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# **STRUCTURE OF PANCHAYATI RAJ INSTITUTIONS AND DIRECT ELECTIONS IN LOCAL SELF BODIES**

AUTHORED BY - APURWA KUMARI<sup>1</sup>

## **ABSTRACT**

A country as large as India can't be effectively ruled from one place and one leader. Effective and efficient administration strives at bifurcation of power at the local levels of community. This is the reason why India is divided into 28 States which is further divided into 640 districts, townships and villages.

Towns and villages are two distinct entities in India. They have different problems and requirements. In order to look after specific needs of villages Panchayati Raj Institutions (PRI's) have been set up. It is very important to understand the structure of three tier system of governance as envisaged by the 73<sup>rd</sup> Amendment Act, 1992. Also, PRI's strive to achieve 'Democratic Decentralization' which when simply put means management of local affairs by freely elected people of the locality. Therefore, the tentative paper deals with the concept of direct elections to different managerial posts of these PRI's, making democratic values deep rooted in the Indian Society.

**Keywords:** Panchayati raj institution, election, three tier system, gram sabha, gram panchayat, zila panchayat, constitution, democratic decentralization, 73<sup>rd</sup> amendment, 74<sup>th</sup> amendment.

## **CHAPTER 1. INTRODUCTION**

Panchayats have been the backbone of the Indian villages since beginning of recorded history. In 1946, Mahatma Gandhi, aptly remarked that Indian lives in villages and unless the village is realized, the country cannot grow as a whole.

Though Panchayats has a long history, its structure however varied from time to time. In rural India, the concept of 'panch parmeshwar' is very old and very prominent, we also find the reference of Gram Panchayat in ancient and medieval literatures.

The roots of Panchayati raj can be traced in the Art. 40 of the Constitution of India. With the introduction of the three-tier Panchayati Raj system, it ensured people's participation in the

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<sup>1</sup> Assistant professor, Department of Legal Studies, Jharkhand Rai University, Ranchi.

rural reconstruction. The Panchayati Raj system fulfills the long felt need of making the village administration truly independent and genuinely representative of the population will, and putting village people in direct charge of affairs. The objective behind establishing such a system is to take democracy to the village level, by delegating powers to the people at the grass roots level.

## **CHAPTER 2. BRIEF BACKGROUND**

The idea of Local Self- Government arises from man's basic urge for liberty, the ability to make decisions and to uplift the society in accordance with local community requirements.<sup>2</sup> Local self government takes care of administration of a small community like that of a village and operates at the lowest possible level of society, at grass root level so that it might touch the life of people very closely as to provide them with services as well as act as an instrument of democratic self government.<sup>3</sup>

Although there is sufficient evidence to the fact that local self-government is almost pre-historic, and the conception of local self-government is indigenous to the Indian soil. While empires rose and fell, village panchayats which formed an integral part of the national life, helped to preserve democratic traditions in social, cultural, economic and political life, survived the onslaughts of centuries of political upheavals and saved Indian society from disintegration.<sup>4</sup>

After the independence, Panchayats were included in the Article 40 of the Indian Constitution which reads, "The states shall take steps to organize village Panchayat and endow them with such power and authority as may be necessary to enable them to function as units of self-government". Many committees including the committee headed by Balwant Rai Mehta in 1957, Ashok Mehta in 1978, G V K Rao, L M Singhvi in 1986 observed the absence of local self governance and need of strengthening it further. Thus, in order to revitalize the Panchayati Raj Institution, the 73rd amendment to the Indian Constitution was constituted in 1992, and it was implemented it out by other consecutive governments.<sup>5</sup>

"Panchayat" being a state subject the devolution of powers and authority to Panchayats has been left to the discretion of States. In terms of Article 243G of the Constitution the State Legislatures are to consider the 29 matters illustratively set out in the Eleventh Schedule for

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<sup>2</sup> Dhamala R. R, "*A Study of Local-Government and Democratic Decentralization in Sikkim*", 5 (PhD Thesis), Department of Political Science, North Bengal University, 1985.

