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MADRAS LEGISLATIVE DEBATE OVER “THE WHITE PAPER” ON PANCHAYAT ADMINISTRATION

R. Kumaran

Associate Professor in History , H.H. The Rajah's Government College , Pudukkottai.

Abstract:-The White Paper placed before the Madras Legislature on 29th September 1956 could not be discussed before the legislature was dissolved on 25th October 1956. Parliamentary and State elections intervened in early 1957. After the new ministry assumed office , a cabinet committee was appointed to consider the future of local administration. It presented a revised provisional conclusions in the shape of another White Paper in October 1957. It set out a five-year programme commencing from 1957 -1958 for complete coverage of the state with panchayats constituted under the Madras Village Panchayats Act of 1950 , and aimed at improving the efficiency of panchayat administration , and reducing the evil of factions in the panchayat organisation

Keywords: Panchayat, village, White Paper, Local Administration, Assembly , Council, Taluk, Board.

INTRODUCTION

Significance of Panchayat System

The Panchayat system is the best school of national democracy. It is the panchayat system that touches most intimately the lives of the people. Panchayat system in small areas creates among the citizens a real sense of their corporate interest in public affairs. Viscount Bryce rightly said : “Whoever learns to be public spirited , active and upright in the affairs of the village, has learnt the first lesson of the duty incumbent on a citizen of a great country”.

Debates

The reform of local administration embodied in the White Paper was discussed in the Madras Legislative Assembly on 4th and 5th November 1957, and in the Council on 6th and 7th November 1957. The Minister for Local Administration summarised the provisional conclusions taken by the government and the Finance Minister explained that the proposed reform was intended to provide a machinery at the village level to secure participation of the people in the development schemes which was essential for the success of the schemes

In Madras Legislative Assembly

Members belonging to all political parties generally approved the scheme for developing village panchayats as contemplated in the White Paper but differences arose on points of detail. C. N. Annadurai, the leader of the main opposition party, Dravida Munnetra Kazhagam, disapproved the combination of development programmes and the panchayat system. He said that there was confusion of ideas and objectives and it was unintelligible whether the reformers were intended to improve rural living conditions or to carry out the developmental schemes that had been already undertaken. He considered the reform of local government as a long standing problem and the scheme of Community Development as a new venture of the government. A combination of these two in a single agency would make the institutions of local government mere agencies to carry the Community Development schemes leading to the decay of Panchayat institutions. Referring to the pilot scheme started in Madurai taluk, he said that the government was presenting to the legislature a scheme already decided upon by them merely for formality. He feared that under the proposed arrangements, the officials would dominate the non-officials at every level. Referring to the reports of the evaluation committee on Community Development programmes that the block development

officials had not fulfilled their duties and the scheme had not been executed properly, he said, that entrustment of more functions and powers to these same officers, would spoil the entire administration and prove detrimental to the growth of democratic institutions. He also pointed out that the unit of administration should either be a political unit or an economic unit, and there was no point in merely clubbing together two development blocks and constituting a new administrative unit as proposed.

The leader of the Communist party in the legislature, M. Kalyanasundaram, said that panchayat bodies particularly the panchayat unions should be given more powers and responsibilities and that under the scheme drawn by the government, the unions and the district councils would remain mere advisory bodies without becoming administrative units of local government.³ He said that the panchayat union, to be a representative ' and responsible body, should be constituted by direct election by people and should be set up at the taluk. He advocated the revival of the system of direct election of the president of the village panchayat. A Praja Socialist member said that the pilot project started in Madurai taluk without the approval of the legislature was an undemocratic step and that five years was too long a term for panchayats and that the scheme on the whole would not lead to the ideal of socialist pattern of society. He said that power once granted to the people should not be interfered with on any account and official interference with elected bodies in any manner was undemocratic. Another member pointed out that, under the proposed scheme all powers of the panchayats were transferred to the revenue department. A member, who was a district board president, remarked that many a district board had been functioning in a very useful manner and providing a “training ground” in administration and that the decision to abolish them -was taken because of difficulties in financing them.⁶

In Madras Legislative Council

In the Madras Legislative Council, a member said that, the functions of village panchayats were reduced to pre1950 stage and that the proposal to make the block -development officer as the panchayat union commissioner would undermine the independence of the panchayat unions and make them subservient to the commissioner. He suggested that a separate panchayat department should be constituted by merging the whole development staff under the inspector-general of panchayats who should be vested with complete powers for a unified control of the panchayat administration.⁷ Another criticised the tendency for greater government control.⁸ Quoting the White Paper's findings that the panchayats had misused their money and that factions existed in villages, a member questioned the usefulness of setting up panchayat unions and district councils in this context and cautioned against any hasty step in the new scheme. Referring to the statement of objects and reasons published for the Madras District Boards (Amendment) Bill which found no fault with the board's administration, he suggested that while panchayats were being constituted, the district boards could be retained as larger administrative units, and pointed out that certain eminent legislators had formerly been district board presidents.⁸

