CHAPTER- II

PANCHAYATI RAJ INSTITUTIONS IN ANCIENT, MEDIEVAL AND IN BRITISH PERIOD

2.1 PANCHAYATI RAJ IN ANCIENT INDIA.

The village has always remained the most important unit of our social and economic life. It has naturally constituted the primary territorial unit of administration ever-since very ancient times. Villages are very frequently referred to in the Vedas. The Jatakas give us a faithful picture of the village life in about the fourth and fifth centuries B.C. We gather from these stories that the village was an important unit of administration even in those days. The importance of villages in Indian Administration is attributable to the fact that the vast majority of Indian population even now, lives in the villages. According to 1961 census there were 5,64,718 villages in India. According to 1992 statistical abstract, 598,320 villages have been covered under Panchayati Raj. It is a well-known fact that, since very ancient times to the beginning of 21st century, not less than 74.27 percent of the population of India have been living in the villages.

Manu distinguishes among three kinds of settlements - village (Gram), town (Pura) and city (Nagara). But even according to him, the village was a fundamental unit of administration. In Sukra-Nitisara also (about 1000AD) there is a mention of three types of rural habitations Kumbha, Palli and Grama. Kumbha used to be half the size of a Palli and a Palli was half the size of a Grama. It is evident that the local self-government in India traces its origin to the hoary past. The Vedas (Rig Veda in particular) reveal that the ancient Hindus used to lead a corporate life. They lived in small professional guilds, most of which were either commercial or industrial in character. The life in those guilds was controlled and regulated by popular institutions. It was rightly pointed out "The national life and activities in the earliest times on record was expressed through popular assemblies and institutions. The greatest institution of this nature was the Samiti of our Vedic forefathers".

From the earliest Vedic age the village administration was carried on under the village headman who was called Gramini. He used to be the leader of the village. Nevertheless he
was a nominee of the king and according to Jaiswal he was “The leader of the town or village as representative person in the coronation ceremony”\(^8\). Prof. MacDonnell says that “the Gramini's post may have been sometimes hereditary and sometimes nominated or elected; there is no decisive evidence available”\(^9\).

According to Pramathanath Banerjee, “In the early Vedic times, the villagers themselves managed the simple affairs of the village, but the States being small, there was hardly any distinction between the central and local government. In course of time, however, it was found necessary to have a separate organization for the management of local affairs, as the States grew larger and larger in size, and the distinction between the two kinds of governmental activities became more and more marked. He further says that originally, it seems, the villages were completely self-governing. They were practically free from central control. The Gramini (headman) and other village officials were appointed by the community and were accountable to them”\(^10\).

Panchayat in India is a historical institution\(^11\) but with varied authority and meaning at different times. During the Brahminical era\(^12\) panchayat was an institution aiding and advising the Gramini\(^13\) or the village headman. Gramini was an important official of the King having both civil and military duties\(^14\). During the Smriti period Panchayat functioned as a tribunal implementing the rules and orders of the king\(^15\). The position continued even during Mourya period \(^16\), where the headman was considered the principal executive officer that panchayat used to assist by advising in his rule of law function\(^17\). The situation started changing as it stated in Sukracharya’s Nitisara\(^18\). According to Nitisara the Village Panchayat had large powers both executive and judicial.

2.2 THE VILLAGE COUNCIL- INSCRIPTIONAL EVIDENCES.

No definite inscriptive evidence is available regarding the position of the village headman or the existence of Village Council during this period. By the time of Ashoka, the Aryan colonization in the deccan had been complete and the features of Maurya administration as described in Arthasastra can be said to be common to western India as well, especially in view of Ashoka’s policy to secure uniformity in administration throughout his wide empire. As the said book nowhere mentions the village council, it may be said that
the village communities in the north or in the west had not developed a council of two, three or five members. They, however, exercised their rights and discharged their duties through an informal and non-elective council of village elders. The existence of which is confirmed by reference in the *Arthasastra*, which makes mention of the *Grama Vriddhas* (Village elders).

However, from the data furnished by the inscriptions of the later Hindu period, i.e. *Valaba Plates of Dharsana II, Navasari plates of Dadda, and Navasari plates of Dadda II*, we can say that regular Village Council was functioning in western India during the sixth century. These inscriptions refer to the council of village elders. Professor A.S. Altekar has examined this inscriptive evidence in further details and has clearly shown how these expressions, undoubtedly, refer to the council of village elders. These expressions are also referred to in the *Baroda Plate of Karkaraja, Radhanpur Plates of Govinda II, Cambay Plates of Govind IV and Kavi (Broach district) Plates of Krishna III*, which testify to the existence of the council in Gujarat. Similar references in the *Wani (Nasik district) and Talode, (Khandesh district) Plates* shows that the council existed in the Maharashtra of the eighth, ninth and tenth centuries. The Rashtrakuta Plates in Karnataka attest to the existence of a village assembly in that province.

