

CHAPTER - IV

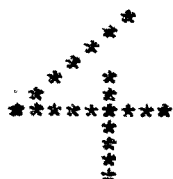
DEMOCRATIC DECENTRALISATION OF ADMINISTRATION OF PRIMARY EDUCATION IN RURAL GUJARAT

"The passive role of the people is obviously undesirable. What we need is a more active participation of the adult population which would stimulate their sense of initiative, responsibility and sacrifice. A decentralised pattern creates these favourable conditions."

- J.P. Naik

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DEMOCRATIC DECENTRALISATION OF
ADMINISTRATION OF PRIMARY EDUCATION
IN RURAL GUJARAT : THE MOVEMENT,
MACHINERY AND TASK - EXPECTATIONS

4.1 Introduction

In Chapter II and III, we examined the expansion of primary education in Gujarat since the twenties of the nineteenth Century and reviewed the various milestones in the development of the administration and financing of primary education. When the State of Gujarat was formed on 1st May 1960, primary education all throughout Gujarat was administered according to the provisions of the Bombay Primary Education Act, 1947. Prior to 1948, there was not any scope for the development of Local Bodies in Saurashtra and Kutch, because there existed in them two hundred and odd small native States. It was only after independence and between 1948 and 1956 that a uniform pattern of administration and financing of primary education in the districts of Saurashtra and Kutch could be created under the direction and control of a central Department of Education. The Panchayats and District Panchayats for rural areas were created

in Saurashtra as soon as the situation was ripe. It also took the first step to decentralise executive authority in primary education by passing Saurashtra Primary Education Act, 1956. After the formation of the integrated Gujarat State in 1960, the Saurashtra Primary Education Act of 1956 ceased to be operative and the entire administration of primary education in the districts of Gujarat, Saurashtra and Kutch came under the Bombay Primary Education Act, 1947.

In 1961, Gujarat Government enacted two important legislations. It passed the Gujarat Compulsory Primary Education Act in which all the provisions of the Bombay Primary Education Act 1947 and the Saurashtra Primary Education Act of 1956 in respect of compulsory primary education were consolidated and the Act, since it received assent of the Governor, has been made applicable to the areas of all the 19 districts of the State.

In the area of democratic decentralisation of administration at the village, a beginning had already been made in Bombay Province since 1920. The Bombay Village Panchayat Act was first passed in 1920 and thereafter it was amended in 1931, 1933, 1939, 1947, 1955, and 1958 when Gujarat State had come into existence, the Bombay Village Panchayat Act 1958, was in operation. The Balwantray Mehta Study Group, popularly known as the Balwantray Mehta Committee, had made its famous recommendations on the creation of decentralised democratic institutions at the District, Block and village levels, Public and the State

Government were seized with the problem of implementation of the recommendations of the Balwantrai Committee since it had already accepted the principle of democratic decentralisation in local administration.

This chapter is devoted to a broad review of the movement of the establishment of the Village Panchayats in Gujarat since the ancient times, critical study of the working of the idea of devolution of authority to village level under the Bombay Village Panchayat Act 1920 upto 1958, the examination of the rationale and the reform of the three tier Panchayat Systems put forward by the Balwantrai Mehta Committee, 1957, the detailed scrutiny of the recommendations of the the Gujarat Democratic Decentralisation Committee of 1960, the discussion of the Panchayati Raj bodies created under the Gujarat Panchayat Act 1961 and the task expectations of the new administrative pattern in rural areas in relation to the administration of primary education. The latter aspect of the Chapter provides a background and forms a prelude to the field investigation of the working of the Panchayati Raj in South Gujarat and of its impact on the administration of primary education in rural areas in the perspective of the constitutional directive, under Article 45, on Universal compulsory and free primary education in the age-group of 6-14 years.

India has a long tradition of the institution of Village Panchayat. It is, therefore, appropriate that, the present study on democratic decentralisation in Gujarat is prefaced in this

section by a broad review of the village Panchayats in Gujarat in ancient and medieval times.

4.2. Village Panchayats in Gujarat in the Ancient Times

Studies on rural local self-government suggest that it has ancient origin in India. Shriman Narayan, the present Governor of Gujarat, in a study on Panchayats traces the growth of rural local self-government as follows :

"It is believed that the system was first introduced by King Prithu while colonizing the doab between the Ganges and the Jamuna. In the Manusmriti and the Shanti Parva of the Mahabharat, there are many references to the existence of Gramasanghas (or rural communities). A description of these rural communities is also found in the Arthashastra of Kautilya who lived in 400 B.C. In the Ramayana of Valmiki we read about the Ganpada which was, perhaps, a kind of federation of village republics.... Magasthenes has left vivid impressions of the pentads, as he called these Panchayats. An account of the village common wealths, during the seventeenth century, is found in Shukracharya's Nitisara. In fact, the village in India has been looked upon as the basic unit of administration since the earliest Vedic times, Gramni or the leader of the village is mentioned in the Rig Veda (X, 62, ii; 107.5) References to the grama Sabhas or the local village assemblies are found in the Jatakas as well. Shreni was the well-known term for merchant guilds. The village continued to be regarded as a corporate political unit throughout the post-vedic period. Thus, in the Vishnu and Manusmritis, the village is reckoned as the smallest political unit in the State fabric..... The Indian rural republics continued to flourish during the rule of the Hindus, Muslims and Peshwas till the advent of the East Indian Company. They survived the wreck of dynasties and downfall of Empires."

(1)

Sir Charles Trevelyan's observations support Shriman Narayan thesis.

"One foreign conqueror after another has swept over India, but the village municipalities have stuck to the soil like their own Kush grass.... Scythian, Greek, Saracen, Afghan, Mongol, and others have come down from the mountains, and Portugese, Dutch, English, French and Dane came up out of its seas and set up successive dominations in the land, but the religious trades-union villages have remained as little affected by their coming and going as a rock by the rising and following of the tide." (2)

Sir Charles Metcalfe (). the Governor General of India also observed :

"The union of the village communities, each one forming a separate State in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India through all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence. I wish therefore, that village constitutions may never be disturbed and I dread everything that has a tendency to break them up." (3).

There are numerous inscriptions available which go to suggest that a regular system of councils of village elders existed in Gujarat in the sixth century. Samat (4) refers to the Valabha Plates of Dharasana II and Navasari Plates of Dadda II and Altekar (5) refers to Baroda Plates of Karkaranya, the Radhanpur Plates of Govinda II, the Cambay Plates of Govinda IV and the Kavi (Broach District) Plates of Krishna III which testify to the existence of village councils in Gujarat. Altekar's study reveals that these village councils did not consist of the Brahmins only, but even Vaishyas, Khastriyas and sometimes even

Shudras were included in the councils (6) The headman of the village council was always from the village and not an officer appointed by the ruling King or Government. His office was often hereditary and he had all along some Watan for his remuneration.

It is not certain that these earlier village councils performed any function regarding education. Samant's observation is : "education received scant attention, as attainment of literacy was, not regarded as a communal necessity" (7) Altekar also observes in the same strain : " The 'village teacher had no definite place in the 'village economy and he nowhere figures a Balutedar because the village in general did not require his services" (8) . However, considering the findings of the educational inquiries made in Gujarat in the twenties of the nineteenth Century to the effect that "there was hardly a village, great or small, in which there was not atleast one school and in larger villages more," this appears rather unlikely. There did exist in Gujarat the institution of the village teacher which served the requirements of the village community. It does not stand to reason that the village teacher had either no place in the village council or he was not in a position to influence the working of the local village council, considering the fact that India has an ancient tradition of high respect and reverence to teachers. It is no wonder that the Court of Directors in their Despatch, dated 3rd June, 1814 had directed the East India Company to afford "such protection to the village teachers in

all their just rights and immunities as might appear necessary". Further, it is on record that the college at Patan was an institution "for which the villages had voluntarily levied upon themselves several taxes for its upkeep. Farmers were contributing a certain amount of corn, oilmen were giving their share of oil and purchasers had to pay a 5 per cent college tax" (9).

