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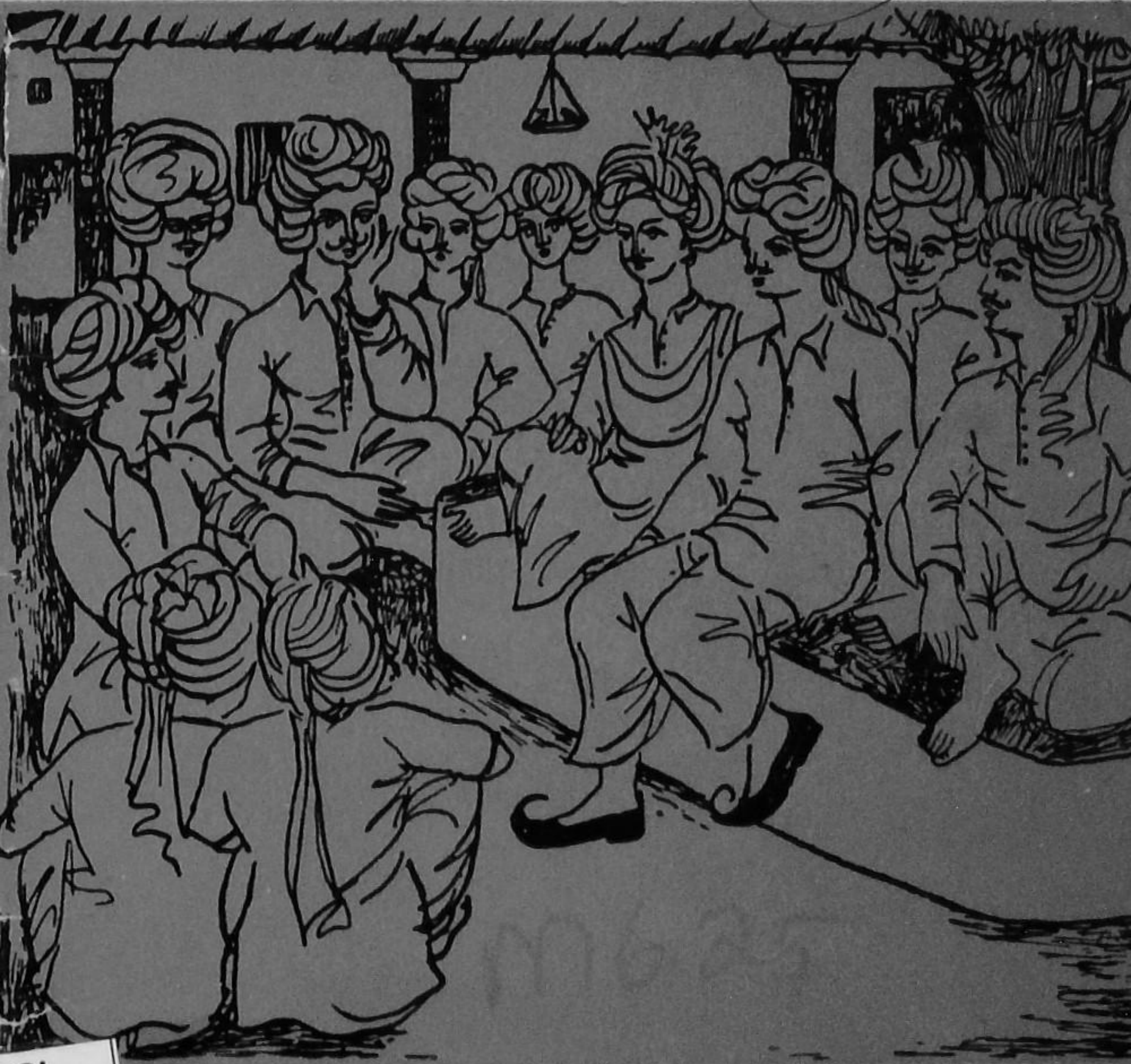
PANCHAYATI RAJ

(A SYMPOSIUM)

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A SYMPOSIUM

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Issued on behalf of

MINISTRY OF COMMUNITY DEVELOPMENT AND CO-OPERATION
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CHAPTER I

PANCHAYAT—AN ANCIENT INSTITUTION

Ancient India

May the *samiti* and the *sabha*, the two daughters of Prajapati concurrently aid me. May he with whom I shall meet, co-operate with me; may I, O Ye Fathers, speak agreeably to those assembled.

