Chapter-III.

Panchayat election in West Bengal with a special reference to the elections as observed in some of the Gram Panchayats in the District of Birbhum.

The constitution of democratic machinery through the method of election has been a common practice since the advent of modern democratic ideal. Ever since the regime of the Union Board the system of election has been working in the constitution of the rural government machinery in Bengal. Prior to the introduction of the Union Board system by the enactment of the "The Bengal Self Govt. Act, 1919" a village Panchayat would be constituted either by the method of appointment of members made by the District Magistrate or by the method of selection of members made by the adult male rate paying members of the village. The village chowkidary Act lays down that the District Magistrate may by an order in writing, appoint not less than three nor more than five residents in any village to be the Panchayat thereof, or he may with the previous sanction of the (Provincial Government) direct that the adult male rate paying residents of any village shall select not less than three nor more than five residents of the village to be the Panchayat thereof but the final approval of the selection of members for appointment as Panchayat would lie in the hands of the District Magistrate.

1. Sec.3 of the village Chowkidari Act, 1870 (Bengal Act VI of 1870).
Lord Mayo's resolution of 1870 and his scheme of Financial Decentralisation was a rudimentary step towards the introduction of the so-called village autonomy which was accepted in its very strictest term. The village chaukidari Act of 1870 showed its complete compliance with the policy of the then British Government by restricting the rights of the villagers in selecting the Panchayat members. Sec.3 of the Act only allowed the adult male rate paying residents of a village to participate in the selection of the Panchayat members. There was no sufficient reason why the women were denied that privilege and the non-rate - payers were excluded from that right.

The system of selection of members was a time-old practice in the organisation of the rural government machinery in India. In the Agrahara villages of the Tamil country the executive committees were usually constituted by drawing lots, in other places names were previously discussed informally by the leading residents of the village and were formally proposed in the primary Assemblies and finally accepted by them. So the system of regular voting in constituting a rural government machinery was practically unknown to them. But the old fashion

1. A.S. Altekar - State and Govt. in Ancient India Ed.1858, Ch.XI, P.241.
of selection or nomination of members of the village Panchayat was absolutely different from the British type of selection or nomination under the Chaukidari Act as the former was absolutely free from bureaucratic intervention and interference which the latter could not waive.

The village self-Govt. Act of 1919 took a bold step and it ventured into the arena of introducing the voting right of the rural folk in the constitution of a rural government machinery which was conspicuous by its absence under the Chaukidari system. The Act just referred to allowed not only the rate payers but also persons of some educational qualifications like the matriculaties and those who passed (High School) examination or the Junior Madrasah or Sanskrit Title examination the right to vote. We must note down in this connection that all of the members of the Union Boards were not elected by the voters laid down in the Act. But one-third of the members would be reserved for nomination by the District Magistrate and only those persons who could curry favour with the circle officers had found their way to these institutions through the channel of nomination. As a rule, they were the most talkative, the most incompetent and the most self-seeking. But this system of nomination of members to the

1. Sec.7 of the Village Self-Govt. Act,1919 (Bengal Act V of 1919).
2. N.C.Roy - Rural self-Govt. in Bengal,1936, P-149.
Union Boards was totally abandoned in the year 1947 - the year of the attainment of independence.

It was a welcome feature that the village Self-Govt. Act of 1919 made some relaxation of voting right but we must remember that women members were denied this privilege upto 1950 in which year an amendment to the clause was passed granting the voting rights to the rural women folk. So what we achieved as our democratic rights, we achieved after independence, and not before independence. But even after independence the rigour of restricting the voting rights prevailed both in the organisation of rural and urban governmental machinery and the Universal adult franchise though found its place in national politics, it failed to make a room in local politics. The recent years witnessed a bold change in the extension of the franchise rights not only in the constitution of the rural government machinery but also in the composition of urban governmental machinery. The former served as a precursor to the latter. Sec. 48 of the Calcutta Municipal Act, 1951 was amended in the year 1962 in its entirety and the right to franchise was extended to all adult members whose names were included in the electoral roll, for the time being in force for election of members to the West Bengal Legislative Assembly.


Prior to the enactment of the said amendment voting right i.e. adult suffrage was only granted to the people residing in rural areas. As a result of the growth of democratic ideas the municipalities of the mofussil areas are also now constituted on the basis of the adult suffrage.

As the village Panchayats first of all championed the cause of Universal adult franchise we must say that it is definitely the beginning of a new era, a new regime and a new civilisation. The very basis and foundation of the Panchayat system in West Bengal is the Gram Sabha which is composed of all the adult members of a village or a group of villages irrespective of sex, caste, creed, colour and birth. Every Gram Sabha shall consist of all persons whose names are included in the electoral roll of the West Bengal Legislative Assembly for the time being in force pertaining to the area for which the Gram Sabha has been constituted. In England the Parish stands at the bottom of the structure of local government and in Wales too. Every Parish consists of those persons whose names have been included in the Election register. So the Parish of England and Wales resembles our West Bengal Gram Sabha.

\[\text{Contd.}\]
Under the present system it is not necessary that a member of a Gram Sabha should be a rate-payer or a person of some academic attainments to be a qualified voter. The only requirement to day for membership in his majority. The insistence on majority qualification for membership of a government organ is a time-old practice which even holds good to-day as maturity is a basic necessity for comprehending the modern complexities of politicosocial and socio-economic problems. By enabling every adult member to participate in the basic organ of the Panchayat and recognising his right to exercise franchise the West Bengal and some other Panchayat Acts of India like the U.P., Orissa and so on have totally made out-of-date J.S. Mill's proposals when he observed that "as the principal duty of the local bodies consists of the imposition and expenditure of local taxation, the electoral franchise should vest in all who contribute to the local rates to the exclusion of those who do not."

It is very curious to witness the fact that even in his own land the above criterion laid down by him has, of late, been deleted.