Inscriptions belonging to the period when the kingdoms of the Valabhis, Chalukyas and Rastrakutas flourished in Gujarat, contain references which go to suggest that villages in Gujarat levied taxes to support several of village services. (10)

Radha Kumud Mukerji observes that a kind of unique relationship existed between the State and the village in olden times:

"It was a rare and remarkable phenomenon of the State and Society co-existing apart from, and in some degree of independence of each other, as distinct and separate units or entities, as independent centres of national, popular and collective life and activity. Both of them were independent organisations with distinct and well defined structures and functions of their own and laws of growth and evolution. The limits of state interference were accordingly so defined and fixed as not to encroach upon the sphere of the activities of social organisation" (11)

Thus, Gujarat as other parts of India, had a rich and long tradition of village self-government spread over centuries. But their roots were shaken up when political, social and economic changes proved too powerful. Village self-rule could not adapt itself with the changing demands of the time. Therefore, village communities began fast losing their vitality. This was particularly noticeable in the eighteenth century. They tended to be

stationary and inactive. The village councils received a great setback during the Muslim Rule of Gujarat. The Mohmedan rulers' indifference to village communities and their councils led to enfeeble them (12)

As already mentioned in Chapter III, upto 1870 there was extreme centralisation in the British administration of education and other services in Gujarat. The British Government had adopted such a policy and procedures of rule that the village councils all over India were relegated into background and they gradually lost their vigour, vitality and focus. A study remarks:

"The British Government did not think it advisable to make use of the then existing village machinery, wherever possible, nay, more, the allotment and collection of land revenue which function till then rested with the village councils were allowed to lapse in favour of direct dealing with each tenant. Government began to deal with the villagers in matters of land revenue; and the village headman and accountant, who were for ages the chief leaders of the village community, were government servants and began to receive their salaries directly from the Central exchequer. The villagers were thus deprived not only of their share of land revenue, but also of their executive officials, but in matters of judicial administration, too, the regular courts established by laws made their influence felt in the remotest villages, as the British Government would not enforce the decisions of the local panchayat councils." (13).

Thus, it was such a policy of British Government which ultimately enfeebled village panchayats in the nineteenth century. The new wave of western civilisation that came in the wake of Lord Macaulay's Minutes of 1835 further sapped the vitality of the village communities and damaged their value system. With the improved means of communication, the growth of

towns and cities, and the rising spirit of individualism, the village communities all over India began to lose much of its internal cohesion and the old village panchayats began to disappear fast from the scene. Administration began to be concentrated more at district level and the district was made the basic and the dominant unit of administration.

Lord Mayo's Resolution of 1870 constituted the first step towards reversing the strong trend of centralisation to decentralisation. The Bombay Local Fund Act of 1869 introduced for the first time in the British Period, the principle of representation of rural communities. But nothing much happened in the direction of democratic decentralisation as the District Local Fund Committees created under the Local Fund Cess of 1869 were largely dominated by the British officials, and the representation of rural communities came to be restricted to Inamdar and proprietors or holders of land. Taluka committees of Local Fund Cess also came to be appointed, but they, too, were official-dominated and the representation of rural communities was only in name.

Lord Ripon's Resolution of 1882 was the next important step towards rural democratic decentralisation. In fact, it was the second important milestone. The Resolution, however, unfortunately did not envisage the revival of the village council. Under the Bombay Local Board Act of 1884, a District Local Board was created for each of the five districts of British Gujarat.

Elective representatives were given 50 per cent weightage. The Act also provided for a second-tier, viz. the Taluka Local Board. Villages in the Taluka were divided into groups and each group had to elect one member. The qualifications laid down for the membership of the District or Taluka Board were not educational but economical, viz. the holding of land assessed at Rs. 28 per annum. The rural Local Boards were made responsible for a number of services such as education, public works, public health and veterinary work. But the official control from within was restrictive and over-bearing. These Rural Boards were nothing but subordinate, policy-implementing departments of official district administration. The rural communities and their representatives had no real experience of democratic participation in the decision-making processes. A member of the District or Taluka Board was more or less His Master's (Government officers') voice. In all these arrangements for democratic decentralised administration of education and other rural fundamental and welfare services, villages had no place. As Drummand remarks, "the Bombay legislations built an imposing root, but only flimsy walls and left out the foundation." (14)

The Third great mile-stone was the appointment of the Royal Commission on Decentralisation in 1907-08. One observation of the Commission was that the scant success that the experiment of rural local self government had met in India was largely due to the fact that it was not built from the bottom. The Commission reaffirmed that the large degree of local autonomy formerly

possessed by villages had disappeared. The Commission recommended that "in the interests of decentralisation and in order to associate the people with the local tasks of administration an attempt should be made to constitute and develop village Panchayats for the administration of local village affairs. (15) The Commission was also of the opinion that the decentralised system should be introduced 'gradually and cautiously'. It recommended minor local functions to be allotted to the village level. The list of the functions suggested by the Commission for the village level included construction of school houses and supervision over local primary schools. (16).

The Government of Lord Hardinge considered the proposals of the Decentralisation Commission under its Resolution of April, 1915, but it decided to have the matter to Provincial Governments. It took some time before a legislation on village self-government could be undertaken in Bombay Province. In 1920, Bombay Government passed the Bombay Village Panchayat Act, 1920. This constituted the first statutory provision for democratic decentralisation of administration at the village level.

4.3. The Bombay Legislation on Village Panchayats

Under the Bombay village Panchayat Act, 1920, the village Panchayat was constituted as an elected body. The village Patel was the only ex-officio member. It enfranchised all adult males, but women were not extended the voting right, because

women were not extended the voting right, because more women were illiterate than men in villages.

The decision to establish a Panchayat at a village or not was left to the District Local Board or the District Collector. The total strength of members of a Panchayat was to be fixed by the District Local Board subject to the minimum of five. The Sarpanch was to be elected by the members of the Panchayat from among themselves. The functions of the village panchayats were entirely civic functions analogous to the duties of a small municipality. The Panchayats had no discretion to undertake any other function leading to social or economic well-being of the villages. In case they desired to undertake any other measure, they had to seek previous approval of the District Local Board. This was bad enough, because this prevented the village panchayats from undertaking any responsibility for primary education. Further, "fictions, illiteracy, want of funds, antipathy to direct taxes and apathy of Local Boards were chiefly responsible for the low standard achieved by these institutions".

Unfortunately, this experiment did not work well, despite the wave of awakening among people generated by Gandhiji's Non-Cooperation and Nationalist Movements. The Hatch Committee was appointed in 1927 to suggest improvement in the working of the village panchayats in the Province of Bombay. Some of the recommendations made by the Hatch committee were incorporated in the Bombay Village Panchayat Act of 1933.

The new Act enlarged the functions of the Panchayats. The latter now came to be empowered to undertake any work or measure likely to promote the social or economic well-being of the local village people. These enlarged functions included besides others, education also. They were empowered to levy any of the following taxes or any other tax approved by the District Local Board and sanctioned by the Provincial Government: (a) a tax upon the owners or occupants of houses and land within the limits of the village; (b) a pilgrim tax; (c) a tax on goods sales, (d) a tax on fairs and festivals, (e) Octroi; and a tax on marriages, adoptions and feasts. The Act further made it obligatory on the District Local Board to assign to each Village Panchayat in their districts not less than 1/5 of the Local Fund Cess within the said Panchayat. Most of the powers of supervision and control over the village panchayats were transferred from the District Local Boards to the District Collector.

The new Act was an improvement in so far as the village panchayats were enabled to perform the function in relation to the spread of primary education. But nothing came out of it. Providing primary education for local village children is a costly affair, and though the new Act had given some more resources to the village panchayats, yet they were too meagre to provide any incentive to them to undertake any educational activity. Therefore, the Act of 1933 failed to make any

appreciable impact on the expansion of Village Panchayats and the village betterment movement in Gujarat. In 1937, out of the total 650 village Panchayats in Bombay Province Gujarat had hardly 200.

