CHAPTER III

AN HISTORICAL ACCOUNT OF THE DEVELOPMENT
OF VILLAGE PANCHAYATS IN INDIA.

... Indian Society:

The political system of a country is largely affected by the socio-economic environment of that land. Generally it does not work in isolation, rather is a causal relationship between the political system and the socio-economic process which that country is possessing.

Usually, the political system and the socio-economic process of that country not only complement and supplement each other, but they work simultaneously and harmoniously. Hence, in the western politics they legitimise the existing socio-economic order than to change it. Largely due to the existence of foreign rule in India, more especially the 200 years of the British colonial rule, the economy and society of the country, had virtually remained stagnant and static. Hence, the dawn of independence in 1947 and sudden introduction of democracy raised peoples' hopes and aspirations from the newly formed political system.
Thus, the democratic political system was looked upon to change the static socio-political process in the country and ameliorate the lot of the common man. There characteristic features of the Indian society made specific demands from the new democratic polity and in turn influenced its course in the following years. One such specific feature of the traditional Indian society has been caste or jati, which has existed in India for thousands of years. The institution of caste must have been found socially useful to begin with otherwise it would not have continued for thousand of years.

Caste system in Indian politics has come in for severe condemnation only in recent years due to its increasing politicisation and consequent parochical outlook of politics. The modern politics is certainly caste-ridden politics candidates are chosen on caste considerations. There is increasing domination of higher castes on the lower ones.

Another important feature of Indian social system has been widespread illiteracy in the country. Despite governmental efforts, the situation has remained stagnant over the years. A large part of the male and
female population of rural India still remains poor.

**Indian Village:**

India is essentially a land of villages and scattered into small hamlets. A village in India can be seen either as a unit of territorial organisation in social or political alignment, as a symbolic grouping of castes, high and low, or as a cultural background of familial relationship. An Indian village includes the inhabited site with its cluster of houses, buildings and the surrounding land.¹

Mahatma Gandhi speaking before the delegates of Asian Relations Conference in 1947 in Delhi said to the delegates that real India lives in the village and not in Delhi. Therefore he requested the delegates to go to villages if they desire to see real India. Dr. Rabindranath Tagore gave a poetic touch to the village and described the village as a woman. It is near to the nature and close to the fountains of life. It is the function of the village like that of a woman to provide people with their elementary needs.²
The average village consists of a new hundred acres of land, supporting about fifty to two hundred rural families. On approaching an Indian village, we find that it is a cluster of mudhouses and thatched huts, narrow, uneven and winding streets running between rows of houses, thatched or roofed with tiles made perhaps by the local potter. Moreover, a low standard of living on clothing, in sanitary housing, the prevalence of disease, dirt and squalor and above all ignorance and illiteracy are the characteristic features of Indian villages.\(^3\)

The hamlets are usually unfit for human habitation and extension for conveniences like electricity. The household is generally unorganised because there is very little to organise. There is no furniture; household utensils are few and earthenware is often used for the storage of water, food, etc., clothing is generally limited to what is worn on the body. Quilts and drapes are luxury. Fuel consists mostly of cowdung, which is a cheap firewood.\(^4\) Household animals and human beings live in very close proximity. A few own a cow, a buffalo or a pair of bullocks. Some have sheep or poultry, but limited in number. Hygiene is hardly a conscious habit.
The village has always remained the most important unit of our social and economic life. It has naturally constituted the primary territorial unit of administration even since very ancient times. Villages are very frequently referred to in the Vedas. The Jataka Stories give us a faithful picture of the village life in India about the fourth and fifth centuries B.C. We gather from these stories that the village was an important unit of administration even in these days.

Manu distinguishes among three kinds of settlements—village (Gram), town (Pura) and city (Nagara). But even according to him, the village was a fundamental unit of administration.5

In Shukra-nitisara also (about 1000 A.D.) there is a mention of three types of rural habitations, Kumbha, Palli and Grama. Kumbha used to be half the size of a Palli and a Palli was half the size of Grama.6

Village finds prominent mention in classical texts of the land. According to Rig Veda (generally dated in latter half and second millennium B.C.) society developed in series of ascending formations, starting from family (griha of Kula) and gradually extending to the
villages (graman), the class (Vis), the people (jana) and the country (rashtra). The term grama is still used in India for a village. "Valmiki Ramayana" and "Mahabharata" mention two types of villages viz. "Grama" and "Ghosha". Ghosha was smaller than grama. Both types of villages were in the charge of Gramani who was appointed by the king. Gramani, however, was not free to act as he liked, on the contrary, he had to work strictly under the advice by the village elders, "the Gram Vridhas", who were chosen by an assembly of the village.

In the post-vedic period and especially in "Mahabharata" we find further mention of other type of human break ups such as small hamlets (palli), town (Kharvata as pattan) and city (Nagarm). Both Ramayana and Mahabharata further detail the inter-village and inter-village organization. There was hierarchical organization of administration from below to top. As Dube points out ten villages were under a Das-Gramani and this was the first unit of inter-village organization. The higher organization were Vimentipa (group of twenty villages) and finally a group of thousand village under
Adhipati. In post-Vedic period Manu - the law giver of Hindu society refers to "Gramā", "Pura" (town) and "Nagaram" (city) with the above mentioned administrative set up of the village. Villages were supposed to look after the maintenance and management of several public utilities such as wells, tanks, cow-pens, groves, parks and postures, etc. Even today villages in India represent the similar character.

The village is the basic unit of the Gandhian ideal social order. Gandhi said, "If the village perishes India will perish too ... we have to make a choice between India of the villages that are as ancient as herself and India of the cities which are creation of foreign domination." Gandhi's ideal village belongs to the pre-British period, when Indian villages were supposed to constitute "congeries of republics." They were self-sufficient and "undisturbed by the periodical visitation of barbarous hands." The economic system and transport system introduced by the British have destroyed the 'republican' characters of the villages.

