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DELEGATION TO DEVOLUTION: A COMPARATIVE STUDY

by

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Delegation to Devolution: A comparative study

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Abstract

Decentralisation has always figured on India's policy agenda in one form or other. Its fortunes, however, have fluctuated in response to several factors. Among them the attitude of the centre and the specific socio-political contexts in different states are particularly important. The latter explains, to a large extent, differences in the performance of Panchayat Raj Institutions across states despite the 73rd amendment which has mandated a more or less uniform structure throughout the country. This paper explores the differences in the performance of Panchayats in three states and attempts to relate them both to national policy and the local (state-specific) context.

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Preamble

This paper is based upon a comparative study of devolution/decentralisation (the terms are used interchangeably) in three Indian states, Tamilnadu, Karnataka and West Bengal. The comparison is motivated by the hypothesis that the performance of each state in respect of devolution is significantly influenced by factors specific to its socio-economic and political context. As will be discussed at the appropriate places these contexts are born out of developments both in pre-and post-independent India. It is the contention of this paper that any meaningful analysis of devolution in India must situate itself in this broad historical perspective. We set the stage by unravelling in the first place the constellation of forces which have exercised a noticeable impact on the approach to and the practice of decentralisation. While we are in a position to flag a number of issues for examination it has not been possible to treat all of them in the required detail.

Decentralisation has never been completely absent from India's development agenda. In some form or other it has received varying degrees of attention ranging from securing bare accommodation in the Directive Principles of the Constitution to full fledged constitutional status through the 73rd and 74th amendments in 1992. However, its fortunes have always tended to oscillate in response to a number of factors of which we list the following as being of primary importance.

Possibly the primordial factor is what shaped the attitude towards decentralisation when the Constitution was being framed. This is discussed below in some detail, therefore, suffice it to state that the preoccupation of the moment was welding the country together and keeping it as the one nation it had become consequent on colonial rule. There was agreement in the Constituent Assembly that the immediate need was to bring the princely states and British India into a common political and administrative framework. Although the expression was not openly employed the accent was on resolving the question of nationalities. If there was one issue on which there was unanimity it was that of ensuring that India continued as one country and one nation after independence. It should surprise none that in this context when nation-building was seen as the fundamental need decentralisation was not discussed with much zeal. Moving the Objectives Resolution Nehru went so far as to declare that there could be no doubt that India would be a Republic, it was not open to negotiation but if a princely state wanted to remain a monarchy within the larger framework of a republic that option was exercisable, in fact this does not appear to have been pursued seriously although there were efforts in some princely states in this direction and further in wishing to remain independent.

Another major factor influencing the fortunes of decentralisation is the model of development followed at the macro level. This particular aspect of decentralisation has not received adequate attention in the literature which appears to regard the nexus between the two as of not much consequence. We posit the view, on the contrary, that the nexus is important. In brief when an overtly technocentric model of development holds sway it is difficult to envisage a decentralised form of governance accompanying it. One reason is that such a model of development is impatient of delay and does not value people's participation as fundamental to development. (Mathew 1995: Natraj 2000: Reddy, 2003). It is more likely to assign a place of centrality to the specialist. In this connection it is necessary to remember that although the Indian approach to development initially

emphasised the institutional dimension, particularly in agriculture, in overall terms development was orientated towards creating a modern economy with a strong accent on industry and on forging linkages between industry and agriculture. Also over time there was a steady erosion of the institutional dimension and the model became quite explicitly technocentric. It is pertinent to add at this juncture that the creation of a large national market found favour with the indigenous capitalist class. In one sense this class was not averse to a certain level of state intervention and would doubtless have favoured modernization of the economy and welcomed the infusion of new technology. It may be noted that prior to independence this class of industrial capitalists had prepared what came to be known as the Bombay Plan. It is hardly likely that this class would have had much time for decentralisation.

Political Constellation

We should consider next the political constellation. When the country became a republic with its own constitution there was the domination of the Congress party both at the centre and in the states. However, within the Congress there were powerful leaders who were willing at times to cross swords even with Nehru. Again over the years this gave way to a configuration where first the hold of the Congress was loosened, 'regional' parties became major players and finally there has emerged in more recent times the era of coalition governments. One result of these changes is that the matrix of union-state and inter-state relations has altered substantially. To this should be added the results of the Emergency (1975-77) which, not unnaturally produced a deep seated apprehension of an all-powerful centre. And it is not mere coincidence that one of the first major non-centre-sponsored attempts at decentralisation took place soon after the Emergency and was initiated by a non-Congress government in West Bengal. A related point is the following. Two major attempts, three if we include the abortive 64th amendment to the Constitution, have been made in India to foster decentralisation. The first was on the heels of the Balvantray Mehta Committee report in 1957. Although a national level Panchayati Raj scheme was announced amidst fanfare no uniform legislation for the states was formulated or even proposed. The next attempts, the 64th amendment in 1989 and the 73rd and 74th in 1992 actually consisted of legislation formulated by the centre mandating a more or less uniform Panchayat structure throughout the country. An interesting feature is the following. Even though the Balvantray Mehta Report was the result of an initiative taken by the National Development Council - it consisted of the chief ministers of all the states and a subset of union ministers - it made no attempt to suggest a uniform Panchayat structure for all the states. On the contrary there was a great deal of sensitivity towards the views of the states and any overt central interference was scrupulously avoided. Strangely when the hold of the Congress was loosened and the states became more assertive players in the political scene a uniform structure was adopted through the 73rd Amendment. It was possibly the result of the absence of tall leaders at the state level especially in the Congress party. This too is a conundrum not always noticed and hardly investigated.

Union and states

There are other features which must astonish today's observers and advocates of decentralisation. One, as pointed out above, is the care with which the centre avoided any move that the states might

consider as “Union interference”. States too were not willing to accept any Union-directed Panchayat model. Maddick (1970) has illustrated this with a wealth of material. One instance which he cites is worth recall. In 1954 the Union Ministry of Health (at that point in time the ministry concerned with Community Development) suggested greater uniformity in the various Panchayat Acts. The II Conference of Local Self-Government Ministers resolved that “the central authority should attempt to secure amendments to the legislation in such a way as to bring bills into line with the decisions taken by the conference itself” (Maddick p33). However in the Report of the Committee which formulated the views of the Conference this did not find favour. Again in Maddick’s words: “All they were prepared to accept was that the centre should collect and collate information so that it could be supplied periodically to all the states and furthermore they considered it desirable for terms used in the Panchayat Acts of different states to be standardized” (Ibid). We find the same ‘decentralised approach’ to decentralisation when the Balvantray Mehta Report was adopted by the National Development Council. While the general principle of empowering popular representative institutions was accepted it was also agreed that the “precise manner in which the principle was to be applied was essentially a matter for the states to consider. Each state should work out the structure which suited its conditions best, consequently there was no need to insist on uniformity between the different parts of the country” (Resolution of the NDC, 12 January 1958 quoted from Maddick p 60). It was repeatedly emphasised that there should be no rigidity in the pattern of Panchayati Raj given the size and diversity of the country as also the complexity of the Panchayat system. The essence was that there should be genuine transfer of power to the people. How and why this metamorphosed into a centrally mandated uniform structure is a subject that merits more detailed investigation. Before parting from this theme we may take note of the fact that even in those days when Panchayati Raj was in its infancy political parties had discerned in decentralisation the possibility of furthering the spoils system. One observer, H.C.Mathur wrote: “a committee appointed by the Congress party after careful consideration recommended that the units of the Congress organisation in Rajasthan should be parallel to the three tiers of Panchayati Raj” (1962).

One important inference that emanates from the foregoing is that from the beginning of the discussion on Panchayats the primacy of the states in this sphere was recognised. And this, as observed earlier, despite the domination of the Congress at the centre and in the states. It is arguable that this sensitivity towards the states’ rights resulted from the quality of the leadership in the latter. Congress domination did not mean that the states’ voice was completely stifled. As briefly adverted to above there were strong leaders in the states who enjoyed mass following and the respect of the central leadership. To this may be added another actor which, in our view, is of considerable relevance. We have argued that one of the first tasks of independent India was to consolidate the country into one nation and in the process attempt to grapple with the question of nationalities. This question, naturally, applies more to the domain of the states than to the sub-state level. This is not to suggest that the nationalities issue is settled. That is self-evidently not true and there are movements and at times struggles in some areas for carving out new states. Yet it is an eminently sustainable argument that the issue of nationalities largely concerns the states and generally does not affect the levels below it. This must have been yet another reason for decentralisation to be regarded as quintessentially a state subject. This process would have been assisted by the manner in which the Constitution was drafted and adopted wherein India was officially declared “a union of states” from which it has been

argued rightly that without the states there can be no union (Ashok Mitra 1983). The subsequent step of linguistic reorganization of the states also would have contributed to the strength of the states in the working of the political processes. We may pause here and remark that in a fundamental sense the states in India represent what may be termed first order decentralisation. It is not referred to as such, indeed it is not even regarded as being so because of the fact that from the inception of the republic the states were recognised as constitutional entities. Almost axiomatically it follows that the structure below the state level was a state concern. As indirect but relevant evidence of the role of the states we may draw attention to their insistence on linguistic reorganization of the country. It is obvious that the centre was in no shape to ignore the demand, in fact it was accepted in practice as far back as 1953 when Andhra state was formed.

Mention has been made of the relationship between decentralisation and the development paradigm followed by the country. We have also remarked that the Indian capitalist class was not wholly opposed to state intervention and certainly on the issue of having a unified national market was willing to act in consonance with the state. The five year plans which commenced in 1951 were an attempt to blend a Soviet style economy with parliamentary democracy, a major contribution of Nehru's to India's approach to an interventionist regime. In view of the importance initially assigned to institutional factors such as altering the agrarian structure there was some attempt to forge a linkage between the planning process and the Community Development Programmes and later Panchayat Raj Institutions/PRI's. While no remarkable progress was achieved the very fact that these linkages were thought of is in itself significant. An example is the village production plans which were envisaged in the second plan. However, given the thrust of the second plan in particular and the increasing accent on high technology, long term concerns and the mega scale, decentralisation did not, perhaps could not enjoy real primacy. Further, despite the teething troubles of the new republic the country and its leaders did not seem to have suffered from the apprehension that what we in India love to call 'fissiparous tendencies' would lead to a break up of the country. We make this point because in the late eighties this fear appears to have played a not inconsiderable part in prompting the Congress and more especially its then leader, the politically inexperienced Rajiv Gandhi to try and establish a direct conduit between the centre and the sub-state levels.

A point that has some relationship with what has been discussed is that, as described below, most states in India had had some experience of decentralisation prior to independence. For obvious reasons the attempts could not have been very satisfying but they were made. As a result each state had developed its own trajectory and orientation towards decentralisation. These experiences quite expectedly led each state to pursue its own model after decentralisation became accepted national policy. In our own states where the study has been carried out the compulsions assisting/hindering decentralisation are seen to have been anchored in the socio-political environment specific to the state. We go further and argue that this context-specificity explains to a large extent why even the 73rd Amendment with its thrust towards uniformity has actually not produced uniform results.

Over time far reaching changes had taken place in the country's political configurations as well as in the approach to development apart from far-reaching changes in the global context. Taking the last one first the centre stage came to be occupied from the eighties onwards by transparency,

accountability and good governance. And participation was considered an essential ingredient of good governance. Decentralisation was thought to be an important associate of participatory good governance and was advocated by the Fund-Bank combine. In passing it may be remarked that sometimes we find an uneasy coalition advocating decentralisation, each subset for its own reasons. (Manor 1995). This also coincided with a strong critique of the development paradigm practised till then with its thrust towards the large and mega scale and with abundant faith in high technology. This paradigm was critiqued for being both people and environment-unfriendly and this too strengthened the movement towards alternative development paradigms. These, by virtue of being more people- and eco-friendly as well as conscious of the human costs of development, were also more attuned towards people's participation. Thus there occurred a blend of factors which, not always by design, coalesced into a strategy supportive of decentralisation. Not to be forgotten are the repercussions of the disappearance of the Soviet Union which, among other things, weakened the case for dirigiste regimes. This cataclysmal event, apart from rendering the world politically virtually unipolar also served to make the case for economic interventionism apologetic.

In the state-specific narratives we discuss how in Tamilnadu, for instance, there is a strong perception that what the union government has achieved albeit in the guise of decentralisation is in fact more centralisation. While this is not a view shared by most states it is nonetheless a fact that the entire issue of decentralisation can be seen as a contested terrain between the centre and the states. For example there is a view that the powers conferred upon PRIs are those that belong legitimately to the states. Hence in this perspective the whole exercise of decentralisation is sought to be presented as a centralizing device. The aborted 64th amendment is often offered as an illustration of this phenomenon. The disputed issues in the union-state matrix are manifesting themselves in the states-PRI relations. Both sets of disputes, more correctly to be described as contestations, are fundamentally reducible to claims of legitimacy. Here again as the narratives and the discussions that follow aim to show the attitude of states towards devolution have been and continue to be influenced by the degree to which they perceive it as an instrument of enhancing legitimacy although this should not be construed as suggesting that the pursuit of power is the only reason for states feeling enthusiastic about decentralisation. Finally, throughout its post-independence history devolution has been employed in two distinctive ways. One is as an agency of development work, the other as a political institution. And from the late fifties to the present we find that Panchayats have been made to oscillate between more of one and less of the other the nature of the blend being dependent upon the political context.

Primordial Concerns

The issues and themes adumbrated up to now may be summarized as follows:

- What are the principal factors that have shaped the attitude of the Indian state towards devolution?
- How have these evolved over time commencing from the framing of the Constitution?
- How did the respect for the autonomy of the states subsequently get transformed into legislating centrally and uniformly for decentralisation for the whole country?

- How are the development paradigm and devolution related and how has this relationship evolved historically since independence?
- At an overarching level what impact has the question of nationalities had on devolution?

In the paper we do examine some of these issues in considerable detail but they deserve fuller treatment. This is especially true of the first and last of the issues flagged above. With these qualifying observations the objectives of this paper may be stated to be the following.