---

1. Sec. 7 of the West Bengal Panchayat Act, 1957.
3. J.S. Mill - Considerations on representative Govt., Ch. XV, p-215.
In Great Britain "any person of twenty one or over who is a British subject and not incapacitated (there are various categories of people such as criminals and lunatics, who cannot vote) can, therefore, vote in a local Government election, if he or she is on the Parliamentary Register." The theory of 'universal suffrage' finds its little support in the U.S.A. where the practice of conferring voting rights differs from State to State and as a result millions and millions of persons are denied the privilege of voting rights as well as membership in local, State and federal legislatures. To quote W. B. Murro "When we say that, universal suffrage prevails in the United States, the saying is roughly correct. To be accurate one should say that in the United States a person usually has the right to vote if he or she is (a) a citizen, (b) twenty one years of age or over (c) a legal resident in a given state and locality for a prescribed length of time, (d) able to read and write, in States which have literacy tests, (e) a tax payer, where so required, (f) not disqualified in any way, and (g) forehanded enough to get registered in time. These various requirements taking them together shut out at least ten million

1. James E. McColl and E.C.R. Hadfield, 1947, Ch. IV

\[\text{Page 139}\]
adult inhabitants of the United States." In France suffrage has been granted to those citizens in the communal elections who are above twenty one years of age and who possess residential or property qualifications.

In Sweden where the local authorities are said to enjoy wider autonomy and powers in comparison with other European Countries Voting right for electing a communal council has not been extended to every adult member of a village. The members of the council who are called delegates are elected for four years by citizens above the age of 21 years and "who are not under some form of guardianship."

In West Bengal the State Government after constituting a Gram Sabha will make necessary arrangements for the election of the members of the Gram Panchayat. As the West Bengal Panchayat Act, 1957 in its Sec. 11 has made it clear that there shall be a Gram Panchayat for every Gram Sabha. The members of a Gram Sabha shall elect in the manner prescribed from amongst themselves such number of members not being less than nine or more than fifteen as may be determined by the prescribed

2. Brian Chapman - Introduction to French Local Govt. 1955 Ch.2, P-35.
authority and the members so elected shall constitute the Gram Panchayat.

One may find interesting to note that in our West Bengal an adult member, who is 21 years of age and whose name is included in the electoral roll of the Gram Sabha concerned for election to the State Legislative Assembly, becomes automatically a member of that Gram Sabha as well as a voter of the Gram Panchayat; but in order to be a member of the Gram Panchayat he must attain the age of 25 years. This qualification is also insisted upon in the case of the membership of the Anchal Panchayat. Such rigour of restricting the qualifications for nomination is not found in the local government elections of Great Britain. In England it is observed that any one may stand for a council who is of "full age" and is a British subject and who has one or more of the following qualifications like the right to vote in the local government election, ownership of property or land in the area concerned and a resident of the locality or area where he seeks election for the whole of twelve months preceding the day of nomination. The phrase "full age" has also been interpreted as the age of 21 years as it is observed that "an infant becomes of full age

1. Sec.11 sub-secs. (2) and (2) of the West Bengal Panchayat Act, 1957.

2. Sec.15 sub-sec.(1) Cl.(a) Ibid.


4. Local Government elections v By Norman Schofield, 1962, Ch.3, P-79.
In the election of the Anchal Panchayat only the members of the Gram Panchayat have been given the right to vote and so the method of indirect election has been resorted to as we find in the constitution of our Provincial and national executive. The minimum age limit for voting right in the election of the Anchal Panchayat is 25.

The method of indirect election of the Anchal Panchayat in our Panchayat system, perhaps, has been borrowed from the constitution of executive under the Indian Constitution on the ground that only the Gram Panchayat entrusted with so formidable functions would be competent to elect such a responsible body. But against this contention we urge that if the Gram Sabha is believed to be competent to constitute its Gram Panchayat, there is no sufficient reason to assume that it would fail to do so in the case of the Anchal Panchayat, however, great and responsible that body might be. Moreover, the Anchal Panchayat has no function at all save and except its function of distributing revenue amongst its constituent Gram Panchayats. If the Anchal would

1. Ibid, P-89.
2. Sec.26 sub-sec.(1) cl.(b) of the W.B.Panchayat Act,1957.

* * * Cf. "After all, indirect process of election goes to the constitution of Rajya Sabha, and all the second chambers in all civilized countries of the world. If that is, then indirect principle of election should not be cried down, should not be distrusted, because after all the essence of popular representation is still there though perhaps in a more concentrated form."(W.B.Legislative Assembly proceedings, Vol.15, July 3 to Aug.30,1956 P-326) The aforesaid observation was made by the Hon'ble member Dr.Srikumar Banerjee during the third reading of the bill.

at the age of 21 years."
have been entrusted with a large number of functions and would be a magni-competent body and not a defunct body like the present, the persons chosen to sit upon it ought to be directly and not indirectly elected. This principle is as much a matter of solid experience as of abstract theory. The only way in which we can secure anything approaching a continuous democratic control of policy making bodies is by preserving direct contact between the elector and his representative; for otherwise, inevitable remoteness supervenes, and public interest in the making of policy declines through that remoteness. The result, that is to say, is a diminution in the educative value of a representative system.

Further-more, the system of indirect election of the Anchal Panchayat will create a class of middlemen—a new group of people in village. The system might encourage corrupt practices; the number of voters being small can be easily influenced by underhand means. There are, perhaps, two dangers in an indirectly elected body: Firstly, it will pave the growth of bureaucracy. Secondly, it will exaggerate all the weakness of majority rule. Now it is a time to ponder over the matter whether an undemocratic method should be adhered to to constitute a democratic machinery. The Balwantrai Mehta Committee report, which has,

Part II, Ch.X P-417.
perhaps, lately inspired our Panchayat law makers supports indirect election of the Panchayat Samiti but the report fails to show sufficient reasons for indirect election. The report has only emphasized that even direct election cannot guard against the danger of active politics withering the chances of community development. The report has touched only one point - the point of party politics. But party politics is not the only point. Over and above the party politics which is prevalent both in direct and indirect election there are more important points like the lacking in the interest of the villagers in political affairs and corruption which the report has totally avoided. The adoption of this method of indirect election in the constitutions of Gram and Anchal Panchayats and other organs above them is a peculiar invention of the Panchayat law-makers of West Bengal. Such system of election to constitute a hierarchical pattern of local Govt. machinery has not been found its acceptance in England where all local government elections are conducted directly.

