Chapter-I.
A short history of the Panchayat in India with special reference to West Bengal.

The Panchayat system as found to operate today has a long history behind it and it is firmly rooted in the Indian political system from the days of the Veda. At the initial stage of the British regime the autonomy to the villages was denied but later on it was granted to a limited extent. The present thesis will study the Panchayat system as it emerged in recent times and thus it will begin its discussion from the circumstances leading to its incorporation to the new constitution of India.

*For a comprehensive knowledge on the subject the author can refer the following books:-
1) Rigveda X-62-11 and also X-107-5. 2) Manusashtita, Ch vii slokas 116,117 & 120. 3) Kirtibasi Ramayana - Adikanda.
4) Mahabharata - Ustiparvya, ch 35th, slokas No.3 & 4.
18) N.C. Ray-Rural self-Government in Bengal, 1926.
19) The Bengal Local self-Government Act, 1885.
20) The Bengal village self-Government Act, 1919. Books 19-21 are meant for East Bengal only. Consult also in this connection Mahatma Gandhi's concept of Panchayat as laid down in his "Panchayat Raj".
Incorporation of Article 40 to the Constitution of India.

The resolution on the aims and objects of free India's constitution was introduced in the constituent Assembly on December 13, 1946. In his opening speech Sri Jawharlal Nehru told that India should not totally imitate the form of democracy as functioning in Europe rather she should establish a form of democracy which might fit in with the temper of her people and is acceptable to them. Member after member stood up and in support made brief reference to the shape of the polity, the meaning of Swaraj for every village. After a lapse of over a month the resolution on the aims and objects of the constitution was finally adopted on 22nd January, 1947. The Drafting Committee of the new constitution of India was appointed by a Resolution passed by the constituent Assembly on Aug. 29, 1947.

The revised draft as it emerged from the Scrutiny Committee was officially introduced in the Constituent Assembly on November 4, 1948. The debate on the second reading of the Draft Constitution took place from the 4th November, 1948 to 9th November, 1948. In the debate member after member expressed their resentment and deep concern for the deliberate omission of the place of village Panchayats in the Constitution for which Gandhiji, the father of the nation, had a great love.

In laying down the Draft of the new Indian Constitution before the constituent Assembly the Chairman of the Drafting Committee told the House that the Committee

3. Dr. B. R. Ambedkar.
was glad to discard the place of village republics in
the new Indian constitution on account of their survival
through vicissitudes of history on a low and a selfish
level. The villages were nothing but a sink of localism,
a den of ignorance, narrow-mindedness and communalism.
These villages had been the causes of the ruination
of India.

But it was contended that thousands and lakhs
of villages of India neither had any hand nor any voice
in its framing. It has no hesitation in saying that if
lakhs of villages of India had been given their share on
the basis of adult franchise in drafting this constitu-
tion its shape would have been altogether different.

In the debate it was pointed out that the
attitude of the Chairman of the Drafting Committee was
typical of the urban highbrow; and if that is going to be
our attitude towards the village folk, we can only say,
"God save us". If we do not cultivate sympathy and love
and affection for our village and rural folk, we do not
see how we can uplift our country. There occurs a constant
conflict between the State and the individual i.e. whether
the individual is for the State or the State for the
individual. Only the Panchayati Raj or 'the State for the
individual' theory can give us a favourable and happy
solution to the problem.
It was also pointed out that the present pathetic stage which the villages have arrived at is due to the innumerable people of urban areas who have left the villages and are shining under the foreign rule. That India needs a strong centre is undeniable but that does not mean that herlimbs should be weak. India cannot have a strong centre without strong limbs. If we can build the whole structure on the village Panchayats, on the willing co-operation of the people, then the centre would automatically be strong.

The debate of the Constituent Assembly showed a stiff and a strong opposition to Mr. Ambedkar's uncalled for remark on village republics excepting a few who were quite reluctant to empower the village people with democracy and Self-Government.

At last at the noble enterprise and initiative of Shri K. Santhanam of Madras a new clause was inserted in the Draft Constitution after Article 31 and was adopted without any dissent. This was Article 31-A and it read thus:— "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 Self-Government. Later on, this clause became Article 40 in the Chapter on the Directive Principles of State Policy of the new Indian constitution. The incorporation of this Article on village Panchayats to the constitution of the Indian Republic is a step forward towards the establishment of village democracy and village Self-Government.

2. As for example: Mr. Monomohan Das of West Bengal. (Ibid, 8th Nov., 1948, P-303).
3. Ibid, 22nd Nov., P-520.
So today's Panchayat which is functioning all over India is not an extra-legal growth but a legal and a constitutional growth.