The deputy leader of the opposition, V.K. John said that a statement or scheme to implement Article 40 of the Constitution could be traced in the White Paper and urged that the government must have “a definite programme for giving full powers of self-government to the panchayats, the municipalities and the corporation of Madras and that “the government must have faith in the people and vest the powers of local self-government in their representatives.”⁹ The leader of the house, Dr. A. Lakshmanaswami Mudaliar, said that, the proposals made in the White Paper did not follow the objectives stated and pointed out the contradiction between the general assessment on the working of panchayats and the proposal to entrust more functions to them. He warned that the reform should be proceeded with slowly and pilot projects should first be worked. He made particular mention about the officers connected to panchayat administration and said that “the attitude of an officer in a self-governing institution has to be a little different from what it may be if the same officer were working under governmental guidance or control,” and recommended that a separate local self-government service could be instituted or appointments be made by a Public Service Commission.¹¹

Speech of the Minister for Local Administration

The Minister for Local Administration said, “the 1950 Act was indeed devised to give effect to the Directive Principle of State Policy. When, however, the experience of five or six years was reviewed by government, it became clear that there was no material difference between the panchayats formed after 1950 and those which had been formed before. The further development of the vitality of panchayats was seen to be bound up with the future of district boards. It was observed that so long as panchayat was limited as a local authority to the boundaries of a village, it could not afford the services of a trained personnel, administrative or technical, and the scope of the functions which it could perform was correspondingly limited.”¹² She re-emphasised that the abolition of district boards did not imply a condemnation of their record of work. “We propose the abolition of district boards primarily because we feel satisfied that owing to the growth in the volume of work, even in one single instance like elementary schools, the district has become far too large and unwieldy an area for management by a local authority. It is of the essence of local administration that it should reflect the personal interest taken by the representatives of the people—it should not be an impersonal bureaucracy. Unless the territorial jurisdiction is substantially reduced, the distinctive characteristics of a representative body cannot be there any longer. This is the main consideration but it is not the only one. The government's basic approach to the problem has been from the point of view of making village panchayats viable and effective in the fullest sense as visualised by the framers of the Constitution.

The government reached the conclusion that this was impossible of achievement unless contiguous village panchayats were brought together in a cooperative association so as to form a union which would be jointly representative of all of them. It was clear, therefore, that there was need for a successor to the district board which would be different not only because it had a smaller area to administer but also because it would be differently constituted. The new local authority should not be a rival to the panchayats but it should be an organisation in which each panchayat would be individually represented and which every panchayat would recognise as its own organisation,” stated the minister.¹³ The Madras Legislative Council concurred with the Madras Legislative Assembly regarding constituting a committee to finalise the scheme for reform of local administration.¹⁴

State Panchayat Union Conference

The State Panchayat Union held a conference on¹⁵ 2 December 1957 in Madras to consider the future of the panchayat bodies. It welcomed the proposals of the government to constitute “panchayat block unions” and to transfer to them the powers of the district boards, but objected to the transfer of any of the powers; functions and resources given to the panchayats by the statute of 1950. It requested the government to set up a separate department for panchayats and objected to the provisional decision of the government to maintain control over the panchayats through the revenue department. This raised a crucial question about the control over panchayats and the government promised to consider the feasibility of constituting a separate department. The State Panchayat Union felt that there was no need to have a circle committee between the village panchayat and the block union and suggested that an executive committee consisting of fifteen members elected by the panchayat union council could be constituted.

During discussions with the representatives of the union, it was clarified by the government officials that circle committees were meant to be standing committees of the panchayat union councils to perform certain specific functions. The subject of committee system was discussed at length and proposals were made to constitute a managing committee of the panchayat union in which the village panchayats could be represented in turns in groups of five.

As with functions, so with resources also, the State Panchayat Union generally accepted the proposals made and had reservations only about distribution between the panchayat union and the panchayats. The representatives of the State Panchayat Union desired that the entire proceeds of the stamp duty collected in a village should go to its panchayat. The officials explained that the income from this duty, varied from place to place and from time to time and if it was to be added to the village panchayat fund, considerable inequality between villages in their financial strength would result. When it was explained that the effect of taxation should be redistribution of the income of relatively rich and poor areas, the State Union accepted the proposal to distribute the income realised from stamp duty and the surcharge on land revenue between the panchayat and the panchayat union on a fixed proportion.

