CHAPTER IX

The Village Panchayat

The Jaipur records, especially the chithis, confirm the existence of village panchayats in Eastern Rajasthan, and at the same time provide some information on the nature of the working and jurisdiction of these institutions in the rural areas.

From the manner in which the panchayats have been referred to in the documents, it appears that they were old, well established and recognized institutions. 1 Definite documentary evidence, regarding the existence of panchayats, is found in the 17th century records. 2 They do not however provide any information regarding the manner in which the village panchayats originated. The documents mention two types of panchayat i.e. the caste panchayat 3 and the village panchayat. 4

The members of both the panchayats were invariably known as the


Amber Records, letter from Ganga Dhar to Tiwariji, dt. KI Vaisakh Sudi 9, VS 1818/1761; from Sahib Ram to Mishra Sri Kishanji dt. KI Jayeshtha Sudi 2, VS 1816/1759, H.S.

2. For the present study mainly 18th century documents have been consulted but references to the panchayats are also found in the 17th century documents in the Amber Records and the Chithis.


4. Chithi to Singhi Lala Ram and Chich Salig Ram, the Amls of pargana Swai Jaipur, dt. KI Kati Vadi 14, VS 1826/1769; Chithi to the Amls pargana Hindaun, dt. KI Laha Sudi 5, VS 1796/1739, D.D.H.
panchas. The caste panchayat consisted of five members of that particular caste and was named after the caste. The members of such panchayat were known as Panch Brahmin, Panch Lahajan, Panch Julaha etc.

It appears from the documents that the village panchas were a selected body of persons though it is difficult to determine precisely their number.

Nothing is clear from the available documents about the composition of the village panchayats. It is difficult to find out whether the village panchas were drawn from only the agricultural community or whether they represented the entire village society including both agricultural and non-agricultural classes. However, it can be assumed that the panchas were drawn from the landed proprietors and from among the members of dominant caste or clan. This assumption is based on the fact that the agriculturists or haljota were the dominant members of the village society and formed the bulk of the village population. The kamins were of minor importance and subordinate to the interest of the agricultural community. However, it cannot be ruled out that some members of other professional classes such as the village mahajan might have been associated with the panchayat or even possibly were


See Chapter I.
members of the panchayat.

The village panchayats were not formed in all villages. Usually they existed in a fully matured village (asli). The thinly populated or the newly settled villages were usually under the jurisdiction of the panchayat of the adjacent big or parent village. The jurisdiction of a village panchayat could thus extend to two or even more villages. 1

With regard to the functions and role of the panchayat in a village, it is clear that the panchas had no hand in the general and revenue administration of the village. The Thanadar in particular and the Faujdar of the pargana in general were responsible for the maintenance of law and order in each village. The local elements, who were partly responsible for maintaining peace and order in their respective villages, were the Patels, Zamindars, Jagirdars or the Udikis. Similarly in the agrarian administration of the village the panchas did not enjoy any official position. There were regular state revenue officials who operated in the villages for the purpose of assessment and collection of the revenue. These were the tapdars and sahanas. They were helped by the village patels, patwaris and the zamindars. Thus, officially, the panchayats did not enjoy any right or position in the administration of the village. However, the panchayats could be entrusted with some administrative work by the

state such as the management of the malba or the looking after of abandoned lands.

The most important function of the panchayat was to settle and adjudicate various disputes arising in the socio-economic life of the rural population. The rural disputes placed before the panchas were of varied nature and can be divided into a number of categories:

A) Agrarian disputes regarding the ownership of land, fields, wells, disputes on cultivation, demarcation of the village boundaries, also disputes concerning the ownership of hereditary offices of the patels, the chaudharis, the ganungos and the zamindars, disputes on the sharing of surplus produce and the rate of cesses etc.

B) Disputes related to the social life of the rural population such as marriage, caste, adoption, etc.

C) Disputes concerning the division and ownership of ancestral property both movable and immovable.

D) Disputes regarding pilferage, theft, other crimes such as murder, adultery etc.