In 1937, the First Congress Ministry under the 'Chief Ministership of Shri B.G. Kher assumed office. The Congress Government held the view that in case the object of reviving the age-old institution of the village council and rural local-
self government is ^{be} to/realised, the right to determine whether a village should have a Panchayat or not could not be left to the local rural community, but a kind of compulsion was necessary by law at least in the case of larger villages. The Congress Government, therefore, amended the Bombay Village Panchayat Act of 1933 in 1939. The Amendment Act of 1939 provided for the Compulsory establishment of a village panchayat in every village having a population of 2000 or more. The Panchayat was made wholly elective. The levy of the house tax which was optional was made compulsory. But the duties regarding primary education were left optional. The Amendment Act improved somewhat the situation in regard to the establishment of village panchayats. The number in Gujarat became more than 400. However, the actual working of the Panchayats continued to be slow, apathetic and ineffective.

In 1947, the Second Congress Ministry further amended the village panchayat Act. The following were the important changes made by the Bombay village Panchayat (Amendment) Act, 1947:

- The discretionary functions, which included primary education also, were enumerated in Section 26A;
- The levy of a tax on houses was made compulsory by the Amendment Act of 1939. The Act had given option to levy other taxes also. But very few village Panchayats had come forward to levy any tax beyond the one which was compulsory. The 1947 Amendment added to the list of optional taxes and it was made obligatory on every Panchayat to levy at least one more tax out of the optional list;
- Government properties like open sites, waste lands, vacant lands, grazing grounds, public roads and streets, wells, river beds, tanks, trees etc. were vested in the village panchayats to enhance their regular source of income;
- Government^{made}/a statutory provision of a grant to every Panchayat equivalent in amount to 15 per cent of the ordinary land revenue, raised within the limits of the village.

The provisions of the Amendment Act of 1947 improved financial assistance to village panchayats. The Congress Government further decided to establish village panchayats in smaller villages. The Government, therefore, issued the following order to the District Collectors. (17).

"The Village Panchayats should^{be} established

- (a) in every revenue village with a population of 1000 and over; and
- (b) in revenue villages with population of less than 1000 if at least 50 adult residents of the village apply for the establishment of such Village Panchayats ;

No group village panchayats should be established unless a large majority of the residents in each village agree such a grouping." (18).

Between the years 1947 and 1959, there were a number of amendments to the Village Panchayat Act by which minor changes were effected⁺. From 1400 village panchayats in April 1946 the number of Village Panchayats had increased to 5915 in 1956. On the recommendations of the Planning Commission, the improvement of agriculture was made an obligatory function of the Village Panchayat (19). Unfortunately, primary education was also not made an obligatory function of the village panchayats. Perhaps, it must have been due to the apprehension entertained by Government about initiative, interest and ability of the village panchayats to undertake responsibilities for a vital enterprise like primary-education. In 1961 the Government of Gujarat enacted a comprehensive legislation called the Gujarat Panchayat Act, 1961 which provided for establishment of Panchayats at three tiers - at each village level, or at each nagar level, at each taluka level and at each district level. This three-tier Panchayats will be discussed at length in subsequent sections in relation to their functions regarding primary education. The Gujarat Panchayat Act, 1961 was the outcome of two important developments viz, the Report of the Balvantrai Mehta Committee on Democratic Decentralisation (1957) and the Report of the Rasikbhai Parikh Democratic Decentralisation Committee of Gujarat State (1960).

4.4 Report of the Balwantray Mehta Committee 1957

The Genesis :

With the introduction of the Five-Year Plans, the question of securing the maximum possible economy and avoiding wastage had assumed greater importance than ever. This was particularly stressed by the Union Finance Minister while presenting the Budget Estimates for the year 1956-57 (2). The National Development Council appointed soon after this a special committee for Second Five-Year Plan Projects under the Chairmanship of Shri G.B. Pant, the then Home Minister in the Central Cabinet. The Pant Committee, in its turn, appointed several study Teams on different aspects of planning. One of these study teams under the Chairmanship of Shri Balwantrai Mehta, was assigned the responsibility of studying the question of ensuring economy and efficiency in the Community Development and National Extension Service Sectors and making suitable recommendations to that effect. The Second Five Year Plan had also recommended that Village Panchayats should be linked up with popular organisations at a higher level and that "by stages determined in advance, democratic bodies should take over the entire general administration and development

of the district or sub-division perhaps other than such functions as law and order, administration of justice and certain functions pertaining to revenue administration" (21) The Study Team under the leadership of Shri Balwantrai Mehta, therefore, went into the question of the reconstruction of the administrative machinery in areas within a district and made detailed recommendations of evolving a three-tier democratic decentralised structure of administration in rural areas. The Report of the Balwantrai Mehta Committee is voluminous. It was published in November 1957. It is in three Volumes - Volume II and III are in Parts.

Section II of the Report of the Study Team, Vol. I deals with democratic decentralisation. The findings of the Study Team on the working of the Local Bodies were as follows :

- One of the least successful aspects of the Community Development and the National Extension Service Work is its attempt to evoke popular initiative;
- Few of the Local Bodies at a level higher than the village Panchayat have shown any enthusiasm or interest in this work;
- Even the Panchayats have lagged far behind in the matter of local enthusiasm and initiative for development of local communities;
- The ad hoc bodies consisting of nominated personnel and invariably advisory in character have so far given no indication of durable strength nor the leadership necessary to provide the motive force for continuing the improvement of rural areas.

The Study Team was of the view that "So long as a democratic and representative institution was not discovered or created which would supply the local interest, supervision and care necessary to ensure that expenditure of money upon local objects conforms with the needs and wishes of the locality, invest it with adequate power and assign to it appropriate finances, we will never be able to evoke local interest and excite local initiative in the field. (21).

The proposals of the Planning Commission for the Second Five Year Plan, as accepted by the Parliament, stressed the need for creating within the District, A well organised democratic structure of administration in which the village panchayats would be organically linked up with popular organisations at a higher level. The study Team came to the conclusion that this 'popular organisation' at the higher level' could not be District Boards.: It gave six reasons for rejecting the District Boards : (i) they have neither the tradition nor resources to take up this work; (ii) they have been handicapped by having too large a charge to receive their detailed attention; the Chairman and the members of the District Board are not in a position to give any considerable portion of their time to the affairs of such a vast area; (iii) the tendency has been for the states to take over many of the functions of the District Boards - in fact, there prevails a sort of overlapping dyarchy in certain aspects of administration; (iv) a district

usually consists of literally hundreds of villages and the task of organically linking up the village panchayats with the District Board is almost impossible; (v) Primary education is a responsibility of District School Boards in many States, but they have inelastic revenues collected by others so that financially they are dependent upon Government and therefore they can display very little initiative; (vi) the District Planning Committee is even less powerful.

The Study Team came to the conclusion that the time has arrived to replace all these bodies by a single representative and vigorous decentralised democratic institution. The study Team explained its own concept of democratic decentralisation as under :

"It is not infrequently that delegation of power is mistaken for decentralisation. The former does not divest the Government of the ultimate responsibility for the actions of the authority to whom power is delegated; the authority is under the control of the Government and is in every way subordinate to it. Decentralisation, on the other hand, is a process whereby the Government divests itself completely of certain duties and responsibilities and devolves them on to some other authority. It is true that devolution of responsibility cannot be complete without a complete devolution of all the control over the necessary resources and admittedly such devolution cannot be completely feasible in any country. What we can work upto is to decentralise certain resources of income assured under Statute and recommend that further resources should be made available under Statute and by mutual agreement between Government and the Local Body. Delegation of powers is taking place to progressively lower levels of executive machinery. Decentralisation of responsibility and power, on the other hand, has not taken place below the State level in recent years." (22)

The Study Group expressed a firm view that such decentralisation had now become urgent and could be effected only by a devolution of powers to a body which should have the entire charge of all development work including primary education. According to the Study Group this body was to be a block. It observed; "We are of the view that the most efficient and useful arrangement in this regard is to have an elected self-governing institution the jurisdiction of which would be co-extensive with a development Block".(23) The study group further opined that a Block should not have more than 20 circles, each of which should cover a population normally not exceeding 4,000. It put forward the following reasons for selecting the N.E.S. Block as the unit of democratic decentralisation (24);

- The Block is not so large as to defeat the very purpose for which it is to be selected as the basic unit of all administration;
- The Village Panchayat is too small in area, population and financial resources to be able to carry out the challenging tasks of multi-dimensional development;
- The Block,^o on the other hand, offers an area large enough for functions which the village panchayat cannot perform and yet small enough to attract the interest and service of the residents.;
- Some of the N.E.S. Blocks are already functioning as the development units and have been equipped for this purpose with adequate personnel in different fields.