Professor Altekar has further shown how this council did not consist of the Brahmanas alone. "When we observe, says Professor Altekar how even the orthodox Smritikaras had no objections to Kshatriyas, Vaishyas, nay even Shudras being included in the assembly which was to decide undecided points in the sacred law, when we observe how the Mahabharata lays down a constitution of the cabinet with a preponderance of the Non-Brahmins, when we notice how in the succeeding early Mohammedan period the Village Gota or Council included even the untouchables in Maharashtra. Hence we may confidently assert that in western village communities, which consisted mostly of Non-Brahmins and which were proverbially unorthodox, the village council must have been a cosmopolitan body."

In Southern India too Village Councils looked after village affairs. The Chola emperor was not the first to start the system of village administration by appointing
committee for the autonomy of the village and the management of all internal affairs. For example the Uttar merur inscriptions and the inscriptions of Pallava period also speaks about the establishment of village self-government.

The epigraphic material found in about forty stone inscriptions in Tamil ranging from 909 to 948AD, has supplied us with invaluable details about the extensive empire of Parantaka-I. It has left very interesting inscriptions of his reign, regarding full details of the working and functioning of well organized Local Committees or Panchayats. The Ukkal inscription of the tenth century A.D shows us the indigenous administrative talents of Hindus. During this period the popular assembly consisted of several committees, but six of them seem to have been mentioned in the rules, as follows.

1) Annual supervision committee;
2) Tank supervision committee;
3) Garden supervision committee;
4) Justice supervision committee;
5) Gold supervision committee;
6) The Pancha-vara variyam committee;

The last or the sixth committee supervised the work of the other five committees whereas the fifth or the Gold supervision committee probably regulated the currency^{24}. All members of the various committees were bound to render to the popular assembly, accounts of their stewardships, which was to last only for a year. The office bearers were changed annually. There were arbitrators to keep the accounts. But only those could be appointed to this office that had earned their wealth by honest means.

According to Ukkal inscriptions, the members were elected by majority of votes and this method was common in ancient times. The presence of a priest was deemed indispensable and after scrutiny, the members elected were looked upon as candidates that were successful, only through divine intervention. In short, the election rules seem to be minute even to a detail and show that self-government, during the period of Chola emperor, was highly systematized, and it was in full swing. This self-government system was also prevalent in the Taluqa countries and other portion of Southern India^{25}. 
The Uttar merur and Ukkal inscriptions obviously show and prove in every way that the emperor did not only take interest in foreign policies and the extension of the empire but paid undivided attention even to the internal administration of his wide dominion. These inscriptions further show that during the reign of Parantak I, the members of the assembly made rules for forming, once every year:

1) Annual supervision committee;
2) Garden supervision committee;
3) Tank supervision committee;
4) Justice supervision committee;
5) Gold supervision committee;

According to these rules there were thirty wards in Uttar merur and they assembled in each ward and elected eligible men. The qualifications required for one eligible are as follows: -

a) He must have a tax paying land equivalent to one-fourth of Veli (A Veli being six and two-third acres).

b) He must have his own house.

c) He must be below seventy years of age and above thirty-five.

d) He must be know mantra and be able to teach it.

e) He must have only one-eight Veli, but must have learnt one Veda and one of the four Bhashyas and be able to explain it to others.

f) If he is conversant with business conducts himself according to rules.

g) One who has acquired wealth by honest means, and who has not been on any of the committees for the last three years.

The disqualifications obstructing the eligibility for election may be briefly stated thus: -

a) He who has not submitted the accounts while on any of the committees.

b) The brothers of his father.

c) Any of the relatives of the said person.

d) One against whom illicit sexual intercourse, or the first four of the five great sins have been recorded;
   i) Killing a Brahman;
ii) Using intoxicant;

iii) Adultery with the wife of a spiritual teacher;

iv) Theft;

v) Associating with any one guilty of those crimes.

e) One who has been an outcaste, or associated with low people, unless he performed the expiatory ceremonies.

f) One who is insane.

g) One who has stolen or plundered the property of others.

h) One who has taken forbidden dishes or has committed sin or had been a village pest or guilty of sexual intercourse, even after performing the expiation ceremony could not be eligible for life.