<sup>3</sup> *Ibid.*

<sup>4</sup> Sharma Monoj, "*Local Government: Rural and Urban*", 3 Anmol Publications, New Delhi, 2004.

<sup>5</sup> Reitesh Dwivedi and Krishna Mohan Poddar, "*Functioning of Panchayati Raj Institutions in India: A Status Paper*", Adhyan 3 (2013).

devolution to the Panchayats for the planning of economic development and social justice schemes.<sup>6</sup> As devolution of powers to PRIs is left to the discretion of States, the profile of devolution varies across the States.<sup>7</sup>

### **(i) Democratic decentralization**

Democratic decentralization is made up of two words i.e, 'democratic' and secondly 'decentralisation'. First outline the term decentralization, which is a twin process of deconcentration and devolution. During deconcentration, a superior officer, in order to make his department function smoothly, delegates to his sub-ordinates field official, the power to act in his name without transferring the authority he enjoys. Devolution, which also implies disbursement of authority, is a process where power is transferred from one organ of the government to another by means of legislation or a constitution. A sphere of its activities both nationally or territorially, is set apart and carried out by locally constituted bodies, which administers its authority and enjoys some powers of self-determination.<sup>8</sup>

Decentralization is important from many aspects specially from the perspective of efficient and economical administration, speedy and realistic decision making, which is very important for big and complex organization like that of rural development. The number of decision taken from time to time are so many and the points upon whom the decision are to be mentioned that it becomes imperative to distribute decision making power to amount a number of field organizer or field institution rather than that to concentrate them upon at headquarters.

The adjective 'democratic' is used to impart a special meaning to the term. It is democratic in the sense that the source from which power is decentralized has its democratic base and the body to which power flows is also democratic. Outlining the term democratic it means that people may determine the whole course of rural development, right from formulation of policies to implementation and evaluation. In a democracy people are sovereign.

Having defined both the terms democratic decentralization means it prevents bureaucratic bottlenecks, excludes blockages of inert bureaucracy giving direct access from the people to the government and the government to the people and stimulating the whole nation to participate in the nation building and development plans.<sup>9</sup> A democratic polity involves the

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<sup>6</sup> Art 245 G Constitution of India, 1950.

<sup>7</sup> Background Note on "Local Self-Governance in Indian Constitution" Ministry of Panchayati Raj. (Last accessed on 10.11.2022).

<sup>8</sup> S.L Goel and Shalini Rajneesh, "Panchayati Raj in India Theory and Practice, 6 Depp and Deep Publication Pvt Ltd, New Delhi.

<sup>9</sup> S.L Goel and Shalini Rajneesh, "Panchayati Raj in India Theory and Practice, 8 Depp and Deep Publication Pvt Ltd, New Delhi.

decentralization of power through which that the affairs of the local people are managed by means of their positive participation. It implies the extension of democracy at the grassroots level.<sup>10</sup>

## (ii) The 73<sup>rd</sup> and 74<sup>th</sup> Amendment

The 73<sup>rd</sup> and the 74<sup>th</sup> Constitutional Amendment Acts, 1992 enjoin upon the states to establish a three-tier system of Panchayats at the village, intermediate and district levels and Municipalities in the urban areas respectively. Therefore States are expected to devolve adequate powers, responsibilities and finances upon these bodies so as to enable them to prepare plans and implement schemes for economic development and social justice. Thus it can be inferred that with the 73<sup>rd</sup> and the 74<sup>th</sup> Constitutional Amendment the Local self - government has got a new life and vigour in India, as it is enshrined in Constitution as the third stratum of government the first two being Central and State government.<sup>11</sup>

There are some States which have two tier Panchayats – one at the village level and second at the district level. And there are also other States where Panchayati Raj Institution is a three tier system-

- a) Gram (A.P, Tamil Nadu, Maharashtra and Gujarat) / Gaon Panchayat (in Assam and Gujarat) as first level- At the rural level the Gaon Sabha constitutes the foundation of the Panchayati Raj system. Gaon Sabha performs the functions and powers entrusted to it by the state legislatures.
- b) Samiti (in A.P, Bihar, Maharashtra, Orissa and Rajasthan), Anchalik (in Assam) Anchalik Parishad in West Bengal, or Taluk (Gujarat, Karnataka) or Block or Janapad (in M.P) or Union Council (Tamil Nadu) or Kshetra (Uttar Pradesh) as second level.
- c) Zila or District as the third level.