The Study Team favoured the constitution of a Panchayat Samiti at the Block level which would be the basic unit of administration. The District would continue as a unit of administration, but its character would be completely changed. The Jilla Samiti or Zilla Parishad ^{which} has to be constituted at the district level would be of advisory type and would perform certain overall functions of co-ordination and discharge certain technical services which could not be assigned at the Block or village level.

The Balwantray Mehta Study Group felt that the District Local Board or any other executive body at the District level would be superfluous and, therefore, it suggested the transformation of the District Local Board into a Zilla Parishad which would be mainly a Co-ordinating body at the District level. The Zilla Parishad, it was suggested, should consist of the Chairman of the Block Panchayat Samitis in the district, members of the State legislature, and the Parliament from the District and all District level officers of the Development Departments as members and the District Collector as its chairman. The Mehta Study Group suggested the main functions of the Zilla Parishad as the following : to approve the annual budget of each Panchayat Samiti in the District, to consolidate and forward to Government the demands for grants of the Blocks, to distribute funds allotted by the Government among the Blocks and to co-ordinate Block Plans and to guide the activities of the Panchayat Samitis.

Regarding the village Panchayats the recommendations of the Balwantray Mehta Study Group were as under : They should be constituted in direct elections with a special provision to co-opt 2 women members and one each from scheduled castes and scheduled tribes; some specific sources of revenue should be assigned to them; those panchayats which demonstrate a certain minimum efficiency in administration and development work should be used as an agency for the collection of land revenue and they should be given a share upto 75 per cent of the net land revenue assigned to the Panchayat Samiti under the jurisdiction of which they fall; they have to perform certain compulsory duties and to act as the agents of the Panchayat Samiti for schemes entrusted to them.

Such were broadly the pattern of reform in democratic decentralisation suggested by the Balwantray Study Group.

As regards the administration of primary education, the Study Group also made some specific recommendations (25) :

- Provision for primary education in C.D./N.E.S. schemes should be used to supplement allotments of the states to strengthen existing schools except in educationally backward areas;
- The unit of educational administration should be identical with the Block;
- In each Block, there should be Education sub-committee of the Panchayat Samiti, for the maintenance and working of primary schools;

- At least Blocks should be provided with necessary funds and trained personnel to achieve the immediate goal introducing free and compulsory primary education;
- Blocks where special stress is laid on social education would be best for promulgating order regarding compulsory education;
- It should be the function of Gram Sevika and Gram Sevak to persuade people to send their children to schools in areas where primary education is not compulsory.

Thus the Balwantray Mehta Study Group introduced the idea of creating a strong basic unit at the Block Level for the democratic decentralisation of the administration of primary education. This recommendation of the Study group Considerably moulded the public opinion in favour of adopting the Block or the Taluka as the basic unit of administration of all development programmes. In the Bombay State, a trend had already been in evidence towards adopting a basic unit smaller than the District for the effective administration of primary education. This is discussed in Section 4.5.

4.5 Emergence of Taluka as a Basic Unit of Administration

As mentioned in the preceding Section, the Balwantray Mehta Study Group had recommended that the Block should be accepted as a unit of administration and that the responsibility of maintaining primary schools should be delegated to the Block level. This had greatly strengthened the demand that was already being made at several places in Bombay Province, and in Gujarat,

to adopt a Taluka as a basic unit of administration for primary education. This demand was the result of a movement that had long begun with the passing of the Bombay Primary Education Act, 1923.

Since 1923, two units - the District and the Village had been recognised in the matter of assisting Local Bodies with the administration of primary education in rural areas of the Province. In 1923, Taluka Local Boards were also in existence. But the then prevalent official educational thinking did not favour associating Taluka Boards with the administration of Primary Education. The B.P.E. (Amendment) Act of 1938 did not make any change in this respect. Thereafter, the Taluka Local Boards came to be abolished. This made the question of associating Taluka Boards with the administration of Primary Education recede still further in the background. But between 1938 and 1947, considerable expansion of primary education took place in Bombay Province. This revived the controversy over the role of the Taluka Boards in the growth and development of primary education in the Province. When the Primary Education Act of 1947 was under discussion in the Bombay Assembly, criticism was expressed against concentrating the administration of primary education at the district level. It was pointed out that the district had become too unwieldy a unit for the effective administration of primary education and that to serve well the cause of universal, free and compulsory primary education, it

would be indispensable to adopt the Taluka as the basic unit instead. Professor R.V. Parulekar had submitted a Memorandum to that effect to the State Government in 1947. But unfortunately the then Congress Government turned it down and similar demands went unheeded. The District School Board continued to be the basic unit of administration of primary education. The B.P.E. Act of 1947 did provide for Taluka as a discretionary unit in addition to the district and recommended the constitution of advisory bodies at the Taluka level. But it was purely a permissive measure. Until 1958, no District School Board had constituted Taluka Advisory Committee. (21).

The issue, however, remained alive. It came up again, before the Primary Education Integration Committee that was appointed by Bombay Government in 1958 under the Chairmanship of Shri J.P. Naik. This Committee dealt with "all topics relevant to the enactment of a new law for the administration of primary education" necessitated by the State Reorganisation Act of 1956. The witnesses that gave evidences before the committee stressed the following disadvantages of continuing the District as the basic unit of administering primary education (22)

- The population of each District has become more than doubled in the last 90 years, and, therefore, it cannot continue to be the basis of local self-government on the principle of decentralisation;

- The administration of primary education in a district has become extremely impersonal and centralised;
- It is physically impossible for any Chairman or an Administrative Officer to visit every primary school even in a period of five years;
- The average Administrative Officer has no time even to study the Inspection Reports of all his schools and to read the Confidential reports of all his teachers because the numbers are frightfully large;
- The work of administration becomes mechanical and most of it is got done, not by the officers, but by the proverbial tyrants of the desk.
- Even the members of the District School Board do not have the necessary local knowledge and it is impossible for sixteen members, however carefully selected, to bring to bear local initiative and local knowledge upon the problems before them and to create local enthusiasm and harness local resources in all parts of the district;
- When primary education is in the first stage of development, it is extremely undesirable to have a large basic unit of administration as a district;
- In all western countries, the basic unit of administration adopted is small.

The bulk of the opinion expressed before the Bombay Primary Education Integration Committee, therefore, favoured a unit smaller than a District - preferably a Taluka or a

Tahsil or a sub-division of a District. Two alternative suggestions were made by the witnesses to the Committee - either the present district as a unit of administration should be split up into two or three or a school Board should be set up for each Revenue Sub-Division of the District.

Thus, the majority of people of the Bombay State who gave their views and suggestions to the Bombay Primary Education Integration Committee echoed and supported the strong trend towards decentralisation and adoption of a smaller unit - a Taluka as a basic structure for the administration of primary education. But the majority of them also vehemently opposed the abolition of the District as a unit of administration.

"It is wrong to imagine that the administration of primary education alone can be isolated from the other branches of administration. It would therefore, be impossible to abolish the District level unit in the administration of primary education unless it is abandoned simultaneously by all the Departments of Government."
(23)

The Bombay Primary Education Integration Committee, however, struck a compromise and recommended that executive authorities at all the three levels - the District, Taluka and the Village be suitably decentralised and that "Section 15 of the Bombay Primary Education Act, 1947, would be amended in such a way that Taluka School Committees with specific powers and executive duties and responsibilities would be constituted under the provisions of the Act itself".(24)

It would thus be seen that the Bombay Primary Education Integration Committee also favoured a three-tier structure for the administration of primary education with a focus on the intermediate tier of Taluka; it held the view that the District should act as an advisory and co-ordinating top tier and at the same time a strong tier, and the Village Panchayat as also a strong tier at the base.

