

CHAPTER - III

COMPARATIVE ASPECTS OF PANCHAYATI RAJ ACTS, 1959 AND 1983

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In Karnatak, before 1959, there was no uniform pattern of rural government, as the State was composed of different units which previously formed the part of the States of Andhra, Bombay, Hyderabad, Madras and the whole of the Part 'C' State of Coorg. These five different areas which constituted the new State of Mysore were governed by different Rural Government Acts. These were: The Mysore Village Panchayat and District Board Act, 1952, for the old Mysore area; The Bompay Village Panchayat Act, 1933, for Bombay-Karnatak area; The Madras Village Panchayat Act, 1950, for the Madras-Karnatak area; The Hyderabad Gram Panchayat Act, 1956, for Hyderabad-Karnatak area; and The Coorg Panchayat Raj Act, 1956, for Coorg area. These Acts were replaced by a single legislation, i.e. The Mysore Village Panchayats and Local Boards Act, 1959. Since its application in 1960, the State could proudly claim a uniform pattern of rural government for the entire State. The Act of 1959 contains 14 Chapters, 246 Sections and no Schedules. The Act of 1959 is replaced in 1987 by the Karnataka Zilla Parishads Act, 1983. The Act of 1983 contains 15 Chapters, 319 Sections and five Schedules.

Two-Tier or Three-Tier System:

The issue of tiers in rural local government has been discussed a number of times during the last thirtyfive years or so. As early as 1950, the issue was discussed by the Venkatappa Committee

in Karnatak, and after careful considerations, it recommended a two-tier system of local self government; two-tiers being Panchayati and District Boards. This created a lot of controversy and as a consequence, its recommendations could not be implemented. Again, the Local Enquiry Committee headed by Chadraseskhariah considered the issue and in its report submitted in 1954, it recommended a three-tier system; three tiers being District Boards, Taluka Boards and Village Panchayats. The Act of 1959 provides no Zilla Parishad at the district level.¹ Instead, as we have seen, an advisory body known as 'District Development Council' functioned at the district level. In day-to-day parlance, we may say that Panchayati Raj system in Karnatak had three-tier structure, but, in fact, it had two elected tiers and the aforesaid body at the district level. The Asoka Mehta Committee favoured a 'two-tier model' of Panchayati Raj. The two tiers being the Zilla Parishads and the Mandal Panchayats, and the block is not to be the basic unit of devolution, but merely an executive committee of Zilla Parishad. The block will continue as a transitional measure. The Act of 1983 follows the model as stipulated by the Asoka Mehta Committee.

Gramsabha:

The Act of 1959 does not contain the word 'Gramsabha', on the other hand, it provides for a meeting of all adults in the village once or twice a year to consider the Village Panchayat's administrative reports and budgets.

The relevant provisions under the Act are found in Section 83(4) which states, "Panchayat shall convene in such manner and at such time as may be prescribed, a meeting of all adult residents of the village and the statement of accounts together with the report on

administration for the preceding year and programme of work proposed for the following year shall be read and explained at such meeting". The Gramsabha has an important role in activating the democratic processes at grassroot level and deserves genuine encouragement.² The meetings of Gramsabha would enable "to explain to the people what programmes the Mandal Panchayats are executing in their area and to channelise the people's feedback to the Mandal Panchayat."³ The Act of 1983 highlights the role of Gramsabha. Chapter II of the Act provides for the elaborate provisions regarding the organization and functioning of the Gramsabha. There is a Gramsabha for each of the 27,024 inhabited villages in the State. It is required by law to meet not less than twice a year, but is encouraged by the Government to meet more often, say 4 to 5 times a year.⁴

Village Panchayat versus Mandal Panchayat:

The Village Panchayat was a basic institution and was constituted for a revenue village or for a group of revenue villages having a population of not less than 1,500 but not more than 10,000. As per the Act, a village having population of not less than 5,000 and annual income of not less than Rs.10,000/- would be declared as Town Panchayat.⁵ The Panchayat consisted of not less than 11 and not more than 19 members. All the members were directly elected on the basis of adult franchise. Seats were reserved for scheduled castes, scheduled tribes and women. The Chairman and Vice-Chairman of the Panchayat were to be elected from among its members. The term of office of all the members was 5 years. A Panchayat was to meet atleast once in every month and used to constitute three committees, i.e. Agricultural Committee, Health Committee and Village Industries Committee.

