

CHAPTER – II

HISTORICAL DEVELOPMENT OF PANCHAYATI RAJ AND GRAM SABHA IN INDIA

2.1. INTRODUCTION

The term Panchayat literally means an assembly of five elders elected by villagers. Panchayati Raj is a system and process of governance. The term was coined by Jawaharlal Nehru. It is distinct from Panchayat, which connotes government of a local body limited to a geographical area. Jawaharlal Nehru did not like the phrase democratic decentralisation for, according to him, “democracy means power springing from the people. By Panchayati Raj what was being envisaged was not a territorial government or administration; but rather an approach to administration guided by and vested in the people themselves”¹.

In ancient city-state of Greece, direct democracy and participatory decision-making was in vogue. Aristotle and other philosophers of his time hailed this system as one of the best possible system of government and administration². There was no scope for negligence of citizen’s needs and demands since each individual was part of the government mechanism. “Self-government, self-management, mutual co-operation and sharing

equality, freedom, brotherhood all could be practiced and developed far better if man lived in small communities. This is beginning to be realised by forward-looking thinkers even in the west"³.

There is still truth in the saying that India lives in her villages. Therefore, in the Indian context true democracy that can sustain itself and function effectively, is democracy at the village level itself. This is because village communities have been the basic units wherein individual's happiness, freedom and independence were realised since ancient times. In the words of S. K .Dey, "If we were to rebuild India work must start from the villages"⁴. Villages have always been the basic units of administration in India since ancient times. Their importance was naturally very great when communications were slow. The question now rises, what will be the form of that society in which it will be possible for the people to run their affairs directly and develop all those values of life that characterise a socialist society, co-operation, self-discipline, sense of responsibility? The answer will be the 'Panchayats'.

Decentralisation is a concomitant of democracy. Thus the underlying idea behind democratic decentralisation is to widen the area of democracy by granting both authority and autonomy to the people at the lower levels. Democratic decentralisation is not merely devolution of power. It must also comprise devolution of responsibility. There are two major responsibilities, which the institution of democracy must exercise. The first is financial discipline. The second major responsibility which

devolves on Panchayati Raj institutions is protecting and safeguarding the interests of the weaker sections of society- the Scheduled Castes and Scheduled Tribes, the minorities, women and other disadvantaged or potentially disadvantaged sections of society⁵.

Balwantrai Mehta study Team defines decentralisation as a “process whereby the government divests itself completely of certain duties and responsibilities and devolves them on to some other authority”⁶. In the words of Jayaprakash Narayan, Panchayati Raj should “flower into a living instrument of a true kind of people’s democracy”⁷. S.K. Dey wrote, “Panchayati Raj as we now visualise will, therefore, mean progressive increase in competence from the ground upward and corresponding transfer of responsibilities from the center to the ground. If one wishes to climb higher, one must reduce the burden of avoidable weight on his shoulders In order to function at the level it should, our centre must be relieved, of responsibilities such as can be discharged by the Panchayati Raj Institutions..... Pachayati Raj will grow thus to be a way of life and a new approach to government as against a unit of government. It will bring about a complete link - up of our people - from the Gram Sabha to the Lok Sabha”⁸.

The Gram Sabha can become the cornerstone of the whole Panchayati Raj institutional set-up, thereby the Indian democratic system. In the words of Jawaharlal Nehru, “Local self government was and must be the basis of any true system of democracy. People had got in to the habit of

thinking of democracy at the top and not so much below. Democracy at the top will not be a success unless it was built on this foundation from below”⁹. Jayaprakash Narayan, a staunch advocate of ‘direct democracy’ at village level, states, “To me Gram Sabha signified village democracy. Let us not have only representative government from the village up to Delhi. At one place, at least there be direct government - direct democracy. The relationship between Panchayat and Gram Sabha should be that of Cabinet and Assembly”¹⁰. Panchayats must be looked upon as the nucleus of all development work and democratic experimentation at the village level.

2.2 GANDHI'S VISION OF PANCHAYATI RAJ AND GRAM SABHA

Gandhi had an idea as to how a good democracy should function. According to Gandhi, “Democracy must in essence mean the art and science of mobilising the entire physical, economic and spiritual resources of all the various sections of the people in the service of the common good of all”¹¹. He believed “a democracy enlightened and disciplined is the first thing in the world”. The basic unit of true democracy is the village. It is in this context that the notion of Panchayati Raj has added significance. Gandhi’s perception of the Indian village system is all comprehensive, fundamental and important. The towns in India became quite insignificant before his eyes. Gandhi wrote, “I would like to go and live in villages. That is real India, my India”¹².

Mahatma Gandhi, the champion of village life, had written: "In this structure composed of innumerable villages, there will be ever widening, never ascending circles. Life will not be a pyramid 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. Therefore, the outermost circumference will not wield power to crush the inner circle but will give strength to all within and derive its own strength from it".¹³ In Gandhi's view the village communities are little republics, having nearly everything they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Gandhi thought that the village community would over time build up a strong sense of local strength and solidarity, provide meaningful interpersonal relationships, encourage a sense of social responsibility and the spirit of co-operation, and act as a nursery of civic virtue¹⁴.

Gandhi's concept of democratic decentralisation bears the stamp of his passionate belief in non-violence, truth and individual freedom. He calls it Panchayati 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 participation¹⁵. The affairs are to be managed by Panchayats consisting of five persons elected annually. Gandhi aimed at making 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, irrigation and planning¹⁶.

Gandhi made it very dear that concentration of either economic or political power would violate all the essential principles of participatory democracy. To check centralisation, Gandhi suggested the institution of village republics both as institutions of parallel politics and as units of economic autonomy. Village is the lowest unit of a decentralised 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 workers¹⁷.

Gandhian decentralisation means the creation of parallel politics in which people's power is institutionalised to counter the centralising and

alienating forces of the modern state. According to Mahatma Gandhi, utilisation of the local resources is quite fundamental to the development of the Panchayati Raj system. The Panchayats with the Gram Sabhas should be so organised 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 mobocracy”¹⁸.

Freedom for Gandhi was not the license to do whatever one wished. It meant that the right and feasibility as well as the inherent power to do what one believes to be right. Gandhi developed a thoroughly democratic notion of the Indian village that he called it a republic. The notion of freedom at all levels is fundamental to the republic. Gandhi envisaged village as the grass root political unit, which is supposed to have integrity of its own. The individual has to be harmonised with the socio-economic structure.