These disputes were either referred directly to the village panchayats for arbitration by the parties concerned or could be referred back by the state administration to the panchas for settle-


ment, verification etc. Some times it were the panchas who took
the initiative in these matters whenever they found that such dis-
putes endangered peace and order in the village. The most striking
feature of the system was that in a majority of cases the disputes
came directly before the panchas and were settled locally without
any reference to the ruler or the state administrative machinery.
But whenever the decision of the panchayat failed to satisfy either
party, an appeal could be made, without any restrictions, to the
next rung in hierarchy of the state officials, and even to the
darbar. However, there are instances of a number of cases which
were directly reported to the state for justice and the darbar,
instead of giving its own decision referred them back to the village
panchas for adjudication. Thus the panchayats became an instrument
in the hands of the state administration to dispence justice in the
rural areas.

1. Chithi to the Amil and Faujdar pargana Fagi, dt. K.I Falgun Sudi
10, V.S. 1796/1741; Chithi to the Amil pargana Hindaun dt. K.I
Falgun Sudi 4, V.S. 1794/1737; Chithi to the Amil pargana

2. Chithi to the Amil pargana Hindaun, dt. K.I, Chaitra Sudi 13,
V.S. 1814/1757; Chithi to the Amil pargana Swai Jaipur, dt. K.I
Jayeshtha Vadi 9, V.S. 1819/1762; Chithi to the Amil and Faujdar
pargana Fagi, dt. K.I, Jayeshtha Sudi 8, V.S. 1797/1740; Chithi
to the Amil pargana Swai Sadhopur, dt.K.I Bhadon Sudi 1, V.S.
1848/1791, D.D.H.

3. Cut of 28 instances of disputes recorded in the documents, 17
cases directly came before the panchayats for arbitration.

1764; Chithi to Rajaji Shri Govind Ramji, dt. K.I. Soj Vadi 10,
V.S 1825/1768; Chithi to Sanghi Lala Pan Shah Sallig Ram, the

5. Chithi to the Amil pargana Lalsot, dt. K.I. Kati Vadi 2, V.S.
1827/1770.
Since agriculture was the principal occupation of most of the rural population and the surplus produce was shared by different persons directly or indirectly, the majority of the disputes were agrarian in nature. They mostly consisted of conflicts regarding the ownership and mortgage of land, fields, wells, demarcation of the village boundaries and the shares of the assignees.

In order to get an insight into the nature of the working and powers of the panchayats it is necessary to look into the cases which were taken up by the panchas for arbitration and adjudication. Some instances are given below to highlight the nature of these disputes and the manner in which they were settled by the panchayats.

When a dispute in 1767 A.D. relating to the mortgage of land and ownership of fields arose between Khooba Brahman and Dharnaya Mali, the Brahman reported the matter to the darbar. Both of them were ordered by the darbar to undergo the process of ghij pani (to carry a pot containing holy water) to prove their truthfulness. However, the order of the darbar was set aside by the panchas who, after conducting enquiries, held the Brahman guilty and punished him by imposing Rs. 5.50 as taksirana.

There is another instance, of 1762 A.D. when a dispute arose between the jagirdar and the vaiyat of the village of Bhatari in pargana Swai Jaipur regarding the rate of the malha cess. The dispute was settled in the panchayat. The panchas fixed the rate of the malha at 0.50 paisa per bigha and the jagirdar accepted the decision. Later on, the decision of the panchayat was also confirmed by the state.

1. Arhaatta pargana Lalsot, V.S. 1824/1767, H.S.
2. Chithi to Shah Gulab Chand, the Adil pargana Swai Jaipur, dt. K.M. Javeshtha Vadi 9, V.S. 1819/1762, D.D.H.
In 1740 A.D. a dispute arose when the field of one Tulsi Patwari was forcibly occupied by Kushal Singh Naruka who let it out to Lala Ahir. The victim reported the matter to the darbar who instructed the amil to decide it on the basis of the inquiries conducted by the panches.

There was another case in 1738 A.D. in which the field of one Hiraman Jat was forcibly occupied and cultivated by Aan Mal Jat. The darbar instructed the Amil to decide the dispute with the help of the panches, the chaudhary and the ganungo.

In another case, in 1764 A.D. it was reported by Tin Pal Velahi of Qasba Mauzabad that Jamal Khan Nagauri had sunk a well in his land. The panches had warned Jamal Khan to refrain from it but he had overruled their instructions. Justice in this case was dispensed by the darbar after conducting inquiries from the panches and the panch.

In another case in 1741 A.D. Daya Ram Mahajan of the village of Dadha in pargana Naraina reported to the darbar that Kushal Jat had cut away the standing crop from his Khora field. The panches forbade him from doing so. In this case also the accused defied the order. Later on Kushal was compelled by the state officials to compensate the mahajan.