Vote by secret ballot was out of question in the election of the Union Board under the village self-Govt. Act, of 1919 on the plea that most of the voters were illiterate and inexperienced. The open

1. Ibid P-20.
ballot system often puts the voters in a difficult position and in some cases "the voters became so cowed down as to allow themselves to be dictated to by the Zamindars and their agents."

In the present Panchayat system this method of voting has been given a goodbye. As the West Bengal Panchayat Rules lay down that "the voting place for election of members of a Gram Panchayat or an Anchal Panchayats, as the case may be, shall be such as the Returning Officer shall think fit for enabling the voters to record their votes by secret ballot."

The vote by secret ballot like West Bengal has been a common practice in electing the Panchayat although some states still follow the old practice of election by the raising of hands. The open ballot system of Assam and election by show of hands in Uttar Pradesh and Himachal Pradesh support the above contention. Great Britain has recently turned over to the system of ballot in the election of the Parish Councillors. Prior to the introduction of this method of voting Great Britain followed the practice of open voting by show of hands especially in the election of the Parish Councillors.

For the purpose of affording fair and

---

1. N.C.Roy - Rural self Govt. in Bengal,1936, P-156.
2. The West Bengal Panchayat Rules, 1956 no.17.
equal representation to every locality of a village it is necessary to divide the village into a number of constituencies and fix the number to be elected by each constituency. As Mr. S. V. Samant observes "if the election is held for the entire village as a whole, it is likely that too many members may be returned from one of hamlets or localities, while some localities, hamlets or communities may be left unrepresented. Thus, it is necessary to have election by wards." The Panchayat system of West Bengal strictly adheres to the said principle and it is a general rule that each constituency should usually have a total population round about 300 and the number of members to be elected by each constituency to the Gram Panchayat should not be less than 2 or more than 4. The process of election on the basis of wards finds also its place in the local government elections in Great Britain where the County Council can arrange to split the Parish into wards if an application is made thereof by the Parish Council or by the one-tenth of the electors of the area concerned.

Under the Union Board system a person who was a voter could seek election from any one of the wards of a village or villages irrespective of his

residence. But the Panchayat system has definitely debarred a person from seeking election to a constituency where his name has not been entered as a voter. As the Panchayat Executive Instructions specifically lay down that "a person seeking election to a Gram Panchayat is eligible to stand as a candidate only from the constituency in the Gram Sabha, for which his name is entered as a voter in the West Bengal Legislative Assembly electoral roll pertaining to the area of that constituency. He is not eligible to stand from any other constituency. A person seeking election to an Anchal Panchayat is eligible to stand as a candidate only from that Gram Sabha, for which his name has been entered as a voter in the Legislative Assembly electoral roll pertaining to the area of the Gram Sabha. He is not eligible to stand from any other Gram Sabha."

The insistence on residential qualifications for a candidate seeking election in an area has not been rigidly enforced even in a democratic country like England where the candidate can seek nomination in any area if he owns freehold or leasehold land within the area of the local authority and in the case of the Parish Council he has either during the whole of twelve months preceding the day of election or since the twenty fifth day of March in the year preceding the year of election resided

1. H.C. Roy - Rural Self-Govt. in Bengal 1956, P-150.
either in the Parish or within three miles thereof.

The method of seeking representation from the ward where a person resides has certain definite advantages. As he is personally known to the voters he will have the privilege of being easily elected and, it is hoped that, he would take much interest in public affairs which might not be expected from a person, resident of another ward.

Procedure of election:

Vote on the basis of party has yet been unknown to the numerous villages in West Bengal although some developed villages show sometimes election on the basis of party like the American system of election in rural areas. So election in rural West Bengal is held either on the basis of a candidate which the villagers choose or on the basis of party to which they are affiliated. To this point it must be noted that election will take place if there be a contest.

The first step for holding the election

1. Local Govt. Elections by Norman Schofield, 1962, Ch.3, P-79.
of the Gram Panchayat or the Anchal Panchayat is the appointment of the Returning Officer and this appointment is made by the District Panchayat Officer.

The Returning Officer, after his appointment, is required to appoint Presiding Officer and Polling Officers who are to count the votes immediately after the election. Provision for appointing Assistant Returning Officers has also been there for assisting the election of the Gram Panchayats or the Anchal Panchayats, as the case may be, if the Returning Officer needs such assistance.

The Returning Officer after assuming his office shall announce by display of notice at the office of the Gram Panchayat or Anchal Panchayat or at some conspicuous places within the area of the Gram Sabha or Anchal Panchayat at least 60 days before the date appointed for poll a date for holding the election of members of a Gram Panchayat or of an Anchal Panchayat as the case may be, the number of members of the Gram Panchayat to be elected from each constituency of the Gram Sabha and the number of members of the Anchal Panchayat to be elected by each Gram Panchayat, the last date for submission of nomination papers of candidates and the time and

1. The West Bengal Panchayat Rules, 1958, No. 8(1) & (2).
2. Ibid No. 8A(1).
the date on which and the place where the nomination papers of candidates shall be scrutinised by him.

The candidate desirous of seeking either the Gram Panchayat or the Anchal Panchayat election must submit their nomination papers at least 42 days before the date appointed for poll. So after the publication of notice the candidates will get 18 days within which they are to submit their nomination papers. The nomination paper must contain the name of the Gram Panchayat or the Anchal Panchayat to which election is sought, serial no. and name of the constituency or name of the Gram Sabha from which the candidate wishes to stand as a candidate for election to the Gram Panchayat or the Anchal Panchayat, full name and address of the candidate and the number in the electoral roll of the West Bengal Legislative Assembly.

