CHAPTER II

Evolution of Local Self-Government in India.

The word 'Panchayat' is familiar all over India and is understood as an association of villagers for the purpose of administrative and judicial work of the village. The idea of the Panchayati Raj, local village self-government in India, is as old as the Hindu Polity. It is probably more ancient than any other political institution in the world. It has its roots in the ancient civilization of our country and we had this institution as the basis of our society. The word panchayat possibly indicates that the number of those who originally constituted the council was five, but there is no evidence that this number was adhered to with any regularity. The term has almost completely lost its numerical connotation and means only an association of people for doing administrative or judicial work. The institution arose, as in England, spontaneously as a social necessity. But with the passage of time it has undergone a lot of changes to adopt itself with the growing needs of the people in the rural areas.

The traditional Panchayat dealt with the village life as a whole and enjoyed vast powers, both executive and judicial. Land was distributed by the village panchayat. This panchayat collected taxes out of the produce and paid the share of the government on behalf of the village. Over a number of these village panchayats there was a large panchayat
to supervise and interfere if necessary. In the olden days a village community had a number of functionaries for carrying on the administration of its common affairs. The functionaries included "(1) The headman who acted as a superintendent, arbitrator, and collector of revenue in the village; (2) the accountant who kept the account of cultivation; (3) the watchman who gave information of crimes, exhorted travellers, and guarded the crops; (4) the boundaryman who preserved the limits of the village; (5) the superintendent of tanks and water-courses; (6) the priest; (7) the school master; (8) the astrologer; and (9) the village artisans, namely, the smith and carpenters, the potter, the washerman, the barber, and the poet." These servants of the village community were remunerated for their public services either by a share in the grain or by grant of land.

There is no room to doubt that the most important feature of a village government in the pre-British days was the Panchayat or the village council which was mainly responsible for the administrative and judicial work. But it is difficult to say in which manner it was constituted. It varied from place to place. Sir Herbert Risley gives us a description of the way the panchayat was constituted: "The method by which the Panchayat is elected cannot be expressed in terms of European political phraseology. The people get together and they talk, and eventually an opinion emerges from their talk which is the opinion of all of them. There is no majority, for they are unanimous; there is no minority, for the minority has been talked over and cast in its
lot with the majority. The process can only be described as selection by acclamation. Thus the procedure of election of the Panchayat was most informal. The village communities enjoyed real self-government within the empire. If the village officers were not elected by the villagers, neither were they appointed by the Government, and although they had to obey the orders of the government, the very nature of their communities put them under the moral influence of public opinion, as they were paid directly by the villagers. These self-governing institutions in the rural areas functioned well even during the Mughal period. But they had been severely damaged with the disorganization and the consequent decline of that Empire. It is to be noted here that under the British rule the traditional Panchayats lost their original power and prestige.

The complete break up of the village institution began only under the British rule. Between the collapse of the Mughal Empire and the advent of the British regime, the political scene in India was in turmoil and there was a gradual decadence of the village communities. Under the highly centralized system of British administration the village institutions in the absence of statutory sanction became non-entity. They became victim of British Raj.

The British Government accepted the Dewani in 1765. But for the next one hundred years the Government showed no intention for organizing the self-governing institutions in the rural areas of the undivided Bengal. Self-government in the rural areas in Bengal was given a start
In 1870 with the passing of the Village Chowkidari Act. It was, however, merely a mechanism for the purpose of maintaining the rural police. The unit here was the village—a point worth mentioning because in Bengal later on the unit generally was not the village but a Union of two or more villages.

