

STUDY MATERIAL FOR B.A HISTORY
PANCHAYAT RAJ IN INDIA
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Major Elective 2 - Panchayat Raj in India (SEHI5B)

- Unit I :** Local Self Government - an introduction - Evolution of Panchayat Raj in India - Little Republics - Local Self Government during the Chola period - The contribution of British Colonial Government to the development of Local Self - Government - The Experiments of Lord Rippon.
- Unit II :** GramaRajya - Gandhian Principles - Bhoodan Movement – Sarvodaya Philosophy - Role of Non - Governmental Organisation in Panchayat Raj Institutions - 73rd Constitutional Amendment.
- Unit III :** Panchayat Raj system in India - Development from 1947-2001 - Panchayat finance - Panchayat administration.
- Unit IV :** Urban Local Government - Financial Administration - State Control over Urban Local Government - Balwant Roy Mehta Committee - Ashok Mehta Committee.
- Unit V :** Rural Local Government - Village Panchayats - Panchayat Samitis - Zillah Parishad - Income of Rural Local Governments - Municipalities - Corporations - 74th Constitutional Amendment - Role of people in Panchayat Raj institutions.

UNIT – I
INTRODUCTION TO PANCHAYAT RAJ IN INDIA

Introduction:

The concept of local self-government is known to Indian since ancient times. During the vedic age, there existed village assemblies known as 'Sabha' and 'Samiti'. Gradually cities and Towns came into prominence. They also enjoyed greater level of autonomy in administration as witnessed during the Mauryan and Gupta period. The system of local self government in its modern sense was revived during the British period. In a democratic country power is decentralized and shared at different levels. Apart from the Central and State Government, the administration at the local level is handled by the local government in urban as well as rural areas.

The local Self-Government ensures effective people's participation and ensures overall development. These small units of government enable people to feel a sense of responsibility and understand values of democracy. In India the Local Self Government is broadly classified into two categories that is Rural and Urban. The Urban local bodies include Municipal Corporations, Municipal Councils and Nagar Panchayat. The rural local bodies are in corporate Zilla Parishad, Panchayat Samiti and Gram Panchayat.

Jawaharlal Nehru in his "Discovery of India" pointed out that "the village Panchayat or elected council had large powers both executive and judicial and its members were treated with the greatest respect. By the King's order, lands were distributed by this Panchayat and which also collected taxes out of the produce and paid the Government's share on behalf of the village. Over and above these village councils, there was a larger Panchayat or council to supervise and interfere, if necessary".

Sir Charles Metcalfe, a British Governor in India during the Nineteenth Century called these Panchayats as “**Little Republic**” which “seem to last where nothing else lasts”. The Panchayat gradually disappeared under the British Rule possibly because of the compelling need of a foreign ruler to centralize. Though Lord Rippon, another British Viceroy did take the initiative of establishing an alternative system of local self-government in India, the instructions which came into being then lacked in resources as well as in autonomy. The village Panchayats and the district boards that were established by Lord Rippon did not make much impact either in the polity or in the economy of the country.

Gandhi for the first time articulated the need to revive the Panchayats with democratic basis of their own and invest them with adequate powers so that the villagers could have a real sense of Swaraj. In his opinion, the village would be “a complete republic independent of its neighbors for its own vital wants and yet inter dependent for many others in which dependence is a necessity. The Government of the village will be conducted by the Panchayat of five persons annually elected by the adult villagers, male and female, possessing minimum prescribed qualifications. These will have all the authority and jurisdiction required. Since there will be no system of punishment in the accepted sense, the Panchayat will be the legislature, judiciary and executive combined to operator for its year of office. Here there is perfect democracy based upon individual freedom. The individual is the architect of his/her own Government.

Despite the insistence of Gandhi to recognize the village Panchayat as the basic institution for Indian Democracy, Dr.Ambedkar who made the most significant contribution to the drafting of the Indian Constitution did not share this view. He openly asked in the constituent Assembly “what is the village, but a sink of localism, a den of ignorance, narrowmindedness and communalism. He

genuinely believed that these village republics have been the ruination of India. The condition of the caste ridden Indian Village then was such that one can easily understand why Dr. Ambedkar thought this way. This strong opposition to the concept of village as the basic unit of administration had resulted in the Panchayat not even finding a mention in the first draft of independent India's constitution. However, as a compromise, the organization of Village Panchayats ultimately found an entry through Article 40 of the Constitution under the Directive Principles of state policy. This article merely states that "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 local self-Government. Since this left little obligation to introduce Panchayat Raj in India, there was no legislation at all to implement this obligation until 1959.

Against the above backdrop, the need to establish a Panchayat Raj in India was highlighted by the Balwant Rai Mehta Committee, which was appointed to study the Community Development Program in India. After examining of all factors, the committee had recommended for the establishment of a three tier Panchayat Raj viz., Gram Panchayat at Village level, Panchayat Samithi at Block level and Zilla Parishad at District level. After accepting the recommendations of study team, the National Development Council directed the State Governments to devise their own Panchayat systems that would suit their local conditions. By 1959 all the States had provided their Panchayat Acts and by mid 1960s Panchayat had reached all parts of the country.

In 1989 and 1990 constitutional amendments were made for the establishment of local self-governance throughout the country aiming at inclusive politics. Subsequently, a comprehensive amendment bill was introduced in 1991 which after several deliberations was finally passed with near unanimity in the Parliament in December, 1992. The Constitution 73rd

Amendment Act, 1992 which was brought into effect from April 24, 1993 clearly envisages the establishment of Panchayats as units of local self-Government. It empowers them to prepare plans for economic development and social justice and also implement schemes in these areas as may be entrusted to them by the respective State Governments. The amendment thus gives the Panchayats constitutional status units of local governance and not mere vehicles for delivering development benefits.

The constitutionally recognized present day Panchayats have a large space and responsibility in the field of rural development and they are intended to achieve far beyond just evoking local initiative in the field of rural development. Article 243 G of the Constitution, which visualizes Panchayats as institutions of self-government, however makes it clear that the primary role of the Panchayats will continue to be in the area of rural development. Planning and implementation of programs of economic development and social justice are the main focus of Panchayats. The 11th schedule to the Constitution, in fact contains an impressive list of development activities entrusted to the Panchayat Raj Institutions.

Evaluation of Panchayat Raj

The concept of grassroots democracy at both rural and urban levels has not flourished in the country. Some of the major reasons behind this failure are politicisation of administration, entry of criminal elements in the elected bodies, rampant corruption, caste and group division, priority to self interest over public welfare and electoral malpractices. The 73rd amendment seeks to radically alter the power relations in the villages by reserving seats for scheduled castes, tribes, backward classes and women. However, in the absence of proper education,

training and economic independence, these groups are unable to assert themselves. Illiteracy poverty and unemployment are the major handicaps. Urgent steps need to be taken to effectively deal with these problems in order to facilitate participatory development. Though the provision for reservation of seats for women has been manipulated by their male counterparts – mostly their husbands – it has certainly empowered them to some extent. They are increasingly becoming aware of their rights and responsibilities and are asserting themselves in certain cases. This is definitely a very positive development.

The latest Constitutional Amendments have certainly broadened the financial resources of the local self-governing institutions. However they still remain starved of funds. Taxation powers have been given to them but they are unable to collect enough taxes. So due to scarcity of resources, Panchayats are not able to fulfill their role as self-governing institutions or carriers of economic development in the countryside. Panchayats are subject to various controls by the State Governments. The State Governments are authorised to cancel their resolutions and even dissolve them. However the 73rd Constitutional Amendment has made it compulsory for the States to hold election of Panchayat raj bodies within six months of their dissolution.

It is necessary that the people participate actively in democratically elected Panchayats. This can be ensured through Gram Sabhas. Through Gram Sabhas, the people can question and demand explanation from Panchayats. Gram Sabha can harmonise needs and priorities of people and also plan direction of village development. The Gram Sabhas can successfully play the role of securing democracy at the grassroots if they are endowed with sufficient authority.

The overall socio-economic and cultural development of rural areas depends on strong Panchayats. Panchayats as the foundations of democracy at

the grassroots can be strengthened only by reposing faith in them, endowing them with adequate administrative and financial powers and encouraging vigilance and active participation of the people.

LOCAL SELF GOVERNMENT DURING THE CHOLA PERIOD

The Chola kingdom of the Sangam period extended from modern Tiruchy to southern Andhra Pradesh. Their capital was first located at Uraiyur and then shifted to Thanjavur. The history of Cholas falls in the four periods: the early Cholas, the interregnum period, medieval Cholas, and Chalukya. The Kingdom is very ancient; there have been references made in Mahabharata and even in Asokan inscriptions. Among the early Chola rulers mentioned in the Sangam literature, the most marked is the great Karikala. He is credited with constructing a dam on the River of Kaveri. It is considered to be the earliest dam in the country; he carved out an independent kingdom of his own towards the end of the second century.

In ancient Tamil Nadu, all activities were done systematically. In all matters such as administering the village, demarcating land boundaries, and maintaining the temples, they took care that the rules and customs were strictly adhered to. A fact which suggests that with the conquest of Chaulisam, the Pallavas must have extended their dominion further south of Kanchi into the Chola Country. Land administration with Sanskrit language later stone inscription.

A large number of stone inscriptions and copper plate grants are the pillars of constructing the history of medieval Cholas. Leadership and Visions, King such as Rajaraja-I and his son Rajendra I extended the Chola kingdom beyond the traditional limits of Chola Kingdom. A famous work composed in the regional language around this time under the Cholas was the Tamil Version of the

Ramayana was composed by Kamban. Who also describes the village administration system seaside the Uttramerur inscriptions speak about the village administration of the Parantaka Chola.

Village Organization:

This autonomous self-sufficient village administration helped to maintain the continuity of life and tradition besides holding the society. It was the primary of all the body of politics. The validity of its institution is well attested by hundreds of inscription from all parts of the country. A careful record of the boundaries of a village and of the industrial estates in it was maintained the villagers met periodically to consider in it were matters of common concern and for the settlement of diorites.

The administration grew from timed and tentative improvisation to the more elaborate and complicated machinery of committees and officials that we find described in the Cholas inscription of the 10th and 11th centuries. In this evaluation of Tamil country appears to have been more progressive than the rest of south India. The village had a headman. He was variously called mutudakilangramabhojaka etc. He was leader and the mediator with the royal government. In the inscriptions the village administrations have also been particularly mentioned. The village administration three types of assemblies, they are the Shaba and Samiti. The Shaba was an exclusively and assembly of villages. Samiti was elders and given as gifts the gracility and all the land in such village belonged to them.

