



A BRIEF NOTE ON HISTORY OF PANCHAYAT RAJ INSTITUTIONS IN TAMILNADU

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Introduction

The politicians, rulers, opponent parties, officials of the government and some of the educated people in parts of the country discuss about the panchayat raj frequently. Many people are organizing lectures on Panchayat raj. But if we ask about the details of the panchayat raj with anybody they could not give proper idea about the system. The educated people simply leave away from that place. Suppose if we ask with the elders, they also do the same. We have developed well in all aspects particularly in education. But the knowledge level about the Panchayat raj is very poor to the general public. So to bring a note on Panchayat Raj to the public is the need of the hour. The knowledge level of the students and the literate with regard to Panchayat Raj should be developed, so as a preliminary step the researcher tried to write an article about the Panchayat Raj.

Tamil Nadu has a long history of local self-governance as is evident from the Uthiramerur stone inscriptions in Kancheepuram district. Tamil Nadu, in those days, was a land of village republics, with community groups undertaking many activities for their area development. This tradition reached its peak during the 10th and 11th centuries under the reign of Cholas when Village Councils used to levy taxes, improve community life and administer justice in their limited area. These Village Councils had effective links with the Chola rulers. “Kuda Olai Murai” was the name of the secret ballot method exercised to elect members to the Village Councils. With the downfall of Cholas, the State experienced a decline of the Village autonomy and rise of the centralized feudal administrative system. This continued till British rulers introduced local self-governance primarily as an administrative convenience for the imperial Government

2. Constitution (73rd Amendment) Act 1992

Though the Panchayat Raj Institutions were in existence in various forms in various States, these institutions did not acquire the status and dignity of viable and responsive people’s bodies due to a number of reasons including absence of regular elections, prolonged supersession, insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and Women, inadequate devolution of powers and lack of financial resources. In the light of the experience gained and the shortcomings that had been observed, the 73rd amendment of the Constitution was enacted in 1992, to enshrine in the Constitution certain basic and essential features of Panchayat Raj Institutions to impart certainty, continuity and strength to them. A number of fundamental changes were brought about in the Panchayat Raj System by virtue of this Act. Pursuant to this, the Tamil Nadu Panchayats Act 1994 was enacted and it came into force with effect from 22.04.1994.

Some of the important changes brought about by the 73rd Amendment to the Constitution and the Tamil Nadu Panchayats Act 1994 are listed below:

- a) Introduction of a three tier system – at the Village, Intermediate (Block) and District levels. [There are 12,618 Village Panchayats, 385 Panchayat Unions (coterminous with Blocks) and 29 District Panchayats in Tamil Nadu].
- b) Mandatory conduct of Local Body elections every five years and conduct of elections before the expiry of the duration of the Local Body or before the expiry of a period of 6 months from the date of its dissolution.
- c) Introduction of reservation of seats (i.e. ward members) and offices (i.e. Chairpersons/Presidents) for Scheduled Castes/Scheduled Tribes in proportion to their population in every Local Body with provision for rotation of the reserved seats and offices.
- d) Introduction of reservation of one third of total number of seats and offices for women with provision for rotation.
- d) Constitution of a State Election Commission as an independent body to conduct elections to both rural and urban Local Bodies regularly.
- e) Establishment of a quinquennial State Finance Commission to recommend devolution of resources from the State Government to the rural and urban Local Bodies.
- f) Constitution of a District Planning Committee to consolidate the plans prepared by the rural and urban Local Bodies in the district with a view to prepare a comprehensive development plan for the district.
- g) Introduction of the concept of ‘Grama Sabha’ comprising all registered voters in a Village Panchayat.



