

## **CHAPTER-2**

### **GRAM SABHA AS AN INSTITUTE OF DECENTRALISED GOVERNANCE**

#### **2.1 GRAM SABHA**

Governance of a vast country like India through people's representatives elected to the Lok Sabha and State Assemblies is the major component of parliamentary democracy. This postulates democracy as government by consent which offers an opportunity to the people to choose their representatives by elections, periodically only. This creates gap between people and decision makers as millions of people or voters can't participate in the decision-making process of the representative government. Looking beyond democracy by consent, is the idea of people's participation in the decision-making process of the grassroots institutions, i.e. at the Gram Sabha level which is called participatory democracy.<sup>1</sup>

A grass root democracy is essentially decentralized democracy in which the management of public affairs does not begin and end at the top, but operates through a wide network of people participating units of local area. A local self-government means a democratic, decentralized government in the sense that it is elected and responsive to the felt needs of the people of a limited geographical area and endowed with autonomy--legal, political, administrative, functional and financial.<sup>2</sup>Decentralization means the transfer of authority by delegation to field level or by devolution to local authorities of local bodies. It is a process of power sharing in decision making and is based on the principle that decisions are taken by

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<sup>1</sup> Dutta Vijay Rajan, Gram Sabha- Base of Panchayat Raj, Kurukshetra, January 1994, p. 19

<sup>2</sup> Prasad R.N., Lalneigzovi, Perspectives on democratic decentralized government for rural development in Mizoram (E.d.) Evayunand and Dolly methew, Good governance; Initiatives in India, Prentice hall of India 2003, p.27.

the people, who are affected by them. Any form of community development without decentralized democracy will be ineffective. Hence, the grass root institutions are crucial for democratic, decentralized governance for rural development.

After independence, rural development has been one of the constant goals of the five-year plans. Development programs have a better chance of success, legitimacy, equity and effectiveness when the target group and the general public participate in the various steps of the development decision-making process viz., planning, implementing, monitoring and evaluation of development policies. Democracy becomes truly representative and responsive through decentralization. According to S.K. Dey (the founder of Nilokheri and the Chief Architect of the Panchayati Raj and cooperation from 1956 to 1966) unless we give power to the people, this country will not survive. He considered the Panchayati Raj as one of the three pillars of Indian democracy. The other two beings the community development and cooperative movement.<sup>3</sup> So democracy, as a form of government, signifies the empowerment of people and the grass root democracy ensures genuine participatory development process at the local level. A local government, which is an agent of the central or the state government, performs only the agency role and functions, and does not enjoy decision-making power and financial autonomy. Decentralized authority should not become the monopoly of an individual, but should be vested in a committee.

Decentralization is advocated for countries which are diverse in size, socio-economic complexity and have religion, language, economic development and cultural complexities. The Balwant Rai Mehta Committee on democratic

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<sup>3</sup>Mathew George, Democratic decentralization and good governance, The Challenge before the social scientists (Ed.) Ranveer Singh and Surat Singh, local democracy and good governance, Deep and deep publication, New Delhi, 2011, p.33.

decentralization in its report defines decentralization as “a process whereby the government divests itself completely of certain duties and responsibilities and devolves them on to some other authority”<sup>4</sup>

The process of decision making and the process by which decisions are implemented are called governance. Good governance has eight major characteristics-

- Participation
- Rule of law
- Transparency
- Responsiveness
- Consensus oriented
- Equity and inclusiveness
- Effectiveness and efficiency
- Accountability.<sup>5</sup>

It should be clear that good governance is an ideal which is difficult to achieve in its totality. Very few countries and societies have come close to achieving good governance in its totality.

## **2.2) Direct Democracy:**

Development programs have a better chance of success, legitimacy equity and effectiveness when the target group and the general public participate in the various steps of the developmental decision-making process. According to Abraham Lincon, “Democracy is government of the people, by the people, for the people. In

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<sup>4</sup><http://socialsciences.In/article/good-governance-decentralization-and-panchayat-raj-seen-perspective-mahatma-gandhi> 23/01/2013

<sup>5</sup> What is good governance? United Nations Economic and social commission for Asia and the pacific.

other words, political self-government. Direct democracy means the right of all citizens to directly vote on political subjects.<sup>6</sup>

Direct democracy can be practiced in three ways:

1. Initiative: the right of a certain number of citizens to petition for a specific decision and if not accepted by parliament, to have a decisive popular vote on the proposed matter.
2. Referendum: procedure by which a specific legislation or political decision is referred to a final vote of acceptance or rejection by all citizens.
3. Obligatory/Mandatory Referendum: Starting of a referendum according to binding rule (e.g. constitutional provision).<sup>7</sup>

Direct democracy can serve important functions as:-

- a) It realizes the principle of equal political participation as well as actualizes the people's claim to be the final source of legitimation for political decisions.
- b) It can provide much broader and more intensive opportunity for participation focused on issues.
- c) It provides an important instrument for controlling political power and securing an open political power structure.
- d) As a reserve power of democracy, direct democracy serves as a dynamic basis of democracy/democratic participation for all institutions and functions.<sup>8</sup>

The founding of democratic institutions in Switzerland (1848) and the United States (on the state level) was partly backed by referendum provisions. In later developments, several democratic reform periods against oligarchic power structures

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<sup>6</sup> Schiller Theo, Direct Democracy in Modern democratic evolution, International symposium on Initiative referendum and direct democracy, London, 1996. p.3.

<sup>7</sup> Ibid, p.5

<sup>8</sup> Ibid. p.4

extended the instruments of direct democracy. In Switzerland, the facultative referendum was instituted in 1874 giving 50,000 citizens the right to call for a popular vote on any legal act passed by parliament. In 1891, the constitutional amendment was introduced whereby 100,000 citizens can submit an amendment and have a referendum.<sup>9</sup> Many citizens may view direct democracy as a check on powers delegated to the legislature. Direct democracy – initiative, referendum and recall – helps to reinforce the delegate principle, which presumes that if voters do not perceive their representatives acting in their interest, then voters can take matters into their own hands.<sup>10</sup>

Direct democracy is not immediate democracy; it takes time and sometimes more complex than parliamentary democracy.

