irrigational facilities and all kinds of conflicts arising in the socio-economic life of the people. The place of holding the panchayat meeting was the village temple or near a tank. The sanction behind the decisions of the panchayat was a happy blend of traditional sanctity, a general sense of subordinating personal to communal interests, together with a fear of communal ostracism that meant deprivation of all the advantages of community life.

The first governor of Bombay, Mounstuart Elphinstone, wrote in his report in 1819 that when he acquired the territories from the Peshwa, he found each village to be a little republic with its panchayat as the executive body which provided for watch and ward, maintained a village Chowkidar, settled disputes and maintained several servants for the administration of essential services. According to him those communities, all the organs of the state within themselves and were sufficiently equipped to protect their members if all other government forces would withdraw. This shows that even during the early British rule, the villages continued to remain the primary unit of administration.

Thus on the basis of the foregoing descriptions it could be observed that village panchayats of medieval period formed the keystone of the village arch and acted as the custodian of the rural welfare. Since there is no case study available, it is not possible to describe the actual organisation and functioning of these institutions. However, the writing cited in this section concludes the followings.
1) In relation to autonomy, the village panchayats continued to function without any check from the central government.

2) In relation to functions also, the village panchayats continued to perform the village level activities except land management which came under Jagirdars and judicial powers which were taken over by the central government and

3) In relation to administration, it remained a primary unit.

3.4 (iii) Panchayats in British India:

During the anarchy following the collapse of Mughal Empire and due to growth in means of communication, commercial contact with outer world, production for market, and breaking down of customs and traditions, the village panchayats disintegrated. They lost their age-old importance as the Britishers started dealing directly with cultivators and they took charge of construction of roads, irrigation works, education, forests and famine relief. They introduced new judicial system. Thus, the work that was for ages associated with village panchayats was transferred to external official agencies. Even the representatives and spokespersons of the village community were made salaried officials of the central government. A strong central government was developed and this centralised administrative system ignored then existing village panchayat system. Consequently, the village communities and indigenous traditional rural agencies were practically broken up. Yet a few village communities survived here and there.

When the Britishers had time from their war of conquest and consolidation of authority in the conquered territories and particularly after the establishment of the direct rule of the crown, started planting in India the western type of periodically elected representative local government evolved in the west, with a view to easing the central and provincial finances and thus to sub-serve imperial needs. The Indian Taxation Enquiry Committee (1924-25) felt the need for associating Indians with administration in order that taxes could be more readily collected. The need for such
association became urgent when the finances of the central government were under great strain due to the effects produced by the first war of independence (1857-58).

In 1863, the Royal Army Sanitary Commission report gave a good start to the development of village societies. Lord Mayo in 1870, decided to delegate to the provincial governments a large additional share of the administrative power without hesitation.

Rippon who wanted to revolutionise the basic approach of the self-government advocated the extension of local self-government, primarily as an institution of political and popular education. His famous resolution on local self-government of 1882, envisaged a broader framework of LSG. He further wanted to establish local boards in cities and rural areas, which he suggested should be charged with definite duties and entrusted with definite funds. However, this resolution did not emphasise the establishment of village panchayats, through the local government structure. Rippon confined himself to the taluk levels and these worked as the agencies of higher government and had no democratic value.

In 1901, Viscount Morely, secretary of state India (1901-10) appointed Royal Commission to review the LSG and to seek public opinion over this. Their opinion was favourable to the introduction of LSG but the public as it had experienced the bitter days under some of the leaders of panchayat was opposed to the grant of extensive powers to these official at panchayat level. The report made the following principle recommendations;

1) The village should be regarded as the basic unit of LSG institutions and every village should have a panchayat.

2) There should be a substantial majority of elected members in the local bodies.

3) Local bodies should enjoy full control over their employees’ subject, of course, to certain safeguards for the security of service.
4) Outside control over local bodies should be restricted to advice, suggestions and audit.