Objectives

- What are the political motivations for decentralisation in the three states?
- Which are the factors that have played a significant role in support of or antithetical to devolution in these states?
- What is the nature of devolution in the selected states with reference to governmental control, financial autonomy, bureaucratic interference, tensions between the state government and Panchayats?
- To what extent is the Dalit factor significant in these states vis a vis Panchayats?

The principal sources of information and data are: earlier studies pertaining to the social and political histories of the states being studied; reports of committees/ commissions/white papers relating to local government institutions with particular emphasis on the post-independence period, legislative debates on Panchayat legislations, and interviews with politicians, academics and bureaucrats. These are supplemented by intensive field work followed by the somewhat unusual experiment of conducting an ethnographic study spread over four months in one village in each of the three states.

Hypothesis of the Study

The 73rd and 74th amendments to the Indian Constitution are landmark events by dint of conferring on rural and urban local bodies constitutional status with a view to making them “institutions of self-government”. The 73rd amendment mandated a uniform structure of Panchayat Raj Institutions (PRIs) for the country with a few exceptions. However, despite the uniformity imposed by the Constitution variations in performance, noticeable prior to the amendment, continue to persist across states. Whereas earlier these differences were attributable to that hold-all term “lack of political will” the new status might have been expected to ensure a reasonable degree of uniformity. But variations are seen with respect to several areas including major mandatory provisions. This is compounded by persistent differences in regard to the zeal with which powers are devolved upon Panchayat Raj Institutions (PRIs) and this obviously requires examination. For the most part literature on decentralization and PR in India does not address this question explicitly. Whether this is because of a faith, stated or otherwise, that legislation would compel performance or because the issue is not seen in the backdrop of the political process is an important question but is not considered in detail at this juncture. Data on the status of PRIs across states shows differences particularly with respect

to the commitment in satisfying the spirit of the legislation. A fruitful line of inquiry which has suggested itself is to seek part of the explanation in factors which are specific to the context of different states. This is arguably probable given that some states had shown more commitment to devolution than others before the conferment of constitutional status on PRIs. In fact the post-independence history of rural local bodies brings to relief important differences in commitment and approach across states. Equally relevant is that from the late seventies onwards there has occurred a paradigm shift in the Indian political scenario with the virtual disappearance of one party domination at the center and the emergence of governments of various hues in the states and the growing importance of 'regional parties'.

Armed with the hypothesis of the relevance of contextual differences the present study centres itself on an inter-state comparison of performance in respect of devolution. The states selected for the study are Tamilnadu, Karnataka and West Bengal. The selection is based upon the following criteria. Karnataka and West Bengal represent, in different degrees, success stories while Tamilnadu is normally regarded as a laggard state. The former two made impressive strides in the late seventies and eighties and in some areas anticipated the constitutional amendment which materialized in 1993. In both states the initiative commenced with non-Congress governments. Tamilnadu has the distinction of being a state in which the two competing political parties agreed on abstaining in the vote on the constitutional amendment. In addition there are other markers of performance which are adumbrated in the text. It is necessary to enter a word of explanation on the exclusion of Kerala from the inquiry. Kerala has been and continues to be extensively studied and is so far ahead on several counts as to render any comparison somewhat ambiguous.

The principal focus of the study is on devolution of power and authority as distinct from delegation of functions from the state to the local level. Delegation of functions transforms itself into devolution of authority only when the former is accompanied by resources, financial as well as human and political authority. An alternative way of expressing this is that devolution is in essence a philosophical concept and it is the conferment of powers and resources that enables the translation of the concept into reality. In inquiring into devolution our objective is not confined to flow of funds from the state to the sub-state levels relevant and important as that is. We have delved into the question of autonomy enjoyed by the PRIs. This quite naturally leads to an inquiry into the domain of citizen-state relationship as it unfolds in changing contexts. In our view an intensive investigation into devolution must necessarily be preceded by an equally strong inquiry into context specificity. Also dividing devolution into separate compartments such as political, administrative and financial, while presenting a neat and elegant taxonomy, fails to capture the inter-connections among these components. And in the ultimate analysis devolution is quintessentially a political process and can be meaningfully studied only in that perspective. This is why devolution is specifically treated as the conferment of functions and powers on democratically elected local bodies in contradistinction to mere delegation of functions which can have a centralizing effect on the system and can represent at best only functional deconcentration. Therefore, the paper analyses devolution in a comparative and evolutionary perspective.

Panchayats and the Constitution: The National scene

Recent studies on PRIs start, logically enough, with the 73rd constitutional amendment. This, as remarked above, is a landmark event in the history of devolution. However, it is necessary to place this within a historical perspective. Without this it would appear that this amendment descended manna like from heaven and with little prior preparation. A convenient entry point for developing an evolutionary perspective is to dwell briefly on the debates on the nature of the Indian Constitution before it was adopted. In relation to Panchayats or more broadly, making the village the central point of governance there were the following prescriptions/recommendations in the Constituent Assembly. (Constituent Assembly Debates/CAD: Austin 1966)

- a pyramidal structure of governance with village republics as the pivot: advocated by ardent Gandhians but these were not numerous
- a wholesale rejection of the village trenchantly presented by Ambedkar.
- arguing for villages as units of governance but placing this within the overall frame of a modern nation which would utilize technology and science: a view urged by several members with an otherwise conservative bias.
- expressing disagreement with Ambedkar's rejection of the village but cautioning against a romantic conception of the village and envisaging for panchayats a role in the future; a balanced and realistic perception of which the best spokesmen were K. Santhanam and M. Ananthasayanam Ayyangar. In passing it may be noted that one member N. Madhava Rau, a former Dewan of the princely state of Mysore made a mention of the success of decentralisation in that state although authorities on the politics of the Mysore state like Manor would differ from his assessment. (Manor 1977).

It will be seen that the perspectives on villages as units of governance spanned a wide spectrum from the Gandhian village republics at one extreme to Ambedkar's description of the village as "a sink of localism and a den of ignorance". (Ambedkar CAD 1948). In the Constituent Assembly an attempt was made rather belatedly by Rajendra Prasad, the President of the Assembly, to have the "Constitution begin with the village and go up to the Centre" since the village "has been and will ever continue to be our unit in this country". B.N. Rau, Advisor to the Assembly pointed out that this was not feasible since the Assembly had decided in favour of direct elections to both houses at the centre as well as the provinces and that this would be difficult to reverse. In the final analysis even those who advocated panchayats were unwilling to make them the base for an indirect system of government and the amendments they moved did not support the "decentralization of a Gandhian constitution" (Austin 1966). The one person who did not appear surprised by the rejection of the Gandhian approach was Gandhi himself. He remarked in 1946: "Congressmen themselves are not one mind even on the contents of independence. I do not know how many swear by non-violence or the charka (the spinning wheel) or, believing in decentralisation, regard the village as the nucleus. I know on the contrary that many would have India become a first-class military power and wish for India to have a strong centre and build the whole structure round it" [Gandhi, 1946].

In the end panchayats as the foundation for governance were rejected virtually unanimously, the Constituent Assembly opting for a European-American model. However, as is well known a reference to Panchayats was included in the Directive Principles, (Article 40) described by Sudipto Kaviraj (1996) as the “constitution’s basket of ineffectual intentions” and earlier by T.T.Krishnamachari in the following words: “a veritable dustbin of sentiments... sufficiently resilient as to permit any individual of this House to ride his hobby horse into it” (quoted from Austin). The Directive Principles, which are not justiciable, have assumed a level of significance not foreseen by the dismissive comments made when they were adopted and indeed ignored by Kaviraj although it is not argued that they have been fundamental to governance in the language of Article 37. It may also be added that there was not much emphasis put on what Panchayats could achieve or even how they were to be nurtured and promoted.

This was the national scene. At the level of the states some attempts at decentralization took place before independence but in the context of colonial rule there could have been no expectations of local bodies emerging as units of governance. However, in the three states selected for inquiry there was almost continuous engagement with the theme of strengthening local bodies. A difference among the three worth noting is that Bengal and Madras (present day Tamilnadu) were presidency states but Mysore, the forerunner of present day Karnataka, was a princely state. In all three attempts to decentralize continued after independence but each has followed a quite distinct trajectory, a fact which can only be explained with reference to state-specific contextuality. At the national level an important forerunner of Panchayats was the commencement of the Community Development and National Extension Programmes.

Decentralisation: Macro perspective

To return to the macro level, decentralisation was never completely absent from the agenda of discussion. The best known early national initiative was the Balvantray Mehta Study Team which reported in 1957 and recommended a two-tier panchayat raj model the units being at the block and village levels. Heralded as the beginning of a new epoch Panchayati Raj did receive some attention from a few state governments but the momentum was soon lost. The performance was patchy and uneven. As the successor Ashok Mehta Committee noted in 1978 Panchayati Raj passed through three phases: ascendancy (1959-64), stagnation (1965-69), and decline (1969-77). The Ashok Mehta Committee recommended, *inter alia*, that a suitable provision would have to be introduced into the Constitution to make possible transfer of substantial powers to PRIs. The Committee recognized that devolution to PRIs should be accompanied by greater devolution from the Union to the States but found this to be outside its terms of reference. (Incidentally not much attention is given to this aspect in discussions on devolution, that is, the need to set the question of devolution to PRIs, against the canvas of the Union-State equation). However, there was the recommendation that the Government of India should carefully consider the matter and the Committee invited particular attention to a document prepared by a group of 21 eminent citizens which included a draft amendment to the Constitution.

The Ashok Mehta report was more explicit than the Balvantray Mehta report in treating PRIs

as units of governance and dynamic agents of development. In its words: “Panchayati Raj is both a living continuum and also a unit of democratic self-management at the rural local level. The dual status is natural as well as desirable, once it is recognized that Panchayati Raj is a sub-system in relation to the democratic polity in the country and will also develop the potential of becoming a political system at the rural local level for the complex of transferred activities” (Ashok Mehta Committee Report, 1978). A continuing theme in the report is the need to devise a devolutionary system which would be fully in consonance with the emerging needs of the economy. We find too a great deal of emphasis on space-sector integration and in doing so the Committee followed the growth centre strategy based on the growth pole and Central Place theories which were gaining ground in India in the seventies. It is also noteworthy that the report spoke of the emerging nexus between the rural and urban and indeed provided for this development in its scheme of electoral representation.

It is appropriate at this point to ponder over the reasons for the differences between the two reports. A proximate reason was that the latter committee prepared its report against the immediate backdrop of the Emergency. One of its effects was to impart an acute awareness of the potential dangers of a strong centre and *pari passu* for developing other loci of power which would act as a check against this. The assertion of power by the states as also the demand for more resources and power to be devolved from the Union, although present earlier, gained in strength after the Emergency. To this should be added the impact of the changes which had been taking place in relation to the development model itself. In the late fifties the approach to agricultural development, with obvious implications for rural development in general, took a decisive turn towards the explicitly technocentric thus underemphasizing the institutional. It is possible that this shift, culminating in the Green Revolution, had the effect of diluting the importance of a participatory structure of rural development and governance. Technological hegemony is likely to be impatient with structures and processes which are perceived to be slow and cumbersome. At a more fundamental level technological primacy is unlikely to recognize the need for deliberation of alternatives through a democratic dialogic process. (Mathew op.cit). This may explain why Panchayati Raj stagnated from the mid sixties and even in its phase of ascendancy PRIs were considered more as agencies of development rather than units of governance. By the mid seventies there had begun some degree of skepticism about the claims advanced on behalf of technology as the principal solvent of the country’s socio-economic problems. That realization must have contributed to the orientation of the Ashok Mehta Committee’s recommendations. One of the central features of the Ashok Mehta report is the constant attempt to blend in PRIs both a development and a political role. All of which reinforces an observation made by the Committee to the effect that there was a lack of clarity regarding PRIs which were seen as an “administrative agency”, “extension of democracy to grass root level”, and a “charter of rural local government”. And the Committee remarked insightfully: “ what is all the more intriguing is that all these conceptual images would co-exist side by side tending to militate against each other in the short-run”. This in turn may be juxtaposed with an earlier observation made above that in the deliberations of the Constituent Assembly too these somewhat conflicting perceptions were present and were ultimately papered over by bringing Panchayats under the ambit of the Directive Principles.

The Ashok Mehta Committee’s recommendations did not alter the fortunes of PRIs all at once.

Their principal positive impact was in states which had their own compulsions and motivations for devolution. There was nothing by way of a countrywide fervour for devolution. The next discernible policy shift at the central level took place in the eighties. Towards the end of the decade the Union government introduced an amendment to the Constitution to confer the status of units of governance on PRIs and Urban Local Bodies/ULBs. Before discussing the amendment it is necessary to examine the background and the events leading up to this. To begin with major transformative changes were taking place in the economic front like the New Economic Policy bringing in relaxation of controls and opening up the economy internally as well as externally even prior to the formal adoption of Structural Adjustment which occurred in 1991. At the global level there were major developments which may be briefly summarized as follows (Nunnenkamp: Manor: White:1995)

- collapse of the Soviet Union which weakened the rationale of interventionist regimes
- emergence of the New Political Economy with its strident insistence on ‘market friendliness’ and a dilution of the state’s role (Dasgupta 1997)
- a disenchantment with ‘large governments’ to which the state as an institution contributed by virtue of its negative image
- increasing emphasis on ‘transparency’, ‘accountability’ and ‘participation’ in governance
- Structural Adjustment advocated by the Fund and Bank with emphasis on reduction of subsidies and more generally a ‘smaller state’.

Towards Constitutional amendments

It is arguable that this constellation of factors exercised influence over India. Disaffection with the State was becoming rapidly evident. Rajiv Gandhi who became prime minister in 1984 was convinced that the centralized mode of governance had failed to deliver the goods and that as a result out of the resources earmarked for development only a pitifully meager proportion reached the intended beneficiaries. He was assisted by the fact that he was a ‘greenhorn’ in politics which gave him the courage to speak approvingly of the way devolution had been attempted in states ruled by non-Congress parties like West Bengal and Karnataka. In addition he was able to see in devolution a mechanism through which a direct conduit could be established between the centre and the sub-state level commencing from the district. The ruling party proposed the 64th amendment to the Constitution with the main objective of conferring constitutional status on Panchayats. What were the possible motives that prompted Rajiv Gandhi to constitutionalise decentralisation reforms in the late 1980s? Reasons behind such moves were both manifest and subtle. As Bandyopadhyay (1999) analyses incisively, initially Rajiv Gandhi was looking for some efficiency-enhancing administrative reforms that would address the problem of widespread inefficiency and callousness among administrators towards their developmental tasks at the district level. But soon it became clear to him that “if our district administration is not sufficiently responsive, the basic reason is that it is not sufficiently representative” (Rajiv Gandhi’s remarks at a workshop on ‘Responsive Administration’, as quoted in Bandyopadhyay, 1999, p.71) Therefore, some mildly reformist tinkering with the system would no longer suffice; a more fundamental change was in order at the district and sub-district levels – from a bureaucratic administration to a ‘representative and responsive elected system of governance’.

