

Working Paper No. 184

**Delegation to Devolution: Karnataka**

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February 2004



# DELEGATION TO DEVOLUTION: A COMPARATIVE STUDY

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## Thematic Introduction

The 73<sup>rd</sup> and 74<sup>th</sup> amendments to the Indian Constitution are landmark events by dint of conferring on rural and urban local bodies constitutional status with a view to making them “units of local self-government”. The 73<sup>rd</sup> amendment mandated a uniform structure of Panchayat Raj Institutions (PRIs) for the country with a few exceptions. However, despite the uniformity imposed by the Constitution variations in performance, noticeable prior to the amendment, continue to persist across states. Whereas earlier these differences were attributable to that hold-all term “lack of political will” the new status might have been expected to ensure a reasonable degree of uniformity. But variations are seen with respect to several areas including major mandatory provisions. This is compounded by persistent differences in regard to the zeal with which powers are devolved upon PRIs. This obviously requires examination. For the most part literature on decentralization and PR in India does not address this question explicitly. Whether this is because of a faith, stated or otherwise, that legislation would compel performance or because the issue is not seen in the backdrop of the political process is an important question but is not considered in detail at this juncture. Data on the status of PRIs across states shows differences particularly with respect to the commitment in satisfying the spirit of the legislation. A fruitful line of inquiry which has suggested itself is to seek part of the explanation in factors which are specific to the context of different states. This is arguably correct given that some states had shown more commitment to devolution than others before the conferment of constitutional status on PRIs. In fact the post-independence history of rural local bodies brings to relief important differences in commitment and approach across states. Equally relevant is that from the late seventies onwards there has occurred a paradigm shift in the Indian political scenario with the virtual disappearance of one party domination at the center and the emergence of governments of various hues in the states and the growing importance of ‘regional parties’.

Armed with this hypothesis a research study is under way in MIDS which centers itself on an inter-state comparison of performance in respect of devolution. The states selected for the study are Tamilnadu, Karnataka and West Bengal. The selection is based upon the following criteria. Karnataka and West Bengal represent, albeit in different

degrees, success stories while Tamilnadu is normally regarded as a laggard example. The former two made impressive strides in the late seventies and eighties and in some areas anticipated the constitutional amendment which materialized in 1993. In both states the initiative commenced with non-Congress governments. Tamilnadu has the distinction of being a state in which the two competing political parties agreed on abstaining in the vote on the constitutional amendment. There are other markers of performance which are adumbrated in the text of the papers. It is necessary to enter a word of explanation on the exclusion of Kerala from the inquiry. Kerala has been and continues to be extensively studied and is so far ahead on several counts as to render any comparison somewhat ambiguous.

The principal focus of the study is on financial devolution. This follows the premise that delegation of functions transforms into devolution of authority only when the former is accompanied by resources, financial as well as human. In inquiring into devolution our objective is not confined to flow of funds from the state to the sub-state levels relevant as that is. We propose to delve into the question of autonomy enjoyed by the PRIs particularly in relation to expenditure. An equally prominent issue is the effort made by them in mobilizing resources including naturally a consideration of how much power they enjoy in this realm. In broad terms the aim of the study is to examine the citizen-state relationship as it unfolds in changing contexts. However, in our view an intensive investigation into financial devolution must necessarily be preceded by an equally strong inquiry into context specificity. Also dividing devolution into separate compartments such as political, administrative and financial, while presenting a neat and elegant taxonomy, fails to capture the inter-connections among these components. And in the ultimate analysis devolution is quintessentially a political process and can be meaningfully studied only in that perspective. This is why devolution is specifically treated as the conferment of functions and powers on democratically elected local bodies in contradistinction to mere delegation of functions which can have a centralizing effect on the system. Therefore, the first phase of the project has concentrated on what may be termed the “evolution of devolution” in the selected states.

Recent studies on PRIs start, logically enough, with the 73<sup>rd</sup> constitutional amendment. This, as remarked above, is a landmark event in the history of devolution. However, it is necessary to place this within a historical perspective. Without this it would appear that this amendment descended manna like and with little prior preparation. A convenient entry

point for developing a processual perspective is to dwell briefly on the debates on the nature of the Indian Constitution before it was adopted. In relation to Panchayats or more broadly, making the village the central point of governance there were, the following prescriptions/recommendations in the Constituent Assembly.

- a pyramidal structure of governance with village republics as the pivot: advocated by ardent Gandhians but these were not numerous
- a wholesale rejection of the village trenchantly presented by Ambedkar.
- arguing for villages as units of governance but placing this within the overall frame of a modern nation which would utilize technology and science: a view urged by several members with an otherwise conservative bias.
- expressing disagreement with Ambedkar's rejection of the village but cautioning against a romantic conception of the village and envisaging for panchayats a role in the future; a balanced and realistic perception of which the best spokesmen were K.Santhanam and M.Ananthasayanam Ayyangar.

It will be seen that the perspectives on villages as units of governance spanned a wide spectrum from the Gandhian village republic at one extreme to Ambedkar's description of the village as "a sink of localism and a den of ignorance". In the Constituent Assembly an attempt was made rather belatedly by Rajendra Prasad, the President of the Assembly, to have the "Constitution begin with the village and go up to the Centre" since the village "has been and will ever continue to be our unit in this country". B.N.Rau, Advisor to the Assembly pointed out that this was not feasible since the Assembly had decided in favour of direct elections to both houses at the center as well as the provinces and that this would be difficult to reverse. In the final analysis even those who advocated panchayats were unwilling to make them the base for an indirect system of government and the amendments they moved did not support the "decentralization of a Gandhian constitution" (Granville Austin).

In the end panchayats as the foundation for governance were rejected virtually unanimously, the Constituent Assembly opting for a European-American model. However, as is well known a reference to Panchayats was included in the Directive Principles, (Article 40) described by Sudipto Kaviraj (1996) as the "constitution's basket of ineffectual intentions" and earlier by T.T.Krishnamachari in the following words: "a veritable dustbin of sentiments...sufficiently resilient as to permit any individual of this House to ride his hobby horse into it".Notwithstanding these dismissive comments at the time this was debated no one could have foreseen that the Directive Principles were destined to assume the

significance they have done. It may also be added that there was not much emphasis put on what Panchayats could achieve or even how they were to be nurtured and promoted.

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

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

Between the Balvantray Mehta and Ashok Mehta reports the latter was more explicit in treating PRIs as units of governance and dynamic agents development. In its words: "Panchayati Raj is both a living continuum and also a unit of democratic self-management at the rural local level. The dual status is natural as well as desirable, once it is recognized that Panchayati Raj is a sub-system in relation to the democratic polity in the country and

will also develop the potential of becoming a political system the rural local level for the complex of transferred activities". A continuing theme in the report is the need to devise a devolutionary system which would be fully in consonance with the emerging needs of the economy. We find too a great deal of emphasis on space-sector integration and in doing so the Committee followed the growth center strategy based to a large extent on the growth pole and Central Place theories which were gaining ground in the seventies. It is also noteworthy that the report spoke of the emerging nexus between the rural and urban and indeed provided for this development in its scheme of electoral representation.

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

Committee remarked insightfully “ what is all the more intriguing is that all these conceptual images would co-exist side by side tending to militate against each other in the short-run”. This in turn may be juxtaposed with an earlier observation in this text that in the deliberations of the Constituent Assembly too these somewhat conflicting perceptions were present and were ultimately papered over by bringing Panchayats under the ambit of the Directive Principles.

The Ashok Mehta Committee’s recommendations did not alter the fortunes of PRIs all at once. Their principal positive impact was in *states which had their own compulsions and motivations for devolution*. The two leading examples are West Bengal and Karnataka. The former saw in devolution an opportunity to establish a rural base for the left parties which until then they had lacked. Also the government of the day sensed the possibility of thwarting any intervention against it from the center by creating for itself an alternative base of support. In Karnataka the state’s first non-congress government sought to utilize Panchayat Raj in order to deepen the support for the party in the rural sphere where it was relatively weak. It should be added though that in both states there was an earnest commitment to devolution and indeed in Karnataka it had formed part of the party’s election manifesto and this was assisted by the zeal of the minister for Panchayat Raj, the late Abdul Nazeer Sab and the support he received from the chief minister Ramakrishna Hegde. The state-wise details are presented in the respective narratives. The principal point is that the Ashok Mehta report was of benefit to those states which had an expressed interest in devolution but did not create a new national ambience. At the same time its role in furthering interest in devolution should be acknowledged even if this took years to reach recognizable maturation. In other words the uneven performance of states on the Panchyati Raj front continued post Ashok Mehta. In this one can discern the reasons for Constitutional status not succeeding in ushering in a new PR era.

The next discernible policy shift took place in the eighties. Towards the end of the decade the Union government at last introduced an amendment to the Constitution to confer the status of units of governance on PRIs and Urban Local Bodies/ULBs. Before discussing the amendment it is necessary to examine the background and the events leading up to this. To begin with major transformative changes were taking place in the economic front like the New Economic Policy bringing in relaxation of controls and opening up the economy internally as well as externally even prior to the formal adoption of Structural Adjustment. At the global level there were major developments which may be briefly summarized as follows:



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

It is arguable that this constellation of factors exercised influence over India. Disaffection with the State was becoming rapidly evident. Rajiv Gandhi was convinced that the centralized mode of governance had failed to deliver the goods and that as a result out of the resources earmarked for development only a pitifully meager proportion reached the intended beneficiaries. He was assisted by the fact that he was a ‘greenhorn’ in politics which gave him the courage to speak approvingly of the way devolution had been attempted in states ruled by non-Congress parties like West Bengal and Karnataka. In addition he was able to see in devolution a mechanism through which a direct conduit could be established between the center and the sub-state level commencing from the district. The ruling party proposed the 64th amendment to the Constitution with the main objective of conferring constitutional status on Panchayats. What were the possible motives that prompted Rajiv Gandhi to constitutionalise decentralisation reforms in the late 1980s and early 1990s? Reasons behind such moves were both manifest and subtle. As Bandyopadhyay (1999) analyses incisively, initially Rajiv Gandhi was looking for some efficiency-enhancing administrative reforms that would address the problem of widespread inefficiency and callousness among administrators toward their developmental tasks at the district level. But soon it became clear to him that “..if our district administration is not sufficiently responsive, the basic reason is that it is not sufficiently representative” (Rajiv Gandhi’s remarks at a workshop on ‘Responsive Administration’, as quoted in Bandyopadhyay, 1999, p.71) Therefore, some mildly reformist tinkering with the system would no longer suffice; a more fundamental change was in order at the district and sub-district levels – from a bureaucratic administration to a ‘representative and responsive elected system of governance’.<sup>1</sup>

<sup>1</sup> One of our interviewees (interview held on 16 May, 2002) speculated in a similar vein that Rajiv Gandhi wanted to create a channel between the common man and elected representatives which remained clogged at that point and hence felt motivated to re-establish that link through panchayats. (Interview on May 16, 2002).

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

Many other respected commentators on the subject corroborate this line of analysis, by affirming that the constitutional amendment was intended to bypass State governments and introduce direct links between the Central government and 300 odd districts. One senior bureaucrat suggests in an interview<sup>2</sup> that there was indeed a charge against Rajiv Gandhi that he wanted to reduce powers of Chief Ministers through panchayats – otherwise known as the ‘PM to DM’ (from the Prime Minister to the District Magistrate) strategy. The latter would remain loyal to the PM, Rajiv Gandhi surmised, through the network of centrally sponsored schemes. A former influential minister from the State of West Bengal alludes to similar political intentions when he notes that the centrally-sponsored decentralisation programme is part of a legacy of centralism begun by Indira Gandhi which sought to ‘chop up State governments and pass on power to districts’, as a way of maintaining a strong centre.<sup>3</sup>

Yet the 64<sup>th</sup> had a rough passage in Parliament and ultimately failed to become law. Partly the explanation lies in the package which Rajiv Gandhi proposed along with the amendment. This was the famous PM-DM package adverted to above which, in his view, would clear the conduit between the Prime Minister and the District Magistrate who is the head of the district administration and is more generally known as the Collector or the Deputy Commissioner. The passage had got clogged thereby rendering the system

<sup>2</sup> This interview was conducted on 16 May in Bangalore, 2002.

