

## CHAPTER - I

### HISTORY OF PANCHAYATI RAJ IN INDIA

Modern states are big in size and population. It is very difficult to develop the whole country by the central and state authority. Therefore, Panchayati Raj Institutions are very essential to develop the community. Panchayati Raj consists of democratic institutions at the local levels based on the decentralization and devolution of power and resources. With the decentralisation of power and resources, these institutions function as local-self governing units for the development of the people and area in their jurisdiction. The system of Democratic Decentralisation is better known as ' Panchayati Raj '. These Panchayat Raj institutions are created to develop the entire community. The problems of the local area different in nature. The local problems are better known by the local people only, like the wearer alone knows where the shoe pinches. In the same way, the local people feel the pinch and take more interest to solve the local problems.

The local government is mainly concerned with the local affairs related to a particular area and not to the country, as a whole. As these affairs are purely local, they need local solutions. It is difficult for the national government, to take over and perform all these functions because of want of time and of non-availability of local knowledge about the local problems. Representatives elected to local bodies are certainly in a better position to express the local needs and suggest programme of work for their

respective areas.<sup>1</sup> The local people participate actively in decision making and exercise popular control over the local bodies.

The local government also serves as a training institution for politicians and ensures a regular flow of talented leaders at state and national levels. The leading democratic countries of the world like the U.K., U.S.A. and Switzerland have long since realised its value.<sup>2</sup> Thus the Panchayat Raj institutions are the nurseries of leadership and laboratories for democratic experimentations. Democracy and Decentralisation are the basic methods which are essential to Panchayat Raj.

Panchayat Raj institutions are as old as the state of India. The word ' Panchayat Raj ' means ' a group of five persons '. The word Panchayat is a sanskrit word. 'Panch' indicates five number and 'Raj' means rule. Therefore, Panchayat means a rule of five persons elected or selected by the village people. The villagers considered the panchas as the five arbitrators or the representatives of the God. So, literally panchayat means an organization for adjudication of disputes.

Panchayat Raj in India has its roots in prehistoric times. The concept of local government was not foreign to the genius of this country. Village government, as they were called, were ancient institutions and were themselves small Republics, Sabha or village assemblies which evolved in the vedic period also.<sup>3</sup>

India is a country of villages. Most of the people of this country live in villages. In the words of Dr. S.R. Maheshwari " In a country where eighty percent / <sup>of</sup> the population dwells in over five lakh seventy five thousand villages, The importance of rural local Government popularly known as Panchayat Raj in India, looks self-evident and beyond any doubt or dispute.<sup>4</sup> After the independence of India the concept of Panchayat Raj acquired new significance. The Decentralisation of power really began after India's independence. One need not go very much into the past and may instead make an attempt to study the institution since the inauguration of the Community Development Programme on 2nd October, 1952 in India. This day is deliberately chosen to synchronise the programme. With the birth anniversary of the father of Nation Mahatma Gandhi, to whom nothing was dearer than rural amelioration.<sup>5</sup>

The Government of India started many programmes for rural development or rural reconstruction. India by its very nature's rural in character and 80 % of its population lives in villages. The Govt. knows that without the progress of these people, the country will not be developed. The future of India very much depends upon its rural development. The community development programme was started in 1952 on a pilot basis in selected areas called ' Community Projects '. Originally, fifty five community projects started functioning all over the country. A community project normally covered three hundred villages with a population

of three lakhs and was to have a budget of Rs. 65 lakhs for a period of three years. Later, the size of the project was reduced, and the community development blocks were launched in selected areas having a population of about sixty five thousand and were allotted a three year budget of Rs. 15 lakhs."<sup>6</sup>

The ultimate aim of community development programme is to improve the standard of living of the rural people by increasing their income particularly in agriculture. The community development programme stressed the development<sup>of</sup> all aspects of village life, including rural industries and social service like education, health and the development of transport and communication system.

