CHAPTER-I

PANCHAYATI RAJ IN INDIA

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Democracy, decentralization and development are essential conditions of Panchayati Raj. The Panchayati Raj Institutions have been regarded as legitimate instruments to realise grassroot democracy. They have been the nurseries of leadership and laboratories for democratic experimentations. They have been created to make community development programmes relevant to the needs and problems of the people and to transfer decision-making authority to villagers regarding . developmental work. Not only that, the Panchayati Raj Institutions have been considered the foundations of participatory democracy in India. S.K.Dey pointed out that in Panchayati Raj system, the people of India would govern themselves through their representatives in institutions from the Panchayat to Parliament and thus the democracy would travel from Lok Sabha to Gram Sabha. Panchayati Raj thus reflects the concept of inter-connected democracy from the Gram Sabha to Lok Sabha. 1 Much was expected from these institutions for the development of rural leadership. Experience has shown that the outcome has been very poor; and hence, much thought has been given at present for reforms in the present functioning of this system.

The ends of democracy can be realised through the method of decentralization. Decentralization aims at widening the area of the people's participation, authority and autonomy through dispersion or devolution of powers to people's representative organizations from the top to the lowest level with least interference and control by the Government.

Development is a set of continuous challenges, it is the result of how the new challenges are faced in the process of development efforts. It could be achieved through the harmonious co-operation of the people and their representatives. The representative organizations have to be the centres of development. The Panchayati Raj today is very much distinct in character, nature and content from the ancient village self-government and of self-government. In this context, it is essential for one to study the history of the Panchayati Raj system in India, as it has been the roots of democratic functioning.

Panchayati Raj had existed in India since centuries, before the advent of the British rule in India. "The concept as well as the pattern of the Panchayati System have been formed and reformed in different ways throughout the course of history, but there is a continuous thread, and pattern" right since the ancient India to the present.

The term "Panchayat" means 'a body of five persons' (Panch means five) and "Raj" means 'rule'; so it is the rule of five persons. This number was small enough so that the five members could meet frequently and function efficiently. But, on the other hand, the number was said not to be too small, so that they could lose touch with each other and with the community. It is also 'five' because there should be no deadlocks of any type; expecially when decisions had to be arrived at by a majority consensus.

In ancient days, each and every village was an entity in itself. It used to manage its own affairs and to provide better administration. During the Vedic period, there was 'Gramani' heading the village, who was responsible for the maintenance of law and order in

the village. He was the pivot of village administration.

Prof.Altekar, an authority, points "the village councils appear to nave evolved into regular bodies in the Gupta period, atleast in some parts of India". He further observed, "Village councils were known as Pancha Mandalis in Central India and Grama Janapadas in Bihar". These Pancha Mandalis were headed by their respective chiefs, who represented an element of self-government in the village. The Village Panchayat being, in a sense, a projection of the caste Panchayat, commanded considerable moral authority and provided a wider base to the self-government.

The rise of the British rule and administrative policies of the British rulers adversely affected the very existence of Panchayat in India. In order to stabilize their power, they brought in a highly centralized administration. But after the revolt of 1857, they wanted to decentralize the authority, to impose taxation on Indians. This prompted the British to introduce local self-governing institutions in India.

Lord Mayo's resolution of 1870 recommended decentralization as a substantial measure of central economy, elections to the local bodies, representation of the people to manage the financial affairs in the fields of education, sanitation and public works. The results of the policy of 1870 were appeared in the resolution of 1882. According to Tinkar Hugh, "the most remarkable innovation proposed by Lord Ripon in 1882 was the establishment of a network of rural local bodies", which consisted of district boards and sub-district boards based on the sub-division of Tenasil or Taluka. 7

Since Ripon's resolution, not much work was done in the field of local self-government, which led to the appointment of Decentralization Commission in 1907, which recommended the lessening of the government control over the local bodies, giving them more sources of income, providing non-official chairman, liberalizing franchise. It made a forceful recommendation for the revival of the Village Panchayats.