We know thy name, O Assembly : Narishta verily is thy name. May all those that sit assembled in thee utter speech in harmony with me.

Oh them that are sitting together, I take to myself the power and the understanding in this entire gathering. O Indra, render me successful.

Atharva Veda

Reason is unstable, scriptures are various; there is not a sage whose word may be taken as authoritative; the inmost principle of dharma is hidden in the cavity of man's heart; that path, therefore, is the right path by which the public at large has thought fit to travel.

Mahabharata, III, 317-177

So long, Ananda, as the Vajjins hold full and frequent assemblies;

So long as they meet together in concord and rise in concord and carry out Vajjin business in concord;

So long as they enact nothing not already established, abrogate nothing that has not been already enacted and act in accordance with the ancient institutions of the Vajjins, as established in former days;

So long as they honour and esteem and revere and support the Vajjin elders and hold it a point of duty to hearken to their word;

So long may the Vajjins be expected not to decline but to prosper.

Buddha, quoted by H. D. Malaviya,
Village Panchayats in India, 1956

The king was bound to respect the laws of various local bodies or groups and could not enforce his own law without reference to them—provided such local laws did not run counter to the sacred law. Manu says that a king who knows the sacred law must inquire into the laws of castes (*jati*), and districts or people (*janapada*), guild-laws, and family-laws. Again, 'What may have been practised by the virtuous, and by such twice-born men as are devoted to the law, that he shall establish as law, if it be not opposed to the laws of countries, families and castes.' The opinion of Manu is reiterated by Vasishtha : 'Manu has declared that the laws of countries, castes, and families (may be followed) in the absence of (rules of) the revealed texts.' The Mahabharata has the utmost contempt for those who violate the laws of their caste or '*sreni*', country, or family. According to Kautilya the king's accountant must enter in his books the laws, the manners, and customs of castes, families, guilds, and localities.

* * * *

Thus the recognition of popular customs as a source of substantive law by the *smritis* is based on the authority of *sruti*. Hence Brihaspati (quoted in the *Vyavaharamayukha*) expressly defines *vyavahara* or civil law as being 'the decision which is given according to the customs of the country (*desasthiti*), reasoning and the council of the *naigamas* (the lay public)'. Brihaspati calls this mode of decision *charitea* (usage). In fact an *achara* accepted by a community becomes its laws or dharma.

But if the king had to respect the laws of the local bodies he had also to see that the members thereof observed their own laws, violations of which he was bound to punish.

Radha Kumud Mookerji,
Local Government in Ancient India

The organization of the village as a social and political unit finds reference in Vedic literature and *jataka* stories. Old inscriptions tell us how the village councils or assemblies were constituted, who were eligible to serve thereon and how they functioned. The village *gramanee* (headman) carried on the village government and the council or *sabha* of the village decided questions relating to village administration. The headman was always from the village and was not an officer appointed from outside.

The village assembly wielded supreme authority in the village. The details of administration were carried on by committees or sub-committees. Attempts to control and curtail the powers of the village assembly by the central government were rare and exceptional and did not succeed even when attempted. Even during the Mauryan period when the State functioned through a system of organized and trained bureaucracy, in the absence of proper means of communication, the central administration did not find it possible effectively to interfere with the rural administrative machinery, and in the words of Dr Majumdar, "the corporate spirit was too deeply rooted in the soil to die merely at the fiat of the imperial master. With the downfall of a strong centralized government established by the prowess of Chandragupta and the genius of Chanakya, the independent political corporations reared up their heads again".

The village organizations, left free and undisturbed by the State, attained a high degree of perfection in the political sphere as well. In ancient India, the king was the head of the State, but not of the society. He had a place in the social hierarchy, but it was not the highest place. As the symbol of the State he appeared to the people like a remote abstraction with no direct touch with their daily life which was governed by the social organization. The points of contact between the State and the ordinary interests of the daily life of the people were indeed very few.

These village organizations were not only self-sufficient economically but also were self-governed.