Local action is a very significant concept in the Gram Panchayat system. The concept of the village as a republic is fundamentally Gandhian. What is fundamental to Gandhian thinking is the rural harmony and peace that he envisaged. The most important aim of Gram Swaraj can be stated in terms of the attainment of the economic stability and balance at the village level. The fundamental cause of economic disability and imbalance in the rural areas, according to Gandhi, was the absence of the participation of people in the rural administration and economy. Therefore, Gandhi lit the

age-old idea of rural autonomy through democratic decentralisation as a pre-requisite for the solution of rural economic problems. "Earn by all means. But understand that your wealth is not yours, it belongs to the people. Take what you require for your legitimate needs and use the remainder for society"¹⁹, wrote Gandhi.

Once Gandhi wrote, "By swaraj I mean the government of India by the consent of the people as ascertained by the largest number of the adult population, male or female, native-born or domiciled, who have contributed by manual labour to the service of the state and who have taken the trouble of having registered their names as voters..... Real Swaraj will come not by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when it is abused. In other words, swaraj is to be obtained by educating the masses to a sense of their capacity to regulate and control authority"²⁰. According to Gandhi "true democracy cannot be worked by twenty men sitting at the centre. It has to be worked from below by the people of every village"²¹

Decentralisation is the felt need everywhere. But, right kind of decentralisation is becoming difficult for a variety of reasons, the most important being unwillingness of the power elites to share their power with those from whom they derive it. Gandhian decentralisation is a process of limiting the power of the state as well as the creation of people's institutions and processes. For Gandhi decentralisation is related to the attainment of some noble objectives:(a) it is an instrument for building a non-violent

society, (b) it is necessary to avoid exploitation (c) it has a moral dimension (d) it is a necessary step towards Gram Swaraj and (e) it facilitates trusteeship²². Decentralisation provides the necessary avenue to the individual citizens and the community for their genuine and maximum contribution to social good.

In Gandhi's words, "the Panchayat can function only under a law of its own making"²³. The capacity to self-regulate the life of the community must be created and not bestowed from above in the name of decentralisation. A programme of self-rule and self-management must be placed before the people, and by a constructive, non-partisan approach, they must be helped to translate it into practice.

Gandhi wrote in *Harijan* his views about rural reconstruction, "I have believed and repeated times without number that India is to be found not in its few cities but in its 7,00,000 villages. But we town-dwellers have believed that India is to be found in its towns and the villagers were created to minister to our needs. We have hardly ever paused to inquire if those poor folk get sufficient to eat and clothe themselves from sun and rain"²⁴. Democracy is that in which, everyone man or woman should realise his or her own responsibility. That is what is meant by Panchayati Raj²⁵.

Gandhi's views on the position of Gram Sabha have often been misinterpreted. While being an exponent of Panchayati Raj and Gram Swaraj, he was not in favour of the village assembly exercising powers

directly. Gandhi was aware of some Panchayats pronouncing fantastic "Judgements" and cautioned against them²⁶.

Gandhi said: "A Panchayat should in the first instance be elected by a public meeting held for the purpose by beat of drums Where a Panchayat is really popular and increases its popularity by constructive work....., it will find its judgements and authority respected by reason of its moral prestige.... A Panchayat that fails without just cause to attend to the requirements (education of village children, sanitation, medical needs, maintenance of wells and ponds and uplift of Harijans) within six months of its election, or fails otherwise to retain the goodwill of the villagers, or stands self-condemned for any other cause may be disbanded and other elected in its place"²⁷. Regarding village swaraj, Gandhi said: "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"²⁸. It is clear from the above statement that what Gandhi had in mind was the formation of Panchayats that can truly represent the will of the people and not giving decision making powers to the voters as a whole.

In sum, Gandhian concept of Panchayati Raj envisaged the generation of power from below. But Panchayati Raj as has been conceived and implemented in the country, has made the local institution dependent on state governments in numerous ways. Decentralisation is seen as coming

from the above, as a generosity of the state government. Furthermore, Gandhian approach to decentralisation implies the creation of Panchayats that can achieve self-sufficiency and self-reliance as a bulwark against exploitation. Gandhi has seen Panchayati Raj as not just a political arrangement but as a way of life, one in which the highest human qualities can be nurtured and attained.

2. 3. DEVELOPMENT OF PANCHAYATI RAJ AND GRAM SABHA IN INDIA

Panchayati Raj is not a new concept. In a democracy, decentralisation of economic, political, administrative and financial power is essential because few centres of power cannot realise or fulfill the needs of the vast multitude of people. It means that people share the responsibility to accelerate the process of development. The primary objective of Panchayati Raj is to strengthen the base of democracy at the grass root level on the one hand and to hand over the powers as well as responsibilities to the people on the other, so as to allow them to manage their affairs in the best manner possible. The basic philosophy behind Panchayati Raj institutions was to ensure people's participation in development programmes which was expected to unleash the arrested process of change and development²⁹. Ancient India was divided into large number of villages. In these villages, the local administration was carried out by the local village councils or 'Kulams'. The village headman was considered as the link between the village assembly and the government³⁰.

There were two forms of communities in ancient India. They were:(a) the Territorial Community of the village or of the town and (b) the functional and occupational community³¹. Government by the community of the area has thus been part of the national life of India from times immemorial. There were two kinds of villages in ancient India – the *Ghosh* and the *Gram* – the latter was bigger than the former. The *Gram Mahatter* and *Ghosh Mahatter* were the officials of the two types of villages³². Manu calls the village officials by the name of *Gramini*. Though this official was appointed by the king, he worked in accordance with the advice of village elders known as *Gram Vridhas*. The *Gram Vridhas* in their turn were chosen by the assembly of the village, variously known as the Sabha, the Samithi and the Gana and had considerable power and influence. One of the important functions these was administration of justice. In the post Mahabharat period however, one finds that a remarkable development of the village republics had taken place. During Chandra Gupta's period every village was absolutely free in all matters relating to itself. It had its own Sabhas. Representatives of all families in the village, the elders and other experienced people found a place in these bodies. The key figure in the village was the village headman known as '*Gramik*'. Though he was an employee of the state, his appointment always depended upon the choice of the village³³. Under the Pratihara rule, the village headman known as the '*Grampati*' administered the village with the assistance of the village council composed of village elders. There were also committees to look after other village affairs like Public Works Committee, Committee to look

after excavation of tanks and wells, etc. Under the Chalukyas also the lowest unit of administration was the village where the Gram Sabha or the Village Panchayat was supreme³⁴.