In Switzerland, simple majorities are sufficient at the town, city and canton level, but at the national level, double majority are required on constitutional matters. The *Landsgemeinde* or cantonal assembly is one of the oldest forms of direct democracy. Eligible citizens of the canton meet on a certain day in open air to decide on laws and expenditures by the council. Everyone can debate a question. Voting is accomplished by those in favor of a motion raising their hands.<sup>11</sup> *Gram Sabha* is also a depict of direct democracy in India at grassroots level as the assembly is organized and every eligible person can participate and raise questions and can take part in debate and ultimate decision is taken through majority of votes.

Though direct democracy is an umbrella term that covers a variety of political processes, all of which allow ordinary citizens to vote directly on laws rather than candidates for office. The town meeting, in which citizens assemble at a

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<sup>9</sup> Ibid, pp. 6-7.

<sup>10</sup> Bowler Shaun, Todd Donovan and Jeffraykarp, popular Attitudes Towards Direct Democracy, University of California, p.2.

<sup>11</sup> en.wikipedia.org/wiki/Landsgemeinde, visited 10.08.2013.

particular place and time to make public decisions, is the earliest form of direct democracy, dating back at least to ancient Athens.<sup>12</sup> The higher the participation of the citizens and the greater their possible influence on the decision-making process, the stronger their preferences will be for distribution and redistribution. This so-called Robin Hood effect of democracies is well established and theoretically grounded. In a country like India who has a vast geographic area, socially and culturally diverse, population, direct democracy is not possible so India has indirect democracy. Indirect democracy in the form of parliamentary democracy where eligible voters chose their representatives through general elections and the government is formed in center and states.

### **2.3 Democratic Decentralization in India**

The concept of democratic decentralization has been an important element of political discourse in Indian political thought during the colonial period. The father of Nation, Mahatma Gandhi, accorded it a pivotal position by formulating the concepts of Panchayati Raj and Gram Swaraj. However, the makers of the Indian Constitution relegated it to insignificance and reluctantly agreed to include Panchayats only in Article 40 of the non-justiciable Directive principles of state policy. As a matter of fact, they designed the constitution for the creation of a polity in which the center had been made very strong and the states had been made relatively weaker. In other words, they set up a polity based on the concept of democratic centralization instead of democratic decentralization.<sup>13</sup>

But the failure of the community Development program (1952) due to poor participation of people and lack of co-operation. The inevitable result has been that

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<sup>12</sup> Matsusaka John G, "Direct Democracy works," Journal of Economic perspectives –volume 19, Number 2 –Spring 2005, p. 187.

<sup>13</sup> Bhatnagar S., The Concept of Democratic Decentralization, (Ed) Rajbir Singh and Surat Singh. Local Democracy and Good and Governance, Deep and Deep publications, New Delhi, p. 163.

whatever democratic spirit has been present at the Centre and state government level is diluted in the course of the execution of policies. It logically leads to the loss of people's confidence in themselves, which is a foundation of a democratic government. It was the above conceptual perception of the inadequacy of the political centralization and administrative decentralization that made the ruling elite of India to adopt the path of democratic decentralization in 1959 for mobilizing human and material resources by creating the system of Panchayati Raj, the three-tier scheme of democratic decentralization, suggested by the Balwant Rai Mehta Committee (1957).<sup>14</sup>

The exercise to amend the constitutions to provide a constitutional status and mandate for local bodies was initiated by the late Prime Ministers, Rajiv Gandhi. Eventually it was left to the Narshimha Rao government and the two committees of the parliament to rework amendments which became law as the 73<sup>rd</sup> and the 74<sup>th</sup> Amendments in 1993. The silent features of the 74<sup>th</sup> Amendment are briefly summarized. Urban settlements are classified as corporations, municipalities or Nagar Panchayats. All these three categories, broadly labeled as Nagar Palikas, are to be constituted with representatives elected from territorial constituencies called wards. One third of the seats as well the chairperson positions are to be reserved for women.<sup>15</sup>

Local governments are the first and most direct interface between citizens and governance in a democracy and in this, respect should be the most vibrant manifestations of local self-governance. The roots of local self-governance lie in decentralization by 'taking power to the people'. Effective democracy at the

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<sup>14</sup> Ibid, p.165.

<sup>15</sup> [www.Isecties.net/media/objects/articles/democracy-in-urban-india](http://www.Isecties.net/media/objects/articles/democracy-in-urban-india), visited 12.08.2013.

grassroots level can exist only when there is effective delegation of responsibilities to local governments, along with building up local capacities in order to help them discharge these responsibilities to the satisfaction and betterment of the citizens.

The Gram Sabha and Ward Sabha have to play a key role in rendering the Gram Panchayat transparent and direct accountable to the people. The Gram Sabha is a means to solve people's problems and felt needs and to decide how to use the available resources optimally in ways desired by them, to benefit the poorest in the village through direct democratic and participatory planning. The role of Gram Sabha is vital in bringing good governance in the local self-governments.<sup>16</sup>

## **2.4 Origin of Gram Sabha**

The genesis of the concept of the Gram Sabha may be traced from ancient time. According to Rig Veda 'Sabha' denotes both the people in conclave and the hall which was the venue of their meeting. When the term 'Sabhaya' or Sabha was convened for administrative purposes, it indicates a gathering of the elected members, namely Brahmans and the elders.