Emperor Parantak-I made these rules and promulgated them to make his administration more efficient. It is thus clear that in northern as well as in southern India, the little village republics flourished. They were the real democratic bodies, which looked after the administration of the villages or groups of villages.

The Uttara merur and Ukkal inscriptions provide us the inscriptional evidence about the existence of village administration during the period of 909 and 948 AD. There were many committees constituted to look into the civic problems of the people of village. The people were also prompt in paying the taxes. However, the qualifications to become a member of a committee was rigid to the extent that one had a good reputation with the proficiency in Veda, Sastras etc., such qualifications to become the member of a committee could be fulfilled only by a group or caste, hence the membership to a committee was restricted only to particular caste or class of people who were proficient in Vedas, Sastra etc. It implies that there was no universal opportunity to become member of a committee to all persons to serve in the village administration. Even, there were no provisions in favour of women to serve in the village administration. However, what is important is that, even during the period of Chola the village administrations were existed and it has been proved and supported by inscriptional evidences.
“The eleventh and the subsequent centuries, witnessed the most disastrous predatory Islamic incursions into India,” observes Narayan Bhavanrao Pavgee, “When chaos, plunder, iconoclasm, disorder, and misrule reigned supreme, followed by the permanent Mughal occupation of the country in the sixteenth century of the Mughal emperors, the reign of illustrious Akbar was exceptionally good. But, with all that, he was still autocrat, and constitutional monarchy, much less the idea of Republican government, found no place in the Islam polity whatever.”

2.3 VILLAGE PANCHAYATS DURING MUGHAL PERIOD.

During the Mughal period situation changed, there having various types of Panchayats, one deciding on religious matters, another deciding on trade matters and yet another was responsible for the maintenance of peace. The most famous instance so often quoted in this connection regarding how Panchayats were administrating justice during Mughal period is about the dispute between Bapaji Musalman and Narsojo Jagdale of Masur. In the reign of Ibrahim Adil Shah of Bijapur, (1512 – 1548, A.D), there was a dispute between this Jagadale of Masur (in Satara district) and one Bapaji Musalman of Karad. The case was first disposed of by the gosta (Village Court) of Masur, which decided in favor of Jagadale. Being dissatisfied with the decision, the defendant Musalman appealed to the District Panchayat at karad, which, however, confirmed the decision of the lower Gota. Bapaji then went direct to the Bijapur Court and complained to the Emperor that the panchas at Karad, being Hindus, were naturally partial to Jagadale and, therefore, their decision should be set aside. In spite of this complaint by a Mohammedan, the emperor did not order a retrial of the case at his own court. He ordered out a retrial of the case by the Panchayats at Paithan, which was well known for its impartiality and judicious decisions. The decision of the Paithan Panchayat, which confirmed the decisions of the lower, Panchayats-was enforced by the emperor.

This case has very important bearings on many points. We find that even when the matter involved the Watandari rights to twenty villages, the local gosta had right to decide the case, which shows that there was no pecuniary limit to the jurisdiction of the local village court. Secondly, we find that even under Mohammedan kings, when Mohammedan interests
were involved, the ruling monarch enforced the decision of a Panchayat, which is sufficient proof to show that the power of the State was always behind the village councils. But eminent scholar like S. Bhatnagar regarding the Panchayati Raj administration during Mughal period has not accepted the same statement. He has pointed out that, with the passage of time, the much-cherished independence of the village bodies began to diminish. The Muslim and, more particularly, the Mughal rulers who succeeded the Hindu kings was essentially an urban people, as Sir Jadunath Sarkar described them. Their feudalistic bent of mind and their quest for larger finances for the State made them centralised their administration. They worked out a new land policy where under all lands, situated in the length and breadth of their domain, were integrated into one central revenue system. The provinces, districts and villages were put under the charge of the centrally appointed ‘Subedars’, and ‘Patwaris’. All were concerned with the assessment and the collection of the land revenue. In fact, this system opened the gates of the villages to the world outside and from now onward they gradually began to role in the stream of national parties and administration. But inspite of all this, they retained much of their old independent character.

