

CHAPTER – II

ORGANISATIONAL STRUCTURE OF PANCHAYATI RAJ INSTITUTIONS

The first generation of Panchayati Raj Institutions started with the recommendation of Balwant Rai Mehta Committee. In fact, the whole notion of Panchayati Raj in India is based on the recommendation of Balwant Rai Mehta Committee. The Committee suggested an elective body at the block level and the district. The body at the block level should be known as the Block Samiti. It should be constituted by indirect elections from the Village Panchayats. The Block Samiti will have two sets of officers -those at the block level and those at the village level. All these officers will be drawn from the corresponding state cadres and will be sent to the samiti by the state government.

At the village, level there should be a Gaon Panchayat and the district level Zilla Parishad. Therefore, the committee recommended three tiers of Panchayati Raj Institutions – Gaon Panchayat, Block Samiti and Zilla Parishad, all linked organically with each other. Since block was the pivot of development programme, hence the report of the committee suggested that the Panchayat Samiti should be given statutory status. It should be an elective body has comprehensive functions and adequate financial resources and also should have executive authority to implement the programmes. The Zilla Parishad should be a purely coordinative and advisory body having no executive authority. This generation of Panchayat Bodies meant to ensure participation in development.¹ It was felt that there could be no rigidity about the pattern of rural local self-government in view of vastness of the

¹ Status of Panchayati Raj in the states and union territories of India-2000, published for Institute of Social Sciences, Concept Publishing Company, P-8

country and the diversity in different parts. So, modification could be made retaining to the basic structure of the Panchayati Raj.²

The second generation of Panchayati Raj started with the recommendation of the Asoka Mehta Committee which submitted its report in 1978 recommending for the creation of a two-tier system of Panchayati Raj. Panchayat elections must be held at regular intervals

Thus, the Panchayats emerged from a development organization at the local level into a political institution.

The third generation of Panchayati Raj Institutions came into existence from 1993 as a result of the 73rd Constitutional Amendment Act, 1992. The main provisions of the 73rd Constitutional Amendment can be grouped under two categories: mandatory and voluntary. Under the first category, the following provisions are included:

- Organization of the Gaon Sabha.
- Creation of three-tier Panchayati Raj structure at the Zilla, block and village level,
- Filling of all posts at all levels (with two exceptions) by direct elections,
- Fixing the minimum age for contesting elections to Panchayati Raj Institutions at 21 years,
- Indirect election to the post of chairman at the intermediate and open tiers,
- Reservation of seats for the SC/ST in Panchayats (Chairman and members) in proportion to their population,

²Deka Jogesh (2004): Panchayat and Rural Development Department in Assam: A Structural and Functional Analysis (an unpublished thesis), P-257

- Reservation for women in Panchayats. (Chairman and members) up to 1/3rd seats,
- Creation of the State Election Commission to conduct election to the Panchayati Raj Institutions,
- Fixing the tenures of Panchayati Raj Institutions at five years and if dissolved earlier, holding fresh elections within six months and
- Setting up a State Finance Commission every five years to review the financial position of the Panchayati Raj Institutions of each state.

Under the category of voluntary provisions, the following are included:

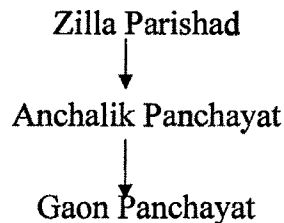
- Giving the voting right to members of the union and state legislature in these bodies.
- Providing reservation for backward classes,
- Giving the Panchayati Raj Institutions financial powers in relation to taxes, levies, fees etc.
- Making the Panchayats autonomous bodies and
- Devolution of powers to the Panchayat Bodies to perform some or all of the functions suggested in the Eleventh Schedule added to the constitution through the 73rd Amendment and/or prepare frames for economic development of the voluntary provisions has been left to the will of the state.³

Thus the 73rd Constitutional Amendment on Panchayati Raj provides constitutional guarantee to basic essential features including regular elections, reservations for Scheduled Castes, Scheduled Tribes and Women and devolution of financial and administrative powers. Besides, it

³ The working of Panchayats in Assam with special reference to the role of Women Representatives. (A case study of Nalbari District), (OKDIOS), P-7

establishes structural uniformity in Panchayati Raj Institutions all over the country.⁴

The 73rd Constitutional Amendment Act, 1992 defines the Panchayat as an institution of self-government. Three tiers of PRI are-



So, a Panchayat shall be constituted at the village (Gaon Panchayat), block (Anchalik Panchayat), and district (Zilla Parishad) levels. However, Panchayats at intermediate level are not mandatory in states having population less than twenty lakhs (Article 243-B). The composition of Panchayats will be provided by law by the state legislature. These Panchayats shall be elected from within the Panchayat area through territorial constituencies. Members of the Panchayat shall be elected directly by the members of the Gaon Sabha. The territorial constituencies shall be created in such a manner that the ratio between the population of each constituency and the number of seats allotted to it shall so far as practicable, be the same throughout the Panchayat area.

The state, by law can make provision for the representation of the head (president) of the village, in the Panchayat at the intermediate or district level as the case may be; or the representation of the head of the Panchayat at the intermediate level, in the Panchayat at the district level. The state can also make provision for giving representation to MP, MLA or MLC, in the Panchayats at different levels falling within their constituencies.

⁴ Narang A.S. (2005): Indian Government and Politics, Gitanjali Publishing House, New Delhi, P-298

The presidents of the Panchayats at the intermediate or district levels shall be elected by and from amongst their own members (Article 243 – C).

The Act also provides for organization of the Gaon Sabha. It defines the Gaon Sabha as a body consisting of persons registered in the electoral rolls relating to a village within the area of a Panchayat at the village level.⁵ Of course, the Gaon Sabha is made a statutory unit.⁶

The Act of 1992 provides for reservation of seats in Panchayats at all levels (village, intermediate and district) for Scheduled Castes, Scheduled Tribes and Women. The seats to be reserved for Scheduled Castes and Schedule Tribes in each Panchayat shall be in proportion to their respective population in the area of that Panchayat. One-third of such reserved seats shall be earmarked for the women of Scheduled Castes and Scheduled Tribes.

One-third of the total number of directly elected seats (including the reserved seats as above) shall be reserved for Women. Also one-third of the offices of the chairpersons shall be reserved for Women. Similarly, offices of the presidents of the Panchayats at different level shall be reserved for the Scheduled Castes and Scheduled Tribes, but the number of such reserved offices shall be in proportion to their respective populations.⁷

The Article (243-I) empowers the Governor of a state to appoint a Finance Commission within one year of this appointment and after every five years thereafter, to review the financial position of the Panchayats and

⁵ Sharma Dr M.P. and Sadana Dr. B.L Public Administration in Theory and Practice , Kitab Mahal, Allahabad, Present Edition,2002. P-760.

⁶Opcit., Status of Panchayati Raj in the States and Union Territories of India-2000, P-14

⁷Opcit., Sharma Dr. M.P. and Sadana Dr. B.L,P-761.

to make recommendations to the Governor regarding the principles to govern:

The qualifications of the members of the Finance Commission and the manner of their appointment shall be laid down by the state legislature.

Article 243 ZD of the constitution (inserted by the 74th Constitution Amendment) provides for constitution of District Planning Committee by the state governments in every district. But, it is applicable to Panchayati Raj Institutions also. The District Planning Committees are expected to consolidate the plans prepared by the Panchayats and Municipalities in the district and on their basis formulate a draft development plan for the district as a whole.⁸

An analysis of the main features of the 73rd Constitutional Amendment Act, 1992 shows that the Act is mainly an enabling and empowering one. It merely seeks to spell out the details as to how the Panchayats envisaged by Article 40 of the constitution could be made an effective and genuine institution of Rural Local Government in India. It gives definite constitutional status and seeks to provide a uniform pattern and status to the Panchayats. The provisions of women members and chairpersons is however likely to bring a far-reaching change in the institution of Panchayats. Besides, the provision for the State Election Commission and the State Finance Commission will certainly provide the much needed stability to the Panchayat in the states. However, one must not accept a revolutionary change to come to the Panchayats overnight. Given the socio-economic background of our rural areas, these provisions can not be expected to cause sudden miracles. Manipulations and dominations by the vested interest will still continue in a great majority of them. But at the

⁸Opcit., Status of Panchayati Raj in the States and Union Territories of India-2000,P-12

same time, it will certainly start a process of qualitative change towards more satisfactory functioning of the Panchayats.⁹

However, the 73rd Constitutional Amendment suffers from certain flaws. Some of these important flaws are –

- The concept of ‘self government’ has not been specifically defined. Therefore, in some states, these Panchayati Raj Institutions are treated as an agency of the State Government rather than autonomous self-governing institutions at the local community level.
- Devolution of powers is mandatory but how much devolution, is left at the discretion of the states, which are generally reluctant to devolve powers. So, in the case with the financial resources, the result is that functional and financial autonomy has not been granted to the Panchayat Institutions. Since the states are usually reluctant to give up control over the implementation of development schemes and allocated funds, the stranglehold of bureaucracy over these institutions continues.
- Wide discretion given to the states creates other problems too. For instance, elections are postponed for one reason or the other.¹⁰
- The amendment attempts to bring about uniformity in the Panchayati Raj System. However, each state has its own history, traditions and consequent structures of local government. Therefore, it may be perhaps, difficult to set up uniformity in the Panchayati Raj System all over the country.