The 73<sup>rd</sup> Amendment Act aims to provide three tier system in the Local Self Government constituted through elections held regularly after every five years. The Act also provides reservation of seats for Scheduled Castes, Scheduled Tribes and Women. Moreover, the Act provides for a State Finance Commission to make recommendations regarding the financial powers of the Panchayats and to constitute District Planning Committee to prepare draft development plan for the district.<sup>12</sup>

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<sup>10</sup> Government of India, Report: Local Self-Governance in Indian Constitution (Ministry of Panchayati Raj, 2003).

<sup>11</sup> Maheswari S R, “*Local Government in India*” 3-5, Laxmi Narain Agarwal, Agra, 2003.

<sup>12</sup> *Ibid.*

### **CHAPTER 3. ELECTIONS TO THE PANCHAYATS**

People's participation in political process has always been an important feature of the democratic system. Participatory democracy promotes the active involvement of citizens in the political and administrative processes which are essential for the development of the personality of the individual citizen and the system as a whole.<sup>13</sup> People's participation in the political process is possible through the periodical elections. Elections provide the people an opportunity not only to select their representatives but also to attain political knowledge.<sup>14</sup> In the early stages of village panchayats, the secret ballot system did not exist. The candidates were used to be nominated to different positions in the panchayats on the day of election. All the voters gathered at one place and raised their hands in favour of their candidates. The election officer counted the number of votes and immediately the results were declared in the presence of the voters. It was otherwise termed as voice vote.<sup>15</sup>

The Constitution now stipulates direct elections to the panchayats. With the establishment of State Election Commission there has been fairly regularity in elections in most states. However, in most cases, the SEC's are dependent on the state governments for the activities that lead up to the elections. In some states, they are not even empowered to issue notification for the elections, a responsibility undertaken by the state government themselves. Similarly, a number of states have retained the responsibility of delimitation of constituencies and the preparation of electoral rolls. What this means is that delays in holding elections can be totally dependent on the timing of decisions of state government. In many cases, the state government have delayed performing this function, and held up elections.<sup>16</sup>

Another important aspect of dependency of the SEC's on the State Governments for the performance of their prime responsibility is in the area of reservations. The number of reserved seats in the panchayats is very high, and it is provided that there shall be rotation of constituencies for this purpose.<sup>17</sup>

A new method of consensual decision making has been set in Gujarat. The State Government has announced incentives to the extent of Rs. 1 lakh to hold elections on the basis of consensus. The Scheme is called 'Samras Scheme' which will be dealt in this paper in the upcoming

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<sup>13</sup> Bhargava, B.S., *Emerging Leadership in Panchayati Raj System, Bangalore: Institute for Social Change*, 189 1977.

<sup>14</sup> Ram Reddy, and Sheshadri, *Voter and Panchayats: A Study of Electoral Behaviour during Panchayat Elections in Warangal District, Hyderabad* 6 National Institute of Rural Development, 1972.

<sup>15</sup> National Institute of Rural Development, *Panchayati Raj Elections in Andhra Pradesh: A Study of Institution building for Rural Development*, 35 Hyderabad, 1981.

<sup>16</sup> Kuldeep Mathur, *Panchayati Raj*, Oxford University 50-51 Press, New Delhi 2013.

<sup>17</sup> <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1658145>.

chapters.

In order to understand the various positions to which direct elections are been conducted in Local Self Bodies, it is imperative to understand the structure of these institutions, within which elections are held.