*Report of the Study Team on Nyaya Panchayats,
April 1962*

In our country the king waged wars, defended his territory and dispensed justice, but society attended to all else, from the supply of water to the supply of knowledge. This was done with such great competence that the repeated floods of new sovereignty through the centuries could neither destroy our spiritual life and reduce us to brutes, nor break up our society and turn us into destitutes.

There was no end to warfare between kings; but in the clearings of our bamboo groves and in the shade of our mango orchards temples and rest-houses were built, tanks excavated; the

village school-master taught his simple arithmetic; readings from the scriptures never ceased, the Ramayana was chanted in altars, and village meeting-places echoed to the melody of hymns to Krishna. Our rural society never depended on external help and no disturbances or aggression from outside ever caused its life to lose its graces.

What we understand by the word dharma permeated the whole social fabric. Every man had to acquire the discipline of self-control; every man had to accept the sanctified code of obligations.

Rabindranath Tagore,
Swadeshi Samaj, 1904 (abridged)

Its Decay

The break-up of village institutions began only under the British rule. Between the collapse of the Mohammedan and the advent of the British rule, the political scene in India was in a confused state and there was a gradual decadence of the village community. Under the highly centralized system of the British administration, where all the activities were controlled and guided by directions from the headquarters, village assemblies not established by statutes had no place and the few village officials who continued to exist tended to become government servants. It did not, however, take long for the British rulers themselves to realize the utility and importance of the village organizations, and soon, one after another, they began to shower fulsome praise on these organizations, although decadent, often referring to them as 'the soul of corporate life in the rural areas'.

In the words of Elphinstone, "These communities (*i.e.*, the village communities), contain in miniature all the materials of a State within themselves, and are almost sufficient to protect their members, if all other governments were withdrawn. Though probably not compatible with a very good form of government, they are an excellent remedy for the imperfections of a bad one; they prevent the bad effects of its negligence and weakness and even present some barriers against its tyranny and repecity"*.

*Selection from the Minutes and other official writings of the Hon. Mr. Elphinstone, edited by W. Forrest, 1884, pp. 274-275.

India has undergone more religious and political revolutions than any other country in the world, but the village communities remain in full municipal vigour all over the peninsula. Scythian, Greek, Saracen, Afghan, Mongol and Maratha have come down from its mountains and Portuguese, Dutch, English, French and Dane up out of its seas, and set up their successive dominations in the land; but the religious trades-union villages have remained as little affected by their coming and going as a rock by the rising and falling of the tide. This is indeed an echo of an earlier utterance of Sir Charles Metcalfe : "The village communities are little republics, having nearly everything they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds to revolution; but the village community remains the same This union of the village communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the peoples of India, through all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence".

Radha Kumud Mookerji,
Local Government in Ancient India, 1958, pp. 2-3

Panchayat has an ancient flavour; it is a good word. It literally means an assembly of five, elected by villagers. It represents the system by which the innumerable village republics of India were governed. But the British Government, by its ruthlessly thorough method of revenue collection, almost destroyed these ancient republics, which could not stand the shock of this revenue collection.

* * * * *

Where a panchayat is really popular and increases its popularity by the constructive work, it will find its judgments and authority respected by reason of its moral prestige. And that surely is the greatest sanction anyone can possess and of which one cannot be deprived.

Gandhiji, *Young India*, 28 May, 1931

Modern Views on Panchayat

Gram-sanstha (village organization) has been the fundamental basis of our ancient polity. The village system was utterly destroyed during British rule. The peasant became dependent and helpless.

The next step after independence would be revival of the *Gram-sanstha*. The village should be the unit of Swaraj, and education, production, health, police duties, famine-relief, management of forests, in fact nearly all the problems should be under the jurisdiction of the *Gram-sanstha* or the Gram Mandal.

Lokamanya Tilak

India is really a republican country, and it is because it is that that it has survived every shock hitherto delivered. Princes and potentates, whether they were Indian-born or foreigners, have hardly touched the vast mass except for collecting revenues. The latter in their turn seem to have rendered unto Caesar what was Caesar's and for the rest have done much as they have liked.