⁹ Talukdar Dr. A.C, an article on “73rd Amendment of the constitution: Its spirit and its implications P-5

¹⁰ Opcit., Sharma Dr M.P. and Sadana Dr. B.L. Opcit. P-765.

- It is also pointed out that the representation of members of Parliament and State legislatures, though in an ex-officio capacity and without voting rights may prove counter productive. There is likelihood of clash of interests between legislators and Panchayati Raj representatives particularly for getting votes.
- The Act of 1992 has not clearly defined the role of political parties. Nowhere has it mentioned that political parties can enter into election arena in their formal capacity. Similarly, it is completely silent over the relationship between Panchayati Raj Institutions and local level bureaucracy.
- The 73rd Constitutional Amendment Act, 1992 merely provides for local bodies and regular elections without empowering them as institutions of local bodies and regular elections without empowering them as institutions of local self-government. Article 243 G leaves transfer of powers to Panchayats to discretion of State Legislatures. The eleventh schedule is merely recommendatory. Instead of subjects to be transferred to local governments, it should have been mandatory in a manner similar to List II of seventh schedule and State Legislatures should have no discretion, State Legislators and officials are extremely reluctant to part with powers.
- The Act does not spell out specific grounds for dissolution of Panchayati Raj Institutions largely failed because of irregular elections and frequent suspension and supersession.¹¹
- Under Article 243 ZD (2) of the constitution, the composition of District Planning Committees and the manner in which they will

¹¹ Opcit., Narang A.S., P-298,299

be formed including the choice of their chairpersons has been left to the State Legislatures. Some state governments made collectors chairpersons and in some other ministers were made in-charge of the committees. This not only violated the spirit of Constitutional Amendment, but also the principles of democratic decentralization. However, the dominant trend has been to assign this post to democratically elected head of the district level Panchayat.¹²

However, the 73rd Constitutional Amendment is undoubtedly an important milestone on the road towards rural self-governance. It is a bold step to compel the states and union territories to revive and reinvigorate the institutions of local self-government in rural India which for several reasons had either stagnated or deteriorated. Awarding constitutional status to these institutions has not only given them respectability but also made them a third level next to the centre and states of the governing structure. Now, Panchayats are as much a constitutional authority as the union Parliament or State Legislature are. The only difference is that the powers and compositions of the latter are given in the constitution itself and can not be altered in most cases without amending the constitution, while those of the former are left at the discretion of the states. Perhaps that was necessary in a vast and diverse country as India is where uniformity throughout its territory is unworkable. Nevertheless, this amendment makes it mandatory for the states and union territories to adhere to certain core features of these institutions. Legal status to the Gaon Sabha, three tier structure of the Panchayati Raj Institutions, regular election after five year term, limiting the duration of supersession of a Panchayat, creation of an independent Election Commission in States, reservation of seats for women and other weaker sections of society, appointment of a Finance Commission after every five

¹² Opcit., Status of Panchayati Raj in the states and union territories of India-2000, p-14

years, enumeration of their functions etc. provide guaranteed basic frame work of the Panchayati Raj.¹³

Structural Pattern of Panchayati Raj Systems in Assam:

In Assam, the first legislation on Panchayats was introduced in 1948. The Assam Rural Panchayat Act of 1948 provided for a two tier system with Primary Panchayats at the village level and Rural Panchayats at the revenue mouza level.

In 1959, the Assam Rural Panchayat Act, 1948 was repealed and the Assam Panchayat Act, 1959 was passed. Under this Act, a three-tier system was introduced consisting of the Gaon Panchayats at the lowest level, Anchalik Panchayats at the middle level and Mahkuma Parishad at the apex level.

A two-tier system of Panchayati Raj was reintroduced under the Assam Panchayati Raj Act of 1972. The Act provided for Mahkuma Parishad at the sub-divisional level and Gaon Panchayat at the village level. With the introduction of this Act, the Anchalik Panchayats which were co-terminus with the Community Development Blocks were abolished and Gaon Panchayats with jurisdiction larger than erstwhile Gaon Sabhas were established.

The Assam Panchayati Raj Act of 1986 brought back the institution of Anchalik Panchayats in the Panchayati Raj System thus reverting to a three-tier system. Under this system the role of the Mahkuma Parishad was primarily supervisory in nature.¹⁴

The Assam State Legislative Assembly enacted the Assam Panchayati Raj Act of 1994 broadly in conformity with the 73rd Constitutional

¹³ Opcit., Sharma Dr M.P. and Sadana Dr. B.L. Opcit. P-765.

¹⁴ Opcit., The working of Panchayats in Assam with special reference to the role of Women Representatives. P-10,11

Amendment Act of 1992. Reinforcing the ethos of the Constitutional Amendment, a three-tier system of Panchayati Raj has been worked out to cover the rural areas of the entire state, except for the two hill districts i.e. Karbi Anglong and North Cachar covered by the sixth schedule of the Constitution. A five-year term was fixed for the Panchayat Bodies comprising the Gaon Panchayats at the bottom, Anchalik Panchayats at the intermediate and Zilla Parishad at the top level. This has been followed by adoption of the Assam (Panchayat Constitution) Rules, 1995 specifying the code for Panchayat Elections, delimitation and determination of the constituencies for the different tiers, reservation of the constituencies for Scheduled Castes, Scheduled Tribes and women, and allied matters.

In the spirit of the 73rd Constitutional Amendment Act, 1992, the Assam Panchayati Raj Act of 1994 makes provision for Gaon Panchayats as the democratic base of the Panchayati Raj.¹⁵ The Assam Panchayat of 1994 provides that the Gaon Sabha shall consist of persons registered in electoral rolls relating to a village or a group of villages comprised within the area of the Gaon Panchayat.¹⁶

The Gaon Sabha has become a permanent institution. The Act makes it mandatory for the Gaon Sabha to meet in every three months to make recommendations and suggestions to the Gaon Panchayats on the development programmes to be undertaken. As most of the legislation enacted by the State Assemblies after 73rd Constitutional Amendment, in Assam too, the Gaon Sabha has been imagined as the democratic space to ensure participation of the common villagers in the discussion on the development issues, village planning as well as in implementation of the development programmes.

¹⁵ Sharma Bhupen (2006): Rejuvenating Panchayati Raj, Ideology and Indian states, Akansha publishing House, New Delhi, P-171,P-172

¹⁶ The Assam Panchayat Act of 1994, Chapter III, Section 4 (II)

For each well defined territorial jurisdiction of the Gaon Sabha with six to ten thousand populations, the Act of 1994 provides a Gaon Panchayat consisting of ten directly elected members and one directly elected president. However, the vice-president is to be elected from amongst the members in the first meeting of the Gaon Panchayat. The Act fulfills all the constitutional provisions regarding elections and reservation of seats for women, the Scheduled Castes and the Scheduled Tribes.¹⁷

The Act has also made it mandatory for the Gaon Panchayat to constitute three standing committees – Development Committee, Social Justice Committee and Social Welfare Committee by election amongst the elected members. Besides the elected members, the Act has authorized the Gaon Panchayats to co-opt to each standing committee, Mahila Samiti and other such Civil Society organizations, without the right to vote.¹⁸

The Act provides an Anchalik Panchayat for each Development Block to be constituted by the directly elected members from the territorial constituencies of the Gaon Panchayats, the presidents of the Gaon Panchayats and the MLA and the MP representing constituencies, which comprise wholly or partly, the Anchalik Panchayat. Every such member has the right to vote, whether or not chosen by direct election. However, only the directly elected members of the Anchalik Panchayat are given the right to elect the president and the vice-president from amongst themselves in the first meeting of the Anchalik Panchayat. The Act fulfills all the constitutional provisions regarding election, reservation of seats for women, the Scheduled Castes and the Scheduled Tribes in the Anchalik Panchayats.¹⁹

It is also mandatory for the Anchalik Panchayat to constitute three standing committees – General Standing Committee, Finance, Audit and

¹⁷Ibid.,Chapter IV, Section 9.

¹⁸ Ibid.,Chapter IV, Section 22

¹⁹Ibid.,Chapter V, Section 31

Planning Committee, and Social Justice Committee to be constituted by the members of the Anchalik Panchayat for amongst themselves.

The Assam Panchayat Act of 1994 provides a Zilla Parishad to each district. Included in its jurisdiction is the entire district excluding those portions, which are included in the urban bodies such as Municipality, Municipal Corporation, Town Committee or Cantonment area, etc. The Zilla Parishad is constituted by the members directly elected from the territorial constituencies of the district, the president of the Anchalik Panchayats, and the MLA and the MP representing a part of whole of the district, whose constituencies lie within the district. All the members have the right to vote. However, the president and the vice-president of the Zilla Parishad are to be elected by the directly elected members of the Zilla Parishad from amongst themselves.²⁰

The Zilla Parishad is provided with four standing committees. These four standing committees are – General Standing Committee, Finance and Audit Committee, the Social Justice Committee and the Planning and Development Committee.²¹

The Act also made provision for constituting the District Planning Committee (DPC) for each district. A District Planning Committee is to be consisted of the MLA and the MP representing the whole or part of the district, the president of the Zilla Parishad, the Mayor or the Chairperson of the Municipal Corporation/Municipal Board/Town Committee as the case may be and not less than two-third of the members of the Zilla Parishad, Councilors of Municipal Corporation of the Municipalities or the Town Committees on rotation and in proportion to the rural and the urban population of the district. The President of the Zilla Parishad of the ex-officio Chairperson of the District Planning Committee.