The village assembly

- (i) Regulated irrigation of right
- (ii) Administration chartable endowments

Maintained tanks and roads. In the Deccan we come across many references to the Mahajanas of village who were in charge of the local administration under the leadership of Ground as (Headman) the royal officials stood in closer relation to the working of the village assemblies here than in the more autonomous township of the Tamil country.

The Village Administration of Cholas:

The vast portion of Southern India called as the Tamil Country ruled by the Cholas for a long time down to the 13th century was popularly known as CholaMandalam being the eastern part of the Tamil land it was also called Kunapulam (Eastern Region) the Chola empire comprised the entire district of Thanjavur and part of Tiruchirappalli South Arcot and Pudhukkottai districts of today. One of the most striking features of the Chola organization was the efficient local administration in villages in the sabha denoting the village assemblies they were known large number of Chola inscription. The sabha it was learnt was an assembly associated with the Brahmin villages called Agraharam (or) ChaturvediMangalam. The members of the sabha were called Perumakkal and Thiruvadiyar.

The Ur or Sabha had an executive body known as the ruling group. There was learning by Brahmins as Bhattas among the ruling party of this body. The village assembly functioned through its committees called Variyam, Variyam as root meaning selected or chosen. Every village or town was divided into several the numbers of families developed upon the extract of the village.

According to the Chola inscription of Parantaka-I dated 919 AD and 929 A.D, Uttramerura model village in the Chengalpattu District It has sudden rules and it had 30 wards regulations of Panchayat They are (or) Families those days that had their own house and lands. (ii) Who were should be between 35 and 70

years of age. (iii) Sound of educations (Knowledge of the Vedas) that were guilty of incest the taking bribes. Sinners were declared ineligible every ward were written on the polling day. The old and the young would meet in a public place conduct their election in the presence of an official from the king's government.

The system of Chola administration was highly organized the efficient the Cholas had three major type of administration divisions called such as CentralGovernment, Provincial Government, Local self Government have been well appreciated by many historians and rulers. There was elaborated administration machinery comprising various officials called perundanam and sirudanam.

Territorial Divisions:

The Chola was divided the state into many territorial divisions for the administrations purpose the mandalams were again subdivided into several smaller divisions known as

Valanadus. Valanadus comprised a number of Nadus which were also known as kurrams and Kottams. Mandalams, valanadus, and Nadu may correspond to our modern divisions of the States, Districts and Taluks respectively. Chaturvedimangalam, a smaller division comprising several villages resembled the modern municipality, Ur or Taniyur a self-governing village was the smallest unit of administration under the Cholas. Large townships formed separated kurram by monarchy was the form of government under the Cholas.

Village or Local Administration

The Chola rules were more concerned about the administration in the villages. The two Uttaramerur Pillar inscriptions of Parantaka I in the Chinglepet district gave a vivid account of the functioning of rural institutions in the villages. The rural or local bodies in the villages enjoyed autonomy and

democratic administration. They enjoyed enormous powers. The Uttaramerur inscriptions gave a detailed account about three types of assemblies namely Ur, Sabha and Nagaram in the villages. The Ur was common assembly. Only the eligible landholders of the village were its members. Sabha was also an assembly exclusively meant for Brahmins, They lived in Brahmadhana and Devadhana villages Nagaram was another assembly. It contained traders and merchants. These bodies existed side by side in the same locality. Mutual consultation with other bodies was in practice before a decision was taken. The administration of the village was carried out by the elected representatives of the assemblies. They were elected in a democratic way. The village was divided into a number of wards or variyams or Kudambu for the effective implementation of schemes. The wards and elected representatives varied from village to village based on the size and population. Usually, the normal village had 30 wards. The Uttaramerur inscription emphasised certain qualifications for the candidate to stand for the election.

Qualification

The candidate should be a owner of more than 1/4 veli of land. He should have a house of his own. This qualification was prescribed to know the attachment of the concerned candidate with the village. It fixed age limit between thrity five to seventy. It indicated that only matured persons were permitted to take part in the administration. Again, the candidates should possess thorough knowledge of vedic mantras. It was insisted mainly to give a chance to the educated persons, specially the Brahmins. Persons who had been in variyams for the past three years, were disqualified to stand for the election. This rule provided opportunities to others too. The persons who had not submitted the accounts, while in the variyams were also disqualified to contest the election, It showed that people gave due importance to maintain accounts. It also mentioned the attitude of the people against corruption. Lastly, candidates

who committed sins, maintained associations, with low castes and stolen the properties of others were disallowed to work for the people. So social status and character of the candidates were counted at the time of election.

Method of Election

The persons required for the assembly were elected by lot through Kudavoli system for a year in the manner prescribed in the inscription. The name of the eligible candidates were written on palm leaves and put into a pot (Kudam) and shuffled. A young boy was directed to take out the palm leaves. The persons, whose palm leaves were picked up by the boy, were declared as elected. Usually thirty candidates were elected by this system. Of the thirty elected, twelve were appointed to annual committee, twelve for garden committee and six to tank committee. Candidates were also elected for a standing committee and a pon (gold) committee. The members of the committee were called as Variyapperumakkal. They were not paid for their services. They rendered honorary services to the village. But they were penalized, if committed plunder. The assembly met in the varanda of village temple or under the shadow of a tree or on the bank of a tank. Generally, questions were discussed in the assembly and

resolutions were passes and recorded on the walls of the temple. The assembly rendered meritorious services to the people at the time of famine and invasion. It protected the village from outside invaders and awarded rewards to those who rendered meritorious services. The assembly also helped the people at the time of famine and flood. Sometimes, it borrowed money from the treasury of the village temple with a view to rehabilitate the people. The village assembly had absolute authority over the affairs of the village. The judicial committee of the assembly settled disputes. The inscription regularised the judicial powers of the assembly. It considered adultery, theft, cheating, pirarmanainayethel; forgery and riding on an ass, as serious crimes and severe punishments were given. In

the case of murder, the murderer was fined 16 cows and directed to light a perpetual lamp in nearby village temple. It also carried out certain public and charitable works. The various committees of the assembly looked after village roads, tanks, gardens, irrigations, temple, hospital, education, account, famine relief works etc. The Dharmavariyams carried out charitable works in the village. The assembly also collected taxes and remitted in the state treasury. This work was carried out directly or through agents. But the major public works were done by the central government. In short, village life was well organised on popular lines, conducive to the progress and prosperity of the people. Tamilnadu local bodies flourished under the Cholas. The period from 921 A.D. to 1120 A.D was considered as the golden age of the local bodies because they were organised on a large scale. The rulers like Parantaka I, Parantaka II, Rajaraja I, Rajendra I and Kulottunga I did not disturb the smooth working of the assemblies and gave them much encouragement.

The local units began to decline in the 12th and 13th centuries due to internal troubles and external difficulties. The undesirable activities of the gramakanthakas in the village were also responsible for the decline of the assemblies. Finally, the Muslim invasion gave a death knell to the local bodies. Thus, the autonomy that existed in the village acted as a bed rock of democracy and served as a training centre for future democracy.

LOCAL SELF-GOVERNMENT DURING THE BRITISH RULE

The East India Company after taking over the administration continued the policy of the Mughals to curb the powers of the local institutions. The Company slowly but steadily destroyed the local institutions, especially village Panchayats.

The beginnings of a modern system of local self government had been made in 1687, when, for the first time, a local governing body-a Municipal Corporation was set up for the city of Madras. Then the Charter Act of 1793 established municipal administration in three presidency towns of Madras,

Calcutta and Bombay. In 1842 municipal administration was extended to district towns in Bengal, when the Bengal People's Act was passed. Provision was made in the Act to set up a town committee for sanitary purpose, if two-thirds of householders in a town demanded such a council. As the setting up of a municipality was an entirely voluntary affair, no town came forward to ask for it. Later on due to the recommendation of the Royal Army Sanitary Commission, the voluntary principle was abandoned, and provincial governments were empowered to constitute municipal committees.

As a result, a series of Acts were passed, which extended municipal administration to the various parts of the country. However it should be noted that municipalities that had been established during this period were primarily as a result of British initiative. They lacked popular support and continued to function more or less as any other department of the respective states, without possessing the privileges of self-government. Their main duty was to look after the sanitation and conservancy arrangements under the supervision of the residence surgeon or other officer.

Writing about these village communities in 1830, Sir Charles Metcalfe stated: They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; Revolution succeeds revolution; Hindu, Pathan, Mughal, Maratha, Sikh and English, 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 villages Communities collect their cattle within their walls, and let the enemy pass unprovoked. If plunder and devastation be directed against themselves, and the force employed be irresistible, they flee to friendly villages at a distance; but when the storm has passed over, they return and resume their occupations. If a country remains for a series of Years the scene of continued pillage and massacre, so that the villages cannot be inhabited the

scattered villagers nevertheless return whenever the power of peaceable Possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the places of their fathers; the same lands will be preoccupied by the descendants of those who were driven out when the village was depopulated; and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbance and convulsion, and acquire strength sufficient to resist pillage and oppression with success. This union of the village communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India through all the revolutions and changes which they have suffered; and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence.

The year 1870 marks a further stage in the evolution of local Government. In that year, Lord Mayo's famous resolution which advocated a measure of decentralization from the centre to the provinces, emphasized the desirability of associating Indians in administration and indicated the municipal Government as the most promising field for this purpose. The resolution read : "The operation of this resolution in its full meaning and integrity will afford opportunities for the development of self-Government, for strengthening municipal institutions and for the associations of natives and Europeans to a greater extent than here-tofore in the administration of affairs. The main features of this period are indicated below:

Local Self Government in India was introduced primarily to serve the British interests rather than promote self-governing bodies in the country. The taxation enquiry commission (1953- 1954) correctly points out: "it was the need for the association of Indians with administration (in order, for one thing that

taxes could be more readily imposed and collected) that prompted the early British Indian administration to embark on the introduction of local self-governing institutions in this country.

The resolution of Lord Mayo (1870) on financial de-centralization also visualized the development of local self-government institutions: But this was subordinate to the need for tapping local sources of revenue and of effecting economy by decentralized administration. Local Self Government institutions were dominated by the British and thus, most of the Indian population remained deprived of participation in their functioning. The dominant motive behind the institution of local self-government in India was to give relief to the imperial finances. Election as the basis of membership of local bodies was not introduced except in the (old) central provinces. It may be pointed out that in 1881 four out of every 5 municipalities were wholly nominated bodies.