But beneath these overtly reformist concerns of the then Prime Minister lay, Bandyopadhyay (1999) helpfully speculates, another set of reasons shaped by crafty political calculations. These were turbulent periods for India, rocked by militant movements in different parts of the country. This was also the time when in the wake of the rise of non-Congress political forces, the so-called 'opposition' Chief Ministers (for example, the puissant leaders like Jyoti Basu, Ramakrishna Hegde and N. T. Rama Rao) were clamouring for greater devolution of power from the Centre to the States. Faced with growing challenges from sub-national power centres, Rajiv Gandhi pushed forward the plan of creating new constitutionally-mandated power centres at the sub-state level that would in their turn make similar demands on chief ministers for a greater share of State powers. In other words, the Centre wanted to strengthen PRIs so that State governments would find themselves in the same position vis-à-vis the panchayats as the Central government vis-à-vis the States.

Many other respected commentators on the subject corroborate this line of analysis, by affirming that the constitutional amendment was intended to bypass State governments and introduce direct links between the Central government and 300 odd districts. One senior bureaucrat suggested in an interview that there was indeed a charge against Rajiv Gandhi that he wanted to reduce powers of Chief Ministers through what came to be known as the 'PM to DM' strategy. (from the Prime Minister to the District Magistrate/also known as the Collector or the Deputy Commissioner who is the administrative/revenue head of the district). The latter would remain loyal to the PM, Rajiv Gandhi surmised, through the network of centrally sponsored schemes. A former influential minister from the State of West Bengal alluded to similar political intentions when he noted that the centrally-sponsored decentralisation programme is part of a legacy of centralism begun by Indira Gandhi which sought to 'chop up State governments and pass on power to districts', as a way of maintaining a strong centre.

Yet the 64th had a rough passage in Parliament and ultimately failed to become law. Partly the explanation lies in the package which Rajiv Gandhi proposed along with the amendment. This was the famous PM-DM package adverted to above which, in his view, would clear the conduit between the Prime Minister and the District Magistrate. The passage had got clogged thereby rendering the system impervious to the needs of the common man. In all likelihood he also saw in the direct conduit from the centre to sub-state levels an opportunity for expanding the sphere of patronage for himself and his party. It was possibly this package which made the states see red and sense in the amendment an attempt actually to centralize, above all it appeared to bypass the states. The amendment was received with hostility in the lower house of Parliament. There was acerbic debate on whether it was constitutionally permissible for the Union to legislate on Panchayats which figure in List 2 of the Constitution and is the domain of the states. Hardly any party was sympathetic to the amendment except of course the Congress. In the end the amendment failed to secure the necessary majority in the upper house and had to be dropped. Some scholars were critical of two of the Bill's orientations, one was that the states would be by-passed and the other that the uniform structure which it sought to introduce was unnecessary. In particular it was argued that those states like West Bengal and Karnataka which were operating the PR system quite well would now be compelled to restructure it with little advantage to them. For all the reasons sketched here the amendment could not become law (Chandrashekar, 1989; Ghosh, 1989).

The next development of importance occurred during the tenure of V.P.Singh as prime minister. The National Front government which he headed took up the issue of a constitutional amendment for empowering Panchayats. It was decided to introduce the Constitution Amendment Bill for this purpose. During June, 1990 the issues were discussed at a Conference of Chief Ministers. The Chief Ministers endorsed the introduction of the bill subject certain modifications. It was decided during the Conference that the number of tiers of PRIs and arrangements for conduct of elections should be left to the State Governments. The Common Constitution Amendment Bill both for PRIs and ULBs and model guidelines were later approved by the Cabinet in July 1990. The Constitution 74th Amendment Bill introduced in the Lok Sabha on September 7, 1990 could not be taken up because the political changes and the fall of the government.

The situation altered in 1991 when the new government once again brought in a draft amendment to the Constitution. The arguments which were advanced against the earlier aborted legislation were not in evidence on this occasion. When the amendment was finally passed in December 1992 by the lower house after the joint select committee had vetted it the principal arguments were around the following issues.

- direct versus indirect elections of members and chairpersons
- mandatory reservation for backward classes
- providing for a connection between the state finance commissions and the national Finance Commission
- representation for members of parliament and legislatures in PRIs

Further, many members were insistent that adequate safeguards should be provided to ensure that local bodies, rural as well as urban, would not be starved of funds. A suggestion was made forcefully by a member from West Bengal that the Constitution should confine itself only to three aspects of PRIs: regularity of elections, reservations for Scheduled Castes, Scheduled Tribes and women, and constitutional sanction for devolution of power through a separate list. It was also urged that on all other matters the state legislature should be given a free hand to decide according to "suitability, convenience and regional needs". However this did not attract much support. Even the issue of a uniform three-tier structure was not debated when the house adopted the amendment. During interviews with senior bureaucrats who participated in the framing of the amendment it was learned that the focus was on getting the amendment through even if it meant not having an ideal legislation. One result of this was that issues on which a consensus proved elusive were left to the discretion of the states. In the words of a senior bureaucrat who had a hand in drafting the amendment the then prime minister cautioned against aiming for the ideal act, he thought it prudent to accept compromises so as to ensure that the basic objective of making PRIs constitutional entities was achieved. This can be regarded as an excellent example of not letting the best come in the way of the good. (Interview in Bangalore 16 May, 2002)

How is it that the 73rd had a smooth passage while its predecessor, the 64th, encountered hostility and that barely three years previously? And as legislations they are practically identical. Two

factors immediately suggest themselves as plausible explanations. In the first place the PM-DM package which accompanied the attempted 64th amendment was not present when the 73rd amendment was introduced in 1991. That might have served to take away some of the heat which was generated earlier. Secondly, a major change had occurred in the macro sphere with the formal adoption of Structural Adjustment in 1991 soon after the new government took office. It is arguable that this event may have led to the emergence of a more diluted state in the minds of political leaders. Moreover if we juxtapose the adoption of SAP with the post-Rajiv Gandhi political situation it is plausible that a conception of a union government very different from what the country had got used to was taking shape. State governments which were already straining at the leash must have felt a further wind of change blowing. Also the amendment, by virtue of leaving several matters to the discretion of the states, must have been perceived as not being particularly harsh in terms of eroding their autonomy. Complaints were heard then as they are today that the centre has not really decentralized and what it has done is mostly at the expense of the states. There is some element of truth in this criticism but all in all the states' perceptions were nowhere as negative as when the earlier amendment was introduced. Part of the answer would lie in their assessment of their strength *vis a vis* the centre in relation to the dynamics of political power sharing.

An additional factor of importance is that by this time the credibility of the state as an institution had taken a nosedive. This was in many ways a global phenomenon, a state of affairs which is best described by Manor as a feeling that centralized governance had failed (Manor, 1995). This could have had an unsettling effect on actors in the centralized governance structure. They may have thought this an appropriate time to get those at lower territorial levels to share responsibility. This reading should be juxtaposed with another striking coincidence which is in fact more than coincidence. And that is that the fortunes of devolution, indeed those of decentralization itself, have tended to fluctuate with the prevailing development paradigm. This point has been made above but it needs to be reiterated. It cannot be mere serendipity that along with the loss of credibility of the state and skepticism about the technocentric model of development there also developed some acceptance of a decentralized mode of governance. Not to be by-passed is the warm endorsement of decentralization by the Fund-Bank twins.

The question discussed immediately above does not negate the relevance of one of the other planks of this study, namely, the local/state context. In our view it is so relevant that it can almost undo what a uniform legislation seeks to put in place. There are ever so many ways in which a state can follow its own trajectory in practice while in theory accepting a uniform pattern. One critical factor is the extent to which finances are actually devolved. Within this there is the basic question of how much autonomy PRIs enjoy with respect to expenditure. The study has revealed interesting information on these issues. The principal inference for the moment is that the political culture of the state has an important bearing on how exactly devolution takes place. It should be emphasized that despite the perspective adopted in this study it does not remain confined to an analysis of the development of structures. On the contrary the ultimate aim is to study institutions of local government as integral parts of a process.

One of the hypotheses underlying this study, as mentioned at the beginning, is that factors

specific to the context of each of the three states exercise an important influence on the nature of devolution. In a sense this acts counter to the 73rd amendment's uniform thrust. It illustrates how legislation when implemented can lead to results very different from the intent of its makers. In this paper we direct attention to this feature of context-specificity within a comparative perspective. For analytical convenience we group the issues to be discussed as under.

- Evolution of devolution with emphasis on the post-independence period.
- Political motivations influencing devolution, positively as well as negatively.
- Extent and manner of the devolution of the three Fs—functions, finances and functionaries.
- Governmental supervision and control over PRIs

A brief explanation of the reasons for emphasizing the aforesaid dimensions is in order. The first two flow logically from one premise of the inquiry, namely, the significance of the state-specific context. The next two follow from the obvious importance of resources which alone can make devolution real rather than apparent. It was argued earlier that finances and functionaries are critical for the success of devolution, and this is almost self-evident. Also the degree to which PRIs enjoy autonomy in the sphere of decision-making is vital to their capacity to function as units of self-government. In this the control that the state vests in itself over Panchayats and even more importantly how often it exercises this power has to be factored into the analysis. Also the state's power is not confined to the legislation and rules but encompasses a wide variety of instruments such as the creation of parallel structures and administrative devices which have the effect of fettering Panchayats. The issue of the three Fs requires more elaborate treatment than the others. Also it impinges upon the relationship of the citizen and the state. Therefore it is dealt with here only in enough detail so as to fit into the framework of the paper. In the process some of the finer points relating to finances are not considered. It may be added that those aspects form part of another paper.

Pre-independence scenario

Of the three states examined Mysore was under princely rule prior to independence while the other two were presidencies. This has some significance. Princely rule must have acted as a constraint in two ways. In the first place although the royal family was enlightened and did contribute towards the development of the state, it would be idle to deny the non-democratic nature of the polity. In fact some authorities like Manor (1978) argue that Mysore's forays into decentralization, and more generally power sharing with the people was absolutely minimal. This may be too harsh an indictment but cannot be dismissed out of hand. Secondly, Mysore's nexus with all-India level political activity was muted and the Congress started functioning in Mysore only from 1937. Some of the links between local government and the larger political arena, evident for example in Madras, could not have been present in Mysore. Irschick (1986) has described how in the 1930's local bodies in Madras began passing resolutions supporting nationalist political aspirations. It is interesting that Maddick, a recognised specialist on decentralisation almost bemoans the fact that the opportunity to develop local government institutions as agents of development was lost because they took an active

interest in larger political issues (Maddick, 1970). Mysore could not have afforded the same range of opportunities for political participation as Madras and West Bengal did. However, given the constraints Mysore did create some political spaces. It is worth reiterating that the relatively enlightened rule of the monarchs assisted by very able advisors also may have served to reduce the adversarial nature of political activity which might otherwise have resulted. There is also an additional factor. Even with regard to Madras and West Bengal participation in whatever political institutions existed could not have been truly democratic and was more likely part of the struggle against colonial rule.

Despite all these constraints, rather sharper in Mysore, the three states did introduce some decentralizing measures. Broadly the structures were similar. West Bengal had a three-tier system while Madras and Mysore by and large operated with village panchayats and district boards. It is tempting to put forward the view that even in the colonial context there could have been the beginnings of a struggle over power sharing between the state and sub-state levels but it is necessary to qualify this by adding the caveat that the relationship was both rivalrous and, by dint of circumstances, 'co-operative'.

Madras and West Bengal followed a trajectory in which a nexus was established between local governments and the wider political arena. As we have seen Mysore lacked this to a significant extent.

It is generally admitted that the District Boards functioned quite effectively in Madras and Mysore except that in the latter there was probably not apparent an overt political element. Looking back at them through a modern lens it is easy to write them off as mere executing agencies of policies and programmes formulated at a higher level with hardly any initiative of their own. But if we pause and consider that in the decades following independence this charge continued - in some senses it still does - and if we take into account the environment of those times it should be admitted that they played some part in opening up political spaces and indeed in training the political class in the art of governance. In fact this was one of the arguments advanced in the Constituent Assembly for opting for a modern European-American style constitution since Indians had already acquired some experience in operating the institutions that go with such a structure. (K. M. Munshi in Constituent Assembly Debates cited by Austin, 1966)

Post-independence Efforts

In Madras a major development took place in the mid-fifties when the District Boards were abolished. The ostensible reasons offered were: they were unwieldy, the Community Development and National Extension Programmes had demonstrated the viability of the block as an appropriate level for decentralization, there was an absence of organic linkages between District Boards and Panchayats, and, an intermediate level body would be better able to liaise with the latter.

It is surmised, however, that the state government had begun to entertain apprehensions about District Boards emerging as an alternate or competing power centre to it. Interestingly when as a result of the 73rd Amendment a district panchayat had to be constituted there were protests in the

Tamilnadu legislature to the effect that this was yet another attempt to “centralize power” and take the state back to the pre-1958 situation. This raises an important question: how is it that Tamilnadu sensed the possibility of an alternate and competing power structure to the state government emerging as far back as the late 50’s and a good decade before the Dravidian parties gained power in the state. This too is an issue that richly qualifies for deeper inquiry.