The Chowkidari panchayat system created by the Chowkidari Act of 1870 was purely an artificial organization. The members of the Panchayat were not elected by the villagers but appointed by the District Magistrate. Moreover, the Act was not intended to foster any bond of common interest in the village except protection against crimes. The Act empowered the District Magistrate to appoint a Panchayat in any village that contained more than 60 houses. This Panchayat consisted of not less than five members. It was responsible for the maintenance of law and order in the village, and for the proper report of all kinds to the police. Thus the scope of the Act was limited. These panchayats, appointed by the District Magistrate, were merely agents for the assessment and collection of a local tax, which was levied for the support of the village police without having anything to do with the management of affairs of immediate interest to the villagers. As they were units of local self-administration for very limited purposes, they had nothing to do with traditional local government functions. For the management of affairs of immediate interest to the villagers, e.g., provision and maintenance of roads, tanks, primary schools, etc., separate local authorities called Union Committees were created by the Bengal Local Self-Government Act, 1885.
Lord Ripon, a true liberal of the Gladstonian era, was the first Viceroy who had genuine desire to promote self-governing institutions in India. He prepared an elaborate scheme for giving a concrete shape to the institutions of local self-government. He regarded the reform of local self-government as the greatest achievement of his Viceroyalty in India. He thought it necessary "to provide an outlet for the ambitions and aspirations which had been created by the education, civilization and material progress introduced by the British." Lord Ripon found such an outlet in the institution of local self-government. He regarded it "as an instrument of political and popular education." With this end in view Ripon's Resolution on Local Self-Government in India was passed on May 18, 1882. The Resolution laid down certain principles and this has been summed up by Tinker as follows:

"Political education is the primary function of local government, of greater importance than administrative efficiency (paragraph 5). Rural boards are to be set up, similar to municipal boards: the unit of administration to be small—subdivision, tahsil or taluka (paragraph 10). All boards should contain a two-thirds majority of non-officials; these should be elected whenever possible. Elections to begin immediately in more progressive towns; gradually and by informal experimental methods in smaller towns and the countryside (paragraph 12, 13, 14). "Control should be exercised from without rather than within." (Paragraph 17). The Chairman of all local boards should accordingly be non-officials whenever possible (Paragraph 18). Finally, it was accepted that each
province should interpret the general directions of the Resolution according to local conditions. Men like Lord Curzon who succeeded Ripon were enemies of local self-government. Moreover, the inability of the Centre to implement Ripon's Resolution due to the involute administrative structure of the Government of India and the unwillingness of the provincial governments to follow the Resolution kept the liberal Resolution in the state of a mere political aspiration of the Indians for the next few decades.

The first official act of the British Government in India to introduce self-government was the Bengal Local Self-Government Act of 1885. It provided for establishment of three bodies, viz.,

1. District Boards,
2. Local Boards and
3. Union Committees.

Establishment of a District Board for each District was obligatory. Local Boards could be introduced for each sub-division, or one Board for more than one sub-division or for a part of a sub-division. But the Local Board had no independent jurisdiction and source of income, and it could exercise authority delegated to it by the District Board. It was only an adjunct of the District Board and functioned as its Working Committee. It thus became "a fifth wheel in the coach of the local self-government organization in Bengal." Therefore, by the Amending Act of 1936, Chapter 1A was inserted for the abolition of local Board. Some of these bodies, e.g., in Darjeeling District, however, continued to function till before the enforcement of the Zilla Parishads...
Act, 1963. Government was also given power under the Act to constitute Unions for a village or group of villages and to establish Union Committees for them to manage local pounds, schools and roads but it was subordinated to the District Board on which it depended very much for finance. Therefore, at the village level there were two types of institutions - Chowkidari Panchayat created by the Act of 1870 and the Union Committee created by the Act of 1885. Thus by the Bengal Local Self-Government Act of 1885, the District Board was made the unit of administration. This was beginning at the wrong end, because a system of local self-government ought to start from the bottom rather than from the top.

The Viceroyalty of Lord Curzon (1898-1904) was marked by excessive centralization because, according to him, the Indians were not fit for democracy even in a limited sphere of local government. With a view to checking centralization in administration which Curzon had initiated, Morley appointed a Royal Commission on Decentralization with Hobhouse as its Chairman in 1907. The Commission recommended, inter alia, the concentration of chowkidari and other local government activities into a single rural local body. The Commission observed that the failure of the existing system of rural local government was due to the fact that it was not built from the bottom. Therefore, it recommended that the unit of rural local self-government should be the individual village rather than an artificial union of villages which might not evoke popular interest. "The foundation of any stable edifice which shall associate the people with the administration must be the village
as being an area of much greater antiquity than the new administrative creations and one in which people are known to one another. Moreover, the Commission recommended that in the interests of decentralization and in order to associate the people with the task of the administration an attempt should be made to constitute and develop village panchayats for the administration of local affairs. The report of the Commission is invaluable in that it not only recommended effective and efficient lines of rural administration through decentralization but provided a very detailed study of the existing local government institutions. But its findings and recommendations were more for securing administrative efficiency than for a genuine desire to surrender a substantial amount of power to the local institution.