Under the Act of 1919, the Department of Local Self-Government was transferred into the hands of an Indian Minister who was responsible to the provincial legislature. Under the Act of 1935, tull autonomy was granted to the British provinces; local self-government department remained under popular Ministers and finance no longer remained as a reserved subject. Naturally, efforts were made to democratise the local bodies, but progress could not be achieved due to the shortage of funds.

According to S.S.Khera, "a marked feature of the local self-government institutions during the British regime in India was that these institutions did not reach the village".

The growing body of the public opinion in India insisted on the statutory obligation of consulting the people. The struggle for Independence carried with it, as an article of faith they pledged to re-establish Gram Panchayat at the grassroot base of Indian democracy. 9

After Independence, an attempt was made to constitute Panchayats on statutory basis. Article 40 of the Constitution of India states, "The State shall take steps to organize Village Panchayats and to endow them with such powers and authority as may be necessary to enable

them to function as units of self-government". 10

with the development of economic planning in the country, the old concept of Panchayats as bodies doing minor judicial and administrative work of the rural communities, has undergone a great change. Today, Panchayats have been made as the foundation of economic planning and as agencies to implement programmes. They are looked upon as one of the major political, economic and social development.

and it has been evolved through several phases. The first began with the opening of 15 pilot-projects in various States in India. The second was the establishment of 55 community development projects on October 2, 1952. The third phase commenced with the initiation of the National Extension Service in October 1953. The goals of the Community Development Programme can be summarised as follows:

- t) To increase substantially the agricultural production in the country, improve the nation's communication system, health and hygiene, and promote education in villages; and
- 11) To generate and direct a process of integrated social, economic and cultural change with the ultimate aim of transforming the social and economic life in the villages.

Though the official machinery was created to guide and assist the planning and the implementation of the programme, the main responsibility for improving the socio-economic conditions in the village was to rest with the people themselves. It was argued that

unless people considered community development as theirs, and value it as a practical contribution to their own welfare, no substantial result could be gained. Consequently, the people's participation in the planning and the execution of the programme was considered as a vital aspect of the community development and was sought by setting up of project advisory committees, consisting of non-officials in project areas. 13

The programme. nowever. failed to involve people in the planning and implementation of the programme. Instead of being people's programme, it was becoming Government's programme the programme of bureaucrats with varying degrees of people's participation. The block advisory committees, created to enlist popular support and participation in the programme lacked capacity, vitality and power to represent people's points of view. The Village Panchayats were also found to be weak and ineffective to mobilize the masses in support of the programme. Besides, in most of the States, there was no organization at the block level to represent the people's will. 14 It because of the lack of people's participation in the Community Development Programme, the Government of India appointed a Committee known as Balwantray Mehta Committee.

Balwantray Mehta Committee Report:

Dissatisfied with the performance of the existing rural government institutions, the planners in India began a search for better structural alternatives. So, the National Development Council constituted a Committee on Plan Projects, which appointed a study-team for community projects and national extension service, in 1957, headed by Balwantray

Menta to assess, along with other things, the extent to which Community Development Programme has succeeded in utilizing the local initiative and in creating institutions to ensure a continuity in the process of socio-economic change.

The team concluded that the popular participation in the Community Development Programme was not adequate and a separate set of institutional arrangement would have to be statutorily created to make the participation meaningful and effective. 15

The team suggested a three-tier system of institutional arrangement, viz. the Village Panchayat, the Panchayat Samiti and the Zilla Parishad. As a matter of fact, the team did not favour rigidity in regard to the uniform pattern, but laid down five fundamental principles which should underline the spirit of 'democratic decentralization'. These are:

- i) There should be a three-tier structure of local self-government bodies from the village to the district level and these bodies should be linked together;
- ii) There should be a genuine transfer of power and responsibility to these bodies to enable them to discharge their responsibilities;
- iii) Adequate resources should be transferred to these bodiesto enable them to discharge their responsibilities;
 - iv) All welfare and development schemes and programmes at the three levels should be channelled through these bodies only;
 - v) The three-tier system should facilitate further development and

dispersal of power and responsibility in the future. 16

The recommendations of the study-team were accepted by the NDC in April 1958, with some modifications, thus giving birth to the Panchayati Raj System.