Gandhiji, from a Speech at the Missionary Conference,
Madras, 14 February, 1916

The luxuriant growth of these local democracies based on every possible principle of formation must modify the opinion of such critics as declare that 'In ancient India there was nothing of the nature of a political institution between the village and the central government'.

Sir W. W. Hunter, quoted by J. Matthai,
Village Government in British India, p. 32

In India, the institution of village panchayats was 'developed earliest and preserved longest amongst all the countries of the earth.....'

R. C. Dutt, *The Economic History of India*, quoted in
Report of the Congress Village Panchayat Committee

India of the peasant and rustic life, of village communities, of forest hermitages and spiritual retreats, has taught the world many great lessons, but has wronged no man, has injured no land and sought no domination over others.

Dr S. Radhakrishnan, *Mahatma Gandhi :
Essays and Reflections on his Life and Work*

The State was government by discussion and the villages and the towns which constituted the country were quasi-republics and self-contained, whose affairs were carried on by open discussion and deliberation by all the people, in ancient judicial system a court never meant a single judge. The genius for government by discussion is in our inherited blood and it behoves us to see that in seeking responsible government we seek the best form of it, viz., government by discussion as being the most suitable to our national genius.

C. Vijiaraghavachariar,
Presidential Address, Nagpur Congress, 1920

Village organization seemed a simple word, but it meant the organization of the whole of India, inasmuch as India was predominantly rural. . . . Indian village life had so much vitality and character that it had persisted all these long years and weathered many a storm. . . . These villages were so many village republics, completely self-contained, having all that one may want—schools, arbitration boards, sanitation boards, and no Poor Law indeed, but ample provision for the relief of the poor. . . . The villager then learnt from his parents by word of mouth all the wisdom that he should learn. . . . The village headman was a personality in himself. He was not the impostor of today; he was the servant of the people whom they could go to in times of difficulties, whom every child in the village knew and loved. He was incorruptible, he was a gentleman. But such a one was a rare bird today. . . . What has come over this land that all these beautiful things are not to be found anywhere, that instead of these self-contained villages of a few hundred years ago, we find villages dependent for their very necessities of life on Lancashire or Japan. The whole village life was broken. People were dying by millions of malaria, hookworm and other diseases, all brought about by insanitation, deep poverty, sloth and idleness.

Gandhiji's Address to Students, Calcutta,
reported by M.D., *Young India*, 17 September, 1925

Long ago, how long history does not record, the Indian genius worked out the village and local panchayats. It remained our forte through many a turbulent period. Kings and dynasties

fought and failed, empires rose, ruled, misruled and disappeared, but the villager's life maintained its even tenor, away from the din of battle and the rush of rising and falling empires. He had a village State which protected his life and property and made civilized life possible.

Gandhiji, *Harijan*, 8 December, 1946

Unless the villagers did the work of the panchayats, the effort would be a waste of time and labour. Distinguished travellers from the world came to India in the days of yore from China and other countries. They came in quest of knowledge and put up with great hardships in travelling. They had reported that in India there was no theft, people were honest and industrious. They needed no locks for their doors. In those days there was no multiplicity of castes as at present. It was the function of the panchayats to revive honesty and industry.

Gandhiji, *Harijan*, 4 January, 1948

Villages have been the basic units of administration in India since ancient times. The importance which was attached to village organizations in pre-historic India is evident from Vedic and post-Vedic literature. Yet, if we lay emphasis today on putting village panchayats on a sound footing and galvanizing them into live organisms of administration, the reason is not the high position given to them in the past, recent or ancient. We have taken up this idea of organizing village panchayats and vesting in them most of the functions concerning the welfare of village people on its own merit.

Dr Rajendra Prasad, Address at Bihar State
Panchayat Parishad, 24 April, 1955

CHAPTER II

REBUILDING PANCHAYATS

In their natural state, that is, when the community does not incline too much to one side, the village and the town have harmonious interactions. From the one flow food and health and fellow-feeling. From the other return gifts of wealth, knowledge and energy. A civilization which comprises mainly village life cannot advance very far. There the individual is unimportant, the community predominant. On the other hand, where the town predominates, the individual is all-powerful, the community negligible. Civilization burns itself in its own fires; the more brilliant its flame, the blacker its fuel, until at last it is reduced to ashes. Many civilizations have thus been destroyed by preying on themselves. It is yet too early to say that the civilization of modern Europe is not of this self-exhausting type.