" The First Five Year Plan stated Community Development is the method and the national extension service is the agency through which the five year plan seeks to initiate a process of transformation of the social and economic life of the villagers."<sup>7</sup>

For the implementation of the community development programmes, the official machinery is appointed by the Government. The success of community development programme depended upon the people and their participation in the planning and the execution of the programme. For such participation, advisory bodies were set up at various levels. But unfortunately all efforts failed to mobilize the people in support of the

programme. Dissatisfied with the performance of existing rural Govt. institutions and lack of peoples' participation in the community development programme, the planners in India began a search for better structural alternatives.

**REPORT OF BALWANTRAI MEHTA COMMITTEE :**

When the Community Development Programme failed, the Govt. of India wanted to bring about an integration between the village panchayat administration and the community development projects. So, the National Development Council constituted a committee on plan projects and appointed a team for the study of community projects and National Extension service in January, 1957. The committee which was headed by the late Shri Balwantrai Mehta was set up to study the community projects and make its recommendations. The committee was appointed with following specific references.

- 1) To study and report on the community projects and the national extension service with view to economy and efficiency with special reference to problems concerned with the organic linking of the village panchayat with popular organisations at a higher level, and
- 2) By stages determined in advance, the reorganisation of district administration, so that democratic bodies could take over the



entire general administration and development of the district, or the sub-division, other than such functions as law and order, administration of justice and certain functions pertaining to the revenue administration.<sup>8</sup>

With these terms, the committee toured all over the country and submitted its report to the Govt. of India in 1957. 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.<sup>9</sup>

The Mehta Committee recommended the establishment of a three tier system of Panchayat Raj institutions. These three tiers are :

- 1) The Grampanchayat covering one village or a group of villages at the bottom
- 2) The Panchayat Samities at the block level.
- 3) The Zilla Parishad at the district or top level.

The Committee had made a number of recommendations regarding the finances of the local bodies and the bureacratic set up. The committee has clearly defined the functions of three bodies. It suggested that 'the



Panchayat Samiti was to be the most important body '. The functions of this body should cover the development of agriculture in all its aspects, in the improvement of cottage and local industries, public health, welfare work, administration of primary schools and collection and maintenance of statistics. It also acts as an agent of the State Government in the execution of special schemes of development entrusted to it.<sup>10</sup>

According to the recommendation of Mehta Committee, the village panchayat was to be constituted by the elected representatives of the adult population. Two women members and a member from the Scheduled Castes and Scheduled Tribes may be co-opted. The village panchayats could collect taxes from house tax, markets, tax on vehicles like bicycles, water, lighting tax etc. Panchayats was also to get grants from the Panchayat Samiti.

The Second tier, Panchayat Samiti is the most important body as suggested by the Mehta Committee. It should be constituted by direct election method on the basis of adult franchise. The Panchayat Samiti should have an elective chairman. The Panchayat Samiti should not have more than twenty (20) members. Two women members and one person of Scheduled Caste and one person of Scheduled Tribe should be co-opted. The tenure of the Panchayat Samiti should be five years. The Committee desired that, the Govt. has not to interfere with the functions of Panchayat Samiti but at the same time felt the necessity of the Govt. exercising



control under certain circumstances. The Govt., for example, should have the ultimate power to supercede a Panchayat Samiti in Public interest.<sup>11</sup>

The Panchayat Samiti should work as the unit of rural local Govt. It has the sole authority to implement all development programmes in its jurisdiction. The development programme covers agriculture, animal husbandary, minor irrigation, village industry, primary education, sanitation, health, local amenities etc. The block development officer, is the chief executive officer, he enjoys administrative powers of the Panchayat Samiti. These powers are equivalent to the chief executive officer of a municipal council.