Thus the state in India had evolved through many forms from the small 'kingdom' of Rigveda to vast empires of Mouryas and Guptas. These small 'kingdoms' developed according to the inner lanes of their own and were far more stable in character than the ever-changing empires. The 'state' exercised little authority over them except ensuring that the village bodies functioned properly within their own jurisdiction³⁵.

2.3.1 Gram Sabha in the Post Independence Period:

The dawn of Independence provided the real opportunity for materialising the dream of democratic decentralisation in our country. The genesis of the rural local self-government institution is linked with the launching of the community development and National Extension Service Programmes immediately after the initiation of planned economic development. These programmes were viewed basically as "Peoples' programmes with government participation". However, the reviews of these programmes have shown that people's participation was not forthcoming. Ultimately, the National Development Council constituted a committee on plan projects under the chairmanship of Belwantrai Mehta³⁶. Whether the Gram Sabhas should be deliberative bodies is a major area of contention. Iqbal Narain said "Gram Sabha is disqualified by its sheer numbers to act as a sober deliberative body. The great mass of people

attending a Gram Sabha will be too heterogeneous and too disorganised to evolve a coherent and practicable work programme”³⁷. He added: “What is needed is an honest and sincere effort first to make the institution of Gram Sabha a live institution in its present form and then let it grow to its full stature on the principle of gradualness and spontaneous and natural growth not in isolation but in organic unity with Panchayati Raj movement, not merely in the light of theoretical surmises but keeping in view the actualities of India’s rural scene”³⁸.

The report of the one and only study team on Gram Sabha (Diwakar Committee) commissioned at the national level gives us a general picture of Gram Sabha after Independence. The Committee said in its recommendation that, by exercising the consultative role of the Gram Sabha over a period of time, these institutions would be able to grow into full-fledged institutions capable of influencing the thinking and decisions of the Gram Panchayat. But to make the previous consent of Gram Sabha necessary for all decisions and actions of Panchayat “appears unnecessary and may act as a fetter on some Panchayats”³⁹. The study team felt that “in order to strengthen the Gram Sabha, it is, however necessary to strengthen the Panchayat itself and to enable the two to workout a proper relationship between them. Since Panchayat is the executive of Gram Sabha, strengthening of the executive and defining the role and relationship of the Panchayat and Gram Sabha, will strengthen the Sabha itself”⁴⁰. In the dissent note, G.P. Jain, one of the members of Study Team, held the view that Gram Sabha should have

decision making powers to make the idea of power to people a reality with the Panchayat confining themselves to the role of implementing the decisions of the Gram Sabha⁴¹.

Another Committee chaired by Ashok Mehta looked into the functioning of democratic decentralisation. It called the period of 1959 to 1964 as one of corrosion of Panchayati Raj institutions and the period of 1969-1977 as the period of non-performance⁴². Therefore, it was suggested that the Panchayati Raj institutions should be reconstructed, reinforced and revitalised as an organic and integral part of our democratic process and that they should be accorded appropriate constitutional status and recognition. Following the report of the Balwantrai Mehta Committee, almost all the states had passed legislations by 1959 to establish Panchayats⁴³. In 1978 the Ashok Mehta Committee had emphasised the need for a constitutional amendment. The G.V.K. Rao Committee had strongly recommended that 1986 be declared the year 'Panchayati Raj'. Again a Committee under chairmanship of Dr. L.M. Singhvi was formed in 1986 to review the functioning of Panchayati Raj institutions. The Committee recommended for making village Panchayats more viable⁴⁵.

The nature of Panchayati Raj Institutions in different states before the (Seventy Third) Amendment was as follows.

Panchayati Raj Structure in Different States

State	Bottom Tier		Intermediate tier		Top Tier	
	Level	Body	Level	Body	Level	Body
Andhra Pradesh	Village or group of Villages	Gram Panchayat	Block	Panchayat Samiti	Revenue District	Zilla Parishad
Assam	Ditto	Gram Panchayat	Block	Anchalik Panchayat	Subdivision	Mohkuma Parishad
Bihar	Ditto	Executive committee of Gram Panchayat	Block	Panchayat Samiti	Revenue District	Zilla Parishad
Gujarat	Ditto	Gram/Nagar Panchayat	Taluk	Taluka Panchayat	Ditto	District Panchayat
Jammu & Kashmir	Ditto	Gram Panchayat	---	---	---	---
Kerala	Ditto	Panchayat	---	---	---	---
Madhya Pradesh	Ditto	Gram Panchayat	Block	Janapada Panchayat	Revenue District	Zilla Parishad
Tamil Nadu	Ditto	Village/Town Panchayat	Block	Panchayat Union Council	Development District	District Development Council
Maharashtra	Ditto	Gram Panchayat	Taluk	Panchayat Samiti	Revenue District	Zilla Parishad
Karnataka	Ditto	Village/Town Panchayat	Taluk	Taluk Development	Revenue District	District Development
Orissa	Ditto	Gram Panchayat	Block	Panchayat Samiti	Ditto	Zilla Parishad
Punjab	Ditto	Gram Panchayat	Tahsil /Block	Panchayat Samiti	Ditto	Zilla Parishad
Rajasthan	Ditto	Panchayat	Block	Panchayat Samiti	Ditto	Zilla Parishad
Uttar Pradesh	Ditto	Gram Panchayat	Block	Kshetra Samiti	Ditto	Zilla Parishad
West Bengal	Ditto	Gram Panchayat and Anchal Panchayat	Block	Anchalik Parishad	Ditto	Zilla Parishad

Source : Panchayati Raj at a Glance, 1991.

2.3.2 Panchayati Raj Institutions after (Seventy-Third Amendment)

First concrete measure to give constitutional sanction to Panchayati Raj Institutions was taken by Rajiv Gandhi's Government by introducing the 64th Constitutional Amendment Bill on local government in 1989. But it was defeated with a small margin in Rajya Sabha. But Narasimha Rao's government has been successful in enacting the Constitution Amendment Act, 1992, which includes various provisions for strengthening Panchayat at all levels. The former Prime Minister Rajiv Gandhi said, "It (Panchayati Raj Act) is a revolution that will bring democracy to the doorsteps of crores of Indians. It is a revolution that will bring development to lakhs of our villages. It is a revolution that will open doors of opportunity to millions of Scheduled Castes and Scheduled Tribes and half the population of our country, the women of India"⁴⁵.

The Act provides for a compulsory three- tier system in all states except where the population does not exceed 20 lakhs. There are Panchayat at the village level, Panchayat at the block level and Panchayat at the district level.

