

Integrating Local Governments with the Parliament – A Proposal Inspired by Gandhi's Vision

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Gandhi's Vision

An 'enlightened anarchy', was a moral an ideal for Gandhi, where each individual is his or her own ruler, exercising one's freedom with due moral responsibility with perfection and with due consideration to others' interests. Gandhi was, however, aware that it may be nearly impossible to achieve such an enlightened anarchy in practice. He visualised a decentralised democracy in all dimensions – social, economic and political, as the second best, which is possible to achieve. What is democratic has necessarily to be also decentralised. A democracy has no meaning otherwise. A 'centralised democracy', functioning only through elected representatives who exercise political power which really belongs to people, and ruling the whole country or the state sitting in its capital, was a self-contradiction in terms, as per Gandhi's political philosophy. Only a decentralised democracy could provide a 'government of the people, by the people and for the people', using Abraham Lincoln's definition of democracy. In fact, the very concept of the government was different in Gandhian perspective. A government strictly as per Lincoln's definition could not be a singular entity even for a given country; it had to be essentially pluralistic and multi-tiered for Gandhi.

Swargj for Gandhi meant not just independence from foreign rule, but also self-rule both at the individual level within himself or herself and at the village level. At the individual level, it meant self-control and moral responsibility, and an awareness of one's own duties and rights as well as those of others; at the more aggregative levels, it implied *gram swargj* or self-rule by villages, or a system of village republics covering the entire country. He elaborated his concept in a key article in *Harijan* dated July 28, 1946. Important excerpts from this are given below:

"Independence must begin at the bottom. Thus, every village will be a republic or Panchayat having full powers. It follows, therefore, that every village has to be self-sustained and capable of managing its affairs even to the extent of defending itself against the whole world. ...Ultimately, it is the individual who is the unit. This does not exclude dependence on and willing help from neighbours or from the world. It will be free and voluntary play of mutual forces. ... In this structure composed of innumerable villages, there will be ever-widening, never ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But it will be an oceanic circle whose centre will be the individual... . Therefore, the outermost circumference will not wield power to crush the inner circle but give strength to all within and derive its own from the centre" (Gandhi 1959: 8-9).

A few central ideas lie at the basis of this vision. They are: (i) all individuals have equal rights against other individuals as well as against the State, and corresponding duties; (ii) 'the State will be there to carry out the will of the people, not to dictate to them or force them to do as will' (CWMG vol.89: 297); (iii) all individual villagers form the village Panchayat, as equals and as its basic units, and as 'centres' of the whole polity; (iv) the villages are autonomous, having full powers; (v) but they are not isolated from each other, having links with other villages socially, economically, and politically; (vi) they are also linked with the wider State, not in a hierarchical relationship, but in a way that the wider circles derive their power from and are loyal to the inner circles, namely, the village Panchayats and ultimately to the individuals forming them; (vii) the State and the economy as a whole function in such a way that they are never detrimental to the autonomy and self-sustaining ability of villages; (viii) all individuals are guaranteed their fundamental rights including the right to freedom of association for peaceful purposes.

Though the individual is the basic unit of the whole polity, he or she cannot live and function in isolation, but has to co-exist, co-operate and co-ordinate with other individuals in a spirit of sincere love and mutual regard, so that both the individual and the common good are realised. Gandhi felt that it is the village which will better serve functionally as the basic unit of the polity and the economy, though the individual remains as the ultimate and first level basic unit. Neither an individual nor a family can be considered as a 'polity' as such. Polity calls for an organised form of self-governance, outside the narrow confines of the individual self and the home or family, but self-contained or complete in itself. 'Complete' does not mean that it does not need to depend on anything outside of itself; this absolute kind of completeness is hard to obtain. Even the Earth is not complete in itself without the Sun and the Moon. The village can be considered as a complete unit only in a qualified sense. Polity as a whole consists of series of tiers or circles within each other, its innermost circle comprised of villages. Its widest circle can be called the State of a country. But this fact does not reduce the significance of either the individual as the ultimate unit or of the family. As Gandhi clarified, there is no a question of hierarchy here, though we are accustomed to think only in terms of a hierarchy. Gandhi calls upon us to break such mental fixations and barriers to understand his vision.