4.6 The Gujarat State Democratic Decentralisation Committee, 1960

The recommendations of the Balwantray Mehta Study Group and of the Bombay Primary Education Integration Committee to make the Block or the Taluka as the basic unit of administration were received well in the then bilingual Bombay State. The Bombay Government gave its utmost consideration to this reform. The then Bombay State Chief Minister, Shri Morarjibhai Desai indicated on the floor of the Bombay Legislative Assembly during discussion on different occasions that the State Government had accepted the basis and the principles on which the Balwantray Mehta Study Group had recommended the constitution of the Block Panchayat Samiti, but the "Question as to how and at what level it should be established was under consideration." (30) Actually the Bombay Government wanted to defer its decision on the question of the establishment of democratic decentralisation through a three-tier structure "till the villages in the State were covered by the Village Panchayats." (31).

The Bombay Village Panchayat Act 1958 had been into operation from 1st June 1959. As stated earlier, it had recommended the establishment of the District Village Panchayat Mandal for every district for control and supervision over Village Panchayats and the constitution of a Gram Sabha of all adult residents of the village.

When Gujarat State came into existence in 1960 under the Chief Ministership of Dr. Jivraj Mehta, the State Government took up the question of further broadening the base of democracy in the administration of rural services. In Gujarat all villages were covered by the village Panchayats. The Government, therefore, considered it necessary as a further step of broad-basing democracy, to entrust, as far as possible, more responsibilities and powers of administration and development to the Statutory body or bodies, between the village panchayats and the State. The Gujarat Government, therefore, appointed a Committee in 1960, called 'the Democratic Decentralisation Committee' under the Chairmanship of Shri Rasikbhai Parikh who was then the Minister of Land and Home. Among the terms of reference of this committee the following were the major ones (32) :

- To consider and make recommendations about strengthening and vitalising the village panchayats;
- As a step of extension of Local Government and towards democratic decentralisation, to consider and recommend whether establishment and constitution of statutory body or bodies at (i) Block or Taluka and/or (ii) at District level, is necessary.

- To examine the extent to which the functions of statutory local authorities like the District Local authorities, the District Local Boards, District School Boards, District Village Panchayat Mandals and other non-statutory bodies like the District Development Boards and the Block Development committees will be affected and suggest consequential changes that may be necessary.

The Rasikbhai Parikh Committee on Democratic Decentralisation made a number of recommendations. We are concerned here with the recommendations that have implications for the administration of primary education. These are briefly summarised below :

- (1) Strong and efficient democratic institutions of elected representatives of the people should be established at (a) the District level, (b) the Taluka or Block level and (c) the Village Level.
- (2) These democratic bodies should be organically linked among themselves; the State administration should be decentralised and responsibilities should be duly devolved on these bodies;
- (3) Taluka or Mahal should be accepted as a proper unit and level above the Village level for the establishment of a popular institution to be called "Taluka Panchayat".;
- (4) S Strong popular body at the district level should be established. This should be called the "District Panchayat". To this District Panchayat, the duties, responsibilities and resources of all the present bodies at the District level should be transferred.

The District Panchayat should also be delegated adequate powers and necessary financial resources;

(5) The Following suggestions were made by the Committee for the improvement of the working of the village Panchayats :

- The minimum number of members should be increased from 7 to 9;
- One seat should be reserved for scheduled caste representative; the present provision of more seats on the Panchayat for scheduled caste people in proportion to their population should also be retained;
- Even where the population of scheduled tribes exceeds 50 percent, at least 50 per cent of the seats should be reserved for them;
- The villages with a population of 250 or less can easily be amalgamated with neighbouring villages or 2 or 4 villages linked to get modern facilities in a group;
- Advisory Committees composed of members of the Panchayats as well as other residents should be constituted to execute the responsibilities of the Panchayat, in order that their advice and co-operation may be available;
- One or more than one but not exceeding three standing committees, as recommended by the Taluka Panchayat be constituted. These Standing Committees can be : Production Committee, Education Committee and Public Health and Building Committee. The Education Committee should undertake the responsibility of Pre-primary education, Primary Education and such other cultural activities at the village level.
 - (a) The Standing Committees upto three should be constituted from among the members of the village Panchayat;
 - (b) Each should consist of three members;
 - (c) It should elect its own Chairman;

- (d) It should be appointed every year;
 - (e) A member elected to a Standing Committee once, will be eligible for re-election;
 - (f) Every Standing Committee should be empowered to decide all matters relating to the administration of the functions as may be entrusted to it by rules ;
- In order that a Village Panchayat is able to function effectively, its income should not be less than Rs. 500.
- (6) Village Panchayats should be established in villages with a population of 10,000 where Municipalities have already been established;
 - (7) Nagar Panchayats should be established in towns with a population of 10,000 to 30,000 now served by Municipalities.
 - (8) A Nagar Panchayat may consist of 15 to 31 members in proportion to its population :
 - (a) The members should atleast include 2 women members, one Harijan Member, (more Harijan members if there is a relatively larger Harijan population);
 - (b) Reserved seats should be kept for scheduled tribes in proportion to their population;
 - (c) The elected members should elect their own Chairman.
 - (d) Nagar Panchayat should be represented by its President on the Taluka Panchayat.
 - (9) Sarpanch of each village panchayat should be an ex-officio member of the Taluka Panchayat.

- (a) The Taluka Panchayat should also have representation of Co-operative societies (10 percent of the total sarpanch members)
 - (b) It should further have as members President of the District Municipality, 2 women members, 2 representatives of scheduled castes, 2 representatives of scheduled tribes, 2 persons from among social workers and the members or members of the Legislative Assembly elected from the area as "Associate Members"
- (10) The Taluka Panchayat should have a Standing Committee on Education : It should be constituted as under :
- (a) 5 persons elected by the Panchayat from among its members;
 - (b) 2 persons should be coopted from the Taluka, possessing necessary outlook and experience in education;
 - (c) The number of members of a standing committee should not be more than 7.
 - (d) The functions, duties and powers of the Standing Committee for education should be laid down independently by-law.
- (11) The District Panchayat should be constituted as under:
- (a) The president of each Taluka Panchayat as an ex-officio member;
 - (b) One member elected by each Taluka Panchayat from among its members;
 - (c) Among the seats to be filled by direct election, 2 seats for women, 2 seats for scheduled castes and 2 seats for scheduled tribes are to be reserved.
 - (d) Two persons are to be co-opted having necessary outlook and experience in education.

These are broadly the administration structural recommendations of the Gujarat State Democratic Decentralisation Committee 1960. The Committee also made some useful recommendations on

the finances of the Panchayat bodies at all the three levels. Firstly, the Committee stressed that all the Panchayat bodies should be provided with adequate financial resources and facilities. Secondly, it suggested that the State Government should give grants to the panchayat bodies at different tiers in the rural areas to the extent of 100 per cent of land revenues. Out of the total amount of average land revenue collection of the proceedings of 3 years, a deduction of 25 per cent on account of salaries of the Panchayat secretaries and their training and 5 per cent for the State Equalisation Fund, the remaining amount should be distributed in full as follows:

- 50 per cent as grants to Village Panchayats;
- 7.5 per cent to be paid into the Encouragement Fund to be managed by the District Panchayats;
- 25 per cent as grants to Taluka Panchayat.
- 10 per cent as grants to the District Panchayat
- The village panchayat should be empowered to levy a tax on cash crops produced within its jurisdiction.

Regarding the administration of primary education, the Committee made several important recommendations. Its major recommendation was that the administration of primary education in each Taluka under the control of the District School Board should be handed over to the Taluka Panchayat, which should receive grants from the State Government for the functions relating to it, and administration of primary

education entrusted to it, on the same basis on which the District school Board receives grant from the State Government for primary education. The Taluka Panchayat should be empowered to levy a cess for primary education.

The Committee also recommended that the District Panchayat should have control over certain categories of the Panchayat Servants. This would include the selection and recruitment of primary teachers. But powers of supervision and administrative control of these categories of servants should be delegated by the District Panchayats to the Taluka Panchayats, in the interest of administrative convenience and efficiency.

