Chapter 2

Origin and Evolution of Panchayats in India
with Special Reference to Assam.

The village panchayat in India is an earliest developed and longest preserved institution. Its history is as old as Indian history and is a part of its tradition and civilization. Since time immemorial, villages have been the basic units of administration. It continued to flourish through various phases from the Vedic civilization to the present day. Mahatma Gandhi pointed out that, “Long ago, how long history does not record, the Indian genius worked out the village and the local panchayats. It remained our fort through many a turbulent period…kings and dynasties fought…….empire rose, ruled, misruled and disappeared, but the villagers’ life maintained its even tenor, away from the din of battle and the rush of rising and falling empires. We had a village state which protected the life and property and made civilized life possible” (Bharati, 1994, p.69). However, the story of the evolution of village panchayats is not one of smooth and gradual history but one of many ups and downs. From a crude beginning, panchayats in India evolved through various complex phases to attain its present constitutional maturity and structure.

The term ‘village’ is an old word in Indian politics. Further, the word ‘panchayat’ occupies a remarkable position in the history and legend of India. The literal
meaning of Panchayat indicates its formation and function. Panch + Ayat = Panchayat. It is derived from the Sanskrit word ‘Panchen’ and ‘Ayatanam’. The Sanskrit word ‘Panchen’ means five members. A body formed by five wise people to arbitrate and settle disputes is called ‘Panchas’. Further, ‘Ayatanam’ denotes the place or office. So, in this sense, panchayat means an ‘office of Panchas’. These five members are sacrosanct in Indian mythology. They are considered as the five representatives of God and each stands for one of the constituents of Mother Earth. They are those five deities who are called “Panchayatan” in Sanskrit i.e., Ganapati, Vishnu, Sankar, Devi and Surya. These five Gods together constitute the supreme power. Thus, the Panch constitutes the “Parameshwar” the great God of Justice (Dey, 1962. p.5) who is infallible.

Thus, from the days of mythology to the present time, panchayat has a long history. For the convenience of a systematic study of this long history of the village panchayats in India with special reference to Assam, this chapter has been divided into three sections: section I deals with the panchayat institutions of ancient and medieval period. Section II deals with the evolution of panchayats during the British period; and section III focuses on the post-independent developments in panchayat institutions.

I

The existence of Panchayats or local bodies is referred in the ‘Rig Veda’, ‘Atharva Veda’ and also in ‘Chhandogya Upanashid’ which was written at the end of the Vedic period. During the Rig Vedic period, the Aryans lived in small villages called the ‘Grama’ and the head of the ‘Grama’ was called ‘Gramini’ or headman. Then again many ‘Gramas’ formed a ‘Visya’ whose head used to be called as ‘Visyapati’. Several ‘Visyas’ used to form a ‘Jana’ which was ruled by a king called ‘Rajan’. At that time, the ‘Grama’ was the significant unit of social and political life from which sprang the rest of the layers of the society. ‘Grama’ was run by a local government or a village assembly which was headed by a ‘Gramini’ or a headman.
In the Rig Veda, the headman or ‘Gramini’ had a notable place. Village assemblies of the Vedic period were called ‘Sabha’, ‘Samiti’ and ‘Viditha’ (Jayaswal, 1967. p. 12-20). Although nothing definite is known about these assemblies yet it is presumed that they were popular public institutions. The ‘Sabha’ dealt with local problems while the ‘Samiti’ used to discuss the national problems. “The Samiti was the national assembly of the people, while the Sabha was probably a standing and statutory body of selected men (Khurana, 1996. p. 169). ‘Sabha’ is described in the ‘Atharva Veda’ as the sister of ‘Samiti’, both being the daughter of ‘Prajapati’. It is further referred that the Sabha comprised elected representatives from different sections of the society. According to Rig Veda, persons of great wealth and noble birth used to constitute Sabha and therefore, the Sabha was probably a council of aristocrats and elders. The meetings of the Sabha took place in an assembly hall and both political and non-political matters were discussed. Sabha was also considered as village or clan assembly, meeting for social as well as political purposes (Khurana, 1996. p. 170).

The ‘Sabha’ and the ‘Samiti’ of the Vedic period which once exerted great power and influence had started losing its hold in the post-Vedic period. The growth in the size of the kingdoms must have made their meetings difficult and in consequence their control and check over the ruler must have declined. But the Sabha and the Samiti of the Vedic period did not disappear without leaving their successors in the body politic of the later-Vedic period. They were known as Pauras and Janapadas in the post-Vedic period (Jayaswal, 1967. p.12-20).