Another important feature of the Mughal rule was the growth of a few urban centres. It was here in these newly established towns that the development of local government was more marked. The office of the ‘Kotwal’ was created and the entire town administration was put under his charge. The development of the towns in which the rulers evinced extraordinarily great interest was perhaps one of the factors why the villagers remained largely unaffected. In the beginning the Mughal emperors were mostly occupied in settling themselves and conquering other States and had no inclination to interfere with the administration and organization of the country; however, when the Muslim rulers consolidated their hold, they introduced the Jagir system and began to collect revenue through Malguzars or contractors. This system weakened the solidarity of Panchayat government and the village community. Not only this some of the functions of the Panchayat and the village community passed into the hands of the local landowners and officers of the State. There cropped up a superior claim of these intermediaries and this system brought in its wake a rule of oppression which had demoralizing effect on the growth and vitality of the self governing institutions. On the other hand the Mughals introduced
more elaborate administrative machinery particularly in the field of revenue with a highly bureaucratized hierarchy of officials called Mansabdars\textsuperscript{35}. Though the system of administration had a tighter control over village administration, the traditional village institutions were left untouched and Panchayats would become stronger with the corporate identity of the village.

B.P. Vaish, in his article has categorically pointed out “It is quite evident form the history of India that all these Mohammedan rulers invaded India mainly to plunder and loot the immense wealth of India. They had no regard for anything in India as they were foreigners and moreover they had different customs. Thus these Muslim invaders after creating chaos, fear, plunder and disturbing the administrative machinery went back with enormous wealth, which they looted, from the temples\textsuperscript{36}. The Mughals were men of urban taste and being foreigners wanted to enjoy and to live in the most luxurious way without caring much for the people’s welfare. Theirs was a tax collecting empire and they were busy mostly in levying taxes instead of looking for the welfare of the rural areas. They, no doubt, established or improved many towns because they themselves were attached to towns. Naturally, the whole machinery of government was centralized and those towns were directly connected with these empires were improved but the villages did not receive the same close attention as was given to the towns. It is but natural that without getting any encouragement, and due to the governmental policy of centralization, the village institutions of old had to meet their last days and were decaying\textsuperscript{37}.

With Babar’s victory in the first battle of Panipat in 1526 began Mughal rule in India, which lasted with vigor up to 1707. It was Akbar who built up an All-India Empire. He evolved a highly centralized system of administration, which unified India to an amazing extent, an achievement unparalleled in the preceding several centuries. The central authority left the rural areas much to themselves. It not only spared the village committees but also actually extended its full patronage to these ancient institutions, which had long served the land and were still good for the service. We can say that there was something like local autonomy. The geographical units enjoying such autonomy were, however, so small, and their activities were so purely municipal and social that it would be more correct to say that the villages and small towns of the Mughal empire enjoyed parochial self-government rather
than local autonomy. There was one more reason why the Mughal emperors did not take interest in rural administration, namely, their relatives and all other Muslims established themselves in the towns where they could get all the facilities of daily needs and did not prefer to stay in villages. Hence the Mughals who were keener to get their taxes etc., did not bother about village welfare. But the Hindu rulers recognized rural autonomy in their territories and the village headman was directly responsible to the central authority, whereas, the Mughals had a different system. “The administration was concentrated in the provincial capital. It was city government not in the Greek sense of the term, but rather as a government living and working in the cities and mainly conceiving itself with the inhabitants of the cities and their immediate neighbourhood”.

The Mughals were essentially an urban people in India and so were their courtiers, officials and generally speaking the upper and middle classes of the Mohammedan population. The villages were neglected and despised, and they dreaded village life as a punishment. Thus it left the whole administration in the hands of the officials who controlled their provinces, from the provincial capitals, but were themselves responsible to the empire at Delhi. However, in the beginning of the seventeenth century, it was Shivaji the great, who introduced into his Kingdom the system of Constitutional Government, viz., and the Ashta Pradhan scheme or the popular board of Administration, which has its counter part in the present Government of India. The overall situation during the Mughal administration has weakened the system of local government though not completely destroyed it.

2.4 VILLAGE PANCHAYATS UNDER THE BRITISH RULE.

The village republics had undergone a change roughly during the period between 1750 and 1850, the period of anarchy following the collapse of the Mughal Empire and the establishment and consolidation of the British rule. There were certain special features of British rule, which led to the destruction of the village economy and consequently the disappearance of the institutions of self-government, which was a part of it for thousands of years. British administration had broken the whole framework of Indian society.

One of the causes, which expedited the process of decay of Village Panchayats in this country is the rapid improvement brought about in the means of transport and
communications. The introduction of railways, mechanized road transport, postal and telecommunication system which helped to make the distance shorter and contact more frequent and easy, between the centre and outlying regions and in general to revolutionise the entire process of governmental administration to step into and look after the needs and wants of the local people to provide more service as well as to interfere when necessary.