Thus, village panchayats started to become a field for experimenting local government patterns in India.

In 1909, Gokhale and Tilak also advocated the case of self-government in Indian National Congress at Lahore session and said that there was an urgent need for its revival. In 1917 Montague, secretary for state for India promised the gradual development of self-government in India. In 1918, India passed a resolution. It was very significant and next only to that of Lord Rippon’s resolution. It sought to democratise the composition and functioning of the local boards, both municipal and rural. This ultimately led to the establishment of village panchayats.

On the heels of this resolution, the report of the Indian constitutional reforms 1918 remarked, “the Government of India propose to direct attention to the development of village panchayat system in villages.”

The provisions about village panchayats were further diluted under the ‘Government of India Act 1919’, which inaugurated an era of new interest and activity in the field of local government. Under this Act, LSG became provincial transferred subject in the charge of ministers. Following this many provinces enacted panchayat Acts, which enhanced the powers and functions of panchayat and freed them comparatively from official control made them to responsible to an enlarged electorate and with elected Chairman (except under extraordinary conditions). However, the results were disappointing as Y.B. Chawan, the Minister of LSG in Bombay state commented in 1955 as follows; “the panchayats established under the Act of 1920 were merely a pale shadow of the glorious institutions that flourished in the villages in the earliest times. They were not fully representative, their powers were limited and their finances were meager and fluctuating, and there was no provision for regular and substantial aid from government.”
The Indian National Congress took up the task of popularising panchayat in the early part of the 20th century. The spread of the Congress party workers and the historic non-co operation movement which made the villages to boycott the law of courts and to decide their cases amongst themselves in panchayats, which led to the growth of more village panchayats in the country. Though the foregoing analysis gives pessimistic picture, it cannot be denied that the developments acquired greater significance after the formation of popular government under Diarchy. It provided an opportunity for strengthening local bodies in the pre-independent era. In 1935 the Government of India Act was passed to bring a throughout change in the political structure of the country. This Act wanted to expand the network of village panchayats and attempts were made to democratise the constitution. However, it did not have any positive impact on the matters of local government as the Act was too short lived. Thus, it would be fair to conclude based on the foregoing description of Panchayati Raj under British rule that despite the fact of their growth coverage they were fettered with an extensive network of supervision and control.

3.4 (iv) Panchayats in Independent India:

The independence of the country in 1947 ushered in a new period in the history of local government in India. With the termination of alien rule, there was self-government at all level – central, provincial and local. The local government was, thus enabled to function for the first time under an atmosphere of national independence. In 1948, the ministers of LSG in the provinces met under the chairmanship of the Central Minister for Health. This was the first meeting of its kind. Jawaharlal Nehru who inaugurated the conference expounded the vital role of local government in free India. He remarked; “local self-government is and must be the basis of any true system of democracy. We have got rather into the habit of thinking democracy at the top and not so much below. Democracy at the top may be a success if you build its foundation from below.” Thus, he characterised panchayat as ‘grass roots of democracy’ and a factor for national integration.
Mahatma Gandhiji called villages and village communities the soul of India. His idea of village Swaraj (Grama-Rajya) was that village should be a complete republic governed by a panchayat of five persons, annually elected by all adults of the village. The panchayat was to be the legislature, the judiciary and the executive of the village. The disciples of Gandiji however could only succeed in incorporating this principle in our constitution. Article 40 of our constitution states that “the state shall take steps to organise village panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self government.”

After independence, five-year plans launched for the socio-economic development of the country. In the first five-year plan, (1951-56) Community Development Programme (CDP) started in 1952. The block came established as units of development administration. The CDP emphasised the development of community so that it could decide upon its felt needs, mobilise local resources and take interest in the completion of works successfully. Later it followed by National Extension Service (NES) to build up the administrative system to tackle the problems of growth and development at the local level. The public participation at the block level was mainly through nominated representatives of public.