Thus, the village continued to be regarded as a corporate political unit throughout the post-Vedic period also. The reference of ‘Ganas’ and ‘Sanghas’ in the ‘Mahabharata’ confirms the existence of village republics during the post-Vedic Epic Age. Self-government at the village finds ample expression in ‘Shanti Parva’ of ‘Mahabharata’. According to ‘Mahabharata’, the chief official of the village was ‘Gramik’. ‘Dashap’, ‘Vinshya’, ‘Adhipati’, ‘Shat Gram Adhyaksha’ and ‘Sahasra Gram Pati’ were the chiefs of a group of ten, twenty, one hundred and one thousand villages respectively (Joshi, 2005. p.22). In ‘Manu Smriti’, the village is referred to
as the smallest political unit in the state fabric. At the time of Manu, the villagers had their own system of administration and head of the village administration was known as ‘Gramini’ or the headman. The Gramini was under the hierarchy of the government servants. He was generally nominated by the king to control the village. ‘Defence’ was the foremost duty of the headman’ (Altekar, 1962. p.25). Gramini was the link between the central government and the villagers. He was also the ex-officio head of the Village Council. Manu said “The lord of one village himself shall inform the lord of ten villages of the crimes committed in his village and the ruler of ten to the ruler of twenty and so on” (Bharati, 1994. p.68-69). But later on, the headman got wider power for the defence of the village, construction and repair of public works and to delimit the village boundaries. Exercise of such powers by the village headman of the Vedic and post-Vedic period shows the administrative importance of these local bodies during the primordial time of history. The autonomy enjoyed by the panchayats during that period was not an outcome of any statutory mandate. No law was enacted by the central authority to provide autonomy to the village institutions. Even there was less interference of the authority in the village affairs. There was no administrative complexity and political rivalry as it is in the present day panchayats. “Earlier, the prevailing socio-economic system was less centralized. Consequently, it resulted in the village self-sufficiency, Panchas were chosen by consensus with unanimity and without competition or rivalry. But now the panchayats are fully elected bodies. So, the real democratic spirit is seen now than earlier (Bharati, 1994. p.70). It is further seen that “in ancient India people had plenty to eat, drink and merry. The modern conception of ‘Welfare State’ was never seriously thought of. Obviously the state then had a very few functions to carry out. For the most part, it was a tax-collecting and recruiting agency. As a result, the life of the society was regulated by the authorities with whom the state never interfered” (Asirvatham, 1984. p.242).

Thus it is evident that those village organizations of Vedic period were more or less independent of central influence and this state of affairs continued during the reign of the Hindu kings of post-Vedic period. In the sixth century B.C. during the pre-Mauryan or Maghadan period the society was absolutely based on agriculture and
the people lived in villages. At that time, the headman of the village who was called the ‘Gram Bhojak’ looked after the law and order situation of the village and also used to collect the land revenue from the cultivators. People were not allowed to sell or purchase any piece of land without the prior permission of the ‘Gram Samiti’ appointed for helping the ‘Gram Bhojak’ (Khurana, 1996. p.159).

In the Mauryan Period, the local administration was very much developed during the reign of Chandragupta Maurya. His local administration was divided into two parts i.e., municipal administration and rural administration. As a great politician, Chandragupta Maurya knew that proper administration of a large empire is impossible without the help of an efficient grass-root administrative set up. That is why he preferred the establishment of panchayats in the villages. The references in Kautilya’s Arthashastra suggest that the villages were the smallest units of administration and were looked after by the village elders known as ‘Gram Vriddhas’ (Chande, 2004, p.43). Men who by their age, character and attainments acquired the confidence of the villagers were called Gram Vriddhas and their opinion was supposed to represent the wisdom of the village (Benerjee, 1916. p.292). Those village elders were also known as ‘Gramik’ who were the experienced persons performing the administrative and judicial functions. A ‘Gram Sabha’ was also constituted for the assistance of ‘Gramik’. There was an officer named ‘Gopa’ who used to check the work of the ‘Gramik’. The work of the ‘Gopa’ was checked by the ‘Sthanik’, that of ‘Sthanik’ by the Governor and that of the ‘Governor’ by the King himself. It shows that there was a well-linked chain of administration from the central to the very local level and was monitored and controlled by each other in a systematic way (Khurana, 1996. p.197).

In the Rashtrakuta kingdom the directly administered areas were divided into Rashtra, Visaya and Bhukti. The Visaya was like a modern district under the ‘Rashtra’ or the state and the Bhukti was a smaller unit to it like the modern village. During the time of Rashtrakutas, village was the lowest territorial division and was the basic unit of administration. The village administration was carried out by the village headman and the village accountant whose posts were generally hereditary.
The headman was often helped in his duties by the village elders called Grama Mahajana or Grama Mahattara. In the Rashtrakuta kingdom, there were village committees to manage local schools, tanks, temples and roads. Simple disputes were also decided by these committees. (Chandra, 2007. p.23, 24). In the Pala and Pratihara empires, the unit below the Visaya was called Pattala. It was like village and served as major sources of revenue to the state. Information regarding village government in the Chola Empire can be revealed from a number of inscriptions. There were two assemblies, called Ur and the Sabha or Mahasabha. The Ur was a general assembly of the village. The villages were endowed with autonomy. The affairs of the villages were managed by an executive committee constituted of persons owning property and who are elected for a period of three years. (Chandra, 2007. p.32)

