

CHAPTER-2

EVOLUTION OF PRIs IN ASSAM

A HISTORICAL BACKGROUND

- 2.1 In the Indian context the institution of local self-government dates back to pre-historic days and the concept of village panchayats is indigenous to the Indian soil. There is sufficient evidence to show that village panchayats under different names and forms existed in India ever since the Vedic times. However, its history through various stages had been rather a chequered one. Very often it had to sustain the onslaughts of centuries of political upheavals and frequent changes of ruling dynasties. Nevertheless, up to the advent of the Muslim period, these village panchayats occupied a prominent place in local administration and continued to shape the collective will and wisdom of the entire rural community.**
- 2.2 With the advent of Muslim rule in India the village panchayats suffered a setback as they no longer enjoyed the same autonomy and prestige bestowed on them by the erstwhile ruling dynasties. The introduction of a highly centralized administration during the Mughal regime and more particularly the individual centric land tenure system of that era had deprived the village panchayats of their pristine glory. Law and order was dealt with through the King's own officials and the judicial powers of the panchayats were also considerably curtailed thereby reducing them to a mere appendage of the Central Government.**
- 2.3 The interregnum between the collapse of the Mughal Empire and the coming of the British had been marked by a situation of complete anarchy which had further hastened the degeneration of**

the institution of local self-government. Thus the British officials had hardly any opportunity to appreciate the values of these institutions. In the nineteenth century, the British Government's activities in the Indian countryside had been mainly confined to the work of revenue settlement. Nevertheless, they started local self-government institutions for their own convenience. The first step in this regard had been initiated by the Government of the Presidency of Bombay. They made an attempt in 1802 to associate the panchayats with the regular administration of justice. The Government of the Presidency of Madras followed suit in 1816. In the same period the Bengal scenario was dominated by the Government of Bengal Regulation of 1813 which empowered the magistrate to constitute a panchayat with one or two members elected by the respectable inhabitants of the locality. Under this regulation the panchayat was given very limited power to appoint and control the chowkidars and to levy and collect taxes for payment of their salaries. In 1816 the aforesaid Regulation was extended and in 1856 it was further extended to cover any town, suburb or bazaar. But neither of these Acts was extended to any place in Assam. Thereafter, the Bengal Village Chowkidari Act of 1870 empowered the District Magistrate to constitute a panchayat in any village if the majority of adult male residents apply in writing for the same. Under this Act a panchayat consisted of not less than three and not more than five members. They could be partly elected and partly nominated or wholly nominated for a term of three years. In Assam, before partition, the Village Chowkidari Act was implemented only in three districts viz, Sylhet, Goalpara and Cachar. Since these panchayats were not democratically elected through universal adult suffrage these cannot be rightly equated with an experiment in decentralisation.

2.4 The year 1882 marked another important milestone in the process of development of local self-government in India. In that year, the Government of India issued a resolution which came to be known as Lord Ripon's Resolution of 1882 and contained the following:

I. Political education is the primary function of local government;

II. Rural boards are to be set up similar to municipal boards;

III. The unit of administration is to be small i.e., Sub-division;

IV. All boards should contain a two-thirds majority of non-officials who should be elected whenever possible;

V. Control should be exercised from without rather than within;

VI. The Chairman of local boards should be non-official whenever possible.

2.5 It would appear that the above resolution had made no reference to village panchayats. However, it had led to the passage of new Acts in different provinces of India. In Assam, a province with hills and isolated valleys, instead of District Boards Sub divisional boards were set up as the units of rural administration. But little initiative was taken to provide effective machinery for the management of village affairs till the appointment of the Royal Commission on Decentralisation in 1907.

2.6 The Royal Commission on Decentralisation reviewed the entire system of local self-government in India and recognized that in the greater part of India, the village constituted the primary territorial unit of government organisation and from the villages larger administrative entities were built-up. The Commission had opined that the foundation of any stable edifice which shall

associate the people with the administration must be the village where people knew one another and have interests which converged on definite and well recognised objects like water supply and drainage. The Commission had also recognised that the scant success of the efforts made hitherto in the field of rural self-government had been largely due to the fact that it had not been built up from the bottom.

2.7 The Government of India did not take any step to implement the recommendations of the Royal Commission for about six years. Then a resolution was passed in 1915 stating that the smallness and inelasticity of local revenues and difficulty of devising further forms of taxation were some of the factors which hindered the growth and development of Local Self Government (LSG). Simultaneously several provincial governments passed legislations to set up panchayats in the villages. In Assam also, following the recommendation of the Royal Commission, the Assam Local Self Government Act was passed in 1915. The Act empowered the Chief Commissioner to constitute a village authority in each village. The members of such authorities could be wholly appointed or wholly elected or partly appointed and partly elected for a period of three years. The Act authorised the Chief Commissioner to fix the number of elected or appointed members. The Act further provided both for the election and nomination of the President. Accordingly, in 1918, 70 village authorities were established in Assam. The number was increased to 80 in the next year. Out of these 60 had non-official elected Presidents.

2.8 Meanwhile, the subject of local self-government was transferred to the provincial government by the Government of India Act of 1919. Diarchy had brought about certain significant changes in the system of local self government in the country. The new

legislations passed by various Provinces did away with official Chairmanship of MBs and also discouraged the practice of district officers becoming the Presidents of the local boards. In keeping with the Government of India Act of 1919, the Assam Legislative Council passed the Rural Self Government Act of 1926. The Act provided that every village should have a village authority, consisting of not more than nine members elected on the basis of adult manhood franchise for a term of three years. It had also provided for the election of President from among the members. That the Act of 1926 could not function successfully due to financial constraint, was evident from the fact that the number of village authorities which were 133 in 1946-47 came down to 85 in the next year. This state of affairs continued albeit with inconsequential changes till India attained independence.