A few years after the publication of the Report of the Royal Commission on Decentralization, the District Administration Committee was appointed in 1914 by the Government of Bengal to examine the conditions than prevailing and report in what respects the administrative machinery could be improved. The Committee found that the administration of village affairs by the Union Committees and the Chowkidari Panchayats was unsatisfactory. The Committee also found the functions of the two bodies overlapped in various respects and their funds were inadequate to produce satisfactory results. Accordingly the Committee recommended the establishment of a net work of village authorities which should combine the functions of Union Committees and Chowkidari Panchayats, and also form a village judiciary.
To provide for a system of village self-government on the lines recommended by the District Administration Committee, the Bengal Self-Government Act was passed in 1919. But the Act departed from the recommendations of the Committee in various important respects. The unit of administration was a Union, and the administering authority was a Union Board. Here the unit was not the village but the Union which was "an artificial combination of disjoined villages." According to the recommendation of the District Administration Committee, the functions of the village panchayats under the Act of 1870 and of the Union Committees of 1885 were combined in the Union Boards vested with powers and duties necessary for catering to the collective needs of the villagers and entrusted with powers of self-taxation necessary for the purpose. The provision of those two Acts stood repealed where the Bengal Village Self-Government Act, 1919 was implemented. To bring the institution into closer touch with the villagers, the Act created the post of a Circle Officer for a group of unions as an intermediary between the government and the people. He was the link between the Sub-Divisional administration and the villagers.

In the Act provision was also made for the constitution of Union Benches for trying petty criminal cases and Union Courts for trying petty civil suits. The personnel were recruited from the members of the Union Board.

The District Board and the Union Board might have served the purpose for which they were created, i.e., educating the villagers.
in Bengal in self-government but they could do nothing to ameliorate the living conditions of the villagers. Their activities had mainly been confined to the general improvement of primary education, water supply, roads and bridges, public health, etc. With the poor staff and poor finance it was next to impossible for the District and the Union Boards to provide villagers with the desirable amenities essential for a minimum standard of living.

Moreover, to effect the above improvement the continuous co-operation and interest of the villagers was badly necessary. The officials of the government departments or the District Boards or the Union Boards found it difficult to get the villagers together and explain what the villagers should do for improving the social and economic conditions of the villages. Hence it was felt by all that an organization in which every villager was a member was the only way of approaching the people, and the organization should be self-governing one.

The transfer of power in 1947 from the British to the Indians meant, in effect, the handing over of the keys of administration to the representative of the people at the Centre and State levels. The fruit of democracy, however, could not immediately reach below the State level.

"The setting up of the Welfare State as the nation's goal indicated the realization by the framers of the Constitution that the
aspiration of the people could rise in a geometrical progression and that the exercise of power at the Centre and State levels was not enough if democracy were to strike deeper roots at the lowest level.\textsuperscript{17}

Under the British rule there was a gradual decadence of the village community and thereby the break up of village institutions. It was Gandhiji who wanted the revival of the Panchayats. Therefore, with the independence Indian leaders began to show greater interest in the village Panchayat. Gandhiji based his fight for freedom not on urban people but on rural people. He defined 'Swaraj' as a Swaraj based on village republics. He has repeatedly said:

"My idea of village swaraj is that it is a complete republic independent of its neighbours for its vital wants and yet interdependent for many others in which dependence is necessary. The Government of the village will be conducted by the panchayat of five persons, annually elected by the adult villagers, male and female, possessing prescribed qualifications. These will have all the authority and jurisdiction required ............ Here there is perfect democracy based upon individual judgement.\textsuperscript{18} In fact, villages should function as self-governing units - nuclei of Indian peasant Democracy - the base of a pyramid."