**Panchayati Raj Structure in different states in the
Post - Amendment phase**

Name of State	Year of Act	Tier System	Mode of Election
Maharashtra	1994	Gram Panchayat, Panchayat Samiti, Zilla Parishad	Direct
Orissa	1993	Gram Panchayat, Panchayat Samiti, Zilla Parishad	Direct
Punjab	1994	Gram Panchayat, Panchayat Samiti, Zilla Parishad	Direct
Rajasthan	1994	Gram Panchayat, Panchayat Samiti, Zilla Parishad	Direct
Tamil Nadu	1994	Village Panchayat, Panchayat Union Council, District Panchayat	Direct
Tripura	1993	Gram Panchayat, Panchayat Samiti, Zilla Parishad	Direct
Andhra Pradesh	1994	Gram Panchayat, Mandal Parishad, Zilla Parishad	Direct
Assam	1994	Goan Panchayat, Anchalik Panchayat, Zilla Parishad	Direct
Bihar	1993	Gram Panchayat, Panchayat Samiti, Zilla Parishad	Direct
Gujarat	1993	Gram Panchayat, Taluka Panchayats, District Panchayats	Direct
Haryana	1994	Gram Panchayat, Panchayat Samiti, Zilla Panchayat	Direct
Himachal Pradesh	1994	Gram Panchayat, Panchayat Samiti, Zilla Parishad	Direct
Karnataka	1993	Gram Panchayat	Direct
Kerala	1994	Gram Panchayat, Block Panchayat, District Panchayat	Direct
Madhya Pradesh	1993	Gram Panchayat, Janpad Panchayat, Zilla Panchayat	Direct
Uttar Pradesh	1994	Gram Panchayat, Kshetra Panchayat, Zilla Panchayat	Direct
West Bengal	1994	Gram Panchayat, Panchayat Samiti, Zilla Parishad	Direct

Source: This categorisation was made on the basis of Panchayat Acts of different states brought out by VANI

The major features of the Constitution (Seventy - third Amendment) Act are as follows:-

1. In all states there shall be a Gram Sabha in each village to which the Panchayat will be accountable. The power and functions shall be assigned by a law passed by the state legislature.
2. All states will have a three-tier Panchayati-Raj system- Panchayats at the village, intermediate and district levels. The composition and number of members of these bodies will be determined by a law passed by the state legislature.
3. All the members of three levels of Panchayats shall be chosen by direct election. The modality of election of chairperson of Panchayats have been left to the discretion of state governments.
4. Mandatory periodic elections is envisaged every five years, and where superseded mid-term, a mid-term election within six months.
5. The government should ensure the appointment of a Finance Commission to review the financial position of Panchayats and make suitable recommendations to the state on distribution of funds between the state and local bodies.
6. One-third seats of the total seats in Panchayati-Raj bodies will be reserved for women and these seats may be allotted by rotation to different constituencies in a Panchayat. Similar reservations have been made in respect of office of Chairpersons too⁴⁶.
7. Panchayati Raj bodies will prepare plans for economic development, social justice and social welfare on subjects enumerated in the Eleventh Schedule⁴⁷.

Kerala introduced the three-tier Panchayat Raj system only after the 73rd Constitution Amendment. Village Panchayats were in existence for a long time and they had clear powers and functions and had full time staff including an Executive Officer to assist. In 1991, elected District Councils were created and practically all the development functions at the district level covering both rural and urban areas were entrusted to these bodies ⁴⁸. But the District Council system could not strike root.

The Kerala Panchayati Raj Act was passed by the Kerala Legislative Assembly on 23rd April 1994, which substitutes the Kerala Panchayati Raj Act 1960 and the District Administration Act 1979, and is intended to incorporate the provision of the 73rd Constitutional Amendment giving constitutional status for Panchayati Raj system in India⁴⁹. Elections to Panchayati Raj Institutions in Kerala were held in September 1995 and the elected bodies have been in place since then. There are 14 District Panchayats, 152 Block Panchayats and 991 Gram Panchayats in Kerala⁵⁰.

Decentralisation envisaged in the system of Panchayati Raj makes possible the extension of democracy to the grassroots level and also serves as a charter for rural government. With the introduction of the Panchayati Raj system, the pattern of non-official and official relationship is regarded as the most sensitive and potentially explosive problem area. In this context, the advice of Jawaharlal Nehru is worth mentioning: "The official has to develop the qualities of the popular leader, the people's representatives have to develop the discipline and training of the official so

that they approximate to each other and both should be guided by the ideal of disciplined service in a common cause”⁵¹.

2.4 CONCEPT OF DECENTRALISATION AND PARTICIPATION IN THE INDIAN CONTEXT

a. Decentralisation

“Decentralisation of democracy will prevent centralisation of power, and the state will be reduced to co-ordination of the activities of the other autonomous social institutions”⁵². So far democracy in India was confined to parliamentary democracy; it was elitist in nature, with muscle power, money power and caste playing a critical role in the elections. The change in the federal polity of the country that has taken place, as a result of the local bodies becoming constitutional entities, has far-reaching consequences. Can anyone think that without local democracy we can build democracy at the other levels? Decentralisation is the felt need everywhere. Despite this felt need, right kind of decentralisation is becoming difficult for a variety of reasons, the most important being unwillingness of the power elites to share their power with those from whom they derive it.

Gandhian decentralisation is a process of limiting the power of the state as well as the creation of people’s institutions and processes. Decentralised institutions became an end in themselves because they guarantee non-violent participation as well as institutions for self-improvement. Gandhian decentralisation, means the creation of parallel

polities in which people's power is institutionalised to counter the centralising and alienating forces of the modern state.

Decentralisation process is supposed to promote local welfare, i.e., the welfare of local citizens. Decentralisation would provide the training ground for future political leaders of the country. Decentralisation is a means of transferring political responsibilities to address unresolved conflicts originating from regional and local issues and addressing local needs on the principle of subsidiarity. Decentralisation is an effective means of involving local people in improving the local delivery system of local public goods. It allows greater representation for various political, religious, ethnic, and tribal groups in decision making that can lead to greater equity in the allocation of government resources and investments. Decentralisation can lead to more flexible, innovative and creative administration. Regional units may have greater opportunities to innovate and to experiment with new policies and programmes in selected areas, without having to justify them for the whole country. If the experiments fail, their impacts are limited to small jurisdictions; if they succeed, they can be replicated in other areas of the country.