LOCAL SELF-GOVERNMENT IN THE POST - INDEPENDENCE PERIOD

- 2.9** The post independence period ushered in a new era in the history of local government in India. The Gandhian ideology of “Gram Swaraj” had been an integral part in formulating national policy for the revival of village panchayats. This ideal was enshrined in the Constitution of India under Article 40 of the Directive Principles of State Policy which laid down that “the State shall take steps to organise village panchayats and endow them with such powers as may be necessary to enable them to function as units of Self government.” But it was not until the 73rd Constitutional Amendment Act, 1992 was passed that PRIs were given a Constitutional status. The amendment not only conferred constitutional status but made empowerment of local bodies mandatory with well defined functions. After the 73rd amendment came into effect local bodies were regarded as the third tier of government.

- 2.10** After independence, Assam was one of the pioneer States in India to have legislation on Panchayati Raj. Accordingly, the Assam Rural Panchayat Act was passed in 1948. The Act brought into existence two types of panchayats viz, the primary panchayat and the rural panchayat. The Act of 1948 divided the rural areas of Assam into several rural panchayat areas. In each such area, there could be as many primary panchayats as deemed necessary. The President, the Vice-President and the members of the primary panchayats have to be elected for a term of three years by adult suffrage. Again, every primary panchayat has to elect one representative to the rural panchayat. The President and the Vice-President of the rural panchayat have to be elected by the members for a term of three years. A noteworthy feature of this Act has been the enumeration of 34 functions covering almost all aspects of rural life. After their establishment under the Constitution of 1950 autonomous hill districts were exempted from the provisions of the Assam Rural Panchayat Act, 1948.
- 2.11** In the meantime, the Community Development Programme was launched nationwide to accelerate the process of rural development. This was supported by the introduction of National Extension Service later on. In 1957, the Planning Commission appointed a study team under the Chairmanship of Shri Balwantrai Mehta to review the working of the Community Development Programme. The Mehta Committee recommended a three-tier system of panchayats. At the grass root level, the village panchayat should be constituted by direct election on the basis of adult franchise. At the mid level, Panchayat Samiti should be indirectly elected by the village panchayats. And at the apex level, Zilla Parishad should be constituted consisting of the Presidents of Panchayats Samities, the members of State Legislature and Parliament belonging to the locality and district level officers of

the development departments with Collector as its Chairman. In conformity with the Mehta Committee's recommendations GOA enacted the Assam Panchayat Act, 1959. This Act provided for a three-tier structure with Gaon Panchayat at the base level, Anchalik Panchayat at the intermediate level and Mahkuma Parishad at the Sub-divisional level. The Gaon Panchayat was the executive body of the Gaon Sabha. It consisted of not more than eleven and not less than nine members directly elected on the basis of adult suffrage. The Anchalik Panchayat consisted of the representatives of the Gaon Panchayats, the members of Parliament and State Legislature, the representatives of cooperative societies within the area of AP. Besides, BDO acted as the Secretary. The Mahkuma Parishad, created at the Sub-divisional level, replaced the erstwhile local board. It consisted of the Presidents of APs, the MPs, MLAs, the DC and the SDO.

2.12 The Assam Panchayat Act, 1959 was replaced by the Assam Panchayati Raj Act, 1972. The Act of 1972 abolished the intermediate level AP and introduced a two tier system having Mahkuma Parishad at the Sub-divisional level and GP at the lower level. The salient feature of the Act has been the extension of Panchayati Raj system to tea garden areas. The GP had fifteen elected members. The President was directly elected. The Vice-President was elected from amongst the members of GPs. In fact, the Act of 1972 brought about changes more or less akin to the recommendations of the Ashok Mehta Committee which was set up six years later in 1978.

2.13 The Assam Panchayati Raj Act, 1986 replaced the earlier Act of 1972. The Act of 1986 again reintroduced the three-tier system of GP having a population ranging from 6000 to 8000 at the village level, AP at the intermediate level (co-terminus with the block) and MP at the apex level (co terminus with the Sub-division).

Under the provision of this Act, Panchayat election was held in February 1992. A total of 2486 GPs, 196 APs and 43 MPs had been constituted.

- 2.14 The Constitutional Amendment Act, 1992 marked a watershed in the history of local self-government in India. The Act provided for the creation of a three-tier system of PRIs, viz, GP at the village level, AP at the block level and ZP at the district level, with functions listed in Schedule XI of the Act. It provided for creation of the State Election Commissions to ensure free, fair and timely election at the expiry of every five years. It also provided for the constitution of the State Finance Commission after every five years to recommend devolution of finances from the State Government to the Local Bodies.**
- 2.15 In keeping with the provisions of the 73rd Amendment Act, the Assam Panchayat Act, 1994 was enacted and it replaced the Assam Panchayati Raj Act, 1986. The Act provided for a three-tier panchayat system comprising of GP at the village level, AP at the block level and ZP at the district level. The Act provided for the constitution of a District Planning Committee to draw up the district plan. It also provided for the setting up of a State Election Commission and a State Finance Commission at the expiry of every five years. The first panchayat election in terms of the Act of 1994 was held in December 2001. Accordingly, 2487 GPs, 203 APs and 21 ZPs had been constituted. However, after the creation of BTAD, the numbers of GPs, APs, and ZPs were reduced to 2202, 185 and 20 respectively. The second rounds of panchayat elections are being held now.**

[Reference: 1. Village Panchayats in India, Dr. (Mrs) N.L. Dutta, Reader and Head, Department of Political Science, Dibrugarh University.

**2. A Brief Profile on Panchayat Raj in Assam,
published by SIRD, Assam]**