Zilla Parishad is the third and highest Tier of Panchayat Raj at the district which is suggested by the Balwantarai Mehta Committee. With an effective Panchayat Samiti at the block level, the committee did not visualize the need for any effective body at the district level. As the district continues to be the unit of administration and the unit of co-ordination of the functions of all departments functioning within the area, therefore, recommended a Zilla Parishad which should be a purely co-ordinating and supervisory agency and should have no executive authority.<sup>12</sup>

The Zilla Parishad is the only advisory and supervisory body. It does not enjoy any executive powers. It is composed of, the presidents

of Panchayat Samitis, members of the state legislature and parliament from the district and district level officers dealing, with public health, agriculture, education, public works and other such type of departments. The district collector will be the ex-officio chairman of the Zilla Parishad.

The recommendations of the study team is in favour of a system of democratic decentalisation known as Panchayat Raj, were accepted by the National Development Council in January, 1958 and a new era of Panchayat Raj Institutions started.

On the basis of the Balwantrai Mehta Committee report, the scheme of democratic decentralisation was first introduced by Rajasthan on 2nd October, 1959 and Andhra Pradesh in November, 1959. Their example was emulated by several other states in the process, some state's have made minor changes in the patterns followed by Rajasthan and Andhra Pradesh and others like Maharashtra have introduced sweeping changes.<sup>13</sup>

Hence the Mehta Committee recommended a three tier system of Panchayat Raj, viz. the village panchayat, the Panchayat Samiti and the Zilla Parishad. The village panchayat was to be the lowest body with elected representatives of the village people. The middle tier panchayat samiti constituted the chairman of the village panchayats and elected members of the panchayat samiti and lastely the Zilla Parishad which is considered as co-ordinating body consists the chairman of panchayat samiti as ex-officio member at the district level. But, there is no uniformity regarding the tiers in all the states.

It is true, there is Panchayat Raj of some kind or the other in almost all the states, but they vary in respect of the number of units. Kerala and Jammu and Kashmir have only one tier i.e. the village panchayat. Karnataka, Himachal Pradesh and Orissa have a two-tier system. Village panchayat and Panchayat Samiti. There is four tier system in West Bengal, Zilla Parishad, Anchalik Parishad, Anchal Panchayat and Grampanchayat. In all other states we find the three-tier system. However, the levels at which the three-tier system is found are different.<sup>14</sup>

In some states the Panchayat Samiti is less important, some other states feel that the Panchayat Samiti should be the unit of planning and development. Maharashtra considered, the Zilla Parishad to be the right unit for the purpose and made it an important body of Panchayat Raj system. Thus the different tiers of Panchayat Raj are introduced differently in different states. Their powers, mode of representation of the people and the inter-relationship among them are not uniform. Every state followed the patterns of Panchayat Raj according to their own interests.

Due to many reasons the Panchayat Raj system which was introduced with great desire has failed to fulfill the expectations of the Government Despite. The Balwantraji Mehta study team's proposals, Panchayat Raj in India did not exactly record a sustained success, mainly due to a perceptible erosion of political faith in the efficiency of democratic decentralisation both at the union as well as the state level during the latter half of the sixties and the early seventies.<sup>15</sup>

In many states, these institutions have been utilized as centres of dominant caste, class group. Besides, their autonomy has been jeopardised as they are link in power linkages. Elections to Panchayat Raj bodies have been deffered from time to time in various states on one pretext or the other. Floods, famines, national or state elections first, and Panchayat Raj elections later.<sup>16</sup> For all these reasons the Panchayat Raj has failed to acquire the goodwill of the Govt. and the people. The establishment of the Janata Party Government at the Centre decided to restructure the Panchayat Raj institution.

**ASOKA METHA COMMITTEE REPORT :**

The Central Government of India Janata Party rule passed resolution in cabinet on December 12, 1977 to appoint another committee to study and recommend regarding restructuring the Panchayat Raj institutions. The purpose and intention of the Government for oppointing the committee could be understood by reading its resolution which runs as follows.