The advantage of a village community in being the basic unit for an alternative political system is that every individual knows everyone else, and can conveniently discuss all matters which concern the livelihood and welfare of all villagers. It would be like a city state in ancient Greece with this important exception that in the Greek city-states, slaves were excluded from citizenship, and thus from political deliberations and decision-making. On the other hand, the village community in Gandhian conception is inclusive, and *all* individuals – women and men, irrespective of caste and creed, occupation and economic status, are equal citizens with equal rights, equal freedoms and equal opportunities. If in economic and social matters, some individuals are less than equal, it is then the duty of other members of the village community to help and uplift them to the level of equality with others.

It is true that in his booklet, the *Hind Swaraj* itself, Gandhi did not discuss the problem of inequality within the village, but there is no doubt about his deep concern about poverty and inequality in his other writings. It is also implicit in the book as whole. His whole strategy of democratising and decentralising the society and economy was precisely to deal with this problem. The need for decentralising and democratising the polity was to complete this task. Once a village is made responsible for itself and takes pride in the moral and economic status of the village community, it can be induced to take steps to end poverty and inequality within itself. At least that is what Gandhi seems to have hoped for. His argument seems to be that it is the members of the village community itself who are more qualified in devising and implementing programmes to end poverty in their own village, rather than outsiders. They know who the poor are, what their problems are, and how they can be solved. A more important point is that the poor are equal partners and participants in village governance and planning of its economy and infrastructure, and not just passive recipients of doles. Poverty has to be eradicated without in any way adversely affecting the dignity of the poor. It is only decentralised democratic governance, in which the poor have *a voice and a hand*, which makes it possible. The challenge of *Gram Swaraj* is to ensure such a condition in all the villages. Gandhi never said that this can happen automatically, effortlessly or everywhere. For that matter, have poverty and inequality been eliminated in India even with the present centralised governance?

Getting Down to Brass Tacks

Gandhi himself did not work out the all the details of how his *Gram Swaraj* is to be organised, and left it to others. He acknowledged that ever since ancient times, there existed village institutions of local governance which came to be called as Panchayats. The British tried to create their own system of local boards at a level higher than the village, which were closely watched and supervised from above, which did not accord with Gandhi's vision. After Independence, though the Constitution of India adopted a Parliamentary form of democracy, introduction of Article 40 to the Directive Principles of State Policy sought to reconcile a decentralised democracy with parliamentary democracy. Though efforts were made to institutionalise decentralised democracy soon after Independence, the local governments did not have the status of being integrated into the Constitution till the 73rd and the 74th Constitution Amendment Bills were passed in 1992 for rural and urban areas respectively. We will not go into the well known details of the structure and functioning of decentralised democracy here for reasons of brevity.¹

A village or even a cluster forming a Gram sabha and Panchayat cannot function in isolation from other villages. It will begin to feel the need even for formal institutional links, apart from informal interactions between villages at people's level. Gandhi recognised this need and spoke of wider circles, each strengthening and enriching others through mutual links and co-operation. In terms of his vision, the State or the nation as whole is a federation of village republics. There can also be intermediate structures at taluk/tehsil, district and provincial or state levels, which would all be linked organisationally with the national level *Rashtriya Panchayat*. Ultimately, the world as a whole can be a federation of all nation

States. The important point is that the federating units at the village levels are the basic centres of governance of the polity, the individual people being the ultimate sources of power behind them. It is through their enabling authorisation that all federating structures come into existence at different levels – taluks, districts, states, the nations, and finally the world. Gandhi spoke of them as widening circles, and not as hierarchical entities one *above* the other. Power is not delegated from the higher to the lower levels, but from the inner to the wider circles. Even where the terms – ‘higher’ and ‘lower’ are used because of habit, it should be clear that no hierarchy is implied.