THE EXPERIMENTS OF LORD RIPPON

Lord Ripon is rightly regarded as the father of Local Self Government in modern India. By the time he became the Viceroy, the first generation of educated Indians, inspired by the ideals of democracy and liberty emerged and they demanded a share in the Government of the country. As a liberal, it was not possible for Lord Ripon to ignore such a demand. At the same time, he felt that the time was not yet ripe for giving them a share in the central or provincial Government and that they should be first trained in the sphere of local government. Such training was possible, according to him, only when local bodies became elective and enjoyed real powers and when the control exercised over them by the state was considerably reduced. The resolution, which his Government issued in 1882, embodies these ideas and also answers all the objections that were raised by the bureaucracy of those days against any extension of the powers of local bodies and giving them a democratic character. It is a comprehensive resolution and deals with administrative areas, the constitution of local bodies, their functions, finances and powers. Resolutions issued by government in subsequent years do not embody any new principles not found in that of Ripon but only carry a step further their practical application. It is thus the most important landmark in the evolution of local self-government in modern India.

The local boards, both urban and rural, must everywhere have a large preponderance of non-official members. In no case ought the official members to be more than one-third of the whole, unless in places in which the elective system is followed, when merely on the ground that he was in the service of Government. Nonofficial members of the boards should hold office for at least two years after

election or appointment; but probably the best rotation of a fixed proportion of members, these retiring being eligible to sit again. Another point deserving notice is the control that should be exercised over the execution of local works. It will not always be possible for a local board to entertain a competent engineer of its own; and in any case, when Government buildings and important works of other kinds are made over for maintenance, there must be some effective guarantee for thoroughness of execution.

The process of strengthening of local self-government institutions received further impetus with the appointment of the Royal Commission on decentralization in 1907 headed by C.E.H. Hobhouse. The Commission sought public opinion about the steps to be taken for the resuscitation of the age-old institution of village Panchayats. The Commission viewed that the local self-government should start from the village level instead of from the district level. It stated: "We consider, as the local self-government should commence in the villages with the establishment of village Panchayats, so the next step be the constitution of boards of areas of smaller size than a district. We desire, therefore, to see sub-district boards, universally established, as the principal agencies of rural administration.

District boards were retained with coordinating and financial powers. The Commission recommended granting some powers to Panchayats so that they can perform their duties independently. They were entrusted with the functions like village sanitation, control over ponds and management of schools. The Commission suggested that there should be adequate finance to cope up with the above functions. It also suggested that the Panchayats should be empowered to

have a portion of the land cess, receipts from markets, fees on civil suits and special grants for particular objects to be made by the district board.

UNIT – II

GRAMARAJYA - GANDHIAN PRINCIPLES

Good governance demands respect for human rights, rule of law, strengthening of democracy, promoting transparency and capacity in public administration. The responsiveness of the state and its institutions to the needs and aspirations of the people, and inclusive citizenship are imperative to good governance. Democracy depends upon the equality of all human beings, their right to participate in social and political transformation and the right to development, to live in dignity. Panchayat Raj is a system and process of good governance. Villages have always been the basic units of administration in India since ancient times. The Gram Sabha can become the cornerstone of the whole Panchayat Raj institutional set-up, thereby the Indian democratic system. So in this paper focus is on Gandhian concept of Panchayat Raj. This is useful to development of India. So in 21st century this concept becomes powerful in the Nation.

Importance of Democratic Decentralization:

Gandhi's concept of democratic decentralization bears the stamp of his passionate belief in non-violence, truth and individual freedom. He calls it Panchayat Raj or village Swaraj. He wants to see each village a little republic, self-sufficient in its vital wants, organically and non-hierarchically linked with the larger spatial bodies and enjoying the maximum freedom of deciding the affairs of the locality. Gandhi wanted political power to be distributed among the villages in

India. Gandhi preferred the term 'Swaraj' to describe what he called true democracy. This democracy is based upon freedom. Individual freedom in Gandhi's view could be maintained only in autonomous, self-reliant communities that offer opportunities to the people for fullest participation.

Village Panchayats:

The vehicle that was most ideal to initiate both political and economic democracy at the grassroots level was the Panchayat Raj system. Mahatma Gandhi's tours all across the country reinforced his convictions that India would benefit if the villages were governed by Village Panchayats based on the principal of "simple living and high thinking". These were village republics which were self-contained and self-reliant and having all that people want. These were the institutions where minimum standard of living could be accorded to all human beings. An individual had maximum freedom and opportunity to develop his personality to the greatest extent. In these republics there would be a diminution of the state and the roots of democracy deepened. According to him centralization cannot be sustained as a system without adequate force.

The affairs are to be managed by Panchayats consisting of five persons elected annually. Gandhi aimed at the individual the centre of the local administration. People are expected to take personal interest and turn up in large numbers at the meeting to deliberate problems of common interest such as village industries, agricultural production, obligation and planning.

Village -unit of a decentralized system:

Gandhi made it very dear that concentration of either economic or political power would violate all the essential principles of participatory democracy. To check centralization, Gandhi suggested the institution of village republics both as

institutions of parallel polities and as units of economic autonomy. Village is the lowest unit of a decentralized system. Politically a village has to be small enough to permit everyone to participate directly in the decision-making process. It is the basic institution of participatory democracy. The technical skills of the villages will be fully developed; there will be no dearth of men with high degree of skill and artistic talent. There will be village poets, village artists, village architects, linguists and research workers.

Gandhian decentralization means the creation of parallel politics in which people's power is institutionalized to counter the centralizing and alienating forces of the modern state. According to Mahatma Gandhi, utilization of the local resources is quite fundamental to the development of the Panchayat Raj system. The Panchayats with the Gram Sabhas should be so organized as to identify the resources locally available for development in the agricultural and industrial sectors. Gandhi wrote, "Democracy becomes an impossible thing until power is shared by all, but let not democracy degenerate into monocracy".

Each village has a little republic, self-sufficient, enjoying maximum freedom for deciding the affairs of the locality. Gandhi also proposed a scheme of government under the Gandhian Constitution beginning from the primary unit the Village Panchayat to the level of the All-India Panchayat, with the powers being assigned to all levels of the government. These villages should not only be self-sufficient but also capable of defending themselves, even if need be, against the whole world.

In his Presidential Address at the Belgaum Congress, Gandhi said that the Panchayat was not only a right medium for securing cheap justice but also an instrument for avoiding reliance on government for the settlement of mutual justice.

Panchayat Raj system:

The Gandhian ideas of Gram Swaraj and Panchayat Raj system can become vehicles for ushering in the much needed social and political change by including all the stakeholders in the process of decision-making and public policy formulation. As Gandhi said, "Panchayat Raj represents true democracy realized. We would regard the humblest and the lowest Indian as being equally the ruler of India with the tallest in the land".

India's Development policy about Panchayat Raj:

Mahatma Gandhi advocated Panchayat Raj, a decentralized form of Government where each village is responsible for its own affairs, as the foundation of India's political system. The term for such a vision was Gram Swaraj (village self-governance). Recommendations of Balwant Rai Mehta Committee. The Balwant Rai Mehta Committee was a committee appointed by the Government of India in January 1957 to examine the working of the Community Development Programme (1952) and the National Extension Service (1953) and to suggest measures for their better working. The recommendations of the committee were approved by NDC in January 1958 and this set the stage for the launching of Panchayat Raj Institutions throughout the country.

The committee recommended the establishment of the scheme of 'democratic decentralization' which finally came to be known as Panchayat Raj. (i) Establishment of a 3-tier Panchayat Raj system. This system was adopted by state governments during the 1950s and 60s, as laws were passed to establish Panchayats in various states. It also found backing in the Indian Constitution, with the 73rd amendment in 1992 to accommodate the idea. The Amendment Act of 1992 contains provision for

devolution of powers and responsibilities to the panchayats both for the preparation of economic development plans and social justice, as well as for implementation in relation to 29 subjects listed in the eleventh schedule of the constitution.

Social Audit:

The Ministry of Panchayat Raj has issued specific guidelines to make Gram Sabha as a vibrant forum for promoting planned economic and social development of the villages in a transparent way. The guidelines are a part of the proceedings to observe the year 2009-10 as year of Gram Sabha and relates to the social audit for the effective implementation of Mahatma Gandhi NREGA. According to the guidelines, the Gram Sabha as a Key to the selfgovernance and transparent and accountable functioning are a forum that ensures direct, participative democracy.

It offers equal opportunity to all citizens including the poor, the women and the marginalized to discuss and criticize, approve or reject proposals of the Gram Panchayat and also assess its performance. Hence, the States may, by law, endow the Panchayats with such powers and authority as may be required to enable them to function as institutions of selfgovernment under them, Article 243G read with the Eleventh Schedule stipulates that. Such laws may also endow powers and responsibilities upon Panchayats for the preparation and implementation of plans for economic development and social justice including in relation to the 29 matters listed in the Eleventh Schedule.

This did lead to the enactment of Gram Panchayat Acts by various States; these were no more than half-hearted attempts for the creation of rural local government institutions. But the failure of the Community Development Programme, which had been launched for bringing a silent revolution in rural

society by awakening the dormant forces of progress, led to the appointment of Balwant Rai Mehta Study Team.

Bhoodan Movement

The Bhoodan-Gramdan movement initiated inspired by Vinoba brought Vinoba to the international scene. The Bhoodan Movement or Land Gift Movement, was a voluntary land reform movement in India, started by Acharya Vinoba Bhave in 1951 at Pochampally village in Telangana.

Background:

Vinoba Bhave, a humble spiritual leader, the first nonviolent resister to the Britishers and reformer of Independent India started this. The mission was to persuade wealthy landowners to willingly give a small share of their land to the landless people. He travelled across all of India to convince the wealthy landowners or land-lords to share a small area of their land with their poor and downtrodden neighbours with the condition that they can't sell the land. Over a span of 20 years, a total of 4 million acres of land was shared across the country through this movement.

Objectives:

The movement may be looked at as a concrete manifestation of the application of the universal principles of Love, Truth and Non-Violence to India's practical problems. The ideological basis of the movement is the philosophy which asserts that whatever people have is a trust and should be held and used as such, whether it is land or any other kind of property, or whether it be knowledge, skill or experience. It is a trust that people hold for their fellow human beings and for

the whole community. It is not meant for their personal enjoyment alone; everyone has a share in it.