In addition a person must select one of the symbols given in schedule A of the West Bengal Panchayat Rules, 1958 for election to the Gram Panchayat. The system of choosing a symbol is not at all necessary for a person seeking election to the Anchal Panchayat. Finally the nomination paper in order to be valid requires the signature of the candidate, the signature of the proposer and the seconder and the number in the electoral roll of the West Bengal Legislative Assembly of the proposer and the seconder.

It is imperative, from the rules stated above, that

the candidate, the proposer and the seconder must belong to the same locality, hamlet or constituency where their names have been enrolled as voters in the West Bengal Legislative Assembly.

Scrubtine of nomination papers:

The Returning officer shall himself scrutinise all the nomination papers after the elapse of four days from the submission of papers referred to and decide all objections which may be made in relation to any nomination in the presence of the candidates of their agents. The Assistant Returning Officer can perform any of the functions of the Returning Officer which relate to the scrutiny of nomination if the latter is unavoidably prevented from doing so. The Returning Officer has been empowered to reject any nomination paper if the contesting party can show valid reasons for rejection. But the Returning Officer in this case shall record his reasons for rejecting the nomination papers. The publication of the names of candidates, whose nomination papers are found to be valid, must be made within four days from the commencement of the scrutiny of nomination papers i.e., at least 34 days prior to the date appointed for poll.

1. W.B. Panchayat Rules, 1958 - 8A.
2. Ibid - 10(5) & (6).
candidates seeking election either to the Gram Panchayat or to the Anchal Panchayat or to the both for the withdrawal of their candidature. So the withdrawal of Candidature must be made not less than 23 days before the election day and the candidate who will withdraw his candidature shall not be allowed to revoke his withdrawal or to be renominated as a candidate for the same election. 

The list of eligible candidates which will be published at least 34 days before the election is not to be considered as the final list. There might be an error or omission of names of eligible candidates. So if the person who has filed a nomination paper finds that his name is not included in the list of candidates published by the Returning Officer or if any person who filed a nomination paper disputed the right of any other candidate to be on such list, such person may appeal to the District Panchayat Officer in writing not less than 26 days before the election day. The District Panchayat Officer must dispose of the appeal and give his verdict thereto and send a copy of the same to the Returning Officer at least 16 days before the date appointed for election. The list being rectified either by the order of the District Panchayat Officer or by the withdrawal of candidature will be published finally by the Returning Officer at least 12 days before the date appointed for election.

1. Ibid No.11.
The notice under Rule 9 for election to Gram Panchayat and to Anchal Panchayat may be issued simultaneously. "But the dates should be so fixed that the election of members to an Anchal Panchayat by a Gram Panchayat may be held as soon as possible after the election of that Gram Panchayat." After the election of the Gram Panchayat it is imperative on the part of the members of the Gram Panchayat to elect one of its member as Adhyaksha and another as Upadhyaksha within 45 days from the date of election of the Gram Panchayat. But the election of the Adhyaksha and Upadhyaksha may be delayed and it may not be held within 45 days from the date of election of the Gram Panchayat if the latter fails to form a quorum within the stipulated period. As the W.B. Panchayat Act lays down that "every gram Panchayat, shall, at its first meeting at which a quorum is present elect, one of its members to be the Adhyaksha and another member to be the Upa-adhyaksha".

The election of the executive from amongst the members of the council has not been insisted upon in the British Local Government system as the Chairman of a Parish council, shall be elected.

2. The W.B.Panchayat Rules 1958 no.27.
3. One third of the total number of members would be required to form a quorum in the meetings of both the Gram and AnchalPanchayats. (Sec.22 sub-sec.2 and sec.28 of W.B.Panchayat Act,1957).
3. The W.B.Panchayat Act,1957, Sec.11 sub-sec.(6).
annually by the council from among the councillors or persons qualified to be the councillors of the Parish.

The French system of administration which has been termed as highly centralised and where the existence of local self-Government is said to be practically nil the election of the Mayor is held by the members of the council Municipal from amongst them. No outsider is chosen to fill up the seat of the Mayor. In this respect the French and the Panchayat system of West Bengal do fundamentally differ from the British system of Local self-Government.

The West Bengal Panchayat Rules specifically lay down that "at least ten days in advance, the Inspector of Panchayats shall notify the date and place for the election of the Adhyaksha and Upa-Adhyaksha and the Pradhan and Upa-Pradhan, as the ease may be, and shall appoint a Presiding Officer to conduct the proceedings of the meeting relating to election. So at the first meeting

Foot note: The basic areas of local government in France are the communes and these are combined together into Departments. "The commune was the natural basic entity, and as such it covered not only the small hamlet in the Alpes but any urban area which formed a naturally cohesive unit." It is also observed in this connection that every commune in France has a conseil municipal elected by the enfranchised inhabitants of the commune. In the first meeting of the conseil municipal after election a Mayor is elected and the latter is said to be the commune's executive (vide/Brian Chapman-Introduction to French Local Govt. 1953, Pp13,34 & 58). The organisation of the French local government has also been discussed in the chapter on "State Control" in this thesis (see post.)

of either the Gram Panchayat or the Anchal Panchayat the Presiding Officer appointed to take a poll will preside, but at the meeting convened for the purpose if they fail to form a quorum, the election of Adhyaksha and Upadhyaksha etc. shall be held up. The Panchayat Act in order to mitigate the defect has provided that "if the Gram Panchayat fails to elect an Adhyaksha, the Adhyaksha of the outgoing Gram Panchayat shall resume office and continue to hold the same until a new Adhyaksha is elected.". Similar provisions do exist in the case of the Anchal Panchayat also. The above provisions are, perhaps, borrowed from the British Local Government system where the Chairman of a Parish Council shall be elected annually by the Council and the Chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor is elected.

But if the Gram Panchayat or the Anchal Panchayat in West Bengal is created for the first time and does not have a pre-existing one, certainly it will have no Adhyaksha or Pradhan. In reply to this question it may be pointed out that the fond of leadership, craving for power and prestige of the people might debar...

1. The W.B.Panchayat Act, 1957, Sec.11.sub-sec.(6).
2. Proviso of Sec.27 sub-sec.(2). Ibid.
them from becoming so indifferent as to cause lack of quorum for 45 days and 30 days in the meetings of the Gram Panchayat and the Anchal Panchayat respectively.