In Athens, about 500 B.C., democracy was extended to the weaker sections of society. Athens was the cradle of democracy. Every assembly was composed of the council of five hundred and juries were chosen by random selection of citizens.<sup>17</sup>

### **2.4.1 Gram Sabha in Ancient period**

According to Rig Veda 'Sabha' denotes both the people in conclave and the hall which was the venue of their meeting. When the term 'Sabheya' or sabha was convened for administrative purposes, it indicates a gathering of the elect namely of Brahmans and the elders. It is rightly suggested by Bandhyopadhaya that the early

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<sup>16</sup> "<http://wikieducator.org/Apard/GramSabha>' visited "on 12.08.2013

<sup>17</sup> <http://www.cusdi.org/background.htm>, 31/10/12



sabhas in India were probably kin-based assemblies. But subsequently the Sabha came to assume a mainly patriarchal and aristocratic character. Women attended it in the earlier period, but the practice stopped in later Vedic times. All this reflects the presence of people of high social rank. Men of learning bearing and character made their mark hence, therefore, they were called sabheya and sabhasada.<sup>18</sup>

Due to economic inequalities and social classes' development, the king emerged to be the principal factor associated with horse and chariot-owning aristocracy, whose members made up the sabha and formed his advisory body and the king came to be dependent on their advice and counsel.<sup>19</sup>

The sabha performed political, administrative and judicial functions. The judicial functions of 'sabha' were not exercised by the whole assembly but by a standing committee of the same. In the legal literature, the sabha is a court or judicial assembly presided over by the king as chief-judge, and only the counselors, judges and police officers take part as men of authority over witnesses and accused.

In earlier times the king did not regularly preside over the sabha, the sabhapati, lord of assembly was separately mentioned but in later times the king was considered the supreme power and worked with the advice of sabha and its support.

According to Hopkins- "In the Epic we find to be an assembly of any sort. It may be a judicial one, a court of law; it may be a social gathering for pleasure; and finally it may be a political assembly."<sup>20</sup>

In Vedic age the region occupied by the Aryan people was divided into a number of kingdoms (Rashtra) which were ruled by a king. These ambitious kings organized Asvamedha and Rajasuya to extend their kingdom over neighboring

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<sup>18</sup> Sharma Ram Sharan, Aspects of political Ideas and Institutions in Ancient India, Motilal Banarsidas publishers, Delhi, 1991, p.105.

<sup>19</sup> Ibid, p.107

<sup>20</sup> Ibid, p.111.

kingdoms. The lines of kingly succession found in Rig-Veda and later literature show that kingship was hereditary and the other verse of Rig-Veda<sup>21</sup> clearly says that the king was elected by the people. Another essential feature of the government which provided the people with some measure of check on the king was the existence of the two popular assemblies known as the 'Sabha' and the 'Samiti'.

In the Ramayana (Anodhya, Chaps. 1,2) we find that Dasharatha, in his old age, desiring to make Rama the crown prince, called an assembly of vassal kings, citizens and rural people, and placed the proposal before them. They approved the king's proposal. Thus though kingship was hereditary, a formal popular approval was necessary.<sup>22</sup> In the Mahabharata (Adi 44.6) it is stated that all the citizens of the capital elected Janamejaya as king.

Hiuen Tsang informs us that after Rajavardhana's death, Minister Bhandi called an assembly of ministers and made a proposal for Harsavardhana to assume royal power; it was approved by all ministers and magistrates.<sup>23</sup>

Those were some republics too in ancient India, e.g. the states of the vrisjis, mallas, sakyas, Bhargyas, Mauryas of Pippalivana, etc. These republics were known as Ganas. They were governed by a popular assembly and the elders.

Ancient India was divided into large number of villages. In these villages, the local administration was carried out by local village councils as 'kulams'. The village headman was considered as the link between the village assembly and the government. There were two forms of communities in ancient India. They were (a) the Territorial Community of the village or of the town and (b) the functional and occupational community. There were two kinds of villages in ancient India- the

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<sup>21</sup> BharagavaPurushattamLal, India in the Vedic Age (A History of Aryan Expansion in India), Theupper India publishing house, Lucknow, 1971, p.257.

<sup>22</sup> BanerjiSureshkhandra, Society in Ancient India, D.K. P.intworldnew Delhi, 1993, 292.

<sup>23</sup> Ibid, P.292.

*Ghosh* and the *Gram*— the latter was bigger than the former. The *Gram Mahatter* and *Ghosh Mahatter* were the officials of the two types of villages.<sup>24</sup> Manu calls the village officials by the name of *Gramini*. Though this official was appointed by the king, he worked in accordance with the advice of village elders known as *Gram Vridhas*. The *Gram Vridhas* in their turn were chosen by the assembly of the village, variously known as the *sabha*, the *Gana* and had considerable power and influence.

One of the important functions these was administration of justice. In the post Mahabharata period however, one finds that a remarkable development of the village republics had taken place. During Chandra Gupta's period every village was absolutely free in all matters relating to it. It had its own *Sabhas*. Representatives of all families in the village, the elders and other experienced people found a place in these bodies. Under the Pratihara rule, the village headman known as the 'Grampati' administered the village with the assistance of the village council composed of village elders. There were also committees to look after other village affairs like public works committee, committee to look after excavation of tanks and wells, etc. Under the Chalukyas also the lowest unit of administration was the village where the *Gram Sabha* or the village Panchayat was supreme.<sup>25</sup> Kautilya was the first political theorist to realize the importance of wealth as the foundation of a strong state. Kautilya describes in meticulous detail the duties, functions and responsibilities of every state functionary, from top public official to next tier officials in his book 'Arthashastra'. According to Kautilya "every village has its own headman who was called "Gramik" and committees were organized as 'sangrahan' who was comprised of ten villagers and 'sathaniya' comprised of two hundred villages.

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<sup>24</sup> Ministry of Community Development and co-operation, 1963. Report of the study Team on the Position of Gram Sabha in Panchayati Raj Movement, New Delhi, Govt. of India, p.2.

<sup>25</sup> Ibid.