Villages are like women. In their keeping is the cradle of the race. They are nearer to nature than towns, and in closer touch with the fountain of life. They possess a natural power of healing. It is the function of the village, like that of women, to provide people with their elemental needs, with food and joy, with the simple poetry of life and with those ceremonies of beauty which the village spontaneously produces and in which she finds delight. But when constant strain is put upon her, when her resources are excessively exploited, she becomes dull and uncreative. From her time-honoured position of the wedded wife, she then descends to that of a maid-servant. The city, in its intense egotism and pride, remains unconscious of the hurt it inflicts on the very source of its life, health and joy.

Man has been digging holes into the very foundations, not only of his livelihood, but also of his life; he is feeding upon his own body. The reckless wastage is best seen in the village, where the light of life is being dimmed, the joy of existence dulled, the threads of social communion snapped. It should be our mission to restore the circulation of life's blood into these maltreated limbs of society; to bring to the villages health and

knowledge; wealth of space in which to live; wealth of time in which to work, rest and enjoy; respect which will give them dignity; sympathy which will make them realize their kinship with the world of men and not merely their subservient position.

Streams, lakes and oceans exist not for the hoarding of water exclusively in their own areas. They send up the vapour which forms into clouds, so that there is a wider distribution of water. Cities have their function of maintaining wealth and knowledge in concentrated form. They should do so not for their own sake alone; they should be centres of irrigation, they should gather in order to distribute; they should not magnify themselves, but should enrich the entire commonwealth. They should be like lamp-posts, and the light shed by the lamps they support must transcend their own limits.

Rabindranath Tagore, discourse at Sriniketan's
Annual celebration, 6 February, 1928

The villager resents the rigid payment of tax in money instead of the variable tax in kind. He resents the frequent resettlements which force him to borrow from the money-lender to meet the higher claim. He wants the old panchayat back again; he wants that his village should be managed by himself and his fellows, and he wants to get rid of the tyranny of the petty officials, who have replaced the old useful communal settlements. Economic and moral deterioration can only be checked by the re-establishment of a healthy and interesting village life, and this depends upon the re-establishment of the panchayat as the unit of government.

Dr Annie Besant,
Presidential Address, Calcutta Congress, 1917

To me the organization of village life and the practical autonomy of small local centres are more important than either provincial autonomy or central responsibility, and if the choice lay between the two, I would unhesitatingly accept the autonomy of the local centres. I must not be understood as implying that the village centres will be disconnected units. They must be held together by a system of co-operation and integration. For the present, there must be power in the hands of the provincial

and the Indian Government; but the ideal should be accepted once for all that the proper function of the central authority, whether in the provincial or the Indian Government, is to advise, having a residuary power to control only in case of need, and to be exercised under proper safeguards. I maintain that real Swaraj can only be attained by vesting the power of government in these local centres.

Desabandhu C. R. Das,
Presidential Address, Gaya Congress, 1922

Self-government means continuous effort to be independent of government control, whether it is foreign government or national. Swaraj-government will be a sorry affair if people look up to it for the regulation of every detail of life.

Gandhiji, *Young India*, 6 August, 1925

When the people come into possession of political power, the interference with the freedom of people is reduced to a minimum. In other words, a nation that runs its affairs smoothly and effectively without much State interference is truly democratic. Where such a condition is absent, the form of government is democratic only in name.

Gandhiji, *Harijan*, 11 January, 1936

My purpose is to present an outline of village government. Here there is perfect democracy based upon individual freedom. The individual is the architect of his own government. The law of non-violence rules him and his government. He and his village are able to defy the might of a world. For, the law governing every villager is that he will suffer death in defence of his and his village's honour.

* * * * *

The government of the village will be conducted by the panchayat of five persons annually elected by the adult villagers, male and female, possessing the minimum prescribed qualifications. It will have all the authority and jurisdiction required. Since there will be no system of punishments in the accepted sense, this

panchayat will be the legislature, judiciary and executive combined to operate for its year of office.