The 1958 legislation was a landmark in Madras. First, District Boards were abolished. In their place District Development Councils which were non-elected and advisory in character were constituted. Secondly, Village Panchayats and Panchayat Unions were created, they were elected bodies. Local compulsions apart, the new structure followed closely the Balvantray Mehta model which was in effect an elected two-tier system. It is pertinent at this stage to point out another feature of interest in this legislative package. The government admitted that delegation of power to District Development Councils would lead to conflicts between the state assembly and the former. Equally interesting was that the ruling party, the Congress, argued in the legislature that if adequate powers were not devolved on district boards as urged by the opposition, the reasons were: elected representatives lacked the necessary administrative skills and experience, and there were cases of inefficient administration and misappropriation of funds in District Boards. Once again the question arises: why is it that Tamilnadu appears to have been one of the few states which was ready to admit that there was a strong possibility of conflict between the state and local bodies; further that all was not well with the latter. Of course the question whether better leadership would be available at lower levels and how was apparently not considered. At any rate the issue does not seem to have been posed.

In neighbouring Mysore independence stimulated considerable activity on the local government front. Both Mysore and the successor state of Karnataka display richness in terms of committees to examine the structure and performance of local government and what may be described as “legislative prolixity”. Soon after independence and the installation of a popular government Mysore appointed two committees in quick succession to recommend a new structure of local government—the V.Venkatappa and D.H.Chandrashekaraiya Committees. Based on the first report the Mysore Village Panchayats and District Boards Act was enacted. It attracted criticism for abolishing single village panchayats and substituting them with Group Panchayats and for not recommending a taluk level body. The Act could not be fully implemented.

The D.H.Chandrasekaraiya Committee (DHC, 1954) recommended a three-tier structure with District Boards, Taluk Boards and Village Panchayats, all elected. In this the state differed from Madras where as we have seen a two-tier elected structure was put in place in 1958. Both the committees in Mysore expressed confidence in District Boards. At that stage the apprehensions which influenced thinking in Madras do not appear to have been felt in Mysore. A possible, perhaps probable explanation, for this is the relative inexperience of Mysore in democratic governance. The structure at the state level itself being new there could have been little room to apprehend a state government-district level body conflict. As further justification of this argument may be adduced the evidence of this threat being perceived later. This is not to suggest that in Madras and West Bengal governance was anything more than quasi-democratic prior to independence.

A point of similarity between Madras and Mysore may be noted. The legislations of the fifties provided for reservation for Scheduled Castes and for women. For women the reservation was miniscule but a beginning was made. In Mysore there was controversy as to whether reservation for SCs should be by election or co-option and in the first of the two committees adverted to above two members, one of them an SC destined to be one of the state's most colourful and controversial leaders, dissented from the recommendation in favour of co-option.

West Bengal's course was slightly different. Following the Balvantray Mehta Committee report the West Bengal Panchayats Act was passed in 1957. The West Bengal Zilla Parishads Act followed in 1963. Under these acts a four-tier structure was established in 1964 with the Zilla Parishad at the district level, Anchalik Panchayat at the block level, Anchal Panchayat at the union level and Gram Panchayat at the village level.

Mysore enacted its first major legislation in 1959. The DHC Committee's recommendations, though they were ahead of the times, were not implemented in full. Two developments were responsible for this. In 1956 the enlarged state of Karnataka came into existence. With this the Kannada speaking areas of Madras, Hyderabad and Bombay states were merged with the old Mysore state. These integrating areas had their own traditions and legislative histories and local government structures. Secondly there was the report of the Balvantray Mehta Committee. Closely following this as well as the Madras model the Mysore Village Panchayats and Local Boards Act was passed. Under this there were to be District Development Councils as non-elected and advisory bodies and Taluk Development Boards and Village Panchayats as directly elected bodies. At last the taluk had regained ground lost as far back as 1926. More interesting is the nomenclature of the intermediate level body, Taluk Development Boards practically signifying their primacy as agencies of development.

Madras is the one state out of the three where there was no major development after 1958. It is in fact arguable that until the 73rd amendment compelled the conformity legislation devolution was rarely on the political agenda. We consider the reasons for this under the sub-theme political motivations.

Landmarks of significance

In West Bengal and Karnataka there were interesting pro-devolution moves although they took some years to mature and fructify. Karnataka took an important step in 1964 when a draft bill was prepared to arm Panchayats with teeth and accord them some political authority. This bill was based on the recommendations of yet another committee, the Kondajji Basappa Committee. The bill envisaged a three-tier structure, similar to what obtains today except that the intermediate level was called Taluk Development Board. There was to be reservation in favour of SCs and women. Nyaya Panchayats were also proposed as was a Grama Sabha. After the Joint Select Committee had examined the bill it was not processed. Possibly opposition within the party and more importantly a change in the chief ministership, followed a few years later by the first split in the Congress party, are all likely to have contributed to this. And it was not until 1983 that a new enactment was proposed. Although the literature on Karnataka does not always recognize it the 1964 bill was in some sense,

the forerunner of the 1983 Act for which the state has earned plaudits from decentralisers. Much water had flown under the bridge between 1964 and 1983 but some features of the 1983 Act are traceable to the 1964 bill. It should also be noted that Ramakrishna Hegde who as chief minister lent his full support to the 1983 Act was the minister of rural development when the 1964 bill was drafted. After this bill was aborted here too as in Tamilnadu decentralization did not figure prominently on the political agenda. However there were changes on other fronts which had a profound impact upon political configurations in the state and in our view also indirectly on decentralization.

We have referred above to West Bengal where, with some modifications, the Balvantray Mehta model was incorporated into enactments passed in the 1960's. However, fairly soon after, new developments took place. In 1969 the second United Front government took office. It was largely left-wing in character. This government introduced a new bill that sought to restructure the Panchayat system radically. The legislation proposed a three-tier system and was referred to a Select Committee but in 1970 the government fell and the bill lapsed. The successor Congress government which came to power in 1972 introduced the West Bengal Panchayat bill in 1973. This also envisaged a three-tier structure with direct elections at all levels. There were criticisms, mainly that it did not empower the people and that the powers conferred on Panchayats were minimal. The debates in the Assembly did not have the advantage of participation by the principal opposition party, the CPI(M) since it boycotted the house. Ultimately the bill became law in 1974 and to a marked degree followed the lapsed bill of the second UF government. However, as had been predicted by some opposition spokespersons no Panchayat elections were held by the Congress government.

In the next elections the Left Front swept to power. One of the first actions of the government was to set about resuscitating and strengthening local government. In doing so the West Bengal Panchayat Act 1974 enacted by the predecessor Congress government was left in place. A new enactment was not attempted. The reason was practical. A new enactment would be time-consuming and for a variety of reasons discussed below the government was keen to take up the local government issue without any delay. Some amendments were made particularly relating to election rules to enable the participation of political parties in panchayat elections but otherwise the Act was left untouched.

This demonstrates how commitment to a cause, in this instance devolution, can lead a government to economise on expenditure of time and energy on modifying the legislation and instead proceed straight to the vortex of the issue. Karnataka offers a marked contrast. A change of government has invariably meant a spate of amendments to the law and on one occasion a new enactment. Such frequent changes can have the effect of preventing the system from striking roots.

This difference apart Karnataka shares a major similarity with West Bengal. A few years after West Bengal started to energise the panchayat system Karnataka followed suit. Here also it was a non-Congress government, the state's first, that took the initiative. The Janata Dal government headed by Hegde opted for a new legislation. Basically the new government was committed to devolution in a true political sense. A practical consideration was perhaps that the existing structure was two-tier with no elected body at the district level. Further, the pivot of the structure was the Taluk Development Board which was perceived to be cast in the mould of the agency concept and

not that of a political unit. Both Hegde and his minister of Rural Development Abdul Nazir Sab were committed decentralisers, the latter fervently so. Also the new legislation was heavily influenced by the Ashok Mehta Committee report. The proposed structure, its philosophy and even the nomenclature employed bore the imprint of the Ashok Mehta report. The report reflected the then growing popularity and influence of Central Place theory with its emphasis on an ordered hierarchy of settlements. (MIDS Working Paper 2004) For all these reasons the route was thorough a new act. In passing we may note that West Bengal despite its endorsement of the Ashok Mehta report-EMS Namboodiripad was a member of the Committee-went along with the extant legislation.

In opting for a new enactment Karnataka may have gained in terms of imparting to the panchayat structure a definite and designed political complexion. But it took over two years for the bill to become law since the Governor of the state reserved it for the assent of the President under Article 200 of the Constitution. The President's assent was received only in 1985 and the first elections were held in 1987. In 1989 the Congress returned to power and attempted to amend the Act but for several reasons this was not possible. When the elections to Panchayats were due they were placed under the rule of Administrators (bureaucrats). Shortly after this the 73rd Amendment necessitated conformity legislation, that is amendments (not necessarily through a new act) which would bring the state's panchayat legislation in line with the requirements mandated by the Constitution. Karnataka under Congress rule utilized the opportunity to bring in a new act, the Karnataka Panchayat Act 1983. This continues to the present except that it has undergone innumerable amendments. It has also been examined by one Expert Committee and a Working Group.

If Karnataka offers a contrast and similarity to West Bengal, Tamilnadu stands distinctly apart from these two. After 1958 the next development took place only in 1994 and that principally because of the constitutional requirement of a conformity legislation. Otherwise no initiative was taken by the state.

The 73rd amendment called upon all states to bring their panchayat legislation in conformity with the mandate of the amendment. Both Tamilnadu and Karnataka had to bring in a three-tier structure in place of the existing two-tier structure. Since West Bengal was operating a three-tier structure this posed no problems. But there were other parts of the legislation which had to be amended. The states' responses differed. Tamilnadu brought in the Tamilnadu Panchayats Act 1994 but with no discernible enthusiasm. In Parliament members of the parties from the state, DMK and ADMK voted against the 73rd amendment, one of the very few issues on which the two have ever concurred. In the debate on the new legislation there was a chorus of protests essentially focusing on the following: the amendment was actually a centralising move, the President at the intermediate level should also be directly elected while the Constitution mandates indirect election, the Congress party in power at the centre has brought in the amendment only to strengthen the centre at the expense of the states, as a result of the amendment the old District Boards dissolved as long ago as 1958 will be brought back. However, the state had little choice but to pass a conformity legislation which it did. Among the optional parts of the amendment the state did not make room for reservations for the Backward Classes. Initially it gave representation to MPs and MLAs at the district level but this was taken away in 1996 and again restored in 1997. Now they are represented and enjoy voting rights. Curiously when this provision was amended there was no vigorous discussion. Tamilnadu has provided for

direct election to the office of president of the Village Panchayat. It does not provide for representation of village panchayat presidents at the intermediate level and for presidents of the latter at the district level. (inter-tier representation)

In keeping with what we term its legislative economy West Bengal did not bring in a new act after the Constitution was amended. Initially it was reluctant to pass the conformity legislation since the government felt that the centre was imposing a uniform pattern and thus trampling on the state's area of autonomy. In fact, to some extent like Tamilnadu West Bengal also argued that the centre, while trying to decentralize was really encroaching on the states' powers. Ultimately it passed the conformity legislation. It has not chosen to have direct elections for the village panchayat president's post nor provided for reservation for the backward classes. MPs and MLAs are represented as full members at the intermediate and district level bodies. Also it has provided for inter-tier representation.

In Karnataka the path was different. A new legislation was passed. On the face of it this was argued to be necessary since the state had to change over from a two to a three-tier system and elections had to be provided for at all levels. In actual fact this was a fortuitous opportunity for the Congress party to restructure the Act according to its preferences. Ramakrishna Hegde held the view, expressed in a seminar organized by the State Institute for Rural Development in Mysore in December 1995, that to bring in a conformity legislation a simple amendment of the 1983 Act would have sufficed. There is substance in the argument but the government's intention was different and it seized the occasion to pass a legislation which, in the opinion of many took away the primacy which PRIs had gained under the 1983 Act. What are the changes between the 1983 and 1993 Acts?

Among the optional provisions in the constitutional amendment Karnataka opted to have reservation for the Backward Classes and give representation to MPs and MLAs at the intermediate and district levels. The earlier 1983 Act had a provision for nomination of representatives from the backward classes if none had been elected but this applied only to the Mandal Panchayat. Also it provided for the representation for members of Parliament and the state legislature in the Zilla Parishad. The present Act does not provide for direct elections to the office of president of the village panchayat. There is inter-tier representation. It is the other "self-induced" changes that merit comment.

One of the much criticized provisions of the new Act relates to the position of the Adhyaksha of the Zilla Panchayat. Under the earlier enactment the Adhyaksha was specifically given the salary and allowances of a Minister of State while the Upadhyaksha's corresponded to those of a Deputy Minister. Also the Adhyaksha was designated the Executive Head of the ZP under the 1983 Act. Both these were omitted in the successor Act. However, when the Janata Dal was back in the saddle after the 1994 elections an amendment was passed amending S 193 and restoring the Adhyaksha to the position of Executive Head but interestingly there was no mention of the salary and allowance of minister of state. Also the Upadhyaksha's position did not experience any positive alteration.

Another provision which drew flak was with respect to the powers of the Chief Executive Officer of the ZP. Under the new Act he/she was obliged to bring to the notice of the ZP if in his/her opinion, a resolution or order under consideration was violative of any law. Also he/she was not

expressly stated to be working subject to the general powers of the Adhyaksha. These too were amended when the Janata Dal returned to power. The CEO is now to function subject to the general powers of the Adhyaksha and his/her role in dealing with 'improper' resolutions/orders has been modified. To be noted is that the provisos applying to the CEO also apply *mutatis mutandis* to the Executive Officer of the Taluk Panchayat. These will be adumbrated in more detail under the section on Inspection and control but we may remark that the amendments did not restore *status quo ante*.

What does this evolutionary survey indicate?

- All the three states have had considerable experience of decentralization from pre-independence times.
- After independence more attention to decentralization is noticeable in West Bengal and Karnataka.
- At the level of effective agencies of development the Karnataka Taluk Development Boards were a success.
- Tamilnadu, apart from the abolition of District Boards, did little of note in regard to decentralization.
- Until the LF government came to power West Bengal also did not distinguish itself.
- Apart from the success of TDBs in Karnataka there was no major thrust till the 1980s.
- Karnataka offers richer fare than West Bengal and Tamilnadu in relation to examination of local government by committees and also in respect of legislation.
- West Bengal is unusual in that with the minimum of legislative effort the government has made PRIs politically important.
- In Tamilnadu there is a general feeling that the 73rd Amendment is essentially a centralising device.
- In Karnataka while the Congress is seen as less supportive of devolution than the Janata Dal party the latter did not undo all that it was critical of when Congress was in power.