In practice, officials and the nominated members and ex-officio consultative committees implemented CDP. They did not evoke sufficient local enthusiasm. In 1956 a regular Ministry of Community Development and Co-operation was established. In 1957, the Planning Commission appointed a committee on Plan Projects and NES, which popularly known as “Balwantray Mehta Committee.” The committee constituted mainly to investigate the reasons for not getting the desired success in CDP and NES and to suggest ways and means for making the scheme a success. The report which was published in 1957 said; “so long as we do not discovered or create a representative and democratic institution which will supply the local interest, supervision and care necessary to ensure that expenditure of money upon local objects conforms with the needs and wishes of local interest 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.”23 This suggests that unless representative democratic bodies created local interest, supervision and care could not be formed.

Balwantray Mehta to this extent suggested three-tier system of democratic decentralisation. The three-tier system would be made of popular bodies at three levels viz., village, block and district. The indigenous name for this scheme of democratic decentralisation in rural India is ‘Panchayati Raj’. Thus, PRIs considered as a tool for achieving twin objects of economic development and self-government at rural level to help the national economy and administration.

Panchayat movement as hinted earlier, started with new vigor in pursuance of Balwantray Mehta Committees’ historical report of 1957. The committee did not favour rigidity about the uniform pattern of Panchayati Raj throughout the country. Each state asked to evolve a system of Panchayati Raj to suit its own conditions, local genius, environment and requirements. However, it laid down five fundamental principles, which should underline the spirit of democratic decentralisation. These are;

1. There should be a three-tier structure of local self-governing bodies from village to district levels, with an organic link from lower to the higher ones.

2. There should be a genuine transfer of power and responsibility to these bodies.

3. Adequate financial resources should be transferred to these bodies to enable them to discharge their responsibilities.

4. All welfare and development schemes and programmes at three levels should be channeled through these bodies only.

5. The three-tier system should facilitate further decentralisation of power and responsibility in the future.
Based on these broad suggestions of the study team, the country covered with PRI

in the succeeding decades. However, the structure and functions of these bodies in different states were different. The centre issued only general directions about the broad pattern of the system. In some states like Rajasthan, Karnataka, Maharashtra, Andhra Pradesh three-tier system was established; in some other states like Assam, Himachal Pradesh two tier system was constituted; in some other states like Kerala, Jammu and Kashmir only one tier system was adopted. However, village panchayats are now responsible for implementing the schemes and plans and to mobilise the people’s participation for the implementation of developmental schemes and projects, which form a programme for the development of the nation.

The PRIs appear to have been successful in the beginning. However, there was a definite decline in their functioning after 1969. The development schemes did not flow through panchayat samities. The PRIs were by passed; administrative will was lacking and bureaucracy had its role in disassociating the PRIs from development programmes. There was complete lack of political will. State governments postponed their elections for long durations; some states suspended them and some states replaced them by ad hoc nominated bodies. There was perceptible cooling of enthusiasm of members of Parliament and members of Legislative Assemblies towards PR because they perceived a threat to their position from the emerging PR leadership in their respective constituencies. Thus, PR system was not given a chance to grow themselves as effective local governments. The PRIs had not their own failings. Rich influenced high caste and local leaders dominated them. Their performance have been vitiated by political factionalism, political interference in day-to-day administration; parochial loyalties, motivated action and power consciousness instead of service consciousness.

The government of India therefore in 1977 appointed Ashok Mehta Committee to enquire into the working of PRIs and to suggest measures to strengthen them. The Committee reviewed the working of various PRIs and made significant
recommendations to activate these institutions. As rightly observed by the committee, “The story of Panchayat has been a story of ups and downs. It seems to have passed through three phases, the phase of ascendency 1959-64; the phase of stagnation 1965-69; and the phase of decline 1969-77.”