²⁰Ibid., Chapter VI, Section 64

²¹ Ibid., Chapter VI, Section 81

The Act has also made provision for a State Election Commission to prepare the electoral roll as well as to conduct all elections to the PRI. The Act has also made it mandatory for the state government to constitute a State Finance Commission to look into the financial aspects of the PRI.

Although the constitutional mandate has been satisfied, for some of the unpleasant provisions it contains, the legislation has turned out to be hostile to the ethos of the Seventy-third Amendment. The legislation had made the elected representatives of the Panchayats subservient to the State bureaucracy. For instance, the Act requires the secretary of the Gaon Panchayat to consult the BDO even after receiving approval from the president of the Gaon Panchayat for convening a meeting of the Gaon Sabha. The secretary of the Gaon Panchayat has also been authorized to convene a meeting of the Gaon Sabha in consultation with the BDO, if the president fails to convene the Gaon Sabha meeting. Similarly, the legislation has also provided opportunities of encroachment by the State Political Masters on the space earmarked for the elected representatives at the local level. For forging vertical linkages among all layers of elected representatives (Panchayat representatives, MLA and MP) it may be desirable to make the MLA and the MP, members of the Anchalik Panchayats or the Zilla Parishads along with the directly elected members. However, conferring the right to vote also to the MLA and the MP on issues exclusively falling within the jurisdictions of an Anchalik Panchayat or a Zilla Parishad is an over democratic provision, which makes some people more equal than others.²²

After the enactment of the 73rd and the 74th Constitutional Amendment, two fundamental changes, which have come about in Indian Democratic polity, need mention here--

²² Opcit., Sharma Bhupen P-176,P-177

First, the democratic base of the Indian polity has widened. Before the Amendments, Indian democratic structure through elected representatives was restricted to the two Houses of Parliament, 25 States Assemblies and two Assemblies of Union Territories (Delhi and Pandicherry). They had just 4,963 elected members. Now, there are more than 500 district Panchayats about 6000 block/tehsil/mandal Panchayats at the intermediate level and 250,000 Gram Panchayats in rural India where about 73 percent of India's population lives. Urban India, with about 27 percent population, has 96 city corporations, 1700 Town Municipalities and 1900 Nagar Panchayats. Today, every five years, about 30 lakhs representatives are elected by the people through the democratic process, out of whom 10 lakhs are women. Women head about 175 district Panchayats, more than 2000 block/tehsil/mandal Panchayats and about 85,000 Gaon Panchayats. More than 30 city corporations and about 600 town municipalities have women chairpersons. A large number of excluded groups and communities are now included in the decision-making bodies. As the Indian population has 14.3 percent SC and 8 percent ST, about 6, 60,000 elected members, i.e. 22.5 percent of the total memberships in the rural and urban local bodies will be from Scheduled Castes and Scheduled Tribes.

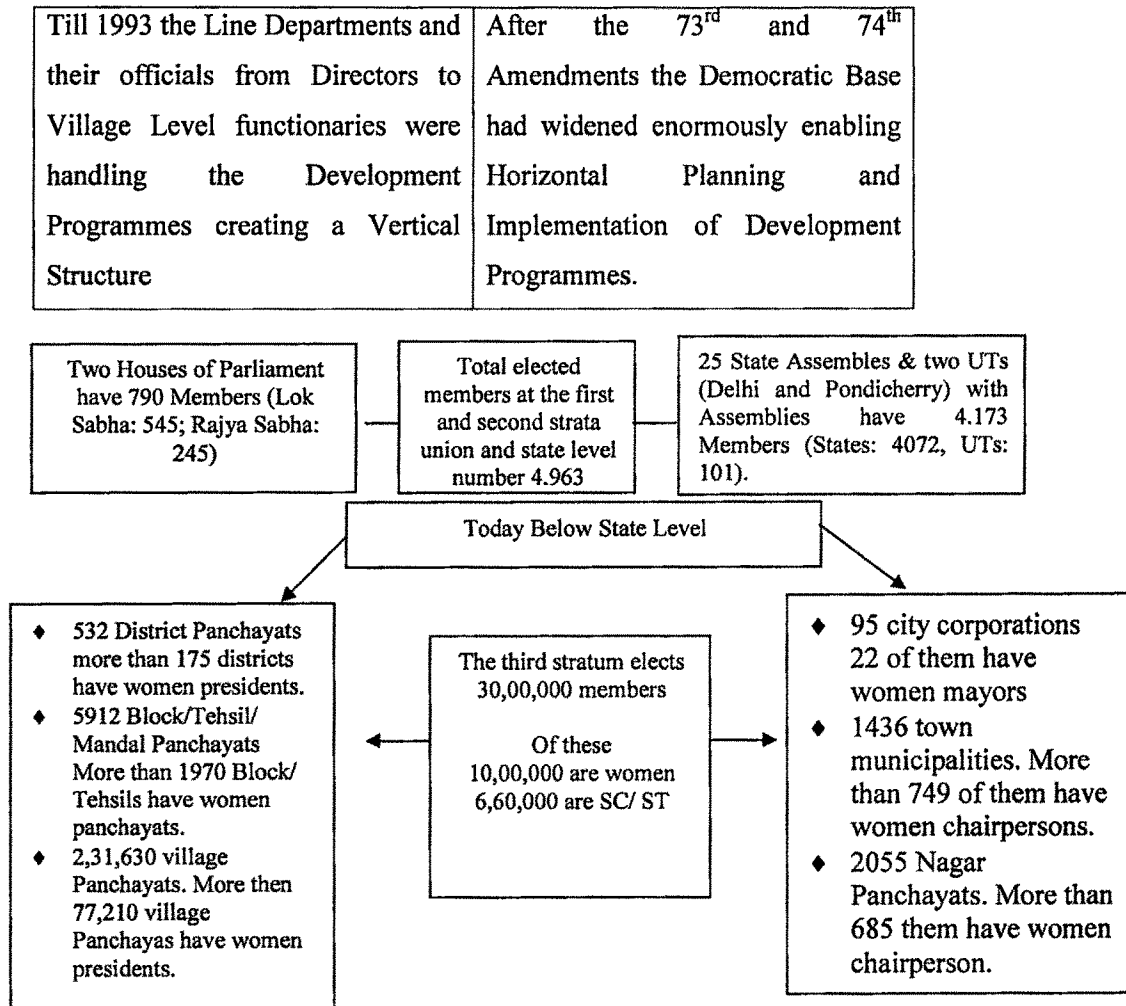
Secondly, these amendments are bringing about significant change in India's federalism. India is on the move to become a multilevel federation with elected local bodies at the district (Zilla) and below. Of course, only when the subjects mentioned in the 11th (Panchayats) and 12th (Municipalities) schedule are brought under schedule VII, they will assume the status equal to that of union and state lists. Although the elected bodies have no legislative powers and de jure the union and states constitute the federal India, the qualitative change that has come about in the Indian federal structure has far reaching consequences.²³

23 Opcit., Status of Panchayati Raj and Union Territories of India, 2000, P-10

The widening democratic system has shown in the following Table – I.

Table-I

WIDENING DEMOCRATIC BASE AFTER 1993



*Note: Numbers in the third box (below state level are approximate.
Source: Institute of Social Sciences Panchayati Raj Research) (P. 11)*

Thus, the federal system of India is pregnant with revolutionary possibilities following the widening democratic base as well as the structural change brought about by the new Panchayats and Municipalities.

In India, the Gaon Sabha has been recognized as the lowest unit of the grassroots democracy.²⁴ Most of the states in India with a very few

²⁴ Indian Journal of Public Administration, Vol. XLVI, (2001), No-1, P-38

exceptions such as Kerala and Tamil Nadu, attempt to institutionalize Gaon Sabhas through their respective Panchayat Acts enacted much before the 73rd Constitutional Amendment. In such statutory provisions made in Bihar (Bihar Panchayati Raj Act, 1947) and Punjab (Punjab Gram Panchayati Act, 1952), the Gaon Sabhas also had the power to 'recall' the Sarpanch.²⁵

The 73rd Constitutional Amendment of the constitution recognizes the Gaon Sabha as a statutory body. It has been incorporated by all the states in their amended laws on Panchayats, although there are variations in respect of jurisdiction of the Gaon Sabha, number of meetings to be held, issues to be discussed in meetings and the like. In Andhra Pradesh and Karnataka, the Gaon Sabha has been defined in relation to a revenue village, whereas in Maharashtra and Rajasthan, the unit is much larger and coterminous with village Panchayat. In Kerala, population of a Panchayat can range from 10,000 to 75,000 people. The Kerala Panchayati Raj Act, 1994 provides for constitution of Gaon Sabha separately for every unit. The 1999 amendment provides legal recognition to every smaller unit called neighbourhood groups (ayal kutams)²⁶. On the other hand, West Bengal has introduced the system of Gram Sansad, which is equivalent to Gaon Sabha at the ward level.²⁷

The constitution has prescribed a uniform pattern of three-tier Panchayat for the entire country, except for small states having population below 20 lakhs. In some states such as West Bengal where district are large, the three-tier system is working well and appears to be quite appropriate. Again, in some states such as Kerala where districts are small and communication system is well developed, the intermediate tier does not serve much purpose. Further, there are some states, such as Andhra Pradesh

²⁵ Opcit., Sharma Bhupen P-179

²⁶ Opcit., Indian Journal of Public Administration.,P-38

²⁷ Opcit.,Sharma Bhupen, P-168.

and Karnataka, where intermediate level Panchayat is not coterminous with block. They face the problem of providing adequate staff to the intermediate level Panchayats. However, the problem is their own creation. Of course, some states are comfortable with a two-tier system (village and district) because of their long administrative traditions, but not with the three-tier system. Some states however find three-tier system more useful and effective. Since there are differences in the experiences of different states, it may perhaps be worthwhile to examine the question as to whether constitution of the intermediate level Panchayat should be left to the discretion of the individual states.