### **2.4.2 Gram Sabha in Medieval Period**

The Mauryan emperors introduced the Gram Sabha system for the first time in Indian villages. This system is considered the base of administration in Indian villages since then. The Gram Sabha in Mauryan period comprised a headman and a few other members.<sup>26</sup>

The sabha used to take decision about any issues related to the village and they enjoyed several powers. The decision of Gram Sabha was considered law and the villagers were bound to obey the sabha's instructions. As the caste system of Hinduism was strictly maintained during that period, the Brahmans used to enjoy most of the powers in Gram Sabha. There were no representatives from lower castes in the sabha. Under the chalukyas also the lowest unit of administration was the village where the Gram Sabha or the village Panchayat was supreme.<sup>27</sup> During the medieval period, the administration in Indian villages saw chiefdoms of existence. The mughals ruled India for a major part of the medieval period and hence, these changes were mainly brought upon by them. This administrative system continued to be in practice in the Indian Villages till the end of Mughal period.<sup>28</sup>

Thus the state in India had evolved through many forms from the small 'kingdom' of Rig-Veda to vast empires of Mauryas and Guptas. These small 'kingdoms' developed according to the inner lanes of their own and more stable in character than the ever changing empires.<sup>29</sup>

### **2.4.3 Gram Sabha in British period**

The British rulers made some significant changes in the entire administration in Indian villages. The centuries old administration policy of Gram Sabha or local

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<sup>26</sup> Ibid.

<sup>27</sup> Ministry of community development and co-operation, op. cit, p.4

<sup>28</sup> [www.indianetzone.com/41/administration-indian-villages.htm](http://www.indianetzone.com/41/administration-indian-villages.htm), visited on 25/09/13.

<sup>29</sup> Ministry of community development and co-operation, op. cit, p.4

governance in India was demolished by the British rulers and they started to unite all the villages under one umbrella. They actually centralized the entire administrative-system of India. Companyrules were not in favor of Panchayat Raj system. These institutes were not having active role during this period but had some social importance in villages. So British Government implemented certain general laws for all the local self-governments in the villages. After 1857 the British tried to restore the Panchayat by giving it powers to try minor offences and to resolved village disputes but these measures never restored the lost power of the village community. In1870 the viceroy *lord mayo's* Resolution gave the needed impetus to the development of local institutions. It was a landmark in the evolution of colonial policy towards local government. Lord Ripon's resolution was focused on local self-government on May 18, 1882, recognizing the twin considerations of local government: (1) Administration efficiency (2) Political education. The progress of local self-government was tardy with only half-hearted steps taken in setting up municipal bodies. Rural decentralization reminded a neglected area of administrative reform.<sup>30</sup>

In 1907 The *Royal commission* recommended that "it is most desirable, alike in the interests of decentralization and in order to associate people with local tasks of administration." It recommended that villages are the basic unit of local self-government so they should be elected directly. But Government did not give approval to the recommendation.<sup>31</sup> But the Montague-Chelmsford reforms (1919) brought local self-government as a provincial transferred subject, under the domain of Indian Ministers in the provinces in 1925, eight provinces had passed in

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<sup>30</sup> En.wikipedia.org/wiki/local-self-government-in-India, visited on 25.06.13.

<sup>31</sup> Sharma B.S, Brijbhushan and Ashish Bhatt, Zila Parshashan, Rawat, publication Jaipur, 2000, p. 106.

Panchayat acts and in 1926, six native states had also passed Panchayat laws. In spite of various committees such as the Royal Commission on Decentralization (1907), the report of Montague and Chelmsford (1919), the Government of India Resolution (1918) etc. a hierarchical administrative structure based on supervision and control evolved. The administration became the focal point of rural governance. The British were not concerned with decentralized democracy but were aiming for colonial objectives.<sup>32</sup>

The genesis of the concept of the Gram Sabha may, in fact be traced from the independence movement. The credit for giving this idea has to be legitimately given to Mahatma Gandhi. There can be no doubt about the fact in Gandhian concept of Gram Swaraj meant governance of the villages by the people of village themselves through consensus. The task was naturally to be managed by Gram Panchayat with consent of the Gram Sabha. The Gandhian blueprint of Indian polity empowered the Gram Sabha to elect the Gram Panchayat through consensus; the members of Gram Panchayat were to elect Mandal panchayat; those of mandal Panchayat the members of the District Panchayat; those of the District Panchayat, the members of the state Panchayat and those of the provincial/State Panchayat, the members of national panchayat. Thus, the Gram Sabha was to be organically linked with the representative bodies at the village, Mandal, provincial/state and national levels. The Gram Sabha was made the most powerful body in the Gandhian constitution for India.<sup>33</sup>

The Indian National congress from the 1902 to 1947, emphasized the issue of all-India Swaraj, and organized movements for independence under the leadership of

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<sup>32</sup> [http://en.wikipedia.org/wiki/local\\_self\\_government\\_in\\_India](http://en.wikipedia.org/wiki/local_self_government_in_India) 25/06/13.

<sup>33</sup> Singh Surat, Genesis and Development of the concept of Gram Sabha, (e.d) Suratsing, Decentralized governance in India, Deep and Deep publication, New Delhi (2004), p. 30.

Mahatma Gandhi. In the words of Jawaharlal Nehru, “Local self-government was and must be the basis of any true system of democracy. People had got in to the habit of thinking of democracy at the top and not so much below. Democracy at the top will not be a success unless it was built on this foundation from below.”<sup>34</sup> Jayaprakash Narayan, a staunch advocate of direct democracy at village level States, to me Gram Sabha signifies village democracy. Let us not have only representative government from the village up to Delhi. At one place, at least there be direct government –direct democracy. The relationship between Panchayat and Gram Sabha should be that of cabinet and assembly.”<sup>35</sup>

## **2.5 Gandhi’s Vision**

Gandhi’s ideas on democratic decentralization and Panchayati Raj have their roots in his understanding about the role of state government in the lives of people. According to Gandhi, “Democracy must in essence mean the art and science of mobilizing the entire physical, economic and spiritual resources of all the various sections of the people in the service of the common goods of all.”<sup>36</sup> The basic unit of true democracy is the village. It is in this context that the nation of panchayati Raj has added significance. Gandhi’s perception of the Indian Village system is all comprehensive fundamental and important. The towns in India became quite insignificant before his eyes. Gandhi wrote, “I would like to go and live in villages. That is real India, My India.”<sup>37</sup>

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<sup>34</sup> Speech of Jawaharlal Nehru, 1948. In conference of local self-government ministers in Delhi on August 6.