The Chola tradition of village self-government was considerably weakened during the rule of Vijayanagara. The growth of hereditary nayakships tended to curb their freedom and initiative. The Governors of the Provinces were royal princes at first. There was no regular term for Provincial Governor; rather it depended on the ability and strength of the person concerned. The Governor had the right to impose new taxes or remit old ones. (Chandra, 2007. p.152)

When the Turks established their rule in India, they divided the local administration into a number of tracts called ‘iqtas’ which were parceled out among the leading Turkish nobles. The holders of these offices were called ‘Muqtis’ or ‘Walis’. The ‘muqtis’ were expected to maintain law and order in their tracts, and collect land revenue from that. ‘Pargana’ was regarded as the lowest unit of administration. The head of the ‘Pargana’ was the ‘Amil’. However, there is no clear reference about how exactly the village was administered during that time. The village panchayats which evolved and flourished through the Vedic and post-Vedic period and also through various dynasties of Hindu period had suffered a great set back with the advent of Muslim rule in India. There was no considerable progress of panchayat system during that period. Rather; it suffered set back due to the total centralization of administration of the Mohammedan period. Due to a strong centralized
administration, the village lost much of their autonomy during the Muslim rule and particularly during the reign of Mughals in India. Law and order of the villages were dealt with through their own men called the Headmen or Mugaddam. The judicial powers of the panchayats were also curtailed by the Mughals (Tinkar, 1967. p.19). “The Muslim rulers did not interfere into the village affairs so long they did not trouble the central government” (Bharati, 1994. p.70). But the practice of strong centralization robbed the autonomy of the panchayats automatically and pushed them into the backyard of administration, thereby curtailing their erstwhile importance.

Local self administration was, however, a well-knit structure during the Maratha period. Under Daulat Rao Sindhia, each territorial unit was a self contained village. Munroe wrote that “every village is a kind of little republic with the Patel as the head of it” (Chaurasia, 2004, p.78). Patel, the headman of the village, performed a variety of duties and combined in himself the functions of a Revenue Officer, Magistrate, Judge and representative of the village vis-à-vis the central government. His office was generally hereditary and he used to get a fixed percentage of the revenue from the village. It was his responsibility to maintain peace in the village and work for its development. Another local officer was Kulkarni who used to act as village clerk and record keeper. Those village officers were helped by Mohar who functioned as a watchman and Chagua who acted as Patwari (Chaurasia, 2004. p. 196,197).

In Assam, history reveals the existence of local bodies before the advent of British rule. During the Kamrupa kingdom, the government was divided into several administrative units, i.e., Bhukti, Mandala, Vishya, Pura and Agrahara. The lowest administrative unit of Kamrupa Kingdom was ‘Grama’ or village and ‘Pura’ or city inhabited by a number of class and caste (Barpujari, 1990. p.180-183). The Bhuyans made their appearance sometime in the late 12th century. They often grouped themselves locality-wise either under a Bhuyan Bar-Raja or formed a confederacy known as Bar-Bhuyan with a chief called Shiromani Bhuyan. At the village level there would be a Saru (minor) Bhuyan and then the Paiks (free
peasantry). Whenever there was a powerful king in Kamarupa, the Bhuyans offered him their allegiance and also withdrew it when a weaker king came to power. They were basically warrior landlords often referred as 'bloated zamindars’. The Bhuyans did not belong to any one ethnic group.

During the Ahom period the local organizations like Mel and Khel were functioning in various parts of the state. Edward Gait in his book ‘A History of Assam’ says that the sons, wives and other near relations of the reigning monarch were given estates which were gradually known as Mels. Each Mel was managed by a Phukan or a Barua. Gait further refers to the existence of various kinds of Mels during the Ahom period. The Mels conferred on the sons, brothers and nephews of the king were called Charingia Mel, the Tipamia Mel, the Namrupia Mel, the Saru Mel and the Maju Mel and the beneficiaries of those Mels also used to enjoy the title of ‘Raja’. The Mels conferred on the chief of army and the second queen was called Raidangia and Parbatia Mels. The Mels conferred on other queens were known as the Purani and the Na Mels. The daughters, nieces, sisters and the daughters-in-law were granted Gabharu Mels. The Khangia, Kolichengan and Enaigharia Mels were rendered to the queen’s mother, king’s nurse and grand mother respectively (Gait, 2008. p.244). G.R. Baruah in ‘Assam Buranji’ points out that the Parbatia Phukan, Raidangia Phukan and Khongia Phukan were in charge to look after Parbatia, Raidangia and Khongia Mels respectively. Dhekial Phukan was in charge of the Dhekial Mels. Besides Mels, there was another important organization at the local level of administration which was called Khels. It was through Khels, Paiks were organized. To quote Gait, “The Paiks were arranged by Khels, which were provided with a regular gradation of officers. Twenty Paiks were commanded by a Bora, one hundred by a Saikia, one thousand by a Hazarika, three thousand by a Rajkhowa and six thousand by a Phukan.” The Officer-in-charge of a Khel could settle minor disputes among the members of the Khel (Bhuyan, 1975. p.247).