Regarding the question of how big or how small should be a Gaon Panchayat; this issue is left to the discretion of the state government. It will be worthwhile to look at the way how the states have chosen to respond to this. Table – II provides state-wise information among others, on the number of Gaon Panchayats, population covered on average by each Gaon Panchayat and number of people a Gaon Panchayat member represents on average. The figures relates to all states (except Bihar) having population of 10 million and above.

Table – II:

Gaon Panchayats in selected states: Population and Elected Members

Sl. No	State	Population (1991) Rural	Gram Panchayats (Nos)	Gram Panchayat (Total elected members)	Population per GP	Population/GP member	Year of Election/ remarks, if any
1	Andhra Pradesh	48620882	21943	230529	2216	211	1995 elections to PRIs in vth scheduled areas were held in 1998
2	Assam	19926527	2489	24860	8006	802	1992
3	Gujarat	27063521	13316	123470	2032	219	1995
4	Haryana	12408904	5958	54159	2083	229	1994
5	Karnataka	31069413	5675	80627	5475	385	1993
6	Kerala	21418224	991	10270	21613	2086	1995
7	Madhya Pradesh (Undivided)	50842333	30922	474351	1644	107	1994
8	Maharashtra	48395601	27619	303545	1752	159	1997
9	Orissa	27424753	5261	81077	5213	338	1997
10	Punjab	14288744	12369	87842	1155	163	1998
11	Rajasthan	33938877	9185	119419	3695	284	1995
12	Tamil Nadu	36784354	12607	97398	2918	378	1996
13	Uttar Pradesh (Undivided)	111506372	58805	682670	1896	163	1995, 1996
14	West Bengal	49370364	3330	50345	14826	981	1998

(Source: Consultation paper on the working of the Constitution provisions (Part-IX) for Decentralization of Panchayats, Institute of Social Science, New Delhi, 2001)

It will be evident from Table-II that most of the major states have opted for tiny village Panchayat. Population covered by an average Gaon Panchayat ranges between 1000-2000 in 4 states, between 2000 and 3000 in 4 states and between 3000-4000 in one states. In three states, population per Gaon Panchayat ranges between 5000 and 8000. Large Gaon Panchayats are to be found in West Bengal and Kerala which have population of around 15 and 21.6 thousand respectively. Between a Gaon Panchayat of Punjab

covering a population of barely 1100 and that of Kerala catering to twenty times larger population size, there is hardly any necessary to go into the reasons behind the growth of large-sized Gaon Panchayats either in Kerala or in West Bengal. What is necessary to learn from the experiences of both the states is that none of them found it uncomfortable with Gaon Panchayats catering to large population. Again, it is these two states which can claim some credit for promoting the cause of local democracy. Large size of Gram Panchayats has not stood in their way in creating a strong base for Panchayat democracy. Sheer number of Gaon Panchayats in these states is staggering. In the states of Andhra Pradesh, Maharashtra and Madhya Pradesh, the number of Gaon Panchayats range from around 22000 to 31000 and in undivided Uttar Pradesh, it was nearly 59000. In the states like Rajasthan, Tamil Nadu, Gujarat and Punjab, the number of Gaon Panchayats vary between 9000 and 14000. So, it is difficult to say as to what should be the optimum size of Gaon Panchayat. The general principle is that it should not be too small to pose problems of viability and, again, it should not be too large to prohibit people's participation. If the size of the Gaon Panchayat is too small, it cannot be a viable planning unit. First, financial and human resources at the disposal of the Gaon Panchayat will be too small to plan and implement development schemes. Secondly, it is difficult for a small Gaon Panchayat to plan for infrastructure like roads, irrigation sources etc., since the areas they are expected to serve may in most cases stretch beyond its boundary.

Gaon Sabhas will be unworkable if Gaon Panchayats become large. This is true. Participation being one of the precious objectives of democratic decentralization, effectiveness of Gaon Sabha cannot be allowed to be scarified. In West Bengal and Kerala, each ward functions as Gaon Sabha. Obstacles to participation in large Gaon Panchayats may be avoided, if the

patterns developed in Kerala and West Bengal are adopted. If found necessary, constitutional provision may also be made along this line.

The constitution provides that the chairperson of the intermediate level Panchayat as well as district level Panchayat shall be elected by, and from amongst, the elected members thereof. This is perfectly in line with the practice of cabinet system of government that is prevalent in our country. However, the power to decide the manner of electing chairperson of Gaon Panchayat will be directly elected by the people. States like Andhra Pradesh, Orissa, Gujarat, Haryana, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh, Bihar and Tamil Nadu the respective Panchayat Acts provides for election of the chairperson of the Gaon Panchayat directly by the people. However, in a few states like West Bengal, Maharashtra, Kerala and Karnataka, the chairperson of the Gaon Panchayat is elected by and from amongst its elected members. In the latter case, there is uniformity among the entire three-tier in the member of election of the chairperson.²⁸

In terms of Constitutional provision (Article 243C), the State Panchayat Acts may make provision for ex-officio membership of the members of the parliament (House of the People as well as Council of States) and Legislative Assemblies/Councils in the intermediate and district level of Panchayat. Many State Acts have this provision. The Madhya Pradesh Acts has even gone to the extent of enabling an MP and an MLA to have his nominee on the Panchayats. This is arbitrary and unconstitutional. Some major states on the other hand, have chosen to dispense with this non-mandatory provision of the constitution. For instance, Maharashtra, which has a long tradition of PRIs, do not have such provision. Through a recent amendment, Kerala's Panchayat Act has repealed the earlier provision

²⁸ Consultation Paper on the Working of the constitutional provisions (part-IX) For Decentralisation-Panchayat (2001) Prepared by Institute of Social Sciences, New Delhi. P-48,P-52

relating to the membership of MPs and MLA in the district Panchayat and of MLA in Block Panchayat.

One of the most positive results of the 73rd Constitutional Amendment has been women's participation in a big way in the democratic institutions at the district, block and village levels. After 10 to 15 years, women may occupy more than 50 percent seats in all the three-tiers of the Panchayati Raj System.²⁹ Today Panchayats elect three million members of whom one million are women and 0.66 million belong to the SC/ST Communities. As many as 175 district Panchayats, 1970 intermediate Panchayats and over 77 thousand village Panchayats are headed by women.³⁰

Following the constitutional provision of reservation of seats for women in the PRI, some of the states have gone beyond the minimum requirement of 33.33 percent. In Karnataka 45 percent of the elected members to the PRI are women. In Uttar Pradesh 54 percent of the Zilla Panchayat presidents are women. Similarly, in Tamil Nadu, 36 percent of the chairpersons of Gaon Panchayats are women.³¹

Under Article 243 D (b) enabling provision has been made to reserve "seats in any Panchayat or offices of chairpersons in the Panchayats at any level in favour of backward class of citizen". In terms of this provision, a large number of states have opted for reservation of OBC. The position in respect of a few states reflects in Table – III.

²⁹ Opcit., Status of Panchayati Raj in the States and Union Territories of India-2000, P-11,P- 12.

³⁰ Opcit., Consultation Paper on the Working of the constitutional provisions (part-IX), P-1

³¹ Opcit., Sharma Bhupen, P-108,P-109

Table – III:

Reservation of OBC in PRI

States	Reservation of Seats	Reservation in the posts of chairpersons
Andhra Pradesh	34 per cent in all tiers	34 per cent in all tiers
Bihar	No limit in proportion to population in all tiers	No limit in proportion to population in all tiers
Uttar Pradesh	In proportion to population but subject to the limit of 25 per cent in all tiers	In proportion to population but subject to the limit of 25 per cent in all tiers
Gujarat	10 per cent in all tiers	10 per cent in all tiers
Madhya Pradesh	27 per cent in all tiers of non-tribal areas	27 per cent in all tiers of non-tribal areas
Maharashtra	Not exceeding 27% seats	27 percent by rotation
Rajasthan	15 per cent, but if the SC/ST population exceeds 70 per cent, no reservation for OBC	--
Haryana	One seat at every level	--
Karnataka	One-third seats in all tiers	One-third seats in all tiers
Orissa	27% in all tiers	--

Source: Consultation Paper on the Working of the constitutional provisions (part-IX) For Decentralization-Panchayat (2001), Prepared by Institute of Social Sciences, New Delhi.