The Ashok Mehta Committee in its 132 recommendations stated that to give due states to Panchayat Raj and to ensure their continued functioning, some provisions in the constitution of India deserve careful considerations. It recommended two-tier system of Panchayati Raj viz., Zilla Parishad at district level and Mandal Panchayat over a group of villages. The Panchayat Samiti (at block level) was to be converted into the executive wing of Zilla Parishad. The role of Grama Sabha was emphasised. It recommended the separation of Nyaya Panchayats from village panchayats and desired that the panchayat elections should be conducted on party lines and by the chief election commissioner of the state government. Only some states like Karnataka and Andhra Pradesh have accepted some of its recommendations and tried to implement them recently. Therefore, it seems that between 1977 and 1987, the PR passed through a phase of neglect.

The central government led by Rajiv Gandhi, went to the extent of according constitutional sanction to rural and urban local governments, to achieve desired success in the sphere of democratic decentralisation. Therefore, 64th and 65th constitutional amendment bills were moved and passed by the Lok Sabha. Nevertheless, Rajya Sabha, due to lack of its majority, could not pass the same, due to which, the bills did not come into force. The dream of Rajiv Gandhi, to accord constitutional sanction to the units of rural and urban local government was materialised, when the central government led by P.V. Narasimha Rao, succeeded in passing the 73rd constitution amendment bill (constitutional sanction to rural local government) and 74th constitutional amendment bill (constitutional sanction to urban local government).
3.4 (v) 73rd Constitutional Amendment Act, 1993 and Its Features:

The 73rd constitutional amendment bill has introduced in Parliament in September 1991 for strengthening the PRIs in the country. The bill passed as 73rd Constitutional Amendment Act, 1992 by the Parliament that notified by the central government through official Gazette on April 20, 1993 as it got ratification by the state legislatures and assented by the President of India. After notification, the PRIs now have constitutional legitimacy. The 73rd Constitutional Amendment Act, inserted part IX into the Constitution and added new articles from 243 to 243-0 (16 Articles) dealing with the PRIs. The main provisions and features of 73rd Amendment Act are as follows; 24

1. Objectives of Panchayat Raj:

   The main objectives of Panchayat Raj system, according to 73rd Amendment Act are,
   a. To give power to the people.
   b. To build democracy from the bottom or grass-root level.
   c. To design innovative plans for people’s involvement in village development.
   d. To inculcate the responsibility among the people for all development activities in a village.
   e. To ensure the concrete benefits to the rural people from various plans and programmes, etc.

2. Definitions:

   Article 243 defines the following terms,
   i. “District” which means a district in a State.
   ii. “Gram Sabha”, meaning a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of panchayat at the village level.
iii. Intermediate level – means a level between the village and district levels.


v. “Panchayat Area” means the territorial area of a panchayat etc.

3. Gram Sabha:

Gram Sabha, as defined by Article 243, has its powers and functions at the village level under Article 243-A. “It has a dual role to play (i) as the watch dog of working of the Gram Panchayat. (ii) as a group to assist the panchayat in matters in which public participation is necessary. The main functions of Gram Sabha are said to be;

i. Mobilising people’s participation and involvement through contribution in cash, kind and or voluntary work in the programme for economic development and social justice.

ii. Promoting harmony among all sections of the people.

iii. Assisting the panchayat in finalisation of beneficiaries under anti-poverty programmes, including land reforms.

iv. Assessing, from time to time, the working of the panchayat and providing guidelines for such working in accordance with law.

v. Suggesting for consideration of the panchayat, from time to time, the nature of programme and activities to be undertaken in the panchayat.

4. Constitution of Panchayat:

Article 243-B provides for three-tier system of Panchayat Raj to be constituted in a State i.e., (i) Village (ii) Block, (iii) District. However, a state with a population less than 20 lakhs may have only two-tier structure (Village and District).

Article 243-C Provides for the composition of Panchayats (as per the law of a state legislature). Accordingly, the panchayat is composed of;
(i) Members of panchayat who shall be elected directly by the voters of the territorial constituencies in the panchayat area.