Apart from Mel and Khel, there is another institution known as Namghar which has been in existence in Assam since the beginning of the sixteenth century. “The Namghars which were set up as central religious institutions of the village worked...
to a large extent towards spread of intellectual and cultural activities in the village, and in course of time became the nerve-centers of the village and came to coordinate all the aspects of social, economic and political life of the Assamese people. Namghar further served as a panchayat hall where the villagers used to gather to discuss and solve many of their day-to-day problems.” (Boruah, 1960. p.107, 108).

However, Mel, Khel and Namghar cannot be regarded as local self government institutions in the true sense of the term (Rao, 1965. p.65). Although they performed some roles to deal with local affairs, these were basically administrative and occupational units to confer power and designate posts to king’s near and dear. Thus, it may be said that the journey of the local self government in modern India actually began with the British rule.

II

With the advent of the Colonial rule in India a remarkable change took place in the village institutions. According to their revenue policy the headman of the village was empowered to collect the revenues from the peasants and paid a part of it to the central authority and kept the reminder with them. Gradually they became richer and emerged as zamindars. The advent of this Zamindari system brought the downfall of village institutions in India (Bharathi, 1994. p.71). But since the beginning of the 19th century various attempts had been made by the Company Government to sustain and restore local self-governing institutions in India. The first step in this regard had been initiated by the Government of the Presidency of Bombay. They made an attempt in 1802 to associate the panchayats with the regular administration of justice. But the beginning of the local government under British rule mainly began with the establishment of the Madras City Corporation in 1687 (Bharathi, 1994. p.76). It was responsible for public services, collection of taxes and dealing with the civil and criminal matters.
Following the Bombay Presidency Regulation of 1802, the Regulation of 1816 had conferred judicial authority to the village panchayats in a few provinces. Under this Regulation, the Panchayats under the Madras Presidency were allowed to try cases if both the parties agreed to submit the dispute to the panchayat. The system, however, did not work because of certain inherent defects. In the traditional set up that existed in ancient India, the village headman used to be a respectable figure and enjoyed the faith of the people. But in the British introduced system, the village headman was generally identified as a representative of the British government. He was given powers to deal with the affairs of the villagers but the villagers were, however, not impressed by him (Sharma, 1994. p.95).

The Regulation XIII of the Government of Bengal, 1813 empowered the District Magistrate to constitute a Panchayat. It will consist of one or two members elected by the responsible inhabitants of the locality. But the powers conferred to the panchayats, according to the Regulation, were very limited. Panchayat will appoint and control the chowkidars, and levy and collect taxes for the payment of their salaries only. The system of election provided under this Regulation was also not democratic as right to franchise was restricted to the responsible and respectable inhabitants of the locality. (Dutta, 1989. p.36, 37)

In the year 1870 Viceroy Lord Mayo's Resolution (for decentralization of power to bring in administrative efficiency in meeting people's demand and to add to the finances of colonial regime) gave the needed impetus to the development of local institutions. It was a beginning in the evolution of colonial policy towards local government. In this connection, the Bengal Village Chowkidary Act, 1870 was passed which was a landmark. It empowered the District Magistrate to constitute a panchayat in any village if majority of the adult male residents apply in writing to the District Magistrate to constitute a panchayat in such village. Under this Act, the panchayat consisted of not less than three and not more than five residents of the village concerned. The members could be partly nominated and partly elected or wholly nominated for a period of three years. Under extraordinary circumstances the Magistrate would reserve the right to nominate one more person to the
Panchayat. No person would be appointed as member of the panchayat under this Act unless he was the resident of the village or the holder of the land therein (The Bengal Village Chowkidary Act, 1870). The notable feature of this act is that it provided a manhood franchise and stopped the strangers to be nominated or elected as members of village panchayat.

In Assam, the Village Chowkidary Act was implemented only in three districts, viz. Sylhet, Goalpara and Cachar. But its operation was not satisfactory. People’s participation was not there. The members of the panchayats were wholly appointed by the Magistrate. From this point of view, it was hardly democratic to represent local aspirations and problems (Rao, 1965. p.33-35).