Asoka Mehta Committee recommended that, "Below the district level, the balance between technological requirements and possibilities for meaningful participation by the people in development management can, in our view, best be achieved, by grouping a number of villages to constitute Mandal Panchayats. These would not only ensure an economic viability; this will enable the people's representatives to exercise democratic supervision over a large number of micro projects which are to be implemented at the local levels in the coming years. Most of these projects are not entirely village based, but would require a span of technology beyond the capacity of a Village Panchayat. The attention to the family based programme, often covering as many as four hundred families, needs a larger unit to tackle them at present. Such a Mandal Panchayat ... would also facilitate the forging of necessary linkages with schemes of development of focal points and growth centres and would ensure efficient management of the growing rural-urban linkages".⁶

To serve this end, the Act of 1983 provides for the Mandal Panchayat which is the first elected tier of the new system and covers a group of villages with a population of not less than 8,000 and not more than 12,000. It consists of both directly elected and nominated members. The total number of members depend upon the size of population of the Mandal. Seats are reserved for scheduled castes, scheduled tribes and women. The office-bearers are known as the Pradhan and the Upapradhan, and are elected by the elected-members of the Mandal. The Act does not provide for a Town Panchayat. A Mandal Panchayat shall meet atleast once in every month. The Act provides for the constitution of three committees which are different in form, as provided under the Act of 1959. These are: Production Committee,

Social Justice Committee and Amenities Committee. The tenure of all the members of the Mandal is 5 years which is same to that of the members of the Village Panchayat.

One may point out that the Act of 1959 concentrated on the village as the unit for development on the basis of population and revenue. But the Act of 1983 concentrates on the cluster of villages as the unit for scientific development and technological advancement without taking into account the revenue of the area of a Mandal. There is a sizeable increase in the reservations for scheduled castes, scheduled tribes and women. There is no difference in the election of office-bearers, term of members, rights and responsibilities of members of the then Village Panchayats and the present Mandal Panchayats. The Act of 1959 provided one half of members as required for quorum for the Village Panchayat meeting but the Act of 1983 reduced the quorum for the Mandal Panchayat meeting to one-third of its members. Another development over the Act of 1959 is that each member of the Mandal Panchayat is paid Rs.15/- per day, for his attendance at the meetings of Mandal or its committee. The Pradhan or Upapradhan are paid monthly allowance.

Both the Acts encourage the constitution and working of committee system. As the committees work to provide continuity of the process of development in the recess of the meetings of the Mandal Panchayat. Their working links up the gap between the two meetings of the Mandal.

The Village Panchayats used to perform different functions under the Act of 1959. These functions are characterised as civic, regulatory, welfare, developmental, land management and others. Chapter III of the Act gives an elaborate list of functions.⁷ Similar account

of the functions to be performed by the Mandal is also made by the Act of 1983 regarding the above matters with some additions. Chapter VI of the Act gives a clear account of these functions.⁸ For example, the civic and regulatory functions are resembling. The welfare functions are more elaborately explained under the Act of 1983. The developmental functions are expanded with the inclusion of provision of house sites for the residents of villages in the Mandal, public works and amenities, agriculture and animal husbandry, soil conservation programmes, establishment of libraries and reading rooms, assistance to villagers during scarcity conditions and natural calamities, etc.

Some of the new functions are added by the Act of 1983 for example, maintenance of essential statistics of the villages in the Mandal; development of Mandal forests and farm forestry; maintenance of records relating to the survey of the village sites, public and private properties; promotion of welfare of women and children; implementation of schemes of adult literacy; organising and mobilising the village youth for constructive and productive purposes, including training in rural sports and games, etc.

Further, an important and novel feature is a function performed by a Mandal, that a Mandal by its resolution, may make contribution towards any exhibition or conference or seminar or medical or educational or charitable institution or any other institution of public utility within the district.