Political compulsions : Inter-state perspective

We shall now turn to an analysis of the social and political factors that have impacted on devolutionary orientations in the three states.

West Bengal

It was observed that in West Bengal and Karnataka the real initiative in favour of devolution came under non-Congress governments. While this is true at a certain level it would be wrong not to recognise the helpful influence that the 1959 Act, for instance, exercised in Karnataka. Too often advocates of devolution in Karnataka are prone to take a one-sided view in which the evolutionary perspective is absent. West Bengal took the first steps when the UF was in power but for reasons

discussed was unable to see it through. Yet during the short rule of that government a major attempt at land reforms was taken and this later matured into a full-blown policy when the LF assumed office. Even the WB Panchayat Act 1973 passed by the Congress bore the imprint of the bill formulated by the UF. The LF, we have seen, was in a hurry to revitalise the panchayat system. Its motivations were the following. In the first place there was the apprehension that at some point of time the centre may intervene and cause problems for the state government including its dismissal. In such a context the only way in which the left parties, particularly the leading partner the CPI (M), could have protective armour was to create for itself a popular base. Until then the left generally lacked a rural base. This was felt to be an acute and immediate necessity. The panchayat system was thought to be the best conduit for securing this base of support. To stop here would be unfair since it would suggest that devolution was seen purely as an instrument for retention of power. While this no doubt formed part of the party's strategic thinking - and no political party ought to be faulted for wishing to secure and retain power - there was more to it. The left parties in general and the CPI (M) in particular were committed to agrarian reform. Attempts had been made during the two spells of UF rule to restructure agrarian relations. A significant component was the movement to seize *benami* lands, (that is lands nominally held by a person with effective right belonging to another) and redistribute them and in this one of the leaders was the charismatic minister Harekrishna Konar. In fact the agrarian reform package predated the LF government. In devolution the party saw the precise instrument which would help further both its ideological commitment and its practical strategic objective of remaining in power. Also the earlier attempt had been frustrated by the UF being forced out of office and possibly this time around no chances were to be taken. In effect the Panchayats were made the spearhead of agrarian reforms.

Agrarian reform helped to break up the old pattern in which the *Jotedars* (landlords) wielded almost hegemonic power. Reforms broke this stranglehold. The origins of agrarian reform were, as stated above, in the seizure of benami lands and their redistribution. The *Kisan Sabhas*, (peasants' associations), played an important part in this. All these acted to pave the way for the left to build up a rural base and when Panchayats were strengthened they could be harnessed to this task. The left was able to combine its ideology of breaking landlord power and a pro-poor policy with the strategic requirement of building a rural support base. A major benefit was that the left could reduce the dependence of the landless and the land-poor on the Jotedars for credit which had held them in bondage. At a later stage the reform movement took a more concrete shape in Operation Barga under which bargadars (sharecroppers) were registered and the terms of sharecropping made transparent. This is interesting in that the left did not at once make an attempt at radical land reform but instead concentrated on one particularly vulnerable and highly exploited class. Simultaneously surplus land was redistributed. The breaking of monopoly control over land and resources in agriculture also meant that a new group was able to participate more effectively, that is the group of small landowners. A further point which has been commented on is that the left chose well in directing attention to agriculture since in this sector the centre's involvement is considerably less than in others.

Notwithstanding its successes the left parties' strategy has also caused some misgivings. In the first place some writers argue that the left now is unable to pursue a radical agenda. The new class of beneficiaries that has been created would not want the reforms to go further. And the parties too

appear unwilling to antagonize a group whose support has become critical. In that sense it is implied that after continuing in power for over a quarter century the left is now imprisoned by its own tactics. A second problem relates to the relation between the party (read CPI (M) mainly) and the Panchayats. There are suspicions that Panchayats rubber stamp decisions already arrived at in the 'green room', (Webster 1996, Ghatak and Ghatak, 2002)), namely, the party meeting. Since from the beginning elections at all levels have been fought on party lines and given the nature of the left parties most of whom subscribe to 'democratic centralism' these suspicions are possibly well founded. But one could pose a counter question: in most states there is the suspicion that rural vested interests including the contractor lobby exercise enormous influence on the working of Panchayats. It is arguable that party domination may in fact not be more pernicious than this. Also it is likely that commentators on West Bengal may entertain, consciously or otherwise, rather higher expectations of scruples from the left than they would of political parties of other hues. None of this is meant to deny that there appear to be problems the resolution of which may prove difficult. As the working paper on West Bengal has pointed out there are costs involved in wooing the 'median voter; and in the 'politics of middleness'. (Bandyopadhyay 2003a and b, Bhattacharya 1999,). It is also pointed out in this context that electoral pragmatism has led the party to alter its stance on agrarian issues. It has become difficult for the party to pursue a radical line since it has to keep the middle peasants happy. School teachers are an important component of the new alliances. Another criticism is that there is occurring needless institutional proliferation with no objective other than to reinforce party domination. Especially criticized is the establishment of the Village Development Council/Gram Unnayan Samiti. The stated purpose is that this body will facilitate local development planning by bringing together members from the GP, representatives of NGOs and Self-help Groups etc. The argument is advanced that these bodies might well make the entire system dysfunctional and further that since the government reserves the right to direct the functioning of the VDC/GUS it actually raises suspicions about the state's intentions (Bandyopadhyay, 1999). A more fundamental source of skepticism is whether as a result of some of these observed tendencies there might not occur 'recentralisation'.

On the whole there can be no denying that Panchayats have been functioning better in West Bengal than in many other states. What has helped are the left's pro-poor commitment, its willingness to challenge local elite domination and the active nexus between the 'centre' (in this case the state) and the 'local' (Crook and Sverisson 2002).

What about the bureaucracy? It is common to target the bureaucracy as the culprit of any slow moving reform. This may often be true but what it misses is the need to see the politician-bureaucrat relationship in a nuanced manner since basically there are rarely pure and black and white categories in this. In West Bengal our interviews with a cross-section of politicians, bureaucrats and academics have brought to light some interesting characteristics of this relationship. One factor appears to have secured the willing assistance and co-operation of bureaucrats in implementing agrarian reforms. And that is that a large number of them hailed from the erstwhile East Bengal (East Pakistan) and therefore had no vested interest in opposing land reform. In fact it was suggested that, to begin with at least, the bureaucracy was more in support of agrarian reform than devolution. In the early stages there were apparently teething problems in the politician-bureaucrat relationship but now it seems to have settled into a reasonably smooth groove.

There are some similarities between Karnataka and West Bengal. A few have been adverted to above. We shall now focus attention on the factors that have facilitated devolution in Karnataka and the degree to which that state can be compared with West Bengal.

Karnataka

As seen in the narrative on evolution Karnataka has had quite a long history of decentralising efforts in spite of its initial handicap as a princely state. After independence and especially between 1950 and 1959 there was considerable activity even though the concrete result was only one legislation in 1959. For the next two decades there was a lull but as suggested earlier this period witnessed some developments that impacted upon devolution. The beginning is to be traced to the Karnataka Land Reforms Act which became effective in 1965. By no means radical what it did was to draw attention to equity-promoting policies on the part of the state. Around the same time the Mysore Backward Classes Committee gave its report. This too is a sphere in which there have been a number of committees/ commissions, the actual figures are one committee and three commissions between 1960 and now. In addition Karnataka has contributed impressively to case law on positive discrimination. The issue of determination of backward classes has always been fiercely contested. Although the report of the first committee could not be accepted in full since it delisted one of the two dominant castes, the Lingayats, it served to highlight the question of reservation and more particularly who had the right to be included. It will be demonstrated that both these were to occupy centre stage in the 1970s. When the Congress experienced its first split in 1969 the state assembly was dissolved as most of the members of the ministry opted to join Congress (O) then in opposition to Mrs. Gandhi. In the ensuing elections in 1972 the Congress (I) won and Devaraj Urs, a leader from a minority caste became the chief minister. During his tenure 1972-1980 some significant events took place. One was the constitution of the first Backward Classes Commission chaired by a lawyer, L.G. Havanur who like his then mentor Urs, shared a passion for breaking the hold of the two dominant castes, Lingayats and Vokkaligas on the state's politics. (Panini and Srinivas, 1984; Manor, 1984; Natraj and Natraj, 1982 and 1983; Natraj, 1998). The Commission recommended that the Lingayats should be delisted but that Vokkaligas would continue to receive the benefits of the BCs. This created a wedge between the two, in any event they always had a politically rivalrous relationship but at the same time it showed the wisdom of Urs who had no illusions that he could remain in power only with the support of the minority castes. One effect of the Havanur commission was not merely the recommendations which were adopted with modifications by government but what may be described as the minority castes finding a voice. Urs and Havanur came to be regarded as the messiahs of the backward classes. For a short while in the late 70's there was seen an alliance of the forward castes, Brahmins, Bunts and Lingayats but predictably the weight of internal antagonistic contradictions saw to the breaking up of what was from the beginning a fragile alliance. (Gayathri Devi 1985). It would not be an exaggeration to suggest that the entry of several leaders from minority and genuinely backward castes is owed to this strategy of Urs. It is another matter that many of them tuned against Urs when he parted company with Mrs. Gandhi. The point is that caste groups that had found no place in politics saw the opportunity beckoning them. A relatively broad based political representation began to take place. There is evidence to indicate a rise in the numbers from the BCs elected to the assembly (for actual figures see Working Paper No. 184 MIDS, 2004) but the significance of the

Urs era lay in the atmosphere it generated, one in which the BCs felt that they too had 'arrived'. (Thimmaiah 1993) In all of this, as one of our politician interviewees argued Urs never made the mistake of completely antagonizing the dominant castes. (Interview in Bangalore May 2002)

Related to this was the Land Reforms Act 1974. Its most important contribution was in abolishing tenancy and in conferring ownership on tenants. Leasing was prohibited. So was sharecropping. A ceiling on ownership was prescribed. Further, eligibility to own land was made contingent upon personal cultivation. It is another matter that these provisions were rarely effectively implemented. Urs' government was praised for this reform but it is necessary to remember that Karnataka has generally had a low incidence of tenancy except in a few districts and the proportion of owner-cultivators has been quite high but once again it reinforced the image of the government as pro-poor. One unstated purpose is supposed to have been behind the reform. And that was to create a division within the Lingayat caste - it is divided into distinct groups - which has a large cultivating population in north Karnataka. By focusing on tenants the reform secured the support of this section of Lingayats. Also this section was resentful of the fact that most of the benefits of reservation had been enjoyed by the urban sections of the caste. (Manor 1984)

A truly meaningful contribution of the LR Act was the establishment of tribunals which would determine the rights of tenants to be recognized as owners. Presided over by the Assistant Commissioner the tribunal had four members nominated by government of whom one had to be SC/ST. This gave government and the party in power leverage in terms of patronage and ensure a certain degree of transparency in the determination of ownership rights. An interesting provision was that lawyers were prohibited from appearing before the tribunals. This institution also created more space for political participation. Along with this Urs utilized the Emergency rather positively by initiating a number of pro-poor measures such as abolition of bonded labour, debt liquidation and a housing scheme for the poor. In addition the TDBs were functioning quite effectively. Many of our interviewees who included civil servants and politicians have endorsed this. TDBs had multi-member constituencies. An aspirant had to cultivate support from all castes. And this helped the development of political leadership. Among other innovative measures may be mentioned the constitution of the State Planning Board, creating the post of Economic Advisor and a special wing for District and Regional Planning.

None of the major reforms were specifically oriented towards decentralization. In fact elections to local bodies were not held regularly. Urs himself expressed his reservations about the report of the Kondajji Basappa Committee and by implication did not endorse the 1964 bill. (Interviews/discussions with Devaraj Urs, Mysore and Bangalore, June-July 1981). In this he must have been actuated by his fundamental objective of altering the nature of caste configurations on the state's politics. A close associate of his disclosed in his discussions with us that had Urs continued in power he would have taken up the restructuring of local government but that must remain at best a well reasoned surmise. It could be added though that given his position on socio-political issues this does seem probable.

In our considered opinion the reforms alluded to above had an indirect and futuristic impact on devolution principally by opening up spaces for more political representation. Many came to feel that they too could aspire to a political role. In this sense Hegde and Nazir Sab, when they wanted

to introduce political devolution, did not have to encounter an unfriendly pitch. It is of course not our case that the reforms of the Urs period as well as the reasonably successful performance of TDBs had created a groundswell for devolution. Several authors have convincingly argued that there is rarely a clamour for devolution from below and indeed if the trend were to be reversed and recentralization took place there may not be an upheaval (Manor, 1980). But we do contend that the creation of political spaces, the entry of minority castes into active politics, the experience of TDBs as also of the Land Reform tribunals helped create an ambience in which a pro-active devolutionary perspective could be developed. One senior politician, a minister who was inducted into the ministry by Urs was forthright when he said that in his opinion Hegde could become chief minister because of the new ethos which Urs helped create. (The reference is to the fact that Hegde was a Brahmin). Another interviewee, an academic and later minister expressed the view that while he found our hypothesis interesting he was unsure whether it could be proved. A distinguished civil servant who had worked closely with Urs was of the opinion that the pro-poor policies of the Urs period did have a beneficial effect on the state and that some of them assisted in the opening up process we have described. (Interview in Bangalore May 2002). Another prominent high ranking official of the economic bureaucracy at the national level and chair of a committee to review the work of PRIs in Karnataka also agreed that the policies of the Urs period would have helped participatory politics and he thought that the Land Reform tribunals were a significant avenue for making participation possible. (Interview October 15 2002)

It is now appropriate to turn to an analysis of the Hegde experiment, in particular its political aspect. At the outset we should note that Hegde was as ardent an opponent of the Congress as he was an advocate of devolution. We have seen that he was the minister in charge when the 1964 bill was introduced. He had been championing the cause of devolution as also of restructuring union-state relations and one of the first acts of his government was to organize a national level conference on the latter subject. In other words his interest in devolution was long standing. He was fortunate that the minister of Rural Development and Panchayat Raj, Abdul Nazir Sab, was equally committed, perhaps even more than Hegde. However these factors alone do not explain why the government went about PR reform almost immediately after assuming office.