As stated earlier, the Committee felt that the functions of the panchayats at different levels should be prescribed under an independent law. It has, however, offered its own suggestions. In the sphere of primary education, it has made the following suggestions at the District, Taluka and Village levels :

(a) Educational Functions of the Village Panchayat :

- (i) The spread of education;
- (ii) Assisting the introduction of compulsory primary education as planned by the State;
- (iii) Provision of school buildings and of necessary equipment for education;
- (iv) Pre-primary education and child-welfare activities;
- (v) Repairs and maintenance of school buildings;

- (vi) Management of school funds;
- (vii) Offering financial assistance to needy students;
- (viii) Celebration of school functions and festivals;
- (ix) Arranging cultural programmes for the purposes of popular education;
- (x) Provision of light meals for school children, if possible.

(b) Educational Functions of the Taluka Panchayat:

- (i) Establishment and maintenance of primary schools;
- (ii) Preparing and implementing the programme of constructing primary school buildings;
- (iii) Recognising non-government educational institutions within its area;
- (iv) Assisting educational activities at the Village Panchayat level;
- (v) Enforcing the compulsory primary education Act in the Taluka;
- (vi) Assisting the propagation of Pre-primary education;

(c) Educational Functions of the District Panchayat :

- (i) Undertaking all educational activities entrusted to it;
- (ii) Planning education in the District within the framework of the national policy and the national plan;
- (iii) Survey and evaluation of educational activities;
- (iv) Acting as a channel for Government aid in regard to primary education to reach the Taluka Panchayat;
- (v) Making suggestions as to courses of studies;
- (vi) Selection of text-books;

- (vii) Implementing any programme in regard to secondary education that may be entrusted to it by the Government;
- (viii) Inspection of primary schools managed by the Taluka Panchayat and conduct of their examinations;
- (ix) Accepting and managing educational funds;
- (x) Assisting, encouraging and guiding all educational activities.

These functions at different tiers are to be discharged as stated earlier, by its Standing Committee on Education.

It will be seen that the Report of the Democratic Decentralisation Committee marks an advanced step in the decentralisation of administration of several essential services including primary education in rural areas in Gujarat State. It follows mainly the line and pattern of reform laid down in the Report of the Balwantray Mehta Study Group. It has made one important departure from the recommendation of the Balwantray Study Group viz. instead of Block as the basic unit it has suggested Taluka as a basic unit of all administration. The Committee has put forward the following arguments for taking this different stand. (a) In Gujarat, the average rural population of a Taluka or a Mahal is not larger than the Block; (b) in Gujarat the areas of most of the Talukas and of the Blocks are the same (c) the field of activities of the Talukas and Blocks are also the same; (d) the delegation of other administrative functions as also the responsibilities of the execution of other Plan projects to the Taluka level

Panchayat would work better; and (e) making the Block as a unit for a democratic body would necessitate unnecessary alteration and disturbance to the present arrangements that work very well.

The Balwantrai Mehta Study Group had recommended that the District Level Panchayat should be merely a supervisory and coordinating body. Both in Rajasthan and Andhra Pradesh, the District level Jilla Parishads have been constituted to supervision and co-ordination. In Gujarat, an advisory body viz., the District Development Board already existed in every District for helping in execution of Plan and Development programmes and for necessary co-ordination. Even though several duties and responsibilities are delegated from the District to lower levels, there will remain a number of important duties and responsibilities to be performed at the District level. For instance, it would be very much necessary to constitute staff selection and recruitment committee for primary teachers at the District level; the administrative officer for primary education will also have to be placed at the District level; technical staff will also have their placement at the District level, and so on. Therefore, the Committee did well to recommend the establishment of a strong District Panchayat to which the duties, responsibilities and resources of all the existing bodies at the District level should be entrusted and adequate powers and necessary financial resources should be delegated. The Maharashtra State

committee on decentralisation had also come to a similar conclusion:

"We, therefore, feel that the District body is the best operative unit of local administration as it alone will be capable of providing the requisite resources, necessary administrative and technical personnel and equipment required for a properly co-ordinated development of the District. In view of this we conclude that if decentralisation is to be real and effective, it would be imperative to establish a strong executive body at the District Level." (33)

The Bombay Primary Education Committee was of the same opinion that the District level body should not be looked upon merely as advisory body, but it should be made the principal executive authority in the administration of primary education. (34).

The Gujarat Decentralisation Committee thus suggested a reform in the right direction, viz strong democratic institutions should be created at the District, Taluka and Village Panchayat and functions regarding the administration of primary education should be assigned at all the three levels in such a way that the administration of primary education is brought nearer to rural communities and at the same time essential services are effectively organised and operated at the District level.

4.7 The Gujarat Panchayats Act, 1961

The recommendations of the Democratic Decentralisation Committee discussed in the preceding Section led to the enactment of the Gujarat Panchayats Act, 1961, in 1962. It has been amended several times. The following are the main features of the Act as amended upto 1968.

The Act is a very comprehensive legislation and replaces the old legislation on District Local Boards and the Village Panchayats. Since 1963, in every District, four types of Panchayats of different tiers have come into existence, viz. a Gram Panchayat for each gram, a Nagar Panchayat for each Nagar, a Taluka Panchayat for each Taluka and a District Panchayat for the District. It also establishes a Nyaya Panchayat for the purpose of the administration of Civil and Criminal justice for each Nagar and for each group of such Grams not being less than five in number, as far as possible and group comprising Grams shall be contiguous.

The Act provided that subject to the control of the State Government and the competent authority, a Gram or Nagar Panchayat shall be subordinate to the Taluka Panchayat and the District Panchayat and a Taluka Panchayat shall be subordinate to the District Panchayat. The State Government is empowered to declare any local area to be a Nagar if its population exceeds 10,000 but does not exceed 30,000 and to be gram, if its

population does not exceed 10,000. The Act further provided that the Gram Panchayats, Nagar Panchayats, Taluka Panchayats, Gram Sabhas, Nyaya Panchayats and the Conciliation Panchas shall be the Panchayat Organisation of the Gujarat State.

Gram Panchayat : The Act provided the following constitution for the Gram Panchayats, Nagar Panchayats, Taluka Panchayats, and District Panchayats:

(a) Gram Panchayat :

- Its total membership to be of not less than 9 and not more than 15 as the District Panchayat may determine; the members are to be elected from amongst the qualified voters of the gram;
- Its Sarpanch and upa-sarpanch are to be elected by members from amongst themselves;
- Two seats are to be reserved for women;
- At least one seat each for scheduled castes and (if there is such population) scheduled tribes are to be reserved;

(b) Nagar Panchayat

- Its total membership to be not less than 15 and not more than 31 as the District Panchayat may determine; the members are to be elected from amongst the qualified voters of the Nagar;
- Its Chairman and Vice-Chairmanⁿ are to be elected by its members from amongst themselves;

- The reservation of seats for women, scheduled castes and scheduled tribes are on the same lines as in the case of Gram Panchayats.

(c) Taluka Panchayat

- * Its ex-officio members will consist of the Sarpanchs of all the Gram Panchayats and the Chairman of all the Nagar Panchayats within the Taluka;
- Members elected by the Chairman of all the Co-operative societies situated within the Taluka from among themselves (The number of such elected members shall be 1/10 of the total ex-officio members;
- Co-opted members will include 2 women who may be interested in the welfare activities pertaining to women and children, 2 representatives of the scheduled Castes in the Taluka, 2 representatives of the scheduled tribes in the Taluka, 2 persons from amongst social workers residing in the Taluka and having practical experience in respect of matters pertaining to rural development;
- Associate members will consist of members of the Gujarat Legislative Assembly elected from any constituency other than a City Constituency in the Taluka or part thereof, the Mamlatdar or Mahalkari, Presidents of all the Municipalities situated, elected members of the District Panchayat ordinarily residing in the Taluka; President and its members from amongst themselves;

(d) District Panchayat

- Its ex-officio members will include the presidents of all Taluka Panchayats in the district;
- Its elected members will include one member elected by each Taluka Panchayat in the District from amongst its own members, elected members to such number of seats not exceeding the total number of ex-officio members and elected members representing the Taluka Panchayats. (among the elected members, 2 seats will be reserved for each of these categories - women, scheduled castes and scheduled tribes).
- Co-opted members will consist of 2 members having practical experience in respect of matters pertaining to education and residing in the District.
- Associate members will include the members of the Loksabha elected from the areas of the District Panchayat, members of the Council of State residing in the district, members of the Gujarat Legislative Assembly elected from the District, the District Collector, Presidents of all Municipalities in the District;
- Its president and Vice-president are to be elected by its members from among themselves.