It is by propagating this philosophy of Love and Truth and by persuading people to regard themselves and live as one family that Vinoba has aimed at bringing about a non-violent agrarian revolution. The movement thus arose by the surrender of part of a person's land but in course of time partial sharing, developed into total sharing. The Bhoodan movement thus aims to prepare the groundwork for an agrarian economy wherein land ceases to be a marketable commodity and where the individual works to attain the good of the entire community.

This is just one step towards the realization of real democracy or "Swaraj" by setting right the inverted structure of economic centralization through practices based on the principles of truth and Non-violence and also the decentralization of political and economic power.

Advantages:

It is a bold step towards solving the problems of landless labourers in very peaceful manner. It helps in bringing more land under plough. Even uncultivable land is cultivated. It helps in the direction of tax burden. It helps in reducing exploitation of the poor cultivators by the rich zamindars.

Disadvantages:

The fundamental weakness of Bhoodan movement was that its appeal was directed not to the poor and landless, but to the rich and landlords. So the voluntary donations of lands were not the generous offerings of the rich. In many

States the landlords donated lands to escape from the ceiling laws. They have “no free will”. Another weakness is that the depressed people and the exploited section of the society have already exhausted patience. They are in no mood to indefinitely wait for the positive results of the movement.

Gramdan

Whereas Bhoodan, literally land gift, aims at a social reform through individual acts of charity, Gramdan, literally village gift, tries to accomplish a social revolution through collective community decisions, whereby individual ownership of land should be abolished. In Bhoodan, individual land donations are accumulated and then redistributed to the landless, maintaining the concept of private ownership on both the benefactors’ side as well as the beneficiaries. A Bhoodan village had the same structure as an ordinary Indian village except that portions of land had been given “unto this last.” In Gramdan villages, however, all the village land was to be pooled and vested in the community. In such a village the landless labourer ceased to be a recipient of acts of charity and was elevated to the status of an equal among all other members of the Gramdan community. If that scheme had succeeded on a grand scale, then India would have made a great stride towards the Gandhian goal of village autonomy and village government. Such were the hopes of the fifties.

Gandhi’s vision of independent India, as portrayed in an article in July 1946, was composed of innumerable villages in ever widening but never ascending circles. “Life will not be a pyramid,” he wrote, “with the apex sustained by the bottom. But it will be an oceanic circle whose centre will be the individual always ready to perish for the village, the latter ready to perish for the circle of villages, till at last the whole becomes one life composed of individuals, never aggressive in

their arrogance but ever humble, sharing the majesty of the oceanic circle of which they are integral units.

This theory of a stateless society of self-contained villages was further elaborated by Vinoba. According to him, Sarvodayaworkers “believe in a stateless society as ultimate goal”. They do, however, recognise that in the preliminary stages a certain measure of government is necessary, but we do not agree that it will continue to be necessary at a later stage. Neither do we agree that totalitarian dictatorship is necessary to ensure progress towards a stateless society. On the contrary we propose to proceed by decentralizing administration and authority. In the final stage there would be no coercion but a purely moral authority. The establishment of such a self directing society calls for a net work of self sufficient units. Production, distribution, defense, education everything should be localized. The centre should have the least possible authority.”

Thus the Movement decided in 1963 to concentrate all its efforts on three main areas of activity: (1) the establishment of Gramdan villages all over the country, (2) the development of khadi and village-industries in these villages so as to make them self sufficient and independent of outside resources, and (3) the recruitment and training of a “Shanti Sena” or Peace Army, to prevent any outbreak of violence in the country or, if violence should occur, to bring it under control by non violent means. This was the only enforcement potential thought necessary in a Sarvodaya society, where mutual cooperation and not individual competition would be the driving force of motivation and behaviour.

To give not only the farmers in the villages but also the urban professionals and industrial workers a place in the Movement, Vinoba further enlarged the concept of “Dan,” or gift, so as to include the following aspects:

Shramdan literally labour gift meant the contribution of part of one's labour to a certain Sarvodaya project.

Sampattidan, literally wealth gift, meant the dedication of part of one's property or income to the Movement.

Buddhidan, literally intellect gift, meant the dedication of one's mental abilities and knowledge to the realisation of Sarvodaya ideals.

Jeevandan, literally life gift, meant the dedication of one's whole life and energy to the cause of the Movement.

These generalisations and the ambitious targets the Movement had set for itself had far reaching consequences: a modified concept of Gramdan known as simplified or SulabhGramdan was introduced in 1963. From then on a distinction was made between "ownership" and "possession." As such, the new concept of Gramdan was much less radical than the original and involved significant concessions to the principle of private property. Though all land donated to the village was to be vested in the village community, up to nineteen-twentieths of it could remain in the possession of the donors, who could only pass it on to their heirs. In this way at least one main aim was achieved: SulabhGramdan prevented village land from passing out of the control of the community; the means of production were controlled by the villagers themselves and could not be taken over by outside capital.

Gramdan villages where more than fifty per cent of the total land owned by resident private owners had been donated and in which at least three quarters of the adult residents had joined the programme were then to be combined at the block level, the lowest unit of the government's Community Development Programme. If in such a block with an all India average of some eighty thousand

inhabitants, more than 85 per cent of the revenue villages or 75 per cent of the adult population had decided to join Gramdan, it was declared a "Blockdan." "Districtdan" is then district in which all the blocks have met the condition of Blockdan and "Statedan" is a State in which all the districts have gained the status of Districtdan. With this scheme it was hoped to gradually transform the existing government establishment from the grassroots upward. By the end of the Gandhi Centenary Year in 1969, the Movement claimed to have reached 1,40,000 of India's 5,60,000 villages; of these Gramdan villages 60,000 were in the northern State of Bihar, where the Movement had pooled a great deal of its efforts and resources. With nearly 90% of its villages covered, Bihar was proclaimed the first stated an in India.

The Movement distinguished three steps in the development of a village: (1) "prapti" means that people have been persuaded to join Gramdan and transfer their ownership to the village council. (2) "pushti" means that the village people implement the primary conditions of Gramdan, i.e. the redistribution of one twentieth of the land among the landless. The verification of gifts and the legal transfer of titles take place at this stage. (3) "nirman" means that all the necessary resources have been mobilised through the Gram Sabha (village assembly) so that constructive development programmes can be started. The fact is that by 1970 only few villages, most of them situated in tribal areas with their own traditions of communal ownership, had reached the "nirman" stage. The majority of villages, however, were in the initial phase of propaganda and declaration of good intentions. To persuade villagers to adopt the Gramdan ideals and to join Vinoba on the Gandhian path of rural reconstruction was one thing; to follow up with the necessary legal paraphernalia and agricultural extension work was quite another. Here the Sarvodaya workers were more or less on their own

and could not draw on the saintly image of their leader, who, moreover, considered these things secondary. According to Vinoba, what mattered was the change of attitude, which would by itself lead to socio-economic results. "Let it be understood clearly," Vinoba wrote in 1957, "that increasing agricultural production is certainly not the aim and object of bhoodan and gramdan. That would be only incidental. Its main object is to widen man's loyalty to the entire society."

Sarvodaya

The concept of Sarvodaya is a significant contribution of Mahatma Gandhi to the sociopolitical philosophy. His vision of Sarvodaya is not independent from the religions he came across, the persons with whom he came into contact, and the movements he has acquainted with. Though it is not easy to define properly Gandhi's vision of Sarvodaya it is an allcomprehensive vision assuring the total good of every individual: religious, moral, social, political, and economic. He used the word Sarvodaya to describe the principles that he felt should guide us in our efforts to build ourselves, our families, our communities and nations. He had arrived at these principles of a Sarvodaya society on the basis of his studies, his observations and his experiments with truth and non-violence. In the world threatened by poverty, unemployment, racial discrimination, exploitation, ecological destruction, war, and dehumanization, it was Gandhi's ardent desire to establish a new just society free from all social evils and which would ensure the good of all. He proposes Sarvodaya to achieve the integral development of every individual. It is an ideal to be translated into action in order to build up a new world society.

The Meaning of Sarvodaya:

Sarvodaya is a Sanskrit word derived from two words, namely, sarva and udaya. Sarva means 'all' which includes every kind of living beings. Udaya means 'rise,' 'uplift,' 'prosperity,' 'affluence,' etc. So Sarvodaya literally means 'the welfare of all' or 'the upliftment of all.' The ultimate objective of Sarvodaya is the total well-being of all or the greatest good of all. By 'welfare of all' Gandhi means the sum total of conditions-religious, moral, political, social and economic – for the all round growth of the total individual and of every individual in the context of the overall development of society. By the concept Sarvodaya Gandhi really means universal uplift or the welfare of all men and women and not just the welfare, or greatest happiness, of the greatest number. Sarvodaya is the name Gandhi gives to the new society embracing the betterment of the entire humankind and the world at large. It is a society directed towards the integral welfare of all living beings based on age and on the old spiritual and moral values of Indian and those found elsewhere.

The Goals of Sarvodaya:

The fundamental goal of Sarvodaya is the greatest good of all living beings. Gandhi aims at the transformation of society in which everybody contributes his or her own maximum share for the peace and harmony of the world. As a consequence the integral growth which includes spiritual, moral, political, social and economic welfare of every individual and the welfare of all is visualized. It also aims at the all-round development of all, without distinction of caste, creed, sex or religion. Gandhi wanted to establish a welfare state in India, which he called Ram Rajya. When each individual including the sick and the invalid fulfills his or her duties according to his or her capacity, there will be a healthy community assuring the integral welfare of all beings. By providing sufficient

opportunities to every individual for their personal initiatives and capacities Sarvodaya aims at the total and integral development of every individual in human society.

The Main Features of Sarvodaya:

The theory of trusteeship, elimination of exploitation in every shape or form; a classless society which offers no privileges by the birth or wealth or talent; mutual cooperation being the driving force of motivation and behaviour and above all, securing the welfare of all without any distinction of race, religion, sex, political affiliation: these may be said to be the highlights of the Sarvodaya society envisioned by the Mahatma. Sarvodaya is the application of the principle of non-violence in the transformation of societies: from their present forms which are mostly exploitative of and unfavourable to the disadvantaged, toward more balanced, inclusive and egalitarian forms in which can be enshrined the principle of social justice for all.