The West Bengal Panchayat Rules have also considered the possibility of non-election of the Adhyaksha, Upadhyaksha Etc. within the stipulated period and so it has been laid down that "The Returning Officer may extend any date specified in these rules in connexion with the holding of election of members of a Gram Panchayat or an Anchal Panchayat or an Adhyaksha or Upadhyaksha or Pradhan or Upa-Pradhan, as the case may be, by such period as he may deem fit."

But if the extension of the date as said beforehand also fails to elect the Adhyaksha or Upadhyaksha, what will be the next stop? The Act specifically lays down that "notwithstanding anything contained in this chapter, the prescribed authority may appoint two of the members of a Gram Panchayat to be its first Adhyaksha and first Upadhyaksha, respectively, for a period not exceeding one year from the date of the notification mentioned in Sec. 3, after which period they shall be

*Foot note*: It is a rule that "the election of the Adhyaksha and Upadhyaksha shall be held within 45 days from the date of election or appointment of the members of Gram Panchayat" and "the election of the Pradhan and the Upa-Pradhan shall be held within 30 days from the date of election of the members of the Anchal Panchayat." *(vide West Bengal Panchayat Rules, 1958, No.27 sub-rule (1))*. The West Bengal Panchayat Rules 1958 No.29.
replaced by an Adhyaksha and an Upadhyaksha 1
elected by the Gram Panchayat. So under the Act
the Prescribed authority has been entrusted with the
power of appointing an Adhyaksha or an Upadhyaksha for one year only. If the extension of time
granted under Rule 29 fails to elect the members of
the Gram Panchayat at the Anchal Panchayat, the possibilities as deemed by the Panchayat Executive Instructions
will inevitably take place. The Instruction specifically
lays down that "as soon as a constituency of a Gram
Sabha has failed to elect members to the Gram Panchayat
or a Gram Panchayat has failed to elect members to
the Anchal Panchayat, the Returning Officer without
making any further reference should immediately issue
a notice under rule 9 for holding another election.
In case the second election also fails, the Block
Development Officer as ex-officio Panchayat Inspector
should without making any reference suggest a name or
names with their father's names and full addresses to
the District Panchayat Officer for appointment by
Government to fill the vacancies. Care should be taken
to ensure that the persons suggested are members of
the Gram Sabha concerned and do not have any of the
disqualifications mentioned under section 15 of the
Act. The District Panchayat Officer immediately on
receipt of the names should take the approval of the
District Officer thereto and forward the names with

their father's names and addresses to the undersigned (i.e. Director of Panchayats) with an intimation of the approval of the District Officer thereto."

The next step is palpably clear i.e. on the recommendation of the District Panchayat Officer and the District Officer thereto the final appointment of the members will be made by the Director of Panchayats.

But the point which is yet left to be discussed whether the prescribed authority could appoint the final Pradhan and Upa-pradhan if the members of the Anchal Panchayat concerned fail to elect the Pradhan and the Upa-Pradhan under sub-sec.(i) of Sec.27 of the Act. Sec.27-A of the West Bengal Panchayat Act has made it abundantly clear that even a Pradhan and an Upa-pradhan can be so appointed.

Disputes relating to election:

The dispute relating to any election may be presented before the District Magistrate within 30 days from the date of election. The position relating to dispute must accompany a fee of Rs.15/- which would be non-refundable. The District Magistrate shall decide the petition after giving notice to the parties concerned and after taking such evidence as may be produced. The order of the District Magistrate in this respect shall be final.

Cost of election:

The cost of election incurred for the Gram

2. "The election or appointment of the members of every Anchal Panchayat and of its Pradhan and Upa-Pradhan shall be notified in the prescribed manner"(vide Sec.27A of the W.B.Panchayat Act,1957).
Panchayat and the Anchal Panchayat shall be paid out of the Gram and Anchal Panchayat fund respectively.

But in the case of the first election of the Gram and the Anchal Panchayat after the commencement of the Act the State Government must bear all the costs of election.

The long chain of election and the appointment of members at the failure of election which naturally involve wastage of time, money and energy may be questioned. One might argue that the ancient village assembly, where members were chosen not by regular election but by selection, was definitely an improvement over this system. In answer to the above contention it may be said that to-day the people are lacking in the urge for national development which they would formerly possess. So the new Panchayat system which recognises the role of the people in the development of the nation would definitely create interest and enthusiasm amongst the villagers for their common benefit, common gain and common wellbeing. But how far the Panchayat system would be helpful to attain the desired object could be proved by futurity alone. Moreover, the growth of the concept of democracy has given rise to the system of election. Democracy and election are today inextricably mixed up with each other. The ancient system of democratic selection could have given a trial

1. The "B.Panchayat Rules, 1958 No.28."
in constituting a local government machinery to avoid electoral contest. But it is true that this type of selection would give rise to favouritism and nepotism in choosing the members of a local organ as we did observe in the days of the Union Board under the Bengal Local Self-Government Act, 1919.

Vote by secret ballot like our national or state legislative election has been provided for in our Gram Panchayat and Anchal Panchayat election. In the election of the Adhyaksha and Pradhan of the Gram and Anchal Panchayats respectively the members are allowed to propose and second the names of the candidates openly. If only one name is proposed and seconded for election as Adhyaksha or Pradhan, as the case may be, he shall be declared to be duly elected by the Presiding Officer. If there be more than one candidate, a poll shall be taken. In order to maintain secrecy in voting the voters are asked to write down the name of the candidate whom they choose on the blank paper supplied by the Presiding Officer. If any voter is unable to write the name of the candidate in favour of whom he desires to vote, he shall request the Presiding Officer to write the name on his behalf without giving any chance to others to hear the name. After a poll being taken by the person winning the majority of votes will be declared elected as Pradhan or Adhyaksha as the case may be.