The nature and composition of the Indian village were responsible to a great degree for their autonomy, it was a powerful unit. The village was all in all,
free within its own limits, living a completely separate and independent life of its own. The state as a central instrument of governing and guiding the society had but very little role to play. 11

These 610 million Indian citizens live in some 5,79,132 villages and each district consists of several "circles". Each circle combines a number of police stations and each police station consists of a handful of villages. The division is based purely on administrative convenience. An average village consists of nearly 100 households, more than half of which are headed by peasant farmers. Each village is a huddle of mean houses, tiled as thatched, built of mud or dry stone and containing one or two rooms, with a yard at the back for storage of grass and fuel. Glazing and chimneys are unknown and a straight line or right angle in any root or well is really to be found. 12

**Indian Social System:**

The basic elements of community social system were:

1) Joint family, 2) Caste, 3) Jajmani System, 4) Village Panchayats, and 5) Religion. The whole international system, values and norms revolved around these
elements. The kinship system, personality and cultural systems, groups dynamics, educational, local and state administrative systems were all the by-products of these elements. They provided social stratification, determined the rewards and sanctions and thus facilitated social life. The role of these systems and consequently the community remained relatively unchanged. The communities were predominantly agriculturists and there was no change in the occupational pursuits. They had elected authorities which organized and managed their own affairs. This led to the acceptance of "social and economic inter-dependance" and to the creation of harmony and social stability.

This gave the village communities a relatively self-sufficient nature which with the new power and extinction of the old became closer and clearer in their existence.

The village communities, wrote Sir Charles Mac- caf in 1832, "the village communities are little republics, having nearly everything they were within themselves, and almost independent of any foreign
relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds revolution .... but the village community remains the same. This union of village communities, each one forming a separate little state in itself, has, I conceive contributed more than any other cause to the preservation of the people of India, through all the revolution and changes which they have suffered, and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence.  

Each epoch of Indian history had its own share of social changes, the epochs seldom encompassed the whole society. The caste ridden social groups, narrative patterns of behaviour, concepts like virtue, and right and wrong, and the joint family helped to maintain solidarity of village community life, though inner conflicts continued to smoulder in society.

**Village Panchayats in Ancient India:**

The Village panchayats have been the living centres of direct and real democracy in our country from very old times. The issue of Panchayati Raj is an old one.
Mahatma Gandhi had time and again stressed on village self-rule and village self-reliance as a step for rural development. His concept of an ideal village was a model of Ramrajya.¹⁶

According to Mahatma that his idea of village swaraj was that of a complete Republic, independent of neighbours for its vital wants and yet interdependent for many others in which dependence was a necessity. "

Panchayat has an ancient flavour. India lives in her village and village panchayats in some form or other have been functioning in India from time immemorial.¹⁷ The village panchayats which flourished as autonomous bodies in ancient India survived into the modern period, as evidenced by their prevalence at the time of the British conquest. According to M. Elpheinstone, these communities contained in miniature all the materials of a state within themselves.¹⁸ But it is equally true that the modern local self-government institutions of India are essentially a product of British rule.¹⁹ V. Venkata Rao and Nitu Hazarika have rightly pointed out that "the local self-government in India today owes very little to local self-government that existed in
ancient and medieval India. At the same time it must be remembered that the conception of local self-government was not foreign to the genius of the people of India. 20

In India the system of village panchayats is very old though its forms was different from that we have in the modern time based on formal elections. Village Panchayat or council was the most important political and social institution in the past which discharged various functions ranging from the settlement of disputes and charities of banking. Its structure and activities passed through various stages in Vedic, Hindu and Muslim period.

"Panchayats" in our country have been in existence since almost the ancient period although in different forms at different times throughout the country. The Village Panchayat is the basic local government unit in rural India. It is a corporate unit dates from the Vedic times. Their core, however, has subsisted with remarkable consistency and resolute tenacity. During the ancient and historical period the village was more or less an "autonomous authority", its
affairs being governed by its elders, who were constituted into a Panchayat by some kind of common consent. These autonomous republics, being placed far away (in the context of the then existing communication system) from the central as local "Rule" as Domain, had a distinct and over-riding position on the life of the village community. The governing bodies of the Panchayats not only looked after practically all the social and other needs of the villagers, but also when occasions arose, adjudicated in their disputes. Panchayats then were thus the final "Units" of local Administration and centres of social life.21

Though there are different opinions by the scholars on India about the connotation and origin of the term 'Panchayat' they seem to converge at least on one point that the panchayats found in the present form are a product of British rule in India. "Anyway whatever may be the original connotation of the term 'Panchayat' the present day statutorily established Panchayat bodies in all parts of India instead of being an inheritance from India's long past are merely the product of late nineteenth century British creation."22
Unfortunately this ancient institution became a thing of the past during the British regime. The village autonomy was eroded owing to the establishment of local Civil and Criminal Courts and revenue and police organizations. The village panchayat of bygone times flourished in the self-sufficient village, isolated from the surrounding country due to lack of swift means of communication, and stratified into sectional groups of castes and communities. Scholarly works such as those of Bullhatchet and John Matthai have depicted the failure of the attempts during the nineteenth century to revive the village panchayats on the old pattern.

Villages have been the basic units of administration in India since ancient times. The importance which was attached to village organisations (panchayats) is pre-Historic India is evident from Vedic and post-Vedic literature.

