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# Formation of panchayatraj system

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#### **Abstract**

Panchayats or village assemblies existed in ancient India as self-governing institutions which had distinct and well-defined functions. The institution of Panchayat represented not only the collective will, but also the collective wisdom of the entire rural community. As in other parts of the country, village Panchayats also existed in Rajasthan. British rule introduced a highly decentralized system of administering justice, which changed the situation and the system of village Panchayats suffered a setback. During the time of Viceroy Lord Ripon, there was an attempt to establish local bodies. In Rajasthan, the princely states of Jodhpur, Bharatpur, Jaipur, Sirohi, Udaipur, and Karauli enacted legislations on Panchayats. Bikaner state had its own Gram Panchayat Act much earlier in 1928. Thus, at the time of independence, Panchayats were functioning in some of the erstwhile princely states, while in other states no such institutions existed.

## Keywords

Tharavad

Kudavolai Murai

Sangam period

Gram Panchayat

Utteramerur

### Introduction

Local institutions constitute the strength of a free nations[1]. They are considered to be an important organ of the government from the early period India had primarily been a land of villages [2]. The village is the basic administration unit of India [3]. During the period most of the Indian rulers respected and encouraged the local administration. The villages were the power in India [4]. This system helped to link every village with the national welfare of her people [5]. In later period the panchayat union did a commendable job in implementing various socio-Economic schemes of the central and state governments for the development and welfare of the people.

The local government in Kanyakumari District underwent many changes during the course of her history. At the beginning the village communities enjoyed autonomy. During the chera period the local self government was called Grama Tharavad and the sabha. The local units administrated the villages. The Tharavad were under an elderly man and he was naturally the law giver of the family in the Nair society. They also came under the purview of the villages. When kanyakumari District was the Rajas, the system of administration was managed by the elders. The village panchayats or the assemblies enjoyed more powers than the present panchayats [6]. If we trace the evolution of local self government it makes and interesting chapter of the present study.

# **Evolution of Local Self Government**

Fromtheearly period India adopted many measures and systems to promote the administration of the

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local self government. From that period to the present day, the village remained the lowest unite of administration. During the Rig-Veda period (1200 BC) the basic units was called the grama or the villages [7]. Above the village the next higher unit was vish [8].

The exact relationship between these two units are not clearly stated any where in the Rig Veda [19]. The gramani or the village headman, with the assistance of elders, administered the village [10]. The Rig Vedic system continued to function in the later Vedic period also. The village administration was essentially rural in character. The village was a self-contained unit. Defense of village depended upon the village administration.

During the Magadha period, the grama or the village [11] was governed by its own assemblies under a headman [12]. The villages were mostly autonomous units. The kings do not interfere in the affairs of the village autonomy [13]. Chandragupta the great Mauryan emperor of India gave due importance and retained the village autonomy [14]. The administrative officer Gramani or the village head man was an elected official of the village. Above him was the Gopa who looked after five to ten villages [15]. Artha Sastra the compendium of administration, mentions about the village administration [16]. Megasthanes the Greek ambassador too praised the democratic set of the Mouryan administration [17]. During the Sangam period, every village or Ur has an assembly or an Avai that managed the village administration [18]. Normally respectable citizens of the area were selected to administer the villages [19]. Inscription of the Pandyas from Manur in Thirunelveli District, of about AD 800, gives a picture of the village administration through the village assembly called Sabha [20].

Local self government was a remarkable feature of Chola administration. In the Chola empire, there were two kinds of village assemblies known as Ur and Sabha or Mahasabha. The ur was the general assembly and the Sabha was the assembly of the Brahmana settlement. In some villages the Ur and Sabha coexisted. The inscription of the Cholas deal mostly with the Sabha [21]. The members of the Sabha were called perumakkal [22]. Each village was divided into thirty wards, or kudumbu and one person was to be chosen for each ward through kudavolai or lot system.