The necessity of providing for different circles or levels in the polity arises because there are series of different concerns at different levels. The generally accepted principle here is of ‘subsidiarity’. It was interpreted by M Y Ghorpade, a prominent Minister for Rural Development and Panchayat Raj in Karnataka (during 1992 to 1997, and during 1999 to 2004) as: “The Constitution should take a total view of governance and ensure that what is appropriate at a given level is done at that level and not unnecessarily at a higher [‘wider’ in Gandhi’s terminology] level. This is the cardinal principle of decentralisation” (Ghorpade 2004: 68). What *can* be done at the village level should be done at that level only. The delegation of functions or jurisdictions in Gandhian vision is ideally from village outwards up to the national level, and not from the nation-state ‘downwards’. All the welfare schemes, employment guarantee programmes, public distribution of food and other essentials, housing, village infrastructure and other constructive programmes should be the responsibility of Gram Panchayats to implement, even if funds for them are provided by the wider circles.

Gandhi did not specify how the inner circles would be linked to a wider circle or any details of the constitution of his alternative system. We can only use for this purpose his broad vision and principles conveyed through his numerous but scattered writings, and from the writings of his followers.

An eminent Sarvodaya leader, Shri Jayaprakash Narayan (popularly known as JP), had proposed a simpler three tier system of Panchayati Raj covering the country as a whole, in which only the Village Panchayat or the Villages Panchs would be directly elected, and the subsequent tiers at the district, state and national levels the Panchayat members would be successively elected by their respective immediately lower tier. That is, MLAs and MPs would not be directly elected by people as of now, but MLAs are elected by the district level representatives who are themselves elected by the village Panchayats, and MPs are elected by the MLAs from among themselves. (Narayan 1962: 602-8). A major problem with JP’s model is that it treats only the village as the basic unit of Panchayati Raj, and not the individuals or people as persons with their own views on national and state issues. People at large have a role in electing their representatives only at the village level, but not at subsequent levels. They would have a say only in local or village level issues, but not in any of the issues at more aggregative levels.

On the other hand, the Constitution of India, when it was adopted in November 1949, took the opposite line, of ignoring the role of villages as the basic units of a

geographical state, and recognising only the individuals as basic units of our democratic Republic. There was an opportunity to seriously consider the Gandhian alternative of Gram Swaraj during the Constituent Assembly debates. After some discussion, it was rejected in favour of the very British parliamentary model which Gandhi had strongly criticised in his *Hind Swaraj*, except that the Indian Constitution is more federal character. It is another story that a compromise was sought through Article 40 in the Directive Principles of State Policy requiring the State to 'take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government'. The Directive Principles are not mandatory, and there is a difference between the Constitution itself providing Gram Swaraj and providing it subsequently in a top-down manner through state governments depending on their convenience. It is not that there were no Panchayats in India. What was needed was that the Constitution had to provide for an orderly system of Panchayati Raj and authenticate it, which had to wait till 1992.

The problem with the Parliamentary model adopted by the Constitution is that though the individual is theoretically given importance as the basic unit, he or she is only a little cog in a gigantic machine, having no role except voting once in five years. The role of local bodies is completely ignored in the 'wider circles' (in Gandhi's words) or 'higher tiers' of governance. If they exist at all, they have to depend for even their day-to-day functioning and for their survival on the sweet mercy of higher tiers of governance. Local bodies even when established, are only separate adjuncts at the bottom of a clear hierarchy. In other words, the power structure is pyramidal, which Gandhi did not want.

What is needed is a blending together or reconciling both principles, one recognising the individual as the basic unit of the polity as well as the state, and the other recognising the basic role of local bodies in the governance of the country. This need is met in the present composition of Taluk Panchayats and Zilla Parishads now. Not only are village panchayat members elected directly by adult franchise, the members of Taluk Panchayats and Zilla Parishads also are elected directly. Additionally, Taluk panchayats have presidents (or chairpersons or adhyakshas) of all village panchayats under their respective jurisdiction as members, and similarly zilla parishads also have presidents of all taluk panchayats under them as members, along with directly elected members. In Karnataka, the ratio of elected members to population is 1: 400 in village panchayats, 1: 10,000 in taluk panchayats, and 1: 40,000 in Zilla Parishads. In other states also, the strength of elected members is proportionate to population as may be fixed by respective states. Thus, these local bodies recognise the role of both individuals as well as the villages.