<sup>3</sup> This is based on an interview held on 11 November, 2002. The expert assistance of Manabi Majumdar in the writing of this section is gratefully acknowledged.

impervious to the needs of the common man. In all likelihood he also saw in the direct conduit from the center to sub-state levels an opportunity for expanding the sphere of patronage for himself and his party. It was possibly this package which made the states see red and sense in the amendment not a genuine attempt to devolve power but actually to strengthen the hold of the center. The amendment was received with hostility in the lower house of Parliament. There was acerbic debate on whether it was constitutionally permissible for the Union to legislate on Panchayats which figure in List 2 of the Constitution and is the domain of the states. Hardly any party was sympathetic to the amendment except of course the Congress. In the end the amendment failed to secure the necessary majority in the upper house and had to be dropped. Some scholars were critical of two of the Bill's orientations, one was that the states would be by-passed and the other that the uniform structure which it sought to introduce was unnecessary. In particular it was argued that those states like West Bengal and Karnataka which were operating the PR system quite well would now be compelled to restructure it with little advantage to them. For all the reasons sketched here the amendment could not become law.<sup>1</sup>

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

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

Further, many members were insistent that adequate safeguards should be provided to ensure that local bodies, rural as well as urban, would not be starved of funds. A suggestion was made forcefully by a member from West Bengal that the Constitution should confine itself only to three aspects of PRIs: regularity of elections, reservations for Scheduled Castes, Scheduled Tribes and women and constitutional sanction for devolution of power through a separate list. It was also urged that on all other matters the state legislature should be given a free hand to decide according to "suitability, convenience and regional needs". However this did not attract much support. Even the issue of a

uniform three-tier structure was not debated when the house adopted the amendment. During interviews with senior bureaucrats who participated in the framing of the amendment it was learned that the focus was on getting the amendment through even if it meant not having an ideal legislation. One result of this was that issues on which a consensus proved elusive were left to the discretion of the states.

The principal features of the amendment, now part of the Constitution, are briefly summarized below:

- uniform three-tier system except for states with a population of less than 20 lakhs
- direct election of members at all level
- Reservation for Scheduled Castes, Scheduled Tribes in proportion to their population and 33% for women both for election as members and to posts of chairpersons except that in the latter case rotation of constituencies is mandatory.
- Five year term for all Panchayats
- Minimum age for membership reduced to 21
- A state finance commission to be appointed every quinquennium.

The Constitution also has certain enabling provisions. These are in respect of:

- direct elections to the post of chairperson of the village panchayat
- representation for members of Parliament and state legislatures in panchayats at the intermediate and district levels
- reservation in favour of backward classes in elections of members as also chairpersons.
- representation of chairpersons of one level at the next higher level

Subject to the mandatory articles of the Constitution “ the legislature of the state may, by law, endow panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to:

- a) the preparation of plans for economic development and social justice
- b) the implementation of schemes for economic development and social justice as may be entrusted to them including those listed in the Eleventh Schedule” (Article 243 G).

The Eleventh Schedule of the Constitution contains 29 subjects.

The powers of taxation of panchayats is to be legislated by the States.

The state finance commission is similar to the one constituted quinquennially under Article 280 but there is an important difference in that the former deals only with the net proceeds of taxes, duties etc which “*may be divided*” between the state and Panchayats whereas the latter deals with net proceeds which *are to be, or may be divided* between the Union and the States.

It is noteworthy that the 73<sup>rd</sup> amendment contained no provisions for a machinery for planning. That instrument, the District Planning Committee, was introduced by the 74<sup>th</sup> amendment which focused on urban local bodies but applies to PRIs as well. In a rudimentary way the DPC is an attempt at rural-urban integration but it does not appear to have the potential to perform this role successfully.

Before we proceed to analyse how our three states have functioned with respect to the amendment it is appropriate to ponder over the reasons why the 73<sup>rd</sup> had a smooth passage while its predecessor encountered hostility and that barely three years previously. And as legislations they are practically identical. Two factors immediately suggest themselves as worthy of examination. In the first place the PM-DM package which accompanied the attempted 64<sup>th</sup> amendment was not present when the draft amendment was introduced in 1991. That might have served to take away some of the heat which was generated earlier. Secondly, a major change had occurred in the macro sphere with the formal adoption of Structural Adjustment in 1991 soon after the new government took office. It is arguable that this event may have led to the emergence of a more diluted state in the minds of political leaders. Moreover if we juxtapose the adoption of SAP with the post-Rajiv Gandhi political situation it is plausible that a conception of a union government very different from what the country had got used to was taking shape. State governments which were already straining at the leash must have felt a further wind of change blowing. Also the amendment, by virtue of leaving several matters to the discretion of the states, must have been perceived as not being particularly harsh in terms of eroding their autonomy. Complaints were heard then as they are today that the center has not really decentralized and what it has done is mostly at the expense of the states. There is some element of truth in this criticism but all in all the states’ perceptions were nowhere as negative as when the earlier amendment was introduced. Part of the answer would lie in their assessment of their strength vis a vis the center in relation to the dynamics of political power sharing.

An additional factor of importance is that by this time the credibility of the state as an institution had taken a nosedive. This was in many ways a global phenomenon, a state of affairs which is best described by Manor in the words, a feeling that centralized governance had failed( 1996). This could have had an unsettling effect on actors in the centralized governance structure. They may have thought this an appropriate time to get those at lower territorial levels to share responsibility. This reading should be juxtaposed with another striking coincidence which is in fact more than coincidence. And that is that the fortunes of devolution, indeed those of decentralization itself, have tended to fluctuate with the prevailing development paradigm. This point has been made above but it needs to be reiterated. It cannot be mere serendipity that along with the loss of credibility of the state and skepticism about the technocentric model of development there also developed some acceptance of a decentralized mode of governance. Not to be by-passed is the warm endorsement of decentralization by the Fund-Bank twins.

The fundamental inference from this comparative study, and it needs to be stressed that the work is still in progress, is that the local context is highly relevant. So relevant that it can almost undo what a uniform legislation seeks to put in place. There are ever so many ways in which a state can follow its own trajectory in practice while in theory accepting a legislated mandate. An excellent example is in the realm of finance. Tamilnadu has not publicized the report of its second State Finance Commission. West Bengal and Karnataka have but the test is not over with this. The critical factor is the extent to which finances are actually devolved. Within this there is the basic question of how much autonomy PRIs enjoy with respect to expenditure. The current phase of the study is coming up with interesting information on these issues but the inference for the moment is that the political culture of the state has an important bearing on how devolution takes place. It should be emphasized that despite the perspective adopted in this phase of the research it is not intended to remain confined to an analysis of the development of structures. On the contrary the ultimate aim is to study institutions of local government as integral parts of a process. The present narratives should, therefore, be seen as an essential backdrop to an inquiry into the process.

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The invaluable help of Dr. Manabi Majumdar, Dr. Kripa AnanthPur and Dr. Ganesh Prasad in the preparation of this introduction is acknowledged with pleasure and gratitude.

## **DELEGATION TO DEVOLUTION: KARNATAKA**

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### **Abstract**

Devolution of Authority to local government institutions show considerable variation across states in India. This is in spite of the 73rd Amendment to the Constitution of India which mandates a more or less uniform structure of Panchayat Raj Institutions throughout the country. The persistence of variation in regard to the performance of PRIs needs to be explained with reference to factors which appear to be specific to the context of a State. A historical narrative tracing the evolution of devolution in a state throws light on that set of factors which has impacted, positively or otherwise, on the growth and performance of local government institutions. The present narrative dealing with the state of Karnataka approaches devolution within this overarching framework.

It is seen that Karnataka's impressive performance is attributable to its social and political configurations.

### **Preamble**

Karnataka is frequently cited as a successful example of devolution. A major factor contributing to this reputation is the Panchayat legislation which the state enacted in 1983. This was significant for two reasons. In the first place it anticipated the 73<sup>rd</sup> amendment to the Constitution by a decade in some important respects. Secondly it was one of the first legislations in the country – and without doubt the first in the state – to envisage for Panchayat Raj Institutions (PRIs) an explicit role in governance. At the risk of considerable simplification it is arguable that the 1983 Act marked the transition of rural local bodies from “agencies” to “units of governance”.

The literature on PRIs produced from the mid-eighties onwards credits Karnataka's first non-congress government with this major initiative in devolution and ascribes it largely to the then Chief Minister Ramakrishna Hegde and Abdul Nazeer Sab, Minister of Rural Development. While their commitment to the ideology of Panchayat Raj was never in dispute serious inquiry must go beyond the proximate reality. It should situate the 1983

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This narrative is part of an on-going research project in MIDS supported by the Development Research Centre for the Future State, Institute of Development Studies at the University of Sussex, UK.

legislation (and its implementation) within an evolutionary, historical perspective. Only then will come to light the veritable constellation of factors, social, economic and political, which have facilitated that development. This element is significant by virtue of its absence in Karnataka studies. As a result the Karnataka innovation of 1983 would appear to be a sudden transformative event caused by the initiative of a collection of individuals masking the role of a series of developments which have slowly and gradually contributed to this epochal step. It is this element which the present study aims to focus on. Its primary purpose is to trace the factors which have taken Karnataka along the particular trajectory it has chosen. In doing so the narrative on Karnataka takes forward what the introduction has emphasized, namely, that there are factors in every state specific to its context which have exercised an important bearing on how devolution has evolved. Such an analytical narrative serves another purpose. It highlights the persistence of certain issues which continue to figure in the debate on devolution in the state as well as at a macro level.

The evolutionary presentation of Karnataka commences with the erstwhile princely state of Mysore which became the enlarged state of Karnataka in 1956. During this process of enlargement districts from three contiguous states were incorporated into Mysore. They were from Madras, Bombay and Hyderabad states. Each brought its own history and legislation relating to a number of areas, local government being one of them. Since areas from the three states mentioned above integrated with the state of Mysore, the nucleus, the devolutionary history of the integrating units is not considered separately. Also within a short span of time after the enlarged state was formed a new act came into operation and the inter-regional differences, at the legislative level, ceased to exist.

### **Origins – princely to popular rule**

The origins of decentralization can be traced to 1862. From then on and especially from 1902 a number of enactments were legislated and a few schemes innovative for the times initiated. Chief among these are the Act in 1926 which abolished Taluk Boards and the institution of the Mysore Economic Conference and the District Economic Conference. The Conferences aimed at providing an opportunity for ventilating public grievances. A more detailed account of the pre-independence developments is given in Annexure I.

### **Principal post-independence landmarks**

*V.Venkatappa Committee (1950) and Mysore Village Panchayats and District Boards Act (1952)*

The Committee recommended Group Panchayats and District Boards indirectly



elected by members of the former. The 1952 Act was based on this model. There was opposition to the absence of Taluk Boards, abolition of single village panchayats and indirect elections. The Act was never fully implemented.

***Local Boards Enquiry (D.H.Chandrashekaraiya) Committee (1954)***

This Committee suggested a three tier system with Village Panchayats, Taluk Boards and District Boards. It recommended reservation for SCs, STs and women. The Venkatappa and Chandrashekaraiya Committees differed from each other in significant ways. The former did not recommend a taluk level institution. It opted for Group panchayats and district councils. Indirect elections were recommended for the latter. While agreeing with the need for representation for the Depressed Classes (SCs) the method suggested was co-option.