<sup>35</sup> Bharagava and Jos C. Raphael, 1994. “Working of Gram Sabha in Karnaka: A study at micro level”, Journal of Rural Development, Hyderabad, Vol. 13, (i) pp. 145-157.

<sup>36</sup> Collected works of Mahatma Gandhi, Vol. LXIII, P.54.

<sup>37</sup> M.L. Sharma, 1987. Gandhi and Democratic Decentralization, new Delhi, Deep and Deep Publication, p.47

Gandhi's concept of democratic decentralization bears the stamp of his passionate belief in non-violence, truth and individual freedom. He calls in Panchayat Raj or village Swaraj. He works to see each village a little republic, self-sufficient in its vital wants, organically and non-hierarchically linked with the larger spatial bodies and enjoying the maximum freedom of deciding the affairs of the locality. Individual freedom in Gandhi's view, could be maintained only in autonomous, self-reliant communities that opportunities to the people for fullest participation.<sup>38</sup> The affairs are to be managed by Panchayats consisting of five persons elected annually. Gandhi aimed at making the individual the center of the local administration. People are expected to take personal interest and turn up in large numbers at the meeting to deliberate problems of common interest such as village industries, agricultural production, irrigation and planning.<sup>39</sup> Village is the lowest unit of a decentralized system. Politically a village has to be small enough to permit everyone to participate directly in the decision-making process.

Gandhi's views on the position of Gram Sabha have often been misinterpreted. While being an exponent of Panchayat Raj and Gram Swaraj, he was not in favor of the village assembly exercising powers directly. Regarding village swaraj, Gandhi said: "The government of the village will be conducted by the panchayat of five persons, annually elected by the adult villagers, male and female, possessing minimum prescribed qualifications. These will have all the authority and jurisdiction required".<sup>40</sup> The fact is that the Gandhian concept of democracy gave the gram sabha the most significant place. It becomes clear from his remark: "True democracy could not be worked by some men sitting at the top. It had to be worked

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<sup>38</sup> Ramshary Ray, 1984, *Self and Society: A study in Gandian Thought*, New Delhi, Sage publications, India Pvt. Ltd., 1984 p. 123.

<sup>39</sup> M.L.Sharma, *Op cit.*, p.48

<sup>40</sup> M.K. Gandhi, 1959. *Panchayati Raj*, Ahmedabad, Navajivan Publishing House, pp. 16-18.



from below by the people of every village.” The idea of the gram Sabha was also linked with the universe via family, village, mandal, province/state and the Nation.<sup>41</sup>

Although Mahatma Gandhi was recognized as ‘Father of the nation’, his idea of the gram swaraj through the gram sabha and the gram panchayat was totally neglected by the ruling class while making the Indian constitution because they were keen to have a political system with a strong center. Besides, they decided to make the individual instead of the village as the unit in it on account of the impact of the ideology of liberalism on them. There have been two divergent views on the place of village panchayats in independent India and its new constitution. Mahatma Gandhi favored village swaraj, strengthening of village panchayats and giving them centrality in local governance but Ambedkar believed that the village represented regressive India, a source of oppression. The model state hence had to build safeguards against such social oppression and the only way it could be done was through the adoption of the parliamentary model of politics.<sup>42</sup> During the drafting of the Constitution of India, Panchayati Raj Institutions were placed in the non-justiciable part of the constitution, the Directive Principle of State Policy, as Article 40. The Article read the State shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.’ However, no worthwhile legislation was enacted either at the national or state level to implement it.<sup>43</sup> As a consequence, the Panchayats found no place in the draft constitution. But the strong and consistent pressure by the Gandhians forced the decision-makers to accommodate them and ultimately a consensus emerged that the provision for the establishment at Gram

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<sup>41</sup> Message of Shri Yashwantrao Chavan, the Union Finance Minister, Government of India for National conference of Gram Sabha, National Institute of Rural Development, Hyderabad, July 28-29, 1999.

<sup>42</sup> World Bank, (2000), overview of Rural Decentralization in India, Vol. III, p. 18

<sup>43</sup> <http://en.wikipedia.org/wiki/Loca/self-governement> in India, August 1, 2013

Panchayats and for making these institutions of self-government be made in Directive Principle of the State Policy. The responsibility of creating the Gram Panchayat was given to the state government by making local government a part of the state list and by defining it as Municipal Corporation, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration. It is pertinent to mention here that the word 'Gram Sabha' figured nowhere in constitution at that time.

But the influence of Gandhian ideas made the state governments to make Gram Sabha as the base of Gram Panchayat in the legislation enacted by them after the independence particularly after the implementation of the Constitution of India. In fact, the concept of Gram Sabha had begun to gain considerable support from the leadership of the Congress Party during those days. This is evident from the report of the committee on Village Panchayat Committee", All India Congress Committee, 1954<sup>44</sup> according to Jawaharlal Nehru, "Local Self-Government was and must be the basis of any true system of democracy. People had got the habit of thinking of democracy at the top and not from below." The concept of Gram Sabha was endorsed by the conference of the ministers of Local Self-Government held at Shimla in 1954. The conference recommended that the meetings of Gram Sabhas should be convened by the Gram Panchayat more frequently and there should be at least two such meetings in each year.<sup>45</sup>

However, Jaya Prakash Narayan deserves greater credit than Jawaharlal Nehru in popularizing the concept of Gram Sabha. He was an ardent advocate of direct democracy at village level. He stated, "To me Gram Sabha signifies village

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<sup>44</sup> H.D. Malaviya, Village panchayats In India, Economic and Political Research, All India Congress committee, new Delhi, 1956, pp. 215-58.