The Janata Dal came to power mainly because of the misrule of the Congress after Devaraj Urs demitted office. The successor chief minister, Gundu Rao, did considerable damage to the image of the government as well as the party. Even the Janata Dal was agreeably surprised to be in a position to form the government although as a coalition. Further, in its election manifesto decentralization had found fairly prominent mention. Some of Hegde's intellectual associates were firm believers in devolution and they later became members of his 'think tank'. Committed decentralisers like L.C.Jain had Hegde's ear. Nonetheless there were sound political reasons for the devolutionary move.

The Congress had always had a strong rural base which the JD palpably lacked. Hegde had the foresight to see that the political survival of the party, in power for the first time, depended upon expanding its sphere of influence. Also Hegde believed that the party could retain influence at the rural level only if it had its 'representatives' in place. And one way of enlisting people was to offer them inducement such as Panchayat membership. Also, as another interviewee who had worked

with the Hegde ministry stated, Hegde was aware that the party could have access to grassroots information only through links with its people at that level. It is also possible that Hegde and like-minded others may have observed another phenomenon. Urs, we have seen, had influenced state politics quite significantly. A leading contribution was making possible the entry of numerical minority groups into the corridors of power. His successor Gundu Rao almost completely ignored this, he had neither Urs' grand plan nor his sense of strategy, his source of power was proximity to Indira Gandhi and Sanjay Gandhi. It is possible that in the immediate post-Urs period a sense of frustration was felt by the newly empowered groups and in this the JD may have seen an opportunity to enlist their support by opening up spaces through decentralized governance. That Hegde and his followers wanted a rural base is confirmed even by Congressmen. One interviewee, a minister in the immediate past Congress government, somewhat ruefully admitted that Hegde had succeeded in breaking the monopoly the Congress had enjoyed in terms of rural support especially among the Dalits and the backward classes (Interview May 2002).

A question we have sought to answer is whether the Hegde-Nazir Sab enthusiasm was shared by other members of the ministry. There was a view at the time that senior ministers such as Deve Gowda (subsequently Prime Minister of India) and Bommai were not supportive or that they had reservations about the system. Both belong to 'dominant castes' the former is a Vokkaliga and the latter a Lingayat. In refutation of this suspicion one interviewee - he was a member of a TDB, Adhyaksha of a ZP, and MP - (Interview May 16 2002) mentioned that once Deve Gowda saw how the system was working he became a firm supporter. Also he referred to the fact that it was during his chief ministership that reservation in favour of the backward classes was split into two components with Group A getting 80 per cent and Group B being given only 20 per cent. And this is important as the dominant castes belong to Group B. The most likely explanation is that Deve Gowda may have been a sceptic when the experiment started and altered his stance when he found it succeeding. It is also highly probable that many leaders were doubtful if the experiment would succeed at all; and for this reason may not have protested against or opposed the move.

It should not be presumed that the new system had no problems. Some ministers complained that they received no recognition. Clearly there were the beginnings of a conflict between the state and PR levels but it was more or less contained and some compromises were also made. Besides the system was new. As for the bureaucracy the first set of officers posted as chief secretaries of ZPs sought repatriation to government finding it difficult to deal with district level politicians. But the next set managed quite well and there were not many instances-at least no reported ones-of open disagreement and conflict. Our interviews have resulted in considerable information relating to the bureaucrat-politician relationship. One interviewee, a senior civil servant stated that the co-operation of the chief secretary was vital if an Adhyaksha wished to succeed. In many if not all cases Adhyakshas proved willing to listen to their chief secretaries. Also by convention the chief secretary was senior to the Deputy Commissioner (Collector) of the district in order to emphasise the primacy of the elected district level body over the general revenue administration. This is no longer necessarily the case.

The 1983 Act is regarded by many as a path breaking attempt to make PRIs political institutions. In justification the following features of the Act are identified.

- The Adhyaksha of the ZP (then called Zilla Parishad) was designated the ‘executive head’.
- The chief secretary had to function subject to the general powers of the Adhyaksha.
- The Adhyaksha and Upadhyaksha would receive the salary and enjoy the rank respectively of a Minister of State and a Deputy Minister of the state government.
- The ZP was empowered to supervise the functioning of the Mandal Panchayat and could dissolve it for reasons such as persistent default in the performance of its duties. Government was given this power in the case of a ZP
- The Act provided for a Grama Sabha
- In addition the Act provided for reservation of seats for women amounting to 25 per cent.

The principal attraction of the Act for advocates of devolution was the minimal control and inspection powers of government and that regulation was essentially within the PR system.

A comparison with West Bengal suggests some insightful inferences. Its Act does not declare the Sabhadipathi the executive head of the ZP nor does it state specifically that the EO should work subject to the latter’s general powers. Many of the provisions which were found in Karnataka’s 1983 Act and which were absent in the Congress-legislated 1993 Act, provisions which the committed advocates of devolution hailed as the hall mark of devolution, are not to be found in West Bengal. Further the LF government has, as shown above, amended the 1973 Act moderately. The only reasonable deduction from all this is that where a government is genuinely in favour of devolution, regardless of the motivations, legislation is not fundamental to the process. Obviously an unhelpful legislation, one that is hostile to devolution, would be a hindrance but short of that a committed government can make any legislation work. Karnataka’s problem is that the zeal that the LF has shown is lacking and since 1985 power has alternated regularly between the Congress and the Janata Dal (at present the state has a coalition of the two). This explains why there is always controversy in Karnataka over the legislation and a perception that there is a fairly clear divide between the major parties with the Janata Dal seen as promoters and the Congress as dilutors of devolution. (since it is only in the last elections to the assembly that the BJP emerged as a force we do not consider its position separately).

The Congress found itself in an awkward position when the 1983 legislation was mooted. Having all along championed decentralization and virtually projecting itself as the parent of the system the party could not oppose the legislation in principle. What it did do was to raise technical objections with respect to the size of the units of devolution and plead strongly for an intermediate level body. It succeeded to the extent of having a non-elected Taluk Panchayat Samiti which had the MLA as the president. A determined attempt was also made to have the posts of Adhyaksha reserved for the SCs and STs but in this the party failed.

Congress benefited from the 73rd amendment. As described above the necessity of a conformity legislation was utilized to bring in new act in which some critical PRI-empowering provisions were absent. We point out below some of the more important ones.

- The Adhyaksha of the ZP was not declared the executive head
- The CEO was not mandated to work under the general powers of the Adhyaksha
- The CEO was specifically required not to implement any order/resolution of a panchayat which, in her/his opinion, was violative of any law.
- The power to dissolve a panchayat was reserved exclusively for government.
- Government was given power to initiate roving inquiries, that is, those not limited to specific problems.

Leaving aside the question of which of the two, Congress and Janata Dal, is more committed to devolution one significant point is that the Congress appears to be of the view that the Panchayat system, while necessary and beneficial, is still evolving and that, therefore, there is nothing indefensible about government retaining powers of regulation and dissolution. In interviews this view was candidly expressed. A comparison with the centre's power over state governments was cited in defence of this view. Also reference was made to the inequities in our society which compelled this regulatory role. A prominent Congress leader, also minister for Rural Development and a Dalit, B. Basavalingappa introduced a private member's bill, in the early 1990's, to the effect that a CEO should be empowered to dissolve a PRI for misconduct. He also argued in the assembly that the Adhyaksha could not be the executive head any more than a minister could. It is plausible that the influence of Dalit leaders who are innately skeptical of PRIs - due to the probability that they can be controlled by the rural elite - is more evident in the Congress than in the Janata Dal but we make it clear that this no more than intelligent conjecture. It is not unlikely that Dalit leaders in the Janata Dal may choose not to give expression to their true views due to 'political correctness'/the party line etc. In an interview a non-Congress Dalit leader belonging to a subset of the old Janata Dal party indicated that local institutions stood little chance of working for the welfare of the poor and oppressed unless fundamental inequalities were first reduced. He also implied that most Dalit leaders cutting across party lines would hold this view. While there is evidence that Dalit leaders at the state level are not particularly enamoured of the Panchayat system their feeling being that unless social and economic inequalities are addressed first the former will not help the cause or serve the interests of the oppressed this perception is not always shared by those at the village level.

An interesting feature of the tussle between committed advocates and critical supporters of devolution is worth reporting. When the Congress government wanted to introduce certain changes which would have diluted devolution even further (during 1989-94) some members of the Janata Dal party made an approach to Rajiv Gandhi who instructed the chief minister not to proceed with the proposed changes. This was revealed in interviews. It is interesting that all those seriously interested in devolution instinctively thought of Rajiv Gandhi and Mani Shankar Iyer independent of party affiliations.

When Janata Dal came back to power in 1994 the government appointed an Expert Committee to suggest amendments to the Act. This committee was of the definite view that the 1993 Act had diluted the devolutionary intensity of the previous act and made several recommendations. Among the ones accepted and implemented the following are important.

- The Adhyaksha was declared the Executive Head
- The CEO's power not to implement resolutions/orders was deleted. Instead he/she is now required to point it to the Panchayat concerned and if the body disregards the advice the CEO has to report this to government under intimation to the Adhyaksha.
- Government's power of inspection is now restricted to specific issues.
- The power of dissolution vests with the ZP for the other two tiers and for ZP with government.
- The CEO has to work subject to the general power of the Adhyaksha

Again when Congress returned to power in 1999 the government appointed a Task Force some of whose recommendations have been implemented. They are:

- Institution of the Ward Sabha comprising an electoral Grama Panchayat constituency
- Minimum attendance of women at Ward Sabha meetings, at least thirty per cent should be women
- Adhyaksha of the Grama Panchayat is the Executive Head.

However these have been accompanied by other changes that are not truly pro-devolution. All Adhyakshas of ZPs were members of the State Panchayat Council but now this is reduced to ten among them. In addition five ministers, as opposed to one earlier, are members as are five MLAs and two MLCs. Further, the state has a district minister in-charge and a Secretary in the capital who also functions as a district Secretary in charge. In other respects too governmental control and especially that of the MLA has been increasing. As an instance we may cite, the case of the Management Committees for schools which are now regarded as the MLA's turf.

A noticeable feature in Karnataka is that there appears to be developing a sense of competition between the state level and PRIs. One example of this is the demand voiced by MLAs for a share in the grants of Zilla Panchayats. To this the then minister of Panchayat Raj replied tellingly that if they, the MLAs, found the position of ZP members attractive they were welcome to shift to that sphere. In addition there is evidence of competition among the tiers within the local government system. This explains to some extent the entry of MLAs into what should be the preserve of PRIs. About a year ago members of ZPs sought constituency grants as are given to MLAs. In our view these should be interpreted as signs that the PR system is striking roots. Such tensions are visible in West Bengal also but given the entrenched position of the party they are not manifested with strength and in some cases there is synergy in the relationship between the PRIs and the party.

Tamilnadu

Tamilnadu stands apart from the other two states in several respects. The most fundamental is with regard to the approach to and perception of decentralization. Both the major political parties, DMK and ADMK do not consider the 73rd Amendment to be truly devolutionary. In fact the then Chief Minister M.G.Ramachandran (popularly MGR) was a member of the Ashok Mehta Committee

and appended a dissenting note to the report. His principal differences were the following. In his words: “I am convinced that the Zilla Parishad with its head as a non-official Chairman elected by indirect election and ultimately functioning with the objective of bringing the Collector also under the control of the Zilla Parishad will result in dangerous complication of a diarchy; and it will become difficult for the Collector to function under the circumstances under the two masters viz one his governmental authority and the other the elected Zilla Parishad Chairman and this will certainly lead to, I am convinced, to a situation fraught with serious consequences”(p 156). MGR favoured a virtual two-tier system with an advisory District Development council. Neither was he impressed with the idea of a Mandal Panchayat since he felt it would not be adequately representative. Interestingly he thought the Gram Sabha to be impractical.

These views were more or less endorsed by members of both parties when the Conformity Legislation was being debated. Some argued that with the new structure the state was putting the clock back and reverting to the days of the District Boards. MGR’s apprehension that there would be a diarchy-like situation must also be read as an expression of misgivings at the prospect of a power centre in the districts. Also to be perceived in his dissenting note is a certain concern for the position of the Collector. That leads us to an examination of another feature of Tamilnadu which has implications for devolution.

Some authors have argued that the district revenue administration under the charge of the District Collector is the backbone of the general administration. And Tamilnadu is regarded as one of the most efficiently administered states. One author argues: “The well-entrenched bureaucratic culture of Madras administration-later inherited by Tamilnadu-has not provided a particularly hospitable environment for the introduction or the growth of local self-governance”(R.Rukmani 1995). Also to be taken account of is the quality of the administration. While this may be correct it cannot explain why or how Tamilnadu has evolved along lines that appear to be different from West Bengal which was also a Presidency under British rule. This is likely to be the result of other forces at work, one of them the somewhat unique structure of political parties.

Prior to independence the Congress was naturally a major player in the political arena. There was also the Justice party which essentially aimed to challenge Brahmanical monopoly in politics and state service and advocated reservations. Later it was transformed into the Dravida Kazhagam led by Periyar (E.V.Ramaswamy), a social reformer, rationalist and a firm believer in modernization. Subsequently in the fifties the DK split and the Dravida Munnetra Kazhagam was formed. It was founded on most of the principles advocated by the DK and Periyar but given that it sought political power was compelled over time to dilute its ideological purity. The point to note is that the DMK evolved from a social or socio-political movement into a political party. Also the party had a number of gifted writers in its ranks some of whom had earned a name as film script writers. It was a party with a strong nexus with the theatre and cinema. An interesting feature of the DMK is its organization. Unlike many of its counterparts elsewhere not only is the structure well thought out it holds regular elections. Given the manner in which it evolved the work it did more as a movement than an outright political party in the fifties and sixties assisted it later when it grew to be a competitor for political office. In other words its performance outside the legislature preceded, in a broad sense, its emergence

as a political force. While, as stated above, exigencies have compelled the party to make tactical (and even ideological compromises) it still retains more than traces of its origins as a social movement. It is generally described as a regional party - an appellation that many in Tamilnadu aggressively contest - it has become an important participant in politics at the national level. It is a cadre-based party and in the words of its leader Karunanidhi, “without the foundation of volunteers, there are no leaders; caught in a storm of conspiracies and tests, the majestic march of the Kazhagam is due to the disciplined service of party workers” (Saraswathi, 1995). The party is organized territorially and hierarchically. Regular meetings are held regardless of being in or out of power. It is worth noting that after it was virtually wiped out in the 1991 elections the party at once undertook to introduce educational courses for the cadre in order to revive the Dravidian spirit.