The Chandrashekaraiya Committee was more innovative. It recommended a three-tier structure comprising Village Panchayats, Taluk Boards and District Boards, all elected. It wanted reservation by election for SCs and women.

***Mysore Village Panchayats and Local Boards Act (1959)***

This was based, to a considerable degree, on the 1954 Committee except that at the apex level it provided for District Development Councils wholly comprising ex-officio and nominated members. It incorporated provisions for reservation for Scheduled Castes and women in both elected tiers.

***Committee on Panchayati Raj (Kondajji Basappa Committee – 1963)***

Its principal recommendations were:

- a three-tier structure consisting of Village Panchayats, Taluk Development Boards and Zilla Parishads.
- Legislators only as associate members (optional)
- Reservation for SCs, STs and women
- Constitution of Gram Sabha
- Representation of Panchayats in TDBs and for the latter in ZPs.
- Constitution of Nyaya Panchayats

***Mysore Panchayat Raj Bill (1964)***

In the main this Bill followed the recommendations of the Committee (1964). However, after the Joint Select Committee reported the Bill was not processed.

***The Karnataka Zilla Parishads, Taluk Panchayat Samitis, Mandal Panchayats and Nyaya Panchayats Act, 1983.***

This pioneering act had strong antecedents in the proposed 1964 Bill. However, it went further in terms of power of local bodies. It was the first act to contemplate devolution which was explicitly political in character. It anticipated the 73<sup>rd</sup> amendment in several respects.

***The Karnataka Panchayat Raj Act, 1993.***

Brought in avowedly as conformity legislation after the 73<sup>rd</sup> Amendment, it also introduced other changes. These, critics argue, have diluted the intent, purpose and power of the 1983 Act.

## **Continuities and Change**

The chronological analysis of important legislation on devolution (highlighted) listed above does not completely capture the nuances of the evolutionary perspective. This is specifically because certain themes have continued in the debate.

In order to facilitate this, the following section focuses both on continuities and change in relation to the core issues in devolution.

Decentralisation was present in the state's overall policy frame for most of the pre-independence period. And this was not withstanding colonial rule and monarchy in the state. New structures were thought of and some relatively progressive practices introduced. It was never the case that the devolutionary steps adopted were the result of popular pressure. It was arguably the result of the welfarist orientations of the state, however limited they were given the twin constraints of monarchy (internal) and imperial rule (external). It is also arguable that local government provided the only space for political activity. And this is important since the Congress began to operate in the state only from 1937.

This view is strongly critiqued by Manor (1978). He argues that Mysore concentrated only on projecting a 'progressive image' while making no attempt to dilute the Maharaja's autocratic rule. The representative institutions created in Mysore were gimmicks which led to little engagement with local level leaders and were not aimed at drawing them into the arena of provincial governance. Manor finds that princely Mysore compared unfavourably with the Madras Presidency in these respects. While his conclusions are mostly right he appears to have paid insufficient attention to the princely state's built-in

limitations. Bjorn Hettne writing about the same period concludes more soberly that given the nature of the inhibiting framework Mysore did display some response to the people's needs (1978).

Independent of how we judge the decentralizing initiatives of princely Mysore two inferences strongly suggest themselves. One, adverted to above is the presence of decentralization in some form on the state's agenda. This may be described as a positive continuity. There is a negative correlate as well. Even in heady pro-decentralisation times, the 1990's onwards, there are copious and frequent references to the reluctance of state governments to delegate to, let alone devolve authority on, PRIs. The 73<sup>rd</sup> amendment has not made the material difference it was expected to in truly empowering PRIs. After allowing, as we must, for the sea change in context between pre and post-independence times, it is difficult not to notice the atavism. And this atavism is compounded by the fact that then, as now, rural local bodies were not regarded as the pivot around which all development activities should be woven. To this day there is the proliferation of programmes and agencies which are not brought under the ambit of PRIs. Their role as "units of local self-government", the expression used in the Constitution, is nowhere near being universally accepted.

### **Formal Structure**

A theme which runs through the debate from early to late twentieth century is the formal structure of local government. Should it be two-tier or three tier? In 1926 a two-tier structure was adopted with District Boards and Village Panchayats excluding an intermediate structure. This ruled the roost till the mid 1950s. More by implication than open discussion the comparative merits of viability (in terms of development activity) and accessibility (in terms of being able to articulate people's felt needs) was an issue of concern.

The two versus three-tier debate became controversial in relation to the taluk, traditionally an important administrative unit in Mysore. The 1926 acts abolished taluk boards. This provoked strong protest. The Legislative Council (established in 1907) provided a forum for ventilating this discontent. The protests could achieve little but a point had been made. The importance of the taluk derived not merely from its traditional administrative importance but equally by virtue of offering a viable and manageable territory for political activity. The 1926 decision was charged with the ulterior motive of thwarting political action.

Curiously this theme has persisted. The Venkatappa Committee (1950) recommended a two-tier structure by-passing the taluk. This too led to criticism and was one of the reasons for a *de novo* examination by another committee in 1954. This, the Chandrashekaraiya Committee, opted for a three-tier model with a fully elected taluk body. This recommendation received some reinforcement from the Balvantray Mehta Study Team report (1957) which favoured a virtual two-tier system with village and intermediate level bodies. The 1959 Act created elected village panchayats and Taluk Development Boards and non-elected District Development Councils. The taluk had regained ground lost in 1926. This continued until 1983 despite irregular elections. But the story does not end here.

A related point of some importance is the nomenclature used in the 1959 Act in Karnataka. It was titled the Mysore Village Panchayats and Local Boards Act but the intermediate level body was called Taluk Development Board. It must have signified that local government institutions were essentially conceived of as agencies for development rather than political institutions. The same term was employed by the Kondajji Basappa Committee report as also the 1964 bill (which lapsed) despite the more political aspect which PRIs wore under the latter. The point needs to be reiterated that the 1983 legislation resembled the 1964 bill but in the literature this is not emphasized.

#### **Ashok Mehta Report-its influence**

After the unsuccessful 1964 bill came the first real attempt at empowering PRIs as political institutions and units of governance. This was the act legislated by the state's first ever non-Congress ministry which brought in the Karnataka Zilla Parishads, Taluk Panchayat Samitis, Mandal Panchayats and Nyaya Panchayats Act, 1983. In its original forms there was a two-tier structure comprising Mandal Panchayats and Zilla Parishads. An intermediate level such as Taluk was not envisaged. The Congress, then in opposition, was insistent on a taluk level unit – reminiscent of the fierce opposition to the 1926 Act which removed this. The Government found a *modus vivendi*. There would be a taluk level body but it was to be ex officio. As a result the Act included the Taluk Panchayat Samiti, a non-elected body with the local member of the Legislative Assembly as the Chairman with the following members, all members of the State Legislature and Zilla Parishad from within the Taluk Pradhans of Mandal Panchayats and members co-opted to represent Scheduled Castes, Scheduled Tribes, Backward Classes and women. This was a purely advisory body.

The Janata Dal government seeking a rural base (of this more later) must have wanted to shift the locus of activity from the taluk where the Congress was perhaps best organized. This is of course in addition to preferring Mandal Panchayats by dint of their potential to become growth centers and afford a threshold for planning.

Apart from the Congress' political preference for the taluk its difference with the Janata Dal flowed from another quarter. Congress wanted the Balvantray Mehta model where the district level was underemphasized, the Janata Dal based itself on the Ashok Mehta report which by-passed the intermediate level. It would be a mistake, though, to assume that the difference was limited to terminology. It extended this and in fact went beyond considerations of levels of governance even while they were all relevant and germane to the problem. The Ashok Mehta report aimed at achieving a balance between a threshold for planning and development on the one hand and access and representation on the other. In the Committee's view the Mandal fulfilled both criteria. In passing it may be observed that this report stands out by virtue of its constant concern with the development imperative. In its words: "The dis-association of the growing and complex programme of development with Panchayati Raj Institutions which *were considered inadequate* (emphasis added), the inability of the bureaucracy to be attuned to execute the programme through elected bodies, the lack of political will to foster these institutions, several internal deficiencies in the functioning of the Panchayati Raj Institutions and, above all, *the lack of clarity about the concept itself* (emphasis added) have weakened the entire system" (P175). Again: "Below the district level, the balance between technological requirements and possibilities for meaningful participation by the people in development management can, in our view, be best achieved by grouping a number of villages to constitute Mandal Panchayats" (P178). The accent on technology and development management brings into bold relief the Ashok Mehta logic.

### **The watershed-1983 Act**

The 1983 Act followed, in large measure, the Ashok Mehta pattern. The Congress disagreed with the two-tier model and inveighed especially against the move to eliminate the taluk level. Five members of the Joint Select Committee appended a note of dissent to the report. The minute stated that the dissenting members disagreed with the move to eliminate the "well developed taluk level elected body, Taluk Development Boards" and added: "In other words what the bill seeks to achieve is not decentralization of powers but to centralize the same at district levels". The dissenters pointedly referred to the Balvantray

Mehta report and drew strength from the track record of Taluk Development Boards which was good despite irregular elections. It should be noted, however, that the 1983 Act did not introduce some recommendations of the Ashok Mehta Committee. Possibly the most prominent was the one in respect of a linkage between Zilla Panchayats and bigger municipalities by providing for nominees of the later in the former. In this the Ashok Mehta report was particularly far-sighted by focusing on the growing rural-urban nexus. The passage of time has only served to strengthen this logic. The Karnataka act adopted the report's fundamental approach by creating Mandal Panchayats thereby emphasizing the blend between viability and representative character of PRIs. This too is barely noticed in the literature. Finally the act used terms such as Pradhan which the report employed.

### **The 73<sup>rd</sup> amendment and Karnataka**

The 73<sup>rd</sup> Constitutional amendment caused further change. It mandated a uniform three-tier structure with a few exceptions. Not long after the amendment became law the Congress was back in power in Karnataka. It was one of the first states to pass a conformity legislation for which purpose a new law was enacted, the Karnataka Panchayat Act 1993. Utilising the requirement of a three tier structure the taluk was resuscitated. The Janata Dal could not oppose this in view of the constitutional mandate but leaders of the party did argue that a body at the intermediate level with limited powers would have amply satisfied the constitutional stipulation while retaining the spirit of the 1983 act. But the Congress could defend its position using the Constitution as a shield. This position continues although there are complaints that the taluk finds itself sandwiched between the other two tiers. As far as the district level is concerned there has been, comparatively speaking, less controversy. Certainly after 1983 its place has not been in doubt despite the apprehension that the 1983 Act would culminate in concentration of power at the district level. It is generally accepted that in the princely state district Boards worked well. Also they provided, as pointed out above, about the only forum for political representation which was used by the Praja Paksha, in some senses the forerunner of the Congress. The Venkatappa Committee was against direct elections to this level on the well trodden ground that elections might disturb tranquility. The recommendation was for indirect elections from an electoral college consisting of members of village panchayats in the taluk. This was premised on the belief that persons so elected would be knowledgeable about the requirements of villages.

There was opposition to this. Elections under the 1952 Act could not be completed. A second committee was constituted, the D.H.Chandrashekaraiya Committee(1954). This

Committee entertained no doubts about the viability of district boards but did not favour direct elections. However it differed from the Venkatappa Committee in regard to the mode of indirect elections. It recommended elections from among members of the Taluk Boards. The 1959 Act which incorporated several recommendations of this committee provided only for a non-elected advisory District Development Council. In this respect it followed the recommendations of the Balvantray Mehta report.