In the light of these recommendations, Rajasthan was the first State to re-design its system on 2nd October 1959, and Andhra Pradesh in November 1959, and the rest of the States followed later.

with the introduction of Panchayati Raj, a new era in rural development was launched in the country. Under this programme, important powers and functions in the sphere of development being transferred from the bureaucratic administration to the elected representatives of the people. 17

The study-team recommended a three-tier organizational structure. The Village Panchayat with elected representatives of the adult population in the village was the lowest unit; the Panchayat Samiticonsisting of the Sarpanchas of the Panchayat Samitis at the block area at the intermediate level; and the Zilla Parishad with Chairmen of Panchayat Samitis as ex-officio members at the district level. An examination of the organizational structure of the Panchayati Raj Institutions in various States reveals that though the ideals and basic objectives of the institutions are identical in all the States, their powers, mode of representation of the people and the inter-relationship among them are not uniform. Variations among these institutions have been observed frequently in respect to the unit of devolution at some places, it is the district while at other place, it is the block or tehasil and the

mode of representation, which in some States is through direct election while in other States, it is through indirect election or by both. ¹⁸ Many of the State Governments have followed their own patterns.

Developmental programmes of all the Departments of the Government, including maintenance of minor irrigation and welfare of the backward classes, have been transferred to the Samiti and the Parishad. The Parishad has, in certain areas, supervisory powers while in others, it has executive powers. 19

There are several reasons why Panchayati Raj, which began with great fanfare, was not able to fulfil all the expectations aroused by the planners. Panchayati Raj Institutions came to be dominated by the socially or economically privileged sections in the local community. and have remained convulsed in factionalism, their functioning disclosed and prevalence of considerable corruption inefficiency. the personnel have often ignored the rules of procedure and indulged in favouritism. These institutions did not receive fair treatment from the nigner level of leadership? and in many States. these institutions have been utilised as centres of dominant caste, class group. Besides, autonomy has been jeopardised as they are a link in power Elections to Panchayati Raj bodies have been deferred from. time to time in various States on one pretext or the other. Floods, famines, national or state elections first, and Panchayati Raj elections later, national emergency have been popular pretexts to quote a few. 21 As a cumulative result of all these forces. Panchayati Raj had been in a state of decline:

Asoka Mehta Committee Report:

It was in this overall context, the Central Government appointed a committee on Panchayati Raj Institutions in December 1977 under the Chairmanship of Asoka Menta to suggest measures to strengthen the system of Panchayati Raj. The committee submitted its report in August 1978. The report contains 301 pages covering 132 recommendations.

The Committee's principal thesis is the functional necessity for decentralizing the administration to levels closer to the people. The committee notes, "It is imperative to decentralize power, planning process and developmental activities below the State level. The urge for democratic control over administration at the local level, particuarly in regard to the management of rural development ... closer co-ordination at all levels below the State. Further, many of the multineed people's participation prolonged developmental efforts intiative of the people can be uncoiled only through their involvement in the process of growth and change". 22

The committee felt that the Panchayati Raj Institutions must be so designed as to become effective channels of people's participation in social, economic and political growth. The formulation of structure, functions and the utilization of financial, administrative and human resources of Panchayati Raj Institutions should, in our opinion, be determined on the emerging functional necessity of management of rural development. ²³

The most significant recommendation of the committee was that it favoured a two-tier system in place of the three-tier structure, as recommended by the Balwantray Mehta Report. It has regarded the

revenue district as the first point of decentralization below the State level in order to provide high order of technical expertise required for rural development. Further, the district level would ensure the emergence of higher level leadership. The district level tier will be known as Zilla Parishad. The block should not be the basic unit of devolution, but will continue as a transitional measure with an executive committee of the Zilla Parishad-the Panchayat Samiti. Below the Zilla Parishad, the Mandal Panchayat with a population of 15,000 to 20,000 would be the second tier. The Mandal Panchayat would alone be able to ensure the balance between technological requirements and possibilities of popular participation in decision-making.

The committee recommended the composition of these various tiers of Panchayati Raj in each level with the combination of elective, nominated and co-opted elements. It recommended direct election to these tiers, reservation of seats for SCs, STs, in proportion to their population and women (2 seats) who get the higher number of votes in Panchayati Raj elections. Functioning through committees in Panchayati Raj system should be encouraged. MPs and MLAs will not be 'insiders'. In the proposed system of composition, the directly elected component would be larger than the ex-officio and co-opted elements. The term of office, of each tier, was fixed at four years.