Economic Equality According to Gandhi economic equality is the master key to nonviolent transformationary independence. Working for economic equality means abolishing the eternal conflict between capital and labour. A non-violent system of government is clearly and impossibly so long as the wide gulf between the rich and the hungry millions persists. The most disadvantaged sections of the community being the economically, the physically and the mentally poor, it is obvious that no egalitarian society could evolve without the poor taking part in the evolutionary process. And for this sector to take part, focus must be put on raising their status to an acceptably decent level. However, as it should be for all the other sectors of society, if an acceptable level of existence is to be reached

and maintained for the disadvantaged sector, it is imperative that it should be self-sustainable through their participation in their own management.

Sarvodaya Network during his lifetime, Gandhi never allowed Sarvodayaorganisations to be formally instituted. His thinking was that once you served people, as 'sevakas' within the Sarvodaya philosophy there was no need for institutionalization. But since his demise Sarvodayaorganisations have been established world-wide genuinely helping people towards building new societies from the 'grass-roots' up. At the operational field level, the most successful Sarvodayaprogrammes have most often been those which, apart from being selfcreated and self-managed, have employed practical hands-on-learning-by-doing methods, including a lot of income generation, skills training and conscientisation; rather than the theoretical 'talk-shop' or workshop approach.

73rd Constitutional Amendment Act

The 73rd Constitutional Amendment Acts, 1993 enjoin upon the states to establish a three-tier system of Panchayats at the village, intermediate and district levels and Municipalities in the urban areas respectively. States are expected to devolve adequate powers, responsibilities and finances upon these bodies so as to enable them to prepare plans and implement schemes for economic development and social justice. These Acts provide a basic framework of decentralisation of powers and authorities to the Panchayati Raj/Municipal bodies at different levels. However, responsibility for giving it a practical shape rests with the States. States are expected to act in accordance with the spirit of the Acts for establishing a strong and viable system of Local Self-Government. The 73rd and 74th Amendments to the Constitution of India constitute a new chapter in the process of democratic decentralisation in India. In terms of these

Amendments, the responsibility for taking decisions regarding activities at the grass-root level which affect people's lives directly would rest upon the elected members of the people themselves. By making regular elections to Panchayati Raj/Municipal bodies mandatory, these institutions have been given their due place in the democratic setup of our country. Local Self- Governments in India, both Rural and Urban, has seen many ups and downs. But after the 73rd and 74th Constitutional Amendments, 1992, Local Self Government in India got a new life, as it is enshrined in the Constitution of India like the two upper levels of governments i.e., Central and State Governments.

Local Self-Government is the third stratum of Government, the first two being the Central and the State Governments.¹⁵ Presently, Rural Self Government i.e., Panchayati Raj system is working in accordance with the 73rd Constitutional Amendment Act and Urban Self Government i.e., Municipal Bodies is working in accordance with the 74th Constitutional Amendment Act. Following the enactment of the 73rd Amendment Act, 1992, almost all the States in India passed legislation in conformity with the provisions of the 73rd Amendment Act. There are some States which have two tier Panchayats – one at the village level and second at the district level. And there are also other States where Panchayati Raj Institution is a three tier system- Gram/ Gaon Panchayat as first level, Samiti, Mandal or Anchalik or Taluk or Block or Janapad or Union or Kshetra as second level and Zilla or District as the third level. At the rural level the Gaon Sabha constitutes the foundation of the Panchayati Raj system. Gaon Sabha performs the functions and powers entrusted to it by the state legislatures. The 73rd Amendment Act aims to provide three tier system in the Local Self Government constituted through elections held regularly every five years. The Act also provides reservation of seats for Scheduled Castes, Scheduled Tribes and Women. Moreover, the Act provides for a State Finance Commission to make

recommendations regarding the financial powers of the Panchayats and to constitute District Planning Committee to prepare draft development plan for the district. Provision has also been made to constitute a State Election Commission in every state to supervise, direct and control the regular and smooth elections to Panchayat bodies.

The 74th Constitutional Amendment Act, 1992, proposes to constitute a uniform structure of Municipal Corporations, Municipal Councils and Nagar Panchayats in transitional areas. This Act granted the Urban Local Government a constitutional status. Presently, the Urban Local Government has three categories - (a) Nagar Panchayat for a transitional area, i.e., an area in transition from a rural to an urban area, (b) Municipal Council for smaller urban area and (c) Municipal Corporation for a large urban area. An area is designated as 'a transitional area' or a smaller urban area' or 'a larger urban area' on the basis of size and density of population of that area, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors. The Governor of a state can provide, by a notification that a Municipality may not be created in an industrial township if the municipal services are provided by an industrial establishment. Another type of town which does not come within the scope of above categories is the army cantonment. If any towns have come up around the army stations, the management boards for these towns are established and these are controlled by the Defence Department. These are known as Cantonment Boards. The seats in the Municipalities are filled by persons who are elected directly by the people from the territorial constituencies within the municipal area. These territorial constituencies are known as wards. Though the Panchayati Raj Institutions have been in existence for a long time, it has been observed that these institutions have not been able to acquire the status and dignity of viable and responsive

people's bodies due to a number of reasons including absence of regular elections, prolonged supersession, insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and women, inadequate devolution of powers and lack of financial resources. 2. Article 40 of the Constitution which enshrines one of the Directive Principles of State Policy lays down that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of selfgovernment. In the light of the experience in the last forty years and in view of the short-comings which have been observed, it is considered that there is an imperative need to enshrine in the Constitution certain basic and essential features of Panchayati Raj Institutions to impart certainty, continuity and strength to them. 3. Accordingly, it is proposed to add a new Part relating to Panchayats in the Constitution to provide for among other things, Gram Sabha in a village or group of villages; constitution of Panchayats at village and other level or levels; direct elections to all seats in Panchayats at the village and intermediate level, if any, and to the offices of Chairpersons of Panchayats at such levels; reservation of seats for the Scheduled Castes and Scheduled Tribes in proportion to their population for membership of Panchayats and office of Chairpersons in Panchayats at each level; reservation of not less than one-third of the seats for women; fixing tenure of 5 years for Panchayats and holding elections within a period of 6 months in the event of supersession of any Panchayat; disqualifications for membership of Panchayats; devolution by the State Legislature of powers and responsibilities upon the Panchayats with respect to the preparation of plans for economic developments and social justice and for the implementation of development schemes; sound finance of the Panchayats by securing authorisation from State Legislatures for grants-in-aid to the Panchayats from the Consolidated Fund of the State, as also assignment to, or appropriation

by, the Panchayats of the revenues of designated taxes, duties, tolls and fees; setting up of a Finance Commission within one year of the proposed amendment and thereafter every 5 years to review the financial position of Panchayats; auditing of accounts of the Panchayats; powers of State Legislatures to make provisions with respect to elections to Panchayats under the superintendence, direction and control of the chief electoral officer of the State; application of the provisions of the said Part to Union territories; excluding certain States and areas from the application of the provisions of the said Part; continuance of existing laws and Panchayats until one year from the commencement of the proposed amendment and barring interference by courts in electoral matters relating to Panchayats.

Salient Features :

The Salient features of the Seventy-Third Constitution Amendment Act are given below:

The Amendment stipulates for certain compulsory provisions which are obligatory on the part of the State Governments to incorporate in their respective Acts. Some aspects have, however, been left at the discretion of State legislatures to make suitable provisions in their Act.

The mandatory provisions are:

(A) Establishment of 'Gram Sabha' at the village level comprising of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat(Article 243) (b). The State, where Gram Sabha does not exist, will have to make such provision.

(B) Establishment of a three-tier system of Panchayat, at the village, intermediate and district levels, in all the States and Union Territories (UTs) except in those having a population of less than twenty lakhs where Panchayats at intermediate

level need not be constituted. The States which will fall under this category as per 1991 census are Goa, Sikkim, all the North Eastern States and UTs.

(C) All levels of Panchayats will consist of persons elected directly from the territorial constituencies in the Panchayat area. The territorial constituencies shall be carved out in such manner that the ratio between the population of each constituency and the number of seats allotted to it should be uniform throughout the Panchayat area as far as practicable.

(D) All members of the Panchayat whether or not directly elected shall have the right to vote in the meetings of the Panchayats.

(E) The chairperson of a Panchayat at the intermediate and district level shall be elected from among the directly elected members representing the territorial constituencies.

(F) Reservation of seats for SCs/STs in proportion to their population in the Panchayat area and seats may be allotted by rotation.

(G) One-third of the total number of seats, both in reserved and unreserved categories shall be apart for women in every Panchayat and seats may be allotted by rotation.

(H) The chairperson of each level of Panchayats shall be reserved for SCs/STs in proportion to their population on rotation basis. Similarly, one-third post of chairpersons of each level of Panchayats shall be reserved for women on rotation basis.

(I) A fixed tenure of five years for Panchayats from the date appointed for its first meeting and the tenure cannot be extended. However, if a Panchayat is dissolved before the expiry of its term, election is to be conducted within a period of six months of the dissolution to reconstitute the Panchayat for the remainder of the term of the term provided the remainder of the period is not less than six

months. The Panchayats shall be constituted before the expiry of its tenure of five years.

(J) Amendment of law to dissolve the Panchayats at any level is also prohibited.

(K) A person who has attained twenty one years of age is eligible for a membership of a Panchayat.

(L) Constitution of a Finance Commission in the State within one year from the commencement of the Constitution Amendment Act initially and thereafter every five years to review the finances of the Panchayats and recommended the principles on the basis of which the taxes to be appropriated by, or assigned to the Panchayats as also grant-in-aid to the Panchayats from the consolidated fund of the State. The action taken on the recommendation of the Commission shall be laid before the Legislature of the State.

(M) Audit of the accounts of the Panchayats to be done.

(N) A State Election Commission has to be constituted for the superintendence, direction and control of the Panchayats at all levels. The State Election Commissioner, however, shall be removed in the manner and on the like grounds as a Judge of a High Court.

(O) The Act is applicable to all States and Union Territories. Exemption is being granted to certain states and tribal areas and other territories from the application of the provisions of part IX of the Constitution and powers to the President and the Governor to modify the provisions of the IX in their application to Union Territories and Scheduled areas, respectively.

(P) The existing laws relating to Panchayats which are inconsistent with the provision of the Act shall continue to be enforced until it is amended or repealed within one year. The existing Panchayats shall continue till the expiration of their terms unless they are dissolved by the competent authority.

(Q) Courts are not to interface in the electoral matters such as delimitation of constituencies, allotment of seats and election to any Panchayat. Petition challenging the election of any Panchayat can be presented to besides these mandatory provisions the State Legislature has been empowered to have legislation in respect of a wide range of subjects, including on such matters as functions of the Panchayats and so on.