The ADMK was formed in 1972 as a result of intra-party problems in the DMK. Founded by M.G.Ramachandran who was a Tamil cinema hero the party is not as meticulous as the DMK in holding elections and meetings. Its foundational nucleus lies in MGR fan clubs which are known as *Manrams*. By all accounts it is more centralised than DMK. One of the reasons for the appeal of ADMK lies in its pursuit of policies that are welfare-oriented such as the Noon Meals Scheme, notwithstanding that there are any number of criticisms about their implementation. Other programmes associated with the party are drinking water, burial grounds for Adi Dravidars (Scheduled Castes), maternity and child welfare centres. Even the Ashok Mehta committee remarked that Tamilnadu had performed well in respect of education, water supply, roads and nutrition and singled out the Panchayat Union Samitis for appreciation (Ashok Mehta Report p 4). The Noon Meals Scheme has proved to be a powerful tool for the party in elections.

Both the DMK and ADMK are described by some writers as populist. A distinction though is sought to be made between the ‘empowerment populism of the DMK’ and the ‘protection populism of the ADMK’. Swamy who makes this distinction (Swamy 1998) says: “I use the term empowerment populism to refer to a style of political rhetoric that describes society as a conflict between ‘the common people’ and narrow elite demanding greater privileges for outgroups on behalf of ‘the people’. By protection populism, on the other hand, I mean a rhetoric that emphasises themes of vulnerability, offering to protect ‘the weak’ and ‘truly needy’”. Without entering the contentious domain of what precisely constitutes populism it is certainly arguable that these policies have won for both parties electoral victories but equally important they have brought politics into the domain of the common people quite effectively. Despite all these political decentralisation is quite weak and this in our view represents a conundrum.

Apart from these two there is the Pattali Makkal Katchi or PMK which is also described as a regional party although it would be more correct to say that it is a caste-based party advocating the cause of the Vanniyars, a backward caste in the northern districts of Tamilnadu. There are the national parties such as the Congress and the two Communist parties and the MDMK.

This excursion into the structure of political parties is with a view to making the point that in this Tamilnadu is fundamentally different from the other two. If we add to this the generally unsympathetic view of devolution through the Constitutional amendment the picture that confronts us is very different

from what we have encountered in Karnataka and West Bengal. A further aspect to note is that in Tamilnadu the bureaucracy is very powerful. Its powers in relation to PRIs will be dealt with later.

Many of the compulsions that served as an incentive to decentralize in West Bengal and Karnataka were conspicuous by their absence in Tamilnadu and continue to be so. In one respect this calls for comment. Tamilnadu has always had reservations about the domination of the Centre over the states. As far back as the early 70's the state's DMK ministry appointed a committee under the chairmanship of P.V.Rajamannar, former Chief Justice of the Madras High Court to make recommendations on centre-state relations. It was one of the first states to take up such an exercise. An edge to the debate is given by the ideological-cultural orientations of the Dravidian parties which have been disapproving of the imposition of Hindi and other manifestations of North Indian hegemony. This is despite the caveat entered earlier that expediency has successfully diluted the Dravidian ideology but reservations about the centre's role persist. In West Bengal this pushed the left front government in the direction of building up a rural base of support through a blend of devolution and agrarian reform. In Karnataka the first non-Congress government pressed for devolution due to ideological commitment as much as to break the hold of the Congress in the rural areas. Tamilnadu which has witnessed President's rule on one or two occasions did not feel compelled to take the West Bengal/Karnataka route. Decentralisation has never been an important part of the political agenda of either of the two Dravidian parties and from the late 60's the Congress has been reduced to the status of a low key player in state politics. Also the competition between the DMK and the ADMK, far from opening up more space for the Congress actually resulted in marginalizing that party even more. (Saraswathi, 1995). Possibly due to the nature of party politics, especially after DMK's first electoral victory in 1967, neither of the two Dravidian parties found it necessary to build a base for itself by advocating devolution. Also agrarian change even on the scale practiced in Karnataka has not figured prominently on the state's agenda of reform and development. Unlike in Karnataka the DMK and later ADMK must have been confident of reaching out to the rural constituency through other channels which they had already established. The state's administrative efficiency would have taken care of ensuring that the results of the development effort helped the needy to some extent at least. Even though the left parties are cadre based in West Bengal there was a need to enter the villages where their influence was not significant whereas in Tamilnadu this handicap was apparently not present. In sum it would be correct to assert that the compulsions that took the non-Congress governments on the road to decentralization in West Bengal and Karnataka were absent in Tamilnadu. Above all there was no commitment to decentralization either in principle or as a strategy. Finally it has to be remarked that Tamilnadu has always had a combative attitude towards the centre. While West Bengal has a number of reservations about the centre and its role vis a vis the states its actions do not reflect the same combative spirit.

It was observed earlier that the debate on the Conformity Legislation was no more than cursory and the bill was passed in a single sitting in 1994. but the government showed no hurry in conducting elections which took place only in 1996. In the literature it is pointed out that Tamilnadu's Conformity Legislation, the Tamilnadu Panchayats Act 1994, departs from the Constitutional amendment and this is highlighted as an index of the state's lukewarm attitude towards devolution. Two points need to be made to begin with. First, in the West Bengal case we have shown that a committed government

is able to work successfully with an enactment which was brought in by a government of a quite different political complexion. Initially the left front tinkered with the enactment but never went in for wholesale restructuring. Therefore the legislation itself, beyond a point, should not be taken as an index of commitment. Secondly, the Constitution is not unambiguous on what powers should be transferred to Panchayats. There is considerable scope for states to work round the provisions so that what they consider their interests are not adversely affected. Let us take Art 243 G. It states as follows:

“Subject to the provisions of the 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 -

- (a) the preparation of plans for economic development and social justice;
- (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule”

The Eleventh Schedule lists 29 subjects. It should be noted that transfer of these subjects is at the discretion of the states. While the Constitution clearly envisages such transfer it does not mandate it. Some authorities like D.Bandopadhyay have drawn attention to this and commented that it is a weakness in the amendment since it enables states to be selective in this regard. The position in the three states is as described below.

Karnataka has specified the functions to be performed by each tier in separate schedules. All the 29 subjects are included. West Bengal has specified 17 functions under S 207B which was introduced by an amendment in 1994 when the Act was amended to ensure conformity with the 73rd Amendment but unlike Karnataka each tier is not dealt with separately and there is no Schedule appended to the Panchayat Act... In Tamilnadu the position is practically the same as in West Bengal. The subjects specified in the Eleventh Schedule are included in Schedule IV of the 1994 Act. It is, therefore, not correct to argue that there is a departure from the Constitution in this respect. Interestingly only the West Bengal Act speaks of the Zilla Parishad “as a unit of self-government” in S 153. The Karnataka and Tamilnadu Acts do not use this terminology. As described under a previous section Tamilnadu has altered the provision for representation of MPs and MLAs in PRIs a number of times and always with little discussion. Also the emergence of conflictual or competitive relationships between the PRI tiers and also between PRIs and legislators/ministers which we believe should be seen as evidence of the strength of the PR system is not that much in evidence in Tamilnadu.

Financial Devolution

In contemporary analysis of devolution reference is made to the three Fs, denoting functions, finances and functionaries. We have adopted this to a large extent to test the effectiveness or otherwise of devolution in our three states. For our present purpose the relevant article in the Constitution is 243(H) which provides for the following:

- The legislature of a state may endow a Panchayat with the power to levy, collect and appropriate taxes, duties, tolls, fees etc
- It can assign taxes etc to Panchayats
- It can provide for grants-in-aid to Panchayats.

Further Art 243(I) makes it mandatory for states to constitute a quinquennial Finance Commission more or less on the same lines as the one at the centre constituted under Art.280. There are important differences between the two commissions but we do not delve into that aspect here. Suffice it to note that the Constitution now provides a mechanism for sharing of resources so as to strengthen Panchayats. We may also note that there is some ambiguity in relation to the power of the Governor to constitute a Finance Commission before the expiry of five years from the constitution of the previous one. The Eleventh Finance Commission suggested that the two commissions, one under Art 280 and the other under 243(I) should be constituted simultaneously and that the Constitution may be amended for this purpose. In contrast it is argued that even without an amendment to the Constitution it is open to the Governor to constitute the State Finance Commission ahead of time.

A factor that impinges on devolution and has serious implications requires to be mentioned. Almost on the heels of the 73rd amendment the Union government introduced what is known as the Members of Parliament Local Area Development Scheme (MPLADS) under which every member of Parliament was to be given Rs 1 crore - subsequently raised to 2 crores - to be expended on the recommendation of the member for development work in her/his constituency. Several state governments have followed suit by giving a similar although smaller amount to members of the state legislature. Since the expenditure is incurred through the collector and without reference to the PRIs it should be seen as an anti-devolution measure and one clearly calculated to smoothen the ruffled feathers of MPs and MLAs who felt threatened by the constitutional status of PRIs. Recently the scheme has come under critical scrutiny from a former and highly experienced member of Parliament (Era Sezhiyan 2005). In West Bengal because of the synergy that exists between the Panchayats and the party it appears that the scheme works rather better than in the other states. In Tamilnadu a Working Group of the State Planning Commission made a recommendation to the effect that at least a certain proportion of the constituency grants should be utilized through the Panchayats but the government has not implemented the recommendation. (2002).

As has been described earlier the Constitution envisages Panchayats as “units of self-government”. However, it is up to the state government to devolve upon them the requisite powers to discharge this function. The Constitution itself is silent on what powers should be devolved and how. For instance, we may examine the Eleventh Schedule of the Constitution. This contains 29 subjects that the states may devolve upon Panchayats but this is at the discretion of the state government. There is no firm mandate that the states devolve the functions, much less are the powers specified. A further problem relates to the precise areas of operation of the different tiers. West Bengal and Karnataka have recently brought out activity maps which may lead to a resolution of this difficulty. Tamilnadu has nothing comparable.

In all three states as indeed virtually everywhere else it is only the Village Panchayat that is endowed with the power to tax. The intermediate level has some power in this behalf but it is insubstantial. It is a moot point as to why practically every state government has endowed only the lowest tier with the power to tax. This needs inquiry since the village panchayat is the least viable in view of the low volume of transactions and the equally low value of properties within its jurisdiction. Secondly, it runs counter to a point often urged in relation to taxation, namely, that proximity to the electorate is likely to inhibit the resolve to impose an appropriate level of tax. It is plausible that the states may apprehend that if the higher tiers are given the power to tax their resource base will expand and they may then be in a position to act as a competitor to the state government. In any case it is arguable that if the higher tiers, the highest in particular, were to be vested with taxing powers it could well cause a major alteration in the entire matrix of relations between the state and sub-state levels. Clearly most states are not ready for such restructuring. In this context it is worth noting that the total expenditure of local bodies as a share in the combined expenditure of union, states and local bodies is only 4.7 per cent. But given the differences in performance across states it is quite likely that this share is even less in some (Oommen, 2005).

Roughly the sources of revenue of village panchayats are the following:

- taxes, fees, tolls, cesses etc
- tied and un-tied grants from union and state governments.
- devolution from Finance Commissions – both Union and State
- public contribution to various development programmes [This is being made mandatory in respect of several programmes]

The most important source of tax revenue is house tax, technically it is a tax leviable on land and buildings. It is mandatory for the Panchayat to levy house tax. Also the respective Acts prescribe the scale and specify the exemptions. In Tamilnadu the government makes a matching grant. Until fairly recently, the state government used to give an incentive grant of 300 per cent to panchayats where the house tax collection was 100 per cent. However, following complaints that some panchayat presidents themselves contributed any shortfall, this was modified to 125 per cent as a standard incentive. It is learnt that the state government is in the process of modifying this also. But the relevant Government Order is not yet available. Karnataka has a somewhat similar provision but West Bengal does not.

A distinctive feature in Karnataka is that all village panchayats receive a statutory annual grant from the state government. However the Panchayats in all the states are expected to contribute a certain proportion of the grant received from the Union Finance Commission as a matching contribution. Local bodies receive a share of Non-Loan Gross Own Receipts, that is, the sum of all taxes levied and collected by the state government, interest receipts, all duties, fees and other non-loan non-tax receipts.

In Tamilnadu the government implements what has come to be known as global sharing under which all state taxes with the exception of entertainment tax are grouped together and shared with

urban and rural local bodies. The government also provides for equalisation and incentive grants mainly to assist the weaker panchayats.

In West Bengal also the Panchayats receive grants from the union and state governments in addition to the revenue from taxes that they levy and collect.

In all three states there is provision for a number of fees, tolls etc that Panchayats can levy and collect. Karnataka and West Bengal provide for power to Panchayats to raise loans except that in the former they have to seek government approval before doing so whereas in the latter there is no such stipulation.

It is necessary to appraise the financial situation of PRIs in relation to the autonomy they enjoy with respect to expenditure. In West Bengal the state government meets the expenditure on the salaries of the staff of Panchayats. This, therefore, frees them from the hard budget constraint. In Tamilnadu and Karnataka there are specific and quite detailed restrictions on the expenditure that can be met from various sources. One noticeable feature is that in none of the states do Panchayats enjoy true autonomy in the sense of having the freedom to have their own structure of salaries etc.