P-47

The OBC is an elusive concept. In the first place, there is no way of estimating correctly the number of people in different caste categories in a given state, since census does not enumerate population on caste basis. Figures relating to number of people belonging to different castes are always a bone of contention. Secondly, within the OBC themselves, there may be some categories of people who are relatively advanced than others. In a judgment delivered by Patna High Court, it was shown that certain castes within the OBC of Bihar were over represented in the union and state legislatures and hence providing them with the additional advantage of reserved seats or reserved posts in Panchayats was considered unjustified. Indeed, no state has been able to devise a transparent and rational procedure

of determining population size of the OBC in different territorial at different levels. In most cases dubious procedures have been adopted.³²

“The mandate of the constitution made it mandatory for creation of the State Election Commission to conduct election to the Panchayati Raj Institutions. The mandate of the constitution for holding regular elections to the Panchayats by the State Election Commission is clear and unambiguous. Article 243E stipulates that every Panchayat shall continue for five years and no longer. It is a sad commentary on our respect for constitutional norms and practices that state after state is being allowed to defy with impunity the mandate to hold Panchayat Elections on time. Almost all the states, except West Bengal, Tripura and Rajasthan, are guilty in this respect. For instance, Bihar took 8 years time after the 73rd Amendment was passed to announce its first Panchayat Elections in April 2001. Similarly, the State of Tamil Nadu, Kerala and Karnataka delayed their first election. When the five year term of Panchayat was completed, postponement took place in Assam and Madhya Pradesh. Madhya Pradesh held the second election in January 2000, but Assam’s Election remains due since October 1997. In Orissa, the state government dissolved all the elected Panchayats before expiry of their term, but failed to hold elections within six months as stipulated in the constitution. Gujarat postponed its Gram Panchayat Elections that were scheduled to be held in May-June 2000. In Orissa and Uttar Pradesh, Panchayat Elections were held after the court intervened and gave direction.”³³

The state governments quite often delay the process of Panchayat Elections willfully on purely political considerations. They can do so, partly because they retain some powers relating to the conduct of elections under State’s Acts/Rules and partly because SEC has to depend upon the state

³² Opcit., Consultation Paper on the Working of the constitutional provisions (part-IX), P-47, P-48

³³ Ibid, P-4

government for logistic support that includes staff as well as fund support. There is a specific provision for providing staff support to SEC under clause (3) of Article 243K, but similar provision does not exist in respect of funding to defray the expenses of conducting elections. At least, SEC of some state cited non-receipt of adequate funds as reasons for not holding elections. Besides, certain important powers like issuance of election notification, delimitation of constituency, earmarking reserved seats, etc. are retained by the state governments in many states. Considering all this, there seems to be a case for strengthening further the hands of the SEC by making specific provisions in the constitution itself”³⁴

As has been noted earlier, “Articles 243ZD of the constitution provides for constitution of District Planning Committee by the state governments in every district. District Planning Committee is the only body in the decentralization scheme of the constitution where at least one-fifth of the total members can be nominated. Since the manner of choosing the chairperson of the committee has been left to be decided by the State Legislature, there is no bar in making one of the nominated members also to be the chairperson. The Table-IV has clearly shown the status of District Planning Committee in different states.

³⁴ Ibid, P-6

Table –IV:
Status of District Planning Committee in different states
(As on January 2000)

Sl. No.	Name of the States	Status	Chairperson
1	Andhra Pradesh	Not constituted	--
2	Assam	Constituted	Zilla Parishad (ZP) Chairperson
3	Bihar	Not constituted	--
4	Gujarat	Constituted	Minister
5	Himachal Pradesh	Constituted	ZP Chairperson
6	Karnataka	Constituted	ZP Chairperson
7	Kerala	Constituted	ZP Chairperson
8	Madhya Pradesh	Constituted	Minister
9	Maharashtra	Constituted	Minister
10	Orissa	Constituted	Minister
11	Punjab	No provision earlier Act. Amendment is being considered	--
12	Rajasthan	Constituted	ZP Chairperson
13	Tamil Nadu	Constituted	Earlier District Collector, ZP Chairperson by recent Amendment
14	Tripura	Constituted	Minister
15	Uttar Pradesh	To be constituted	Minister
16	West Bengal	Constituted	ZP Chairperson

Source: Consultation paper on the working of the Constitutional provisions (part-IX) for Decentralization-Panchayats (2001), p-34

In fact, as many as six states have taken the liberty to nominate a minister to head the committee, thus undermine the position of the elected members of the PRI and Municipalities, including the chairperson of Zilla Parishad. Nomination is a convenient tool, which may be used by the regime in control of the state government for political expedience and to load the committee with the political heavy weights to weaken the role and position of Zilla Parishad. The DPC may thus emerge as a strong power centre outside the municipality system. This cannot definitely be the intention of the constitution. In Madhya Pradesh, the DPC has been

converted into what has been brandished as district government – a government of the district but not accountable to the people of the district. The DPC has not been constituted everywhere. But, where it has been constituted, distortion of various kinds is coming to surface. In Tamil Nadu, for instance, law provided that the collector would be the chairperson of District Planning Committee and the chairperson of District Panchayat its vice chairperson. After protest were lodged against such a preposterous arrangement, the decision was reversed and the chairperson of Zilla Parishad was made the chairperson of the committee”³⁵

Thus, members of the DPC are partly nominated and partly elected. It is not accountable to the local people. Yet, it has all the possibility of growing as an alternative power centre. The case of Madhya Pradesh is an instance. It has also spread to the Panchayats and the Municipalities. It may also be given power to monitor the activities of elected Panchayats and municipalities, as has been done in the state of Tamil Nadu. In a democratic framework, such exercise of power by a non-elective body over the elected institutions is certainly not legitimate.³⁶

In Assam, the Assam Rural Panchayat Act, 1948 was in operation in the state for a decade, and the number of Rural Panchayats gradually increased from 29 at the end of 1950-51 to 422 in 1959. In 1959, the Rural Panchayats covered a total of 2,657 Primary Panchayats scattered in all the plains districts of Assam. Thus, the system evolving as a mere residue of the district administration failed to realize its objectives.³⁷ After the last elections held under the Act of 1973, an official publication had recorded that in 1989, 20 Mohkuma Parishads, 664 Gaon Panchayats were existent in the state. Further, the first elections under the Act of 1986 were held in

³⁵ Ibid, P-33

³⁶ Ibid, P-48,P-49

³⁷ Opcit., Sharma Bhupen, P-138

February 1992. In 1992, 21 Mahkuma Parishads, 196 Anchalik Panchayats and 2489 Gaon Panchayats were existed. Besides, total number of members of Anchalik Panchayats and Gaon Panchayats are 2486 and 24860 respectively. Although, the elections were held in 1992, reports revealed that many new elected Panchayati Raj Institutions had yet to become functional”³⁸.

“The elections to the PRI held in 2001 after a long gap of more than four years witnessed a great amount of enthusiasm both on the part of the voters and the political parties. It also witnessed a considerably high level of political participation of the people in the democratic process with about 70 percent of the rural voters exercising their franchise in the Panchayat polls, and the pattern was more or less similar throughout the state”³⁹

A brief profile about the basic information of the Assam Panchayat Election, 2001 (except BTC area) is shown below:

- 1) Total number of District : 21
- 2) Total number of Zilla Parishad (ZP) : 22
- 3) Total number of ZPs Constituencies : 390
- 4) Total number of APs: 183
- 5) Total number of GPs : 2153
- 6) Total number of GPs Constituencies: 21530
- 7) Total number of Voters : 1,16,88,977

Male Voters: 60, 85,193 (50.21%)

Female Voters: 56, 03,784 (49.79%)

- 8) Total number of the seats : Roster SC-ZP = 19 & ST-ZP = 18

Women ZP :

SC Women ZP = 17

ST Women ZP = 8

³⁸ Opcit., Status of Panchayati Raj in the states and union territories of India-2000 ,P-73

³⁹Opcit., Sharma Bhupen., P-179

General Women ZP =	92
Total Women ZP =	117
SC (AP) =	80
ST (AP) =	86

Women AP :

SC Women AP =	29
ST Women AP =	58
General Women AP =	559
Total Women AP =	646
SC (GP) =	782
ST (GP) =	778

Women GP :

SC Women GP =	649
ST Women GP =	555
General Women GP =	6647
Total Women GP =	7851

(Source: The Assam State Election Commission)

In conformity with the 73rd Constitutional Amendment, a three-tier structure of Panchayati Raj System has been constituted by holding the Assam Panchayat Election, 2001. The Zilla Parishads at the district level, the Anchalik Panchayats at the Block level and the Gaon Panchayats at the village level have been constituted.

The Table-V has shown the SC, ST and women members of the Zilla Parishads of the different districts of Assam.