UNIT - III PANCHAYAT RAJ SYSTEM IN INDIA

Functions of Panchayat Raj Institutions:

All Panchayat raj institutions perform such functions as are specified in state laws relating to Panchayat raj. Generally speaking the functions are as under: Functions of Gram Panchayat Some States distinguish between obligatory (compulsory) and optional functions of Gram Panchayats while other States do not make this distinction. The civic functions relating to sanitation, cleaning of public roads, drains and ponds, public toilets and lavatories, primary health care, vaccination, supply of drinking water, constructing public wells, street lighting, social health and primary and adult education, etc. are obligatory functions of village Panchayats. The optional functions depend on the resources of the Panchayats. They may or may not perform such functions as tree plantation on road sides, setting up of breeding centers for cattle, organising child and maternity welfare, promotion of agriculture, etc.

After the 73rd Amendment, the scope of functions of Gram Panchayat was widened. Such important functions like preparation of annual development plan of Panchayat area, annual budget, relief in natural calamities, and removal of encroachment on public lands, implementation and monitoring of poverty alleviation programmes are now expected to be performed by Structure of

Government Panchayats. Selection of beneficiaries through Gram Sabhas, public distribution system, non-conventional energy source, improved Chullahs, bio-gas plants have also been given to Gram Panchayats in some states.

Functions of PanchayatSamiti:

PanchayatSamitis are at the hub of developmental activities. They are headed by Block Development Officers (B.D.Os). Some functions are entrusted to them like agriculture, land improvement, watershed development, social and farm forestry, technical and vocational education, etc. The second type of functions relates to the implementation of some specific plans, schemes or programmes to which funds are earmarked. It means that a PanchayatSamiti has to spend money only on that specific project. The choice of location or beneficiaries is, however, available to the PanchayatSamiti.

Functions of ZillaParishad:

ZillaParishad links Panchayatsamitis within the district. It coordinates their activities and supervises their functioning. It prepares district plans and integrates samiti plans into district plans for submission to the State Government. ZillaParishad looks after development works in the entire district. It undertakes schemes to improve agricultural production, exploit ground water resources, extend rural electrification and distribution and initiate employment generating activities, construct roads and other public works. It also performs welfare functions like relief during natural calamities and scarcity, establishment of orphanages and poor homes, night shelters, welfare of women and children, etc. In addition, ZillaParishads perform functions entrusted to them under the Central and State Government sponsored programmes. For example, JawaharRozgarYojna

is a big centrally sponsored scheme for which money is directly given to the districts to undertake employment-generating activities.

Developments After 1947

In the wake of India's independence, the trend was towards making local bodies autonomous and effective. Gandhi's idea of 'GramaSwraj' articulated this concern. This idea had its own impact on Karnataka.

After independence, the princely state of Mysore came under the category of part 'B' state in the Indian Union. Later, with the reorganization of states, several areas were added to Mysore. It was renamed as Karnataka in the year 1970. The erstwhile princely state of Mysore had to adjust itself to the changed conditions and the requirements of the new political system. In this situation, the government formed a Committee under the president ship of V Venkatappa in the year 1949. It was asked to suggest measures regarding the changes to be brought about in the local governments. This integration and coordination committee recommended two tier systems that are gram Panchayat at the local level and the district committee at the district level. Venkatappa Committee submitted its report in the year 1950. On the basis of this report the Mysore Village Panchayats and District Boards Act, 1952, was formed. But the Act could not achieve expected results.

In the year 1953, with the intention to strengthen local governments, a Local Board Enquiry Committee, popularly known as D H Chandrashekariah Committee was formed. This committee submitted its report in 1954 and

suggested three tier systems with taluk Boards at the intermediate levels, adding to the earlier system. But the suggestions were not implemented.

The Mysore Village Panchayats and Local Boards Act 1959:

The Balwant Rai Mehta Committee report provided a new impetus to the system of Panchayat Raj. Taking note of this committee as well as the historical evolution of local government institutions in the state, a new local self government set up was introduced considering all parts of the recognized states. The Mysore Village Panchayats and Local Boards Act, 1959 was enacted.

The Act introduced three tier Panchayat Raj systems with directly elected bodies at the village and taluk levels and indirectly constituted body at the district level. A directly elected village Panchayat was constituted at every village or group of villages with average population of 2500 people. Members of the taluk development board ranging from 15 to 19 were also directly elected. Seats were reserved for S.Cs and S.Ts at both the taluk and village levels according to the population in the area, while two seats each were reserved for women at both levels. The district development council consisted of MPs MLCs, TDB presidents, women members and district government officials. The district developmental council was essentially a co-coordinating and supervisory institution. Under this Act, about 8,411 Village Panchayats and 96 Town Panchayats, 175 Taluk Developmental Boards and 19 District Developmental Councils were established.

Comparatively, this new act was an improved attempt at strengthening Panchayat Raj Institutions. But this act had its own defects. It did not make provision for financial autonomy and development programme for local

institutions. The district council was only an advisory, supervisory body and taluk became the basic unit of administration.

Karnataka Panchayat Raj Act, 1993:

The passing of the Constitution Act of 1993 (seventy-third amendment) by the Parliament gave constitutional status to Panchayat Raj Institutions. It made holding of elections to the Panchayat Raj Institutions mandatory on the part of the state governments. It appended the 11th schedule to the constitution which broadly defined the functions of these bodies. It laid down formula for reservation of seats and defined the powers of state government vis-a-vis the Panchayat Raj Institution. In fact Karnataka was the first state to implement it. The Karnataka government introduced the Karnataka Panchayat Raj Act 1993 in the legislature on 1st April, 1993. With the approval of both the houses it came in to effect from 10th May, 1993.

The Act established three tier Panchayat Raj Institutions with ZillaPanchayat at district level, talukPanchayat at taluk level and gram Panchayat at village level. The Act which received the governor's assent on 13th April, 1993 reads as follows: 'An Act to replace the present enactment relating to Panchayats by a comprehensive enactment. Whereas it is expedient to replace the present enactment to establish a three tier Panchayat raj system in the state with elected bodies at the grama, (village), taluk and district levels, in keeping with the constitution amendment relating to Panchayats for greater participation of people and more effective implementation of development programmes'.

The Three-Tier Panchayat Raj System and Gram Panchayat:

According to the Act, a gram Panchayat is constituted for a population between 3000 and 5000. The area covered by a gram Panchayat included group of

villages. There will be one member for every 400 persons. The adyaksha and upadyaksha (president and vice president) are elected from among the elected members. There are three Standing Committees in the gramPanchayat, namely: Production Committee, Social Justice Committee and Amenities Committee. A secretary is appointed by the government as the administrative head of the gram Panchayat. The main function of the gram Panchayat is to promote economic and social welfare, education and health in the gram Panchayat.

TalukPanchayat:

For each taluk, there shall be a talukPanchayat consisting of local representatives from the state legislature and parliament apart from one fifth of the gram Panchayat presidents in the taluk are chosen by lots every year (in rotation). Members are directly elected from the separate territorial constituencies at the rate of one member for every 10000 population.

The elected members of talukPanchayat must choose two members from among themselves to the post of president and vice president. The talukPanchayat has the following Standing Committees: General Standing Committees, Finance, Audit and Planning Committee and Social Justice Committee. Group A officer of the state civil services is the administrative head of the talukPanchayat. TalukPanchayats are empowered to supervise the activities of gram Panchayats in their jurisdiction.

ZillaPanchayat Each district will have ZillaPanchayat consisting of members of parliament and the legislature from within the district, the presidents of talukPanchayats in the district and elected members in accordance with the scale of one member for 40,000 of the population.

The elected members shall choose two members from amongst them to the post of president and vice president. The ZillaPanchayats will have the following StandingCommittees: General Standing Committee, Finance, Audit and Planning Committee, Social Justice Committee, Education and Health Committee, Agriculture and Industries Committee. A chief executive officer, not below the rank of Deputy Commissioner is to be the administrative head of the ZillaPanchayat. The Act reduced the powers of ZillaPanchayat substantially. It may be noted that the Janata Dal government, through an ordinance made the presidents of Zilla and talukPanchayats executive heads and gave them executive powers.

Gram Sabha:

The gram sabha is a statutory body of gram Panchayat today. It is obligatory on the part of the gram Panchayat to convene gramasabha meeting at least once in six months. All the adults who are in the voters list of the village are the members of the gram sabha.

Thus confirming to the mandatory requirement of the 73rdAmendment, Karnataka became the first state to implement the Panchayat Raj Act on the basis of this amendmentand holding elections to the Panchayat under the act. Since its enactment, it has been amended on many occasions, leading to some important changes in the Act.The Janata Dal party which came to power in 1994, constituted an expert committee [The Nayak Committee] in the year 1995 with the intension to revamp the Act of 1993 and to restore autonomy of the kind obtaining under the earlier 1993 Act. The committee recommended many changes to the Act. The amendments were incorporated in the year 1997. It incorporated provisions for consequential arrangements with regard to the position of the new bodies,

division of funds and liabilities. In the year 1998 seven new districts were formed. Therefore, the number of ZillaPanchayats has gone up from 20 to 30. A more significant development has been the issue of an ordinance in February 1999, reducing the number of gram Panchayats. Under the ordinance, the population limit of a gram Panchayat was raised to 10000 to 16000 as against 5000 to 7000 people. The reason given by the government is that under the earlier pattern the ZillaPanchayat was too small. They had limited financial resources and manpower and they were not capable of becoming effective instruments of development.

The system of Panchayat Raj in Karnataka has a long history originating from about 6th century A.D. The system has undergone considerable changes since then. The history of democratic decentralization in Karnataka has generally been of a promise and hope, although there are certain disappointments. The functioning of Panchayat Raj Institutions in the state shows that they have not fully emerged as peoples institutions. New class of power centers usually occupied by elite is emerging. Gram sabha has not been successful in ensuring downward mobility. In the recent years any change in government has resulted in changes in Panchayat Raj system. Every government seeks to strengthen its support at the grass root level against the opposition.

PanchayatRaj Finance

Panchayats can discharge their functions efficiently only if they have sufficient financial resources. For resources, Panchayats depend mainly on grants from State Government. They also have taxation powers and have some income from owned or vested assets. They may get a share in the taxes, duties, tolls and fees that are levied and collected by the State Government. Let us now see what financial resources Panchayats have to perform their functions.