"To Gandhiji perfect panchayat democracy was synonymous with Rama Rajya."\textsuperscript{19} He defined Rama Rajya as follows:
"It can be religiously translated as Kingdom of God on earth. Politically translated, it is perfect democracy in which inequalities based on possession and non-possession, colour, race, creed or sex vanish. In it land and State belong to the people. Justice is prompt, perfect and cheap and, therefore, there is freedom of worship and of speech and the press—all this because of the reign of the self-imposed law of moral self-restraint. Such a state must be based on truth and non-violence and must consist of prosperous, happy and self-contained village and communities.

It was Mahatma Gandhi who, for the first time in the twentieth century, wanted the revival of the traditional village panchayats in India. Therefore, he was shocked to learn that the village was not given a proper place in the Draft Constitution, and remarked: "I must confess that I have not been able to follow the proceedings of the Constituent Assembly ....... The correspondent says that there is no mention or direction about village Panchayats and decentralization in the foreshadowed Constitution. It is certainly an omission calling for immediate attention if our independence is to reflect the people's voice. The greater the power of Panchayats the better for the people."

In reply to the charges that there was the omission of the Panchayats in the draft Constitution Dr. Ambedkar observed: "I hold that those village Republics have been the ruin of India; I am therefore surprised that those who condemn provincialism and communalism should come forward as champions of the village. 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. Thus Dr. Ambedkar, like Karl Marx, had little faith in the little communities as he thought these institutions to be sinks of localism and den of ignorance.

After a great deal of criticism Dr. Rajendra Prasad, the President of the Constituent Assembly, referred the matter to the Constitutional Adviser Mr. B.N. Rao whether the Constitution could be re-drafted basing the whole structure on village Panchayats. Mr. Rao replied that even if the Panchayat plan was to be adopted, its details would have to be worked out for each Indian State with suitable modification for towns. Moreover, that would take time and delay the passing of the Constitution. Therefore, he felt it better to relegate the details of Panchayat plan to auxiliary legislation to be enacted after the Constitution had been passed.

However, the fathers of the Indian Constitution could not really base the whole structure on village Panchayats. As a concession to the feeling of a large number of members of the Constituent Assembly who cherished the hope of founding a Panchayati Raj Constitution, they incorporated this idea in Part IV of the Constitution (Directive Principles of the State Policy): 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
Thus the Panchayats as units of rural local self-government found formal constitutional recognition only by Article 40 in the Constitution. The only other mention of the local government is in List II of the Seventh Schedule of the Constitution of India. It makes the local government a State subject. Entry 5 of the List reads: "Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration." The First Five Year Plan also said, "As the agencies of the State Government cannot easily approach each individual villager separately, progress depends largely on the existence of an active organisation in the village which can bring the people into common programmes to be carried out with the assistance of the administration."25

With the advent of independence the old concept of local authorities as bodies doing minor administrative and judicial work of rural communities has undergone a revolutionary change. Panchayats have been made as the effective means for the implementation of rural developmental programme and as the foundation of economic planning. In 1952 Community Development movement was started "to initiate a process of transformation of the social and economic life of the villages," through rapid increase in employment and production and evolution of a diversified rural economy. In short, it aimed at bringing about an all-round development of the socio-economic
The life of the community. Community Development Programme was a government-sponsored one which was "designed to promote better living for the whole community with the active participation, and, if possible, on the initiative of the community." The programme accepted the people's agencies as the most effective instrument for the implementation of the programme because only such instrument can mobilize local resources - human and material - on the basis of self-help and self-reliance. Accordingly, in the First Five Year Plan an increased role for Panchayats in rural development work was stressed. The First Five Year Plan envisaged the Panchayat as an agency for carrying out village development programmes. The First Plan said: "Unless a village agency can assume responsibility and initiative for developing the resources of the village, it will be difficult to make a marked impression on rural life, for, only a village organization representing the community as a whole can provide the necessary leadership ......... Legislative provisions may undoubtedly be helpful, but it is by arousing local enthusiasm for improving village conditions and promoting common effort that village panchayats can secure the largest measure of participation by the people in various programmes of development." During the Plan period panchayats were created afresh in many places, and Block Advisory Committees (later Block Development Committees) were established in every Community Development Block. The Second Five Year Plan also emphasized "the need for creating a well-organized democratic structure of administration within the district."
Thus the Community Development Programme introduced in 1952 necessitated a reorientation of the self-governing institutions existing at different levels - village, Block and District. The main objectives of such a reorientation were to give effect to the principle of 'Democratic Decentralisation' and to empower these institutions to take up developmental functions in addition to their traditional functions. The concept of Panchayati Raj connotes this reorientated approach to the organization and function of the local self-governing institutions.