Table 1: Milestones in Decentralisation

1882	The Resolution on Local Self-Government.
	The Royal Commission on Decentralisation.
1948	Constitutional debates on Gram Swaraj, ‘Self-rule’
1950	Enactment of Madras Villages Panchayat Act 1950 in Tamil Nadu.
1957	Balwantrai Mehta Commission – an early attempt to implement the Panchayat structure at district and block (Samithi) levels.
1958	Enactment of Madras Village Panchayat Act 1958 in Tamil Nadu.
1963	K. Santhanam Committee – recommended limited revenue raising powers for Panchayats and the establishment of State Panchayati Raj Finance Corporations.
1978	Ashok Mehta Committee – appointed to address the weaknesses of PRIs, concluded that a resistant bureaucracy, lack of political will, ambiguity about the role of PRIs, had undermined previous attempts at decentralization, recommended that the District serve as the administrative unit in the PRI structure.
1985	G.V.K. Rao Committee – appointed to address weaknesses of PRIs, recommended that the block development office (BDO) should assume broad powers for planning, implementing and monitoring rural development programmes.
1986	L.M. Singhvi Committee – recommended that local self-government should be constitutionally enshrined, and that the Gram Sabha (the Village assembly) should be the base of decentralized democracy in India.
1992	The 73rd Amendment to the Indian Constitution – PRIs at district, block and village levels are granted permanent continuous nature. The Gram Sabha is recognized as a formal democratic body at the village level.
1994	Tamil Nadu Panchayats Act, 1994 enacted on 22.04.1994.
1996	1st ordinary Local Body Elections in Tamil Nadu.
1997	The First High Level Committee under the Chairmanship of Thiru.L.C. Jain, the then Member of State Planning Commission submitted its recommendations on devolution of powers and functions to rural Local Bodies in April, 1997.
1999	The Second High Level Committee under the Chairmanship of the then Hon’ble Rural Development and Local Administration Minister, Thiru.Ko.Si.Mani, submitted its report on devolution of powers and functions to Rural Local Bodies on 11.01.1999.
2000	2nd ordinary Local Body Elections in Tamil Nadu.
2006	3rd ordinary Local Body Elections in Tamil Nadu.
2007	The Third High Level Committee headed by Thiru M.K.Stalin, Hon’ble Minister for RD&LA was constituted to examine the scope for further devolution of powers and functions to rural and urban Local Bodies.

3. Tamil Nadu’s stand on the 73rd Constitutional Amendment

The Government of Tamil Nadu has had reservations regarding certain aspects of the 73rd Constitutional amendment and our experience of working under the new system for the past 12 years has only confirmed the same. The system prevailing under the old Tamil Nadu Panchayats Act of 1958 wherein the Presidents of Village Panchayats were ex-officio members of the Panchayat Union Council at the Block level ensured organic linkage between the two tiers. Hence, the name ‘Panchayat Union’ and it genuinely functioned as a ‘union’ of Village Panchayats. Since the Village Panchayat Presidents themselves ‘doubled up’ as ex-officio members of the Panchayat Union Council, there were no separate ward members for the Council. Having separate ward members for Panchayat Unions (6,570 for the State as a whole) and District Panchayats (656) has vastly increased the number of ‘members’ and has paved the way for inter-tier friction and disharmony. Although Article 243 C (3) of the Constitution states that a State may, by law, provide for the representation of Village Panchayat Presidents on the Panchayat Union Council and Panchayat Union Chairpersons on the District Panchayat, this arrangement is not satisfactory because it can render the Panchayat Union Councils and District Panchayats too unwieldy with too many members and can create disharmony between the two distinct power blocs within each Council. Hence, Tamil Nadu has not invoked Article 243 C (3). The lack of organic linkages between the three tiers results in a scenario where each tier is unaware of what the other two tiers are doing. It often leads to duplication in the selection of works and avoidable paperwork and loss of time in



reworking the choices. Tamil Nadu has been pressing for the reversion to the 1958 model where the Presidents of Village Panchayats were ex-officio members of the Panchayat Union Council at the Block level.

Under the 1958 Act, the Chairpersons of the Panchayat Union Council could be either directly or indirectly elected. Most of the time, Tamil Nadu had direct elections for the posts of Chairpersons of Panchayat Unions and this arrangement was found to be working well as the Chairperson commanded respect and there was no scope for vexatious no-confidence motions. But after the 73rd amendment, the Constitution itself stipulates that Chairpersons of Panchayat Unions and District Panchayats should be elected indirectly. Only in the case of elections of Village Panchayat Presidents, the States have the freedom to opt for either direct election or indirect election. The State Government has been pressing that the States should have similar freedom in respect of elections of Chairpersons of Panchayat Unions and District Panchayats.