At the state level also, there is some attempt to give representation to members of local bodies in the Legislative Councils or Vidhan Parishads. As per Constitutional provision, the strength of the Councils shall not be more than one-third of the strength of Legislative Assemblies or Vidhan Sabhas (the members of the latter being directly elected by adult franchise). Further, only one-third of the members of the Legislative Councils are elected by members of the local bodies – municipalities, municipal corporations, Zilla parishads, taluk

panchayats and village panchayats. But the candidates for membership of the Councils need not necessarily be from among the members of local bodies, and can be anybody else. This, however, dilutes the principle of representation to local bodies, and an MLC elected from the constituency of members of local bodies stands almost the same distance from them as an MLA from the members of his or her constituency. The concerned MLC may not even be familiar with the problems of local bodies. It is therefore desirable to amend the law requiring that the candidate for representing local bodies shall be from among the members of local bodies whom he or she intends to represent.

However, the process of giving representation to local bodies stops at the state level. At the national level, that is, in the Parliament, there is no representation at all for them. Though local government is a state subject, there is no reason why the voice of local bodies should not be heard in the Parliament. After all, there is a Ministry of Panchayati Raj and Rural Development in the Central Government, though both are state subjects. This amounts to governing the Panchayati Raj Institutions without giving them representation! Since both Panchayati Raj and rural development have always engaged the attention of the central government, it is only proper and logical in a democracy to give representation to local bodies in the Parliament too. Besides, in Gandhi's vision, *Gram Swaraj*, covered the entire country in a network of 'oceanic circles', and not confined to villages. The crucial point is to make the voice of villages and villagers heard at the national level too.

This can be done at the level of the Council of States or the Rajya Sabha and not necessarily in the Lok Sabha, letting the character of the latter to continue as comprising of only directly elected members. At present, the strength of the Rajya Sabha is restricted to only 250 members, which may be increased to accommodate the representatives of local bodies. We may for this purpose, restrict the constituency to members of only Gram (village) Panchayats, municipalities and municipal corporations, which are the basic units of local self-government. We can treat each municipal ward or mohalla as equal to a village for this purpose. There are presently, 6,38,588 villages in India as per the 2011 census. If we add the number of municipal wards, the figure may reach around 10.3 lakhs of local entities². We may have one MP for Rajya Sabha to represent 10,000 villages or local entities, subject to a minimum of one MP for each state or Union Territory from this constituency. This means that about 103 to 110 more MPs have to be added to the present strength of the Rajya Sabha of 250. We have to stipulate here that the candidates for this election shall have to be from among the members of the local bodies, other than the Adhyakshas (chairpersons or presidents) of local bodies. In case, an Adhyaksha does get elected by reason of being a member of the local body, he or she will have to vacate the presidentship. This is because the same person cannot do justice to both positions simultaneously. We emphasise that the candidate should necessarily be a member of a local body in his constituency, and not an outsider. An outsider will only be a proxy and not an authentic representative. Being a member also makes him or her more accessible to voters and to even people at large. To ensure fair representation to SCs, STs, women and minorities, a certain number of constituencies may have to be reserved. Secondly, the proportion of MPs representing village panchayats shall bear about the same proportion, and not less, as the proportion of villages

to the total number of local entities, so as to prevent under- or over-representation. The MPs representing local bodies shall have the same status and voting rights as the rest of the MPs of the Rajya Sabha.

Even with this addition, the total strength of the Rajya Sabha, rising from 250 to about 353 or a little more, will still be less than the strength of the Lok Sabha which has 552 members. On the whole in the country, the principle of an individual being the basic unit of the State will still dominate, reflected in the greater overall importance given to direct election. However, the local bodies as the basic units of governance will also find a voice at all the 'wider' circles of the states and the nation. Such a system would reflect the spirit of true federalism, as local bodies would then be represented both at the state and national levels, and coheres with the Gandhian vision of a wide network in which local governments are linked effectively with wider circles of governance, and the hierarchical character of the present system would be toned down. The proposed system is beneficial both ways. It gives representation to local bodies enabling their problems to be heard and attended to. Secondly, the local bodies also have an opportunity to learn from the proceedings of the Rajya Sabha about national interests, national concerns and national problems. The arrangement promotes a two-way communication and understanding between the highest ('widest' in Gandhian terms) and the grassroots levels. It would enhance the status of local governments without diminishing the role of the other levels of government, each taking the other seriously and respectfully. The whole system would reflect the pluralist character of the Indian polity without undermining its unity.