## **CHAPTER 4. STRUCTURE OF PANCHATI RAJ INSTITUTIONS**

### **I. Gram Sabha**

The Gram Sabha is defined under sec 2(16) of the Panchayati Raj Act, 1992 as a body consisting of persons registered in the electoral roll relating to a village comprised within the area of Gram Panchayat. Also under the 73<sup>rd</sup> Amendment the Constitution of India makes specific provision for the establishment of Gram Sabha under Art 243G as “a body consisting of persons registered in the electoral roll relating to a village comprised within the area of Panchayat at the village level”. Accordingly, a Gram Sabha is established for a village or a group of villages and serves as an assembly of villagers. Every registered member becomes the member of the Gram Sabha. Art 243A states that the Gram Sabha may exercise those powers and perform such functions at the village level as the legislature of the state may provide.<sup>18</sup>

The Gram Panchayat plays a very important role in the way that democratic decentralization envisage a decentralized planning. As most of the state function has been transferred to the Panchayati Raj bodies for effective implementation, this involves micro level planning at the district, block and village level. Gram Sabha brings about transparency in the functioning of Gram Panchayats. It has been envisaged that Gram Sabha shall plan and prioritize developmental works to be taken up by the villages; approve annual plan for Gram Panchayats, seek active participation of woman, schedule caste and schedule tribe; ensure transparency in the working of Gram Panchayats; exercise the rights to check the accounts of Gram Panchayats, select beneficiaries under the various schemes of Central Government undertaken for rural development, and move towards full control over management of natural resources. All efforts towards effective democratic decentralization would be almost futile without making the Gram Sabha truly representative of people, their aspiration and their management skills. Empowering Gram Sabha will surely dilute the discretionary powers of the Gram Panchayat members and reassert the character of villages as a social units, regardless of the powers of the individuals we vote for.<sup>19</sup>

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<sup>18</sup> Supra note 7.

<sup>19</sup> The Report of the Working Group on Decentralisation 2002, (Department of Rural Development and Panchayati Raj, Government of Karnataka. (Last accessed on 11.06.2026).

Different States have different methods of calling Gram Sabha meetings. Gram Sabha is required to meet as many times in a year, as required in the Panchayati Raj Act of various states. Most of the states have provided for a minimum of two meetings of Gram Sabha in a year, while some has provided for 3-4 meetings.

A prescribe number of members in Gram Sabha forms the quorum. As many as 10 states has fixed the quorum one-tenth of the total members of Gram Sabha, while some has fixed one – fifth of the total members present as the quorum. *However, no quorum is necessary for a meeting adjourned for want of quorum.*<sup>20</sup>

The Secretary of the Gram Panchayat acts as the Secretary of the Gram Sabha.

There is no doubt that Gram Sabha activate participatory process, it can serve as a useful purpose in promoting transparency and accountability in the grass-root level. Therefore Gram Sabha helps in achieving the goals of sustainable rural development through decentralized governance.<sup>21</sup>

#### **(i) Gram Panchayats**

The Panchayat is the Executive Committee of the Gram Sabha. It is known by different names in different states, eg. Panchayats in Andhra Pradesh, Tamil Nadu, Maharashtra and Rajasthan; the Gram Panchayat in Punjab, Bihar, Madhya Pradesh, Karnataka and the Goan Panchayats in Assam, Gujrat, Uttar Pradesh etc. out of the three most established institutions of PRI, Gram Panchayats is the most effective tier as it is a body corporate with a perpetual succession, it has capacity to hold, transfer, acquire the property and authority to enter into contracts.

Now the size of Gram Panchayats vary with the size of population and depend upon a number of factors like density of population, topographical conditions, historical existence and the law governing that time. Every village having a population of 500 and more must have a Gram panchayat. In smaller villages a group gram panchayat for two or three villages is established. The Member of the Gram Panchayats are called Panchs and are elected by Gram Sabha by secret ballot in all states Assam, Jammu and Kashmir. For conducting elections the entire Gram Sabha is divided into territorial wards, with each ward electing one Panch. At present there are some 5951 Panchayats against 7073 villages. The number of Panch varies from 5-9 which has been changed to 5-13.<sup>22</sup>

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<sup>20</sup> *Ibid.*

<sup>21</sup> Raimann Pattanaik, “Local Government Administration Reform” 139 Anmol Publication Pvt. Ltd, New Delhi, 2002.