In olden days local institutions were known as "Sabha", "Gramini", "Gram Vruth". After Vedic life became more complicated, the feeling of caste and community got more importance. The village did not
not remain homogenous though the village was self-sufficient. Even then the rulers did not have proper representation. After the period of Guptas, particularly in the south India, with a cluster of Brahmin population, we could see the formations of "Agrahar" (Village). These institutions were by and large representatives were conferred upon them. However, on account of diversity of communities the "Gram Sabhas" had their own limitations. "Panch Mandali" (Madhya Bharat), "Gram Janpat" (Bihar), "Panchmul" (Rajasthan), "Ammani" (Karnataka) and "Gram Mahales" and other names indicate the existence of Gram Panchayats on similar institutions. However, thereafter on account of internal quarrels the leadership in the village became more hereditary and village panchayats became inactive. Caste Panchayats, however, remained. Therefore, it would amount to an exaggeration if we say there were grassroots of panchayat from the beginning.

Rural local governments existed during the Indus Valley Civilisation. However, it is not clear
when exactly these institutions come into being. 29
The ancient village governments used to administer
commmercial, industrial, social, religious, civil and
educational affairs. 30 Sir Charles Metcalf's writing
about those village communities, in 1830, has
stated as follows: "They seem to last where nothing
else lasts. Dynasty after dynasty tumbles down;
revolution succeeds revolution, Hindu, Pathan, Mughal,
Maratha, Sikh, the English are all masters in turn;
but the village communities remain the same.

It has been observed by historical research that
the "local self-government in ancient India was
more widespread, more real and more successful
than in the day of British rule as even at present." 31
This reference clearly shows that in the ancient times,
the people had enjoyed the advantages of these
institutions.

It is believed that the system was first intro-
duced by the king Pritbu. 32 In Manusmriti and Shanti
Parva of the Mahabharata, there are many references
to the existence of Gram Sanghas (rural communities).
A description of these rural communities is also found
in the Arthashastra of Kautilya who lived in 400 B.C.

In the Ramayana of Valmiki, we read about the Janapadas which was, perhaps, a kind of federation of village republics. The Panchayat based on truth and justice in an idealistic pattern as is supposed to have functioned in ancient times with all the characteristics of Ram Raj has been beautifully described by Shri S.K. Dey, an architect of the scheme of Panchayat Raj.

In fact, the village in India has been looked upon as the basic unit of administration since the earliest vedic times. The village has ever been of cardinal importance in social and economic pattern in India. It has been a vital unit in the fabric of the national life and a principal source of prosperity and progress of the nation. Since times immemorial, the villages in India have been self-governing units. The Vedic polity treated the village as an institution next to the family in importance. The village was called the Grama and its headman Grammani. He was the leader of the village for both civil and military purposes and represented the rural population and its
interests in the administration of the state. A sort of democratic procedure was followed. The Atharvaveda describes the Sabha and Samiti as twin daughters of Lord Prajapati who sent them to earth to nurture human civilisation. Thus, India may be considered as one of the foremost countries in the world where the democratic procedure flourished as the most effective means of achieving political progress. The villages were self-governing. If the fabric of Indian life has continued unbroken through the centuries amidst the rise and fall of empires and despite the whims of conquerors and the tyrannies of despots, it has been due to the sustaining power of the village self-administration, which has served as a corrective to the misrule of the central authority. It was the very bed-rock of the village autonomy. The village organisation has functioned as a centre of community life, independent of the state which followed a policy of non-interference.

During the Vedic times the villagers themselves managed their local affairs. The villagers were not interfered by the external agencies. The villages were self-governing. The village assemblies consisted either
f all the heads of households or of all adults. There
as no question of who should or should not have the
te. The assembly or "Mahasabha" operated through a
variety of committees and there were prescribed rules
of debate and voting at the meetings of the general
assembly and the committees.

The 'Gramini' or 'Grampal' was the headman who
as appointed by the villagers. Later, the post became
ereeditary and the other village officials were brought
nder the subordination of the central authority. The
illagers functioned within their own rules and regu-
ations. The king was directly responsible for the
administration, protection and management of the
illage communities in the state. On the basis of
arious ancient sources, we find that each occupational
group had its own separate Panchayat whose Chairman was
own as the "Shreshtha" (Superior).

The king did not interfere in the affairs of the
illages during the Ramayana and Mahabharat times. In
ahabharata, a village is mentioned as the fundamental
nit of administration under its head (graminis). The
ramini had to protect the village and its lands. In
the Sabha Parva of Mahabharata, Muni Narada put
a
number of questions to Dharma-Raj Yudhishthir. One of
the questions is, "Do the brave and wise panchas of
your nation work for the collection of funds and other
allied activities of Panchayat and thus do they add to
the general happiness?" This question reveals that
the village panchas were responsible for looking after
the local affairs and contributing towards the funds of
the state. They were wise and brave through whom the
village administration and protection works were carried
out much efficiency. At the same time they were also
free in their local affairs and there was no interference
from outside.

Reference to the Gram Sabhas on the local village
assemblies are found in the Jatakas as well. The
village continued to be regarded as a corporate political
unit through out the Vedic period. Thus in the Vishnu
Purana and Manusmriti, the village is reckoned as the
smallest political unit in the state fabric. The
Dharma Sutras and Dharma Shastras contain frequent
references to 'grama' and 'praja' both of which terms
seem to have denoted the village or town co-operations.
In brief, local government was in the hands of the chiefs who were assisted by their domestic councils consisting of the Pradhan (premier), the Mayor of the household, the priest, the Bard and two or three of the most intelligent citizens. The chiefs administered their own justice and in the internal administration of the chief's estates, the government officials seldom intervened. Besides, each town and village had its own council or chotia elected by the citizens, who helped the Nagarseth (Chief Magistrate) and the village headman in the discharge of their local duties.

This clearly shows that, "the present system of government based on democratic principles owes its genesis to ancient village republics. Nothing could be more democratic than this.".