(ii) Chairpersons of Village Panchayat in Taluka Panchayat, or Zilla Panchayat where the state has no Taluka Panchayats.

(iii) Chairpersons of Taluka Panchayat in Zilla Panchayat.

(iv) Chairpersons of Panchayat and all members (elected and ex-officio members).

The state makes law, providing for the Chairperson of Village Panchayat, but the chairperson of Taluka and Zilla Panchayat should be from the elected members of them.

5. Reservation of Seats:

Article 243-D Provides for reservation of seats, for SCs and STs, in every panchayat. Accordingly, seats for SCs and STs should be reserved in proportion to their population.

(i) Not less than one-third of the total number of seats be reserved for women belonging to SCs and STs.

(ii) Not less than one-third (including the number of seats, reserved for women, belonging to SCs and STs) of total number of seats to be filled by direct election in every panchayat be reserved for women and such seats may be allotted by rotation to different constituencies in a panchayat.

(iii) The offices of the chairperson in the panchayats at any level shall be reserved for SCs and STs and women, in such manner as the legislature of a state may by law provide. Further, not less than one-third of the total number of offices of chairperson at every level of panchayat shall be reserved for women.

The state legislature has the power to make any provision for reservation of seats in any panchayat or offices of chairpersons in the panchayats at any level in favour of backward classes.
6. Duration of Panchayats:

According to Article 243-E, a panchayat at each level has duration of 5 years. In the event of supersession, elections to constitute the body should be completed before the expiry of 6 months from the date of supersession.

7. Disqualifications for Membership:

Under Article 243-F, a person shall be disqualified for being chosen and for being a member of panchayat,

(i) If he or she is so disqualified by or under any law for the time being in force for the purposes of elections to the legislature of the state concerned.

(ii) If he or she is so disqualified under any law of state legislature.

However, no person shall be disqualified on the ground that he or she is less than 25 years of age, if he or she has attained age of 21 years.

8. Powers, Authority and Responsibilities of Panchayats:

According to Article 243-G, the law of state legislature endows the Panchayat with such powers and authority as may be necessary to enable them to function as institutions of self-government. Therefore, to achieve the objectives of social justice, economic development, through plans and to implement the same, the panchayats, have been assigned 29 subjects as listed in Eleventh Schedule of the Indian Constitution. The subjects include:

1. Agriculture including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social Forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries.
10. Rural Housing.
11. Drinking water.
12. Fuel and Fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-Conventional energy sources.
17. Education (primary and secondary schools).
19. Adult and non-formal education.
21. Cultural activities.
22. Markets and fairs.
24. Family welfare.
25. Women and child development.
27. Welfare of weaker sections and in particular of SCs and STs.
28. Public distribution system.
29. Maintenance of community assets.

9. Powers to Impose Taxes by and Funds of the Panchayat:

Article 243-H states that the legislature of a state may, by law:

i) Authorise a panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

ii) Assign to a panchayat such taxes, duties, tolls and fees levied and collected by the state government for such purposes and subject to such conditions and limits;
iii) Provide for making such grants-in-aid to the panchayats from the Consolidated Fund of the state; and

iv) Provide for the constitution of such funds for crediting all moneys received respectively, by or on behalf of the panchayats, and for the withdrawal of such moneys there from, as may be specified in the law.

10. Finance Commission:

Article 243-I, provides for the appointment of a ‘Finance Commission’ by the Governor, once in every 5 years. The broad responsibilities of the State Finance Commission (SFC) are to:

i) Distribute the state’s resources between the state and the local bodies;

ii) Assign any of the state’s taxes, duties and fees to these bodies; and

iii) Recommend grants-in-aid for the purpose of providing services.