### **Organic linkages**

Organic linkages among PRIs is a much discussed issue. From the Venkatappa Committee onwards various modes have been suggested. The Chandrashekaraiya Committee suggested that one-third of the seats in the Taluk Board should be reserved for representatives of Village Panchayats and Town Municipal Councils. The Taluk Board-District Board connectivity was sought to be assured through having the members of the former elect members to the latter from among themselves. The 1959 Act envisaged no linkage between Village Panchayats and Taluk Boards. A link between the latter and District Development Councils was provided for with the Presidents of Taluk Boards being members of the district level body. The 1983 Act had no linkage between Mandal Panchayats and Zilla Parishads, the two elected tiers. However the Pradhans of Mandal Panchayats and members of the Zilla Parishad were ex officio members of the Taluk Panchayat Samiti. As described above this was an advisory body which was incorporated as a compromise formula.

Organic linkages have been a part of the 1993 Act from inception. One-fifth of the Adhyakshas of Grama Panchayats are members of the Taluk Panchayat by rotation for a period of one year. Further, all Adhyakshas of Taluk Panchayats are members of Zilla Panchayats.

Certain other institutions described as innovations made by the 1983 Act are also part of the continuities. One is the Grama Sabha. Its constitution was first proposed as part of the 1964 bill. Similarly the State Panchayat Council, constituted in 1997 was suggested by the Kondajji Basappa Committee. It is obvious that legacies have had some influence over the turn of events, antecedents are apparent.

### **From 'agency' to 'unit of governance'**

Throughout pre and early post independence days the trend was in favour of treating local government institutions as agencies for promoting and executing development work

and blending this with popular representation. A significant recommendation of the Chandrashekaraiya Committee needs to be noted. This was that non-statutory advisory bodies should be avoided since they served no useful purpose. Regrettably even at present this has not been given up.

It should be readily conceded that it was the 1983 Act which gave decentralization an explicitly political character. There are no doubt continuities from the past, nevertheless a distinct change in orientation is discernible. The following provisions of this Act reflect the change.

- declaring the Adhyaksha the Executive head and placing the Adhyaksha and Upadhyaksha on par with Minister of State and Deputy Minister respectively
- Making the Chief Secretary of the Zilla Parishad function subject to the powers of the Adhyaksha.
- Vesting power in the Zilla Parishad to suspend resolutions/orders of Mandal Panchayats and dissolve them on grounds such as persistent default in the performance of duties etc. (in the case of the Zilla Parishad this power vested with Government).
- Absence of a chapter, common in most such legislations, dealing with inspection and control.
- Providing for a finance commission at the state level.

It is these provisions which led to the legislation being acclaimed as being truly devolutionary.

Allied to this is the term of office of Adhyaksha and Upadhyaksha. It impinges on leadership and is therefore considered here. The terms of office are no longer coterminus with those of PRIs. They are reduced to thirty months in Grama Panchayats and twenty for the other tiers. This came in through an amendment in 1996 and was based on the recommendations of an Expert Committee. The Committee's thinking was influenced by the need to encourage a larger degree of participation which would help development of leadership. Also government was under pressure to reduce the terms. Most likely this emanated from legislators who had begun to apprehend that if some fetters were not put on local level leadership their position would be seriously jeopardized. While they are not unhappy about truncated terms the perception at PRI level, not unnaturally, is wholly different. A commonly encountered poser in training sessions is why this limit should not be imposed on members of the legislature and even Parliament.



### **Parliament, legislature and PRIs**

Membership in PRIs for members of Parliament and the state legislatures is an extensively discussed issue. Since a consensus could not be reached it was left to the states in an enabling provision in the 73<sup>rd</sup> amendment. In Karnataka this practice originated with the 1959 Act which gave them membership with voting rights in local bodies. Following suit the 1983 Act conferred membership for them in the Zilla Parishad. The 1964 bill had contemplated a different scheme—membership only for legislators in Taluk Boards and for them as well as members of Parliament in Zilla Parishads. However, there were two members who dissented from this in the Joint Select Committee. One wanted that such ex officio members be barred from voting in elections to offices of President and Vice-President. Their fear was that legislators and members of Parliament could manipulate the functioning of local government. During the discussions on the 1983 act there were no dissenting views. The present act has conferred membership for legislators and MPs in Taluk as also Zilla Panchayats. However they have no voting rights in elections to the offices of Adhyaksha and Upadhyaksha and in no confidence motions against them.

The argument in favour of membership for MPs and legislators is that it will enable them to be in constant touch with development work in their constituencies. An interesting defence was given by a senior minister of the present Congress government: legislators, in particular, would anyhow feel threatened by the emergence of local government, it would be better to co-opt them into the system rather than provoke them into hostility from outside. So far neither the Janata Dal nor the Congress government has attempted to implement a recommendation of the Expert Committee that this class of membership be removed. Strains in the relations between elected representatives at different levels have led to measures to placate those in Parliament and legislatures. Constituency grants are an excellent example and these can be expended by-passing the PRIs. As a matter of historical interest it is worth recalling that two members of the Venkatappa Committee dissented from the recommendation of membership in local bodies for this group of members and their grounds of dissent remain just as valid today.

### **Gender**

Reservation for women is accepted mainly because the Constitution mandates it. Yet there is evidence of resentment, even mild disapproval, subtly expressed. The following questions in training sessions are illustrative of these patriarchal attitudes.

“Uneducated women are manipulated by other members. Would it not be appropriate to prescribe minimum educational qualifications for them?”

“Women holding office are often subjected to harassment. In their own interest would it not be better to do away with such reservations?”

“Women are only proxies. Their husbands are the ones who make decisions, so of what use is reservation?”

It is unnecessary to add that the questioners are invariably men.

Only recently there was a case in Kodagu district, an area hardly known for social turbulence. In a certain Grama Panchayat the post of Adhyaksha was reserved for a Scheduled Caste woman. There being only one such number her election ought to have been a foregone conclusion. In actual fact the other members saw to it that her nomination could not secure a proposer. The Returning Officer allowed the incumbent President to continue after the expiry of the term. It transpired that the woman approached the High Court of Karnataka—under what circumstances it is not known—and the Court expressed itself strongly against what was clearly a conspiracy and ordered that the Panchayat be superseded and that she be appointed the Administrator until the term of the Panchayat ceases. This is as graphic an illustration as we shall ever see of the working of a noxious combination of anti-Dalit and patriarchal attitudes.

### **Governmental control**

Government’s control over PRIs is a highly contentious issue. In the earlier system, the 1959 Act for instance, government had wide powers of inspection and control. The Deputy Commissioner could suspend a resolution of a Panchayat or Taluk board on a variety of grounds. Powers of supervision and dissolution were also vested with government. This should occasion no surprise since local bodies were far from being recognized as units of governance.

The 1983 Act represents a distinct change in orientation. The Zilla Parishad was vested with power to suspend a resolution of a Mandal Panchayat and also to dissolve the latter. In respect of the Zilla Parishad this power vested with Government. The Chief Secretary had no supervisory powers. It is urged by many critical observers and participants, our interviewees among them, that authentic devolution implies that correctives such as

suspension of resolutions and the like should be exercised through the political process with a higher tier having the power over lower tiers. There was a major change in the 1993 Act. It brought in an entire chapter on inspection and supervision. This has to be appraised in conjunction with the absence of a provision declaring the Adhyaksha the Executive Head as was done under the previous act. This was amended later in 1997. In its original form the power bestowed on the Chief Executive Officer (operating in the Zilla Panchayat) was sweeping. The CEO had the right to suspend the resolution of a Grama or Taluk Panchayat. Government had this power over the Zilla Panchayat. These provisions were amended in when the Janata Dal returned to power during 1994-99. The power now vests in the Adhyaksha of the Taluk and Zilla Panchayat in respect of the Grama and Taluk Panchayat respectively. Nor was this all. Government acting through the Commissioner could dissolve a Grama Panchayat. This too was amended in 1997. Recommendation for dissolution of a Grama Panchayat can now be made by a Taluk Panchayat. The Zilla Panchayat can also act suo moto and has power of dissolution. With respect to Taluk and Zilla Panchayats government has the power. Possibly the most controversial provision relates to another power of the EO/CEO. He/she has to advise the Taluk/Zilla Panchayat if in his/her opinion a contemplated action or order or resolution is violative of any law. If the Panchayat proceeds with the action he/she is authorized not to implement it. Further the EO/CEO has to report this to the Zilla Panchayat or Government as is appropriate. Amendments made in 1997 have toned down the severity of the original provisions. For example, while reporting to government the Adhyaksha has to be kept informed. Secondly in the case of the Zilla Panchayat if government does not communicate its decision within fifteen days the CEO has no choice but to implement the order, resolution etc. This provision, even in its attenuated form, has attracted a lot of criticism. But it does not find itself short of defenders. Two senior ministers stated that in an inequitable society such supervisory powers are inherently necessary. One of them drew a parallel with the powers of the Union government over state governments including that of dissolution of the assembly. The division between the viewpoints is a manifestation of differences in perception of local government. The necessity of supervision implies a belief that PRIs are yet to mature. There is also the implication that it is not wrong to use the bureaucracy to ensure that local government institutions function within the framework of policy and the law. Critics, on the contrary, question why the bureaucrat should enjoy more trust than the elected representative, after all both are cut from the same cloth. They pay insufficient attention to a piece of reality, namely, that with effort a bureaucrat can be transferred whereas the local elites are not so easy to ruffle.

It is interesting that half a century ago the Chandrashekaraiya Committee had gone far ahead, much farther indeed than present day law, and had recommended a set of conventions with regard to CEOs. Fighting shy of empowering panchayats to repatriate them it wanted that healthy conventions to deal with those it called “Unwanted Officers”. The 1964 bill advanced to the extent of having a provision under which a Zilla Parishad could require government to withdraw the services of a CEO by virtue of a resolution passed by a two-thirds majority. No such proposal has been heard of since then. Even these recommendations are scarcely noticed in the PR literature on Karnataka. At the other end of the spectrum was a proposal made by B.Basavalingappa, a Dalit and a colourful, prominent and controversial politician,, through a private member’s bill in the early nineties. He wanted the CEOs to be empowered to remove an Adhyaksha or Upadhyaksha for misconduct, or for defying orders of government. The bill was withdrawn but it is to be noticed that what we have here is a Dalit perspective which is inherently more apprehensive of local elites than the bureaucracy. All of which illustrates the unsoundness of simplistic dichotomous taxonomies which classify people as pro or anti PRIs.

### **Karnataka’s changing political scenario**

An even longer, and certainly more consistent and successful, engagement is with the advancement of backward classes. Princely Mysore started with a rudimentary policy of reservation in 1874. Since then reservation has remained an active, at times highly volatile, political issue. It has undoubtedly caused awakening among backward classes and it is not incorrect to suggest that it has opened up social and political spaces to widen the base of participation. This widening and opening up of space, it is posited, has had consequences for decentralisation. A convenient point of entry into this phase of the analysis is the decade of the 1970’s.

In order to appreciate the nuances of the analysis some background information, admittedly extremely brief, is provided below. Caste has been an important factor in Karnataka politics. Although the demand for positive discrimination drew inspiration from neighbouring Madras (in the twenties and thirties of the last century) Mysore never experienced the kind of ‘social revolution’ the former did. As a result reservation remained essentially an issue of jobs. And electoral politics.

The state’s politics was largely manipulated by the two numerically – as also otherwise – dominant castes, Lingayat and Vokkaliga. They account for about 15 and 13

per cent respectively of the state's population but these are rough estimates. That apart the domination of these two castes was apparent even before independence. Even after their strong hold over state politics continued. It is the 1970s which proved a watershed. (In what follows the expression dominant castes refers to Lingayats and Vokkaligas, 'numerical minorities' to non-Brahmin and non-dominant castes, and non-Brahmin does not encompass the Scheduled Castes and Scheduled Tribes).