<sup>45</sup> Jos. P., working of Gram Sabha: Some issues, R.C. Chaudhary and S.P. Jain, Strengthening village democracy, National Institute of Rural Development, Haidrabad 1999, PP. 149-150.

democracy. Let us not have only representative government from the village up to Delhi. One place, at least let there be direct government, direct democracy.... The relationship between Panchayat and Gram Sabha should be that of cabinet and assembly.”<sup>46</sup>

## **2.6 Post Independence Period**

After Independence, the administration in Indian Villages partially went back to the administrative structure followed during the ancient period. The Government of India decided to implement the local self-government system in all the villages of India where the villages would be governed by a Panchayat committee. This committee was somewhat identical to the Gram Sabha. The difference is that the members in the Panchayat committee are elected democratically through general elections and the adult villagers cast their votes to put their favorite person into the committee. The Panchayat committee looks after all kinds of issues related to the village and also tries to establish law and order in the village.<sup>47</sup>

The dawn of independence provided the real opportunity for materializing the dream of democratic decentralization in our country. The genesis of the rural local self-government institutions is linked with the launching of the community development and National Extension Service Programs immediately after the initiation of planned economic development. However the review of these programmes have shown that people’s participation was not forthcoming. Ultimately, the National Development Council constituted a committee on plan projects under the Chairmanship of Balwant Rai Mehta.<sup>48</sup>

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<sup>46</sup> Verma V.P, Modern Indian Political thought, Lakshmi Naryaan Agarwal Educational publishers, Agra, 1974, p. 493.

<sup>47</sup> [www.indiandzone.com/41/adminstration-in-Indian-villages.html](http://www.indiandzone.com/41/adminstration-in-Indian-villages.html), visited on 26/09/13.

<sup>48</sup> Report of the Committee on plan project, 1959. Planning commission, New Delhi, Vol. p.5.

Panchayat raj had to go through various stages. The first Five years plan failed to bring about active participation and involvement of the people in the planning process, which included plan formulation implementation and monitoring. The Second Five Years' Plan attempted to cover entire countryside with National Extensive Service Blocks through the institutions of Block Development Officers, village level workers, but the plan failed to satisfactorily accomplish decentralization. Hence, committees were constituted by various authorities to advice the center on different aspects of decentralization.<sup>49</sup>

### **2.6.1 The Balwant Rai Mehta Committee (1957)**

In 1957, Balwant Rai Mehta Committee studied the Community Development projects and National Extension Services and assessed the extent to which the movement had succeeded in utilizing local initiatives and in crating institutions to ensure continuity in the process of improving economic and social conditions in rural areas. It recommended three-tier structure of the Gram Panchyats, Panchayat Samiti is and Zila Parishad, for democratic decentralization. Surprisingly, Balwant Rai Mehta Committee made no mention of the Gram Sabha in its report submitted in 1959.<sup>50</sup>

### **2.6.2) Diwakar Committee**

Diwakar Committee suggested that by “over a period of time, these institutions would be able to grow into full-fledged institutions capable of influencing the thinking and decisions of Gram Panchayat. But to make the previous consent of Gram Sabha for all decision and actions of Panchayat appears unnecessary and may act as a fetter on some panchayats.” The Committee also felt

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<sup>49</sup> <http://en.wikipedia.org/wiki/localself-government> in India, August 1,2013

<sup>50</sup> The study of community projects and National Extenson Service, Committee plan on projects National Development Council New Delhi, 1957.

that “In order to strengthen the Gram Sabha, it is necessary to strengthen the Panchayat itself and to enable the two to work out a proper relationship between them. Since the Panchayat is executive of the Gram Sabha, strengthening the executive and defining the life and relationship of panchayat and Gram Sabha, will strengthen the Gram Sabha itself.”<sup>51</sup>

### **2.6.3) Ashok Mehta Committee (1978)**

With the coming of the Janata Party into power at the center in 1977, a serious view was taken of the weakness in the functioning of Panchayati Raj. The Committee has recommended the creation of Mandal Panchayats for a group of villages instead of the Gram Panchayats and constitution of village committees for every village. The proposed village committees were assigned the duty of organizing two Gram Sabha meetings every year to explain the people what programs the Mandal Panchayat are executing in their area and to channelize the people’s feedback to the Mandal Panchayat. This makes it clear that the Ashok Mehta Committee did not suggest any specific role of Gram Sabha.<sup>52</sup>

### **2.6.4) G.V.K. Rao Committee (1985)**

G.V.K. Rao Committee was appointed to once again look at various aspects of PRI’s”. The Committee was of the opinion that a total view of rural development must be taken in which PRIs must play a central role in handling people’s problems. It recommended the following-<sup>53</sup>

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<sup>51</sup> Report of study team on the position Gram Sabha in panchayati Raj movement, ministry of community development co-operation, Government of India, New Delhi, 1963

<sup>52</sup> Ashok Mehta Committee: Government of India, Report of the Committee on panchayati Raj institutions, Ministry of Agriculture and irrigation, Department of Rural Development, (New Delhi, 1978).

<sup>53</sup> Report of the Committee on panchayati Raj Institutions, Department of Rural Development, Ministry of Agriculture and irrigation, Government of India, (New Delhi, 1978).

- PRIs have to be activated and provided with all the required support to become effective organization.
- PRIs at district level and below should be assigned the work of planning, implementation and monitoring of rural development programs and.
- The block development office should be the spinal cord of the rural development process.

### **2.6.5 L.M.SINGHANIA COMMITTEE (1986)**

L.M. Singhania Committee studied Panchayati raj. The Gram Sabha was considered as the base of a decentralized democracy, and PRIs viewed as institutions of self-governance will people participation in process of planning and development. It recommended that local self-government should be constitutionally recognized, protected and preserved by the inclusion of new chapter in the constitution.<sup>54</sup> The committee recommended for making village Panchayats more viable.