In the case of equality of votes between two or more
members selection will be made by a lot. After the election of Adhyaksha or Pradhan as the case may be, the same procedure will be followed in the election of Upadhyaksha or the Upa-Pradhan in our Gram Panchayat and Anchal Panchayat respectively. So the election of the Adhyaksha, Upadhyaksha of the Gram Panchayat and the Pradhan and the Upapradhan of the Anchal Panchayat has been made totally secret. The election of the President under the Union Board system was also more or less of the same type. The only difference is that the election of the Vice-President to the Union Board was optional but under the present system the election of the Upadhyaksha and Upapradhan has been made obligatory.

When we come across the difficulties of the ballot voting introduced in our West Bengal Gram and Anchal Panchayat election, we naturally think that the election by show of hands like the U.P. Panchayat election might have been better at the present moment. In order to maintain secrecy in voting the voters are directed by the Presiding Officers to put cross marks on the ballot paper against the symbol of the candidate or candidates whom they choose. And this is usually done by a wood pencil, but it is a sad irony of fate that many of our voters do not know how to catch a wood pencil for from giving cross marks on the ballot paper.

1. The W.B. Panchayat Rules 1958 No.27(4) & (5).
3. These facts have been collected by the author through the direct talks with the illiterate male and female voters of the villages in the District of Birbhum.
It has also come to our knowledge that many ballot papers have been rejected due to haphazard and improper marking and even some ballot papers have been dropped without any mark. This implies, perhaps, either the voters have no knowledge about the method of marking or they have no choice within the list.

Though partly politics and narrow mindedness are quite foreign to many villagers but some villages and their inhabitants have shown their definite liking for party politics and communalism which are totally intolerable. As the committee on Plan Projects observes: "One of the banes of democratic village administration in some areas has been the intensification of factions and feuds, often also of separatism arising out of caste distinctions. The system of electoral contests at village level has often added to these." During the election so vigorous a campaign in some areas, an exuberance and jubilation at the victory achieved by a party could never be found in our rural areas which we witness to-day. To say merely that the election is a spirited and excited event is an understatement. It is in fact a most tense and turbulent affair. As the polling is concluded in one district, crowds rush to the next booth to announce the news and learn the latest results.

When it becomes apparent who the new executive officer is to be, he is cheered and garlanded by his supporters and an elephant is brought from a nearby village so that he might ride around the village in triumph. Actually these things are also taking place in many places in the election of members of the Panchayat in West Bengal. The Congress village Panchayat committee in its report has emphatically observed the need for unanimous election of the Panchayat and even has gone so far as to say "with a view to encourage unanimity it may be desirable to invest with more powers and authority those Panchayats which elect their Panchas unanimously."

Efforts should be made as far as possible to avoid electoral contests and to achieve unanimity among the villagers in the election of their Panchayat members. The membership should be regarded as an opportunity for service to the people and not as a means for securing power and prestige. At the same time it is necessary to bear in mind the dangers involved in unanimity arrived at under pressure: such unanimity may actually, over a period, develop below the ground conflicts in an open election. So what is required is a complete freedom to exercise the right of adult franchise without the possibility of creating tensions which aggravate village feuds and caste differences.

We ourselves have had the opportunity of witnessing a village where people sat several times for unanimous election of Panchayat members but every time the meeting failed to attain unanimity for the same. Everybody wants to be a Panchayat member, though membership does go without any pecuniary gain. Man is by nature power-loving. We come across a very few people who do not want power and prestige in society.

The core of democracy is choice. So the right to choose a member should not be denied to any person in a democratic society. The suppression of the above right without any sufficient cause and reason by outside influence and pressure would be definitely termed as undemocratic and derogatory to the fundamental principles of popular form of Government. Ancient people had respect for wealth, enlightenment, wisdom and moral integrity and these constituted the factors of their choice. To day democracy preaches social, political and economic equality; no man is inferior to the other in any respect. Ancient had a belief in inequality, the modern has a faith in equality. The progress of this conception has accentuated group rivalry and group politics. Though the basic

1. The writer has this experience in his own village where he wanted to study the situation in connection with this research work.
idea underlying the Panchayat system is service to the people but in actual practice the idea of gaining power and prestige does prevail.

Socialism devoid of democracy is definitely antagonistic to the general tenor of Indian politics. When socialism and democracy function side by side, we have the maximum of them. The ideology of "Democratic socialism" declared in the Bhubaneswar session of the congress and reaffirmed in the Durgapur session will be realised through the process of the Panchayat system as the latter guarantees both democracy and development. The Panchayat, based on absolute equality, sometimes spares no pains to invoke inequality as on many occasions the wealthy and well-to-do rural people have easy access to the Panchayat swing to their wealth and glory while the innumerable poor folk have to suffer as a consequence. This contention has also been admitted by the Committee on Plan Projects when they say that "inspite of the provisions contained in the Panchayat Acts for fixation of the number of seats for each ward and reservation of seats for scheduled castes/tribes and harijans, in general, Panchayats cannot be said to command the loyalty of all sections of the community especially the poor tenants, the landless, the artisans and the backward classes; in practice the economically weaker sections have as yet little
voice in the affairs of the Panchayat. In some cases they are in debt to the Sarpanch who is often a man of substance".

The method of securing votes by the influence of wealth, the imitation of the U.S. system, was found even during the early part of the Union Board system. During those days "a considerable portion of the large sum spent for election purposes was evidently devoted to the purchase of votes." The American system of local government is marked by "the thefts from the city treasury, the jobbing of contracts, the sale of public franchises, the malign influence of those whom President Roosevelt used to call 'malefactors of great wealth', the granting of immunity, for payment, to law-breakers, the complicity of the police with one of the most odious classes of criminals, and all the evils of fraud and violence that were needed to perpetuate the Rule of Rings and Bosses". What is true for the city government may not be true for the rural government; and actually, these mischiefs did not even dare penetrate to numerous rural areas of the U.S.A. But the rampant mischiefs of the

4. Ibid - P-106.
of the urban areas of the U.S.A. have managed to penetrate in our rural politics; we should be beware of them, and strive to abandon them at all costs failing which the real purpose behind the local self government and democracy would be in total jeopardy. Numerous reports have reached that the panches, Sarpanches and Pradhans or Panchayats do hail from the richer and well-to-do families of the villages. One hardly comes across a commoner as a leader in Panchayati Raj. The educated section of the villagers naturally settles down in cities to avoid hardship in rural areas. Leadership, therefore, devolves on the privileged section of the villagers who are thoroughly incompetent for the job. Moreover, these Panchayati Raj leaders play the role of agents during the general elections. This is a gross misuse of Panchayati Raj. The proper remedy lies in the leadership of the educated section of the community who have settled down in towns and cities. They should be prepared to renounce the lure of security and comfort in favour of a life of hardship in the rural areas. This is the call of the hour.