" The Government accords the highest priority to rural development, so as to increase agriculture production, create employment, eradicate poverty and bring about an all round improvement in the rural economy. The Govt. considers that the maximum degree of decentralisation, both in planning and in implimentation, is necessary for the attainment of these objectives. It has accordingly been decided in consultation with the

State Government and union territories, to set up a committee to inquire into the working of the Panchayati Raj Institutions, to suggest measures to strengthen them, so as to enable a decentralised system of planning and development to be effective."<sup>17</sup>

The committee headed by Asoka Mehta submitted its final report to the Prime Minister on August 21, 1978. The Asoka Mehta Committee recommended a two tier system of Panchayati Raj instead of three tier system adopted on the basis of earlier Balawantraï Mehta Committee report. The Committee has made more than hundred recommendations among which it suggested that a district is the obvious choice for being treated as the first point of decentralisation below state level. Historically, the district has been the pivot of local administration for centuries planning, supervising and co-ordinating the developmental programmes. Administrative and technical competence of the requisite calibre is available only at this level, and not at a lower; say the sub-division or Block level.<sup>18</sup>

The Committee pointed out as to how the then panchayat system could not function effectively due to the dearth of resources. Therefore, the committee argued that the Government should transfer considerable resources to the Panchayats. The committee also recommended the following proposals.

Next to the district, Mandal Panchayat will have to be the hub of developmental activities. It ensured a speedier and more efficient assimilation of growth impulses generated by higher order settlements and urban centres, and optimal use of local resources, and makes for a greater degree of regional and social equity.<sup>19</sup> The Committee is against the single village panchayat or a small population in a panchayat. So it argued for grouping a number of villages to constitute Mandal Panchayats and it would cover a population of 15,000 to 20,000. This body can maintain the balance between technological requirements and possibilities for meaningful participation by the people.

The Gramsabha, to the Asoka Mehta Committee has an important role in activating the democratic process at the grass-roots and deserves genuine encouragement. " The proposed village committee would have the special obligation to organise two Gram sabha meetings every year to explain to the people, what programmes Mandal panchayat are executing in their area and to channelise the peoples' feedback to the Mandal Panchayat.<sup>20</sup>

The Taluka Panchayat Samiti which is co-ordinating, body will be composed of the Presidents of the mandal panchayats are ex-officio members and respective members elected to Zilla Parishad. Nominees of smaller municipalities, Block level co-operative federations. One person who has special interest in rural development should be co-opted.

The Committee also recommended the Nyaya Panchayats like, the Gram Panchayats which were adopted as institutions of dispensation of justice at the local rural level. The Committee is of the opinion that, Nyaya Panchayat should not be mixed with the people elected for development panchayats. The members of development panchayats wield executive powers and there are chances that, justice may suffer if the two functions are combined.<sup>21</sup> To avoid such danger the committee itself suggested the solution that, a combination of qualified judge to preside over a bench of separately elected Nyaya Panches. The elected Nyaya Panches will not be entitled to seek re-election, they should serve in area other than that from which they have been elected.<sup>22</sup>

For finance, the Committee suggested that, the Panchayat Raj institutions should mobilise enough resources of their own. " No democratic institution can continue to maintain its operational vitality by depending upon external resources. For this purpose all Panchayat Raj institutions should have compulsory powers of taxation. A selected list of taxation powers should be given to the Panchayat Raj institution and out of them some should be made compulsory.<sup>23</sup>

One of the important recommendation of Asoka Mehta Report is regarding ' open-participation of political parties in Panchayat Raj affairs. By studying the recommendations of Asoka Mehta Committee report it is clear

that, this committee made the Panchayat Raj institutions more stronger in power and resources'. Asoka Mehta Committee rightly exploits the situation by making certain bold suggestions which are sure to raise many eyebrows. It recommended transfer of substantial quantum of powers from the state Govt. to the local bodies, a constitutional status to Panchayat Raj Making Zilla Parishad all powerful keeping collector, MLAs and MPs outside the main development stream, more financial allocations, abolition of block samiti etc., sound radical but there, in lies the beauty. This committee, therefore, has build a very beautiful superstructure on the solid foundations laid down by Balwantarai Mehta Committee.<sup>24</sup>