Decentralisation is no doubt a multi-dimensional concept. For a developing country like India, the possibility of alternative organisational structures with the incorporation of the peoples' sector into the existing mixed economic system needs to be explored. In this context people's self-governing institutions or the Panchayati Raj System appear to be suitable.

The 73rd and 74th Amendments to the constitution reflects this realisation. In the recent experiments with institutional reforms in Panchayati Raj, the relevance of democratic planning that may incorporate the participation of beneficiaries has been acknowledged. While responsiveness and accountability are positive features of decentralised system, participation is a pre-condition to the success of decentralised decision-making.

The Balwantari Mehta Committee in its report, observed, "So long as we do not discover or create a representative and democratic institution which will supply the local interest, supervision and care necessary to ensure that expenditure of money upon local objects conforms to the needs and wishes of the locality, invest it with adequate power and assign to it appropriate finances, we will not be able to evoke local interests and excite local initiative in the field of development⁵³. Accordingly, the Team recommended adoption of the concept of 'democratic decentralisation' for development work and proposed a three-tier system of Panchayati Raj Institutions. The basic principles emphasised were:(a) It should be a three-tier structure of local self-governing bodies from the village to the district, the bodies being organically linked up ; (b) There should be genuine transfer of power and responsibility to them. (c) Adequate resources should be transferred to the new bodies to enable them to discharge these responsibilities⁵⁴. It is common distinguish between different forms of decentralisation, namely deconcentration, delegation, devolution and privatization⁵⁵. Decentralisation is also connected with concepts of

governance and development and is one of the essential elements of good governance. Within the concept of governance, it is concerned with the extent to which power and authority should be dispersed through the geographical hierarchy of the state, and processes through which such dispersal occurs. In terms of governance, decentralisation is generally associated with local government⁵⁶.

In people-centered development public control will be exercised through decentralised decision-making at all levels of government. Since planning will be from below and public agencies at all stages are accountable to the people, this form of development will not result in the accumulation of power in the hands of the state.

The government of Kerala constituted the Sen Committee, for recommending measures for effective decentralisation of power to the Local-self government Institutions. The new system of decentralised planning in Kerala is expected to produce a sea change in the process of development

b. Participation

“People’s participation” has become a rhetoric today. Participation should include the notions of contributing, influencing, sharing or redistributing power and of control resources, benefits, knowledge and skills to be gained through beneficiary involvement in decision making⁵⁷. One of the founding fathers of the concept of grassroots democracy, J.S.

Mill, wrote, "The only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate"⁵⁸. Participation is a voluntary process by which people, including the disadvantaged – (in income, gender, caste or education) influence or control the decisions that affect them.

Methods of participatory development and participatory needs assessment are based on ideas of consensus and common priorities. Participation is rarely a result of 'spontaneous grassroots initiative' where there is consensus between all participants or potential participants⁵⁹. According to Gandhi, more important than the making of a blue print of a project political system is the development in the people of the capacity to resist tyranny and fight arbitrariness⁶⁰. This capacity cannot be developed if people are restrained from participating in the shaping of their political life. But once they do develop this capacity, power as violence is likely to be transmuted into power as a collective will, a human ability "not just to act but to act in concert"⁶¹.

The idea of democracy subsumes participation of the 'demos' in political life. A fully participatory democracy is perhaps a myth⁶². A village in pre-British India, it is often claimed, functioned as a 'little republic' managing political affairs of its own and self-sufficient in economic terms. Each caste group in a village used to participate in economic affairs and perform socially assigned role in the process of production. The pre-British Indian society actually did not provide

necessary objective conditions and social processes for genuine participation. The essence of participation is exercising voice and choice, and developing the human, organisational and management capacity to solve problems as they arise in order to sustain improvements. Participation must be therefore understood as a process by which the people are able to identify their own needs, and share in the design, implementation and evaluation of participatory action. Participation should not only stop at information sharing or consultation, but decision-making and initiating action are important and essential components of participation. Initiating action by the people represents the highest level of participation that surpasses involvement in the decision-making process. Self-initiated actions are a clear sign of empowerment. Once people are empowered, they are more likely to be pro-active, to take initiative, and to display confidence for undertaking other actions to solve problems beyond those defined by the project. 'This level of participation is qualitatively different from that achieved when people merely carry out assigned tasks.

Who Participates? The most important characteristic that brings people together to take action is commonality of interest. As people participate in making new decisions and solving problems, learning takes place. It leads to changes in attitude, behaviour, confidence and leadership. Newly acquired knowledge is therefore the first outcome of participation. Empowerment is a result of participation in decision making. An empowered person is also one who can take initiative, exert leadership,

display confidence, solve new problems, mobilise resources and undertake new actions.

Participatory development is generally premised on the assumption that the benefit of participation are self-evident, and outweigh any costs. The costs and benefits of participation are likely to be different for women than for men, and are likely to be assessed differently. Where women do not spontaneously come forward this is generally ascribed to lack of confidence 'or lack of power' or in some cases an example of 'false consciousness' ⁶³.

The barriers to women's participation are indeed substantial. Poorer women and women from low status social groups are more disadvantaged than other women. In many societies women's ability to interact with men is restricted. Even where women travel considerable distances for work and marketing, they are rarely completely 'free' to travel where they wish in the way that men are. There are places where women who were emotionally or materially dependent on their relationship with a man were often prevented from undertaking any activities outside the home or without his permission. Similarly despite women's prominent role in agricultural production and marketing, their participation in any activity was subject to their husband's approval⁶⁴. It cannot be assumed that for women lack of economic benefits are necessarily offset by social benefits. In West Bengal, there were notable differences between women from different classes and different social groups in their mobility, support networks and interest in

group activity⁶⁵. Even where women are not explicitly excluded, increasing participation in particular development programmes requires skills, resources and or time, depending on the particular form which participation takes. The activities introduced in many participatory development programmes frequently require formal education and a high level of mobility to attend meetings beyond the immediate local level. Even where the skill and resource requirements are low, participation can be time-consuming. Disagreements and problems related to consensus formation often cause delays in participatory mode of development. The additional time required for meetings and decision -making takes time away from production and thus has potential costs.

Gender inequalities in resources, time availability and power, influence the activities, priorities and framework of participatory development. Increasing the number of members involved in participatory projects cannot, therefore, be seen as a soft alternative to specific attention to change in gender inequality.