The political scene in Karnataka began to change after the Congress split into Cong (I) and Cong (O). The Congress in Karnataka was Cong (O) after 1969. Hegde was virtually number two in the Cabinet. Initially Cong (I) - Mrs.Gandhi's party - was in a minority in the state. There was a leadership vacuum. And this Devaraj Urs, apparently a dark horse, astutely exploited. This is not the appropriate place to narrate how he managed it. Suffice it to say that by the time elections to the Assembly were due in early 1972 he had established control over the party and was in a position to influence the selection of candidates, something that gave him a starting advantage in the leadership race for the Chief Minister's post. And he proved himself an able strategist. He was the first Chief Minister from a non-dominant numerically small caste, which accounts for a little over 0.5 per cent of the state's population. Throughout his political career he had felt oppressed by dominant caste politics. When at last he became the leader a central part of his agenda was to alter the nature of Karnataka's politics. Also he enjoyed adventitious aid since Indira Gandhi was by then using the rhetoric of 'Garibi Hatao' and was seen to be determinedly espousing the cause of the weaker sections. Urs adopted this rhetoric and used it to project the image of a pro-poor and pro-backward classes leader. One of the early acts of his government was to appoint the first Backward Classes Commission. To head this he chose L.G.Havanur, a lawyer, who shared Urs' strong, almost obsessive desire to end the two-caste stranglehold over Karnataka's politics. Both Urs and Havanur realized that a brutal assault on both the dominant castes would be suicidal. Urs sought to widen his base of support and certainly enabled the entry of numerical minorities into the state's political arena but he did not totally alienate the dominant castes. For instance he sought Vokkaliga support from outside their traditional center, Mandya district (in which they account for almost fifty per cent of the population) and reached out to areas where their numerical domination was less obvious.

The report of the KBCC was submitted in 1975 but Urs waited till the elections to Parliament were on the anvil in 1977. The Government Order retained Vokkaligas among

the Other Backward Classes but delisted Lingayats. While this was in tune with the Commission's report Urs' government departed from it by including Muslims among the OBCs. He also offered the forward castes a palliative by creating a new unrecommended category called Backward Special Group entry to which was based only on a means test. The most striking result of this pro-backward class policy was a social ambience in which Urs came to be seen precisely as he wished to be - a messiah for the backward classes.

There is evidence to indicate the rising participation of OBCs (here used restrictively to exclude Lingayats and Vokkaligas) in electoral politics [details may be found in Annexure 2]. The change from 1972 is quite clear. Also there are pointers to the difference in this respect between the Congress and Janata Dal. The widening of the social base in politics is an important phenomenon. Challenge to erstwhile dominant caste hegemony must have let loose forces which, over time, set up their own demand for more political space. It is in this broad sense that Devaraj Urs' policy towards the backward classes created a new sense of political awareness among castes which till then had been relatively voiceless. Urs' strategic sense is well illustrated by what transpired just a decade later when the second Backward Classes Commission recommended that both Lingayats and Vokkaligas be taken out of the list of Backward classes. The report was greeted with a furore and the government was forced to compromise to such an extent that there was a reversion to the pre-Devaraj Urs days.

A second important development relates to land reforms. The Karnataka Land Reforms Act, 1961, was comprehensively amended in 1974. Principally it conferred ownership rights on tenants subject to certain conditions. Leasing out was prohibited. So was sharecropping. A ceiling was also prescribed for ownership. Further, eligibility to own land was contingent upon engaging in personal cultivation. However, the tenant-oriented legislation should be appraised against the fact that Karnataka has always had a high proportion of owner-cultivators and a low incidence of landlessness. The impact of the amended law was felt most acutely in Dakshina Kannada and Uttara Kannada. [coastal districts, parts of Madras and Bombay states respectively, up to 1956].

It is argued that the amended law had in mind other objectives as well as targets. One was to drive a wedge within the Lingayat caste which has a large cultivating population in north Karnataka. By focussing on tenants, not on the landless, the reform secured the support of this group of Lingayats. It also helped by mollifying the feeling of resentment

of this group against the urban based Lingayats who had cornered the benefits of reservation. In passing we may note that the Lingayats are fairly clearly divided into sub-groups, many of them occupation-based.

This was not all. The Land Reforms Act constituted tribunals for determining the rights of tenants. Presided over by the Assistant Commissioner it had four members nominated by Government one of them mandatorily SC or ST. This gave Government and the party power of patronage and also ensured that the pro tenant law was implemented. While it can be nobody's case that all was fair and that there was no collusion between landlords and tenants the tribunals created opportunities for participation. In addition the government undertook several schemes which were pro-poor in orientation. Housing for the poor is one example. The Secretary, Finance, was also given this responsibility.

All of the above are instanced to illustrate how the policies of the time led to rising political awareness especially among the least advantaged groups.

Some of Urs' close associates argue that he was not opposed to decentralisation and that, had he continued in power he would have moved in that direction. This is plausible. But heavily influenced as he was by the caste question he was wary of any policy which would further entrench the dominant castes. Possibly for this reason he did not favour the Kondajji Basappa Committee report.

Several important ostensibly non-political innovations occurred in the 1970s. Government created the post of Economic Advisor and revitalized the State Planning Board. A division for District and Regional planning was created as also one for perspective planning. Academics were associated with the district planning exercise. Plan funds were distributed according to a Gadgil like formula and made over to the district sector. Farmer Service Societies were established. None of these were overtly political but their impact can hardly be ignored. The later political innovations must have gained from these practices.

Another aggregate to be borne in mind is the effect of the state's reorganization(1956). The enlarged state incorporated Kannada speaking areas from three contiguous states, Bombay, Hyderabad and Madras. This produced several changes: territorial expansion, altered social (particularly caste) configurations, visible regional imbalances especially

sharply manifested in the agrarian structure and differences in the nuances and traditions of governance. The new districts came with their own devolutionary histories. The weakest area in this respect was the Hyderabad region.

### **Bureaucracy – Politician Interplay**

At the beginning of the new system several civil servants who were appointed chief secretaries to the Zilla Parishads found it difficult to cope with the demands of the new system. It is gathered that many of them sought repatriation. However their successors managed the adjustment much better and by and large there were no reports of conflicts between elected representatives and bureaucrats. It is not known whether the chief secretaries-designate were given any kind of orientation in how to work in a system where the elected representative at the district level was the head of the system and called the executive head by the act itself. Interviews have shown that the actual relationship between the Chief Secretary and the Adhyaksha assumed different forms depending on their personalities as well as their strengths and talents. One interviewee, a senior bureaucrat, gave the following example: in District A the Adhyaksha always approached government accompanied by his Chief Secretary, in district B the Adhyaksha let the Chief Secretary to do all the speaking, in district C. the Adhyaksha came by himself but always returned to seek the advice of the Chief Secretary. The same interviewee conceded that on the whole it was difficult for an Adhyaksha to function effectively without the advice and support of the Chief Secretary. The impression that one gets at present is that the bureaucracy is perhaps not as satisfied with the working of the system as it was in the early days. Several explanations are possible. One may be that the bureaucracy has developed an attitude of cynicism and that its fundamental lack of faith in devolution has begun to assert itself all over again. The second is that the bureaucracy has read messages emanating from the state government which indicate less commitment than in the Hegde days and that it is taking advantage of the several loopholes that are now available in the Panchayat Raj Act. Another interviewee has argued that at least part of the problem lies in the absence of separation of powers in Panchayat Raj institutions. For example the Adhyaksha functions as the chair of the meeting and also the executive authority. The legislative and executive functions are not differentiated. This point was succinctly made by Basavalingappa in 1990 in the Assembly. At that point the Congress was contemplating major amendments to the 1983 Act. In the discussion he argued that the Adhyaksha of the ZP could not be the executive head any more than a minister. Put another way the system of checks and balances which are found at the level of government are conspicuous by their absence in PRIs. This



is a point invariably glossed over by those – the few- who speak about a district government. In all of this the subtleties which must characterise the relationship between the bureaucrats and elected politician do not seem to be captured in the discussions. There is, it is suggested, a somewhat complex relationship between these two which varies with the context and personalities. It is tenable to argue that after the 1993 Act came into operation there is a tendency to attribute the problems of the system to the lack of enthusiasm and commitment of the bureaucracy. While there may be some truth in this charge the explanation is likely to be rather more complex and problems will have to be analysed on a more holistic footing. Reference is appropriate to the example given above removing the subject of co-operation from the framework of PR. It is the bureaucracy which came up with the solution by arguing that co-operation involved development as well as regulatory functions and, therefore, could not be brought under PR purview.

We have had occasion to point out that the Janata Dal government which succeeded Congress in 1994 enacted several amendments to the Karnataka Panchayat Raj Act of 1993. It also made use of several recommendations of the Expert Committee which gave its report in 1996. However two important recommendations have not been implemented. One relates to not giving membership to members of Parliament and legislature in PRIs. The other is a recommendation to the effect that all area development boards and those similar to them must be abolished and their functions performed by or through PRI's. The first has not been implemented because of the perceived threat of legislators in the emergence of panchayats as alternative and competing sources of power. It is not reasonable to expect legislators to legislate against their own interests. The second has not been implemented because this is an area which affords government plenty of opportunity to exercise patronage. There is also a more fundamental reason or a more fundamental outcome. Despite all the efforts made in Karnataka there are several areas where the PRI is not central to rural activity. A number of parallel organisations are active in particular areas and their work is not made to blend with what the PRI does. This may be due to a combination of factors such as disbursement of patronage and a lack fundamental faith in panchayat institutions. Also, the Janata Dal government which ran a full term between 1994 and 1999 did not utilise its majority to bring in amendments which some party leaders and supporters had been advocating. For instance, many supporters as well as important persons in the party were critical of the power being given to the bureaucrat in the present act. There was also a reported move on the part of government to revert to the earlier system of having mandal panchayats while still satisfying the constitutional mandate of

the three tier system. However, no such attempt was seriously made. Even more important is the fact that the much criticised chapter on inspection and control was not deleted by the Janata Dal government although it has softened to some extent its harshness. . It is tempting to suggest that this may be because after Hegde and Nazeer Sab members of the party have not had the same zeal in fostering PRIs. It is also possible that the party is less inclined than it earlier was to give up powers of inspection or PRIs. Whether and if so to what extent the bureaucracy has influenced this thinking of the government must remain only speculative. In fairness it should be admitted that experience may have induced change in policy making.

Bureaucratic resistance to devolution may well be true. It would be wrong at the same time to ignore its well founded critique of the system. The basic difficulty may lie in the fact that practical issues such as separation of powers and the nitty gritty of planning have perhaps not received more and sustained attention. Even on the duty and power of the CEO to warn against unlawful resolutions and the obligation to report it to Government two senior ministers believe that this is no erosion of power and that for some more time these mechanisms of control are necessary. Critics, on the other hand, argue that these control powers should vest only in a political authority. They ask why local government institutions cannot be trusted. Some go as far as to compare this with the attitude of the colonial power which thought Indians unfit for self-government. Appealing though the argument seems what it misses is that the colonial power was never part of the national dialogue whereas both state government and local government share a nexus in this dialogue. Behind this is an essential difference between the two parties to this dialogue. One earnestly believes that local institutions have reached a sufficient level of maturity and are ready to handle power in much the same way as state governments are, the other believes that they are in the process of maturing and that in the transition some measure of guidance and control is not inconsistent with autonomy.