Apart from the above functions, the Mandal Panchayats would have a key role in supplying the necessary information about the various schemes and suggest the potential areas of development as well as their requirements to the Zilla Parishad. They would have

to play this role on a continuing basis and not merely by holding a meeting to consider the draft plan or sending their comments on it to the Zilla Parishad.⁹

Regarding the finance, the Act of 1959 made provision for Village Panchayat Fund under Section 71, which consisted of different items of taxes, such as tax on lands, buildings, professions, trades, fairs, festivals, vehicles and fees on bus-stands, markets, cart-stands, water-works, etc. The details are referred in Sections 71(a) to 71(i) and 73(4). Panchayats were to receive 30% basic grant out of the collection of land revenue and also 10% discretionary grant.¹⁰ Similarly, the Act of 1983 establishes the Mandal Panchayat Fund under Section 114(1) which consists of the same items of taxes and fees as collected by the Village Panchayats. The Act does not provide for a basic grant and discretionary grant out of the collection of land revenue but contains a new provision under Section 114(2). Accordingly, the Government shall make a grant at the rate of ten rupees per person residing in the Mandal calculated on the basis of the last preceding census provided that 25% of the amount so granted shall be paid by the Government to Zilla Parishad. Section 116 makes a new source of income to Mandal Panchayat Fund by inserting duty on immovable property.

The Act of 1959 in Section 80 provided an executive officer known as Panchayat Secretary. Similar provision has been made by the Act of 1983 regarding the Mandal Panchayat Secretary.

**Taluka Development Board versus
Taluka Panchayat Samiti:**

Under the Act of 1959, each Taluka was having the Taluka Development Board with members directly elected to it. The Taluka Development Board consisted of 15 to 19 members depending upon the size of population (15 members for one lakh and 19 members for a population of a lakh and above). Seats were reserved for scheduled-castes, scheduled-tribes and women. The members of the Legislative Assembly and the Legislative Council were entitled to take part in the proceedings and used to enjoy the right of voting. The elected members used to choose their President and Vice-President as in the case of Village Panchayat. The Taluka Development Board used to meet once in every two months and the quorum for such meeting was fixed at one-third of the total number of members. The term of office, rights and responsibilities of the members and the procedure of work was similar to the Village Panchayats. The Taluka Development Board was to constitute the following committees: Standing Committee, Audit Committee and Public Health Committee.

Ashoka Mehta Committee recommends that the block which is the unit of planning in most of the States is not to be the basic unit of devolution but merely an executive committee of Zilla Parishad as in Maharashtra; the block will continue "as per the convenience of the States keeping in view their requirements and the stages of development".¹¹

Taking this recommendation into account, the Act of 1983 constitutes a Taluka Panchayat Samiti which is purely a nominated body consisting members of the State legislature representing the Taluka, members of the Zilla Parishad representing the Taluka, Pradhans of Mandals

of the Taluka, President of Taluka Agricultural Produce Co-operative Marketing Society, President of the Primary Land Development Bank and five members belonging to the scheduled castes, scheduled tribes, backward classes and women, co-opted by the Taluka Panchayat Samiti with the approval of the Zilla Parishad. The member of the Legislative Assembly representing the major portion of the Taluka shall be the Chairman of the Taluka Panchayat Samiti. The Taluka Panchayat Samiti works as an executive committee of the Zilla Parishad.

The Act of 1959 assigned certain obligatory functions to the Taluka Development Board. Some of them are: public roads, wells, primary school buildings, hospitals, markets, agricultural and industrial exhibitions, social education, etc. There were also discretionary functions assigned by the Act, some of them are: primary and secondary education, co-operative societies, industry and commerce, amelioration of scheduled castes and scheduled tribes, etc. The Taluka Development Boards also used to perform programmes of agriculture, animal husbandry, village forests, minor irrigation, sericulture, etc. The Act of 1983 prescribes to Taluka Panchayat Samiti advisory, supervisory, review and inter-Mandal co-ordination functions.¹²

Under the Act of 1959, the Taluka Development Boards were enjoying limited power of taxation. They were to depend on Government grants. All the land revenue collection was being granted to the Taluka Development Boards and the Panchayats in the ratio of 60:40. The Act of 1983 does not provide for any finance for Taluka Panchayat Samitis on an independent basis. They are to depend upon the Zilla Parishad regarding their finances.

The Chief Executive Officer of the Taluka Development Board was the Tahasildar and where the development block was established the Block Development Officer was the Chief Executive Officer of the Taluka Development Board. Under the Act of 1983, the Taluka Panchayat Samiti has the Secretary who is the Block Development Officer of the Taluka appointed by the Government to exercise the powers and functions imposed on the office of Secretary.