A Team for the Study of Community Projects and National Extension Service, headed by Shri Balwantray Mehta, was appointed by the Planning Commission's Committee on Plan Projects to review the working of the Community Programmes and to suggest, among others, the organizational structure and method of work for securing a greater speed in the despatch of business. The Study Team submitted its Report in 1957 and the Report drew attention to the need for the promotion of proper self-governing units in the context of community development programmes. The Team's foremost discovery is summarised in the following paragraph:

"Admittedly, one of the latest successful aspects of the C.D. and N.E.S. work is its attempt to evoke popular initiative. We have found that few of the local bodies at a level higher than the village panchayat have shown any enthusiasm or interest in this work; and even the panchayats have not come into the field to any appreciable extent."
An attempt has been made to harness local initiative through the formation of ad hoc bodies mostly into nominated personnel and invariably advisory in character. These bodies have so far given no indication of durable strength nor the leadership necessary to provide the motive force for continuing the improvement of economic and social condition in rural areas. The Report, further, pointed out that "so long as we do not discover or create a responsible and democratic institution which will supply the local interest, supervision and care necessary to ensure that expenditure of money upon local objects conforms with the needs and wishes of the locality, invest it with adequate power and assign to it appropriate finances, we will never be able to evoke local interest and excite local initiative in the field of development." The report said this because it became evident, within a few years of the working of the Community Development Programme, that the initiative for development in the rural areas was to be exercised by the rural people themselves. Here lay the genesis of Panchayati Raj in India.

The Study Team recommended a three-tier structure of rural self-governing institutions - Gram Panchayats at the village level, Panchayat Samitis at the Block level and Zilla Parishad at the District level. The Nehruta Committee's Report was endorsed by the National Development Council on 12th January, 1958 and accordingly all States agree to establish Panchayati Raj institutions.
It is true that all States agreed to establish democratic institutions in the rural areas but it was realised that in a vast country like India there should not be any insistence on rigid form and pattern applicable to all States. The Central Council of Local Self-Government realized this and recommended: "While the broad pattern and the fundamentals may be uniform, there should not be any rigidity in the pattern. In fact the country is so large and Panchayati Raj so complex a subject with far reaching consequences, that there is fullest scope for laying out various patterns and alternatives. What is most important is the genuine transfer of power to the people. If this is ensured, form and pattern may necessarily vary according to conditions prevailing in different States." 35

Panchayats were set up in all States except West Bengal on a three-tier basis. At the base of the pyramid lay the Gram Panchayats, each covering two or three villages, at the apex was the Zilla Parishad covering a district, and in between there was the Block Samity whose jurisdiction was co-terminus with that of the Community Development Block.

In West Bengal, however, the situation was different and therefore, the 'democratic decentralization' took shape in a slightly changed pattern. Now we have in West Bengal 4 tiers instead of the 3-tier Panchayati Raj which is the all India pattern. Table No.1 shows the pattern of democratic decentralization in India with special
reference to West Bengal and in other settled democracies of the West. The Union Boards were already in existence and they were set up in pursuance of the Bengal Village Self-Government Act of 1919, long before the independence. Therefore, in between the Gram Panchayat and the Block Samity which is called Anchalik Parishad in West Bengal there are in West Bengal Anchal Panchayats almost corresponding to the old Union Boards. These Boards had been playing a vital role in rural areas in West Bengal and many of them had been quite successful in arousing people's enthusiasm. So the Union Board system could not be totally shelved in West Bengal. Here these old bodies were blended and harmonised with the new Panchayat Raj system. This gave rise to a different pattern in West Bengal, i.e., the 3-tier system of Panchayati Raj with the Anchal Panchayats in between the Anchalik Parishad at the Block level and the Gram Panchayat at the grass root level.