The Government of Tamil Nadu have, for long held the view that there should have been a single consolidated Amendment to the Constitution covering both rural and urban Local Bodies instead of two Amendments – one covering rural Local Bodies (73rd) and the other urban Local Bodies (74th). This ‘compartmentalization’ has resulted in a scenario whereby the District Panchayat – instead of being a nodal body responsible for coordinating and monitoring all the rural and urban Local Bodies in the district – finds that its jurisdiction is confined only to the rural areas. In a State like Tamil Nadu with about 42% urban population, and with several highly urbanised districts such as Kanniyakumari (66%), Coimbatore (62%), The Nilgiris (58%), Theni (54%) and Madurai (52%), the argument that the District Panchayat should become a nodal body responsible for coordinating and monitoring the development activities in the entire district becomes weak. A system whereby all the Chairpersons of Panchayat Unions, Municipalities and Town Panchayats are ex-officio members of the District Panchayats, with the Chairman of the District Panchayat being either directly or indirectly elected would have been more meaningful and credible. This weakness has been sought to be overcome through the District Planning Committee which has members drawn from both rural and urban Local Bodies, but its composition is flawed because there is no representation for Panchayat Union and Village Panchayat members on it.

A mention was made in His Excellency the Governor’s Address in the Tamil Nadu Legislative Assembly in 2006 that the Tamil Nadu would press for the amendment of the Constitution seeking a two tier system of Panchayats and the abolition of District Panchayats. Tamil Nadu did have powerful elected District Boards till they were abolished in 1961. In their place, the District Development Council, an advisory-cum-planning body, comprising all the MPs, MLAs, Chairpersons of Panchayat Unions, Town Panchayats, Municipalities and Corporations in the district with the District Collector as Chairman were set up. The Government of Tamil Nadu believes that Village Panchayats and Panchayat Unions are the two tiers closest to the people, qualifying for the appellation ‘local’ and represent the ‘cutting edge’ of Local Self-Government. These two tiers need to be strong and vibrant and strengthened further. This Government is of the opinion that the reasons which led to the abolition of the old District Boards are still valid and applicable to the third tier of District Panchayat, which at present has only an advisory-cum-planning role. At the same time, this Government is aware that other States may have different views on this topic based on their own past legacy. For example, some States want Village and District Panchayats but do not want the intermediate tier (Block or Taluk Panchayat). But there is a general consensus that there is one tier too many under the present system.

It may be noted that with regard to the States, the Legislative Assembly is mandatory while the Legislative Council is optional as per the Constitution. Similarly, in order to accommodate divergent needs, the Constitution may be so amended so as to make the Village Panchayats mandatory for all the States and leaving it to the discretion of the concerned State Legislatures whether to have the intermediate Panchayats only or District Panchayats only or both. The State Government would press for such amendment to the Constitution.

Conduct of 2006 Local Body Elections

Though the Tamil Nadu Panchayats Act was enacted in April 1994, only after the change of Government in May 1996, the first ordinary elections were held to all the rural and urban Local Bodies in October 1996. The second ordinary elections to the Local Bodies were conducted during October 2001. The third ordinary elections to the Local Bodies were conducted in October 2006.

Table 2 furnishes the number of seats and offices in the three tiers of Panchayats for which the elections in October 2006 were held.