The Report of the Congress Village Panchayat Committee states “The inordinate greed of the East India Company caused slow but steady disintegration of the Village Panchayats. The deliberate introduction of land-lordism and the Ryatwari system as against the Mauzwari or village tenure system dealt almost a deathblow to the corporate life of the village communities". The excessive centralisation of the executive and judicial powers in the hands of the government officials deprived the village functionaries of their age long powers and influence". Like Mughals the British were also foreigners and settled themselves away from village communities in cities and this led the Panchayat system to its disintegration. This process of disintegration was further accelerated by migration of village population to cities, improvements in communications and a spirit of individualism.

However, there can be no denying the fact that in spite of the deplorable decadence, the villages still continued to remain the primary unit of administration. In 1819, Mount Stuart Elphinstone, the first Governor of Bombay, wrote in his report that when he acquired the territories from the Peshwa, he found each village to be a little republic with its panchayat as the executive body, which provided for watch and ward, maintained a village Chowkidar, settled disputes and maintained several servants for the administration of essential services. According to him those communities, that is, the village institutions contained, in miniature, all the organs of a State within themselves, and were sufficiently equipped to protect their members if all other governments would withdraw. To use the phrase of Sir Henry Maine, the Indian village communities were “A living and not dead institutions.” These village communities survived the wreck of dynasties, collapse of kingdoms and downfall of empires. R.K. Mukerji has aptly described these bodies as “The shell of tortoise” in as much as they stood the test of time. The continuation of village community system in India from times immemorial with hardly any change worth the name through ages cannot but surprise many
observers of the Indian social structure. It was this aspect of the Village Councils in India, which led Sir Charles Metcalf, an ablest British Governor in India to observe in 1830:

"The village communities are little republics having nearly everything they want within themselves and almost independent of foreign relations. They seem to last where nothing else lasts; dynasty after dynasty tumbles down; revolution succeeds revolution. Hindu, Pathan, Mughal, Maharastra, Sikh, English are all masters in turn; but the village communities remains the same. In times of trouble they arm and fortify themselves. A hostile army passes through the country. The village communities collect their cattle within their walls, and let the enemy pass unprovoked. The union of village communities each one forming a separate little State in itself has contributed more than any other cause to the preservation of the people of India through all the revolutions and changes which they have suffered, and is in a high degree conducive to the happiness, and to the enjoyment of a great portion of freedom and independenc*^.

The establishment of British rule in India gave the final deathblow to the ancient village autonomy. The village community was deprived of all control over the land and its produce; what had always been considered, as the chief interest and concern of that community, now became the private property of the newly created landowner. This led to the break down of the joint life and corporate character of the community, and the co-operative system of services and functions began to disappear gradually 45. The British Government in India withdrew all the powers and responsibilities and concentrated them in the hands of the Governor General of India and ultimately in the British Parliament. The British believed that the Indians were unfit and incompetent to work democratic institutions; and that the popular and representative institutions were totally alien to India. That was why the British policy of giving Indians self-governing bodies was very slow, halting and gradual46.

However, the British administrators themselves wanted to be relieved of the heavy burden of the highly centralized functions of the government. So they thought of introducing local self-government from the top for their own convenience. Consequently when the machinery of local-government was first set up, it was more or less an official body. The
Charter of 1793 first introduced municipal administrations in the towns of Madras, Bombay and Calcutta on a statutory basis. This Act empowered the Governor General to appoint Justice of the Peace for these three towns that were authorized to levy taxes on houses and lands to meet the cost of scavenging, police and maintenance of roads. Similarly steps were taken to start municipal administration in non-presidency towns in the forties of the 19th century. The first Municipal Act X of 1842 was passed for Bengal. The taxation enforceable under it was of a direct nature, which met with great opposition form the inhabitants. So this Act was repealed and another Municipal Act was passed in 1850 with a provision that it might be applied to any town only on the voluntary request of the inhabitants. In the provinces of Bombay, Bengal and Madras and also in Utter Pradesh, this Act was applied to a number of towns. Under this Act a Town committee was to be appointed for managing the local functions, which included conservancy, road repairs, lighting and the collection of octroi and house-tax, which it was authorized to levy. In fact, the enactment of these acts virtually led to the extinction of the old forms of self-government and the disappearance of the ancient village communities of which India was the first home among all the countries of the world.

Hence, it was rightly pointed out that during the British rule, it was necessary for the British Government to assess the rule of law function directly with a view to ensure revenue collection. However real development of villages, in the modern sense, started after the report of the Royal Army Sanitary Commission in 1863. The report pointed out the filthy conditions of the villages and the importance of increased attention of sanitation. Accordingly, Village Sanitation Acts were passed in many provinces.