A major pronouncement in favour of the village institution was made by the Royal Famine Commission of 1880. It recommended that village institutions be utilized for village relief work. In pursuance of the recommendations of the Royal Famine Commission, the village agencies were called upon to control famine. But it did not work much as this move on the part of the central administration has made the village headman, the accountant and the watchman completely identified with the government machine. As a result, the patriotic villagers could not accept them as friends.

The year 1882 marked another important stage in the process of development of local self-government in India. In that year, the Government of India issued a Resolution on Local Self Government which came to be known as Lord Ripon’s Resolution, 1882. The Viceroy intended to build local self-government institutions on the foundations of local self-government system of ancient India and he designed them as an instrument of political and popular education (Dutta, 1989. p.38). He took the initiative to establish popularly elected institutions to look after local problems. Local boards were established in rural areas. Districts and tehsils were formed. Functions and sources of revenue were allotted to them. The Chairman of the local board was elected by the members. The government control was relaxed. It was only to guide rather than control them. The Resolution of 1882
was indeed a great move towards the revitalization of the Panchayats in India. In 1886 and in 1897, the Government of India adopted further resolutions on Local Self-Government, but those resolutions failed to yield desired results as they completely ignored the importance of village representatives.

With regard to Assam, it is observed that the Resolution of 1882 had little impact on rural Boards in the Province. It has been rightly pointed out by Tinker that “Assam with its mountains and isolated valleys has never started District Boards, but has built up Sub-Divisional Boards as the unit of rural administration” (Tinker, 1967. p.53). Thus, little initiative was taken to provide effective machinery for the management of village affairs till the appointment of Royal Commission on Decentralization in 1907 (Rao, 1965. p.34).

It is noteworthy that the first ever reference of Village Panchayats as Local Self-Government institutions in a document of constitutional significance was made in the report of Royal Commission on Decentralization in 1907. The report of the Commission resulted into Morley-Minto Reforms of 1909 which led to the enlargement of the elective process in the Local Self Government structure in India. In 1907-08, the entire subject of the Local Self-Government was reviewed by the Royal Commission on Decentralization appointed by Edward VII. The Commission was made of five Englishmen and an Indian, Ramesh Chandra Dutta. The Commission under the Chairmanship of C.E.H. Hobhouse recognized the importance of panchayats at the village level. The Commission admitted that ignoring of the villages as the primary unit of Local Self Government was not a right step and recommended to constitute and develop village panchayats for administration of central local affairs within the villages (Bharathi, 1994. p. 74).

The Commission considered that the village should be the unit of administration. However, it was thought that the new system should be introduced ‘gradually and cautiously’. The village headman should become Sarpanch and the other members to be informally elected. Their functions should include petty civil and criminal jurisdiction, village sanitation, construction of minor public works and building and management of village schools. They should not be saddled with taxation. They
should be supervised by district officers and not to be subjected to the tyranny of petty officials (The Report of the Royal Commission on Decentralization, p.238-240). However, the Government did not take any step to implement the recommendations of the Decentralization Commission for about six years.

In pursuance of the recommendations of the Royal Commission on Decentralization, several Provincial Governments passed legislations to set up panchayats in the villages. In Assam also, following the recommendations of the Royal Commission on Decentralization, Assam Local Self-Government Act was passed in 1915. The Act provided for the establishment of the Village Panchayat, for the first time, on a formal and legal basis. It empowered the Chief Commissioner to constitute a village authority in each village. The members of these village authorities could be wholly appointed or wholly elected or partly appointed and partly elected for a period of three years. The Act authorized the Chief Commissioner to fix the number of appointed or nominated members. The Act further provided either for the election or nomination of the President and enlarged the functions of the village authorities (the Assam Local Self-Government Act, 1915). The Act delegated powers and functions to the Village authorities relating to village sanitation, village works and so on. Accordingly, village authorities were established in Assam. But the Act of 1915 could not succeed much as the village body so constituted became a nominated body mostly and elections were merely paper works and formality.

The revival of panchayat in India suffered a further set back due to the outbreak of First World War in 1914. So at the time of introduction of Dyarchy system under Montague-Chelmsford Reforms in 1919, the responsibility of the local government was given to ministers and the ministers enacted number of laws to revive the panchayati raj institutions. But the same could not reach up to the level of expectation due to the scarcity of resources. The Provincial Government was formed according to the Government of India Act, 1919. The suggestions of the Royal Commission (1907) were incorporated with the proposed scheme of Dyarchy. The municipalities were vested with more powers to impose taxes. The
Village Panchayat Act was also passed and made the panchayats a legal body. It established the village panchayat in many parts of the country and this continued up to 1940.