Table-2,Details of seats and offices in Rural Local Bodies

1.	Village Panchayat wards	40,879
2.	Village Panchayat ward members	97,458
3	Panchayat Union wards	6,570
4.	District Panchayat wards	656
5.	Village Panchayat Presidents	12,618
6.	Panchayat Union Chairpersons	385
7.	District Panchayat Chairpersons	29

4.2 Reservation of Seats and Offices and Rotation

Article 243 D of the Constitution relates to reservation and rotation of seats for Scheduled Castes, Scheduled Tribes and Women in rural Local Bodies. The relevant provisions of Tamil Nadu Panchayats Act, 1994 are Sections 11, 20, 32 & 57. These are supplemented by the Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995. The Rules provide for the reservation of seats by adopting a list of wards or Panchayats arranged in the descending order of the percentage of SCs, STs and Women and applying a 'cut off' at the point where the number of reserved seats and offices is equal to the prescribed ratio. The periodicity of rotation is also fixed under the Rules. The Government amended Rule 7 of the Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995 vide G.O.Ms. No. 105, RD & PR (C4)Department, dated 1.9.2006 by virtue of which the posts of Presidents of Village Panchayats and Chairpersons of Panchayat Unions and District Panchayats reserved for SCs, STs and Women were rotated - after 10 years - for the October 2006 elections. While the posts of ward members of all the 3 tiers reserved for Women were rotated - after 10 years – those reserved for SCs and STs were not rotated; in other words, they would continue to be reserved as such until the Government direct otherwise.

Table 3 shows the details of reservation of seats and offices to Women, Scheduled Castes and Scheduled Tribes in rural Local Bodies:

Table-3,Reservation of Offices and Seats for Women, SCs and STs

Sl. No.	Category of Reservation	Total no. of offices/seats	Reserved for Women		Reserved for SCs		Reserved for STs	
			No.	%	No.	%	No.	%
1	District Panchayat Chairpersons	29	10	34%	7	24%	0	0%
2	Panchayat Union Council Chairpersons	385	140	36%	87	23%	4	1%
3	Village Panchayat Presidents	12,618	4,275	34%	3,143	25%	156	1%
4	District Panchayat Ward Members	656	226	34%	154	23%	8	1%
5	Panchayat Union Ward Members	6,570	2,302	35%	1,534	23%	64	1%
6	Village Panchayat Ward Members	97,458	32,638	33%	24,630	25%	983	1

5. Devolution of Powers

Local Government is a State subject figuring as item 5 in List II of the Seventh Schedule to the Constitution of India. Article 243 G of the Indian Constitution enshrines the basic principle for devolution of power to the rural Local Bodies. As per this article, subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-Government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to the preparation of plans for economic development and social justice; the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the 29 matters listed in the Eleventh Schedule.



5.1 L.C. Jain Committee

The Government of Tamil Nadu is committed to ensuring that the Panchayat Raj Institutions function as effective institutions of Local Self-Government. In 1996, soon after the conclusion of the first ordinary elections to the three tiers of Panchayats, the Government constituted the First High Level Committee under the Chairmanship of Thiru L.C. Jain, the then full-time Member of the State Planning Commission to give recommendations on the entrustment of powers and functions to the three tiers of Panchayats. The Committee submitted its report to the Government in April, 1997.

The L.C. Jain Committee used 12 notations viz. Advise, Assist, Co-ordination, Establish and set up, Implementation, Identification of persons to be assisted, Inspection, Management and maintenance, Planning, Review, Supervision and Take over in respect all the 29 items for demarcating roles and functions of the 3 tiers of Local Bodies.

- To operationalise its recommendations, the Committee suggested the following:
- Establishment pattern of Village Panchayats, Panchayat unions, District Panchayats need an analysis.
- Engagement of professionals and consultants for speedy development, right from village level upto district level.
- Human Resource Development for PRIs (Training, Sensitization and Attitudinal change).
- Scheme review powers to be given to Local Bodies
- Need for efficient Accounts and Audit arrangements for Local Bodies.
- Preparation of Works Manuals for Local Bodies.
- Guidelines for Maintenance of Assets created and handed over to the Panchayat bodies
- Creation of proper Management Information System.
- Constitution of various Committees of PRIs.
- PRIs to be given clear working instructions on how to exercise the functions transferred to them.