The idea of Panchayat system takes one back to the Chola age. For the first time in the history of south India that the Chola administration introduced the same through *kudavolai* system each village was divided into various wards called *kudumbas*. An area with a population of 168 was viewed as ward and was endowed with a member. Name of eligible

person would be written on palm leaves and put into a pot and shuffled. Each name of the selected persons would be read and shown to others. It is called *kudavolai murai*. This *kudavolai* system may also be studied from a verse of Periyapuranam [23], Utteramerur inscriptions of the tenth century AD clearly describes the functions of the local self government.

The local self-government suffered a setback during the British administration. The British government decided to recreate the local administrative institutions when it faced difficulties in realizing local taxes [24]. As a first step thy created the corporation of madras in 1687 A.D. [25].

The Panchayat had never been a priority of the British rulers. The rulers were interested in the creation of 'Controlled' local bodies, which could help them in their trading interests by collecting taxes for them. When the colonial administration came under severe financial pressure after 1857 uprising, the remedy sought was decentralisation in terms of transferring responsibility for road and public works to local bodies. However, the thrust of this 'compelled decentralisation was with respect to municipal administration from 1870. The viceroy Lord Mayo's resolution gave the needed impetus to the development of local institution. It was a landmark in the evolution of colonial policy towards local government. However the real progress was made only in the later period when lord Ripon [26] passed a resolution in 1881 AD for the creation of such an institution in India [27]. The idea of village Panchayat and block office or Panchayat union entered Indian politics through a resolution in 1881 [28].

The real benchmarking of the government policy on decentra- lisation can however, attributed to Lord Ripon who in his famous resolution on local selfgovernment on may 18, 1882, recognized the twin considerations of local government (i) Administrative efficiency and (ii) political education. Lord Ripon's Resolution of 1882 is considered a landmark in the establishment of Local self - Government in India. It provided establishment of not only Municipal Board in big towns and cities but also District Boards and Local Boards throughout the country. The Local Board and District Boards at the district and taluk levels are some provinces of Panchayat's representing groups of villages. The Local Boards Acts passed in 1884 in different provinces for creating rural Boards. It laid the basis for the growth of deep rooted democracy at District, Taluk and at local level District and Taluk Boards dealt with roads, education, medical relief and sanitation. A great progress was achieved in the field of Local self-Government during the region of Lord Ripon. Therefore, he is rightly called "The Father of the Local self-Government" [29]

The "Ripon resolution" Which focused on towns, provided local bodies consisting of a large majority of elected of non-official members and presided over by a non-official chairperson. The resolution met with resistance for colonial administrators. The progress of local, self-government was tardy with only half-hearted steps taken in setting up municipal bodies. Rural decentralization remained a neglected area of administrative reform. The royal commission decentralization (1907) under the chairmanship of C.E.H. Hobhouse rocognised the importance of panchayats at the village level. The commission recommended that "it is most desirable, alike in the interests of decentralization and in order to associate the people with the local tasks of administration, which an attempt should be made to and develop village constitute **Panchayats** administration of local village affairs". But the montague - chelms ford reforms (1919) brought local selfgovernment as a provincial transferred subject under the domain of Indian ministers in the provinces. Due to organisational and fiscal constraints, the reforms was unable to make Panchayat institutions truly democratic and vibrant. However, the most significant development of this period was the 'establishment of village Panchayats in a number of provinces that were no longer mere adhoc Judicial tribunal. but representative institutions symbolising the corporate Character of the village and having wide jurisdiction in respect of civic maters. In 1920 AD the madras presidency formed village Panchayat as the basic unit of administration [30]. The village Panchayat Acts were passed in different provinces. In 1920 Travancore-cochin passed the Village Panchayat Act. By 1925, eight provinces had passed Panchayat acts and by 1926, six native states had passed Panchayat laws.