In a dispute in 1770 A.D., relating to the mortgage of land between Jan Singh Brahman and Nathu Meena of the village of Vilana in pargana Lalsot, the panchas were requested by the state to arbitrate and to render their good services to make a settlement between the Brahmins and Meenas of the village.

The jurisdiction of the village panchas, as mentioned before, was not always confined to a single village and there were cases when several village panchayats could act together to settle a dispute between two villages. This is evident from the documents which record boundary disputes between the zamindar and jagirdar or between the patel rayats of two neighbouring villages. The nature of boundary disputes and the role of the panchas in deciding such disputes can be highlighted by the following examples:

In a boundary dispute in 1762 A.D., between the patel and raiyat of the villages of Mozam Pura and Kherli in pargana Lalsot, the panchas of ten neighbouring villages were requested by the amil to settle the dispute and to draw up a fresh boundary line. The panchas instructed the patels of the disputing villages to carry khalro on the forehead. Shiv Ram, the patel of the village of Mozam Pura underwent the process without any hesitation but Larli, the patel of the

   "--- वायण को अर इ वो (गोपा) दिस्ते वो होय तो पीढ़ सु ओ राजकी वर्ण
   देशो अर ने गाँद वे बॉजत देशो ---"

   A dispute between Toda Lahajan of the village Syam Pura and Chaina Lahajan of the village of Sarasa regarding the marriage of Chaina was referred to the panchas of Gasba Lalsot for justice.
village of Kherli refused to carry Xhalro. The panchas awarded their
decision in favour of the patel and raiyat of the village of Mozam
Pura and placed stones along the fresh boundary line. 1

In another boundary dispute between the patel and raiyat of the
villages of Fulwara in pargana Hindaun and Paota in the pargana of
Wazirpur, the amil of pargana Hindaun and the chaudhary ganungo of
pargana Paota appointed panchas of the villages of Raipur, Kheri and
Kasoorpur for arbitration. The panchas on the basis of their knowledge
demarcated a fresh boundary line and the patel's raiyats of the villages
were instructed to follow the decision. 2

It emerges from the above mentioned disputes that the panchas
played their role in the settlement of these disputes at three dif-
ferent levels. In some cases the disputes were directly referred
to the panchayat by the persons concerned and the decision of the
panchayat was accepted by the community and the defaulters were puni-
shed by the panchas. 3 From this it can be inferred that the panchas
had the right to punish. In one instance we find them even setting
aside the decision of the darbar and punishing the defaulter accord-
ing to their discretion. 4 Much more evidence would be needed to
arrive at a definite conclusion about the panchas' power to do away

1. Chithis to the Amils pargana Lalsot, dt. K.M Magshiri Vadi 2, V.S.
1819/1752; dt. KI Jayeshtha Vadi 1, VS 1822/1765, D.D.H.
2. Chithi to Kabuli Mal, the Amil of pargana Hindaun, dt. KI Asoj
Sudi 11, VS 1780/1723, D.D.H.
3. Amber Records, letter from Sahib Ram to Shri Kishan, dt. K.M.
Jayeshtha Sudi 2, VS 1816/1759, E.S. Chithi to the Amil pargana
Hindaun, dt. KI Jayeshtha Vadi 4, VS 1808/1751. Chithi to Shah
Gulab Chand, the Amil pargana Swai Jaipur, dt. KI Jeth Vadi 9,
VS 1819/1762. Chithi to the Amil pargana Hindaun, dt. KI Chaitra
Sudi 13, VS 1812/1757, Chithi to the Amil and Paudhar pargana
Fagl, dt. K.I. Jayeshtha Sudi 8, VS. 1797/1740, D.D.H.
4. Arhsatta pargana Lalsot, dt. V.S. 1824/1767, H.S.
with the decisions of the darbar. The raiyat preferred the panchas to the state officials in the arbitration of their disputes. Even in cases where the disputes were referred to the darbar the evidence of the panchas (mazhar) had a decisive role and was relied upon by the higher authorities. We also come across cases in which the panchas took initiative and warned the defaulter to refrain from committing illegal acts but the order of the panchas was defied and the victims had to seek help from the state administration. It is thus evident that the order of the panchas was not binding and enforceable as state laws. The force behind panchayat was rather the fear of being socially discarded or expulsion from the village society.