Participation is crucial to the success of projects; it can transform development, it empowers poor people.⁶⁶. The purported benefits of participation are many; they range from planner – centred to people centred benefits. Planner centred outcomes focus on administrative and financial efficiency. Participation facilitates local people's acceptance of new policies and technologies promoted by outsiders. Through beneficiary participation, indigenous knowledge can be exploited and local labour,

financial, and in-kind contributions can lower the implementation costs. In the people-centred perspective, participation is both a means and an end in itself. It is a means to meet locally felt needs and redistribute scarce resources, but also has inherent value as a process which empowers the poor by enhancing local management capacity, increasing confidence in indigenous potential, and raising collective consciousness.

Real participation consists of dialogue and partnership leading to full involvement in decision-making in the allocation and utilisation of resources meant for collective good. Decentralisation is people-centered. It is their choices that have to be accepted, it is their interest that have to be preserved and it is their interest that have to be listened to.

People's participation should be encouraged owing to the fact that people in the villages know their needs better than government officials working at state or central level. Gram Sabhas constituted so far have not been endowed with significant powers. Therefore even if people are ready to attend and take active interest, when they find that Gram Sabha's opinion is not binding even on the Gram Panchayat, they fail to develop a sustained interest.

2.5 GRAM SABHA AFTER CONSTITUTION (SEVENTY - THIRD) AMENDMENT

In the wake of the Seventy -Third Constitution Amendment, Gram Sabha has been introduced in all the states. But the nomenclature differs from state to state.

‘Gram Sabha’ means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level⁶⁷. This was a model for democracy at the grass roots based on direct participation by the people⁶⁸. Democracy has been defined as, ‘a government where everybody has a say’. A democratic administration by a Panchayat cannot be a good substitute for it⁶⁹. The extension of the process of democracy to the people in the real sense, should mean that the Panchayat function as the executive body to give concrete shape to the wishes and aspirations of the village community as represented by the Gram Sabha⁷⁰. Gram Sabha provides an institutional basis to popular participation. It provides a base for the three- tier structure of the Panchayati Raj Institutions. To Jayaprakash Narayan, the *sarvodaya* thinker, Gram Sabha signifies village democracy. To him representative Government from the village to Delhi was no good substitute for direct democracy⁷¹. Gram Sabha, being a primary body would be a face to face organ of direct democracy, not made up of representatives but comprising all adult residents. Similar bodies, which he called “Communities of work” should be founded in factories, offices, educational institutions and other work

places. The primary body of people's democracy has to be an active body, meeting regularly, discussing common problems, and evolving cooperative and collective forms of action to manage their affairs⁷². Speed was the essence of the strategy and people's participation would be the index of its success. In 1970, in a seminar, Jayaprakash Narayan suggested that societies for the defence of democracy should be set up in every city and voters' education societies established throughout the country⁷³. In this context, Gram Sabhas no doubt could be used as a centre for voter's education and to educate the people about the *Sarvodaya* polity.

Gram Sabha is a basic tier to popularize development programmes. The Gram Sabha would establish an active dialogue between the village people and their elected leaders at the village Panchayat level regarding development programmes to be undertaken. Faith and interest in the relevance and functioning of institutions like Grama Sabha are crucial. These two would be inseparable for the success of Gram Sabha and a Gram Sabha instilled with them would further the cause of development⁷⁴.

Gram Sabhas have been in existence in most of the states for long. However, their functioning makes even the ardent supporters of an invigorated Gram Sabha skeptical. The concept of a popular assembly of all the voters belonging to a geographical unit of representation with power to control their elected executive smacks of elements of direct democracy, an aspect which has not been subjected to serious research by political scientists. Gram Sabhas have not been vibrant anywhere in the country

including in states where they have been in existence for considerable period of time. Even in those states in which supposedly ideal physical condition for the vivification of these bodies are found, their performance has been very unsatisfactory⁷⁵. For example, in Lakshadweep, of the ten islands, Gram Sabha could be held only in Androth, and that too by including same names subsequently to the quorum of ten percent of the total membership. In Minicoy Island, there exists powerful traditional village assemblies known as Bamad. Participation in these assemblies is highly valued by the public. Similar enthusiasm is lacking in Gram Sabhas⁷⁶.

The provision regarding the number of Gram Sabha meetings vary from state to state. The frequency of meetings of the Gram Sabha in different states ranges from one to four in a year⁷⁷. The quorum of the Gram Sabha meetings also differ from state to state. There are some common features in the Acts of the different states as provided below.

Frequency of meetings of Gram Sabhas in Different states in India

SL.No.	Frequency of meetings	States
1.	Annual	Madhya Pradesh, Tripura, West Bengal, Andhrapradesh, Goa, Gujarat, Haryana,
2.	Twice a year	Himachal Pradesh, Karnataka, Kerala,* Maharashtra, Manipur, Punjab, Orissa, Rajasthan, Sikkim and UttarPradesh
3.	Thrice a Year	Tamil Nadu
4.	Four times a year	Assam and Bihar

Source: Panchayat Raj Acts of the states.

* In Kerala the Committee on Decentralisation stated that the Gram Sabha should meet as frequently as possible, at any rate not less than once in three months.

In some of the Acts the Surpanch or Pradhan or President has been empowered to call for an extraordinary or special meeting of the Gram Sabha. A meeting of the Gram Sabha can also be called on the basis of requisition in writing from not less than one-fifth members of the Gram Sabha⁷⁸. While in Andhra Pradesh, Assam, Gujarat, Jammu & Kashmir, Madhya Pradesh, Maharashtra, Punjab, Uttar Pradesh, West Bengal, Kerala. Gram Sabha is composed of all the voters on the electoral roll, in Bihar, Karnataka, Orissa and Rajasthan all adults residing in the area of the Gram Sabha are considered to be its members⁷⁹. The membership of the Gram Sabha varies from state to state ranging from 250 to 5000. The area of a Gram Sabha is generally co-terminous with that of the village.

The quorum of the Gram Sabha is different from state to state as may be seen from the following table.

The quorum of Gram Sabhas in Different states in India

Sl.No.	Quorum	States
1.	One-third	Andhra Pradesh, Karnataka, Maharashtra, Orissa, Tamil Nadu, Tripura
2.	One-tenth	Bihar, Haryana, Madhyapradesh, Rajasthan, West Bengal
3.	One-fifth	Himachal Pradesh, Punjab, Uttar Pradesh
4.	50 voters*	Kerala
5.	Open to all members of Gram Sabha	Maharashtra

Source: Panchayati Raj Acts of different states

* The Kerala Panchayati Raj Act 1999 lays down the quorum as one-tenth of the total membership of Gram Sabha.