5.3 M.K. Stalin Committee

This Government, in continuance of its commitment to devolve greater powers and responsibilities to rural and urban Local Bodies, constituted the Third High Level Committee under the Chairmanship of the Hon'ble Minister for Rural Development and Local Administration, Thiru. M.K. Stalin vide G.O.Ms No.6 RD & PR(C1) Department, dated 22.1.2007 and with select District Panchayat Chairpersons, Panchayat Union Chairpersons and Village Panchayat Presidents besides certain subject experts as members. The Committee was required to study the duties, functions and powers already entrusted to the rural and urban Local Bodies and make recommendations for further devolution of the same in order to make them more effective. The Third High Level Committee decided to get the views of as many stakeholders as possible before formulating its recommendations. In this context, the following strategies were adopted:

(i) Conduct of State Level Conference: A State Level Conference of Chairpersons of District Panchayats and Panchayat Unions, besides the urban Local Bodies was held in the presence of the Hon'ble Chief Minister on 18.03.2007 at Chennai. A total of 27 District Panchayat Chairpersons and 363 Panchayat Union Chairpersons, besides the heads of urban Local Bodies participated in the Conference. Various issues pertaining to effective functioning of Local Bodies were deliberated upon and discussions held in this Conference.

(ii) Conduct of Regional Conferences of all Village Panchayat Presidents: Despite the very large number of Village Panchayats (12,618) in Tamil Nadu, recognising the fact that Village Panchayats represented the tier that performs some of the most important functions - the Hon'ble Minister for Rural Development and Local Administration, Thiru. M.K. Stalin, convened Regional Conferences of all Village Panchayat Presidents at Erode (24.07.2007), Tiruchirapalli (25.07.2007), Tiruvannamalai (03.08.2007) and Virudhunagar (23.08.2007) to ascertain their views on devolution and the difficulties, if any, in their functioning. 11,984 Village Panchayat Presidents out of a total of 12,618 Presidents in Tamil Nadu participated in these Regional Conferences and made 47,108 recommendations.

(iii) Internal meetings were held to deliberate on various issues brought forth to the Committee through various forums, including the State Level and Regional Conferences of Local Body representatives.

(iv) Meetings were also held by the Chairman of the High Level Committee with Secretaries and Heads of Departments of various departments to deliberate upon devolution of further powers of rural Local Bodies on 11.10.2007 and 12.10.2007.



The Committee presented its report to the Hon'ble Chief Minister on 10.12.2007 and submitted a total of 99 recommendations categorized under 39 subjects. The important recommendations of the third High Level Committee are highlighted below:

- Grama Sabha to act as a forum of Social Audit for all the schemes implemented by various Departments.
Approval of the list of all individual beneficiary schemes to be done by Grama Sabha.
- Conversion of multi-member wards into single member wards in all the Village Panchayats as is there in the case of the Panchayat Unions and District Panchayats.
- Stability of tenure of rural and urban Local Body representatives by making the moving and passing of No Confidence Motions more stringent.
- Designating November 1st of every year as the "Local Bodies Day".
- Empowering weaker Village Panchayats by enhancing their State Finance Commission grants and allocating the entire Central Finance Commission grants to Village Panchayats so as to enable them to meet the expenditure relating to water supply, electricity charges and sanitation.
- Pooling of assigned revenues of Local Cess, Local Cess Surcharge, and Surcharge on Stamp Duty and Entertainment tax at State Level and apportioning it to the districts thereafter.
- Giving Panchayat Raj Institutions greater operational independence by enhancing administrative sanction powers of Village Panchayats, Panchayat Unions and District Panchayats for works taken out of their General Funds.
- Rationalisation of Village Panchayat Accounts.
- Issue of Identity Cards to the Heads of three tiers of Panchayat and for the Members of Panchayat Unions and District Panchayats.
- Making BDOs (Village Panchayats) as separate Pay Drawing Officers.
Provision of Telephone facility to all Village Panchayats.
- Provision of Wireless to Panchayat Unions.
- Vehicles for Panchayat Raj Institutions and key functionaries of Rural Development Department.
Revival of Namakku Naame Thittam.
- Formulation of Panchayat Union School Renovation Programme.
- Setting up of Libraries and Sports Centres in all Panchayats under AGAMT.
- Designating Village Panchayats as 'Village Level Committee' for selecting the beneficiaries and implementing the schemes of various other departments at Village level