Even Switzerland, the most highly democratic country in the world, has not yet been able

---

1. Panchayati Raj - a monthly journal, Dec. 1964, P-1 (the facts have been published under the caption "Call of the hour.")
to be above the malign influence of bribery in her local elections. Canada, perhaps, furnishes
the best example of local Self-Government as national politics have not been allowed to enter
into the election of local councils, the chief aim being the selection of the best men of the
neighbourhood. The local party organisation sometimes takes a hand in the election of councillors
by putting forward men who have served it, but the voters show their complete negative attitude
to follow it slavishly for their chief desire is to find honest and capable men.

In Canada and in the U.S.A. elections in many cases are avoided to find out a suitable man
for carrying out the administration of local councils. The mode of appointment or nomination
to local councils by a superior authority runs counter to the basic principle of democratic decentralisation and
devolution of power to local councils for which the Committee on plan projects stands. Democratic form of
government has no alternative but to take resort to election for choosing the administrative head. The
question

2. Ibid, Ch.XXXV, Pp-543-44.

Foot note: - It is observed that the universal unit of local government in the United States is the County
and management and supervision of County affairs.
which naturally deserves our attention whether the selection of candidates will be held by electoral contest on the basis of party organisation or on the basis of the unanimity of the villagers. The persons who champion the cause of electoral contest might say in their defence that democracy is unthinkable and inconceivable without electoral contest. But it is necessary to bear in mind that it is the static, abstract and narrow view of democracy and this conception we should outright reject.

The village today is a much divided house. There are caste and class differences; there are family and other factions. There is no collective will in the villages. The task that the villagers face cannot be tackled without united and collective effort. Community spirit precedes community development. The villagers are lacking in community spirit; so community development is impossible on their part. At this stage to introduce electoral contests into the village is to throw a monkey wrench into the works. Self-Government through faction fighting will not be self-Government, but self-ruination. If Panchayat is to succeed, contests in the village Panchayats must be avoided.

In national politics where the great issues of the State are to be decided, the role of political parties which represent genuine differences of principle, cannot be denied. But in local affairs the questions that come up for decision are matters of domestic administration about which there may be differences of opinion but differences not springing from pre-conceived ideologies.

Contest on the basis of caste, creed, and colour in rural politics will definitely accentuate casteism and communalism and they would totally, it is surmised, damage our inviolable noble words of social and religious justice for which our Preamble and fundamental rights of the constitution do really stand. But contests on the basis of party organisation might offer a training ground in the art of politics. Democracy without political education is no democracy at all. The political education is a prime necessity for the success and smooth working of democracy and this education the people may receive through the Press, Platform, Speeches and writings. The Growth of party in local affairs has been an inevitable concomitant of democratic progress, forced both by the electioneering problem created by universal suffrage and the collective needs of working class participation.

2. Ibid. Ibid.
If the party system genuinely stands for nobler and higher aims of social life and does not degenerate into narrow, egoism, sectarism, selfishness, hatred and communalism, then the party system is really commendable and it cannot destroy the basic conception of community development. The unanimity of the villagers cannot be conceived of. There might be dissentients, difference of opinion during the time of education; but as soon as the voting or the battle of ballots will be over they must forget their party affiliation and must be cooperative in the endeavour of their socio-economic renaissance. Party politics at the cost of "community effort for community development" is definitely injurious to the larger interests of the society.

The congress village Panchayat Committee in its report in 1954 analysed the defects of the role of political parties in local elections especially Panchayat elections and emphatically declared that "the success of village Panchayats will depend on the enthusiasm that is aroused and the feeling of oneness that is generated in the village community and the confidence it enjoys of all sections of village life. This will
not be possible if there are political party manoeuvrings in the village."

But there is the other side of the picture. To conceive of political party as to create manoeuvrings in the rural life is an understimation of the true role of political parties in democracy. "We do not understand that party is anything but public opinion embodied. We protest against the doctrine that there is a distinction between political party and public opinion. We maintain that party is public opinion embodied whether it represents the opinion of a majority or minority; it at all events represents the opinion of a great section of the Community."

A grim and a dismal picture which has come to our notice in the recent Panchayat elections is that the candidates contesting the elections or their agents not only take resort to money or wealth for the purchase of votes but also apply physical violence to capture votes from the illiterate and innocent rustic people. This type of use of force has gone so far as to make—

the lives of the voters sometimes dangerous. It has been reported from many quarters that the election has demoralised the lives of the community and it helped the disintegration of the Hindu Joint Family system. Thus one of the aims of Panchayat under the second five year plan which was termed as "social cohesion" has now shown its opposite trends viz "social disintegration."

The system of election in constituting Anchalik Parishad

The constitution of Anchalik Parishad through the method of election has been one of the noticeable features in the Panchayati Raj system. Prior to the recommendations made by the Balwantrai Mehta Committee the administration of Development Block was carried on either by Block Development Committee or by Project Advisory Committees the members of which were absolute nominees of the Government - the people had no voice in it. But with the introduction of the Panchayati Raj system the Anchalik Parishad (Block Panchayat Samiti in other states) has been one of the vital organs of the Panchayat system.