<sup>22</sup> L Goel and Shalini Rajneesh, “Panchayati Raj in India Theory and Practice, Depp and Deep Publication Pvt. Ltd, New Delhi p-129.

## Reservations

The Panchayati Raj Act of Punjab, Haryana and H.P include provisions for reservation, in the following manner;

- i. at least 1/3<sup>rd</sup> of seats for ST/SC.
- ii. at least 1/3<sup>rd</sup> seats for women (including SC/ST woman)
- iii. 1 seat for backward caste, where the population of B.C in that Gram Sabha is 2% or more than 2%.

Some states like U.P, Bihar, Karnataka, M.P, Gujarat and Rajasthan have provided for the reservation for the office of Chairperson for BCs.

Functions of Gram Panchayat- Being the executive organ of the village government, its main function is managing the local affairs and promotion of village development with the help of available local resources, with assistance from government both technical and financial. Immediately after the commencement of the new term the members elect the Adhyaksha/Upadhyaksha from among themselves, in some cases they are unanimously elected and can be removed by a vote of no confidence.<sup>23</sup>

The Panchayat meets at least once in a month to transact the business. Special meetings can be convened on written request of atleast one-half of total number of members of the Panchayats. The Gram Panchayat Secretary and governmental official having jurisdiction over the area are entitled to attend the meetings but they have no right to vote. The prescribed quorum for the meetings is one-half of the total members of the Panchayats. The decisions at the meetings are taken by the majority vote of the members present. The different States enact their own Acts to match their requirements of the States and endow upon Gram Panchayats functions which fit their interest.

## Sarpanch

A panchayats consists of several panches and a Sarpanch and in some states an Upsarpanch. There has been a great difference in the manner of elections to the Sarpanch. In some states the Sarpanch is elected by members of the Gram Sabha while in some states Sarpanch is elected by Panches. However, majority of experts, commissions, committees etc. recommended direct election. Some states are encouraging elections by 'consensus' to avoid the influence of political parties.

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<sup>23</sup> N.P Shukla, "Local Self Governance in India" Navyug Books International, New Delhi, 2011.

## (ii) Taluka/ Block Panchayat

The elected head is the Executive head of the Taluka Panchayat or Panchayat Samiti. He has the power to monitor, supervise and control the administration of the Panchayat Samiti in case of ZP President. The Executive head is the administrative head in the taluk panchayat. He is assisted by many staffs.

This body is required to monitor, supervise and coordinate the activities of Gram Panchayat's constituting the Panchayat Samiti. As the Gram Panchayat's are not administratively equipped to carry out the functions entrusted to them, the Taluk Panchayat through its administrative staff provide assistance to the Gram Panchayat's in formulation and implementation of the program. Adhyaksha is elected among the Taluk Panchayat members.

As the Panchayat Samiti is the middle or intermediate tier to undertake all the development and promotional activities in the rural areas falling in its jurisdiction. The block is a creation of community development Program.

**Term of Office-** The term of office is different in different states. The Panchayat samiti is coterminous with that of panchayat, but after Amendment the term of office has been fixed at 5 years.<sup>24</sup>

**Composition-** The membership of the erstwhile panchayat samiti consist of four categories-

- i. primary members;
- ii. Associate members;
- iii. Co-opted members; and
- iv. Ex officio members

**Chairman of the Panchayat Samiti:** The political head of the panchayat samiti is called chairman. He/She is known by different names in different states. He/She is known as 'President' in Andhra Pradesh, Assam, Gujarat, Madhya Pradesh, Karnataka and West Bengal; as 'Chairman' in Haryana, Himachal Pradesh, Maharashtra, Tamil Nadu, Orissa and Punjab; in Rajasthan as 'Pradhan'; and in Bihar and Uttar Pradesh as 'Pramukh'.<sup>25</sup> In all the states, the chairman of panchayat samiti is elected by the members of the panchayat samiti. He can be removed from his office by a no confidence vote of panchayat samiti passed with a special majority.

**The Block Development Officer:** Every panchayat samiti has a chief executive officer

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<sup>24</sup> Report of the Team for the Study of Community Project and Rational Extension Service. 11 Vol. 1, Committee on Plan Project (Hew Delhi, 1957). (Last accessed on 11.06.2026).