The provincial autonomy under the government of India Act, 1935, marked the evolution of Panchayats in India [31]. Popularly elected governments in provinces enacted legislations to further democratize institutions of local self-government. But the system of responsible government at the grass root level was least achieved D.P. Mishra, the then minister of local self government was of the view that the working of our local bodies... in our province and perhaps in the whole country presents a tragic picture "Inefficiency" and 'local body' have become synonymous terms. In spite of various committees such as the Royal commission on Decentralization (1907), the Government of India resolution (1918), the report of Montague and Chelmsford on constitutional reform (1919), etc, a hierarchical structure based on supervision and control evolved. The administrator become focal point of the rural government. The British were not concerned with decentralised democracy but had colonial objectives. In 1947 India attained independence subsequently provision provision was made in the India's constitution

for the establishment of Village Panchayats in the villages. India remains a rural agricultural country since the bulk of the 80 percent of its population in the 6,00,000 villages scattered all over India. The rate of urban growth at present is 4 percent a year, which is approximately twice the rate of growth of population and 50 percent growth being natural and the rest due to immigration of people from rural areas [32]. Panchayatraj had to go through various stages. The first five year plan failed to bring about active participation and involvement of the people in the plan processes, which included plan formulation, implementation and monitoring. The second five-year plan attempted to cover the entire countryside with national Extensive Service Blocks through the institutions of Block Development officers, Assistant Development officers, Village level workers, in addition to nominated representatives of village Panchayats of that area and some other popular organization like co-operative societies. But the plan failed to satisfactorily accomplish decentralisation. Hence, committees were constituted by various authorities to advice the centre on different aspects of decentralisation.

Panchayatraj is an important feature of the Indian political system which ensures the direct participation of people at the grass root level. According to Tocqueville "Local institutions constitute the strength of tree nation" [33]. Mahatma Gandhi preached the idea of Grama Swaraj or village republic [34]. According to Rabindranath Tagore the problem of rural reconstruction required not only the removal of poverty but also providing jobs to the villages[35]. After India's Independence the framers of the constitution gave importance to organize village Panchayat [36].

The principal issue on decentralisation was fiscal decentralisation. In 1963, a new committee was constituted under K. Santhanam, the issue on demand were sanctioning of grants to Panchayatraj Institutions by the state government, evolving mutual finance relation between the three tiers of Panchayatraj Institutions and handling of revenue of Panchayatraj Institutions. The committee recommended the following.

- 1. Panchayat should have right to collect taxes including home tax.
- 2. All grants and financial aid at the state level should be mobilised and distribute to the various Panchayat Institutions.
- 3. The Panchayatraj finance corporation should be setup to provide aid and loans to the local self-government.

The government under Janatha party appointed a committee under the chair of Ashok Mehta. The committee submitted the report on 1978. Meanwhile the states like Karnataka, Andra Pradesh and West Bengal enacted new legislations regarding Panchayat Institutions. Another committee under V.K. Rao was setup in 1985. The committee under LM Singhvi made some recommendations including non involvement of political parties in Panchayat elections. The first attempt by the government to grant constitutional status on Panchayatraj Institution was the constitutional amendment Bill which was introduced in parliament in July 1989. Though it was welcomed by the mass, it faced criticism in two courts regarding its provision. The Bill ended in failure as it was not approved by the Rajya Sabha.

Rajiv Gandhi's government introduced the sixty-fourth Amendment Bill in the Lok Sabha in July 1989. It proposed that all states establish a three tiered system (Village, Block and District) of Panchayats in which representatives would Panchayats in which representatives would be directly elected for five year terms. Panchayats were to be given expanded authority and Funding over local development efforts. The sixty Amendment Bill was rejected by the Rajya Sabha, Though passed by the Lok Sabha, these bills were defeated for want of majority in the Rajiya Sabha. Then the Narashimha Rao Government introduced a modified Amendment Bill in the Lok Sabha in September 1991. The Bill finally emerged as the 73<sup>rd</sup> and 74<sup>th</sup> constitutional Amendment Acts in 1992 [37].

In 1992 the 73<sup>rd</sup> Amendment to the constitution was enacted in December 1992. It brought about a number of fundamental changes in the Panchayatraj System consequently the Tamil Nadu Panchayat Act 1994 came in to force with effect from 22.04.1994 [38]. Some of the important changes brought about by the 73<sup>rd</sup> Amendement to the constitution and the Tamil Nadu Panchayat Act 1994. The 73<sup>rd</sup> constitution Amendment introduction of a three tier system at the village, Intermediate (block) and District level. The act lays down the basic structure of Panchayatraj.