In the light of Asoka Mehta Committee recommendations, the political elites took steps to reestablish the Panchayat Raj Institutions. The Karnataka and Andhara Pradesh states enacted the new Acts on the basis of Asoka Mehta Committee recommendations. In Karnatak the first non-Congress Janata Government which came to power in 1983, enacted new legislation on Panchayat Raj Institutions. This act is called as " The Karnatak Zilla Parishads, Mandal Panchayats, Taluka Panchayat Samithies and Nyaya Panchayats Act, 1983. This Act was enacted in the place of Mysore Village Panchayats and Local Boards Act, 1959. It established a new pattern of rural local bodies in the State. In Andhra Pradesh, the Andhra Pradesh Mandala Praja Parishads, Zilla Parishads and Zilla Pranalika Abhivrudhi Mandals Act, was enacted in July 1986.

Thus the story of Panchayat Raj has been a story of ups and downs. Different states have different patterns of Panchayat Raj Institutions. This shows that, the system of Panchayat Raj always changed its patterns according to the changing conditions of the society. Many committees which are appointed by the government, have studied and submitted their reports with many recommendations on Panchayat Raj system. These recommendations are followed by many states, but the system did not change the picture of rural development as desired by the central government from time to time.

Panchayat Raj institutions are being treated as pawns in the chess board of state politics. The state level leaders use the local level leaders to capture the power and not for the rural development. It is essential to establish a linkage between Panchayat Raj leaders and state leaders. Today, state level leaders treat the Panchayat Raj leaders as their lieutenants for political purposes in their constituencies rather than as agents of rural development.<sup>25</sup>

In states where Panchayat Raj is introduced, the elections are not conducted regularly. Many times elections are postponed for more than 10 years. Once elections are conducted to these local bodies, no body has the guarantee that, when the next elections are held. For example, in



Karrataka, the elections to Panchayat Raj bodies are held in 1968 and then in 1978. Again, after 1978, the next elections were held in 1987. It shows nearly about 10 years gap between the two elections of these local bodies. The State governments have less interest to conduct the elections of the Panchayat Raj Institutions for a silly reason, the elections were cancelled or postponed for a long period. Due to floods, famines, national or state elections and disturbance in law and order, they postponed the elections.

The State Governments have more interest in the elections of Parliament and State legislature and they have given less importance to the elections of the Panchayat Raj bodies. Because of these reasons the rural people started doubting the intentions of their state governments. It is also one of the reasons that why the importance of the Panchayat Raj is declining in the country. Panchayat Raj in many states appeared to be taking last brath on the death bed of history; centralising forces become too strong to resist with.<sup>26</sup> These institutions have suffered a serious setback in the absence of regular elections and adequate funds. Now, it is essential to reconsider the Panchayat Raj Institutions and make them an organic integral part of our democratic process. These institutions can not work better without appropriate constitutional status and recognition.

For the purpose of reorganisation of Panchayat Raj Institutions, the union government appointed two committees between 1985 and 1987. The G.V.K. Rao Committee was established to review the existing

administrative arrangement for rural development and the L.M. Singhavi Committee was appointed to suggest measures for reorganisation of villages for viable village Panchayats. The union government thinks that, because of inadequacies in the existing system like, failure to hold regular and periodic elections, inadequate representation to the weaker sections like the scheduled castes, scheduled tribes, women and other backward communities, and lack of financial powers and inadequate devolution of powers and responsibilities, the system of Panchayat Raj has failed to achieve progress of the rural India. Therefore, it wants to establish a uniform pattern of Panchayat Raj Institutions in all the States, with 5 years fixed term of Panchayats, to constitute a finance commission every five years to review the finance of Panchayats and to establish separate Election Commission to control, to prepare voter list, to conduct regular and periodic elections.