However, after reaching a stage, in which the ancient village economy became an integral part of the world economic system, the British rulers in India started paying attention to local self-government institutions to develop an exploitative network from the gross root level. To meet their end in view, the British rulers began to think in terms of the extension of the principle of self-government institutions in a limited form. Another important reason for rethinking on local self-government institutions was the historical event of the First War of Indian Independence (1857-59). After the First War of Indian Independence, the local self-government institutions received more attention as a part of the wider dispensation.
British rulers noticed that a section of Indian masses, and another section of the elite class had not only kept themselves aloof from the resistance but also stood behind the British Government in 1857-59 period. The British Government wanted to keep them aloof from future resistance and to divert them from 'agitation politics' to peaceful constitutional methods.

The first generation of educated Indians who were inspired by the ideas of liberal democracy, who stood behind the British Government and realized that the old Indian social system and cultural life ought to be destroyed and replaced by the system which the British had built in their own country; they also started, demanding a share in government. Moreover, the British Government began to realize the inadequacy of highly centralized system of government and the need to canalized the energies of the more articulate sections of the society.

A more vigorous system of local self-government was the only answer before the British rulers. To bring into effect the policy of the British, which ultimately resulted in Lord Lawrence Resolution of 1864, which recorded, “The people of this country are perfectly capable of administering their own local affairs. The municipal feeling is deeply rooted in them. The village communities are the most abiding of Indian institutions. Every view of duty and policy should induce us to leave as much as possible of the business of the country to be done by the people.” After the resolution, a number of municipalities came into existence in different parts of the country.

Lord Mayo made a resolution in 1870, which recorded “But beyond all this, there is greater and wider object in view. Local interest, supervision and care are necessary to success in the management of funds devoted to education, sanitation, medical relief and local public works. The operation of this resolution in its full meaning and integrity will afford opportunities for the development of self-government.” With this object in view the Government of India transferred to Provincial Governments certain departments of administration, of which education, medical services and roads deserve special mention. The Provincial Governments were given grants smaller than the actual expenditure on these departments and were required to meet the balance by local taxation. Consequently in 1871
Acts were passed in respect of local self-government for rural areas in the Provinces of Bombay, Bengal, Punjab and the North Western Province (UP) as a result of Mayo's resolution. A similar legislation (Act of 1869) was already in operation in the Province of Bombay.

The provisions of these local Acts may be summarized as under:
1) Existing cess were legalized and increased to meet expenditure on these subjects.
2) Committees for a district as a whole were to be formed.
3) All the members – both officials as well as non-officials were to be nominated.
4) The chairman was to be an official.

The administrative devolution, political education and financial decentralization may be said to be initiated by the Lord Mayo's government by virtue of resolution, and this led to the first great step in local self-governments in urban and rural areas.

The next important landmark in the sphere of rural local self-government was the famous Resolution of Lord Ripon of the 18th May 1882. It was then unnatural that some persons should have preferred government administration and opposed the resolution on the ground that local self-government would lead to inefficiency, that people as a whole were neither public spirited nor conscious of civic duties, and that experiments in the sphere of local self-government had not shown any encouraging results. For Lord Ripon, local self-government, (not the Central and Provincial Government), was the only possible vehicle to train the Indians who had liberal democratic aspirations. He made a resolution in 1882 to embody the ideas by extending the powers of local bodies and making them democratic institutions. The resolution stated: “The policy thus enunciated by the Government of India has, on the whole, been loyally, and in some cases cordially, accepted by the local governments, several of which have already drawn up schemes for giving effect to it, and have submitted these for the information of the Government of India. The only reasonable plan open to the government is to induce the people themselves to undertake, as far as may be, the management of their own affairs; and to develop or create if need be, a capacity for self help in respect of all matters that have not, for imperial reasons, to be retained in the hands of the representatives of government.”
This resolution gave a definite lead to the advancement of local self-government and a concrete and practical form to the hopes and aspirations of the Indian people. The said resolution while recognizing the necessity of giving latitude to the Provincial Governments, lays down some more fundamental principles regarding the constitution of local bodies;

1) A large preponderance of non-official members- in no cases the official members to be more than one third of the whole.\(^{56}\)

2) Non-official members of the board should be chosen by election.\(^{57}\)

3) Control should be exercised from without rather than from within.\(^{58}\) And

4) Non-official to be the chairman of the board as far as possible.

It may, however, be noted even this resolution did not contemplate the revival of the village institution. The resolution in clear terms, called upon the Provincial Governments to extend throughout the country a network of local bodies charged with definite duties and entrusted with definite funds and emphasized on the necessity of having the area of the local unit so limited as to ensure both local knowledge and local interest on the part of each of the members.\(^{59}\) The ‘Unit’ recommended was however a ‘taluka’ or a ‘tahasil’ and not a village. However this resolution has been considered as a landmark in the evolution of local self-government in modern India and thus Lord Ripon is regarded as the father of local self-government in modern India.