### **2.6.6 The 73<sup>rd</sup> Constitutional Amendment Act: (1992)**

The constitutional (73<sup>rd</sup> Amendment) Act, passed in 1992 by the Narasimha Rao government, came into force on April 24, 1993. It was meant to provide constitutional sanction to establish “Democracy at the grass root level as it is at the state level or national level. The 73<sup>rd</sup> Amendment included the Gram Sabha as the basis of the three-tier Panchayati Raj. According to 73<sup>rd</sup> Amendment the Gram Sabha or village Assembly as a deliberative body to decentralized governance along with a three-tier structure of Panchayats from village to the district.

*Article 243 (b)* defines Gram Sabha as “a body consisting of persons registered in the electoral roles related to a village comprised within the area of the

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<sup>54</sup> Rai Mahoj et al.: The state of panchayats- a Participatory perspective, new Delhi, samskriti, 2001, P.9

Panchayat at the village level” and in clause (g) village means a village specified by the Governor by public notification to be a village for the purpose of “part IX the Panchayats” and includes a group of villages so specified.<sup>55</sup>

*Article 243 (A)* of the constitution introduced by the 73<sup>rd</sup> Amendment and which is concerned with this institution says that “A Gram Sabha may exercise such power and performs such functions at the village level as the legislature of a state may, by law provide”.<sup>56</sup>

At the village level, the most important provisions relating to participation and accountability are those-governing reservations and Gram Sabha. The Gram Sabha, which constitutes all eligible voters within a Gram Panchayat area, is meant to serve as a principal mechanism for transparency and accountability.<sup>57</sup>

## **2.7 GRAM SABHA IN HARYANA**

The Gram Sabha provides a political forum to people in every locality to meet and discuss local-level development problems, and consequently, understand the needs and aspirations of the community Rajni Kothari has visualized the role of Gram Sabha as follows: Representative bodies have their inherent dynamics of power politics and the only way of making the politician-bureaucrat nexus responsible and accountable is to provide larger citizen involvement in new variants of old institutions like the Gram Sabha. In order to provide Gram Sabha a key place in the Panchayati Raj system and outline has been provided in the 73<sup>rd</sup> Amendment Act. Thus, while the Constitution makes it mandatory to establish Gram Sabha at the village level, it does not stipulated any details regarding the structure, powers and functions of this institution. These details are to be spelt out in the Panchayati Raj

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<sup>55</sup> Buch, Nirmala, Social Action Vol. 62 January-March 2012, Gram Sabha and Panchayati Raj, p.3.

<sup>56</sup> Ibid, p.4

<sup>57</sup> Johnson Craig, Decentralization in India; poverty, politics and panchayati Raj, overseas development institute, London, February 2003, p.17.

legislation passed in each state in compliance with the requirements of the 73<sup>rd</sup> Amendment. Accordingly, all state governments have provided for the institution of Gram Sabha in their respective Panchayati Raj Act. In all these Acts, the scope and functions of Gram Sabha along with the methodology of their working have been outlined.<sup>58</sup> There was a time limit of one year to complete the Panchayati Raj System Act. There are considerable variations across states in matters like structure, jurisdiction, and frequency of meetings, powers and functions of Gram Sabhas.

### **Gram Sabha**

According to Haryana Panchayati Raj Act, 1994 (Haryana act No 11 of 1994) As amended by notifications dated 8<sup>th</sup> and 12<sup>th</sup> January 2010, Section 1-z (xxx) “Gram Sabha” means a body consisting of persons registered as voters in the electoral rolls a village comprised within the area of the Panchayat at village level.<sup>59</sup>

According to section -7- @ emaciation of sabha area-

- i) The Government may, by notification, declare any village or a part of not less than five hundred to constitute one or more sabha areas. In exceptional cases, by reasons to be recorded in writing, relax the limit of population of 500. Any part of a municipality constituted under the Haryana municipal act, 1973 and cantonment shall be included in a sabha area unless the majority of votes in any municipality desire the establishment of a Gram Panchayat in which case the assets and liabilities, if any, of the municipality shall vest in the Gram Panchayat and the municipality shall cease of exist.

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<sup>58</sup> Rai Manoj, MaliniNambirSohini pal, SageetaV.Sing and SatenderS.Saini, The state of panchayats participatory perspective, M. Saingupta for Samkiti, New Delhi, 2001, p.78

<sup>59</sup> The Haryana Panchayati Raj Act, 1994 (Haryana Act No 11 of 1994), (As Amended by Notification dated 8<sup>th</sup> and 12<sup>th</sup> January 2010 Punjab Law Agency, Chandigarh, P.4



- ii) The population shall be ascertained on basis of last preceding decennial census of which the relevant figures have been published.<sup>60</sup>

According to section -11, Meeting and quorum of Gram Sabha

- i. Every Gram Sabha shall hold minimum three general meetings each year at such date, time and venue, as may be fixed by Block Development and Panchayat officer concerned. (Substituted vide Haryana Act No. 28 of 2006) (Substituted by Haryana Act No. – 16 of 2000 dated 25-09-2000).
- ii. According to section 10-11 (ii) in the event of the Sarpanch failing to hold two consecutive general meetings of Gram Sabha on the date fixed. Under Sub section (I) he shall automatically cease to hold office from the date on which the second meeting was to be hold. The Block Development and Panchayat officer shall immediately intimate the happening of such cessation to the Director who shall accordingly notify this fact to the Zila Parishad, Panchayat Samiti, Gram Panchayat and the Sarpanch.
- iii. The director may reinstate the Sarpanch on his showing sufficient cause for the default within a period of thirty days from the date of the notification of his session as Sarpanch.
- iv. The Sarpanch may, at any time and where a requisition in writing of the Panchayat Samiti or of not less than one-tenth of the total number of the Gram Sabha has been received by him shall with in thirty days from the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