A meeting of the Gram Sabha will be presided over by the Chairperson (Pradhan/Sarpanch /President) or in his absence Vice-chairperson of the Gram Panchayat. The secretary of the Gram Panchayat will act as secretary of the Gram Sabha. He will prepare the resolutions and place them before the Gram Panchayat meeting for follow-up.

A Gram Sabha may exercise such powers and perform such functions at the village level as the legislature of a state may by law provide⁸⁰. There is diversity of provisions with regard to the functions of the Gram Sabha, though there are some common features in the Acts of most of the states.

The Major Functions of Gram Sabha in Different States

Sl.No.	Functions of Gram Sabha	State(s)
1.	Examine annual statement of accounts and audit report	Andhra Pradesh, Bihar, Gujarat, Haryana, Karnataka, M.P., Punjab, Rajasthan, Sikkim, Andaman & Nicobar Islands.
2.	Discuss report on the administration of the preceding year	Andhra Pradesh, Bihar, Gujarat, Karnataka, M.P., Rajasthan, Andaman & Nicobar Island.
3.	Review Programme of work for the year or any new programme	Andhra Pradesh, Bihar, Gujarat, Karnataka, M.P., Punjab, Rajasthan, Sikkim, Andaman & Nicobar Island.
4.	Consider proposal for fresh taxation or for enhancement of existing taxes	Andhra Pradesh, Bihar
5.	Select Schemes, beneficiaries and locations	Andhra Pradesh, Assam, Bihar, Karnataka, Kerala, Punjab, Rajasthan, Sikkim, Tamil Nadu and Uttar Pradesh

Sl.No.	Functions of Gram Sabha	State(s)
6.	Mobilise voluntary labour and contributions in kind and cash for the community welfare programmes	Bihar, Karnataka, Kerala, Punjab, Rajasthan, Sikkim, U.P., West Bengal
7.	Render assistance in the implementation of development schemes and rendering services in villages	Assam, Bihar, Karnataka, Kerala, Punjab, Rajasthan, Sikkim, U.P.
8.	Undertake programme for adult education, family welfare within the village	Bihar, Karnataka, Kerala, Punjab, Rajasthan, Sikkim, U.P.
9.	Promote unity and harmony among all sections of society	Bihar, Karnataka, Kerala, Punjab, Rajasthan, Sikkim, Tamil Nadu, West Bengal
10.	Seek clarification from the Pradhan/President and members of the Panchayat about any particular activity, scheme income and expenditure.	Bihar, Punjab, Rajasthan
11.	Examine last audit note and replies made thereto	Bihar
12.	Consider the Budget prepared by the Gram Panchayat and the future development programmes and the plans for the Gram Sabha area	Gujarat, Haryana, Karnataka, M.P.
13.	Consider and scrutinise the existing schemes and all kinds of activities of Panchayats	Haryana, Kerala
14.	Maintain a complete register for all development works undertaken by Gram Panchayat or by any other government department	Haryana, Kerala
15.	Scrutinise the completed works and all kinds of activities of the Gram Panchayat	Haryana, Kerala

Source : *State Panchayat Acts : A Critical Review, 1995, VANI-Voluntary Action Network, India.*

It is thus evident that a wide variety of functions have been accorded to the institution of Gram Sabha. The above statement shows that there is no uniformity in assigning the functions. While some of the states have perceived the role of Gram Sabha in terms of activating participatory process and discussion for the preparation of development plan, etc., others have chosen to provide them specific responsibilities.

Administrative and technological improvements in communicating the convening of Gram Sabha, the timing of the meeting, its place, attraction for women members, informality of discussion etc... would add to the operational efficiency of the Gram Sabha⁸¹. The Gram Sabha agenda should cover the budget and earlier audit reports. It should discuss the annual administrative report also. This would result in developing the feeling that the Gram Sabha was intimately linked with the vital decisions of the village community.

In West Bengal, besides the Gram Sansad and Gram Sabha meetings, there are other forums for discussion and thereby strengthen people's participation in the Gram Panchayats. Apart from informal discussions in some 'Paras' local meetings are held regularly in which the Gram Panchayat members of the area speak about local programmes and general issues⁸².

Gram Sabha was a concept alien to Kerala. The distributed habitation pattern of Kerala is quite different from the conglomerate

habitats of rest of India. Extensive urbanisation had long since obliterated community cohesion and traditions. Even old village names occurring in revenue records do not register any sense of identity for the population. The new generation has become accustomed to Panchayat, Blocks, towns and cities, the boundaries of which are redefined not too infrequently. The Panchayat forms the smallest political-administrative unit. With an average area of 20-30 sq. kms. and population of 20,000 to 30,000 the Kerala Panchayats are much larger than average Indian Panchayats, by a factor of 5 to 10. The Panchayats are divided into a number of wards, often quite arbitrarily. The number of wards varies from 8 to 15*. The Kerala Panchayat Act, for wanting anything better, defined the "ward" as the equivalent of the "village", and the voters in ward making the Gram Sabha or village council.

After the enforcement of the Kerala Panchayati Raj Act, 1994 in many Panchayats, a notable feature is the formation of Ayalkkootom, - neighborhood groups - comprising 20 to 50 houses of a particular locality, which meet frequently and deliberate on the plan schemes. Many Panchayat members find neighborhood groups as a training ground for Gram Sabha. It is also seen that in some Panchayats or wards where they had experience of Ayalkkootom, the attendance in the Grama Sabha was good.

* The Committee on Decentralisation (1997) recommended for delimitation of the Panchayat to a maximum of 25 wards.

Though the Gram Sabha is a new concept in Kerala, it has taken off though not with the expected momentum. The Gram Sabha met six times during 1995-98 and the attendance in the meetings varied from one to another and from one Panchayat to another. Special Gram Sabhas were called for the purpose of selecting beneficiaries for various developmental programmes implemented by the various tiers of Panchayati Raj system. Unlike other parts of India where people often find participation constrained due to reasons of illiteracy Kerala seemingly provides a better picture. A powerful Gram Sabha is based on notions of community and communitarianism. The essence of Gram Sabha lies in the regeneration of the village community. The Gram Sabha as an institution, and as envisaged, will have to deal not only with the problems of a particular group or segment, but with those of the village community as a whole.