There was no room for personal or group rivalries and the administration of these assembles went on quite smoothly and this resulted in giving effective and efficient administration to the village as a whole. It has been observed that the "success of governmental system depends not only on the kind of
institutional machinery set up, but also on the public spirit, the honesty, the efficiency and the sense of responsibility of men-in-charge of the machinery. All these qualities were deep-rooted in those who handled the machinery of the local self-government in the past. It was the great merit of a society based on old custom and tradition.\(^4^3\)

**Mauryan Period:**

The Mauryan kings did not interfere with the village administration. Even during the times of Chandragupta Maurya, who centralised all his powers, the villagers were enjoying their rights. According to Kautilya every village had a headman who was known as 'Gramiko', 'Gramadhipa' or 'Gramaputa'.\(^4^4\) He was responsible for a number of affairs related to the community. The villagers were also equally responsible for helping him in the discharge of his duties. The headman was paid salary out of the taxes levied (land revenue). Sometimes, he was not paid in cash but he used to get a plot of land free of rent.

The person who did not obey the panchayat norms was externed from the village and his whole property
was forfeited. Every panchayat was master of Panchar-ya
ti public land, it was essential for a panchayat to
follow the 'Dharmshastras'. Every village had a
'chaupal'. There was no interference from the external
agencies. The panchayats were very well organised. They
enjoyed sufficient powers. Each and every occupational
group had organised its own separate panchayat. Even
the 'Sanyasis', 'Nuts' (a tribal group), artisans,
moneylenders and cultivators had their own separate
panchayats.

During this period, every village had its own
Village Assembly, which usually discussed all matters
related to the entire community. The ownership of the
village waste lands was vested in the councils. In
the Gupta period, the Central Government could dispose
them of only with the sanction of the local bodies.

The bureaucracy was efficient and its offered
exemption from taxation by way of reward to these
villagers who undertook the works of public activity,
such as construction of new tank, culvert dam or any
other scheme of community development. Even during
the times of Harsh in the VI century, these panchayats
were active. There were panchayats for different occupational groups and one for the village as a whole.47

Buddhist Period:

During the Buddhist period, the villages were self-sufficient and self-dependent. The village headman was known as the 'Bhajak'. His duty was to organise the constructive programmes and to collect revenue for the state. The villagers were united and each one of them had equal rights over the waste and wood of the village forest. The villagers had full say in the decision-making process and in various other local programmes. The 'Bhajak' was frequently consulted in local affairs but he could not violate the public opinion. No one liked to go to the king for doing unpaid work (begar) which was criticised as a menial task.48

The villagers selected their headman themselves on the basis of local customs and traditions. Thus the villagers framed the rules to govern themselves. The headman was selected by the villagers but in practice, his office was hereditary. At the time of
his selection the approval of the villagers was essential. Every village had its own main gate which was called as 'Gram-gwara'. The 'Gopākā' was an important official whose duty was to protect the village cattle heads.49

Various occupational panchayats were also active during this period. The goldsmiths, carpenters, artists, moneylenders, gardeners, cultivators, traders, and cattle breeders had their own panchayats.50 The sarpanch of the panchayat was also known as 'Pramukha'.51 In the post-Buddhist period, the sarpanch was known as 'Jethak' (elder brother). He was also respected in the king’s court.

Muslim and Mughal Period:

After Vedic period life became more complicated. A new chapters of Indian History and Culture begins with the advent of the Muslims in India. With the coming to the Muslim rulers no attention was paid towards the development of the local self-governing institutions. Though the Muslim rulers did not interfere with the working of the local institutions very much, yet due to
the strict bureaucratisation, the cultivators had to suffer very much.\textsuperscript{52} They established complete control over the rural local government institutions through the Kotwal. In the closing years of Shah Jahan's reign, however, these nobles became more demoralized, the peasants were more harassed by the provincial Government, their condition became worse and the evil of pauperism increased.\textsuperscript{53}

The village headman was known as 'Chaudhari' or 'Mukhiya'.\textsuperscript{54} They were treated as the servants of the village and were wholly responsible for the public works. "In each village there was headman, who was the main link between the Government and the village. It was through him that the Government dealt with the village peasants. \ldots{} it may be presumed that the headman was the most important individual in the general economy of the village."\textsuperscript{55} "Under the Moghals, Panchayats had a wide jurisdiction covering revenue and all kinds of rent sharing disputes and indeed all kinds of conflict arising in the social and economic life of the people."\textsuperscript{56}

"The Moghals had interfered very little with the ancient customs and village government; they incor-
porated the village late the administration as a unit for revenue for policy purpose only. The State dealt through the headman as 'Muquaddam' who was held responsible for the maintenance of law and order and restriction of theft within the areas of his authority. The judicial powers of the village council were considerably curtailed under the Mughals, otherwise local affairs remained unregulated from above and the village officers and servants were answerable primarily to the panchayat.\textsuperscript{58}

Inspite of the democratic nature of the village administration, the villages during the Mughal period were controlled by strong headman and it was the rule of one man. The Panchayat was not fully representative in character. Most of its members were drawn from the members of the founding families, or from the Brahmins and superiors cultivators. The menials and landless men had almost no say in its affairs.\textsuperscript{59} But in some parts of South India these institutions were often made up of a representative of each of the constituent communities of the village including the Sudras. The Panchayats supervised almost all the affairs of the village, decided disputes and appari-
tioned taxes. On account of internal quarrels the leadership in the villages became more hereditary and village panchayats became inactive. Caste Panchayats, however, remained. They were conservative bodies, often 'dialatory' unenterprising and far from impartial, and their deliberations had the great weight of religion and customs in the panchayat.

This clearly shows that the Panchayat did not have any universality during the Mughal period because mostly villagers were ruled by landlords or their agents exercising quasi-feudal authority. This was also prevalent in so-called tyatwari provinces. The democratic functioning was totally absent in the village government and even then there was a sense among villagers to participate in the panchayat affairs. The old panchayats whether as a caste tribunal or as a judicial or administrative body, normally conducted its deliberations in the presence of all who cared to attend.