Notwithstanding the Montague-Chelmsford Reforms in 1919, panchayat did not become a truly democratic and vibrant instrument of self-government at the village level due to certain organizational and financial constraints. In 1920, Gandhiji made a strong plea for the introduction of Self-Government in the villages with a view to improve their economy and self-sufficiency. He put forth the idea of ‘Gram Swarajya’ or village republic. In the meantime; Indian National Congress had also undertaken a campaign to organize Panchayats in the villages. Thus, it became a part of the ideology of Indian National Movement. The boycott of the government courts and the establishment of peoples’ private court had been one of the important aspects of the Non-Cooperation Movement under the leadership of Mahatma Gandhi. This was indeed a call for the revival of village panchayats and empowering of the village authorities to look after the administrative affairs of their locality.

Keeping in mind the era of Dyarchy, the Assam Legislative Council enacted the Assam Self-Government Act, 1926. It wanted to establish a village authority consisting of not more than nine members elected on the basis of adult manhood franchise. It also provided for the election of President from among the members. Under this Act, members of the village authorities were elected for a term of three years. It also enlarged the functions of the village authorities. The functions of the village authority under the act of 1926 were listed as water supply, medical relief and sanitation. But it could not function successfully mainly due to financial inadequacy. Besides, the village authorities had only a nominal existence. Though this Act provided scope for the emergence of democratic leadership at the village level, yet it was confined to the males alone.

With the passing of the Government of India Act, 1935 the provincial autonomy came into force. Special care was given for the development of local self-
government. Popularly elected governments in provinces enacted legislations to further democratize the institutions of local self-government. But the system of responsible government at the grassroots level was hardly responsible. D.P. Mishra, the then Minister for Local Self-Government under the Government of India in Central Provinces, was of the view that “the working of our local bodies...in our province and perhaps in the whole country presents a tragic picture... 'inefficiency' and 'local body' have become synonymous terms....” (Narayanan, 1987, p.227-228). The Government of India Act, 1935 which conferred autonomy to the local bodies, further accelerated the growth of panchayats. The Panchayat Acts were recast and reenacted. This state of affairs continued with some changes till India attained independence.

III

The independence of the country in 1947 ushered in a new period in the history of Local Self-Government in India. The Constituent Assembly drafted a new Constitution for the country. To the utter surprise and disappointment of everyone, the draft constitution did not make even a remote reference to the village “Panchayats”. This non-inclusion of village panchayats as the active units in the Draft Constitution prepared under the guidance of Dr. Ambedkar sparked off a severe controversy inside the Constituent Assembly. In the Constituent Assembly debate relating to the matter, Dr. B.R. Ambedkar, Chairman of the Drafting Committee, said that “I hold that these village republics have been the ruination of India. I am, therefore, surprised that those who condemn provincialism and communalism have come forward as champion 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 had discarded the village and adopted the individual as its unit”. The non-inclusion of village panchayats in the Draft Constitution was rigorously challenged by many members of the Constituent Assembly. Most of them, who participated in the debate, criticized Dr. Ambedkar for not giving any importance or place to the village in the constitution. H.V.
Kamath strongly criticised Ambedkar’s viewpoint and advocated for the upliftment of the village through the efforts of the village panchayats.

This line of criticism ultimately was successful in persuading the President of the Constituent Assembly to write to the Constitutional Adviser whether the whole thing could be re-examined and the constitution re-drafted from that point of view. But as pointed out by Sir B.N. Rao, the Constitutional Adviser, it was too late in the process of Constitution-making to re-draft the whole Constitution having the Panchayats as its basis. It was then thought better to incorporate the panchayats in the Directive Principles of State Policy and retain the framework of parliamentary government based on direct popular election both at the Centre and the State of the Indian union. In this way a place was permanently carved out for the village panchayat in the Constitution by including Panchayat in Chapter IV which deals exclusively with the Directive Principles of State Policy. In the chapter, it reads as follows:

“The state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government”. (Art. 40)

The inclusion of the panchayat in the constitution gave a new push to the growth of this institution. Almost all the state governments enacted the Panchayat Acts afresh, incorporating in them the democratic spirit of the new age. As a result, the village bodies began to be set up all over the country. Every State government created new departments to organize and look-after the Panchayats. In a Conference on Local Self-Government on August 6, 1948 attended by the ministers of the various states, Pandit Nehru stressed, “Local Self Government is and must be the basis of any true system of democracy. Democracy at the top will not be a success unless it is built on the foundation from below” (Bharathi, 1994. p.76).