Another source of its strength was that its decisions could be implemented through the instrument of state administration. 1 The panchayat got full recognition from the state and assisted the administration in deciding rural disputes.

The methods adopted by the panchayat are quite evident in the boundary disputes. In the case of a boundary dispute between two adjacent villages, the patels of the disputing villages and the chaudhary ganungo of the pargana were summoned by the amil. The panchas of the neighbouring villages were entrusted with the responsibility of arbitrating and demarcating a fresh boundary line. 2 The panchas, on the basis of their personal knowledge and with the help of records in the custody of the Chaudhary and the Qanungo, demarcated the boundary line and marked it by placing stones on the boundary. 3 Sometimes the manner in which the panchas decided boundary disputes was quite primitive. 4 The patels of the conflicting villages were instructed to carry either ghi.jpani 5 or khalro 6 on their forehead and then they were asked to cross the boundary line. The patel who


5. Ghi.jpani was a process in which a person was asked to carry a pot containing holy water to prove his innocence.

6. Khalro was a pot made of the skin of a cow. Like ghi.jpani it was also a device to ask a person to establish his case.
declined to act accordingly was declared the loser. When both the
patels complied with the order, the panchas waited for sometime
hoping for some natural calamity to fall upon the guilty. In one
case a patel who carried ghijpant and died after one month was de-
clared defaulter by the panchayat.

The consent of the panchas was also taken by the state at the
time of appointing persons to the vacant offices of the chaudhary,
the ganungo or the patel. In disputes between two claimants for
the office, the claim of the candidate supported by the panchas was
usually entertained by the state. There is an instance in which
the panchas ousted Chaina, the patel of the village of Malaka Nagal
from office, whose claim to the patel was previously accepted by
the nyayasabha. Chaina, who failed to satisfy the raiyat and the
panchas, developed strained relations with them. The panchas appointed
Hari Kishan, a brother of the ousted patel as his successor and
offered him the pag pateli ki. Chaina made an appeal to the nyay
sabha but it upheld the decision of the panchas. However, this
single case is not sufficient to warrant any conclusion that the

1. Chithi to the Aml pargana Chatsu, dt. K.M. Jagishri Vadi 2,
V.S. 1819/1762, D.D.H.
2. Ibid.
3. Chithi to the Aml pargana Chatsu, dt. K.M. Jagishri Sudi 9,
V.S. 1815/1758, D.D.H.
4. Chithi to Singhi Lala Ram Shah Salig Ram, the Amls pargana
Swai Jaipur, dt. K.M. Kartik Vadi 14, V.S. 1826/1769. Chithi
to the Aml pargana Chatsu, dt. K.M. Sawan Vadi 12, V.S. 1816/
1759. In a dispute between Roopa and Dharam Singh Chaudhary
regarding the Chaudhrai of Qasba Chatsu, the panchas supported
the candidature of Roopa who was permitted by the state to
perform the duties of chaudhary.
5. Chithi to Singhi Lala Ram Shah Salig Ram, Amls pargana Swai
Jaipur, dt. K.M. Kartik Vadi 14, V.S. 1826/1769, D.D.H.
panchas had full power to appoint and remove any village official from office. Their power in this regard was limited. They could not dismiss a person without any valid reason and the state's approval of decisions in such matters was necessary.

However, the panchas exercised a great deal of influence in matters relating to the social institutions like caste, marriage, adoption etc. The social life of the rural population was governed by customs and social matters were not regarded as personal but something concerning the entire rural society. In cases of violation of the established social norms by any person, the panchas, as representatives of the rural society, could take action against a defaulter and punish him. The power wielded by the panchas in such affairs can be appreciated best by the following examples:

Kushal Singh Gangual of the village of Choru in pargana Fagi got remarried after 15 days of the death of his first wife without consulting and obtaining prior permission from the panchas. He was punished by the panchas and was ordered to leave the village. An appeal made by him to the state against the decision of the panchas was not entertained.