On the other hand, "several documents of the Maratha period have been found showing how kings like Shivaji, Rajaram, and Shahu would refuse to entertain a swat,
if directly brought to them; they would invariably refer it to the village panchayat concerned.\textsuperscript{62}

\textbf{British Period:}

The establishment of British rule in India gave the final death blow to the ancient village autonomy.\textsuperscript{63} The same dismal feature like Mughal period, continued in British India. Under this period the local self-governing institutions suffered a set-back. They concentrated all the powers in the hand of the provincial and central government. Panchayats were given least importance in the administration, which in turn led to the disruption in the village community life.\textsuperscript{64} Slowly, these institutions started losing their self-government character which was the feature of the ancient village government system and led to near extinction.

All these new developments led to the curtailment of the powers of panchayats and most of the functions associated with these institutions from ages were transferred to external officials agencies.\textsuperscript{65} And then onwards, the villages began to look to the central or provincial governments for more and more helps.\textsuperscript{66} The village functionaries like village headman, accountant
and other public functionaries who were regarded as representatives of the village community, ceased to operate with the introduction of salaried officials of the government.  

In the years after 1857, rural self-government received some importance. District funds were set up in a few states and were given power to levy a less on land revenue, education and road cesses. District and taluka local fund committees were set up as advisory bodies and they were nothing more than a convenience for the district Magistrate to supply him with information or to carry out miscellaneous duties. Moreover, the funds available were so small that no proper public services were possible. And the village was hardly toured by the new district committees. 

The year 1882 opened a new chapter in the growth of local self-government. Lord Ripon believed that the local self-government institutions were the best training grounds for the political education for the Indians. He was of the opinion that through the local government institutions alone people of India would learn, to work in the representative institutions. The resolution of Lord Ripon, who was regarded
as the father of local self-government in India, had the object of affording 'further practical development' to the intentions of Lord Mayo's government. The major recommendations of the resolution were: "Political education is the primary function local government of greater importance than administrative efficiency; rural boards were to be set-up, similar to municipal boards; the unit of administration should be small than sub-division tahsil or taluka. In all boards wherever possible, the chairman of the local boards should be non-officials." 

The process of strengthening a local self-government institutions received further impetus with the appointment of the Royal Commission of decentralisation in 1907 headed by E.H. Hobhouse. The Commission sought public opinion about the steps to be taken for the resuscitation of the age old institution of panchayats. The Commission viewed that the local self-government should start from the village level instead of from the district level. It stated that the Commission considered as the local self-government should commence in the villages with the establishment of village panchayats,
so the next step should be the constitution of boards of area of smaller size than a district.

These recommendations of the Commission were certainly for reaching and conducive to the best interests of the villages. Thus, it was only subsequent to 1909 when this Commission's report was published that the importance of the village panchayats come to be recognised. Even the Indian National Congress at its 24th Session of Lahore in December 1909 passed a resolution on the subject and urged the Government of India to take early steps to make all local bodies from village panchayats upwards elective with elected non-official Chairman and to support them with adequate financial aid. But the Government did not respond to this call and remained deaf.

The years that followed after the first world war, saw the advent of leaders like Lokamanya Tilak and Gandhiji on the national political scene. On the one side, the people of India were awakened by the call made by Tilak who declared that Swaraj was my birthright and I should have it. He was conscious that the local self-government in the real sense of the term
not possible till Swaraj was obtained. On the other side, Gandhi who set the tone of the nationalist point on the panchayat, declared that the village panchayats would be now a living force in a special way, and India would almost be enjoying self-government suited to its requirements. He evolved a new strategy of freedom struggle based on non-violence and non-co-operation. All these developments strengthened to right of national self-determination. The need of the time was the freedom and a responsible independent government.

Eminent leaders like Gokhale and Pheroze Shah Mehta vigorously advocated a policy of political progress based on local self-government. While speaking in the Imperial Legislative Council on 13th March, 1912, Gokhale complained that the district administration continued to be where it was 100 years ago and local self-government too continued to be where it was carried by Ripon about 30 years ago. 73

As a result of this political upheaval the British Government adopted a conciliatory strategy by making the historic declaration in August 1917 that the policy of His Majesty's Government, with which the Government of India was in complete accord was that of increasing
association of Indians in every branch of the administration and the gradual realisation of responsive government in India, as an integral part of British Empire. Keeping this in view, the Government of India made it clear that the broadening of the base of local self-government bodies was one of the substantial steps to be in that direction. The local self-government was thus invested with definite significance in the wider process of the political advancement of the country.

Before the introduction of Montague-Chelmsford Constitutional Reforms, the Government of India passed a resolution in May 1918, emphasising the need for separate legislation to accelerate the development of panchayats. It stated that the development of village panchayat system should in any case, be secured by separate legislation unconnected with the Acts relating to the Municipal and Rural Boards. It recommended an extension of the franchise to the whole body of rate-payers; stressed the need for appointment of non-officials as Chairman not only of urban councils but also for district boards;
pleaded for the widening of the base of village panchayats, so that they might become the natural expressions of the corporate life of individual villages. This resolution served as a guide to ministers who under the scheme of dyarchy came in charge of local administration.76

With the introduction of responsible government as envisaged by Montague-Chelmsford Reform things moved little better and panchayat were established.