As to the application of decentralised democracy to urban areas, the same principles and procedural approaches can be followed. An important difference could be that population density being higher in urban areas, the basic organisational unit could be a mohalla or an urban ward, covering the city as a whole. There would be mohalla or ward Sabhas to discuss, plan and monitor local development activities. They can even have a mohalla Panchayat for the purpose. The mohalla Sabhas will also elect representatives or Councillors to the city or town Municipality, from whom the city or town Panchayat would be formed. The urban Panchayats (as executive bodies) can also have, if necessary, more number of members than rural Panchayats. We will have to discuss more about urban local democracy later in a subsequent chapter.

A serious problem with urban municipalities is that they have less involvement of people than rural local bodies. Unlike the ancient Greek citizens, Indian urbanites have no opportunity to participate in the affairs of urban governance, except electing their Councillors or Corporators periodically. A major institutional lacunae in urban local bodies is the absence of ward- or mohalla sabhas. Each city or town is divided into wards for the purpose of local governance, which can be considered as equivalent to villages. Gram sabhas (assembly of all adults who wish to attend) in villages play an important role as they give a regular opportunity to villagers to officially monitor the activities of their representatives or panchayat members. There is no such corresponding institution in towns and cities, except that ward committees covering one or more wards with a total population of 3 lakhs are provided. This is obviously too high a limit to correspond to village panchayats. Though

urban local bodies have more funds and functionaries than the rural, the former fall short of self-governance, and practice 'distance democracy' as prevails at the state or national level. This shortcoming needs to be urgently addressed by constituting ward sabhas and making municipal councillors more responsible and responsive in all the states. The proposal made above for giving representation to members of local bodies in the Rajya Sabha will hasten their democratisation, making them more responsive and responsible to people.

The proposal may be opposed on the ground that there is already a representation of local self-governments in the upper houses of the states, and this should be enough. But what if the state governments themselves are systematically undermining local governments, starving them of necessary powers, functions, funds and functionaries, and not even holding regular elections to PRIs as required by the Constitution? If the state governments are indifferent, there is no assurance that MPs either in Lok Sabha or the Rajya Sabha in the prevailing system will compensate for it by raising the voice of the local governments and protecting their interests, for their constituencies are different and they may not care. If at all, local self-governments will have to depend on the kindness or generosity of MPs over whom they have no influence or control. It is clear, therefore, that there is strong case for giving representation to local governments at least in the Rajya Sabha, so that their voice is heard in the Parliament. A conspicuous gap in the web of multi-tiered federalism would thereby be filled. The system would then be doing justice both to the individuals as the basic units of the state and local governments as the basic units of self-rule.

The proposal made here to enhance the representation of local self-governments in the higher tiers of governance, would induce greater respect for local self-government in the body-politic, which is presently given the status of a 'poor cousin' at the best. Moreover, just as the voice of local bodies would be heard more effectively at the state and national levels, the representatives would also learn about the problems and concerns at the state level, which could in turn make local governance more effective and honest. A two-way communication would benefit both ends of the communication.

Even when this proposal is implemented, the model may not achieve Gandhi's ideal of Gram Swaraj. But there would be several advantages from a polity where local self-governments are strong and well-represented in the upper tiers. First, it will make democracy deeper and more sustainable. It will be a strong deterrent to any tendency for undemocratic concentration of powers at the centre. The fear that strong local governments would mean weak state governments is as wrong as the fear that strong states mean weak state governments. It is not a zero-sum game. All tiers of governance will strengthen each other. Ultimately all tiers of governance will have to serve the same people. Second, federalism in the country will become more genuine. Third, local self-governments have greater potential for imparting political education and civic sense. Fourth, if the devolution of funds, functions and functionaries is satisfactorily done, the polity will be more stable and resilient, and less vulnerable to political and economic convulsions at the state, national and international levels. Fifth, the system is likely to be more effective in providing services of great value in daily lives, such as ensuring clean drinking water, education at least up to the

secondary level, and sanitation. It is expected to reduce transaction costs and be more effective in implementing anti-poverty programmes. Sixth, it can moderate tendencies in economic centralisation also. Local governments can promote local industries and employment. A decentralised democracy and economy is likely to be more pro-poor than a centralised polity and economy. Seventh, local self-governments are also likely to be more environment-friendly.