Looked at from a holistic perspective these arguments and controversies can be regarded as signs of health. Today PRIs and indeed devolution are not a matter of indifference. They have come to stay, not least because of the Constitutional status which they enjoy. They occupy a distinct place within the overall system of governance and those who run it have a stake in maintaining it. A very recent example is the demand of legislators for a say in constituency works as ex-officio members of Zilla Panchayats [similar to what ZP members have]. This competition is testimony to the PRI system

having dropped anchor. It is of course a moot point how and when the legislator-PRI conundrum will be resolved. Romantic and idealistic proponents urge a total revamp of the system such that the state legislature is reduced in importance virtually to a forum for discussion and PRIs endowed with powers which are separately listed in the Constitution. This would involve a restructuring of the Constitution itself. Besides it implies concomitant decisions with respect to development priorities— an aspect that receives hardly any extended treatment in the literature. The point is that there will always be differences in perceptions relating to the temporal and scale dimensions of development and planning between different territorial levels.

An interesting feature of the more recent history of decentralisation in Karnataka is the alacrity with which appeals are made to a central authority like the Congress High Command when PR is suspected to be in danger. This appears to have been particularly common when Rajiv Gandhi was alive since he was generally regarded as very highly pro-decentralisation. One interviewee narrated how he and a group of others – mostly non-Congress - requested the intervention of Rajiv Gandhi when the Bangarappa government (Congress) was planning some amendments which, in their view, would have been detrimental to the system. Apparently the approach worked and a special session of the legislature was adjourned without any business being transacted due to Rajiv Gandhi's intervention. Politicians and others of this ilk do not remember that Rajiv Gandhi's 64th Amendment was critiqued not for itself but the PM-DM (Prime Minister to District Magistrate) direct conduit which he proposed as a package with the constitutional amendment. It is not unlikely that those who favour a complete revamp of the constitutional system may not have strong stakes in state level politics.

The attitude of the Congress party to the 1983 Act makes interesting reading. The party had always appropriated decentralization as its foster-child. It could invoke the Mahatma's name and refer to the Balvantray Mehta report which was a pioneering document in post-independence India. However Congress' track record was none too impressive. As the Ashok Mehta report noted Panchayat Raj enjoyed a period of ascendancy followed fairly soon by decline and stagnation. It was ultimately the non-Congress government in West Bengal which resuscitated PR practically from oblivion. Rajiv Gandhi referred to this as well as Karnataka while introducing the 64<sup>th</sup> amendment in the Lok Sabha. When the Karnataka government brought in the 1983 legislation it was not open to the Congress, the principal opposition party, to oppose the bill. Politically the party had little choice but

to support it in principle while querying it on details. This was precisely the strategy. It got its way by having incorporated a taluk level body even if it was ex officio. Fortune favoured it when it regained power in 1989 through the three-tier structure mandated by the Constitution in 1993. The opportunity was used to bring in other modifications as well.

The common perception is to identify Janata as promoters and Congress as dilutors [relatively speaking] of devolution. The KPR Act 1993 readily lends a helping hand to adduce proof, especially in the original form. Closer reading, however, opens up the possibility of a different interpretation. Conceding that Congress may have appeared all too keen to dilute the 1983 Act by reinforcing supervisory powers of Government, the Janata Dal's performance during 1994-99 supports an alternative interpretation. It is that the party did not show the same vigorous commitment to devolution which it did during 1983-89. In large part this has to be attributed to the absence of the Hegde-Nazeer Sab factor.

At an earlier point we have referred to the regional imbalances in the state and remarked that these noticeable sharper after the enlarged state was formed. These regional differences undoubtedly have important implications for PRIs. Insights from another DRC project in MIDS on formal and informal governance in Karnataka demonstrate the validity of this view. This is especially because of the impact which agrarian relations have on the power structure. It is necessary to bear this in mind when assessments of PRIs are made. PRIs are affected in a number of ways including elections, effectiveness in resource mobilisation, identification of beneficiaries and a host of other related matters.

Karnataka offers other interesting vignettes. It abounds in pre-occupation with the letter of the law. The inspection and control provisions are certainly open to question but they appear to have been used only on a few occasions. Critics would of course point to the inherent danger of having such a provision.

Academically too Karnataka attracts plenty of attention. Any change in the law or practice results in public discussion and critique. Related to this is the proclivity of idealists and the intellectually committed to urge more devolution, often unmindful of its side effects. In particular the by-passing of the state government receives short shrift. Predictably this contrasts with the ground view which, among supporters too, is more rooted in reality.

### **Dalit Perspective**

The Dalit perspective is quite distinct in Karnataka. At least among state level leaders this is so. They are more vocal in defending monitoring and supervisory powers for government over PRIs. This is obviously the result of apprehension of rural elite domination. One interviewee argued that in a society bristling with inequalities [“we do not have even common burial grounds”] the government had a duty to be watchful and protective of the interests of weaker sections [read Dalit in particular]. This was reinforced by referring to the power of the center to dissolve state assemblies and bring in President’s rule.

Interestingly this perspective found expression in a private member’s bill introduced by B.Basavalingappa in 1990 when Congress was in power [he himself was in Congress]. This bill, which subsequently lapsed, intended to provide for reservation of the offices of Adhyaksha and Upadhyaksha for Scheduled Castes, Scheduled Tribes, Backward Classes and Women in the following proportion: SC 15%, ST 3%, BC 50% and Women 25%. To be particularly noted is reservation of 50% for backward classes. It is surprising considering that what Dalits fear most is oppression by dominant backward classes. Possibly Basavalingappa was tactical in order to secure BC support for his bill. It has to remain perforce only conjecture.

More significantly the bill contained a proviso empowering the Chief Executive Officer to remove an Adhyaksha / Upadhyaksha from office for misconduct, defying orders of government etc. Generally his view invites strong resistance from decentralisers. Their counter is : how can an official be more trusted than an elected representative? And indeed we encountered this response in some interviews. We suggest, again conjecturally, that this may be because an official is removable while an elected representative is not.

Finally, the bill sought to change the names of PRIs into Zilla Panchayat Abhivrudhi Samities, Taluk Abhivrudhi Samities and Grama Abhivrudhi Samities. Deducible is the intention to treat PRIs more as facilitating agencies of development rather than as political institutions.

There was a noticeable shift when the 1983 act was under consideration. In the legislative debates a strong plea was made by members such as Mallikarjn Kharge (presently Home Minister and a Dalit) for statutory reservation of posts of President and Vice-President in PRIs. Government was unwilling to accept this. Kharge moved an amendment which

was negated. His argument (supported by some others) was that given the social distribution of power SCs would find it well-nigh impossible to get elected to Presidential/Vice-presidential posts without reservation. Government's response was that this had not worked successfully where it was tried, for example in Andhra Pradesh.

The Dalit view will be incomplete if reference is not made to the inability of successive governments to establish Nyaya Panchayats, first envisaged in the 1964 Bill and enacted in 1983. Dalit opposition to this was trenchant and these panchayats, it was argued, would in fact become Anyaya panchayats. Largely due to this opposition, by no means confined only to the Dalits, Nyaya panchayats have never been tried and they are not part of the 1993 Act. Basavalingappa's private member's bill wanted deletion of the chapter on Nyaya Panchayats from the 1983 Act.

On one point we can be more or less unequivocal. The PR system has developed strengths. It has successfully created a list of constituents who have a stake in its continued existence. This should not be taken as meaning that these beneficiaries will offer outright resistance to the weakening of the system or worse, its disappearance. But it is meant to suggest that a constituency of defenders is present and growing. A good example is provided by the project on formal and informal governance. Customary institutions act as 'gatekeepers' and attempt to prevent women, in particular, from seeking re-election. Yet there is evidence from the field which points to this gatekeeper role being resisted.

### **Recent developments**

A recent development is the constitution of the Task Force (2002), officially the Working Group on Decentralisation. Among its many recommendations the following are significant.

- institution of the Ward Sabha
- appointment of Ombudsman
- prohibiting symbols of political parties in Grama Panchayat elections
- doing away with the requirement that removal of Adhyaksha/Upadhyaksha of any tier by government may include obtaining the opinion of the higher tier
- increasing the frequency of meetings of the Grama Panchayat
- dispensing with the approval of the higher tier for acquiring, holding and disposal of property
- removing the maximum limit on levels of taxation of Grama Panchayats

- providing for representation of Adhyakshas of Taluk and Grama Panchayats in the State Panchayat Council
- direct transmission of 'developmental' plans from each tier to the District Planning Committee

Some of these have been incorporated into the Act as amendments. Principal among them are:

- institution of the Ward Sabha each ward consisting of an electoral Grama Panchayat constituency
- prescribing a quorum for meetings of the Ward Sabha, not less than ten per cent of the total number of members or twenty whichever is less
- minimum attendance of women at Ward Sabha meetings, at least thirty per cent of those attending should be women
- raising the quorum for meetings of all Panchayats from one third to one half of the total membership.
- Adhyaksha as Executive Head of the Grama Panchayat.

State Panchayat Council composition altered as shown below:

- Chief Minister-Chairman
- Minister for Rural Development and Panchayat Raj-Vice-Chairman
- Ten Adhyakshas of Zilla Panchayats (instead of all Adhyakshas)
- Adhyakshas of one Grama Panchayat and one Taluk Panchayat nominated by each Zilla Panchayat (addition)
- Five members of the Legislative Assembly and two members of the Legislative Council (addition)
- Secretary, Department of Rural Development and Panchayat Raj as Member-Secretary.

This is not in line with what the Working Group recommended. In particular the amendment has not implemented the recommendation of giving representation to ten Adhyakshas of Taluk Panchayats and Grama Panchayats. Further, the Group did not suggest membership for legislators. This inclusion must be seen as encroachment on the territory of PRIs. In addition the number of ZP Adhyakshas has been reduced and only nominal representation given to Adhyakshas of the other two tiers.

There are other recommendations which invite comment. One is that while the Ward Sabha has been recommended and constituted there is no organic link between this and the

Grama Sabha. Also the recommendation that there should be no supervision of a higher tier over a lower tier seems to negate the principle of political as opposed to governmental control. Government has not acted on the recommendation to remove maximum limits on taxation for Grama Panchayats.

### **Summing up**

Under princely rule very little power was devolved on local bodies. Inadequate resources haunted them. But there were interesting beneficial repercussions. The District Board became a useful institution because it afforded about the only avenue available for exercise of political activity at the sub-state level. The Praja Paksha – forerunner to the Congress – captured several presidencies of District Boards. Further, over the years, they performed quite well as agents of development activity. This was confirmed in interviews by senior bureaucrats and some politicians. To a smaller extent perhaps they acted as a training ground for aspiring politicians. Committees which inquired into local government after independence have more or less attested to these claims.

An important fact is the controversy which surrounded the abolition of Taluk Boards in 1926. The position of the taluk has figured constantly in the debate.

The appointment of two committees soon after independence (1950 and 1954) evidences interest in the question. Both reports are lucidly written. More important the latter made far-reaching recommendations and in some senses was quite ahead of its times. Reservation by election for Scheduled Castes and women was one such. An interesting feature is that the Venkatappa Committee's report had two powerful notes of dissent. One which was adverted to [by B.Basavalingappa] concerns co-option of Scheduled Caste members. The other dealt with this and three other issues: indirect elections to the district level body, vesting of 'excessive' power in the Chief Executive Officer and membership for legislators in district councils. It hardly requires stating that two of these are still relevant.

Between pre-and post-independence periods continuity is found with respect to questions such as two versus three tiers, supervisory power of government etc. A gradual evolution is also perceptible. So are some disquieting trends. And they too are part of the legacy. One of them is the long delay in bringing enactments on the statute book. It recalls to mind Daniel Thorner's evocative phrase, "prolonged life cycle" of agrarian



legislation. The Chandrashekaraiya Committee gave its report in 1954. It was not translated into legislation immediately. In the meantime the enlarged state was formed. Soon after at the national level the Balvantray Mehta report was formulated recommending in effect a two-tier system. By the time a new legislation was framed it was 1959. Sadly, excellence in quality of reports and a sustained high level of discussion were not matched by expeditious implementation.