The critical assessment of the performance of local self-government institutions made by the commission was very well supplemented by the Indian leaders too. The vehement opposition came from D.P. Mishra, the then Minister for Local Self-Government under the Government of India Act of 1935 in Central Provinces and Berar. He was of the view that "the working of our local bodies ...... in our province and perhaps in the whole country presents a tragic picture .... 'Inefficiency' and 'local body' have become synonymous terms. Party strife, based not on party programmes but on personalities is rempat. Members of our local bodies waste of their time and energy
and sometimes also public funds over the appointment and dismissals of their employees who are untrained and anything but efficient. The district officials merely occupy the position of irresponsible critics having nothing to do with the day-to-day conduct of business by the so called self-governing bodies."

In spite of adverse developments in the arena of local government, the idea of panchayat remained as a vital factor as and also as a strategy for the struggle for independence.77 The main architect behind this was one other than Mahatma Gandhi who fought relentlessly for the cause of Swaraj. He viewed Panchayat as a 'Swadeshi' institution and later he wrote that 'village organisation' "meant the organisation of the whole of India in as much as India was predominantly rural."78

He pleaded for the complete "Village Swaraj" which is a complete republic, independent of its neighbours for its own vital wants and yet inter-dependent for any others in which dependence is a necessary.79

During the Freedom Struggle also, our national leaders advocated the revival of Panchayat Raj in Rural India to bring real 'Swaraj'.80 After achieving
freedom Bapuji, the Father of the Nation said, "the centre of power now is in New Delhi, or in big cities like Calcutta and Bombay. He would have distributed it among the seven hundred thousand villages of India."

After Independence:

After accepting the democratic form of government, the leaders aspired to establish democracy from the roots of the society. This led to the conversion of traditional panchayats to statutory bodies through enfranchisement. Consequently, a strange situation has arisen. This installation of elected panchayats did not annul the functioning of the traditional panchayats. The sanctioning of political rights to villagers has also changed the entire spectrum of political activity, leaving a new undesirable changes.

The place of Panchayats in the Constitution:

After independence, India prepared its Constitution. Constitution Assembly appointed two committees to propose the scheme for both the Centre and State Governments.

If we look into the recommendations of these two committees, nowhere did one find mention of
Panchayat and also of Gandhian view. To quote Gram Ville Austin, "The minutes of the committee meetings contain no mention of a Gandhian Constitution, or of Panchayat or indirect government ... A Gandhian Constitution seems not to have been given a moment's thought." And it was a surprise to note that even in the Draft Constitution, the word Panchayat did not appear even once. Obviously, the drafting committee did not discuss Panchayats in its meetings.

The Constituent Assembly started discussion on the Draft Constitution for new India. The Assembly debates reflect the dual picture of the importance of Panchayat in the constitution. Shri Shriman Narayan was the first man who advocated the reorganisation of the Village Panchayat. Those who favoured have considered Panchayats as schools of democracy and as instruments of village upliftment and they recommended giving these institutions some financial resources and a measure of autonomy. Amendments were moved in this regard and commendable in this respect was that by M.A. Ayyangar and N.G. Ranga said that the state should establish self-government panchayats for every
village or a group of villages with adequate powers and funds to give training to rural people in democracy and to pave the effective decentralization of political and economic power.\textsuperscript{83}

In contrast to this strong opposition came from persons like Dr. B.R. Ambedkar who had nothing but contempt for our villages.\textsuperscript{84} Dr. Ambedkar observed that critics want that the constitution should have been built upon the foundation of village panchayats and District Panchayats and they did not want any Central or Provincial Governments. The love of intellectual Indians for village community was of course infinite. Dr. Ambedkar, however held a different view. He asked, "what is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism. I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit."\textsuperscript{85}

However, many eminent members of the Constituent Assembly such as Seth Damodar Swaroop, H.V. Kamat, T. Frakshan, K. Santhanam, Marmohan Das, Alladi Krishnaswamy Ayyar, Prof. N.G. Ranga, Mahavir Tyagi and M. Ananthasayanam Ayyanger differed from the views express-
ed by Dr. Ambedkar. They expressed their resentment and disappointment over the views of Ambedkar in regard to village India and took as exception and pleaded for the incorporation of panchayats in the constitution. They wanted the constitution to be based on village republics or village panchayats. According to them this would have nipped in the bud the problems of linguistic provinces, communal minorities and backward classes in the land, helped the villagers to gain training to self-government, presented and fostered social, economic and political freedom of the teeming millions of India. They also visualised that there would be no food-famines, cloth famine, inflation, blackmarketing and like if the village was accepted as the unit. Members were getting exercised over the issue and advocated their cause in strong and clear language as may be seen from the deliberations in the Constituent Assembly. They went to the extent of demanding a directive on the duty of the state of to establish village panchayats in every village or group of villages and to let them become the foundation stone for the top structure of
the constitution. Some among them also criticised the Draft Constitution for projecting only "the international point of view, and not the nation or the Swaraj."

Dr. B.R. Ambedkar was the Chairman and Sarvshri Alladi Krishnaswamy Ayyar, N. Gopalswami Ayyangar, K. M. Munshi, Sayed Mohd. Saddulla, B.L. Mitter and Dr. D.P. Khetan were the members. The social background of the above persons indicates that in this group all the members were trained in the discipline of law and had practiced in the High Courts. Analysing their attitudes we find that since all of them had practiced in the High Court of Major Metropolitan cities they had no love for villages. So far as the caste composition is concerned it is clear that the Brahmins had love for the Panchayats because under this system their community had a position of prestige. Kayastha, Vaishya and the Mohammadan had no major interest in these institutions. But so far as Dr. Ambedkar is concerned he was born in a village and belonged to a Scheduled Caste - Mahar. His caste had suffered a lot in the villages at the hands of
the upper castes. The institution of village panchayats had no regard for the backward communities in the villages. It was not in the cities where the could breathe freely. The writings of Dr. Ambedkar had focussed the oppression of the Scheduled Castes in the villages and the referred the city life. He had included everything which was useful for the cities but not for the villages. Therefore, it can be said that no member had any direct link with the villages and none of them was freedom-fighter. That perhaps could have been the reason for ignoring the village in the Draft Constitution. Moreover, Dr. Ambedkar framed the Constitution on the basis of parliamentary democracy of west minister model.