The West Bengal Zilla Parishads Act, 1963, does specifically lay down that one Adhyaksha will be elected from amongst the Adhyakshas

* A concrete case was found by the author where the agent of the candidates wounded a voter seriously when he refused to vote for their candidate openly. This particular case happened in village Jendur, P.S. Rampurhat, in the District of Birbhum.
of each Anchal in order to constitute an Anchalik Parishad. The election of Adhyaksha is to be conducted by the Block Development Officer who announces a date, time and the place where election is to be held by serving a written notice in the office of each Gram Panchayat and Anchal Panchayat at least two weeks before the date fixed for such election. For the conduct of election the B.D.O. appoints an officer to preside over the meeting of Adhyakshas in each Anchal and the election is made by secret ballot. Rule 75 sub-rule(3) enunciates that "the Presiding officer shall call upon the Adhyakshas present to propose and second the names of candidates for election as member of the Anchalik Parishad." If only one candidate is proposed and seconded, the Presiding Officer shall thereupon declare him to be duly elected as a member of the Anchalik Parishad. If more than one candidate are proposed and seconded, the Presiding Officer shall then ask each voter in turn to record his vote, at a table so placed that nobody can overlook him, by placing the mark 'X' against the name of the candidate whom he chooses.

The procedure of election of the

1. Sec. 52 sub-sec.(1) Cl.(b) of the West Bengal Zilla Parishads Act, 1963.
2. The W.B.Zilla Parishads (Election, Constitution and Administration) Rules, 1964, no.75 sub-rule (1).
3. Ibid Rule no.75(4) & (5).
President and the Vice-President of the Anchalik Parishad have also been the same, the difference being that in the latter case the Sub-divisional Magistrate convenes a meeting of the members of the Anchalik Parishad to elect its President and Vice-President. Though the Rule vests the Sub-divisional Magistrate with the power of convening a meeting of the members for the said purpose but such meeting is presided over by an officer authorised in this behalf by the sub-Divisional Magistrate.

In the constitution of the Zilla Parishad the method of election makes its room only in the case of Adhyakshas, the other members being ex-officio and appointed by the State Government. For the purpose of this election a Sub-division is to be divided into two constituencies and the number of member to be elected by each constituency is one.

In the election of Adhyaksha-members to the Zilla Parishad and its Chairman and Vice-Chairman the same procedure is followed as it has been observed in the election of Adhyaksha-members

1. Rule No.81 Ibid.
to the Anchalik Parishad and Its President and Vice-President. The only noticeable thing in
election of Zilla Parishad is that the District Magistrate has been entrusted with the authority
of conducting the election of the Zilla Parishad and the former does perform the aforesaid act
through the Returning Officers and Assistant Returning Officers appointed by him.

In this chapter a chart has been given to display certain matters relating to elections. A
survey made by the writer shows that in the elections of the different bodies of Panchayats there are a good
number of contestants. During the time of election the contestants take resort to much campaigning and squeezing votes from the people. The use of money and other influences are also made on many occasions to gain victory in the election. The educated energetic youths in the villages are in most cases reluctant to seek election and serve the Panchayats. The writer observed one or two educated youths who fought election in the Panchayats but unfortunately they were defeated. There is also a case of a Pradhan of an Anchal who happens to be a lecturer of a local Degree college and it was reported by him that he was fed up with the Panchayat. There was nothing to do there. Therefore, he decided to resign. From his talks it was found that he did not find any interest in the Panchayat.

1. Ibid, Rules, 3-23 (including all sub-rules).
The following chart gives an account of the election of Gram Panchayat held in the year 1965.

<table>
<thead>
<tr>
<th>Name of the Gram Panchayat contested</th>
<th>No. of people contested</th>
<th>Religion</th>
<th>Caste</th>
<th>Party</th>
<th>Average Age</th>
<th>Occupation</th>
<th>No. of people elected</th>
<th>Upper Caste</th>
<th>Lower Caste</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morei, Sainthia, Birbhum</td>
<td>20</td>
<td>Hindu</td>
<td>Upper Caste-7</td>
<td>Nil</td>
<td>57</td>
<td>Cultivation</td>
<td>9</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lower Caste-13</td>
<td>-</td>
<td>ism.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lower Caste-7</td>
<td>-do-</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chinnai, Suri, Birbhum</td>
<td>30</td>
<td>Upper Caste-20</td>
<td>-do-</td>
<td>50</td>
<td>-do-</td>
<td>11</td>
<td>10</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lower Caste-10</td>
<td>-do-</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lower Caste-11</td>
<td>-do-</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ajoypur, Suri, Birbhum</td>
<td>36</td>
<td>Upper Caste-20</td>
<td>-do-</td>
<td>49</td>
<td>-do-</td>
<td>9</td>
<td>6</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lower Caste-16</td>
<td>-do-</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chormura, Suri, Birbhum</td>
<td>15</td>
<td>Upper Caste-10</td>
<td>-do-</td>
<td>52</td>
<td>-do-</td>
<td>9</td>
<td>5</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lower Caste-5</td>
<td>-do-</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---178---
<table>
<thead>
<tr>
<th>Gran Panchayat</th>
<th>No. of people contested</th>
<th>Upper Caste</th>
<th>Lower Caste</th>
<th>Religion</th>
<th>Party complexion</th>
<th>Average age</th>
<th>Occupation</th>
<th>No. of people elected</th>
<th>Upper Caste</th>
<th>Lower Caste</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taraipur, Suri, Birbhum</td>
<td>19</td>
<td>Upper Caste</td>
<td>2</td>
<td>Hinduism</td>
<td>Nil</td>
<td>43</td>
<td>Cultivation</td>
<td>9</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Chhotosangra, Ahmadvpur, Birbhum</td>
<td>29</td>
<td>Upper Caste</td>
<td>25</td>
<td>-do-</td>
<td>-do-</td>
<td>45</td>
<td>-do-</td>
<td>9</td>
<td>9</td>
<td>nil</td>
</tr>
<tr>
<td>Tantrira, Dubrajpur, Birbhum</td>
<td>41</td>
<td>Upper Caste</td>
<td>31</td>
<td>-do-</td>
<td>-do-</td>
<td>47</td>
<td>-do-</td>
<td>11</td>
<td>8</td>
<td>3</td>
</tr>
</tbody>
</table>