It does not mean that these advantages automatically accrue from the day the local self- governments are established. Several challenges have to be faced and overcome. One of greatest of them is the problem of inclusiveness, particularly ensuring that women, SCs, STs, ethnic or religious minorities, and landless labour and other weaker sections are involved, participating on the basis of equality. It is to solve the problem of inclusiveness, that reservations have been instituted for women (50 per cent in quite a good number of the states now), and for SCs and STs (based on the proportion of their population). There have been problems of fair representation in spite of this provision, initially at least. For example, there was a tendency to use these weaker sections as proxies of the dominant, illustrated by the term '*Sarpanch-pati*' (husband of the panchayat president), the real power behind *sarpanch*. Gradually in the last two decades, the weaker sections including women have begun to assert themselves, justifying the faith in reservations. Regular training programmes for the members of panchayats have also been helping in imparting more knowledge to and confidence in them, enabling them to assert their rights and play their due role.

Political parties can play a vital role in making the reservations work. All political parties in India have tried to include the weaker sections who have been given the right of reservations among their cadres, and accommodate their interests. There is in fact a degree of competition among them in doing so. At present, no role is envisaged for political parties in the elections to village panchayats, on the ground that only local issues of providing civic services and implementing development and anti-poverty programmes count here, and not ideological differences between parties. It is feared that once political parties enter, the real local issues that matter get diverted and only party-rivalries would dominate. Excesses of party politics and rivalries are of course damaging, but the presence of political parties can also play a constructive role even in village panchayats, particularly in enabling persons from the weaker sections to assert themselves. Without party backing, many persons, particularly the poor among the SCs and STs, may not be able to do so on their own, because of their limited power and means. Besides, parties are helpful in imparting political education, and even courage in exposing lapses and irregularities. Without a backing from parties, they may hesitate to voice their differences and protests. Elite capture of panchayats will have a much greater chance of being challenged when competing political parties enter the picture. Political parties will take even more constructive interest in village panchayats under the constitutional reforms advocated above. Moreover, merely because parties are denied a *formal* role in panchayat elections, it does not mean that they do not play any *actual* role at all. They do influence elections and make their selected candidates stand for elections pledging their support covertly. It is always better to have transparency rather than covert operations. Moreover, when political parties are permitted in the elections for urban local

bodies such as the municipal corporations, why not in rural local bodies? There is another advantage in permitting a role for political parties in village panchayats. Resource allocation and holding regular elections to panchayats depends often on the interest that state level political leaders take in the functioning and success of these local bodies. If parties are denied any role in these bodies, they may not take due interest in them. If on the other hand, they have an open role, they would have a stake in making a success of these bodies. They can also build party cadres at grassroots level and train political workers, from whom responsible and informed leaders can emerge.

The constitutional reform proposed here may not be a panacea for all the problems affecting local self-governments, but it will strengthen decentralised democracy and raise the possibility of realising its potential for advantages indicated above.

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Notes

1. For a detailed and critical discussion of this, see (Nadkarni, Sivanna and Lavanya Suresh 2018).
2. The number of urban local bodies including Municipal Corporations in India now is 7935 (4041 ‘statutory towns’ which have municipalities or corporations, and 3894 ‘census towns’ which do not have them) as per the 2011 Census. Assuming that each of the urban local body has on average 50 wards, the total urban wards may be estimated as 3,96,750. Adding this to the number of total villages, the total number of ‘local entities’, both rural and urban, would be 10,35,338. The word, ‘entities’ is used here instead of ‘bodies’ because urban wards are not independent local bodies and not normally have ward sabhas or ward panchayats.

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