The constitution of the Panchayats at the three tiers is on the same lines as recommended by the Gujarat Democratic Decentralisation Committee 1960 which, in its turn, had adopted most of the recommendations of the Balwantray Mehta Study Group in this respect. The emphasis of the Mehta Study Group was on creation of the popular institution at the District and Block levels in such a way that the popular Panchayat

institutions at the Taluka level in the District are organically linked up and co-ordination achieved with the District Panchayat and the same thing happens in the case of village level Panchayats in relation to the Taluka Panchayat in a Taluka. The Mehta Study group had recommended a system of indirect elections, whereas the Gujarat Democratic Decentralisation Committee recommended both an indirect and direct election systems. The Gujarat Panchayat Act has also provided for both these systems. The Sarpanchs of all Gram Panchayats and the Chairmen of the all Nagar Panchayats in the Taluka become the ex-officio members of the Taluka Panchayat, and the Presidents of all Taluka Panchayats in the District together with members of Legislative Assembly, Parliament and some other co-opted members from the District Panchayat. This is the result of the system of indirect elections. Some members are elected, in each of the three democratic bodies through direct election also.

The system of indirect elections can be justified on this ground that while bringing about an organic link between the three tier of their activities, it brings about co-ordination between their activities and avoids the possibility of their working at cross-purposes and further that it can promote and safe-guard the growth and efficiency of the Gram Panchayats. The system can have some additional advantages also, viz., it simplifies the procedure for establishing the

body at immediately higher tier, eliminates general election campaign with the vitiated atmosphere inevitably created by it and gives a dominant role to the Gram Panchayat in the formation of democratic bodies at higher tiers.

The system-indirect election-is, however, not altogether free from certain strong limitations. In this stem the formation of Taluka Panchayats and the District Panchayats is dependent on the Gram Panchayats. Its corollary is that the elections to the Gram Panchayats may be fought on political communal and caste alliances and groupism which vitiate the climate of democratic administration. Political and communal issues, which may not be the local issues, dominate in elections. This goes contrary to the rationale of the democratic bodies. One purpose of the establishment of Panchayats is to build up democratic atmosphere, tradition and instruments. In order that this purpose is attained, it would be necessary to ensure that local functions and parochial considerations do not influence the formation of Panchayats at higher tiers. The indirect election system suffers further from an inherent shortcoming that it can afford scope and free field for people with means and position to influence the course of elections by devious methods, often bordering on mal-practices and as the Maharashtra Democratic Decentralisation committee has rightly observed, "Smaller electorates provide greater opportunities for the conservative elements to succeed". (34)

The Act provides as stated earlier, for direct elections also. Obviously, it has satisfied the advocates of direct election. Theoretically, it is true that in direct election, the electorate being large, the general public can have a sense of direct participation in the formation of the Panchayats and that they throw up a proper type of leadership which would be more responsive to the people and command better respect from them. How far these assumptions are really true can be seen from the results of the field investigation on the issue discussed in Part III of this thesis. The Maharashtra Democratic Decentralisation Committee favoured direct election. Its report observed :

"With the establishment of a substantially directly elected District Council, constitution of a Statutory Block Committee, wherein there is a large representation of the Village Panchayats, should provide a satisfactory working link between the three tiers of the local administration." (35)

Section 81(1) (ii) of the Gujarat Panchayats Act provides for constituting an Education Committee for performing functions pertaining to literacy drives including pre-primary education, primary education, adult education and other cultural activities. This committee is to consist of three members elected by the Panchayat ^{from} among its members and the members of the Committee are empowered to elect its own Chairman from among its members. The section 82(8) prescribes that the Education Committee of the Gram Panchayat shall in performing its functions exercise the powers of the Gram Panchayat.

There is similar provision for constituting a corresponding Education Committee of the Taluka Panchayat under Section 111(1)(i) and of the District Panchayat under Section 131(1)(i). It is further provided in Sub-Section (2)(iii) that the Education Committee of the Taluka Panchayat shall consist of not more than 7 members to be elected by the Taluka Panchayat from among its members. The number of members is to be decided by the parent Taluka Panchayat. The Section 112(1) provides that the Education committee of the Taluka Panchayat shall in performing its functions, exercise powers of the Panchayat.

The District Panchayat is also provided with an Education Committee under Section 131 (1) (i). The sub-section (2) (1) prescribes that the Education Committee shall consist of the 2 co-opted members of the District Panchayat and 5 other members elected by the District Panchayat from among its members. The sub-section (4) places the term of the Education Committee to be co-extensive with the term of the Panchayat. This would also be true of corresponding Education Committees at the Taluka and Gram Panchayat's level. This Committee, too, is to exercise powers of the District Panchayat in performing its functions. (vide -sub-section (8))

Such are the provisions made by the Gujarat Panchayat Act 1961. The Act has come into operation in 1963.

Between 1963 and 1972, the following important changes are effected in the provisions of the Panchayat Act, 1961 :

- Abolition of election of Taluka Panchayat members by Chairman of the Co-operative Societies in the Taluka;
- Abolition of elected membership of the Taluka Panchayats.
- Reduction in constitution of compulsory committees at Taluka and District levels.
- Extension of term of Panchayats from 4 to 5 years.
- Placing Nagar Panchayats under the control of District Panchayats.
- Abolition of double membership except as provided in the Act.

There prevails in the State considerable dissatisfaction and disappointment about the working of the Panchayati Raj bodies in Gujarat. The popular view that the experiment of democratic decentralisation has failed looking to its rationale and objectives is gathering strength. The Field Investigation presented in Part III of this thesis is designed to determine to what extent the popular apprehension about the stark failure of the Panchayati Raj institutions is valid, at least in perspective of the role that was envisaged for them in achieving universal, free and compulsory primary education in a reasonable period of time.

4.8 Role of the State in the Administration of Primary Education under the Panchayat Act.

In the previous Section, it has been pointed out that certain powers of administration and control of primary education are developed to Panchayat bodies at the tiers of the Gram, Taluka and the District, under the Gujarat Panchayat Act, 1961. But this does not mean that the entire subject of primary education is transferred to Panchayati Raj bodies. The State has kept to itself certain important powers of control. The Gujarat Act specifically mentions under Sections 155-157 the transfer of powers of State Government to Panchayats. The Maharashtra Act specifically mentions the powers retained by the State under the Panchayati Raj reform. For instance, the following powers are retained by State Government in relation to primary and Basic schools under First Schedule, para 24:

- laying down of syllabus
- prescription of textbooks
- conducting scholarship examinations
- conducting primary school certificate examination and Std. IV examination in Vidarbha; and
- such other powers as are vested in the State Government under the Bombay Primary Education Act, 1947.

The Gujarat Act does not specify these powers of the State Government as is done by the Maharashtra Act, but as the Bombay Primary Education Act, 1947, is not repealed by Gujarat

Government, the implication is that the powers given to Government under that Act still remain with it. That is to say, as contended by the officers of the Education Department of Rajasthan Government, "it is the administration of primary Schools which has been transferred to Panchayat Samitis and not primary education" (38) The main powers transferred by the Gujarat Panchayat Act, 1961, to the District Panchayat, Taluka Panchayat and Gram Panchayat include :

- the establishment and maintenance of primary schools; (i.e. universality of school provision);
- assisting the introduction of compulsory primary education as planned by the State and its enforcement (i.e. universality of enrolment of primary education);
- improvement of primary education;
- pre-primary education and child-welfare activities;
- offering financial help to needy students;
- provision of student-welfare services
- planning of primary education within the frame-work of the national policy and national and state plans;
- educational survey and evaluation;
- distribution of Government grants;
- recognition of and aid to private primary schools; and
- management of primary education funds.