In Bengal, an effort was made to give full effect to these recommendations. But the Secretary of State for India vetoed the bill. As a result of the above recommendations the laws enacted between 1883 and 1885 in various provinces had one common feature they created a “Two-tier” system with,

1) District Boards and

2) Sub-district boards based either upon the sub-division or the taluka (tahasil).

Most of the Provinces entrusted the district boards with all the funds and almost all the functions of local self-government and provided for the delegation of money and power to the sub-district boards.\(^{60}\) However, it may be noted that these District Boards continued to be dominated by official dom with collector as the chairman, in spite of the recommendations to the contrary made in Ripon’s resolution. Efficiency was put forth as an excuse for this
departure. In 1896 and in 1897, the Government of India reviewed the total progress made by urban and rural bodies by examining the municipal and local boards.

Viscount Morley, the then Secretary of State for India from 1901-10 was alarmed at the stupendous growth of over centralization and he took a serious notice of it. Hence the ‘Royal Commission’ was appointed in December 1907 with Charles Hobhouse as its Chairman. The Commission sought public opinion about the steps to be taken for the resuscitation of the age-old institution of Village Panchayats. Public opinion favored the revival of the Panchayats, but was opposed to the grant of extensive powers to the official-dominated existing Panchayats, which had already become very unpopular for not doing any constructive work. The Royal Commission suggested that the headman of the village should be ex-officio Chairman of the Panchayat and other members should be selected by a system of election by the villagers. The Commission favored the formation of a small body of about five members and co-terminals with the Village Panchayats.

The Commission had suggested the following functions and powers for the panchayats.

i) The Commission was strongly of the view that the local self-government should start from the village level instead of from the district level.

ii) The Commission was in favour of entrusting some judicial functions to the panchayats, to relieve the regular courts of their burden and to check the long due petty disputes.

iii) The Commission recommended granting some powers to Panchayats to deal with the day-to-day needs of the villagers.

The Royal Commission felt that unless adequate sources of income were made available to them it would have been impossible for Panchayats to carry out their duties properly. The Commission, therefore, recommended the following sources of income to the Panchayats:

i) The assignment to it of a portion of the land cess levied for local boards purposes in the village.

ii) Special grants for particular object of local improvements to be made by the District Board or the Collector.
iii) The receipts from village cattle pounds or markets, which may be entrusted to its management.

iv) Small fees on Civil suits field before it.

Though these recommendations of the commission were conducive it was published only in 1909. Even the Indian National Congress at its 24th session at Lahore in December 1909, passed a resolution on the subject and urged the Indian Government, “To take early steps to make all local bodies from Village Panchayats upwards elective with elected non-official Chairman and to support them with adequate financial aid.”

In 1915 the Government of India issued a resolution leaving the matter of introducing legislation on local self-government to the Provincial Governments. The resolution suggested certain important general principles wherein it granted some judicial powers to Panchayats and powers to levy taxes for education and sanitation. But this resolution was not given effect to and the whole scheme remained on paper only.

Immediately after the recommendations of the Royal Commission, political situation in India had changed. The First World War had resulted in a fresh thinking in the political and ideological fields. The advent of Gandhiji in Indian politics in 1915 manifested active political agitations. The Indian National Congress under the leadership of Gandhiji demanded a moderate system of local government. To materialize their demand, the British Government came out with new reforms, viz., the Montague Chelmsford Reforms in 1918. The Montague Chelmsford Reforms envisaged, “—— The gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire,” and the report paid direct attention to the development of Panchayat system in villages.

The Government of India Resolution, 1918 recommended franchise to the whole body of ratepayers and widening of the base of Village Panchayats. The India Statutory Commission (Simon Commission) was appointed in 1927 and the commission recorded: “Our survey of the field of local self-government had been conducted with the object of ascertaining what part representative institutions are playing in the day-to-day life of the
Indian people, to what extent the civic responsibilities have come to be realized and in what manner civic duties are shouldered and discharged”.

D.P. Misra, the Minister for Local Self-Government, under the Government of India Act, 1935, in the former Central Provinces prepared a paper on the reconstruction of local self-government and he criticized the then existing system. He suggested the following principles, which marked a departure from the recommendations made by earlier committees and commissions and individual leaders.

i) There should be no distinction between local and non-local functions in the administrative structure; and

ii) There should be no separation between official and non-official machinery in discharge of the governmental functions.