In fact the importance of village panchayats which had already been rising in the course of the war and the grow more food campaign was reinforced. Dr. Rajendra Prasad, who initially wanted the constitution to begin with the village and go up to the centre. His decentralised concept of democracy was turned down and the centralised parliamentary system finally adopted on the model of the Government of India Act, 1935.
However, no member proposed a resolution to make panchayats as the base for an indirect system of Government to fulfil the goals of Gandhian ideals. While emphasizing the importance of panchayats members recalled that Gandhi had always thought that India must be governed by Panchayat Raj and that local governing bodies could improve economic conditions in India. The Panchayats, their supporters stated, were the expression of Government from the bottom up; the Draft Constitution was wrong because it was Government from to the down. This over-centralisation, they said, was undemocratic and might lead to fascism; Gandhi had said that democracy must be broad-based and decentralised. Village Panchayats were needed to train the people in Government. The overall feeling of the members towards the attitude of Assembly debates was that they were not satisfied with the amount of power given to the Central Government which would lead to over centralisation instead of the adoption of decentralisation of the machinery of Government.

Yielding to the feelings of the members, the Assembly could write into the Directive Principles...
that it was the state's duty to foster the development of panchayats. But the inclusion of the Article, even as part of the non-judiciable Directive Principles of State Policy, was recognition of village panchayats as an essential form of local self-government, as schools of democracy, as instruments of village upliftment. And yet there existed a tendency towards retaining the centralised Draft Constitution which they (Assembly leaders) believed to be necessary.

The incorporation of the provision of panchayat as an Article under Directive Principles shows as thought that it has been made under strong pressure. An amendment was moved on 22nd November 1948 by K. Santhanam and the Assembly adopted it and thus Article 40 came into the constitution. The Article reads, "The State shall 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 local self-government."

Late Pandit Nehru in a conference of Local Self-Government, on August 6, 1948, expressed that the Local Self-Government was, and must be, the basis of
true system of democracy. "People had got into the habit of thinking of democracy at the top and not so much below. Democracy could not be a success unless it was built on this foundation from below." 89

In fact, village panchayats were not the creation of the Indian Constitution. However, historically India's is the only ancient civilization based on the solid foundations of village republics which is an unique feature of Indian cultural heritage. 90 Among the western countries, we find that in Athens and Sparta great importance was attached to the city republics. But in Indian history and legends, description of kingdom, forests, rivers, mountains, etc. has invariably been coupled with village republics. 91

In the present constitutional framework, the panchayat raj institutions are not an independent part of the federal polity. The item local government including municipal corporations, district boards, and other local authorities for the purpose of local government and the village administration are listed as fifth item in the state list in the Seventh Schedule to the Indian Constitution. 92
The inclusion of an Article in the Constitution, however, represented an emphasis and a reminder of both policy objectives and a modus operandi. The aim of the Article has long been generally accepted, if India is to progress, it must, to do so, through reawakened village life. Commenting on the importance of panchayats in the Constitution Henry Maddick writes that the, "Panchayat Government under the constitution, has had three main aims: to foster the involvement of individuals throughout the nation in the process of democratic government, to gain the villager's participation in national development from the village level upwards can aim which would, it was hoped, increased agriculture and village industrial production and thus promote an improvement in village conditions", and to lessen the burden of state administration through decentralisation."

The impact of all these development is seen in the launching of community development movement in 1952. Since then the development of panchayats and village life has been undertaken by the state government with the Union Government's Ministry of Community Development acting as co-ordinator in the major source
of funds and initiative. But, before this, the organisation of village panchayats differed but little in principal from that under British rule, more especially because it was remained to the Department of Health, where it formed only a part of the subject of local self-government until 1958, when it was transferred to the Ministry of Community Development Department.\footnote{94}

It is interesting to note that, after independence, though the political parties which come to power were equally vehement about giving more powers to local bodies, in practice very little was done. Post-Independence legislation of local bodies fell far short of what was contemplated by Lord Ripon as early in 1882. We are proud of our leaders who had shown enthusiasm and interest for the villages and village panchayats in an abundant measure during the course of the debates that took place in the constituent assembly in 1948. But, the village Panchayat institutions continued their existence more or less under the same laws and conditions as were in pre-independence days till the acceptance of the proposals for 'Democratic Decentralisation' made by the Balwantrai Mehta Committee in its report published on 24th November, 1957.
Village Panchayat in Modern India:

The history of village panchayat is a tale of ups and downs. Committees and commissions were appointed and the Reports have been submitted. With some permissions and combinations the states have passed laws; amended them and attempted to decentralize some of their powers at the District and Village Levels. However, in general the experiment is disappointing for its inadequacies and failures.

Statutory Panchayati Raj in India constitutes a climax in the evolution of local-self government since the latter half of the 19th century. Self-governing institutions were initiated in India by the British-Indian Administration as an intrinsic part of the democratic and constitutional development. All such institutions have been merged in the present Panchayati Raj set-up. ²⁵

The local self-governing institutions are not new to India. They have existed in our country from times immemorial. References were made to these institutions by Kautilya, Megasthenese and others. Much has
been said of the salient features of the traditional panchayats. They institutions at that time enjoyed vast powers and perfect autonomy. It is an organisation of administration of socio-religious officers, and of justice. They are the basic institutions in the village because they have their roots in our culture and tradition. The gerontocratic panchayats are formally composed of the chiefs of various castes. That was how it came to be known as a council of castes. There is no definite procedure of election or selection to the panchayat and no time limit was prescribed for membership.