In another case in 1758 A.D. we find that the panchas rejected the succession claim of one Sukh Ram to the office of chaudhari on the ground that he was adopted by the deceased chaudhary without consulting the panchas. The ceremony of adoption too was performed.


in the absence of the panchas who were not requested to distribute
coconut and betel leaves to the representatives of four castes who
witnessed the adoption ceremony. 2

Another case shows the panchas’ power to punish when a social
crime was committed. Kusla Jat, a cultivator of the village of
Palasoli was accused of killing a buffalo. The panchas ordered him
to undergo prayaschit (penance). He was instructed to proceed to
the Ganges to perform the ceremony of gangodik. 2

Punishing defaulters was, however, not the sole function of the
panchas. In many cases they protected the innocent from the harass-
ment of the state officials by standing surity for their good con-
duct. 3 They also acted as witnesses in favour of persons arrested
by the state officials on false pretexts and secured their acquittal. 4

The panchas also played a vital role in arbitrating disputes
concerning the division of ancestral property among heirs. 5 In order
to avoid subsequent disputes, the property was some times divided
amongst various claimants in the lifetime of the father in the pre-

1. Chithi to the Amil pargana Chatsu, dt. K.M. Magishri, Sudi 9,
V.S. 1815/1758, D.D.H.

2. Chithi to the Feujdar pargana Naraina, dt. K.M. Jayeshtha Vadi
12, V.S. 1797/1740, D.D.H. In another case the panchas instructed
Ganga Ram Meena of the village Bamamwas to perform Gangodik on
the ground that his wife had committed suicide by jumping into
the well.

3. Amber Records, letter from Varisal to Ray Chand, dt. K.M. Chaitra
Vadi 8, V.S. 1857/1800, H.S.

4. Chithi from Divan Kanhi Ram Nand Lal to the Amil of pargana Chatsu
dt. K.M. Asarh Vadi 8, V.S. 1815/1758, D.D.H. The original docu-
ment reads as follows:

In disputes arising out of the division, property of a deceased, the panchas could divide it amongst the lawful heirs. Even in the case of appeal to the state, the panchas decisions were honoured by the state. The following examples are given to highlight the point:

There was a case in 1757 A.D. in Qasba Hindaun, when the ancestral property had to be divided among five step brothers. The panchas took the initiative, ordered the habitants of the gasba to assemble and divided the property in the presence of the people of the village. Later on two of the brothers made an appeal to the state against the judgement of the panchas, but it was dismissed by the darbar and the brothers were instructed to honour the decision of the panchas.

The panchas were requested to establish the identity of the rightful heir to ancestral property. The role of the panchas was not


A dispute between Sita Ram Brahman and Arti Ram Brahman regarding the division of udik land was decided by the panchas who divided the land according to their lawful shares. Arti Ram, who subsequently raised objection to the decision of the panchas was instructed by the state to follow the decision of the panchas.

3. Chithi to the Amil pargana Hindaun, dt. K.M. Chaitra Sudi 13, V.S. 1814/1757, D.D.H. The original document reads as follows:

4. Chithi to the Amil pargana Hindaun, dt. K.M Falgun Sudi 4, V.S. 1792/1737, D.D.H. The Amil was instructed to request the panchas to establish the identity of the lawful heir amongst various claimants to the office of Chaudhary of pargana Chhani.
confined rarely to judicial matters. They also functioned for the general well being of the rural population. This can be seen by an instance of 1727 A.D. Khiva Jat of the village of Choru in pargana Fagi was indebted to Jasa Harji Patni, the mahajan of the village. He was once insulted by the mahajan and in frustration consumed an overdoes on opium in a bid to commit suicide. As soon as the panchas of the village came to know about the incident they arranged medical aid in order to save his life, though unsuccessfully.  

Thus it can be concluded that the panchayats were an integral part of the rural society. The panchas, as examined earlier, did not possess any administrative right concerning agrarian issues any fazuddari right for the maintenance of law and order in the village and yet they yielded considerable influence in the village and rendered useful service to the rural society as well as to the state in deciding various disputes. The working of the panchayat depended to a considerable extent on the integrity of the panchas who were supposed to be impartial while dispensing justice. The appeals, made against the decisions taken by the panchas, suggest that, at times, the integrity of the panchas was questioned. However, the state administration seemed to have had full faith in the panchayats and relied upon their decisions, the evidence provided by them and enquiries conducted by them. Much more evidence is needed to get a clear picture about the nature and working of the village panchayats.

and to arrive at a definite conclusion about the panchayat system as a whole. However, on the basis of available documents it can be said that the panchayats played an important role in the village life though this role has been exaggerated by the 19th century British writers.