The Place of the Panchayat under the first five year Plan:

Democracy without development is sham. Democracy in order to be real and effective must be conjoined with development. So democracy is inextricably linked up with development. The Planning Commission during the formulation of the first five year plan realised the necessity and importance of Panchayat as a unit for planning and development. The Commission elaborately discussed the formation, functions, resources of the Panchayat and its relation with administrative organs of the State Government and co-operative agencies.

The stronghold of the British administration reduced the village which was formerly a social and an economic organisation to the position of a unit for revenue and policy administration. The Planning Commission was of the opinion that the thirty years of development activity had touched only a small fraction of the population because of its approach which was nearly always to the individual and not to the village community. If development was to reach every member of the community, the approach would undergo changes. To change the approach and make it community-ridden a village organisation representing the community as a whole was needed. The village organisation, which was called the Panchayat would be the organ to assume responsibility and provide the leadership for the development of the resources of the village.

1. The First Five year plan, Ch. VII, P-58.
2. Ibid, P-65.
The twin method of election and appointment would simultaneously be taken in the constitution of the village Panchayat. Because it was found, the Planning Commission observed, that the 'process of election by which Panchayats are constituted may not always throw up a sufficient number of persons with qualities most needed in village reconstruction, such as good farmers engaged in improving agricultural practice, enthusiastic workers of the co-operative movement and persons whose main interest lies in constructive social work'. Thus the appointment of a small number of additional members by the State Government was the need of the hour.

The Planning Commission held the view that the Panchayat would be entrusted with the drawing up of village production plans for the village as a whole on the basis of programmes accepted by individual farmers and local co-operatives and consequently the Panchayat would be the effective base for Planning on a national scale in the field of agriculture and rural development. In order that the Panchayats could carry out the functions allotted to them the Planning Commission sought to equip the Panchayats with necessary financial resources. The money arising out of the various forms of taxation such as taxation of land and house property, profession tax, vehicle tax, fee on transfer of land and other moveable property, reimbursement of recoveries on account of judicial fines, fees etc. and license fees of different kinds.

1. Ibid. 2. Ibid.
The Planning Commission observed, would constitute the resources of the Panchayat. There was also provision for grants and contributions by the District Board (now Pilla-Parishad) and the State Government. Furthermore, some states took recourse to legislative measures to call for contribution in labour. The imposition of a suitable surcharge on land revenue by the State Government and the distribution of the proceeds of the same amongst the Panchayats in order to equip the latter with necessary financial powers were also recommended by the Planning Commission during the first five year plan.

Panchayats in the Second Five Year Plan:

With the introduction of the National Extension Services in the village the assessment of the needs of the village Panchayat and its concomitant functions, its responsibilities and resources thereto were the highlights of the Second Plan. The aim of the National Extension movement was to reach every member in the village. The Planning Commission observed that this aim could not be fulfilled unless 'there is any agency in the village which represents the community as a whole and can assume responsibility and initiative for developing the resources of the village and providing the necessary leadership'.

The progress of the rural areas would largely depend on an active organisation in the village which could bring all the people including the weaker sections of the community into common programmes to be carried out with the assistance of the administration.

1. Ibid, P-66.
2. The Second Five Year Plan, Ch.VII, P-150.
3. Ibid.
The Commission under the Plan accorded two types of functions to the village Panchayat: Administrative and Judicial. The division of administrative functions of the Panchayat into Civic, development, land management and land reforms was also one of the characteristics of the Second Plan. The Plan under consideration had elaborately discussed the powers of the Panchayat with regard to land reforms.

Putting reliance on the same sources of finance as did the first plan the second plan showed its adherence to the latter. The only thing which was to be observed was its elaboration and enunciation which the first plan at the beginning only touched. The new tax which the second plan sought to introduce was the watch and ward tax. The proposal of the first plan to levy an additional surcharge on land revenue and its distribution thereof was totally abandoned by the Second Plan and the latter unequivocally declared that "It is desirable that a portion of the land revenue in each village should be assigned to the Panchayat for local development. This was really a happy and a welcome feature as the imposition of additional surcharge on land revenue would put a great hardship to the impoverished cultivators.

Democratic planning as opposed to Socialistic or dictatorial planning connotes the creation and development

1. Ibid, p-153.
of democratic institutions down to the lowest level. The Second Plan commenced its operation on 1st April, 1956, the year in which the West Bengal Panchayat Act was passed. The aforesaid Act received the assent of the president and it came into force with effect from 24th January, 1957, the day on which the same was published in the Extraordinary Calcutta Gazette. Thus, it was in the Second Plan that the Panchayat system in West Bengal came into effect in a planned way and accordingly the Act was modelled in purview of the said plan.