The village politics stems from panchayats and naturally this corporate body enjoyed supreme power and influence. It was not easy to elucidates briefly and with precision the functions and powers of panchayats. Their powers were unwritten and may had slight regional variations. Any simplified description or generalisation might distort the actual position. To put it briefly, the socio-religious activities, the legislative, executive and judicial functions besides the administrative from the responsibility of the Panchayats. It fixes contributions, whether in cash or
kind, for village activities and each family had to tender accordingly. Inter personal squabbles, partition disputes, group strifes, and all over complaints were heard and settled. Administrative functions include the reconstruction and maintenance of public buildings and roads, and health and sanitation.

There are two categories of local government in India viz. the rural local governments as the Panchayati Raj institutions and the urban local governments. These local self-governments increase the efficiency of the political system as a whole by reducing the scope for abuse of power and costly mistakes incidental to excessive centralisation, and by helping to improve the political judgement and capacity of ordinary citizens through their nursery of democracy role at the grass roots level. These serve as a feedback mechanism, a mechanism which is self-corrective to some respects in so far as the provision of services to citizens to the proximate environment is concerned - services in which citizens are, in general, more interested, and by which they tend to judge the performance of a democratic government as a whole. Above all, only local self-government would be
in a better position to appreciate the environmental uniqueness of localities, their problems, needs, styles, etc. and to cope with them in ways beyond the competence of centrally directed bureaucracies.  

Local governments is called "grass-roots" democracy. The existence of small units of government gives people a chance to practise democracy at the "grassroot" level where the issues are easily understood. Essentially, government in small units is personal government, wherein the individual can identify himself more easily. At the same time, it also offers a unique opportunity to participate in developmental work.  

The Balwantray Mehta Committee emphasised the importance of local bodies from the development point of view. It optly observed that so long as the Committee did not discovered or created a representative democratic institution which would supply the local inter-supervision and care necessary to ensure that expenditure of money upon local objects conformed to the needs and wishes of the locality, invest it with adequate power and assign to it appropriate finances,
we would never be able to evoke local interest and excite local initiative in the field of development.

A dynamic democracy calls for a continuous and extensive involvement of the people in public affairs. This is the significance of our experiment in "democratic decentralisation," which gives to small local communities wide powers to manage their own affairs. In Indian villages, where about eighty percent of our people live, this is being realised through the institution of Panchayati Raj.

Evolution of Village Panchayat in Maharashtra:

Village Panchayat:

Though Village Panchayats provided in different forms at grass-root level of Panchayati Raj institution they were in existence even during the early historical period. In bygone era and during the latest historical period an independent authority at village level in the form of Village Panchayat was functioning throughout the country, it was also in Maharashtra.

Efforts were also made to resuscitate the Village Panchayat in the latter part of the nineteenth century. The first such attempt was the constitution of a nominated
body called the Sanitary Committee or Board at the village responsible for sanitation and water supply, under the Bombay Village Sanitation Act, 1889.\textsuperscript{103}

Under the Bombay Village Panchayat Act, 1920, the Panchayat was constituted into an elected body with only the village Patil as its ex-officio member.\textsuperscript{104}

The development of Village Panchayats in Vidarbha exhibited similar trends. In Vidarbha, the Central Provinces and Berar Panchayats Act 1946, provided for the establishment of Gram Panchayats and Nyaya Panchayats. It made the Panchayat purely elective and the Panchayat could elect any of its members or any other person who resides in its area and is its voter, as the Sarpanch.\textsuperscript{105}

This Act provided for Nyaya Panchayat and enlarged the functions of the Panchayat to a certain extent. Under the Hyderabad Gram Panchayats Act, 1956, the Panchayat was made entirely elective with reservations for Scheduled Castes and Scheduled Tribes. It also provided for the establishment of a Gram Sabha and expansion of the functions of the Panchayat.\textsuperscript{106}

After the Re-organisation of States in 1956, a unified village panchayat legislation was considered
necessary for the re-organised Bombay State.

In 1958, a united law, the present Bombay Village Panchayats, 1958, was enacted. This law was brought into force on the 1st of June 1959; with a view to establish a Village Panchayat for every village or group of villages and investing them with such powers and authority as may be necessary to enable them to function as units of Local Self-Government and of development activities in rural areas and for certain other matters.

Above Tier:

The starting point of local self-government in Maharashtra, as we know it at present, was the establishment of District Local Fund Committees under Bombay Act III of 1869, is beginning of rural local Government in Maharashtra. Prior to this Act, there was no tier of local Government, above the village panchayat.
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30. Ibid., p. 314.


47. Barhaspati Smriti, 17/5-6, 17/11-12. The Smritis record that the village head-man had to report serious disputes and cases to the often village unit (greater than a village) and to even large units. Quoted by Tak, B.L., *Op. Cit.*, p. 11.
Quoted by Tak, B.L., *Op. Cit.*., p. 11.


81. Ibid., p. 13.


83. Granvill, Austin, *The Indian Constitution: Carrier of a Nation*, OUP, Delhi, 1972, p. 36.


91. Ibid., p. 46.

92. Ibid., p. 17.


94. Govt. of India, File No.11/57-58.Adm. pp. 5-7. (Transfer of the subject of village panchayats to the Ministry of Community Development). Co-operation was added to it and the Ministry renamed the Ministry of Community Development and Co-operation, See Govt. of India, File No.7 (3A/59-Adm-quoted by Misra B.B., District Administration and Rural Development India, OUP, New Delhi, 1983, p.289.


98. Ibid., p. 198.

100. Ibid., p. 17.

101. Ibid., (Balwant Ray Mehta Report).

102. Ibid.,


104. Ibid.,

105. Ibid., p. 22.

106. Ibid., p. 23.

107. Ibid.,

108. Ibid.,

109. Ibid., p. 8.