Besides, Articles 280(bb) and 280(c) of the Constitution place additional responsibility on Central Finance Commission (CFC) to look into the resources of the local bodies. The former Article relates to PRIs and the latter to ULBs. As per Article 280(bb), CFC has to recommend measures needed to augment the Consolidated Fund of a state to supplement the resources of the panchayats in the state based on the recommendations made by the Finance Commission of the state.

11. Audit of Accounts of Panchayats:

Under Article 243-J, the law of a state legislature makes provision for the maintenance of accounts by the panchayat and the auditing of such accounts.

12. Elections to the Panchayats:

According to Article 243-K, the responsibility to hold elections to the panchayats, including control of preparation of electoral rolls vests with the State Election Commission, headed by a State Election Commissioner, appointed by the Governor.
13. Application to Union Territories:

Article 243-L, says that the provisions of this part shall apply to Union Territories.

14. Part Not to Apply to Certain Areas:

According to Article 243-M, this part shall not apply to states of Nagaland, Meghalaya, Mizoram and Hill areas in the state of Manipur for which District Councils exist. Similarly, this part does not apply to the hill areas of the district of Darjeeling in the state of West Bengal for which Darjeeling Gorkha Hill Council exists.

15. Continuance of Existing Laws and Panchayats:

Article 243-N, says that, “anything in this part, and any provision of any law relating to panchayats in force in a state immediately before the commencement of the constitution 73rd Amendment Act which is inconsistent with the provisions of this part shall continue in force until amended or repealed by a competent legislature.

Similarly, all the panchayats existing immediately before such commencement shall continue until the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the legislative assembly of a state.

16. Bar to Interference by Courts in Electoral Matters:

Under Article 243-O, validity of any law regarding the delimitation of constituencies or the allotment of seats to such constituencies shall not be challenged in any court. Similarly, no election to any panchayat shall be called in question except by an election petition.

In this way, 73rd Constitution Amendment Act can be hailed as a major bold step, to bring about a revolutionary change in Panchayat Raj system of India. All the states, have adopted the uniform system of Panchayat Raj, in accordance with the Amendment Act. The states such as Bihar, Karnataka, Orissa, Sikkim, Tripura, enacted and adopted Panchayat Raj Act in 1993. Whereas states like Andhra Pradesh,
Arunachala Pradesh, Assam, Goa, Gujarat, Haryana, Himachal Pradesh, Kerala, Madhya Pradesh, Maharashtra, Manipur, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, adopted the same in 1994, with some modifications for example, (i) The states like Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal etc., have three-tier system. (ii) States like Goa, Manipur, Sikkim etc., have a two-tier system.

However, the states like Jammu and Kashmir, Meghalaya, Mizoram and Nagaland are kept out of the purview of 73rd Constitution Amendment Act.

New Panchayat Raj Act is not only a major milestone in the history of democratic decentralisation, but it also “guarantees the right of local self government institutions to exist independent of the whims and political colour of the state government.”

3.5. History of Panchayats in Karnataka

3.5 (i) Panchayats in Karnataka during Pre-1956 Period:

The evolution and growth of panchayats in Karnataka should not be studied in isolation. In Karnataka, there were many attempts to give a proper shape and a defined purpose to village panchayats from the time of erstwhile princely rule. Various types of village administration existed under the rule of Satavahans, Kadambs, Chalukyas, Rastrakutas, Hoysalas, Vijayanagar Kingdoms, Nayaks of Keladi and Wodayars of Mysore. They were Sabhas, Ur, Nadu, and Mandalam. The ‘Sabha’ was purely a Brahminical body existing in the Agraharas (localities inhabited by the Brahmans). The ‘Ur’ existed in the non-brahminical village. The ‘Nadu’ was a rural local authority with a wider area. Above Nadu, there were Mandalams. ‘Gramini’, ‘Gramika’, and ‘Gouda’ headed them. The officers of the King attended their meetings when they transacted important business. There were village officials like Karanikas, Mahajanas, Talaiyaris, Amildars, Patel, and Shyanubhaghs.
village panchayats not only looked after village administration but also dispersed justice, in cases involving minor offences.