By implication, all other powers are reserved by State Government. The entire academic control in terms of the prescription and revision of school curricula and syllabi, the

approval of school textbooks and their nationalisation, the inspection and supervision of primary schools through Department appointed school inspectors, the conduct of Primary School Leaving Certificate Examinations and scholarship examinations, the training of primary teachers and the authority to frame rules for admissions, examinations and promotions, The Administrative Officers of District Panchayats and Nagar Panchayats are Government servants. Under the Primary

The Gujarat Panchayat Act, 1961 has specified administrative powers and duties. The Schedule I of the Act lays down duties and responsibilities for Gram Panchayat and Nagar Panchayat, Taluka Panchayat and District Panchayat, in the sphere of primary education. These provisions are the same as recommended by the Gujarat Democratic Decentralisation Committee (26)

It should be observed here that though the Schedules I to III of the Gujarat Panchayat Act 1968 refer broadly to 'education' as the sphere of activities at the Gram, Taluka and District levels, it means primarily primary education. In Maharashtra State, the Maharashtra Zilla Parishad and the Panchayat Samiti Act, 1961 both ^{include} primary and secondary education as the sphere of activities of the Zilla Parishad. The first Schedule, to section 100 of the Act lays down the following

"25. Establishment, management, maintenance, inspection and visiting of secondary schools excluding items relating to -

- (i) prescription of curriculum;
- (ii) prescription of textbooks;
- (iii) rates of and conditions for maintenance grants;
- (iv) permission for conversion of high schools into higher secondary schools;
- (v) rates of fees;
- (vi) laying down general conditions for recognition;
- (vii) conduct of primary and high school scholarship examinations; and
- (viii) such other powers as may be specifically entrusted to the Director of Education or reserved for the State Department under the grant-in-aid.

In the case of private secondary schools, only recommending grants and loans and their establishment on sanction from the Director of Education".

The Rajasthan Panchayat Samitis and Zilla Parishad Act, 1959 provided for the constitution of Panchayat Samitis and Zilla Parishad broadly on the lines suggested by the Balwantrao Mehat Study Group. Primary education classes 1 to V is transferred to the Panchayat Samitis for administration; but middle school education is reserved with the State and not transferred to Zilla Parishads, even though the latter are constituted. The State of Andhra Pradesh passed the Andhra Pradesh Samities and Zilla Parishad Act in 1959,

i.e. in the same year as the Rajasthan passed its Act on the subject, but the Andhra Act, unlike the Rajasthan Act, transfers the control of primary education to the Panchayat Samitis and that of middle and secondary education to the Zilla Parishad. The Madras Panchayat Act, 1958 has created Panchayat Unions which are the democratic institutions at the Block level and the administration of elementary education is transferred to them. The Orissa Zilla Parishad Act has also transferred the administration and control of primary education to the Panchayat Samitis created at Block level.

In the Acts on Zilla Parishad and Panchayat Samitis passed by different State Governments, there is to be seen a distinct and strong trend in favour of transferring from State Government to Panchayati Raj institutions the administration and control of primary education. (37) . Under Primary Education Act, 1947, the Administrative Officers of the District School Boards were made responsible to Government and not to District School Boards. This position continues even under the Gujarat Panchayat Act. The Annual or revised or supplementary Budgets of District Panchayat are prepared by their Administrative Officers and the same have to be got approved by State Government.

The State Government prescribes pay scales of primary school teachers and determines their service conditions. Even in the case of the recruitment of primary school teachers, the state Government exercises supervision and a check through its own servants, District Education Officers and Administrative

Officers who are the members of the three-man staff selection and recruitment committee at the District Panchayat level.

If it is found that any of the Panchayat bodies is unable to exercise its powers and perform its functions for some reason or other, State Government has a statutory authority to pass an ordinance to take over the administration of the said panchayat body to itself. (39) Further, Government have powers to give to a Panchayat Education Committee all such directions as it may consider necessary in regard to matter connected with primary education and the committee is under statutory obligation to comply with such directions.

Thus, State Government have retained considerable powers of direction, and control over the Panchayat bodies in charge of the administration of primary education. This is understandable, because Government bears about 96 per cent of the total cost of primary education in rural areas.

The role of the State in the democratic decentralisation of its functions on Panchayat bodies is justified by the Maharashtra Democratic Decentralisation Committee in the following words :

"The State will have to exercise certain amount of supervision and control to ensure that the administrative and regulatory functions developed upon local bodies are discharged properly and that development activities are undertaken by them are not at variance with the State or the National Plan. In view of the large devolution of functions, it will be also necessary for the State to provide for certain built-in-safeguards which while giving freedom to the local bodies in their

activities, will maintain the efficiency of local administration." (40)

Thus the role of State Government in relation to the devolved authority of administration of primary education is to exercise safeguards with a view to realising its constitutional responsibility in respect of universal, free and compulsory primary education at the earliest possible time and to maintain the efficiency of local administration at maximum possible level.

4.9 Conclusion

The preceding Sections were devoted to the critical review and appraisal of the democratic decentralisation movement in local administration in Gujarat which began with the recommendations of the Balwantray Mehta Study Group in 1957, which suggested the establishment of a three tier administrative structure at the District, Block and Village levels; and which was given a concrete shape by the Gujarat Democratic Decentralisation Committee, 1960 and the Gujarat Panchayat Act 1961. The Panchayati Raj bodies have come into existence in Gujarat State in 1963. There are 19 Districts and 185 Talukas and Mahals in Gujarat State. Seventeen of the Districts have District Panchayats (excepting Dangs and Gandhinagar) and 182 Talukas or Mahals have Taluka Panchayats to administer primary education in their respective areas. There are also 11,928 Gram Panchayats, and 56 Nagar Panchayats.

When these local democratic bodies were created, there were certain expectations about their possible role and contributions to development in various spheres of activities in the District. For instance, it was felt that through the Panchayat bodies the foundations on which our Constitution stands will be strengthened; the involvement of local communities and individuals in the successful and effective execution and completion of all development project and tasks including primary education, will take place; self-help, self-reliance and largest possible extension of the principle of community service and co-operation and devoting of a portion of the vast unutilised time and energy in the rural areas for the benefit of the community will result; more knowledgable, interested, motivated and public service-minded people will sit on Panchayat bodies to decide the future course of development of their areas, and there will be less wastage and more fruitful utilisation of local resources of men and materials. In terms of contribution in the sphere of primary education, it was expected that the introduction of democratic decentralisation will generate popular enthusiasm and initiative for the expansion of primary schools so that a lower primary school will be provided within one mile distance from the residence of every child of the age-group 6-11 and within three miles' distance from the residence of every child in the age group 11-14 studying in a upper primary school, or a Middle school and for providing improved school buildings, their

better maintenance and repair services; residential quarters will be provided by rural communities for primary teachers; the members of the Gram Panchayats will take initiative and personal interest in persuading those rural parents who either do not enrol their child of the age-group 6-14, or after enrolment, withdraw him/her before passing Std. VII; the local communities will collect funds through their efforts to provide free mid-day meals, school uniforms as well as reading and writing material to poor and needy local children; the local communities will harness their resources and services to spread literacy, to improve and enrich school curricular and co-curricular programmes. Such were the task-expectations of the democratic institutions set up under the Gujarat Panchayat Act 1961. It is necessary to find out to what extent these task expectations have been actually achieved and to attempt an appraisal of the working of the new democratic decentralisation and evaluate its working in reference to structural pattern & the administration of primary education in the State. To these purposes the Part III of this Thesis will be devoted. The results of the Field Investigation presented and discussed in Chapters V, VI and VII are limited to South Gujarat Districts of Dangs, Valsad, (Bulsar), Surat, and Bharuch (Broach) and cover the Panchayat bodies at work at the Gram, Taluka and District levels in these four districts in relation to administration of primary education and will cover

all the major factors involved in universalising primary education and also related factors such as rural leadership (role of perceptions and role fulfilment), involvement of community in improvement of rural development work.

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