<sup>25</sup> L.C Jain, 'Institutions of Local Self- Government in India; A Distance Dream' Kanishka Publications', New Delhi, 2007.

designated as Vikas Adhikari or Block Development Officer. In Gujarat, he is called Taluka Development Officer. No uniform method for the recruitment of the block development officer is adopted in India. In some states like Assam, Bihar, Uttar Pradesh, Karnataka, he is recruited directly through the State Public Service Commission. On the other hand, in Andhra Pradesh, Gujarat, Maharashtra, Kerala, Madhya Pradesh, and Rajasthan, the block development officer is appointed from the State Administrative Service either by promotion or by transfer. In some states like Maharashtra and Rajasthan, post of the block development officer is also filled in by promotion of the extension officer, with a view to provide a continuous incentive to extension workers.<sup>26</sup>

### (iii) Zila Panchayat

The Zila panchayat is at the apex of the three tier structure. It is a body at the district level in all states except Assam and Tamil Nadu. It is an administrative as well as elected wing. The elected president is the head of the Zila Panchayat. As the Balwant Rai Committee gave prominence to Panchayat Samiti, it did not visualize need for any effective body at the district level. Hence, the Committee recommended a Zila Parishad at the district level as a purely coordinating and supervisory agency and should not have executive authority.<sup>27</sup>

The Chief Executive Officer is the administrative head and is responsible to the Zila Panchayat and the Government.

#### **Composition** of Zila Panchayats (as in Karnataka)

- a) Elected members, each representing forty thousand population.
- b) Members of Parliament and the State legislature representing the district.
- c) Adhyaksha of Taluka Panchayats in the Districts depending upon the number of Talukhs of the popular districts.

**Term** – The term of Zila Panchayat, earlier varied from state to state. The constitutional amendment, now provides for a uniform term of five years. If dissolved earlier, the new constituted for the remaining period of five years.

The Zila Parishad should have their standing Committees to ensure rapid disposal of work. The Committee recommended that the Zila Parishad should have a standing Committee for finance and a standing committee for service.<sup>28</sup>

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<sup>26</sup> Dr. Sundar Ram (ed.) 'Panchayati Raj Reforms in India' Kanishka Publishers, New Delhi, 2007.

<sup>27</sup> Dr S.R Myneni 'Local Self Government' 196 Allahabad Law Agency, Faridabad 2017.

<sup>28</sup> *Ibid.*

## **CHAPTER 4. POLITICAL PARTIES AND ELECTIONS OF LOCAL BODIES**

### **(i) Background and Objectives**

Political parties are an essential concomitant of elections in a representative parliamentary democracy. The quintessential precondition for the success of the west-minister model is a political system of two major parties based on ideological and programmatic orientation. The origin and growth of political parties in India can be traced to the days of her struggle for freedom. The overriding passion of the fighters for India's freedom and the founding fathers of her constitution was to build a united nation and an integrated society while retaining its rich diversity and pluralism. They expected that an ideologically oriented healthy party system would soon evolve in independent India and that it would contribute to societal integration, nation building and strengthening the edifice of democracy. Unfortunately, this did not happen. The source of many of our troubles during the post-independence period has been our failure to evolve a healthy party system based on a just and widely acceptable political-economic national agenda.<sup>29</sup>

### **(ii) Constitution and Law in relation to political parties**

Although political parties were not mentioned in the constitution until the fifty-second constitutional amendment of 1985, the existence of some well-organized political parties was presumed as these were already functioning. The constitution only guaranteed freedom of association as a fundamental right under section 29-A of the Representative of the People Act, 1951, and provides for registration with the election commission of associations and bodies of individual citizens of India as political parties. The tenth schedule to the constitution which was added by the constitution (52<sup>nd</sup> amendment) Act, 1985 mentions political parties only for the specific purpose of considering disqualification of a person for membership of either house of parliament or the legislative assembly or legislative council of a state on the ground of defection from his political party. With that exception even today, there is no law governing the formation, registration, functioning or regulation of political parties. The election commission accords recognition to political parties as national or state parties in accordance with the norms laid down in the elections symbols (reservation and allotment) order, 1968. This is for the very limited purpose of allocation of symbols. The number of parties recognized as