Gandhiji, *Harijan*, 26 July, 1942

We have to make a choice between India of the villages that are as ancient as herself and India of the cities which are a creation of foreign domination. Today the cities dominate and drain the villages so that they are crumbling to ruin. Exploitation of villages is itself organized violence. If we want Swaraj to be built on non-violence, we will have to give the villages their proper place.

Gandhiji, *Harijan*, 20 January, 1940

Independence must begin at the bottom. Thus every village will be a republic of panchayat having full powers. It follows, therefore, that every village has to be self-sustained and capable of managing its affairs even to the extent of defending itself against the whole world. It will be trained and prepared to perish in the attempt to defend itself against any onslaught from without. Thus, ultimately, it is the individual who is the unit. This does not exclude dependence on, and willing help from, neighbours. It will be a free and voluntary play of mutual forces. Such a society is necessarily highly cultured in which every man and woman knows what he or she wants and, what is more, knows that no one should want anything that others cannot have with equal labour.

Gandhiji, *Harijan*, 28 July, 1946

When Panchayati Raj is established, public opinion will do what violence can never do. The present power of the zamindars, the capitalists and the Rajas can hold sway only so long as the common people do not realize their own strength. If the people non-co-operate with the evil of zamindari or capitalism, it must die of inanition. In Panchayati Raj only the panchayat will be obeyed and the panchayats can only work through the laws of their making.

Gandhiji, *Harijan*, 1 June, 1947

Real democracy people learn not from books, nor from the government who are in name and in reality their servants. Hard experience is the most efficient teacher in democracy.

* * * *

In the true democracy of India, the unit was the village. Even if one village wanted Panchayati Raj, which was called republic in English, no one could stop it. True democracy could not be worked by twenty men sitting at the centre. It had to be worked from below by the people of every village.

Gandhiji, *Harijan*, 18 January, 1948

If we would see our dream of Panchayati Raj, *i.e.*, true democracy, realized, we would regard the humblest and lowest Indian as being equally the ruler of India with the tallest in the land. This presupposes that all are pure, or will become pure if they are not. And purity must go hand in hand with wisdom. Not one would then harbour any distinction between community and community, caste and outcaste. Everybody would regard all as equal with oneself and hold them together in the silken net of love. No one would regard another as untouchable. He would hold as equal the toiling labourer and the rich capitalist. Everybody would know how to earn an honest living by the sweat of one's brow and make no distinction between intellectual and physical labour.

Gandhiji, *Harijan*, 18 January, 1948

Power resides in the people and it is entrusted for the time being to those whom they choose as their representatives. Parliaments have no power or even existence independently of the people.

Gandhiji, *Constructive Programme : Its Meaning and Place*

Democracy requires that everyone, man or woman, should realize his or her own responsibility. That is what is meant by Panchayati Raj.

Gandhiji's Message to a Prayer Meeting,
May 18, 1947, quoted by Tendulkar, *Mahatma*.
Vol. VII, p. 470

In democracy, the kisan should be the ruler. The speaker would certainly like to push forward an honest and capable kisan. Such a kisan would not know English. The speaker would ask Jawaharlal to be the kisan's secretary and see the foreign ambassadors on his chief's behalf, and to take pride in such service. Such a kisan Prime Minister would not ask for a palace to live in. He would live in a mud hut, sleep under the sky and work on the land during the day, whenever he was free. Then the whole picture would change immediately. In panchayati raj, the man who should count most in India, was naturally the kisan. How to advance him was the question.

Tendulkar, *Mahatma*, Vol. VIII, p. 247

The charter of India's independence as conceived by the Congress was based on village autonomy. But all the villages were to derive vitality from the centre, as the centre in its turn derived all power and authority from the villages.

Tendulkar, *Mahatma*, Vol. VIII, p. 337

Panchayats have to lend a big hand in the uplift of villages through co-operative effort. If the people fritter away their energies by fighting among themselves and running panchayats on caste or group lines, they would weaken the foundation of the country. If panchayats indulged in casteism, they would become worthless and it would be better to do away with them altogether.

Jawaharlal Nehru, Inauguration of the Bihar Panchayat Parishad Conference, Jamui, 22 April, 1956,
Hindustan Times

As you are well aware, local self-government or the panchayat is the foundation of governmental structure and unless this foundation is sound the upper structure would be weak. Admittedly, the people who run them (panchayats) have their good and bad points. We all know this and we are told that we should not rely on them. This is an argument which will lead to drastic consequences if once accepted. We know that they will make mistakes, but even then we have to give them the chance to get

trained. Unless we believe in an institution we would obviously not try to advance it much.