The 73<sup>rd</sup> amendment bestowed a constitutional status to the Panchayat raj institutions, pursuant to the Act, barring the states of Jammu and Kashmir, the National capital territory of Delhi and Uttaranchal. All the states have enacted the necessary legislation for setting up of strong, viable and responsible Panchayat at different levels in their respective states and union territories. In all the states, Panchayat have been constituted according to the new laws except the state of Arunachal Pradesh, national capital Territory of Delhi and Pondicherry [39].

The main features of the constitution (73<sup>rd</sup> Amendment) at, 1992 are

- 1. Establishment of a three tier structure (Village Panchayat, Intermediate Panchayat and District Panchayat) in states which have a population of twenty lakhs and above.
- 2. Regular election to Panchayat on every five years.
- 3. Reservation of seats of members and offices of chairperson to scheduled caste and scheduled tribe in proportion to their population.
- 4. Constitution of State Election Commissions
- 5. Gram Sabha at the village level [40]
- 6. A state finance commission should be set up to make recommendations in regarding the financial powers of the Panchayat and a district planning committee constituted to prepare a draft development plan for the district.

Local Government is a state subject figuring as item five in the list 11 of the seventh schedule of the constitution. Article 243 G of the Indian constitution enshrines the basic principle for devolution of power to the rural local bodies. As per this article, subject to the provisions of this constitution, the legislature of a state may, by law, endow the Panchyats with such powers and authority as may be necessary to enable them to function as institutions of selfgovernment and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified there in, with respect to the preparations of plans for economic development and social justice; the implementation of schemes for economic development and social justice. As may be entrusted to them including those in relation to the twenty nine matters listed in the eleventh schedule.

The 74<sup>th</sup> Amendment to the constitution made provision for municipality which meant for the development of urban areas. Article 243U provides the provision of the constitution, that the state legislature can endow the municipalities with powers and authority as necessary to enable them to function as institutions of self-government. Every municipality shall continue for five years from the date appointed for its first meeting. The 74<sup>th</sup> amendment also ensured reservation of not less than 1/3<sup>rd</sup> seats of members and offices of chairpersons for women. After these amendments, Article 243D and 243 T were added to the constitution to provide that not less than one-third (including the number of seats reserved of women belonging to the scheduled caste and scheduled tribes) of the total number of seats to be filled by the direct election in the local

bodies (Panchayats and Municipalities) would be reserved for women and such seats may be allotted by rotation to different constituencies in the local bodies [41].

#### A. Village Panchayat

The Panchayat system at the village level consists of two main bodies. There are Gram Shabha and the Grama Panchayat [42]. These two bodies have different function to perform. The Gram Panchayat in the primary unit of the Panchayatraj system. The Gram Panchayat in the executive committee of the Gram Sabha. It is constituted for one village or group of villages a minimum population of 500 [43]. The village is divided into wards. Each wards elects one to three members. One - third of the total member of seats is reserved for women. The village Panchayat is The president of the Gram headed by a president. Panchayat is elected directly. The president of the Gram Panchayat is elected by the members of the Gram Sabha. All adult citizens of above 18 years are entitled to vote [44].

The functions of the president are as follows:

- i. The President is the head of the village Panchayat and Grama Sabha.
- ii. The President presides over the meeting, maintains the records, exercises and administrative control over the Panchayat staff.
- iii. The president supervises the implementation of the resolution passed by the Panchayat.
- iv. She is responsible for the proper execution of the decision taken in the village Panchayat.
- v. She is authorized to manage the Panchayat funds.
- vi. She attends the meeting of the Panchayat union as a representative.
- vii. The Grama Panchayat is responsible for implementing community Development programmes.
- viii. She Signs important documents and co-ordinates the activities of the Panchyat.
- ix. The Grama Sabha also elects the vice president on absence the vice – president will take in charge of her duties [45]. These who have completed 21 years of age. Can elect the president and vice president of the Panchayat if the Panchayat is dissolved earlier, election must be held within six months.

Tamil Nadu Panchayat Act in 1994, Section 110 and 111 prescribe the duties and functions of village Panchayats [46]. The Grama Panchayat in entrusted with several welfare functions and development activities.