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<sup>29</sup> Satyajit Singh and Pradeep K. Sharma, *Decentralisation, Institutions and Politics in Rural India*, 22 Oxford University Press, 2007.

national parties has been varying from 14 to 4 owing to continuous review of the status based on their performance at the polls.<sup>30</sup>

### **(iii) Political parties and Panchayati raj**

Rural society consists of different groups based on caste, religion and community. There exists rivalry among these groups at local level. They clash on many issues and if one group joins or supports one party, the other group support another party. One of the constants of political mobilization at the grassroots in any state has been the through politization of gram panchayat. Households are identified by their political party affiliations and this influences the allocation of public goods-not just individual benefits such as food grains, pensions or housing, but also crucial services such as law and order and protection of property, in all states, political parties have encouraged destructive political competition, the consequences of this can easily spiral down to individual households because of intense political mobilization at the grassroots.

The directive that panchayat elections are not to be fought on the basis of political party affiliations has been discarded in panchayat elections for all practical purposes in almost all states. Political party affiliation can be seen in panchayati raj elections and its divisive consequences. After election clashes among groups leads to death of villagers with revenge temperament. As the benefit programmes provide for few people, while choosing the beneficiaries, political affiliation plays a major role and benefits flow to the people of the ruling party. It can be observed that the polarization on the ground has sharpened. The opposite party are unable to approach the police for justice for fear of retribution from the ruling party leaders. Of course, in many instances, the police have refused to even lodge complaints of families that are not affiliated with the ruling party. It is important to recognize this for what it is-political rivalry at the state level tickles down following the existing pattern of political mobilization. Gram panchayats instead of absorbing the impact of this conflict while shielding citizens, become instruments of state control and oppression.<sup>31</sup>

In *Javed vs. Haryana*<sup>32</sup>, the court held that a statutory provision casting disqualification on contesting for, on holding, an elective office is not violative of Art.25 of the constitution. The right to contest an election for any office in Panchayat is neither fundamental nor a common law right. It is the creature of a statute and is obviously subject to qualification and disqualification enacted by a legislation.

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<sup>30</sup> Supra note 23 at pg-402.

<sup>31</sup> Dr S.R Myneni 'Local Self Government' Allahabad Law Agency, Faridabad 2017 pg-19.

<sup>32</sup> Writ Petition No. 302 of 2001.

### **Qualification of candidate for contesting election**

The Supreme Court in *Rajbala vs. State of Haryana*<sup>33</sup>, upheld an amendment passed by the Haryana Government for prescribing minimum educational qualifications for contesting Panchayat elections in the state of Haryana.

However, this judgment was criticized at a large scale as the very essence of participatory democracy is that the individual has an inalienable right to vote and an inalienable right to stand for political office and therefore Art.14 of the constitution is violated as, the art. permits classification only if it is reasonable. Also, in a country like ours where there is inadequate basic facility of education and sanitation in states, we cannot expect all the persons (poor and disadvantaged) to be educated. There is also large gaps between male and female literacy in some states and so eventually it will make the proposed amendments to increase women's reservation in Panchayat meaningless.

Furthermore, the judgment goes against the stated objectives of the 73<sup>rd</sup> amendment, to remedy the insufficient representation of weaker sections like SC, ST and Women.

### **CHAPTER 6. ELECTION BY CONSENSUS (SAMRAS GRAM YOJANA)**

The samaras yojana in Gujarat is in fact a new wine in old bottle, a populist measure in practice, in the name of 'peace and harmony in the village'. The Government of Gujarat (GoG) announced the "Samaras Yojana" ('of common interest' or 'all substances submerged in to one form') through a government resolution (GR) in 1992 that encourages nominating representatives to the village Panchayats through consensus in the pretext of creating a positive environment for development in the villages. Under this scheme, financial and other developmental incentives are given by the State Government to the villages from 2002 onwards, more actively from 2006 election. The encouragement and incentives for samaras panchayat has shown upwards trend since 2006 in Gujarat.<sup>34</sup>