Table –V

Elected Zilla Parishad Members and seats reserved for SC, ST & women

have been shown in the Table- V

Sl. No.	Name of District	Total Elected Members	Reserved for						Women General Caste	Unreserved General Caste Elected Members Both M&F	Vacant constituency	Deferred BAC area constituency
			SC			ST						
			M	F	Total	M	F	Total				
1.	Karimganj	20	2	1	3	-	-	-	6	11	-	-
2.	Hailakandi	11	1	-	1	-	-	-	3	7	-	-
3.	Cachar	27	3	2	5	-	-	-	7	15	-	-
4.	Dhubri	19	-	1	1	-	-	-	7	11	-	9
5.	Goalpara	16	1	-	1	2	1	3	4	8	-	-
6.	Bongaigaon	6	-	-	-	-	-	-	1	5	-	10
7.	Kamrup	29	2	1	3	2	1	3	9	14	1	5
8.	Nalbari	12	1	-	1	-	-	-	4	7	-	11
9.	Barpeta	25	-	1	1	-	-	-	7	17	-	8
10.	Darrang	8	-	-	-	-	-	-	3	5	-	20
11.	Sonitpur	32	1	2	3	2	-	2	9	18	-	-
12.	Nagaon	41	2	2	4	1	1	2	8	27	-	-
13.	Morigaon	13	1	1	2	1	1	2	3	6	-	-
14.	Jorhat	23	1	-	1	-	-	-	-	22	-	-
15.	Golaghat	17	-	1	1	1	1	2	4	10	-	-
16.	Sivasagar	24	-	1	1	-	-	-	6	17	-	-
17.	Lakhimpur	17	2	-	2	2	1	3	4	8	-	-
18.	Dhemaji	7	-	-	-	2	1	3	1	3	-	-
19.	Dibrugarh	23	-	1	1	1	1	2	6	14	-	-
20.	Tinsukia	20	2	3	5	4	-	-	2	9	-	-
21.	Kokrajhar	-	-	-	-	-	-	-	-	-	-	16
	Grand Total	390	19	17	36	18	8	26	93	235	1	79

(Source: The Assam State Election Commission)

The Table-V indicates that in Assam Panchayat Election 2001, members for the Zilla Parishads of 21 districts of Assam were elected from among General Castes, Women, SC as well as ST. Among 390 elected Zilla Parishad members, SC elected members are 9.23 percent with SC male and SC female 4.87 percent and 4.35 percent respectively. Similarly, among 390 ZP elected members, ST elected members is 6.66 percent where ST male

and ST female are 4.61 percent and 2.05 percent respectively. Besides, out of 390 elected members the women general castes elected members from the reserved seats are 23.84 percent. On the other hand, women's overall representation altogether in the 21 districts is 30.25 percent. They represent 49.79 percent female voters.

(Source: The Assam Election Commission)

However, women elected members' representation is almost 1/3rd as required in 73rd Constitutional Amendment Act. Moreover, elected ZP members both male and female altogether from the unreserved seats are 60.25 percent.

Table – VI

Elected Anchalik Panchayat Members and seats reserved for SC, ST & women have been shown in the Table- VI.

(Panchayat Election, 2001)

Sl. No	Name of Districts	Total Elected Members	Reserved For						Women General Caste	Unreserved General caste elected members (Both M & F)	Vacant Constituency	Deferred BAC area constituency
			SC			ST						
			M	F	Total	M	F	Total				
1.	Karimganj	96	10	4	14	-	-	-	24	58	-	-
2.	Hailakandi	62	4	3	7	-	-	-	16	39	-	-
3.	Cachar	162	14	10	24	1	1	2	43	93	1	-
4.	Dhubri	150	-	5	5	-	6	6	52	87	-	22
5.	Goalpara	81	3	-	3	10	3	13	22	43	-	-
6.	Bongaigaon	55	2	3	5	-	-	-	16	34	-	39
7.	Kamrup	159	10	4	14	10	4	14	46	85	-	19
8.	Nalbari	62	3	1	4	-	-	-	19	39	-	48
9.	Barpeta	121	-	5	5	-	-	-	21	95	-	28
10.	Darrang	61	2	1	3	-	2	2	14	42	-	94
11.	Sonitpur	158	2	8	10	4	7	11	35	102	-	-
12.	Nagaon	238	9	17	26	4	8	12	58	142	1	-
13.	Morigaon	85	8	5	13	8	3	11	20	41	-	-
14.	Jorhat	110	6	3	9	10	3	13	30	58	1	-
15.	Golaghat	101	1	4	5	5	6	11	25	60	1	-
16.	Sivasagar	118	1	3	4	2	2	4	31	79	-	-
17.	Lakhimpur	81	2	-	2	11	4	15	18	46	-	-
18.	Dhemaji	65	1	1	2	13	5	18	11	34	-	-
19.	Dibrugarh	92	2	1	3	4	3	7	29	53	1	-
20.	Tinsukia	88	-	1	1	4	1	5	28	54	-	-
21.	Kokrajhar	3	-	-	-	-	-	-	1	2	-	85
	Grand Total	2148	80	79	159	86	58	141	559	1286	5	335

(Source: The Assam State Election Commission)

At the middle tier of the Constitutional Panchayat Bodies, the elected SC AP members' representation is 7.40 percent having 3.72 percent SC male and 3.67 percent SC female. Similarly, the elected AP members' representation is 6.70 percent whereas ST male and ST female AP members are 4 percent and 2.70 percent respectively. Besides, out of 2148 elected AP

members, the women General Caste AP members from the reserved seats are 26.02 percent. But, women overall representation altogether in the 21 districts is 32.40 percent. So, women elected AP members' representation is also almost 1/3rd as required in 73rd Constitutional Amendment Act. Moreover, elected AP members both male and female altogether from the unreserved castes are 59.86 percent.

In Kamrup district the SC and the ST elected members comprise 8.80 percent each in the Anchalik Panchayats. Women elected members' representation on the other hand 33.96 percent where male members comprise 66.03 percent.

Under the three-tier Constitutional Panchayat Bodies, the lower tier is the Gaon Panchayat. Like other two tier of the Panchayat Bodies, the Gaon Panchayats are also constituted by the Assam Panchayat Election, 2001. The Table- VII has shown the SC, ST and women wise elected members of the Gaon Panchayats.

Table – VII

Elected Gaon Panchayat Members and seats reserved for the SC, ST & women have been shown in the Table- VII

(Panchayat Election, 2001)

Sl. No	Name of Districts	Total Elected Members	Reserved For						Women General Caste	Unreserved General caste elected members (Both M & F)	Vacant Constituency	Deferred BAC area constituency
			SC			ST						
			M	F	Total	M	F	Total				
1.	Karimganj	960	86	34	120	-	-	-	252	588	-	-
2.	Hailakandi	615	48	20	68	-	-	-	172	375	5	-
3.	Cachar	1630	133	71	204	15	7	22	440	964	-	-
4.	Dhubri	1500	7	37	44	4	-	4	560	892	-	220
5.	Goalpara	784	26	-	26	77	32	109	92	557	26	-
6.	Bongaigaon	549	22	39	61	-	8	8	173	307	1	390
7.	Kamrup	1569	59	31	90	90	40	130	409	940	21	190
8.	Nalbari	596	16	4	20	18	5	23	179	374	24	480
9.	Barpeta	1188	16	29	45	1	8	9	335	799	22	280
10.	Darrang	610	4	19	23	-	2	2	218	367	-	940
11.	Sonitpur	1554	21	41	62	29	38	67	407	1018	26	-
12.	Nagaon	2384	106	106	212	32	47	79	741	1352	16	-
13.	Morigaon	838	53	58	111	59	54	113	217	397	12	-
14.	Jorhat	1100	21	16	37	6	7	13	364	686	10	-
15.	Golaghat	1006	9	30	39	47	36	83	302	582	14	-
16.	Sivasagar	1179	8	16	24	11	18	29	425	701	1	-
17.	Lakhimpur	809	13	12	25	113	51	164	169	441	1	-
18.	Dhemaji	633	10	1	11	120	73	193	105	324	12	-
19.	Dibrugarh	918	2	15	17	33	52	85	305	511	17	-
20.	Tinsukia	866	-	11	11	10	25	35	286	534	14	-
21.	Kokrajhar	30	1	-	1	-	-	-	9	20	-	850
	Grand Total	21318	671	590	1261	665	503	1168	6160	12729	222	3350

(Source: The Assam State Election Commission)

The Table- VII indicates that out of 21,318 elected GP members, the SC GP members are 5.91 percent where the representation of SC male and SC female GP members are 3.14 percent and 2.76 percent respectively.

Similarly, the representation of ST GP members is 5.47 percent having 3.11 percent ST male and 2.35 percent ST female GP members. Besides, the representation of women general caste GP members winning the reserved seats is 28.89 percent. But women's overall representation is 34.02 percent as the elected GP members. So, women elected members' representation is a little above 1/3rd. However, the elected GP members both male and female altogether winning the unreserved seats are 59.71 percent.

(Source: The Assam State Election Commission)

One of the most important and mandatory provisions of the 73rd Constitutional Amendment is to constitute the Gaon Sabhas. Following the constitutional mandate, the Assam Panchayat Act, 1994 made the provision for the Gaon Sabhas each consisting of persons registered in the electoral rolls in a village or group of villages within the area of Gaon Panchayat⁴⁰. After the Assam Panchayat Election, 2001, the total number of Gaon Sabhas is 2153 equal to the number of Gaon Panchayats. Besides, the total number of the Gaon Sabhas' members is 60, 85, 193. The percentages of male members and female members are 52.21 and 49.79 percent respectively. In Kamrup district on the other hand, the total number of the Gaon Sabhas is 178 equal to the number of the Gaon Panchayats.