Its fundamental responsibility was the preparation of plans and the implementation of schemes for economic development and social justice at the village level some important functions of a village Panchayat are

- i. Construction, repair and maintenance of village roads, bridges and road dams.
- ii. Construction of drains and disposal of drainage water.
- iii. Cleaning of drains and disposal of drainage water.
- iv. Cleaning of streets and improvement of sanitary conditions of the village.
- v. Construction and maintenance of public latrines, sinking and repairing of wells repairing and maintenance of ponds or tanks and the construction and maintenance of water works for the supply of water.
- vi. The main emphasis is on developmental activities such as agriculture, primary Education, cottage industries, health and sanitation.
- vii. It has to maintain public wells and tanks. It is supposed to ensure proper supply of drinking water to the village.
- viii. The planting and preservation of trees on the sides of public roads in village, the opening and maintenance of reading rooms and setting up of playgrounds parks and sports clubs [47].
- ix. Libraries are also established in villages to enhance general knowledge and awareness to develop knowledge the implementation of schemes such as Indra Awaas Yojana and National Rural Employment Guarantee Scheme.
- x. Construction and maintenance of rest houses play grounds, libraries, rooms and parts managing the community centres, Immunization programmes, and animal husbandry.
- xi. Construction and maintenance of minor irrigation works [48].

The Grama Sabha is the grass root level democratic institution in each village Panchayat. It is one of the salient features of the Tamil Nadu Panchayatraj Act of 1994 [49]. Grama Sabha means a body consisting of persons registered in the electoral rolls relating to a village the electoral rolls relating to village comprised with in the area of Grama Panchayat [50]. Grama Sabha is not a tier of Panchayatraj. It is the general

body consists of all the voters, 18 years of age and above residing in the jurisdiction of a Grama Panchayat. The president of the Grama Panchayat has the responsibility to convene the meeting of the Grama Sabha. The Gram Sabha elects representative to the Grama Panchayat body [51].

Grama Sabha approve the village plan, village budget for the year, and review the progress of implementation of all the schemes [52]. It has right to check the accounts of Grama Panchayat, annual statement of account and audit Report of the Panchayat. It select beneficiaries under various schemes of the central government and the state government. It approve the works to be under taken for rural development [53].

The government have ordered to conduct the Grama Sabha meeting a minimum of four times, a year on 26<sup>th</sup> January, 1<sup>st</sup> May, 15<sup>th</sup> August and 2<sup>nd</sup> October [54]. November 1<sup>st</sup> of every year as the "Local Bodies Day" [55].

#### ii) The Block level

The Block Samiti or Panchayat Samiti forms the middle tier in the Panchayatraj system. It is called an intermediate tier and Panchayat Union Council in Tamil Nadu. It works as an essential link between the Gram Panchayats and Zila Parishad. The members of the Block Samiti elect a chair person and a vice chairperson. The chairperson of the Samiti is known as the 'president' in Andhra Pradesh, Assam, Gujarat, Madhya Pradesh, Karnataka and West Bengal, while he is called chairman in Maharashtra, Tamil Nadu, Orissa and Punjab. The chairperson and vicechairperson are elected for a term of five years. The Punchayatraj Act, 1976 has evolved the methods of direct election for the posts of the president and vice president of Block Samiti by all the voters of the Samiti area [56] the general body of the block Samiti consisting of all its members, meets once in three months [57]. The chairperson presides over the meeting of the Block Samiti and conducts its proceedings. The Block Development Officer and Extension Officers explain about the work being done in the block. They are also answerable to the general body.

The president exercises control over the Block Development officer and his staff regarding the implementation of the decisions and resolutions of the Block Samiti and its standing committees.

He or she encourages the Panchayats and guides them in making plans and carrying out production programmes. He has full access to all the records of the Block Samiti. All official correspondence between the union council and Government must be conducted only through the chairperson. He can issue orders for the immediate execution of any important work stating reasons for doing so. He is the ex-officio chairman of the standing committee if he happens to be its member. In the case of emergency, he may direct the execution of any work in Samiti area. The vice-chairperson looks after the functioning of the Samiti in the absence of the Seats are reserved for the scheduled chairperson. castes and the scheduled Tribes. One-third of the total number of seats are reserved for women.