Article 40 of the Indian constitution provides for the organisation of Panchayats as units of local self-government. Under Schedule VII, in the state list, it is stated that, the composition, organisation and functioning of the units of local self-government shall be the responsibility of the states. However, the working of the Panchayat Raj system during the last four decades in many of the states leaves an impression that, the constitutional provisions could be wilfully disregarded. This may be because the constitution does not implicitly or explicitly provide for mandatory functioning of the Panchayat Raj Institutions by the States.<sup>27</sup>

For the above all reasons the Union Government of India takes bold step to reorganise the Panchayat Raj Institutions of the country by amending the constitution of India. It is true that local government is a state subject according to the constitution but that does not debar the central government for acting as guide inspirer, supervisor and director in this regard. The dwindling faith in Panchayat Raj has to be met at national level so as to re-catch faith and enthusiasm which the nation had in late fifties or early sixties.<sup>28</sup>

The constitution 64th Amendment Bill was introduced by the then Prime Minister in the Lok Sabha in 1989, to provide constitutional status to Panchayat Raj Institutions has attracted unusually strong comments by the non-congress state governments and leaders. Some senior opposition leaders and reputed journalists have condemned the bill on the ground that, the amendment bill has confused rather than clarified issues. The Congress party did not secured majority in the 1989 general elections, but it again came to power in June 1991 at the centre and it put forth the 73rd amendment bill in 1992 which is similar in several instances even to the 1989 bill.

The 73 rd amendment bill which is approved by the Lok Sabha on 22nd December, 1992 and Rajya Sabha on the next day. It got the consent of the president of India on 20th April, 1993 and it has declared its implementation on 24th April, 1993. The High-lights of the 73rd amendment of constitutional law, 1992 are as follows.

- a) The Gram Sabha includes all adult members, who are registered as voters coming under the area concerned with Panchayat.
- b) There are three tiers like village, middle and district in the Panchayat Raj system. The middle level Panchayat system is not necessary in small states where the population is less than 20 Lakhs.
- c) In all three levels of Panchayat Raj system, the members can be elected through direct election. The presidents of Gram Panchayat can be made members of the middle level Panchayat, the presidents of middle level Panchayat can be made district level panchayat members. Leaving them, the members of the Parliament, members of the State Legislative Assembly and Legislative Council can be made members of Panchayat in middle or district level.
- d) Many seats are reserved for Scheduled Castes and Scheduled Tribes proportion to their population. 1/3 rd seats are reserved for women in all level Panchayats.
- e) On the basis of Scheduled Castes and Scheduled Tribes in all levels, the Presidents posts are reserved for these classes. Likewise, 1/3 rd seats, out of total offices of Presidents of all level Panchayats are reserved for women.
- f) The state legislatures can keep the seats of Panchayat Presidents reserved for the Backward Community people.

- g) Every Panchayat tenure is uniformly five years. Within the completion of this period, elections are held to form new Panchayats. If the Panchayat is dissolved for any reason, the elections are held compulsorily within six months. The reformed Panchayat like this, will be in power only in the remaining five years period.
- h) The existing Panchayats will be in power till the completion of their five year period. These Panchayats can not be dissolved by amending any law.
- i) An individual declared as not eligible, is not allowed to be a Panchayat member, as per any law of State or Law concerning to State Legislative Assembly elections.
- j) An independent election commission is established in States to supervise, to control and to direct and also to prepare the voters list of Panchayat elections.
- k) Fixed responsibilities are given to make the necessary plans, to secure social justice and economic development concerned with the subjects mentioned in the eleventh shedule for Panchayats. The responsibility of implementation of development plan is also given to the Panchayats.

- 1) The sufficient amount will be given to Panchayats to perform their functions. The Panchayats will get aid from state government and the income of the state government collected from different taxes is expected to be given to the Panchayats. The Panchayats are free to collect the income from many sources and keep it to themselves.
  
- m) In the next year and after words for every five years, the finance commission is established to fix the principles and formula for giving sufficient finance resources fo Panchayats in every state.<sup>29</sup>

Most of the above provisions are dreams of the late Prime Minister Shri Rajeev Gandhi. To respect him, the Parliment has passed the 73rd constitutional amendment law, 1992. According to these provisions, the government of Karnataka takes leading role by enacting ' The Karnataka Panchayat Raj ' Act, 1993.

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