After the 1959 Act came into force there does not appear to have been much immediate explicit concern over decentralization and local government. This may of course have been because the government intended to give the new two-tier system a fair trial and the first elections were held in 1960. The second was in 1968, this despite a four-year term being prescribed. It is justifiable to suggest that legislators and political leaders at the state level were beginning to perceive local government as a potential threat. The deepening of the democratic process created some demand for devolution but this was met by reluctance to share power from those enjoying democratically elected status (and for some office also) in the legislature.

Nevertheless the debate was not fully concluded. That has rarely occurred in Karnataka. By 1963 Ramakrishna Hegde was minister for Panchayat Raj and co-operation. He had a long standing interest in and commitment to decentralisation. One is entitled to be skeptical about how many of his colleagues shared his enthusiasm. Possibly at his insistence a new Committee was constituted in 1963, the Kondajji Basappa Committee. The recommendations, again far-sighted, have been highlighted. The 1964 Bill, largely inspired by this report, has also been discussed. The Bill was not destined to see the light of day. Events determined that it be so. Hard evidence is not available but it is justifiable to surmise that lack of commitment was a major factor. In addition the assembly was dissolved following the split in the Congress. Quite likely those events had an effect on the state and its priorities.

The 1983 Act was significant in that it contemplated devolution of political authority and on a scale which had not been attempted before in Karnataka. Among the forces that influenced this move should be mentioned the following.

At the national level the Ashok Mehta Committee report had urged devolution. This Committee was constituted by the first ever non-Congress government at the Centre and

that was in the aftermath of the Emergency. This cataclysmal experience had induced in the country a genuine fear of authoritarianism and although nowhere explicitly stated it must have had an impact on thinking about governance in general.

At the State level too some changes were taking place in the run-up to the elections which resulted in the victory of the non- Congress coalition. A factor which must have contributed to this victory was the misrule during the previous Congress regime. The ministry headed by Gundu Rao had made itself extremely unpopular due to mounting inefficiency, charges of nepotism as well as corruption. What is now described as the anti-incumbency factor obviously worked to the advantage of the opposition parties. An additional factor has also to be borne in mind. The non-dominant backward classes which had found spaces during the Devaraj Urs' period obviously could not find them after his ministry fell and Urs himself died in 1982.. The strategy Devaraj Urs had followed was almost completely ignored by his successor. This perhaps created some frustration among those castes which had found their political feet during Devaraj Urs' period. Further, Hegde had been active in opposing the emergency. The party's election manifesto had also made mention of ushering in Panchayat Raj if elected to office. What made this possible was not merely a desire to keep the promise in the election manifesto but also the need for the party to establish a rural base which at that point of time it lacked. The rural constituency had been up to then almost wholly a Congress bastion. Logically the Janata Dal had to make inroads into this constituency and it was equally logical that they should try to do this with decentralised institutions of governance. Hegde firmly believed that he could build the party only by having what he regarded as party representatives at the local level. Obviously people could be enlisted for this purpose only by virtue of being offered some inducement. The prospect of a Panchayat membership was one such. Hegde was also aware to the fact that without such links the party would have no access to information from the grassroots levels. It must of course not be forgotten that Hegde, as has been mentioned several times in the text, had always had commitment to decentralisation. He was actively aided by his minister of rural development Nazeer Sab. It is very likely that several of Hegde's senior Cabinet colleagues did not share this duo's enthusiasm for panchayat raj.

Our interviews and discussions have illustrated this. Apparently one or two senior Ministers were certain that the Hegde – Nazeer Sab experiment would fail dismally. It is also said that Deve Gowda and Bommai, the seniormost ministers, were especially lacking

in enthusiasm for the new dispensation, both belong to the dominant castes. However, in all fairness it has to be added that a contrary view has also emerged from some of our interviews. The argument has been put forward that Deve Gowda became a votary when he found that the system was in fact working. The fact that as Chief Minister he brought in 80 percent reservation in favour of group A. among the backward classes and gave only 20 percent to group B. is also cited as evidence of his evolving belief in Panchayat Raj, Vokkaligas (Deve Gowda's caste) are in group B. A less charitable interpretation is that Deve Gowda began to alter his views when he was able to install a Dalit candidate of his choice as the President of the ZP in his district. Interviews and discussions have also shown ministerial resentment at the power of PRIs, Zilla Parishads in particular. Ministers in charge of directly rural-related portfolios like agriculture, animal husbandry and horticulture were specially aggrieved. They felt deprived since their writ did not appear to run at the local level. The district minister also felt this sense of loss. The minister found his departmental official more willing to listen to the ZP Adhyaksha than to him. An example is that of an election to the co-operative bank. The Deputy Registrar of Co-operative Societies was under pressure from the Adhyaksha of a ZP to vote for his party candidate. He was not willing to yield to the minister's demand that he vote for his party's candidate. Angered by this the minister complained to the Chief Minister. The result was that the cabinet decided to take away the subject of co-operation from the ambit of ZPs. This was done without the minister for Panchayat Raj even being aware of such a move. This is highlighted to bring out the conflicts inherent in political devolution. It shows too how even a committed Chief Minister like Hegde was compelled to compromise.

The point has been made above that the 1983 experiment derived a lot of strength from what had occurred in the 1970s in Karnataka. The opening up and widening process which was set in motion at that time undoubtedly facilitated the introduction of political decentralisation. It has been argued that the decentralization of planning functions that took place in the 70's contributed to the subsequent development. This background, it is worth reiterating, is often not given the credit that it deserves and while Hegde and Nazeer Sab should be complimented for having brought in devolution in Karnataka for the first time the backdrop cannot be ignored. In adding this qualification the intention is not take credit away from the two men made it possible but only to suggest that the evolving context in Karnataka provided them with facilitating factors. In other words the intention is to make understanding of the 1983 devolution experiment historically more accurate.

The 1983 act resulted in several changes in Karnataka politics. Reservation of 25 percent in favour of women was particularly important because as one politician remarked in 1987 he and his colleagues were forced to go literally from house-to-house to persuade women to contest local elections. This must be regarded as an extremely significant part of the opening up process, something akin to what the Devaraj Urs period witnessed with respect to the mobilisation of backward classes. Even though the 1983 Act did not provide for reservation to backward classes there was a proviso that where no candidate was elected from this group two could be nominated. Just as Devaraj Urs had succeeded in creating enough awareness among the BCs and in fostering an atmosphere where the government was seen as being pro-poor and pro-backward the Janata experiment with devolution did something similar and its importance can hardly be exaggerated.

It had other effects as well. Academics and persons active in public life, many strong believers in devolution, hailed the Hegde-Nazeer Sab vision as unique. There was talk of decentralizing further. A district government was suggested. However, practitioners at the ground level always retained a more sober and realistic perspective. An example of the “academic” view is the evaluation conducted by a committee [officially the Zilla Parishad and Mandal Panchayat Evaluation Committee] in 1989. It consisted of men of impeccable credentials – K.S.Krishnaswamy [Chairman] with L.C.Jain and P.S.Appu as members. All three shared a high degree of intellectual commitment to devolution. The committee’s report was an almost unqualified endorsement of the new system. The problem was that the evaluation was done barely three years after first elections were held. [The 1983 bill was reserved by the Governor for the President’s assent which was given only in 1985. And the first elections were completed only in early 1987]. By any standards the system was being evaluated before it had time to strike roots. Incidentally the report provoked an extreme reaction in a paper presented in a seminar in 1990 somewhat pungently titled “Evaluating the Evaluators”.

In our inquiry into Karnataka the following stand out.

- The state has a long history of attempts to decentralize.
- Devolution has had the advantage of facilitating factors, social and political
- Reports, of excellent quality and far-sighted, have rarely been quickly translated into action
- In many respects the state has shown commendable vision. Reservation for women is one such instance.

- The inter-tier problem is also long standing.
- There is a distinct Dalit perspective on PRIs.

After the 1993 Act became law there is dilution in the power of PRIs. However, it is not entirely correct to blame it wholly either on the Congress party or the bureaucracy. Both may have contributed to this but the Janata Dal has not strained itself to revert to status quo ante.

At several points in the text we have remarked that PRIs are not treated as units of governance, indeed even in relation to their role as participatory agencies in development they do not enjoy centrality. Karnataka offers evidence to sustain these criticisms. The following are illustrative.

- there is a District-in charge Minister
- in addition there is a senior IAS officer designated the District-in-charge Secretary
- a committee is constituted under the chairmanship of the Deputy Commissioner for supervising rural development programmes
- there is also a committee with the member of Parliament as chairman to supervise the implementation of drinking water schemes.

An offshoot of the Congress-Janata power oscillations is that the structure of PR is subjected to frequent change. It may have had an unsettling effect on the system. It has provided adequate opportunity for disclaiming responsibility and shifting it on to the shoulders of one's political opponents.

We have remarked at several places that the system has acquired considerable resilience. On that alone must rest its future.

What stands out is that the state's constant engagement with decentralization has influenced the structure which is in place today. Far from regarding the distinct change in orientation which took place in 1983 as a sudden transformative event it should also be appraised against the perspective of past experience. An alternative description is that this represents the confluence of a beneficial objective reality with committed individuals who were prepared to utilize it for a cause and must have been conscious of the helpful nature of the context.

An index of the emerging strength of the PR system is, paradoxically enough, the sense of insecurity it appears to have created among politicians in the legislative sphere. It should rightly be seen as jostling for political space. It is for this reason, plausibly, that they have created representation for themselves in the State Panchayat Council and are demanding that they be given all the privileges enjoyed by ZP members. This, almost certainly, would have been impossible prior to the 1983 legislation. The conflicts among the tiers, especially between the taluk and the others is again a manifestation of competition for political space. Rather than dismiss all critiques of the system as caused by lack of faith in devolution, bureaucratic hostility, insufficient political will and the like, it may be worth examining if some of the changes which have occurred since the nineties may be a response to a finer reading of grassroots reality. Put another way there may now be appearing a blend of idealism and appreciation of ground realities.

The evolutionary perspective delineated above highlights the fact that the present system in Karnataka did not spring out of a vacuum. Rather it is the result of a number of developments which have unfolded over decades. Particularly important is the role played by facilitative factors in the socio-political sphere although at first blush some of them may appear to have only tenuous connections with devolution. The narrative emphasizes the necessity of situating devolution—and indeed other similar phenomena—in the broader historical and evolving social sphere. While a veritable constellation of forces has contributed towards creating a climate conducive for devolution there is the continuing presence of some problems within the devolutionary system. These have been discussed, suffice it to state that perhaps the indication is that these are inherent in the system. Another insight that emerges from the study relates to the adaptive capacity of local government institutions.. They are seen as being able to accommodate and adjust to vast changes taking place in the socio-political domain.

## ANNEXURE 1

### **History of Devolution**

Karnataka has a long history of decentralization. It should be clarified that the reference, for the most part, is to the princely state of Mysore which was the nucleus of the enlarged state which was formed in 1956 and was christened Karnataka in 1973. Any narration of pre-independence efforts at decentralization must be set against the background of Mysore being a princely state and ultimately subject to the authority of the British imperial government. Both these factors naturally imposed their own fetters on democratic governance.

The earliest move towards Local Self-government was in 1862. In that year Local Funds were formed out of Plough and Ferry taxes, fines and sale proceeds of stray cattle. These funds were utilized for construction of village roads and related works.