Panchayati Raj, as conceived by Balwantray Mehta Team and later modified by the Government of West Bengal had a beginning in this state in 1958. In West Bengal Panchayat Act was passed in 1957 and a two-tier system of Gram Panchayat at the grass root level and Anchal Panchayats at the old Union Board level was set up in areas covered by the Community Development Blocks. In West Bengal two more tiers, the Anchalik Parishad at the Block level and the Zilla Parishad at the District level were added to the previously existing two-tier system by the Zilla Parishads Act of 1965, and the object of this
## TABLE - I.

**LOCAL SELF-GOVERNMENT PATTERN**

<table>
<thead>
<tr>
<th></th>
<th>India</th>
<th>West Bengal</th>
<th>England</th>
<th>France</th>
<th>Switzerland</th>
<th>U.S.A.</th>
<th>Yugoslavia</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Zilla Parishad Zilla (District) Parishad</td>
<td>Countries and county boroughs</td>
<td>Department (Council General)</td>
<td></td>
<td>Counties (Population 300 to 4,000,000) (average 50,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Panchayat Anchalik Samiti (Block) Parishad</td>
<td>Non-county boroughs Urban Districts Rural Population between 66,000 (b) Anchal Parishad Panchayat</td>
<td>Canton (3000 in all) (one councillor for each canton is elected to the general council)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Panchayat Gram Panchayat</td>
<td>Parish Councils (population over 300 upto 1500)</td>
<td>Commune (63.1%) Communes (Southern States: area 5,000 to 50,000 square miles)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Act was to associate "the local authorities with development activities" and to bring about "democratic decentralization and people's participation in planning and development." In short, the Act of 1963 has three clear pin-pointed objectives:

(a) Democratic Decentralization,
(b) Local Development Works, and
(c) People's Participation in Planning and Development.

It is truism that in a vast democratic country like ours the nation cannot be ruled by a few persons from Delhi or Calcutta, divorced from the grass root. Therefore, political power is to be decentralized and transferred to rural masses in a democratic way. As democracy is based on Benthamite dictum, greatest good of the greatest number, the rural people who constitute the bulk of the nation cannot be ignored. Rural development works are necessary to make democracy meaningful to the rural people. People's adequate share in the administration of the rural areas arouses and kindles their enthusiasm. The active participation of the people in the development works in the shape of their active interest in the affairs of Panchayats and through local contribution in cash, kind or labour is required to awaken the slumbering masses and to tap and harness their latent energies.

With this end in view the Panchayati Raj institution in West Bengal was set up. The four-tier Panchayati Raj in West Bengal like the three-tier system in other States strives to achieve a positive and
harmonious co-operation between the rural democratic institutions and national extension services through which development programmes are executed in the rural areas.
REFERENCES:

4. Sir Herbert Risley quoted by J.P. Sada, Ibid., P.497.
7. Sec. III, The Village Chowkidari Act, 1870.
15. A Circle Officer was a member of the West Bengal Junior Civil Service recruited through the State Public Service Commission. The Circle Officers were originally appointed with the specific purpose of inspecting and supervising the work of the Union Boards. The Bengal Village Self-Government Act, 1919 introduced for the first time a Circle Officer for a group of Unions. The B.D.O and the Jt. B.D.O have now assumed the functions of a Circle Officer.


17. Democratic Decentralization, Ministry of Community Development and Co-operation, Govt. of India, 1959, P.1.


20. The Hindu, Madras, 22.6.1944.


25. The First Five Year Plan, Government of India, P. 133.


32. Ibid.