Madras Village Panchayats (Amendment) Bill

The proposals of the government based on the White Paper were formulated as the Madras Village Panchayats (Amendment) Bill and the Madras District Development Councils Bill, 1958. These and two other bills to amend the Madras Municipal Councils Act and the City Corporation Act were placed before the legislature committee for examination in detail. The committee accepted by a majority that in the place of district boards, panchayat unions should be constituted. Three members recorded dissenting views, one arguing that the future of the boards could not be decided pending decision on the division of functions between the panchayats and the panchayat unions and the other two pointing out the useful services rendered by the district boards and leadership built through them in the districts.¹⁵ The committee agreed that the development block could serve as the unit for the constitution of panchayat unions and gradually accepted the proposals of the government regarding the functions to be entrusted to the panchayats and panchayat unions.¹⁶ The proposal to establish district development councils on a statutory basis was accepted by all, but one member suggested that such a council should not be a mere advisory body and another wanted it to be an expert body with the necessary staff to render expert advice.¹⁷ A total of 315 amendments were proposed by members and thirty by the government to the bill which consisted of eighty-four main clauses.

The Bill, after consideration of the legislature committee, was introduced in the Madras Legislative Assembly on¹⁸ 22 September 1958. The members of the Congress Party generally welcomed the bill and the Finance Minister said that the bill had been drafted on the considered opinion of the legislature committee which consisted of members from all parties and therefore no change in the bill could be introduced without sufficient reason. On the whole the bill was accepted in principle except by one Forward Bloc Member. The Bill as passed by the Madras Legislative Assembly came up for discussion in the upper house on 30th October 1958. Criticism ranged from one extreme to another, one member urging that Gandhian idea of village democracy should be accepted and villages should be made self-sufficient autonomous units of local administration,¹⁸ and another warning that the time had not come to grant so many powers to village panchayats as proposed. A leader of the Justice Party, P.T.Rajan said that, it was dangerous to have these panchayats and that whatever the government wanted to do for the uplift of the rural people could be done directly.¹⁹ Finally, the Bill was passed into the Madras Panchayats Acts of 1958. The Act contained 198 sections divided into seven chapters and four schedules. This Act was an important mile stone in the history of Tamil Nadu Panchayat Raj.²⁰

To conclude, a perusal of the debate on the subject in the legislature shows on the one hand what the government aimed to achieve through this legislation and on the other, the numerous doubts and expectations raised among the people's representatives . Indeed the possible and likely results from the enactment , actually experienced later in practice, were already foreseen and expressed when the law was enacted. Almost all shades of views –radical and conservative, optimistic and pessimistic, and utopian and pragmatic -were advanced.

To conclude , the Panchayat Act of 1950 was amended in 1957 in certain basic respects without waiting for the total reorganization to take shape. The changes effected by this Amendment Act were carried over in the Panchayat Act of 1958. Thus, the pattern of the panchayat system finally established was what built up earlier and the Village Panchayats Act of 1958 embodied the various decisions taken from time to time in Madras. Hence , the year 1958 did not mark the commencement or the revival of the panchayat era.

End Notes

1. Pillay, K.K., History of Local Self- Government in the Madras Presidency, 1850-1919, Chunilal D. Barfivala, Bombay, 1953, p.i.
2. Madras Legislative Assembly Debates , Vol.VI, 1957, pp.165-170 and 247-258.
3. Ibid., pp.261-268.
4. Ibid., pp. 263-265.
5. Ibid, p.244.
6. Ibid., pp. 276-277 .
7. Ibid., Vol. XXI, 1951, p. 250. It was quoted by T. Purushotham that the inspector of local boards and the head of the department had observed that in course of time, the scheme would relegate the panchayats and panchayat unions to the position of a subordinate branch of the revenue department and would lead to administrative difficulties.
8. Ibid, pp. 254-258 (speech by T.P. Srinivasavaradan).
9. Ibid. pp. 261-264 (speech by K. Balasubramania Ayyar).
10. Ibid., pp. 296-297.
11. Ibid, pp. 276-284.
12. Ibid. p.228.
13. Ibid, pp. 230-231.
14. The members of the committee were V.K, Palaniswami Gounder, Jothi Venkatachalam. S.P. Sivasubramania Nadar, A. Gajapathy Nayagar, M.V. Sudarsanam Naidu, V.V. Ramaswami, Mohamed Raza Khan, and . V.K. John.
15. Proceedings and Connected Papers of the Legislature Committee on Local Administration, Part . III, 1958, p. 2. The three members S. Ramaswami Naidu, K. Vinayakam and A.A. Rasheed.
16. Ibid., pp.4-5.
17. Ibid., pp.15-16 and 36.
18. Madras Legislative Council Debates, Vol.XXVIII, 1958, pp.30-37.
19. Ibid., pp.270-271.
20. Singaraavel, A., Ullatchi, (Tamil), Tiruchirappalli, 2008, p.28.



R. Kumaran

Associate Professor in History , H.H. The Rajah's Government College , Pudukkottai.

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