In the post-independence era, Assam was one of the leading States in India to have legislation on Panchayati Raj. In Assam, the first Panchayati Raj legislation was the Rural Panchayat Act, 1948. This Act aimed at developing local self-government in
the rural areas of Assam and making better provisions for administration, reconstruction and development of villages. The Act brought into existence two types of panchayats viz., the Primary Panchayat and the Rural Panchayat. The Act of 1948 empowered the government to declare any area to be a Rural Panchayat area. In each such area, there could be as many Primary Panchayats (not exceeding fifteen) as deemed necessary by the Deputy Commissioner or Sub-Divisional Officer as the case may be. The President, the Vice-President and the members of the Primary Panchayats have to be elected for a term of three years by adult suffrage. Again, every Primary Panchayat has to elect one representative to the Rural Panchayat. The President and the Vice-President of the Rural Panchayat have to be elected by the members for a term of three years. Thus, the Act provided scope for emergence of village leaders both at the Primary Panchayat and Rural Panchayat. What was more important was that the Act enlarged the powers and functions of the panchayats, to a large extent, by enumerating a comprehensive list of thirty-four functions.

In January 1957, the Planning Commission appointed a study team headed by Balwantrai Mehta to review the working of Community Development Programme. The committee was also entrusted to examine the possibility of reorganization of district administration by incorporating popular organization between state and village levels. The team recommended the establishment of elected and organically linked democratic bodies at the village, block and district levels. The Committee thus recommended a three-tier system of panchayats in rural areas. It recommended for the direct election of the village panchayat on the basis of adult franchise. The Panchayat Samiti should be indirectly elected by the village panchayats. The Zilla Parishad should consist of the Presidents of Panchayat Samities. The members of the State Legislature and Parliament belonging to the locality and all the district level officers of the development departments should be members with District Collector as its chairman to coordinate the activities of the Panchayat Samities. (Dutta, 1989, p.46, 47)
The report of the Committee of the Community Projects and Natural Extension Service under the chairmanship of Sri Balwantrai G. Mehta submitted in 1958 endowed great importance to Panchayati Raj. After that almost all the States in India passed legislation for the establishment of Panchayati Raj institutions. With regard to Assam, the Assam Panchayat Act, 1959 was enforced. It amended and consolidated the laws relating to the Panchayats and sought to invest them with necessary powers and authority. But the Act was not a carbon copy of the Mehta Committee Report. Rather, it has inserted certain important provisions of the Mehta Committee Report with modifications. This Act of 1959 provided for a three-tier structure with Gaon Panchayat at the base level, Anchalik Panchayat at the intermediate level and Mahkuma Parishad at the Sub-Divisional level. The Gaon Panchayat was the executive body of the Gaon Sabha. It consisted of not more than eleven and not less than nine members directly elected on the basis of adult suffrage. The Anchalik Panchayat consisted of the representatives of the Gaon Panchayats, the members of parliament and the state legislature in the said locality and the representatives of cooperative societies within the area of Anchalik Panchayat. Block Development Officer (BDO) would act as the Secretary. The Mahkuma Parishad created at the Sub-Divisional level replaced the erstwhile Local Board. It consisted of the Presidents of Anchalik Panchayats, the MPs, the MLAs, the DC and the SDO concerned. However, the Act of 1959 could not work satisfactorily and, therefore, certain changes have been incorporated in the Assam Panchayat (Amendment) Act, 1964. The Act of 1964 fixed the minimum and maximum strength of panchayat at nine and eleven respectively. It abolished the direct election of the President and the Vice-President and instead provided that the President and the Vice-President of the Panchayat to be elected by the members from among themselves. The Act abolished the system of open voting and introduced the system of secret ballot.

The Act of 1964 has brought some changes in the constitution of Anchalik Panchayat also. It abolished the system of direct election of the members of the Anchalik Panchayat and provided that one-third of total number of Gaon Panchayats or at least three whichever is greater were to be elected from the
members of the Gram Sabha. The act also increased the number of members of the Mahakuma Parishad by including the Chairman of the Co-operative Central Bank, the Deputy Commissioner and the Sub-Divisional Officer.

The Act of 1959, amended in 1964, was repealed after the adoption of the Assam Panchayati Raj Act 1972. Through this act the Panchayati Raj system in Assam was reverted back to the two-tire system - the Gaon Panchayat at the village level with the population size ranging from 15,000-20,000 and Mahakuma Parishad at the apex level. As result of increase in the area and size of the local institutions in Assam, the number of Gaon Panchayat was reduced to 714 and the number of Mahakuma Parishad to 32. The Act also brought under its coverage the villages located in the Tea-garden areas. The Gaon Panchayat consisted of fifteen elected members. The President was directly elected on the basis of adult franchise. The Vice-President was elected from amongst the members of Gaon Panchayat. The Act also empowered the State Government to nominate one person as member to the Gaon Panchayat from the adjacent tea garden areas, if any. Besides, the State Government may appoint any government officer as an ex-officio member to the Gaon Panchayat. The Councilor of the Mahakuma Parishad representing the area of the Gaon Panchayat was an ex-officio member of the Panchayat. The functions entrusted to the Gaon Panchayat were divided into four heads covering all aspects of rural life.