(Source: The Assam State Election Commission)

In conformity with the provision of the 73rd Constitutional Amendment, the first State Finance Commission was constituted in Assam in June 23, 1995 and it had submitted its report on February 29, 1996⁴¹. Similarly, the second State Finance Commission was constituted in April 18, 2001. Again, in pursuance of the provisions of Article 243(I) and Article 243(Y) of the Constitution of India read with the provisions of section 2(1)

⁴⁰ Ibid, P-184

⁴¹ Opcit. Consultation Paper on the Working of the constitutional provisions (part-IX) P-26

of the Finance Commission (Miscellaneous Provisions) Act, 1995, the Governor of Assam is pleased to constitute the third Assam State Finance Commission. Thus the three Finance Commissions have been constituted in Assam after the enactment of the 73rd Constitutional Amendment.⁴²

As mentioned earlier that “the Assam Panchayati Raj Act 1994 has made provision in conformity with the 73rd Constitutional Amendment for a State Election Commission to prepare the electoral rolls as well as to conduct all elections to the PRI”⁴³. The Assam State Election Commission makes the formal announcement of the Panchayat Elections in the state except Karbi Anglong and N.C. Hills Districts on the 19th November, 2001 and fixed the dates for conduct of the Panchayat Elections. The Assam State Election was constituted appointing N.G. Baruah as the Election Commissioner.⁴⁴

“As per Article 242D, the task of District Planning Committee is to consolidate the plans prepared by the Panchayats and the municipalities in the district and to prepare a draft plan for the district as a whole. The status of District Planning Committee in Assam (as on January 2000) was that it was constituted empowering as an ex-officio chairperson of the District Planning Committee”⁴⁵. Accordingly, the District Planning Committee of Guwahati Zilla Parishad has also been constituted. So, the provision made by the Assam Panchayati Raj Act for constitution of District Planning Committee fulfills the democratic spirit in Assam

(Source: The office of Kamrup Zilla Parishad).

⁴² Government of Assam Finance (Economic Affairs) Department Notification Orders by the Governor, No-FFA 182/2005/375, February 6, 2006, P-1,2

⁴³ Ghosh, B.K. The Assam Panchayat Act 1994, Assam Law House, P-92

⁴⁴ Assam State Panchayat Election Notification Order (Sec 29/2001/107), November 19, 2001, P-1

⁴⁵ Consultation Paper on the Working of the constitutional provisions (part-IX) ,P-34

The three tier Panchayat Bodies of Kamrup Zilla Parishad were constituted 5 months after the Assam Panchayat Election, 2001. The Table - VIII indicates the elected members of the ZP, AP and GP and the seats reserved for the SC, ST and women in Kamrup Zilla Parishad.

Table –VIII

Elected members of Kamrup ZP & total elected members of the AP and GP under Kamrup ZP and seats reserved for the SC, ST and Women have been shown in the Table-VIII.

Name of Panchayat bodies	Total Elected members	Reserved for						Women General Caste	Unreserved General caste elected members (both M & F)
		SC			ST				
		M	F	Total	M	F	Total		
Kamrup Ziila Parishad	29	2	1	3	2	1	3	9	14
APs under Kamrup Zilla	159	10	4	14	10	4	14	46	85
GPs under Kamrup Zilla Parishad	1569	59	31	90	90	40	130	409	948

(Source: The Assam State Election Commission)

The Table-VIII indicates that out of 29 members in Kamrup Zilla Parishad, both SC and ST ZP members are 10.34 percent each whereas SC male and SC female are 6.89 percent and 3.44 percent respectively. ST male and ST female also have the same percentages. Besides, the representation of General Caste women ZP members winning the reserved seats is 31.03 percent. But, the overall representation of the elected women ZP members are 37.93 percent. So, the representation of women elected ZP members is above 1/3rd as required in the constitutional mandate. However, the elected ZP members including male and female altogether from the unreserved seats are 48.27 percent.

In Kamrup district, among 159 elected AP members, both the SC and ST elected representatives are 8.80 percent each whereas SC and ST male members are 6.28 percent in each case and SC and ST female members also have the same 2.51 percentage each group in the AP level. Besides, the representatives of the General Caste elected women winning the reserved seats are 28.93 percent in the AP. However, women's overall representation in the 21 districts is 33.96 percent, which is the required percentage in the 73rd Constitutional Amendment Act. Of course, the representation of elected AP members including male and female winning the unreserved seats is 5.41 percent.

The Table-VIII also indicates that among 1569 elected GP members in the 21 districts, the SC elected representatives are 5.73 percent in the GPs having 3.76 percent male SC members and 1.97 percent SC female. Similarly, the representation of ST elected GP members are 8.28 percent whereas male and female ST elected GP members are 5.73 percent and 2.54 percent respectively. Besides, the elected women general caste GP members from the reserved seats are 26.06 percent. On the other hand, the elected women's representation altogether is 30.59 percent which is almost conformity in the 73rd Constitutional Amendment Act. However, the elected GP members both male and female altogether from the unreserved seats are 59.91 percent.

It is important to be noted here that Sualkuchi Anchalik Panchayat is one of the significant Anchalik Panchayats among the 17 Anchalik Panchayats under Kamrup Zilla Parishad. The Table X has indicates the elected members and the seat reserved for the SC, ST and women of Sualkuchi Anchalik Panchayat.

Table-IX

Elected AP members of Sualkuchi AP & seat reserved for SC, ST and women have been shown in the Table-IX

Name of Anchalik Panchayat	Elected members	Reserved for						Women unreserved	Total male	Total female	
		SC			ST						Women General Caste
		M	F	Total	M	F	Total				
Sualkuchi Anchalik Panchayat	8	1	-	1	-	-	-	2	-	5	3

(Source: The Assam State Election Commission)

The Table-IX indicates that the representation of SC is 12.5 percent though the total SC population is 16 percent in Sualkuchi AP. Of course, no representative has been elected from the SC female population in the AP. Besides, for 2 percent ST population of Sualkuchi Development Block, no representative has been elected. On the other hand, the general caste elected GP representatives winning the reserved seats are 25 percent. But the elected women's representation altogether is 37.5 percent and for 48 percent women population, 37.5 percent representatives have been found in the AP. It is in conformity with the 73rd Constitutional Amendment Act. But no women representative has been elected against the unreserved seats. Moreover, the total male elected representatives are 62.5 percent in the AP.

The Gaon Panchayats under Sualkuchi Anchalik Panchayat are also constituted. The Table -X indicates the total general SC and ST population in each Gaon Panchayat under Sualkuchi Anchalik Panchayat.

Table – X

GP wise population of 8 GPs under Sualkuchi AP have been shown in the Table- X

Name of Gaon Panchayats	Total Population (as per 2001 census)			General Caste
	Total	SC	ST	
1. Pachim Sualkuchi	6501	263	111	6127
2. Madhya Sualkuchi	7821	192	123	7506
3. Pub Sualkuchi	21295	5504	329	15462
4. Bansar	6796	164	206	6426
5. Gandhmow	5065	981	314	3770
6. Shingimari	5224	25	Nil	5199
7. Dadara	6582	423	792	5367
8. Pacharia	7929	114	Nil	7815

(Source: The Office of the Kamrup Zilla Parishad)

The Table-X indicates that among the 8 Gaon Panchayats, 5 Gaon Panchayats have fulfilled the condition provided by the Assam Panchayat Act 1994 regarding the maximum or the minimum number of population for a Gaon Panchayat. Pub Sualkuchi Gaon Panchayat has 21295 populations crossing the number 20,000. On the other hand, Gandhmow and Shingimari Gaon Panchayats have less than the required minimum number of 6,000 populations. The variations, of course, are not significant.

As mentioned earlier that “the Assam Panchayat Act of 1994 provides that a Gaon Panchayat shall consist of 10 members. These members are to be elected directly by the voters of the territorial constituencies of the Gaon Panchayat one from each constituency. Not less than one third of the total members of seats to be filled up by direct election in every Gaon Panchayat shall be reserved for women. Such seats may be allotted by rotation to different constituencies in the Gaon Panchayat. Seats shall be reserved for SC and ST in every Panchayat on the basis of their population in the Gaon

Panchayat area. The voters of the Gaon Panchayat area shall elect the president of the Gaon Panchayat”⁴⁶

The Gaon Panchayats and the Gaon Sabhas under Sualkuchi Anchalik Panchayat were constituted 5 months of the Assam Panchayat election, 2001. Accordingly the Gaon Panchayats including other two upper tiers of the Panchayat bodies started functioning.

⁴⁶Opcit., Sharma Bhupen, P-172.