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<sup>60</sup> Ibid, p. 10

- v. If a general meeting as required by Sub Section (1), or an extraordinary general meeting as required by sub-section (4) is not called, the Block Development and Panchayat officer shall call such meetings.<sup>61</sup>
- vi. The meeting of Gram Sabha shall be conducted and the time and place of such meeting shall be published in such a manner as prescribed – first meeting (Sawani) shall be held in between 15 November to 15 December. Second meeting (Hari) should be held on between 15<sup>th</sup> may to 15<sup>th</sup> June, (According to amended section -11(1)). According to section 11, Meetings of Gram Sabha both general and extraordinary are to be called by Sarpanch on a public place.
- vii. The meetings of the Gram Sabha shall be conducted and the time and place of such meeting shall be published in such manner as may be prescribed.
- viii. For any extraordinary meeting of the Gram Sabha one tenth of the total number of its members shall form quorum.
- ix. The Block Development and Panchayat officer and the Gram Sachiv, as the case may be, of a Gram Panchayat shall attend every general meetings of Gram Sabha; and if for any reason beyond his control the Block Development and Panchayat officer or such Block Extension officers may be deputed by the Block Development and Panchayat officer shall attend the meetings. The Gram Panchayat may call every village level functionary serving in the Sabha area to attend such a meeting and tender advice in respect of any matter coming up before it.

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<sup>61</sup> Ibid, p. 16

- x. Save in the circumstances beyond human control, every Panch shall attend the Gram Sabha meetings.

**According to Section: 12-13:** The Gram Sabha shall exercise and perform the following powers and functions-

- i) It shall consider the budget prepared by the Gram Panchayat and the future development programs and the plans for the Sabha area at its Sawani meeting. The Gram Sabha at its Hari meeting shall review the general progress of the development plans.
- ii) It will consider the actual income and expenditure of the Panchayat concerning last financial year.
- iii) It will consider and scrutinize the existing schemes and all kinds of activities of Panchayats.
- iv) It shall maintain a complete register for all development works undertaken by Gram Panchayat or by any other Government department specifying the costs, date of completion of work, name of assets etc.
- v) It will scrutinize the completed works and all kinds of activities of the Gram Panchayat.
- vi) It can ask question to the Sarpanch and Panch of the Gram Panchayat to clarify the particular activity, income, expenditure, scheme and other matters and Sarpanch and Panch of the Gram Panchayat shall be responsible to it.
- vii) It shall locate the place of schemes and other works.
- viii) It shall consider the progress report of every kind of Gram Panchayat works; and

ix) It shall exercise and perform such other powers and functions as may be prescribed.<sup>62</sup>

x) The recommendations for strengthening of Gram Sabha are listed below:

- The Gram Panchayat should allow to take up only those projects works which have been approved by the Gram Sabha in the Annual Action Plan.
- The quorum on 1/10 must be revived for the general meetings of Gram Sabha to ensure people's participation in it.
- However there should be no quorum for an adjourned meeting the lists of the beneficiaries of various types of pensions and other schemes including those of BPL/IAY and 100 sq. yards plot be finalized by the gram Sabha meeting with a quorum of at least 1/10
- The budget of Gram Panchayat must be approved by Gram Sabha and in case of differences between them the matter be referred to the Panchayat Samiti whose decision should be final in this context.
- The Gram Sabha must conduct Social Audit of the performance of the Gram Panchayat. It shall be assisted in this task by its social Audit Committee elected by the Gram sabha and consisting of a retired government servant/ army man, a representative each of Saakshar Mahila Samooh (Group of educated women), self-help Groups, Nehru Yuva Kendra members of Panchayat Samiti and Zila Parishad representing in Gram Panchayat area.<sup>63</sup>

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<sup>62</sup> The Haryana Panchayat Raj Act, 1994 (Haryana Act no. 11 of 1994) (As amended by notification dated 8 th and 12 the January 2010) Punjab Law Agency, Chandigarh, p. 17

<sup>63</sup> Singh Ranbir, Gram Sabha in Realities and Recommendation (Panchayati Raj updates: our Panchayat our future), Kalpura Printing House, New Delh, Vol XIX, may 2012, p.1.

- The ward Sabha would constitute in the Gram Panchayats having more than two villages and the Gram Panchayats having a population of more than 5000. Its meeting should be chaired by the Panch from the ward and it should be held before the gram Sabha meeting which should consider the recommendations of the ward Sabha meeting of the Gram Sabha.
- The proceedings of GS meetings must be video graphed.
- The Executive officer (BDPO) should be made accountable for holding these meetings in the spirit of the 73<sup>rd</sup> constitutional Amendment Act.
- Instead of fixing the exact date of the Gram Sabha meetings, a span of two months be given for holding these to ensure the presence of BDPO and the officers of the line departments in these meetings.
- Provisions must be made in the HPRA 1994 for the review of the Gram Sabha meetings by the BDPO (Executive officer of the Samiti) and a quarterly report is sent by him to the chair each of Panchayat Samiti and President of Zila Parishad.
- The incentives are given for encouraging the GPs to have better attendance in Gram Sabha meetings. Those ensuring 50 percent attendance should be given a special grant.
- But despite the lapse of more than a year, the government of Haryana, which has taken some steps for the financial empowerment of the PRI's and increased the honorarium and allowances of the elected representatives and offices bearers, has so far not done anything for strengthening the Gram Sabha which constitutes the base of panchayati

Raj. This step is badly needed as good government can be ensured only through the institution of participatory democracy. Therefore the state govt. should seriously consider the recommendations of the Haryana Administrative Reforms commission and take necessary steps for implementing these.<sup>64</sup>

Administration in Indian Villages is considered one of the most scientifically structured administrative systems of all time. The administration was planned in such a way that people from all strata of the village society could participate in the decision-making process. The ancient concept of Gram Sabha is still in existence in the name of Panchayat in the Indian villages. However, the Panchayati Raj System is more democratic in nature compared to that of the Gram Sabha System, as the common man elects the members of Gram Panchayat in modern India. The year 1999-2000 was declared as the year of the Gram Sabha by the Union finance minister, Yashwant Sinha. This has helped to focus attention on this vital institution. It also signified the importance that the government attaches to this institution as a mechanism for consultation in the process of direct democracy at the village level.

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<sup>64</sup> Ibid. p.7