**District Development Council
versus Zilla Parishad:**

Under the Act of 1959, in each district, the District Development Council was constituted.¹³ It was to consist of a partly elected (indirectly) representatives and partly by the Government-nominated persons. It was headed by the Deputy Commissioner of the District as its ex-officio president.¹⁴ The Secretary of the District Development Council was appointed by the Government who was called 'District Development Assistant'. Under Section 189, the District Development Council used to enjoy advisory, co-ordinating and supervisory powers. The District Development Council had not been assigned any independent source of revenue. It was to depend upon Government for its meagre expenditure.

The position accorded to the Deputy Commissioner in the District Development Council had been the target of severe criticism and denunciation. The committee on Panchayati Raj constituted by the Government of Karnatak in 1962 headed by Sri.Kondaji Basappa recommended that there should be an executive body at the district level called the Zilla Parishad with a non-official chairman in place of the existing District Development Council. Further, Asoka Mehta Committee held

that the emerging scenario of the dynamics of development necessitates that the technical expertise of a high order be made available at levels below the State to sustain the momentum of rural development ... the district should be the first point of decentralization under popular supervision, below the State level.¹⁵ In the light of these recommendations, the Act of 1983 constitutes the Zilla Parishad in a district level. The Zilla Parishad is the second directly elected tier of the Panchayati Raj system. It consists of elected members each representing a population of 28,000 Members of the Parliament and State Legislature representing the area are the members of the Zilla Parishad. But they do not have right to hold office. The Chairman of the District Central Co-operative Bank shall be an associate-member. Similar reservations for women, scheduled castes and scheduled tribes as in the case of Mandal are provided in the Zilla Parishad. The Adhyaksha and Upadhyaksha are elected by the members of the Zilla Parishad and enjoy the ranks of Minister of State and Deputy Minister respectively. The Adhyaksha and Upadhyaksha are elected by the members of the Zilla Parishad and enjoy the ranks of Minister of State and Deputy Minister respectively. The Adhyaksha is the executive head of the Zilla Parishad. All the members of the Zilla Parishad hold office for a term of five years. Rules regarding the transaction of business, rights and responsibilities of the members are similar to the Mandal Panchayat. The Zilla Parishad constitutes various committees for its work under Section 117 of the Act.

In view of the fastmoving developments and transitions, the regulatory functions belonging to the district are continued to be vested in the Deputy Commissioner. But such regulatory functions which are essential to the implementation of the various development programmes are assigned to the Zilla Parishad. The Zilla Parishad exercises overall

supervision, co-ordination and integration of development schemes at taluka and district level. It formulates the plan for the development of the district. It deals with the matters such as agriculture, animal husbandry, welfare of scheduled castes, scheduled tribes, backward classes, communication, public health, irrigation and water resources, industries, horticulture, co-operation, social education, fisheries, publication of statistics relating to district. It also exercises functions imposed by the Government from time to time. The Zilla Parishad can supercede the executive order of the Mandal.¹⁶ It can also dissolve Mandal Panchayat.¹⁷

The Zilla Parishad Fund consists of government grants, rents from lands and property, interests, profits and other moneys transferred by the individual and institutions.

An officer of the Zilla Parishad is designated as 'Chief Secretary'. He holds similar rank of the Deputy Commissioner.

Nyaya Panchayats:

The Act of 1959 did not contain the Nyaya Panchayats. The Act of 1983 is an improvement over the Act of 1959 as far as Nyaya Panchayats are concerned. The Act devotes 4 Chapters (Chapters 11 to 14) for the comprehensive provisions of Nyaya Panchayats. The provisions regarding Nyaya Panchayats have not been enforced. The details are covered in Chapter I, Section I(3) of the Act.