The above historical development from 1857 onwards, made recommendations regarding the local self-government both urban and rural, was pursued with vigor in general and the Panchayats became the symbol of a national resurgence. However, the local self-government did not register continuous progress due to larger political context set in India such as the outbreak of world war II, the resignation of the congress ministers, Quit India Movement and the developments following the war culminating in independence.

The Gandhian views on the PRIs and the development of PRIs after the independence have been discussed in the next chapter.

2.5 CONCLUSION.

It is evident from the above, that the PRIs existed in our country even in ancient times. It was a way of life in the ancient India. Even the inscriptive evidence has proved it. But during the Mughal period, the village bodies began to diminish as Mughal rulers who succeeded the Hindu kings was essentially an urban people. However, it cannot be said that these village bodies have completely wiped out during the Mughal period.

The British were also not very much interested in rejuvenating these village bodies. They could be able to do some justice only to municipalities by passing some resolutions. It was to consolidate their power and attract the urbanites by providing some civic facilities.
The scheme of financial decentralization introduced by Lord Mayo's Resolution in 1870 led to the first great step in local self-government not only in urban but also in rural areas. It is this that gives significance to this resolution in the evolution of local self-government in the country. The modern local self-government which were more responsible to people were the British creation, because, the ancient village communities were constituted on a narrow basis of hereditary privilege or caste, closely restricted in the scope of their duties- collection of revenue and protection of life and property were their main functions and were neither conscious instruments of political education nor important parts of the administrative system. Inspite of the various recommendations of many committees during the British period, no prompt effort was made to revival of Village Panchayats. Such position was continued in India inspire of the fact that many States have passed legislations in India (except in Mysore and Baroda) and had to wait till her independence.
NOTES AND REFERENCES


3) Statistical Abstract India 1992, Published by Central Statistical Organization, Department of Statistics, Ministry of Planning and Programme Implementation, Government of India, New Delhi.

4) http://wwwCensusindia.net Per, Registrar, Census, (This information has been collected through internet).


6) Ibid., P.1


8) Ibid., P.15


13) Ibid., The Village headman was to be alert in protecting the villagers like their parents from thieves, robbers and from State affairs. (P153ff).


15) Supra Note 11. At PP 280-281.

Kane has stated that historical perspective thus: "…………….. Law suits may be decided by Village Councils (Kulani), Corporations (Sreni), assemblies (Puga in Yag, Gang in Nar), the Judges appointed by the King and the king himself each later one being superior to each preceding one. The first three were practically arbitration tribunals like the Modern Panchayats" (PP 280-281)


18) Nehru Jawaharlal, Discovery of India, 1961, Asia publishing house, Bombay P.261.

19) Altekar. A.S, A History of Village Communities in Western India, (Madras 1927). P. 18

20) Arthasastra, 111-10.

21) Altekar, op.cit., P.21

22) Ibid., P.23
25A) A Village 10¼ miles northwest of the Madura Kantam on the Chingalpet Villupuram section of the South Indian Railway.
28) See, Roy Chowdhury M.L, the State and Religion in Mughal India, 1st Ed. 1951, Indian Publicity Society, Calcutta, P. 114.
See also, Nehru Jawaharlal, Discovery of India, op.cit., P.268. “The depressed classes and untouchables form their own caste and have their Panchayats on caste councils for settling their own affairs…. Even now Caste Panchayats functions democratically (PP 268-269).
29) Ibid., P. 316
30) Ibid., P. 249
32) Ibid.,
34) Malaviya H.D, Village Panchayats in Ancient India, New Delhi, All India Congress Committee, 1956, P. 139.
36) Vaish B.P, op.cit., P.564
37) Ibid., P.565.
38) Sarkar, Mughal Administration, Six Lecture Poona University, Poona, P.15
39) Ibid., P.55.
The following Persian Couplet in Hamiduddin’s Ahkam-i-Alamgiri sums up the Mughal view of Village life.
“Zagh dum Su-l-shahar wasar Su-l-deh, Dum-l-an Zagh az sar-i-u beh.”
40) Supra at Sl.No. 27
42) Jathar R.V., Evolution of Panchayati Raj in India, J.S.S Institute of Economics Research, Dharawar-4. P.10
44) Imperial Gazetteer of India, Vol-IV, P.278-79 Quoted by: Dr. Ambedkar in the Constituent Assembly on 4-11-1948.
47) *Ibid.*.
51) *Ibid.*.
62) *Ibid.*.
63) *Ibid.*, P.244
64) *Ibid.*.
65) Jathar R.V. *op.cit.*, P.24.