Though village administration existed in Karnataka in the ancient time, real attempts to reform them were made by the Rulers of Mysore, during 19th and 20th centuries. Rulers of Mysore felt an urgent need for revitalising village life. So many steps are continually being taken through executive orders of legislative measures to improve the social and economic conditions of villagers.

The earliest step taken by government in the matter of LSG may be traced to 1862, when ‘Local Funds’ were established out of the collections from the plough and ferry taxes, fines imposed for cattle trespass and sale proceeds of stray cattle. These funds were utilised for construction of village roads and other subsidiary works.

The next move is marked by the establishment of Local Fund Committees in 1874 under the Presidentship of the Deputy Commissioner of district. These Committees, which were mostly official in character, were required to ascertain and provide for measures to promote health, comfort and convenience of the inhabitants within the respective districts.

In 1902, further progress was made by the enactment of the Mysore Local Boards Act, in pursuance of which three classes of local bodies were ushered into existence. They were -

a) Panchayat Unions with nominated Chairman.
b) Taluk Boards with sub division officers as President and Amildar as Vice Presidents and
c) District Boards with Deputy Commissioners as Presidents and one elected representative of each Taluk Board being included among its members.

This ‘Mysore Local Boards Act’ was prepared in 1883 by Diwan Ranga Charlu and Seshadri Iyer and sent to the government of India for approval in 1885,
which was approved only in the year 1902 and the necessary rules were issued in 1903. Under the rule, 8 District Boards, 77 Taluk Boards and 38 Panchayat Unions were formed. Former minor Municipalities with a population of less than 3000 were converted into the Unions.

Later the government of Mysore constituted two committees (i) The Local Self-Government Committee with M. Kantha Raj Urs as a Chairman and (ii) the Local Finance Committee Presided over by Divan Bahadur Srinivasa Iyengar to go into the question of liberalising the constitution and powers of local bodies to enable them to play an effective role. The Committees had recommended an elected majority in all boards and independent powers for the Taluk Boards.

Based on the two reports, orders were passed in 1916 and as important advance was made when the Act of 1902 was replaced by the Mysore Local Boards and Village Panchayats Act, 1918. This provided for the increase of elected elements to 2/3 and to 1½ in the membership of District Boards and Taluk Boards respectively and for the election of non-official village panchayats for both of them. The Panchayat Unions gave place to village panchayats charged with various duties and powers, including the execution of the village improvement scheme of 1914. There were 833 village panchayats and 8334 village committees working according to the above scheme.\(^2\)

In 1923, government summoned a state conference to review the position of the existing local bodies. In pursuance of a new and enlightened policy, the Mysore Village Panchayat Act and the Mysore District Boards Act came into existence in 1926. As a result of these two Acts the Taluk Boards which were working for 24 years came to an end. Only two types of local bodies consisting of the village panchayats and district boards were constituted throughout the state and invested with large powers and functions and independent sources of revenue.
The Integration and Coordination Committee appointed by the Mysore government to examine the working of local bodies and also to suggest reforms to strengthen these bodies. This Committee was headed by Venkatappa (This Committee is popularly known as the Venkatappa Committee), the then Speaker of the Mysore Legislative Assembly, submitted its report on June 12, 1950. The Committee recommended the constitution of a two-tier structure of LSG consisting of elected village panchayats and district boards. The members of the district board were to be elected indirectly by the directly elected members of the panchayats. The major thrust of this Committee was to examine the question of coordinating the working of local boards and other institutions of rural development. The then government considered the suggestions made by the Committee and passed the Mysore Village Panchayats and District Boards Act in 1952.