There have been instances of Panchayat members being beaten up in the Gram Sabhas in Kerala. Unable to bear the inordinate criticism and the unparliamentary behaviour from the male participants, some women members had literally wept in full view of public⁸³. In one instance, the Gram Panchayat made certain changes in the list prepared by the Gram Sabha. But in a land mark decision, the High Court held that the Panchayats are not selecting authorities, but only approving authorities in the case of beneficiary selection. It ruled, "It is the Gram Sabha which has the power to identify beneficiaries. The selection of beneficiaries should follow a transparent procedure any exercise of discretion or arbitrariness is

tantamount to violation of not only the Kerala Panchayati Raj Act but also Article 14 of the constitution. Arbitrary selection of beneficiaries violates the right to equality which is the essence of Indian Constitution”⁸⁴. In line with the judgement, the Government of Kerala issued guidelines for selection of beneficiaries under plan schemes. The State Government on its part has initiated the people’s planning process through Panchayati Raj, which itself is a unique and unprecedented experiment.

2.6 GRAM SABHA IN FIFTH SCHEDULED AREAS

The idea of a powerful Gram Sabha got more currency after the 73rd Amendment to the constitution and particularly after extension of this to the fifth Scheduled Areas by means of Panchayat (Extension of the Scheduled Areas) Act, 1996.

A high level committee under the chairmanship of Mr. Dileep Singh Bhuria with the purpose to recommend as to how the Scheduled Areas could be recovered under the provision of the 73rd Amendment Act was appointed. Accordingly, in view of the recommendations of this committee, a bill was introduced in the Parliament and passed on December 19, 1996, which subsequently, after getting President’s assent on December 24, 1996, (1) extended 73rd Amendment Act to the Scheduled Area mentioned under clause (2) of Article 244 of the constitution. It became mandatory on the part of the states to amend their existing Panchayat Acts in conformity with the Extension Act within a year i.e., by December 24, 1997.

By the Extension Act Panchayats have been extended to the tribal areas of Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. All the states except Bihar have made suitable amendments in consonance with this. The Rajasthan government has very lately promulgated an ordinance on June 30, 1999 to implement the provisions of the Extension Act.

Salient Features of the Act

1. Every legislation on the Panchayats in fifth Scheduled Areas shall be in conformity with the customary law, social and religious practices and traditional management practice of the community resources.
2. Gram Sabha has been vested with following powers:
 - a) Ownership of minor forest produce
 - b) Approval of Development Plans and Programmes
 - c) Selection of beneficiaries under various programmes
 - d) Prior consultation on land acquisition matters
 - e) Management of village markets
 - f) Control of money lending to Scheduled Tribes and prevention of alienation of land
 - g) Control on institutions and functionaries in all social sectors
 - h) Give utilisation certificate of funds used for the projects and programmes of social and economic development etc. to the Village Panchayats.
 - i) Prior recommendation for granting license or mining lease for minor minerals.

3. Reservation for the Scheduled Tribes shall not be less than half of the total number of seats at all tiers of Panchayats and reservation for other communities mentioned in Part IX of the constitution shall be on the basis of their proportion to the population of these communities.
4. The chairpersons of all levels of the Panchayats shall be reserved for Scheduled Tribes.
5. In case of Scheduled Tribes who have no representation at intermediate or district level Panchayats the state government shall nominate such underrepresented Scheduled Tribes, but such nomination should not exceed one tenth of the total elected members of the Panchayats.
6. State legislature, while devolving powers and authority to Panchayats to enable them to function as institution of self-government, it should be ensured that the Panchayats at the higher level do not assume the powers and authority of any lower level Panchayats or the Gram Sabha.
7. The State-legislatures shall follow the pattern of the sixth schedule to the constitution while designing the administrative arrangement for the Panchayats at district level.

Thus the Extension Act has given an important legislative framework for the tribals to have their control and rights over natural resources and conserve and preserve their identity and culture in a participatory manner through the institution of the Gram Sabha.

The Extension Act has empowered the Gram Sabha to approve plans, programmes and projects as well as to identify beneficiaries and issue utilisation certificate of funds.

Powers of Gram Sabha

The Section 4(m) of the Central Act says that while endowing Panchayats in the Scheduled Area with such powers and authority as may be necessary to enable them to function as institutions of self-government, a state legislature shall ensure that the Panchayat at the appropriate level and the Gram Sabha are endowed specifically with the following:

- i. Power to enforce prohibition or to regulate the sale and consumption of any intoxicant
- ii. Ownership of minor forest produce.
- iii. Prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of Scheduled Tribes.
- iv. Managing village markets
- v. Money lending to the Scheduled Tribes
- vi. Exercise control over institution and functionaries in all social sectors.
- vii. Control over local plans and resources.

The Extension Act was evolved with the purpose that the Gram Sabha would invariably be given approval and sanctioning powers in all matters pertaining to tribal society and economy and the Panchayats at

different levels would merely execute the decisions taken by the Gram Sabha. But the Extension Act itself creates confusion by using the terms Panchayat or Gram Sabha interchangeably. In the Extension Act functions have been assigned to either “Gram Sabha and Panchayat” or “Gram Sabha or Panchayat”. From these one can derive that a particular function given in this Act has to be agreed to first by the Gram Sabha and then would be executed by the Panchayat.

Though it is not applicable in Kerala, the Sen Committee suggested that for matters relating to tribal development, a general body meeting of the inhabitants of all the tribal settlements of the area of a Gram Sabha, should be deemed to be the Gram Sabha for this purpose. There should also be a provision to have different deemed Gram Sabhas for different tribal groups if required. This is to protect the most backward among the tribals. At least 25% of the strength of the sub-committee would constitute the quorum.

Most of the states extended Panchayati Raj to the tribal areas on the assumption that this would satisfy the aspirations of the tribals. According to Article 243(M), tribal societies were the last vestiges of community self-governance and would be the first to reactivate popular self-rule. The Act has far reaching significance as it literally seeks to introduce self-governing institutions in tribal areas coming closest to the Gandhian idea of Gram Swaraj.

2.7 CONCLUSION

The spirit of democratic decentralisation as evolved over the years, could be practiced only in a limited way. The 73rd Constitution Amendment was a logical step towards integration of the concept of people's participation and taking democracy closest to the people. Democratic decentralisation was accepted as key to the planning process in the country. Rural development programmes started in the ninth plan have reckoned with this reality and have made mandatory provisions that the rural local and participatory bodies should play the key role in planning, implementation and beneficiary selection. It may also be noted that the nineties witnessed a general trend in favour of greater decentralisation all over the world. The Constitution (73rd Amendment Act) 1992 provided a constitutional status to the Panchayati Raj Institutions and ensured their durability, continuity. In consonance with the objective of realisation of social justice, it has also provided reservation for women and weaker sections. The Act provided for a statutory Gram Sabha. These measures will herald a new beginning in the history of decentralisation in the country.

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