The plan elaborately discussed the area, the number of members of Gram and Anchal Panchayats. Regarding the financial assistance to the Panchayats the plan said that the Government would make an annual grant to each Anchal Panchayat in the shape of a lump grant of Rs.1,000 for development work and also make contributions equivalent to the pay and allowances of its Secretary and a contribution of 50% of the salaries of the rural police.

Panchayats in the Third Five Year Plan:

In contrast with the concept of village Panchayats the introduction of the concept of "Panchayati Raj" was a remarkable feature of the Third Plan. The Commission held the view that 'the primary object of Panchayati Raj is to enable the people of each area to achieve intensive and continuous development in the interest of the entire population.' The elected representatives should consider the scheme of Panchayati Raj as new avenues of service to the people rather than opportunities for the exercise of authority.

1. See post chapter on 'The Administrative Pattern of the West Bengal Panchayat'.
2. Review of the Second Five Year Plan, West Bengal, 1961, Ch. VII, P-56. 3. The Third Five Year Plan, Ch. XX, PP-338-39. 4. Ibid.
The Planning Commission was of the opinion that the success of Panchayati Raj would be measured from time to time by applying certain tests such as: increase of agricultural production, development of rural industry, development of co-operative institutions, utilisation of local manpower and other resources, development of facilities for education and adult literacy, assistance to the economically backward sections of the community, cohesion and mutual self-help within the community and so on.

The Commission emphasised the need for the mobilisation of the efforts of the people in rural areas and so on, according to them, the greatest stress would continue to be laid on the work of the Gram Sabha and the Panchayat at the village level. In carrying out the development programme of the villages the thing which was necessary was unanimity between the Gram Sabha and the Gram Panchayat, so that various activities could be undertaken with the general consent and good-will of the community.

The three plans under review stressed the need for the creation of a unit of planning and development in the village and also stressed the need for the integration of development activities through various agencies at the Block and at the District level. Thus, the setting up of Block Panchayat Samiti (Anchalik Parishad in West Bengal) and the Zilla Parishad at the District level leaves no room for doubt that these agencies or organs would co-ordinate and integrate the Gram Sabha, the Gram Panchayat etc. Decentralisation of power without any

1. Ibid.
room for coordination will bring in chaos and inefficiency
and will ultimately defeat the very object of the scheme.

Panchayats in the Third Five Year Plan in West Bengal.

The Third Five Year Plan of West Bengal furnished
an analogous scheme relating to the methods of composition
of Gram and Anchal Panchayats to the Second Plan. The
gradual transition of development works from the Government
level to the village level and equipping the latter with
necessary funds for the execution of the scheme were recom­
manded by the State Development Committee in the Third
Plan. The Committee said "when any department of Govern­
ment entrusts to a Panchayat the execution of any village
level project, the money sanctioned by it for the project
is made over to the Panchayats. The money provided for
in the Block budget for local development work will also
be made over to the Panchayats for execution of works.

The Committee held the view that during 1961-62
1,473 Gram Panchayats and 231 Anchal Panchayats were set
up. Rupees 1.97 lakhs were earmarked for the development
of Panchayats in the Third Plan. In the year 1963-64, the
committee said, about 20,000 Gram Panchayats and 3,300
Anchal Panchayats would be set up. At the end of the
Third Plan the establishment of Panchayats from village
downwards to the District upwards was complete throughout
West Bengal. Thus, the post-independence era witnessed
a very strong and a vigorous attempt towards the attain­
ment of the methods of Democratic Decentralisation and
devolution of power both in political and in economic
sphere.

1. West Bengal Third Five Year Plan, Ch.X, P-71.
2. Ibid.
Balwantray Mehta Committee's recommendation on Democratic Decentralisation:

The report of the aforesaid committee revealed that Community Development and National Extension Service launched during the First Five Year Plan could not evoke popular initiative without which the scheme will result in utter failure. "The discovery or the creation of a representative and a democratic institution for the awakening of local interest and initiative in the field of development is the need of the hour. Such a body must be statutory, elective, comprehensive in all its duties and functions, equipped with necessary executive machinery and in possession of adequate resources. It must not be cramp-ed by too much control by the Government."

The Committee envisaged that "this body can function effectively if it becomes the sole authority for all those development programmes which are of exclusive interest for the area." In such matters of development the State Government will cease to operate within the area and in special circumstances when it has to, it had to do so through the agency of this local body."

The necessity of bureaucratic machinery for the effective functioning of democracy cannot be questioned but "the democratic government operating over large areas through its executive machinery cannot adequately appreciate local needs and circumstances. It is, therefore, imperative that "there should be a devolution of power and a decentralisation of machinery and that such power be exercised and such machinery controlled and directed by popular representatives of the local area."