Regarding the functions of the Panchayati Raj bodies, the committee recommended that the development being a dynamic process, functions cannot remain static; periodic adjustments would be necessary to suit the changing requirements. Decentralization should be genuine and adequate. All developmental functions relating to district should be placed under the Zilla Parishad. It will be the responsibility of the

Zilla Parishad to plan development programmes and their implementation will be left to Mandal Panchayats.

To begin with, the role of the Mandal Panchayats would essentially be one of the promotion and implementation of plan projects and schemes.

In view of administration, the committee favoured that the staff concerned to decentralized functions should be under Zilla Parishad and will work under the control and supervision of the Chief Executive Officer. The chief Executive Officer must be a man of sufficient seniority.

At the level of Mandal, the committee proposed for a full-time Panchayat Executive Officer. The Panchayat Executive Officers of different development departments working in the field (Assistant Executive Officers, etc.) can be moved to the Mandal level.

For finances, the committee favoured that there should not only be devolution from State government, but Panchayati Raj Institutions should mobilise enough resources of their own. They should, therefore, nave compulsory powers of taxation in matters like house-tax, professional tax, entertainment-tax, etc.

On the development of human resources, the committee recommended three types of training: (i) for officials; (ii) for elected representatives; and (iii) combined courses for both officials and elected representatives together. Taking into consideration of this report in 1983, Andhra Pradesh and Karnataka Governments have decided to introduce the Mandal structure.

Its recommendations for the vital abolition of the blocklevel popular body and the village popular set-up have aroused indignation among the votaries of a strong Panchayati Raj system in the country.

After a brief study of Panchavati Raj Institutions, in general, it is necessary to study the Panchayati Raj Institutions in Karnatak. In the study, it is desired to examine the impact and implication of the Mandal Panchayat in Karnatak, which has aroused a great deal of interest among people. No doubt, it was the first step ever taken in the country. In this connection, the study has tried to base itself on empirical method, The data material is collected from the observations of the Taluka Panchayat Samiti meetings and the Mandal Panchayat meetings. The proceedings the Panchayat Samiti, Athani; proceedings, income and expenditure statements of the Mandal Panchayat, Sankonatti; interviews with the officials and the non-officials at the Mandal level and the Taluka level, etc. The study is hence based on the primary data collected and there is a dearth of published material. Some articles appearing in the newspapers, etc., are also referred. It was also felt that it would be too early to assess functioning of the Mandal Panchayats, but nevertheless, an effort the M.Phil. dissertation is taken up. Though the study is too early, the difference in comparison with the Panchayati Raj Institutions can be brought forth. Hence, in this study, an effort to study comparatively made: and the level of public participation has also been examined. This is, perhaps, the first effort made.

Panchayati Raj in Karnatak.

The Panchayati Raj system was launched in Karnatak in the year 1960, when the Mysore Village Panchayats and Local Boards Act. 1959, came into force. With the renaming of the State as 'Karnatak' on

1st November, 1973, the Act is called 'The Karnatak Village Panchayats and Local Boards Act'. It does not mean that the State had no Panchayati Raj institutions earlier, but the concept, pattern and evolution of the Panchayati Raj bodies prior to 1960 were similar to the pattern prevailing in other parts of India (which has been discussed in earlier part of this Chapter). The Karnatak Village Panchayats and Local Boards Act of 1959 was framed in the light of the recommendations of the two committees — the Integration and Co-ordination of Local Bodies Committee (Venkatappa Committee, 1950) and the Local Bodies Enquiry Committee (D.H.Chandrasekhariah Committee, 1954). It also bears the imprint of the Balwantray Mehta Study Team's recommendations. The Act of 1959 was further amended in the light of the Report of a Committee under the Chairmanship of Kondajji Basappa. 24

The Act of 1959 introduced a three-tier structure with a directly elected Village Panchayat at the village level. Taluka Development Board at the taluka level and the District Development Council at the district level.