Gram Panchayat: In most States the power of levying taxes is vested in gram Panchayats. House tax, tax on cattle, immovable property, commercial crops, drainage tax, sanitation fee, tax on produce sold in village, fee for supply of water to households, lighting tax are some of the taxes and fees levied by Panchayats. Panchayats can also levy entertainment tax on temporarily stationed theatres, taxes on animals and non-mechanically propelled vehicles plied for hire.

Gram Panchayats also receive funds as income from property owned by them as common grounds, jungles, cattle ground etc. The sale proceeds of dung refuse and carcasses (dead bodies of animals) are also retained by gram Panchayat. They also receive their share in land revenue from the State.

PanchayatSamitis: PanchayatSamitis can impose tax on facilities provided by them as water for drinking or irrigation purposes, lighting arrangements, tolls for bridges maintained by them. The property of PanchayatSamitis includes public buildings, public roads constructed or maintained out of their funds and all land or other property transferred to them by the government. Panchayats receive income from the property vested in them. They also receive grants from the State Governments. Funds are transferred by ZillaPanchayats or State Governments along with schemes to be implemented by the intermediate institutions of Structure of Government Panchayat raj.

UNIT– IV THE URBAN LOCAL SELF GOVERNMENT

The Municipal Corporation:

This system was introduced by the Britishers first in Madras and then in Bombay and Calcutta. The current structure of Municipal administration is largely based on Lord Ripon's reforms on local self-government introduced in 1882. The 1992 Act brought uniformity in municipal bodies. The Municipal Corporations were set up for highly urbanized areas, Municipal Councils for smaller urban areas and Nagar Panchayat for areas in transition phase from rural to urban. The State legislature is empowered to make laws related to functioning and powers of the local government. The Municipal Corporation consists of the Council, where representatives from every ward are elected by the people known as Councilors for the term of five years.

The Mayor and Deputy Mayor are elected by the Councilors for a period of two and half years. They enjoy great honour in the city. Mayor is regarded as the first citizen of the city. The MPs, MLAs are the ex-officio members of the corporation. The Chief Executive Officer is appointed through the Indian Administrative Services (IAS) known as the Municipal Commissioner. The entire administrative staff is also appointed by the State. The corporation also nominates some selected citizens as its members.

Functions of the Municipal Corporation: It includes wide variety of duties to be performed by the corporations to ensure overall development of the city i.e. economic, social, health and sanitation, infrastructure etc. The functions of Municipal Corporations are classified as obligatory and voluntary.

Obligatory Functions: Sanitation of hospitals, roads, maintenance of drainage of city, Water supply for public and private purposes, Establishing hospitals, child and maternity welfare centres, Providing street lights, cleaning of garbages from the city roads, Registration of birth and death, Maintenance of bridges and public buildings, Providing primary education by setting up schools, Naming of streets and numbering of streets and houses.

Voluntary Functions: Constructing and maintaining public parks, gardens, libraries, museums, swimming pools, recreation centers etc., Providing shelter to old, street children, destitute, orphans etc., Survey of buildings, lands etc.

Municipal Council:

1. The smaller cities are looked after by Municipal Councils. When the cities grow in size of population it is transformed under the administration of Municipal Corporations.

2. The Council members are elected by the people for the term of five years.

3. President and Vice-President are elected by the members' of the Council for the term of two and half years. The President is honoured as the first citizen of the town.

4. Each Council has among its appointed Staff, one Executive Officer and its subordinate staff and nominated selected citizens of the town.

Functions of the Municipal Council:

The functions of the Municipal Council are similar to that of Municipal Corporations which includes some obligatory functions and some voluntary functions. To perform these functions various committees are created, namely, Public Works Committee, Education Committee, Sanitation Committee, Water Supply Committee, Planning and Development Committee, Women and Child Welfare Committee. Nagar Panchayat: The composition and functions of the Nagar Panchayat are similar to Municipal Councils. Nagar Panchayats are established in those rural areas to be soon transformed into urban. Nagar Panchayat is formed according to the 74th constitutional amendment.

Financial Resources of Urban Local Bodies:

Municipal corporations and municipalities raise their own resources from a variety of sources, as provided for in the respective municipal laws.

Their own revenue sources are income from

- (i) taxes,
- (ii) fees and fines, and
- (iii) Earning from municipal enterprises like land, tanks, markets, shops, etc. Besides these bodies receive grants from the State. Property tax on land and buildings is the most important source of income of most urban local bodies. Other taxes levied by them are advertisement tax, professional tax etc. Octroi still remains an important source of income of municipalities in Western India. Now, the trend is toward abolishing this tax as it obstructs the free flow of traffic on highways. They also charge fines for breach of municipal rules and regulations.

From municipal shops and markets and rest houses, municipalities often earn considerable sum of revenue. It is a general practice for States to give grants to their municipal bodies to improve their revenue position. State grants-in-aid may be on ad hoc basis; or, it can be on the basis of certain principles like size of population, slums concentration, location of town, etc.

Some of the taxes and rates collected by urban bodies are: Property Tax; Water tax for water supplied; Seweraging Tax, Fire Tax; Taxes on animals and vehicles; Theatre Tax; Duty on transfer of Property; Octroi Duty on certain items brought into the city; Education Cess (Tax); and Professional Tax. Some other sources of income are fines and fees such as Fees on Tehbazari on takhats and chabutras; licence fees – on cycle rickshaw, bicycles etc.; rent from municipal shops; and fines imposed for violation of municipal by laws.

Balwantrai Mehta Committee:

Balwantrai Mehta Committee was the first Committee set up in 1957 to look into the problems of democratic decentralization in independent India. The Committee was asked to report on community development projects. The Committee made far reaching recommendations in the direction of democratic decentralization and rural reconstruction. It pointed out that the community development programme was not successful because it failed to evoke local initiative and that in the absence of local initiative and local interest, development would not be possible. The committee laid down five fundamental principles. 1. There should be three tier structures of local self government bodies from village to the district level and these bodies should be linked together.

2. There should be genuine transfer of power and responsibility to these bodies to enable them to discharge their responsibility.
3. Adequate resources should be transferred to these bodies to enable them to discharge their responsibilities.
4. All welfare and developmental schemes and programmes at all three levels should be channeled through these bodies.
5. The three tier system should facilitate further devolution and disposal of power and responsibility in future. The committee envisaged three tier systems of Panchayats known as Zilla Parishad, Panchayat Samiti and Gram Panchayat and recommended encouragement of peoples' participation in community work, promotion of agriculture and animal husbandry, promoting the welfare of the weaker sections and women through the Panchayats.

For the first, time the Committee made recommendations for co-opting of two women who are interested to work for women and children. However, like the rest of the male members, women were not to be elected but were to be co-opted.

The recommendations of the Balwant Rai Mehta Committee came into effect on 1st April 1958. Rajasthan was the first state to implement it on 2nd October 1959. By mid 1960s, Panchayat had reached all parts of the country. More than 2,17,300 village Panchayats covering over 96% of the 5,79,000 inhabited villages and 92% of rural population had been established. There was enthusiasm in rural India and people felt that they had a say in the affairs affecting their daily life. These were considered as the promising days of Panchayat Raj Institutions in India. The report of the Ministry of Community Development had stated in 1964-65 that younger and better leadership was

emerging through Panchayat Raj Institutions and there was a fairly high degree of satisfaction among the people with the working of the Panchayats.

The recommendations of Balwant Rai Mehta Committee were implemented by many states in the country. Till the mid sixties, Panchayat Raj system flourished in India. But there was decline in Panchayat Raj Institutions after the mid sixties mainly because of centralized tendencies of functioning all over the country. The elections were not held regularly and the participation of people weakened in these bodies. Inefficiency, corruption, favoritism, uncertainty and irregularity led to their decline. Most of the development programmes were kept out of their preview. Centrally sponsored schemes were initiated; parallel administrative bodies were created and government reduced funds considerably. During the period of national emergency, bureaucracy got the upper hand and these institutions lost their significance. The village Panchayats were made subordinate units of government to implement its programmes.

Ashok Mehta Committee (1977)

In this backdrop in 1977, the Janata government appointed a Committee with Ashok Mehta as chairman and was entrusted with the task of enquiring into the causes responsible for the poor performance of Panchayat Raj Institutions. It was also asked to suggest measures to strengthen Panchayat Raj Institutions. The committee suggested two tier system of Panchayat Raj consisting of Zilla Parishads at the district level and Mandal Panchayats at the grass root level as against three tier system suggested by the Balwant Rai Mehta Committee. The committee recommended constitutional protection to the Panchayat Raj Institutions and further decentralization of power at all levels.

A noteworthy feature of the report is that it recommended regular elections to these bodies and open participation of political parties.

The Ashok Mehta Committee Suggested:

- Reservation of seats for the weaker sections.
- Two seats for women.
- Adequate financial resources for the Panchayats Requirement of Constitutional sanctions
- To extend people's participation in developmental activities.

Due to the fall of the Janata government, the Ashok Mehta Committee recommendations were not implemented. Few states including Karnataka formulated new legislation on the basis of the recommendations of this Committee. Both the Committees overlooked the importance of panchayats as units of self-government.

During 1980's, two important Committees were appointed to look into local governments. GVK Rao Committee in 1985 and Dr. L.M. Singhvi Committee in 1986. The GVK Rao committee recommended the revival of Panchayati Raj Institutions such that greater responsibility of planning, implementation, and monitoring of rural development programmes could be assigned to them. L.M. Singhvi Committee recommended that the Panchayat Raj Institutions should be constitutionally recognized and protected. New chapter in the constitution should be provided to define their powers and functions and free and fair election to be conducted through the election commission. Committee recommended for the appointment of finance commission and all the rural development programmes are entrusted to the Panchayat Raj Institutions by amending schedule VII of the constitution.

UNIT– VRURAL LOCAL GOVERNMENT

The rural local self-government in India is also described as 'Panchayat Raj'. It was a major step taken for the upliftment of rural areas and to ensure rural development. On the basis of Balwant Rai Mehta Committee, Rajasthan was the first state to establish Panchayat Raj in India. There after entire rural India came under this system. The main aims of the Panchayat Raj system were to promote social and economic development of rural areas, to make villages self-reliant and to provide with political education and training to rural people. Under the committee's recommendation a three tier system of local government was established which is as follows:

Zilla Parishad:

It is a local government body at the district level. It looks after the administration of rural areas in a district. The members to the Parishad are elected by the people for the term of five years. Some seats are reserved for SC, ST, OBC and women. The President and Vice President are elected for the term of two and half years. The Chief Executive Officer is appointed by the State government through Indian Administrative Services. The main functions of the Zilla Parishad include providing of facilities and initiating development programmes for the rural people. It houses various committees like Finance, Education, Health, Agriculture, Child Welfare, Animal Husbandry, Public works, water supply and irrigation etc.