The Government of Gujarat announced special incentives through a GR<sup>35</sup> for samaras panchayat. Rs 2 lakhs and for all-women samaras panchayat, Rs 3 lakh for villages having population under-5,000, and Rs 3 lakh for samaras panchayat and Rs 5 lakh for all-women samaras panchayat for the villages having population above-5,000 respectively, and additional

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<sup>33</sup> (2016) 1 SCC 463

<sup>34</sup> Dr Varsha Ganguly, *State's Initiatives for Strengthening Local Governance and Impact on Women's Development and Empowerment*, Institute of Rural Research and Development (IRRAD) May 2013.

<sup>35</sup> GR details – Panchayat, Rural Housing and Rural Development Department, date: 14/7/1992, no. chtn-1091-85-g. There are consecutive seven GRs – in 1996, 2001, 2002, 2004, 2006, 2008 and 2011.

25 per cent funds for second and third time samaras panchayat in a row.<sup>36</sup>

Eventually the State of Haryana and Andhra Pradesh revised its Panchayati Raj Acts and adopted the consensus mode of election to their PRI's.

It is mooted that the Scheme does not reflect the true spirit of the Constitution, and is anti-democratic and is discriminatory on grounds of Art 14. Many believes that it eliminate many evils like those of party politics, save expenses of elections and ensure enthusiastic participation of the local people in the development works in the atmosphere of harmony, cooperation, peace and coordination at the village level.

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## **CHAPTER 7. CONCLUSION**

Every State in India has strive to obtain an effective and strong Panchayati Raj Institution after the 73<sup>rd</sup> amendment made it mandatory. The core objective of all these deliberations is to make local people an active participant in the deliberation and discussions of the developmental projects undertaken. To achieve this, democracy shall not be compromised and elections of several posts to Gram Panchayats and other mandatory organs shall be taken seriously. Also inclusion of political parties in Gram Panchayat elections cause destructive political

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<sup>36</sup> Financial Express, 'Mr Modis Samras Gam Yojana pays rich dividends in rural Gujarat', (can be accessed at <https://www.financialexpress.com/archive/mr-modis-samras-gam-yojana-pays-rich-dividends-in-rural-gujarat/35071/>).

<sup>37</sup> GR details – Panchayat, Rural Housing and Rural Development Department, date: 14/7/1992, no. chtn-1091-85-g. There are consecutive seven GRs – in 1996, 2001, 2002, 2004, 2006, 2008 and 2011.

<sup>38</sup> Financial Express, 'Mr Modis Samras Gam Yojana pays rich dividends in rural Gujarat', (can be accessed at <https://www.financialexpress.com/archive/mr-modis-samras-gam-yojana-pays-rich-dividends-in-rural-gujarat/35071/>).

competition, the consequences of this can easily spiral down to individual households because of intense political

mobilization at the grassroots. Recently 'consensus' elections has taken a toll in Panchayati Raj elections and has proved to be an effective model in states like Gujarat, but due to its anti-democratic means it is not perceived well throughout India. Moreover, there are some successful and strong models of Panchayati Raj elections like in the states of Gujarat, Andhra Pradesh, Punjab and Haryana, Karnataka where PRI's are taken seriously and are making true sense of Gandhian vision of Gram Swaraj. In coming era of time it is hoped that all other states will continue to develop their grass root institutions on these lines.

## **CHAPTER 8. SUGGESTIONS/ RECOMMENDATIONS.**

The following suggestions flows from the facts and figures-

- a) There should be a comprehensive legislation regulating the registration and functioning of political parties or alliance of parties in India.
- b) Steps shall be taken to check criminalization of Political Parties.
- c) Steps should be taken to promote non-casteism and non-communalism.
- d) There shall be active steps taken to encourage women participation in political organizations.
- e) The law should make it compulsory for the parties to maintain accounts of the receipt of funds and expenditure in systematic and regular way.
- f) Gram Sabha should be strengthened in every state and shall not be neglected.

## **CHAPTER 9. REFERENCES**

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