I) Village Panchayats:

The Panchayats were generally constituted for an area comprising a revenue village or group of villages with a population ranging from 1,500 to 10,000. It consisted of 11 to 19 members, all of whom were directly elected on the basis of adult-franchise, seats were reserved for women, scheduled-castes and scheduled-tribes. If a Panchayat had a population of not less than 5,000 and if its annual estimated income was not less than Rs.10,000, it was declared as a Town Panchayat. The office-bearers of the Panchayat were the Chairman

and the Vice-Chairman. They were to be elected from among the members of the Panchayat themselves. The term of all the members of Panchayat was 5 years.

Every Panchayat used to meet for the transaction of business atleast once in every month. The quorum for meeting was one-half of the total number of members. Every Panchayat was required to constitute three committees by election to carry on the functions entrusted to them under the Act. These committees were: (a) Agricultural Committee, (b) Health Committee, and (c) Village Industries Committee.

Sections 42 to 68 of Chapter-III covered the functions to be performed by the Panchayats. Under Section 42, the obligatory functions included village roads, tanks, street-lighting, sanitation and control of epidemics, development of agriculture. conservancy. discretionary functions were covered under Section 43. Those were civic public-gardens. **functions** like libraries. statistics. markets and the developmental functions like cottage-industries, veterinaryrelief. welfare of scheduled castes, granaries. There were certain other functions which the Panchayats were perform 'agency to as functions' assigned by the T.D.B. or by the State government, concerning the management of institutions, lands, sites, river-beds, trees, bridges, wells, buildings, property. These functions were covered under Sections The regulatory powers of the Panchayats were covered 52. to by Sections 53 to 67 and were quite extensive. Under Section 212, the Panchayats had the power of making bye-laws on a wide range of matters concerning sanitation, buildings, markets, etc.

Section 71 of the Act provided for 'Panchayat Fund',

which consisted of the sums and amounts contributed by the Government, Taluka Development Board, Khadi and Village Industries Commission or Board, proceeds of taxes, etc. Under Section 73(4), Panchayats used to collect taxes on fairs, festivals, entertainments, vehicles (other than motor vehicles), fees on bus-stands, markets, cart-stands, water-works vested with the Panchayats. Under Section 78, the Panchayats were entitled to get 30% of the land revenue collected by the village. They were also entitled to 10% of the land revenue collections as a discretionary grant.

The Executive Officer attached to the Panchayat was known as Panchayat Secretary.

II) Taluka Development Boards:

The Act of 1959 provided the second-tier known as the Taluka Development Board for each revenue Taluka. The Taluka Development Board consisted of members directly elected by the adult residents of the non-urban areas of the Taluka, i.e. leaving aside the towns and cities having municipalities. The strength of each Taluka Development Board was 15 for Talukas, with a population of less than one Lakh, and 19 for a population of a Lakh and above. Seats were reserved for SCs, STs and women. The MLAs, the MLCs and the MPs, whose constituencies were within the Taluka were to be the ex-officio members of the Taluka Development Board. The elected members used to choose their President and Vice-President as in the case of Village Panchayat. The term of all the elected members of the Taluka Development Board was five years.

Under Section 117, a Taluka Development Board used to hold a meeting for the transaction of business once in every two months. The quorum for such meeting was one-third of the total number of members. Every Taluka Development Board was required to constitute the following committees:

- a) Standing Committee,
- b) Audit Committee.
- c) Public Health Committee.

The functions of the Taluka Development Boards were covered under Sections 130 to 160 of the Act. The Taluka Development Board had been assigned certain obligatory functions under 130 of the Act. Some of them were: public-roads, wells, primary and pre-primary school buildings, amelioration of SCs, STs, minor irrigation hospitals (including veterinary), markets, rest-houses, publicworks. health, organization of agricultural and industrial exhibitions, rural publicity and propaganda, social education, development of agriculture. regulation of fairs and festivals. Under Section 131, the Taluka Development Boards had some discretionary functions which included: primary and secondary education, co-operative societies, industry and commerce improvement of fisheries, cattle and poultry. With the approval of the State Government, they used to organize famine relief works, public transport facilities, industrial trade or occupational institutions. Many programmes under community development and Five Year Plans the Taluka Development Boards in accordance also administered by These programmes the State government. orders of with the animal husbandry, village-forests, agriculture, related to generally tanks, industries, rural Ayurvedic dispensaries.