The important function of Panchayat Union Council are as follows:

- 1. Construction, repair and maintenance of all Panchayat union road.
- 2. Construction of water works for the supply of water for drinking washing and bathing purposes.
- 3. Construction and maintenance of elementary and middle school
- 4. Control of fairs and festivals under the control of the Panchayat Union.
- 5. Opening and maintenance of Panchayat union public markets [58].
- 6. Implementing various centrally sponsored and state schemes.
- 7. Establishment of libraries.
- 8. Establishment of youth organizations farmers clubs etc.
- 9. Encouragement to cultural activities
- 10. The Samitis take steps for the advancement of health. Primary education sanitation and communication with in their area [59].

A Panchayat Samiti has the following sources of income.

- 1) Proceeds of taxes and fees which a Panchayat Samiti may levy.
- 2) Share of local cess and land revenue received from the Zila Parishad or the District Panchayat.
- 3) Grants from the State Government
- 4) Loans from the State Government
- 5) Income from leases granted by the Panchayat Samiti to public ferries, fairs, etc.
- 6) Donations and contributions.
- 7) Funds from schemes transferred by the Government to the Panchayat Samiti as an agency for execution.

#### iii) The District level Zilla Parishad

The Zilla Parishad is the third and the highest tier at the District level. The District level Zilla Parishad is the body at the apex of Panchayatraj system. As the name signifies the Zilla Parishad is a body at the district level in most of the states. A district was an important unit in the administrative set up even during British rule. The Zilla Parishad is responsible for the development of the rural areas of a whole district. It was known as District Panchavat in Tamil Nadu. The elected head of Zilla Parishad is termed in different names like chairman in Tamil Nadu. The collector is the head of the District Development council. The Chairman and Vice Chairman of the Zilla Parishad are elected by the elected members from among themselves. They remain in power for five year [60]. The chairman convenes and presides over the meeting of the Zilla Parishad and conducts its proceeding. The Zilla Parishad consists of the representative of the Panchayat Samiti and some representatives of weaker sections. It is an elected body chairpersons of Block Samiti are also represented in a Zilla Parished. The members of the state legislature and members of parliament are also members of the Zilla Parishad. In addition, seats are reserved for representatives of the scheduled castes and the Scheduled Tribes. One third of the total number of seats are reserved for women.

### The functions of the District Panchayats are:

- a) Preparation of development plan for the district
- b) Compilation of administration reports of village Panchayats and Panchayat Union Councils of the district and preparation of annual report for the District [61].
- c) Planning and review of agriculture, land development, animal husbandry, during fisheries and Rural industries etc.
- d) Planning and review of rural housing programmes particularly housing for SC/SCs.

The Panchayatraj system was introduced in Tamil Nadu accordance with the provisions of the Tamil Nadu Panchayat Act 1958. It introduced two-tier system of Village Panchayat and Panchayat Unions. The two tier system operated very well till 1975 and elections were held regularly. Subsequently, the tenures of the Panchayat Unions and Village Panchayats were extended up to 1.2.1977 and 12.9.1979 respectively. There after special officers (Block Development Officer for all the village Panchayat in a Block and Divisional Development Officer for all the Panchayat Unions

in a Division) managed the rural local bodies till the next election in 1986 and the special officers managed the local bodies. The elected rural local bodies continued in office till March 1991. Again no elections were held till October 1996. And the special officers managed the rural Local Bodies. Though the Tamil Nadu Panchayat Act was enacted in April 1994, only after the change of government in May 1996 were the first ordinary elections held to all the rural and urban Local Bodies in October 1996.

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- [55] Government Order (ID) Ms. No. 632, Department of Rural Development & Panchayatraj (C1), 26.10.2007.
- [56] Anlet Sobitha Bai, *Panchayatra*j, Marthandam, 2009, 125.
- [57] *Ibid*.
- [58] *Ibid*.
- [59] *Ibid*.
- [60] *Ibid*.
- [61] *Ibid*.