It is hoped that the "establishment of democratic bodies below the State level is an imperative from the political and socio-developmental perspectives. Democratic institutions with periodic elections

at all levels will provide a forum for the assertion of their strength in large number by the weaker sections".¹⁸

It is expected that the "institutional, structural and functional counters of Panchayati Raj have to be in conformity not only with the accelerating pace of development, but also with its strategies and policies. New structures of developmental administration or local level development management will have to take into account the functional necessities of the on-going development thrust. Panchayati Raj Institutions in the coming decades should, therefore, be equipped to undertake democratic development management under conditions of rapid changes, continuous growth and sustained innovations in all spheres of rural life".¹⁹

The highlights of the comparative study of the Panchayati Raj Acts of 1959 and 1983 are as follows:-

- 1) Under the Act of 1983, the Gramsabha has been constituted for each village which acts as feedback to Mandal Panchayat. The Act of 1959 did not contain Gramsabha.
- 2) The Act of 1983 provides for the Mandal Panchayat which is the cluster of villages while the Act of 1959 provided the Village Panchayat and concentrated on village as a unit for development.
- 3) The method of direct election based on adult franchise which was followed for the Village Panchayat under the Act of 1959 has been continued under the Act of 1983 for the Mandal Panchayat.
- 4) The reservations for scheduled-castes and scheduled-tribes have been sizeably increased from one member each from the scheduled castes and scheduled tribes to 18% and for women, one member to 25%. Further, the Act of 1983 provides nomination from the Backward Classes.

- 5) The members of Mandal Panchayat are paid allowances to attend the meetings of Mandal and its committees. The Pradhan and the Upapradhan are also paid monthly allowances under the Act of 1983. Such provisions are not found under the Act of 1959.
- 6) Under the Act of 1959, the quorum to conduct meetings was one-half of the Village Panchayat but that has been reduced to one-third of the total number of members of Mandal under the Act of 1983.
- 7) Some of the important functions which were performed by the Village Panchayat under the Act of 1959 are further supplemented by the functions like municipal functions, collection of contribution for public purposes, distribution of housing sites for the residents of the Mandal, implementation of the national programmes such as social forestry, adult education, etc., agriculture, animal husbandry, public works, health, etc., under the new provisions of the Act of 1983.
- 8) Regarding the finances, the old provisions found under the Act of 1959, viz. 30% grant out of the collection of land revenue and 10% discretionary grant have been abandoned by the Act of 1983. The Mandal Panchayats have their own finances such as taxes on houses, shops, lighting, library, health, education, etc. Apart from that, the Mandal Panchayats receive per-capita grant at the rate of Rs.10/- per individual by the Government. There is also another source of income to Mandal Panchayats, i.e. 3% surcharge on stamp-duty collected by the District Registration Officer, under the new provisions of the Act of 1983.
- 9) The Mandal Panchayat has a regular government servant of a State belonging to the First Divisional Clerk, who acts as the

Secretary of the Mandal Panchayat. Under the Act of 1959, the Village Panchayats had the secretaries which were more or less appointed on a temporary basis.

- 10) The basic unit for decentralization of powers after the State government is the district under the Act of 1983, while under the Act of 1959, the basic unit was block or taluka.
- 11) The taluka level organization which is known as the Taluka Panchayat Samiti has replaced the former Taluka Development Board, which acts as an advisory body of the Mandal Panchayats of the Taluka. The Taluka Panchayat Samiti is a purely nominated body and has no finances of its own. It has the Block Development Officer as its secretary.
- 12) The District Development Council which was headed by the Deputy Commissioner under the Act of 1959 has been replaced by the Zilla Parishad under the Act of 1983. The Zilla Parishad is a directly elected body unlike the District Development Council.
- 13) The Zilla Parishad is headed by the Adhyaksha who holds the rank of the Minister of State and the Upadhyaksha, the rank of the Deputy Minister.
- 14) The Chief Executive Officer of the Zilla Parishad is known as the Chief Secretary who holds the rank of the Deputy Commissioner of the senior cadre.
- 15) The Zilla Parishad formulates the district plan for the overall development of the district.
- 16) The Zilla Parishad has its finances under the title "the Zilla Parishad Fund".

All these features show to the contrasts between

the Act of 1959 and the Act of 1983. It is an effort made by the Karnataka government to increase the public participation in the development process. It would be too early to arrive at various conclusions on the structural changes introduced. Hence, in this study efforts are more biased towards studying the representatives' participation only; by going through the various proceedings of the Panchayat Samiti, Athani Taluka, at the macro-level; and further at the micro-level, the Sankonkatti Mandal has been studied. Interviews have also been conducted to acquaint with working of Mandal Panchayats in Athani Taluka.

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