Panchayat Samiti:

The Panchayat Samiti is formed at the taluk level. Every Panchayat Samiti is headed by the Chairperson. In the absence of Chairperson, the Deputy

Chairperson performs his functions. The Block Development Officer (BDO) is the executive head of the Panchayat Samiti. He is appointed by the State government.

Gram Panchayat:

It works at the village level. It is formed in a village which has minimum population or else two or more villages are clubbed together. Sarpanch is the head of the Gram Panchayat. He supervises and implements the resolutions passed by the Gram Panchayat. In his absence Deputy Sarpanch looks after the affairs of the village. The functions of the Gram Panchayat are includes looking after the basic amenities of the village. Gramsevak is appointed by Zilla Parishad to carry out the routine work of the Gram Panchayat.

Income of Rural Local Governments - Municipalities – Corporations

The importance of local organizations can never be emphasized without looking into the financial aspects connected with them. Panchayat Raj Institutions are bodies which are intended to play an important role in promoting rural development in the widest sense. For this, rural local bodies require a sound financial resources base to become really functional and effective to carry out their development plans, projects and programs.

The importance of rural local authorities and especially, of their financial resources needs no over emphasis. For financial resources for the purpose, the PRIs have to depend on the state governments: either there is direct financial assistance from these governments or a devolution of powers in state acts to raise resources. Article 243H of the amendment act state that the state may be law (a) authorize a Panchayat to levy, collect and appropriate such taxes, duties, tolls, and fees; and (b) assign to a Panchayat such as taxes, duties, tolls, and fees; and

(c) provide for making such grants-in-aid to the Panchayats from the consolidated fund of the state.

Tax Assignment: The Panchayats are entrusted with a number of taxes. The important among these are as follows:

House tax:

House tax is levied on all the houses and the buildings whether used for residential or commercial purposes. House tax is compulsory in the States of Andhra Pradesh, Kerala, Maharashtra, Madhya Pradesh, Madras, Mysore and Punjab, Gujarat, Haryana, Himachal Pradesh, Karnataka, Manipur, Assam, West Bengal, Uttar Pradesh, Goa, Tamil Nadu, Andaman and Nicobar. Whereas in some states like, Bihar, Rajasthan, Tripura, Arunachal Pradesh, Lakshadweep house tax is optional.

It is collected either on the basis of capital value or annual rental value or both. Generally, cowsheds, temples, educational institutions, sarais are exempt from the levy of house tax. In Madhya Pradesh, house tax is known as property tax on lands and buildings. It is levied on lands or buildings or both, the value of which, including the value of the land is more than six thousand. However, the buildings and the lands owned or vested in the union or state government, gram Panchayat, PanchayatsamitiZillaParishad and also buildings and lands or portions thereof used exclusively for religious or educational purposes including boarding houses are exempt from property tax.

Vehicle Tax:

Another tax, which is levied by Panchayats, is vehicle tax. This tax is generally levied on all non-motor able vehicles. Vehicle tax is levied on bicycles,

rickshaws, boats, carriages, carts, hand or animal driven carts. This tax is compulsory in the state of Kerala, and Madras. On the contrary, this tax is not levied by the states like, Haryana, Himachal Pradesh, and Arunachal Pradesh. But most of the states it is optional. These states are: Andhra Pradesh, Madhya Pradesh, Manipur, Bihar, Assam, West Bengal, Punjab, Rajasthan, Uttar Pradesh, Goa, Tripura, Lakshadweep, and Andaman and Nicobar.

Profession Tax:

Panchayats are empowered to tax the annual income derived from professions, trades, callings, and employment within the jurisdiction. In Himachal Pradesh, and Punjab people working in the agricultural sector is exempt from profession tax. The tax generally levied by the gram Panchayats. In Himachal Pradesh, Gujarat, Assam, Madhya Pradesh, Punjab and Tamil Nadu, profession tax is compulsory, whereas in states like, Bihar, Rajasthan, Uttar Pradesh, Uttar Pradesh, Lakshadweep and Andaman and Nicobar, this tax is optional. In some of the states is not levied this tax. These states are: Andhra Pradesh, Haryana, Manipur, West Bengal, Goa, Tripura, and Andhra Pradesh.

Entertainment Tax or Show Tax:

Show Tax or Entertainment tax is levied by the Panchayats in most of the states in the country. Show tax is levied by the Panchayats to conduct any game, sport, amusement or shows, whereas the entertainment tax is levied in the form of an additional stamp duty on all payments for admission to any entertainment. These taxes are not levied by the Panchayats in Andhra Pradesh, Bihar, Himachal Pradesh, Manipur, Rajasthan etc. However, in Andhra Pradesh the entertainment tax is levied and collected by the Commercial Tax Department.

Pilgrim Tax:

Pilgrim tax is levied by the Panchayats in the form of fees on pilgrim centers, jatras and festivals. The fee is basically collected for providing sanitary facilities and other facilities at such places of worship or pilgrimage, fairs and meals. It is also optional tax in some of the states. This tax is levied by the Panchayats in Gujarat, Karnataka, Manipur, Assam, Bihar, West Bengal, Punjab, and Goa. However, the Panchayats in Andhra Pradesh, Haryana, Himachal Pradesh, Madhya Pradesh, Rajasthan, Uttar Pradesh, Tamil Nadu, and Lakshadweep do not levy pilgrim tax.

Toll Tax:

Toll tax is levied in Bihar, Gujarat, Manipur, Assam, West Bengal, Punjab, Tripura, Arunachal Pradesh, Andaman and Nicobar etc. It is an optional tax in almost all the states. This tax is levied and collected by the Panchayats on persons, vehicles or animals or any class of them at any toll bar or any road or any bridge under the management. Besides this tax, Panchayats in Tripura, West Bengal, Assam, Bihar, and Andaman and Nicobar, Tamil Nadu and Arunachal Pradesh, also levy a tax on all ferries established by them or under their management.

Miscellaneous Taxes:

Commercial crops are optional tax, which is levied in Rajasthan. Whereas in Gujarat, a tax on dogs kept in villages is levied. On the contrary, in Madhya Pradesh, tax on animals, this is used for riding, driving, and draught or on dogs or pigs is payable by the owners and levied by the panchayats. A special tax on all adult male members of the Panchayats area is levied for the construction of any public work in Haryana, Himachal Pradesh and Rajasthan. In Madhya Pradesh

gram Panchayats levy a temporary tax for special works of public utility. Andhra Pradesh, Punjab, Haryana, Himachal Pradesh levy a tax of the sale of any commodity that is sold in the village by weight, measure or number. Octroi is another source of income to the Panchayats. This tax is levied by the Panchayats on animals or goods or both brought within the Panchayat circle, which are meant for consumption or use. The octroi is obligatory in Gujarat, whereas it is optional in Rajasthan.

Duty on Transfer of Property:

Under the Stamps Act, 1899, a Panchayats may levy a surcharge on the duty imposed on the instruments of sale, gift, mortgage, exchange and lease in perpetuity of immovable properties in a Panchayat areas. This is tax is an obligatory in states like, Andhra Pradesh, Haryana, Himachal Pradesh, Punjab, Tamil Nadu and West Bengal. A duty on transfer of property is not levied by the Panchayats in Gujarat, Madhya Pradesh, Manipur, Assam, Uttar Pradesh, Goa, Andaman and Nicobar and Bihar.

Shared Tax:

Tax sharing is the second important instrument of resource mobilization at the Panchayat Raj Institutions level. The basis of the levy of land revenue is agricultural land and the stamp duty of the rural areas- agricultural land-is tapped by the state leaving nonagricultural land and rural houses and building to the fiscal domain of the Panchayat Raj Institutions.

Land Revenue:

Land revenue is the major source of self-raised income for PRIs. Of the receipts of ZillaParishad, government grants constitute 96 percent and only four

percent is self raised. Out of the total self-raised resources, 37 percent comes from local cess on land revenue. Land revenue is levied and collected and appropriated by the Panchayat raj institutions. The distribution of the entire revenue must be within the district and it must be done in such a way the higher proportion should go to the lower level of PRIs., i.e. 50 percent to gram Panchayat; 25 percent to Panchayatsamiti; and 10 percent to ZillaParishad. And remaining 15 percent must be retained at ZillaParishad in the following manner: 7.5 percent as emergency fund and another 7.5 percent for the other expenses. All the states except Tamil Nadu, Jammu & Kashmir, Uttar Pradesh, and Orissa have the provision of land revenue grant to the Panchayats.

74th Constitutional Amendment

The recommendations and suggestions of several commissions and committees appointed by the Central Government, from time to time, to improve the urban bodies resulted in the enactment of the Constitution (Seventy-fourth Amendment) Act, 1992. Earlier, State Governments were free to manage their local bodies as they wished. The Amendment made statutory provisions for the establishment, empowerment and functioning of urban local selfgoverning institutions. The main provisions of this Act can be grouped under two categories—compulsory and voluntary. Some of the compulsory provisions which are binding on all States are:

- i. Constitution of nagarpanchayats, municipal councils and municipal corporations in small, big and very big urban areas respectively;
- ii. Reservation of seats in urban local bodies for Scheduled Castes / Scheduled

Tribes roughly in proportion to their population; iii. Reservation of seats for women up to one-third seats;

- iv. The State Election Commission, constituted in order to conduct elections in the Panchayat raj bodies (see 73rd Amendment) will also conduct elections to the urban local self-governing bodies;
- v. The State Finance Commission, constituted to deal with financial affairs of the Panchayat raj bodies also looks into the financial affairs of the local urban selfgoverning bodies;
- vi. Tenure of urban local self-governing bodies is fixed at five years and in case of earlier dissolution fresh elections are held within six months.

In accordance with the 74th Amendment, municipal corporations and municipalities (municipal boards or municipal committees) are now regulated in a fairly uniform manner in all the States. However you must remember that local self-government continues to be a subject in the State List. Thus, the 73rd and 74th amendments provide framework for the States in respect of local government. Thus, each State has its own Election Commission which conducts elections to all local bodies after regular intervals of five years. Each State has its Finance Commission to regulate finances of the local bodies. Seats are reserved in the corporations and municipalities for Scheduled Castes and Tribes. One-third seats are reserved for women in all local bodies – urban and rural.