Table – XI

Elected Presidents and members of GPs and seats reserved for the SC, ST and Women of Sualkuchi Anchalik Panchayat have been shown in the Table- XI

Sl. No	Name of GPs	Elected President of GPs						Elected members of the GPs														
		Male general caste	Female general caste(unreserved)	SC male	SC female	ST male	ST female	Reserved For	Women general caste	Total GP members	Male general caste	Female general caste(UR)	Total general caste (UR)	SC male	SC female	Total SC	ST male	ST female	Total ST	General Caste Women reserved	Total male	Total Female
1	Pachim Sualkuchi, GP	-	-	-	1	-	-	-	10	5	-	5	2	1	3	-	-	-	1	-	7	3
2	Madhya Sualkuchi, GP	1	-	-	-	-	-	10	10	-	-	-	-	-	-	-	-	-	3	-	7	3
3	Pub Sualkuchi, GP	-	-	1	-	-	-	10	10	4	-	4	3	1	4	-	-	-	2	-	7	3
4	Bansar, GP	1	-	-	-	-	-	10	10	7	-	7	-	-	-	-	-	-	3	-	7	3
5	Gandhmow, GP	-	-	-	-	-	-	10	10	6	-	6	-	-	-	-	-	-	3	-	7	3
6	Shingimari, GP	-	-	-	-	-	-	10	10	7	-	7	-	-	-	-	-	-	3	-	7	3
7	Dadara GP	1	-	-	-	-	-	10	10	4	-	4	1	1	2	-	-	-	3	-	6	4
8	Pacharia, GP	1	-	-	-	-	-	10	10	6	-	6	-	-	-	-	-	-	4	-	6	4
	Grand Total	4	-	1	1	-	-	80	39	39	-	39	6	3	9	1	1	2	22	54	26	

(Source: The Assam Gazette Extraordinary No 320 Dispur, 8th March, 2002)

The Table- XI indicates that out of 8 presidents, women are 3 thus having 37.5 percent women's representation. Besides for 11.89 percent of the total SC population of the entire area of Sualkuchi Anchalik Panchayat, 25 percent GP Presidents have been found. Again out of two SC President one belongs to women. On the other hand, 2.91 percent ST population no Presidents have been found. Moreover, no women GP president has been elected against the unreserved seats.

The Table- XI also indicates the elected members of the Gaon Panchayats and the seats reserved for women, SCs and STs.

Pachim Sualkuchi GP:-

One of the significant Gaon Panchayats under Sualkuchi Anchalik Panchayat is Pachim Sualkuchi Gaon Panchayat. Total SC population of this GP is 4.04 percent. Among 10 elected members of the GP 3 members belong to the SC with 30 percent representation. The representation of the SC male and SC female is 20 percent and 10 percent respectively. The president of the GP also belongs to SC woman. But, for 1.70 percent ST population, no GP member has been elected. On the other hand, representation of elected women from General Caste as GP members for the reserved seat is 20 percent and overall women's representation is 30 percent. But, no women representative is elected as GP members against the unreserved seat. However, the male's overall representation in the GP is 70 percent. So, almost 1/3rd women as elected GP members have been found in the GP. It has also been observed that the representation from the SC as GP members have been found better in the GP. Moreover, the representation of women elected members including the president is 40 percent. It is significant and encouraging trend.

(Source: The office of the Kamrup Zilla Parishad)

Madhya Sualkuchi GP:-

In Madhaya Sualkuchi G.P., the SC and ST population is of 2.45 percent, 1.57 percent respectively. Among the elected members of this Gaon Panchayat, none of them belongs to the SC and the ST. on the other hand; women from the General Castes have won 30 percent of the reserved seats. But, no women representatives have been elected to occupy unreserved seats as GP members. However, almost 1/3rd women's representation in the GP fulfils the constitutional requirement. Of course, general caste male representation is 70 percent in the GP. *(Source: The office of the Kamrup Zilla Parishad)*

Pub Sualkuchi GP:-

In Pub Sualkuchi GP, the SC and ST population is 25.84 percent and 1.54 percent respectively. For the 25.84 percent SC population, the representation of the elected GP members is 36.36 percent. The notable point is that the president of the GP belongs to the SC. There is no representation from the ST in the GP. On the other hand, the women elected GP member representation altogether is 40 percent in the GP. It is a good trend in women's representation in the GP. However, no women as GP member have been elected against unreserved seats. On the other hand, General Caste male representation is 40 percent whereas male's overall representation is 70 percent.

(Source: The office of the Kamrup Zilla Parishad)

Bansar GP:-

In Bansar GP, the SC and ST population is 2.41 percent and 3.03 percent respectively. But no one has been elected GP members from the SC group. The women General Caste GP members elected against reserved seats constitute 30 percent. Of course, no female representatives are elected against the unreserved seats in the GP. The male's overall representation is 70 percent in the GP. However, the representation of women in the GP is almost 1/3rd and it has met the minimum requirement.

(Source: The office of the Kamrup Zilla Parishad)

Gandhmow GP :-

In Gandhmow GP, the SC and the ST population is 19.36 percent and 6.19 percent respectively. But no representatives have been found from the SC as GP members. On the other hand, for 6.19 percent ST population, there is 10 percent ST representation as GP members. Of course, no

representation has been found from the SC female in the GP. Moreover, women have been successful in capturing their 30 percent reserved seats in the GP. Besides the president of the GP is also a woman. So, the overall representation of women elected representatives is 36.36 percent. No women representatives are elected against the unreserved seats. However, 36.36 percent women's representation is more than the required minimum. Of course, male's representation as elected GP members altogether is 70 percent.

(Source: The office of the Kamrup Zilla Parishad)

Shingimari GP:-

In Shingimari GP, the SC population is 0.47 percent and no ST people are found in the GP. Due to less population, no representation has been found from the SC group. Women could occupy their 30 percent reserved seats in the GP. The president of the GP is a Muslim woman. So, the overall women's representation in the GP is 36.36 percent. Thus, women's representation as elected members in the GPs quite enthusiastic. But no women representative is elected for the unreserved seat. On the other hand, the percentage of male elected members is 70 in the GP.

(Source: The office of the Kamrup Zilla Parishad)

Dadara GP:-

In Dadara GP, the SC and the ST population is 6.42 percent and 12.03 percent respectively. For 6.42 SC populations, elected representatives in the GP are 30 percent whereas the percentage of SC male and SC female elected members is 10 each. The overall representation of women elected members is 40 percent which may be considered remarkable. On the other hand, for 12.03 percent ST population 10 percent representation has been

found from this category. Of course, no representatives have been elected from the SC male. Of course, one woman ST representative is elected from the unreserved seat. The representation of male altogether is 60 percent in the GP.

(Source: The office of the Kamrup Zilla Parishad)

Pacharia GP:

In Pacharia GP, the SC population is 1.43 percent only. On the other hand, no ST people have been found in the GP. Hence, due to the less population from the backward classes, no representation has been found in the GP from these categories. On the other hand, women's representation as GP members in the GP is 40 percent which may be considered quite significant. Of course, no women representatives are elected against the unreserved seats. On the other hand, male elected representatives are 60 percent.

(Source: The office of the Kamrup Zilla Parishad)

It is also significant to note that under Article 243C of the Indian Constitution, the State Panchayat Acts may make provision for the ex-officio membership of the members of the Parliament/Legislative Assemblies/Councils in the intermediate and district levels of Panchayat.⁴⁷ In conformity with this provision of the constitution, the Assam Panchayati Raj Act, 1994 has provided provision for ex-officio memberships belonging to MLA and MP in the intermediate and district levels of Panchayats. Accordingly 8 MLAs and MPs as ex-officio members have represented in the Kamrup Zilla Parishad. Similarly, Sualkuchi Anchalik Panchayat has one MP and one MLA as ex-officio members.

⁴⁷ OpCit Consultation Paper on the Working of the constitutional provisions (part-IX), P-53

(Source: The office of the Kamrup Zilla Parishad)

In conformity with the 73rd Constitutional Amendment, the Assam Panchayati Raj Act of 1994 has provided for establishment of the Gaon Sabhas. Accordingly, the Gaon Sabhas have been constituted in 8 GPs. The Table XIII indicates the constitution of the Gaon Sabhas under 8 Gaon Panchayats of Sualkuchi Anchalik Panchayat.

Table -XII

GP wise Members of 8 Gaon Sabhas under Sualkuchi AP including male and female have been shown in the Table- XII

Sl. No	Name of GPs	The members of the Gaon Sabhas				
		Total	Male	% Male	Female	% Female
1	Pachim Sualkuchi GP	6151	3197	51.97%	2954	48.02%
2	Madhya Sualkuchi GP	5459	2804	51.36%	2655	48.63%
3	Pub Sualkuchi GP	4283	2146	50.1%	2137	49.9%
4	Gandhmow GP	3483	1908	54.78%	1575	45.21%
5	Shingimari GP	2943	1662	56.47	1281	43.52%
6	Bansar GP	3251	1660	51.06%	1591	48.93%
7	Dadara GP	5476	2945	53.85%	2531	46.21%
8	Pacharia GP	4611	2466	53.48%	2145	46.51

(Source: The 1997 Panchayat Election, voter list)

The Table- XII indicates that all 8 GPs under Sualkuchi AP, the male Gaon Sabha members are little larger than the women Gaon Sabhas members. Out of 35,557, the male and female Gaon Sabha members are 18788 and 16769 respectively which is 52.83% and 47.16% respectively. These Gaon Sabha members under Sualkuchi Anchalik Panchayat have a heterogeneous character. There are two religious classes of people within the area of Sualkuchi Anchalik Panchayat. The majority people belong to Hindu and the rest one is Muslim. Besides, these are about 16% SC and

about 2% ST members of the Gaon Sabhas under Sualkuchi AP. (*Source: The office of Sualkuchi Development Block*)

Thus, the constitutional mandate has been followed in Assam, particularly in the Gaon Panchayats and the Gaon Sabhas under Sualkuchi Anchalik Panchayat although inadequate representations in some extent have been found regarding the SC and the ST.