2. Ibid.
3. Ibid., p. 6-7.
4. Ibid.
The prescription of a three-tier structure for rural administration in the village, in the block and in the district level by the establishment of village Panchayat, the Panchayat Samiti and the Zilla Parishad respectively formed the salient features of the Committee's Report published in the year 1957.

The distinction between delegation of power and decentralisation of power:

The use of the phrase "Democratic Decentralisation" does refer to the decentralisation of power through the creation of democratic institutions in the villages. But the word 'Democracy' involves decentralisation of power and machinery. Thus the decentralisation of power carries with it the ideal of 'Democracy'. But in order to make the concept more clear and transparent, the word 'Democratic decentralisation' has been used. The real motive behind the use of the phrase 'Democratic decentralisation' is that the western ideal of democracy incorporated in the new Indian Constitution should give place to a real and genuine democracy which will offer more and more opportunity to the people for participation in political and administrative affairs. It aims at widening the area of people's participation, authority and autonomy through dispersion of powers from top to bottom in all the triple dimensions of decision-making, financial control and management and administrative operation, to be exercised by people's representatives, with least interference and control from higher levels. To be more precise decentralisation is a system in which there are many centres of government, local and central, each with a recognised right of independent existence and functions.

1. Ibid., P-21.
It is very curious to distinguish between 'decentralisation of power' and 'decentralisation of power'. The latter means a system where all authority is deemed originally to lie in the Central Government with local Government existing rather for the convenience of the Central Government than for the benefit of the locality. The continental system provides such an example. The English system is more akin to the continental system than to the Indian System of local Government in rural areas. Finer himself has confessed that they have not decentralisation, 'but a small sphere of almost complete freedom, side by side with an organised integration founded mainly on a national will, mitigated by free discretion to adopt and apply it to local circumstances.'

Decentralisation of power and authority or "Democratic Decentralisation" can never be equivalent to delegation of power and authority. The latter, it is said, does not divest the Government of the ultimate responsibility for the actions of the authority to whom power is delegated; this authority is under the control of the government and is in every way subordinate to it. Decentralisation, on the other hand, is a process whereby the government divests itself completely of certain duties and responsibilities and devolves them on to some other authority.

The decentralisation of power, being an imperative need of the hour, can be affected by a devolution of powers

1. Ibid.
2. Ibid, P=21, CF := "The British system still retains the spirit of decentralisation, but some of the motives and procedures of contemporary Central-local relationships must be acknowledged to be rather of a nature of deconcentration" (Vide/Finer-Governments of Greater European Powers, 1956, P-241).
to a body which, when created, will have the entire charge of all development work within its jurisdiction. Such development works include development of agriculture, animal husbandry, co-operation, minor irrigation works, village industries, Primary Education, Local communications, sanitation, health and medical relief, local amenities and so on. If these bodies can function effectively the Government should devolve upon them all of its functions reserving to itself the functions of supervision, guidance, higher planning and, where necessary, providing extra-finance.

The Place of Panchayat under the Fourth Five Year Plan of the Government of India.

The Draft fourth five year plan of the Government of India published in August, 1966, also put emphasis on the scheme of Panchayati Raj institutions. In the opinion of the Planning Commission Panchayati Raj institutions were partners of the Centre and the States in the task of national development and thus they would be made as economically self-sufficient as possible. The Commission was the view that they "should be induced in every way to set up their resource mobilisation. Appropriate Schemes of matching incentive grants, already in vogue in some states, should be introduced in all states so that Panchayati Raj institutions at all levels may exploit their resources of taxation to the full. Local resources should be used for implementing local projects as well as for maintaining the assets created.

2. Cf. "The western concept of democracy as Government by consent, or in other words, as a political system that offers an opportunity to the people to change their government peacefully, is not an adequate enough concept and that we should profit from the experience of the west and try to move forward towards a more adequate democracy. The next step beyond government by consent is people's participation in Government, or a participating democracy ....... In such a system the people at each level would have the fullest opportunity to manage all those affairs that might pertain to that level, Such Contd."
Panchayats the commission said that "special development and welfare programmes in the field of nutrition, tribal welfare, rural manpower and village youth will also be taken up by these agencies. With a view to achieve the said objects the draft plan made a provision of 1.260 crores for community development and Panchayats all over India. A study of the history of the Panchayat system in West Bengal would reveal the facts that the said system was introduced piecemeal and not at a time. First of all, the authorities passed the West Bengal Panchayat Act in 1956 as a result of which the Gram Sabha, Gram Panchayat and Anchal Panchayat were created in some areas of West Bengal. The next two higher organs viz the Anchalik Parishad and Zilla Parishad were established by the Act of 1963 as per recommendation of the Balwantray Mehta Committee. The idea behind this piecemeal legislation was to make an experiment with this new scheme.

4. Ibid.
5. Ibid.
7. Ibid, P-47.