Expenditure decisions

The panchayats in all the three states do not enjoy much autonomy in deciding on the expenditure decisions. This is partly due to the excessive dependence by panchayats on the tied and semi-tied grants given by the Union and the State governments. The major source of expenditure by panchayats is on establishment. In West Bengal the salary of all the staff are met by the state government. In Karnataka only the panchayat secretary's salary is reimbursed by the government and the salary of the ad hoc employees of the panchayat should be paid from the own resources mobilized by the panchayat. In Tamilnadu, the salary of all the staff has to be met by the panchayat's resources. In the case of tied and semi-tied grants, the panchayats have autonomy only in selecting the beneficiary or the location of particular activity. It may also be noted here that in Karnataka and Tamilnadu a huge expenditure is incurred on electricity charges of street lights. This amount is either deducted from the state government grants provided to the panchayats or this has to be paid out of the panchayat's own resources. In West Bengal this problem does not arise since street lights are not provided in many panchayat areas.

PRIs and accountability

Accountability and transparency are the two key factors which decides the efficiency in the functioning of a Grama Panchayat. In Karnataka, the GPs have the following audit systems to achieve the desired results.

1. Administrative Audit
2. Technical Audit
3. Social Audit
4. Jamabandi

Administrative audit is a normal periodical office inspection including verification of books of accounts by the Secretary of the GP, internal audit by the CAO of ZP, office inspection by EO of TP and CEO of ZP. Adhyaksha of the GP can also verify records register and works by virtue of the power vested with under sec.62 of the KPR Act.

Technical Audit is done by a team of elected representatives of GP and technical specialists from the line departments. Discrepancies in purchases of materials and construction or maintenance of assets can be detected through this Audit. This would ensure quality purchases and construction or asset creation activities.

Social Audit is one of the key tools to ensure transparency and accountability. Installation of display boards on various development works in villages is one of the methods leading to social audit. Jamabandi is an extension of this and is held every year. The CEO of ZP or EO of the TP would visit the GPs and scrutinize all the records, audit reports, etc. followed by a detailed discussion with elected representatives and villagers. This has helped in increasing the efficiency and improving the quality of the works.

Apart from this the auditing of all the PRIs is done by the Local Fund Audit every year. It may be recalled here that the Eleventh Finance Commission had recommended that the panchayat auditing should be done by the Local Fund Audit and not by the department officials.

In West Bengal, the Grama Panchayat audit is conducted mainly on three planes:

- i) Administrative Audit is undertaken by officers having the power of inspection of PRIs, from the Director of Panchayats to the rank of Joint B.D.O.

The Pradhan of the GP is empowered under section to have general responsibility for the financial and executive administration of the GP.

- ii) Technical audit consists of a) internal audit and b) statutory audit. Internal audit is conducted every 4 months by the PAAO (Panchayat Audit and Accounts Officer), attached to the PS. Statutory (external) audit is undertaken by the CAG once each year. Until recently this used to be done by the erstwhile EOP (Extension Officer of Panchayats).
- iii) Social audit – The institutions of the Gram Sansad and Gram Sabha are for popular and direct participation of the electorate. Issues taken up in these forums include those regarding development schemes, selection of beneficiaries, planning, allotment, monitoring and expenditure. While Sansad meetings are GP-constituency-wise and are statutorily convened twice each year in November and April, the Gram Sabha meetings are conducted once each year, the quorum for the former being 1/10th of the electorate; for the latter it is 1/20th. The Gram Sansad and Gram Sabha are expected to ensure transparency and accountability of the GP in its dealings and functioning.

By the turn of 2004, each Gram Sansad is required to have a Gram Unnayan Samiti (GUS), to consist of about 22 members, chaired by the concerned GP member, and includes various shades of opinions of the constituency, namely, views of members such as the main opposition party contestant

in the last election, NGOs, government employees residing in the Sansad area, teachers from the Sansad area and so on. The GUS is expected to work as a plank on which the totality of the Sansad work is evaluated. While the GUS has clear provisions for voicing of opposition opinion, the democratic seems evident. The GUS can be a forum for ensuring greater transparency and accountability of GPs.

In Tamilnadu, as far as Village Panchayat is concerned the Deputy Block Development Officer is the official auditor. Other auditing officials are Assistant Director (Audit), Rural Development - (Other than scheme funds). In addition to this the Local Fund Auditor will do a test audit in which he will cover 10% of the total panchayats in that panchayat union every year. It may be observed that in Tamilnadu the panchayat auditing is more official without an element of peoples' participation.

Governmental control over Panchayats

One of the important tests of the autonomy Panchayats enjoy is to measure it against the powers of inspection, monitoring and control that state governments retain over them. At the outset it needs to be stated that the Constitution does not specify the degree of control nor does it impose any limitations on states in this behalf. Indeed the Constitution does not explicitly speak of inspection and control. It is likely that in the anxiety to invest Panchayats with constitutional status the policy makers of the day felt that since this was a contested area it was best left to the states. As with respect to most other provisions relating to Panchayats here too the performance is uneven both in terms of the legislation and actual practice. There are two fundamentalist positions on the issue of control over Panchayats. One, articulated by ardent advocates of Panchayat Raj is to suggest that they should be fully autonomous with very little control by state governments. Underlying this is the assumption that they have come of age and that control or supervision, if any, must vest within the system rather than government. At the other extreme is the position that they are yet to acquire the required degree of maturity and therefore government must retain control. This is supported by the argument that in a highly divided and unequal rural society there is the ever present danger that Panchayats will be captured by the local elite. Such a view has been forcefully articulated in Karnataka by Dalit leaders at the state level. We have noted above how a prominent Dalit leader went to the extent of proposing that the Executive Officer should have powers to remove the President and even dissolve the Panchayat. This is an illustration of a deep seated apprehension of the capture of nascent institutions by the rural elite. That alone can explain why there is a preference for what may be termed a "transferable bureaucrat" over "an entrenched elite". It echoes the mistrust that Ambedkar had of rural society. In between these polar extremes is a middle of the road view which, while favouring autonomy for Panchayats, nonetheless regards them as being in the process of maturation and therefore believes that the autonomy has to be blended with some degree of supervision. This view is taken, for instance, by the Expert Committee on Panchayat Raj constituted by the Government of Karnataka in the mid nineties. The discussion on this question has to be situated in the very many ways in which the autonomy of Panchayats is curbed and not all of them are by dint of legislation or rules. Some of these have been adverted to earlier. It has also been mentioned that the Ashok Mehta Committee made complimentary references to Tamilnadu's performance in certain sectors although that state cannot be said to have a glittering record in devolution. Therefore, any assessment of the pervasiveness

of governmental control has to take account of the legislative provisions as also the frequency with which they are used and simultaneously examine the manner in which Panchayats are fettered such as the creation of parallel authorities, and withholding of funds, to name a few. However, we shall commence our analysis with an examination of the legislative provisions. It may also be added that among the three states Karnataka has the richest record of contestation on this issue.

West Bengal has the reputation, for the most part well earned, of a state which has implemented a large measure of political decentralization. The West Bengal Act mandates that the government “shall appoint a Director of Panchayats and such other officers as necessary for inspecting or superintending the work of all or any class of Panchayats” (Section 205). The Karnataka Act has a similar proviso in S 232. But Karnataka does not have a Director of Panchayats. There is a further difference, however, in that the latter Act originally authorized the Secretary to Government, Rural Development and Panchayat Raj, to perform this function. Through an amendment in 1997 the power was vested in an officer authorised by Government. In terms of powers such officer can inspect Panchayat offices, works taken up, examine the books etc. He/she can call for accounts/statements/returns/reports. The powers conferred on the authority are similar in West Bengal. It may be noted that the original provision in Karnataka was introduced via the Conformity Legislation by the Congress government whereas the amendment was passed when the Janata Dal was in power (1994-99). Another difference is that in West Bengal the said power can also be exercised by the Divisional Commissioner or officer not below the rank of Deputy Collector.

Tamilnadu has rather more extensive provisions in this behalf. The officer appointed for inspection enjoys the power of his/her counterparts in the other two states and in addition can suspend or cancel any resolution of a Panchayat or prohibit any action considered unlawful or an abuse of power (S 202). In addition the Inspector can fix a time for the performance of a specific duty by a Panchayat. Another interesting power is that if the President complains of non-co-operation by members the Inspector can authorize him/her to perform a said function and during this period (six months is the maximum) the Panchayat need not meet. This is clearly a departure from normally accepted principles which are grounded in the belief that there should be minimum “official intervention” in the working of Panchayats. The Inspector can also act, *suo moto*, or on a representation from members of a Panchayat and seek an explanation from the President of a Village Panchayat if he/she is seen to be wilfully in default. If the explanation is not found satisfactory the Inspector, acting through the Tahsildar, can propose removal of the President but the Tahsildar has to ascertain the Panchayat’s views. However, government has the power to cancel a notification for removal of the President. Neither of these two provisions is found in the other two states. In addition there is a provision for a no confidence motion against the Vice-President of a Village Panchayat and President and Vice President of the other two tiers. This does not apply to the President of a Village Panchayat since in Tamilnadu the election to this office is direct. Here too there is an elaborate procedure prescribed. If not less than half of the members of a Village Panchayat present a ‘notice of intention’ along with a statement of charges against the vice-president to the Tahsildar expressing ‘no confidence’ in the Vice-President of a Village Panchayat the Tahsildar must forward this to the Vice-President and seek his views. The latter has to do so within a week. The Tahsildar then convenes a meeting of the Panchayat and presides over it. There is to be no debate. If the motion is carried by two-thirds

of the sanctioned strength of the Panchayat the Inspector shall remove her/him from office. However, no such motion can be moved within six months of assumption of office and further at least six months should elapse between two such motions. There is a similar provision in respect of the Chairman and Vice-Chairman of the Panchayat Union Council and the District Panchayat except that the 'notice of intention' has to be presented to the Revenue Divisional Officer and the Collector respectively. Also in the case of these higher tiers the minimum period before which such a motion cannot be made as well as the interval between two such motions is one year.

West Bengal and Karnataka also have provisions for motions of 'no confidence' in the President and Vice-President at all levels. In the former the requirements are that the motion has to be carried by a majority of the existing members at a special meeting and such a motion cannot be moved within one year of assumption of office and further there should be a minimum interval of one year between two such motions. The Act also provides for the removal of a member on a number of grounds one of them being absence from three consecutive meetings. West Bengal does not provide for any other means of removal of the President/vice-President as in Tamilnadu and also Karnataka. In Karnataka a no confidence motion cannot be moved within a year of assumption of office in the case of Grama Panchayats whereas the period is reduced to six months for the other two years. The same time limit applies to the interval between two such motions. The notice of such a motion has to be signed by not less than one-third of the total members and has to be passed by a two-thirds majority at a special meeting. In the case of Taluk and Zilla Panchayats the requirement is that the motion of no confidence is passed by a majority of the total number of elected members in a special meeting. Karnataka provides for the removal of the President and Vice-President at all levels by Government for 'being remiss' and/or for 'persistent default'. However, the President etc has to be heard. Further in the case of a Grama Panchayat Government may obtain a report from the Taluk Panchayat and in case of a Taluk Panchayat from the Zilla Panchayat. What we see in Karnataka is an attempt to regulate the working of the PR system by providing for a higher tier exercising some degree of control over a lower tier. It may be described as a more political approach than what obtains in Tamilnadu where the government is given more than considerable leverage in relation to monitoring and inspection. Yet despite its forward-looking stance in most aspects relating to devolution West Bengal does not have a similar provision. Some of these issues will be discussed in detail in a separate paper.

Summing up

The comparative analysis brings to light the following features:

- In West Bengal and Karnataka the initiators of devolution were non-Congress governments. In Tamilnadu barring the abolition of District Boards in 1958 there has been little initiative from the state government in the sphere of devolution.
- In relation to the conformity legislation the Congress government in Karnataka utilised the opportunity to bring in changes not specifically required by the 73rd amendment and passed a new enactment. West Bengal chose to amend the existing legislation once again reaffirming its penchant for legislative economy. Tamilnadu also brought in a new legislation but without much discussion and enthusiasm.

- All three have provisions for monitoring and control of Panchayats by government. They are more extensive and more frequently used in Tamilnadu than in the other two. While such provisions are quite often pointed out as anti-devolution in Karnataka there does not appear to be any such apprehension in West Bengal. In fact several of our interviewees expressed this fear and their disapproval of monitoring provisions. Interestingly some of them approached a 'central' authority like Rajiv Gandhi when they felt that the government of the day was on the verge of further weakening Panchayats. Also not all who approached Rajiv Gandhi were people of his party.
- There is a distinct Dalit perspective in Karnataka. In Tamilnadu there is growing evidence of Dalit awareness and it has resulted in clashes and in a few instances has made impossible the holding of elections to the presidency of the Village Panchayat. West Bengal does not show direct evidence of a Dalit perspective but it is arguable that this manifests itself through economic conflicts. Further, in Karnataka there is a discernible difference between the state and local levels among Dalit politicians and leaders. At the former level there is not much enthusiasm for or faith in local bodies but at the latter there is far greater optimism. This distinct dalit perspective in Karnataka will be elaborately discussed in a forthcoming paper.
- In Karnataka the major political parties are supportive of devolution though there are some differences between them. The common perception is that the Janata Dal is more pro-devolution than the Congress. While this may be true at a gross level there are important qualifying factors to be borne in mind. Not all the legislative changes brought in by the Congress along with the conformity legislation were undone when the Janata Dal returned to power and enjoyed a comfortable majority. The ruling coalition in West Bengal which has been in power without interruption from 1977 is pro-active on devolution. In Tamilnadu the major political parties are inert on the devolution front.

This paper establishes the different trajectories that the three states have followed in the area of decentralisation based on the prevailing socio-economic and political situations. It has also demonstrated how in the past few decades most of the initiatives for devolution have come from the Centre. This is in contrast to the situation in the 50's in particular, when as discussed above, there was a great deal of concern about respecting the sphere of action of the states. In this context it may also be noted that the Ministry at the Centre dealing with decentralisation has also undergone several changes. To begin with, the Ministry of Health was put in charge of Community Development programmes which in a way may be regarded as one of the forbears of the Panchayat system. A major change occurred in the 60s when community development was brought under the Ministry of Food and Agriculture, a step which George Mathew suggests was an affirmation of the dominance of technology over institutions [Mathew, op.cit]. However after the 73rd Amendment the situation has altered radically. In 2004 a separate Ministry for Panchayati Raj has been created. In addition most state governments either have a separate ministry for panchayati raj or it is combined with rural development. In Tamilnadu the ministry/department concerned is Local Administration.

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