Under the Assam Panchayati Raj Act 1972, the Mahakuma Parishad consisted of four categories of persons, such as, (i) one councilor elected by each of the Gaon Panchayat within its area, (ii) one representative, each from the Municipality, Town Committee, Regional Board of Elementary Education and the Central Co-operative Bank falling within the sub-division as ex-officio Councilor, (iii) such other government officers as ex-officio Councilors as the State Government may appoint from time to time and (iv) two councilors that may be nominated by the government from the tea garden areas falling within the jurisdiction of the Mahakuma Parishad. The Chairman and the Chief Executive Councilor of the Mahakuma Parishad are to be elected by the councilors from among themselves. The term of office of the panchayat bodies under the Act was four years. (Dutta, 1989. p.34)
But the process of decentralization of power was not complete with the introduction of the Panchayati Raj Act of 1972. The State Government once again made amendments to the Act and introduced a new Act in 1986 replacing the Act of 1972. The new Act became operative with effect from 5th September 1990. With the commencement of the new Act, the state again reverted to a three-tier panchayat set up viz. Gaon Panchayat (with 6000 – 10,000 population size) at the village level, Anchalik Panchayat at the block level and Mahakuma Parishad at the sub-divisional level. In the new Act, Mahakuma Parishad assumed a supervisory role. In February 1992, the first elections under the Act of 1986 were held. But due to certain controversies relating to the electoral roll and also due to the initiation of the movement against foreign nationals in Assam, panchayat election in the state was adjourned for a decade.

However, the provision of the Act of 1986 went through changes by amendments. Consequently, the perspective of the Panchayati Raj Institutions in the states of India was substantially changed by the 73rd (Constitution) Amendment Act 1992 which came into force with effect from 24 April 1993. This amendment of the constitution sought to give some uniformity to Panchayati Raj Institutions throughout the country by providing uniform guidelines and directives. In accordance with the provisions of the 73rd Amendment Act, 1992 the Government of Assam enacted the Assam Panchayat Act, 1994 which covers almost all the features of the 73rd Amendment Act. The Panchayati Raj system continues to be the three-tier with some modifications. In place of Mahkuma Parishad, there shall be a Zilla Parishad at the district level. The reservation for women was increased from 30.00 per cent (as per the 1986 Act) to 33.33 per cent in the 1994 Act. Reservation for the SCs / STs in non-Autonomous District Council areas shall be in proportion to their population. The Act provides all the 29 items as per the Eleventh Schedule to be transferred to PRIs. At the Gaon Panchayat and Anchalik Panchayat levels there shall be three Standing Committees. The three Standing Committees at the Gaon Panchayat level shall be – (i) the Development Committee; (ii) the Social Justice Committee; and (iii) the Social Welfare Committee. At the Anchalik Panchayat level, the three committees shall be (i) the General Standing Committee;
(ii) the Finance, Audit and Planning Committee; and (iii) the Social Justice Committee. The Zilla Parishad shall have four Committees, such as, (i) the General Standing Committee; (ii) the Financial and Audit Committee; (iii) the Social Justice Committee; and (iv) the Planning and Development Committee.

The Act of 1994 provides for the constitution of the District Planning Committee (DPC) with the Chairman of Zilla Parishad as its ex-officio Chairman and the CEO of Zilla Parishad as ex-officio Secretary. MPs, MLAs and Chairmen of the Zilla Parishad’s standing committees shall be the members. The Deputy Commissioner shall be the permanent invitee in the DPC.

In conformity with the 73rd Constitutional Amendment, the Act of 1994 has provided for the constitution of a State Finance Commission covering panchayat institutions and municipalities. A State Election Commission was also constituted for holding elections to the panchayat and municipal bodies. After a period of long gap, panchayat election was held in 2002 and panchayat has been constituted all over the state except in the Hill Autonomous District Council areas.

Thus, after being passing through various phases, the Panchayati Raj System has attained a universal character. At present, there are about three million elected representatives at all levels of the panchayat, one-third of which are women. These members represent more than 2.4 lakh Gaon Panchayats, about six thousand Anchalik Panchayats and more than five hundred Zilla Parishads. The Panchayati Raj Institutions cover about 96.00 per cent of India's (more than 5.8 lakh) villages and nearly 99.60 per cent of rural population. This is the largest experiment in decentralization of governance in the history of humanity.

The Constitution visualizes panchayats as institutions of self-governance. However, giving due consideration and weightage to the federal structure of our polity, most of the financial powers and authorities to be delegated to the panchayats have been left to the discretion of concerned state legislatures. As a result, the powers and functions vested to panchayats vary from state to state. However, this does not in any way undermine the importance of panchayats in our polity. In a vast country
like India, panchayat truly constitutes an important basis of governance. This is probably the reason that panchayat system in India survived through many ups and downs to attain its present constitutional maturity.