Under Section 162 of the Act, the Taluka Development Board had its 'Taluka Board Fund' which consisted of the funds allocated by the District Board, rents from lands and properties of the Taluka Boards, grants of the Khadi Board or Commission, taxes, rates, cesses/fees, penalties levied by the Taluka Board. Sixty per cent of the land revenue collection was being granted to the Taluka Development Board. The Taluka Development Board mostly depended upon government grant and had a restricted and narrow tax base. Under the Act, they could collect a duty on the transfer of immovable property in the shape of an additional stamp-duty (not exceeding 3%) and a tax on animals brought for sale at the markets at the rate of not exceeding 25 paise per animal.

The Tahsildar of the Taluka was the Chief Executive Officer of the Taluka Development Board. However, where a development block was established in the Taluka, the Block Development Officer was designated as the Chief Executive Officer of the Taluka Development Board.

III) District Development Councils:

At the top, the District Development Council, which was the third tier of the Panchayati Raj in Karnatak. Section 187 of the Act provided for the composition of the District Development Council. The Presidents of the Taluka Boards within the district, the MLAs, the MLCs and the MPs covered by the District area were its ex-officio members. In addition, the State government used to nominate a member of the SCs, a woman representative and government-officers not exceeding 15 in number.

Under Section 188, the Deputy Commissioner of the District was the ex-officio Chairman of the District Development Council.

The secretary of the District Development Council was known as the District Development Assistant who was to be appointed by the Government.

The District Development Council had the power to appoint Committees and to prepare the annual reports to be submitted to the government.

The Act did not provide for independent sources of revenue for the District Development Council. It completely depended upon the Government for its meagre expenditure.

As far as the functioning of the Panchayati Raj Institutions is concerned, the general picture that emerges out of some Panchayati Raj studies made by scholars is not encouraging. 25 They have posed a number of political, administrative and financial problems. 26 Important were: the issue of tiers in the rural local government, the position accorded to the Deputy Commissioner in the District Development Council, untimely and irregular elections were of political nature. Among the administrative incompetence of Panchayati Raj Institutions, problems: resignation of members, misappropriation of public money, abuse of powers, working of Panchayat secretaries, etc. were some of them. Financially, the Panchayati Raj Institutions were proving a burden on the State purse as their 'extractive capability' was extremely limited. Though they were empowered to levy a number of taxes, hardly a few have been collected. While collecting taxes, they lacked 'sanction of force' so they were "not financially viable units". 27

With all these, it inevitably leads one to argue that the Panchayati Raj system in Karnatak was being confronted with a number of problems which demanded its revision for genuine faith in the policy of decentralization and its implementation.

The above brief history enables one to conclude that the Panchayati Raj system is an outcome of historical and logical evolution from ancient to modern period. The so called estates of the Panchavati Raj-democracy, decentralization and development derived their inspiration during different periods - democracy from ancient village self-government period, decentralization of political and economic power from the British Indian period and development in the modern sense from India's post-Independence period, thus contributing to the growth of the "Democratic Decentralization". Panchayati Raj Institutions as dreamt by our first Prime Minister Pandit Jawaharlal Nehru, were to play a major role in the development process. wanted that rural participation along He rural leadership should develop. Instead, the politicians their units of 'support structure'. treated these institutions as Panchayati Raj leadership largely depended upon the interests of State-level leadership; or the very existence of the rural leadership depended upon the whims and fancies of the State-level leadership. Hence, the main problem which emerged was "Politicisation of Panchayati Raj Institutions". It is even felt earlier that political parties should have no role in Panchayati Raj, but what has exactly happened is vice-versa. Besides this, their autonomy has to be restored in right perspective if the very objective of Democratic Decentralization has to be realised. As Nehru himself had very often pointed, planning should come from the bottom to the top, and not from the top to the bottom.

In the next Chapter, an attempt will be made to give a brief summary of the provisions relating to the Panchayati Raj Institutions as provided under the Act of 1983.

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