In 1874 Local Fund Committees were established with the Deputy Commissioner as the Chairman. They were essentially official bodies with no popular representation. Their principal task was to promote welfare measures, for instance, in areas such as health.

At the first session of the Mysore Representative Assembly in 1882 the Dewan, Rangacharlu, made a reference to local government and interestingly spoke of the need for a body at the taluk level. He expressed the view that many problems arose because the district level was too far away from the grassroots and hence would not be able to represent the needs of the people. The Representative Assembly, although one of the first of its kind, was essentially a petitioning body with little legislative competence( an advance in this direction was made in 1907 when the Legislative Council was established).

The first legislation on local self-government was in 1902 when the Mysore Local Boards Act was enacted. This brought into being three classes of local bodies:

- Union Panchayats with nominated Chairmen
- Taluk boards with Sub-Division Officers as Presidents and Amildars (Tahsildars) as Vice-presidents
- District Boards with Deputy Commissioners as Presidents and one elected member from each Taluk Board as members.

This may be regarded as the first step in making possible some, admittedly minimal, popular representation. Given the constraints the powers of these bodies must have been equally minimal.

Around 1914 Government introduced what came to be known as the Village Improvement Scheme. It was premised on the belief that village improvement could take place only with the active co-operation of the villagers themselves. Village Improvement Committees were set up in each village.

In 1918 a relatively major advance was made. The Mysore Local Boards and Village Panchayats Act was passed. This law provided for elected representation of half and two-thirds in District and Taluk Boards respectively. It also provided for non-official Vice-Presidents in both the bodies. Union Panchayats were replaced by Village Panchayats who were entrusted with the task of implementing the Village Improvement Scheme. 833 Village Panchayats and 8334 Village Committees were operating the scheme.

A state Conference was organized in 1923 with the aim of reviewing the working of local bodies. This resulted in the enactment of two new legislations, the Mysore Village Panchayat Act and the Mysore District Boards Act. These two came into effect in 1926. One consequence of the new enactments was that Taluk Boards which had been in existence for nearly a quarter century were abolished as was the Village Improvement Scheme. A two-tier system with the village panchayat and the district board was instituted. Both the bodies were provided with extensive powers (for the times) and some independent sources of revenue. However, as is discussed in the text of the report, the abolition of Taluk Boards was strongly criticized.

Although not the outcome of legislation the Mysore Economic Conference and the District Economic conference are important innovations of Mysore. The conferences were organized to provide a forum in which people could express their problems and officials would have an opportunity to respond to their felt needs. In the very nature of things as they stood then it would have been unrealistic to expect these Conferences to subserve a larger democratic purpose. Yet within the framework they were highly innovative. Above all they recognized the principle that local knowledge was an essential ingredient of development activity. Equally noteworthy was the office of the District Economic Superintendent, generally held by an official but on occasion knowledgeable local persons were appointed. The prime mover behind these innovations, M. Visvesvaraya was one of the earliest to formulate a plan for district development.

Running parallel to the local bodies Government kept introducing various schemes of rural development. They were all mandated by Executive Orders. In 1936, the Scheme of Concentrated Propaganda was instituted. In each taluk two or three villages were selected for intensive improvement by the Development departments of government. They were envisaged as models for others. The scheme brings to mind the Intensive Agricultural District Programmes of the late 1950's. In 1942 the Hobli (a collection of villages below the taluk) Drive was launched. In each district one Hobli was selected with the aim of improving conditions in villages within that area. For this purpose trained rural workers were appointed known as Gramasudharakas (literally village improvers). This was followed in 1948 by a new Scheme of Rural Development with the objective of decentralizing powers to non-official bodies. It was operated by Taluk, District and Central Development Committees which were specially constituted and given wide powers.

It will be readily appreciated that while Government had a certain degree of



commitment to the welfare of the people- and this earned for the Mysore the title “model state”-local government institutions were rarely allowed to function as sole or even principal agents of development. Throughout we see the search for new institutions which ran parallel to and in some cases were superimposed upon local government institutions. It is reported that there was little co-ordination between local government and the specially created bodies. This should not cause much surprise given that the problem persists to this day albeit in modified forms. This having been said the theme of decentralisation was never completely out of the agenda of government.

The post-independence years witnessed the appointment of two Committees. The first one chaired by V.Venkatappa which gave its report in 1950 recommended a two-tier system comprising Group Panchayats and District Boards whose members would be indirectly elected by the members of the former. While recognizing the need for special representation to the Depressed Classes (then the name for Scheduled Castes) the Committee did not favour elections but recommended co-option. A Dalit member dissented from this part of the report.

The Venkatappa Committee’s report attracted criticism for not recommending a taluk level body and for doing away with single village panchayats. There was also opposition to indirectly elected district boards. Based on this report the Mysore Village Panchayats and District Boards Act was enacted in 1952. But given the strong opposition to the Committee’s recommendations Government encountered problems in implementing the Act.

In view of these difficulties Government constituted another committee under the chairmanship of D.H.Chnadrashakaraiya in 1954. This Committee made a detailed examination of the working of local government institutions in the state. In its opinion District Boards had stood the test of time and had made contributions to development. It also did not agree with the view that there should be non-statutory agencies at the district level. At least by implication the Committee recognized the political nature of development processes. After examining the case for and against reviving Taluk Boards it decided in their favour on two grounds, one that in their absence there would be a yawning gap between the village and the district and that the taluk level body was essential in representative democracy.

Another significant recommendation was that there should, by and large, be direct elections to the Taluk Boards although a certain proportion of members were to be indirectly elected from Village Panchayats and municipalities. Members of District Boards were to be elected by members of Taluk Boards from among themselves. It recommended reservation of seats for the Scheduled Castes in proportion to their population in District Boards and additional seats to ensure representation of women and other special interest groups.

This report was overtaken by events. The enlarged state was in the offing. At the

national level the Balvantray Mehta Study Team recommended virtually a two-tier system. Consequently it was only in 1959 that a new act was enacted, the Mysore Village Panchayats and Local Boards Act. Under this Village Panchayats were directly elected but at the district level there was only a non-elected body. Elections under this Act were held only three times but it continued to be in operation until 1983. Taluk Development Boards were also formed. They were elected bodies. Each Taluk Board consisted of directly elected members. Taluks with a population of less than one lakh had 15 members and those with more than one lakh had 19 members. This law provided for reservation of seats by election for Scheduled Castes and women. For the former it was in proportion to their share in the population. For women the reservation was not to be more than two. An important proviso was that every electoral constituency had two or three seats. They were all double or multi-member constituencies.

In terms of chronology the next important landmark is the report of the Kondajji Basappa Committee constituted in 1963. Ramakrishna Hegde, later Chief Minister, was then the minister for Rural Development. It is likely that he was the moving spirit behind the formation of this committee. As discussed in the text this Committee made recommendations many of which were to become the underlying premises of the 1983 Act. There is a noticeable trend towards political devolution. Based upon this report the Mysore Panchayat Raj Bill 1964 was introduced in the legislature and referred to a Joint Select Committee. After the JSC reported the Bill was not pursued. However some vitally important points have been given here as the Bill anticipated the 1983 Act with respect to the following provisions:

- Reservation for women (admittedly miniscule)
- Constitution of Gram Sabha
- Establishment of Nyaya Panchayats
- Chief Executive Officers to function subject to Adhyaksha's powers
- Constituting the State Panchayat Council

The subsequent developments are discussed in detail in the body of the report.

## ANNEXURE 2

**Representation of Selected Castes and Groups of Castes in the Karnataka Legislative Assembly since 1952**

	1952	1957	1962	1967	1972	1978	1983	1985
Lingayats	18	73	69	70	58	53	65	64
Vokkaligas	42	46	57	47	47	47	54	52
Brahmins	6	18	12	18	14	16	16	11
Marathas	-	9	8	9	9	7	11	5
Scs & STs	19	29	29	29	32	37	35	35
Muslims	-	9	7	8	13	17	2	9
Christians	-	2	1	3	3	3	3	3
OBCs	12	16	17	18	36	45	36	45
<b>Total</b>	<b>97</b>	<b>202</b>	<b>200</b>	<b>202</b>	<b>212</b>	<b>225</b>	<b>222</b>	<b>224</b>

Sources: S. Bheemappa: 'Analysis of Elections,' Times of India, (Bangalore) 25 1987

**Assembly Election – 1978: Analysis by Caste and Party**

	Janata			Congress		
	Seats allotted	Seats won	% of Success	Seats allotted	Seats won	% of Success
Lingayats	65	18	28	49	31	63
Vokkaligas	53	19	36	43	23	53
Brahmins	11	5	45	16	9	56
Marathas	8	0	0	12	7	58
Scs & STs	35	8	23	37	26	70
Muslims	14	2	14	-	-	-
Christians	2	1	50	3	2	67
OBCs	23	5	22	54	40	74

Sources: S. Bheemappa: 'Analysis of Elections,' Times of India, (Bangalore) 25 1987

**Assembly Election – 1983: Analysis by Caste and Party**

	<b>Janata</b>			<b>Congress</b>		
	Seats allotted	Seats won	% of Success	Seats allotted	Seats won	% of Success
Lingayats	68	26	38	54	28	52
Vokkaligas	44	27	61	43	15	35
Brahmins	12	6	50	14	3	21
Marathas	7	3	43	11	7	64
Scs & STs	35	19	54	36	12	33
Muslims	6	1	17	18	1	6
OBCs	25	14	56	40	16	40

Sources: S. Bheemappa: 'Analysis of Elections,' Times of India, (Bangalore) 25 1987

**Assembly Election – 1985: Analysis by Caste and Party**

	<b>Janata</b>			<b>Congress</b>		
	Seats allotted	Seats won	% of Success	Seats allotted	Seats won	% of Success
Lingayats	64	47	73	48	11	23
Vokkaligas	53	36	68	45	10	22
Brahmins	10	8	80	17	3	18
Marathas	4	1	25	8	2	25
Scs & STs	35	23	66	35	11	31
Muslims	2	0	0	2	2	100
OBCs	32	22	69	48	20	42

Sources: S. Bheemappa: 'Analysis of Elections,' Times of India, (Bangalore) 25 1987

## **Acknowledgements**

We wish to thank Dr. G. S. Ganesh Prasad, Assistant Professor, MIDS for his insightful contribution to this narrative.

We acknowledge the assistance and contribution of our Research Associate Dr. A.Raman.

The assistance of Dr. A. Indira, Consultant, in analyzing legislative debates, is acknowledged.

Our thanks are due to the following for sparing their time for interviews and discussions:

M.Y.Ghorpade	Minister for Rural Development and Panchayati Raj, Government of Karnataka
Mallikarjun Kharge	Minister for Home Affairs, Government of Karnataka
B.K.Chandrashekar	Minister for Primary and Secondary Education, Government of Karnataka
E.Raghavan	Resident Editor, Economic Times, Bangalore
K.H.Srinivas,	Member, Legislative Council
K.S.Krishna Swamy	Deputy Governor [Retd.], RBI
C.Narayana Swamy	Former M.P. and former President, ZP, Bangalore
S.S.Meenakshisundaram, IAS	Secretary, Ministry of Disinvestment, GOI
M.R.Sreenivasa Murthy, IAS	Commissioner, Bangalore Mahanagara Palike
T.R.Raghunandan, IAS	Secretary, Department of Rural Development and Panchayati Raj, Government of Karnataka
D.M.Nanjundappa	Former Vice-Chairman, State Planning Board, Government of Karnataka
T.R.Satish Chandran, IAS	Chief Secretary [Retd.], Government of Karnataka

We acknowledge with pleasure the comments made by invited participants at a workshop in MIDS, on 7<sup>th</sup> April, 2003.

The usual disclaimer applies.

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