The government appointed one more committee called as the Local Boards Enquiry Committee under the Chairmanship of D. Chandrashekaraiah to examine the details of the working of local bodies. The Committee submitted its report on August 28, 1954. This Committee recommended a three-tier structure of LSG with district boards at the apex, taluk boards at the middle and village panchayats at the base. It recommended that the elections to the district boards should be from amongst the members of the taluk boards, because, there was widespread expressed doubts with regard to the desirability of indirect election to this body. The Committee suggested that 2/3rd of the taluk board members should be elected directly, 1/3rd should be reserved for the representation of the village panchayats and town municipal councils at the taluk. Further, it suggested that both the taluk boards and district boards should function as executive bodies. In addition to this, the Committee recommended the constitution of a special agency to carry out public works of these bodies.

However, the government could not implement the recommendations made by above Committees. This was due to impending reorganisation of the state, which
made the government to postpone the implementation of the recommendations. This was a serious set-back to the development of local bodies in the state.

3.5 (ii) Panchayats in Karnataka during Post-1956 Period:

However, up to 1959, there was no uniform pattern of rural local government in the state as it was composed of disparate units which previously formed part of the states of Andhra, Bombay, Hyderabad and Madras and the whole of the part ‘C’ state of Coorg. These five different areas were governed by the rural local government Acts of their previous states. In 1956, these areas were unified under greater Mysore State. The new government felt the necessity of new law, which applies to the whole state uniformly. Consequently, in 1959, the government passed the ‘Mysore Village Panchayats and Local Boards Act, 1959’ and since then the state could proudly claim a uniform pattern of rural government for the entire state. This Act provided for three-tier set up namely, Village Panchayat at village or group of villages, Taluk Development Board at taluk level and District Development Council at district level with the objective of transferring power and responsibility to the people’s institution and to achieve certain well defined objectives of a planned programme.

The first general election to Village Panchayats and Taluk Development Boards was held in the year 1960 and they started functioning. In 1963, the government appointed Kondajji Basappa Committee to examine the functioning of PR system. That Committee recommended for the establishment of Zilla Parishad instead of District Development Council, with the elected Chairman at its head and the continuation of Taluk Development Boards and Village Panchayats in their existing form. It further suggested that there would be special representation for woman and scheduled castes and scheduled tribes on all the three bodies and transfer of more funds to these bodies. It also suggested for the constitution of Nyaya Panchayats in the state and to establish a ‘state council’ to review the working of the PRIs and to advice government on all general questions relating to Panchayati Raj administration.
The real history of PR system in Karnataka goes back to 1983, when Sri Ramakrishna Hegde’s Janata government took a bold step to enact a new PR Act known as “The Karnataka Zilla Parishads, Taluk Panchayat Samities, Mandal Panchayats and Nyaya Panchayats Act of 1983”, which came into force on 14th August 1985. This Act had attracted nation-wide attention because of its radical provisions relating to the devolution of power to the districts and villages. The elections to Zilla Parishads and Mandal Panchayats were also held in January 1987.

3.5 (iii) Panchayats in Karnataka Post 73rd Constitution Amendment:

With the completion of the first-five year term of the PRIs in January 1992, the elections to these institutions could not hold. Hence, they were superseded and administrators were appointed to carry out the functions of the PRIs. Meanwhile a very important development had taken place in the life of the PR system in India with the passing of the constitution (73rd amendment) Act, 1992. The Karnataka Panchayat Raj Act was introduced in accordance with 73rd constitution amendment Act, which came into force on 10th May 1993. The new act provides for three-tier system of PR i.e., (i) Village Panchayats (ii) Taluk Panchayats, and (iii) Zilla Panchayats. According to the new act, elections were held to Village Panchayats in December 1993 and to the other tiers in March 1995. At present, there are 5659 Grama Panchayats, 175 Taluk Panchayats and 30 Zilla Panchayats in the state.
REFERENCES


7. Ibid.


10. Ibid.

11. Ibid.


14. Ibid.

15. Ibid.


17. Ibid.


22. Ibid.