Jawaharlal Nehru, Fourth Meeting of the Central Council of Local Self-Government, 27 October, 1958

The moment you have a large number of people, the peasant is lost in that and he does not know what he should do. Therefore, the basis of our approach—agricultural approach and every other approach—is devolution of authority to the village panchayat and the village co-operative. Otherwise, you will not have the sense of common partnership in doing things.

Jawaharlal Nehru, December, 1958

It is not by some mere theory, however good, that we shall enthuse the masses of our cultivators. The essential approach must be to make them understand and co-operate and develop self-reliance. Hence the importance of giving powers to the village panchayat and the village co-operative. The argument that they might misuse those powers, though it may have some force, has no real validity. The risk has to be taken, as only thus will the people learn through trial and error.

Jawaharlal Nehru, Azad Memorial Lecture,
22 February, 1959

You will see that great stress has been laid now by the Planning Commission, the National Development Council and generally by Government on panchayats, co-operatives, etc. One aspect of that stress is that they should not be officialized, that they should be controlled by the people of the village who form the members, and that the official element should be rather distant, advisory, of course helpful, but not at all in the sense of bossing it, interfering and not allowing, if I may say so, the members of the panchayat to make any number of mistakes. Let them make mistakes. Let us accept this: that a mistake is better committed by them than for them to have this helplessness which comes from somebody sitting on top carrying on the business of the panchayat. They will never grow that way. That is an important emphasis: there is nothing new about it; it is an emphasis

on the great part of the administration in those stages being carried on by the non-service element, if you like, the non-official element. And that brings new problems in its train.

Jawaharlal Nehru, Fifth Annual Meeting of the Indian Institute of Public Administration, 25 April, 1959

A strong panchayat with plenty of powers and a strong co-operative for each village are necessary to look after its civic and economic activities.

Jawaharlal Nehru,
Speech at Rajapalayam, Madras, May 1959

You may remember, some of you, what Lenin said once in the early days of Soviet revolution. He said : Communism is Soviets plus Electricity. I am prepared to accept that for India, saying not "communism"—but progress is panchayats plus electric power—a slight variation of the theme. Electricity is the main thing. Electric power means the motive force for changing things, for modernizing things, for modern industry, modern agriculture, everything; and the panchayat is the panchayat, whether it is a small panchayat or the big panchayat. that, plus electric power will change India.

Jawaharlal Nehru, Lok Sabha, Debate on the President's Address, 23 February, 1961

The gram panchayat is at the root of our concept of a new society. It is the root of our Constitution. The panchayat is the synthesis of all the forces of the village and must be kept free from casteism, partiality, factions and divisions, jealousy, recriminations and mutual quarrels. The panchayat is not the handmaiden of the Sarpanch or the Panches but is the expression of the will of the inhabitants of the village. They have to be free from difference of caste and religion. They represent the divine power of the people.

U. N. Dhebar, Inauguration of the Panchayat Bhavan, Jhotwara, Rajasthan, *Rashtradoot*, Jaipur, 13 November, 1955

Today we are busy in national planning. In fact, we require village planning. People of the village should exercise their own brain to do things. Should somebody err only one village would suffer. But when the stewardship of the whole country is entrusted to four or five persons, the whole country has to suffer the consequences of their one single mistake. But this will not be so when power resides in the village itself. If one village commits a certain blunder, another will not repeat it. Hence, power should be distributed in every village. 'There must be decentralization of power.

Vinoba Bhave, *AICC Economic Review*,
24 July, 1954

If people living in a community realize that the town or the village they live in is one family, then their service will become selfless service. Whatever they do will not be done for personal profit but for general good, in a sense of dedication, in the spirit of rendering service to God.

Vinoba Bhave, *Bhoodan*, 30 October, 1957

It is a superstition to think that laws can be changed only if one enters parliaments. I believe that the minds and hearts of the people have the sovereign authority. If we change people's minds, parliament is bound to register the change. We believe in the primacy of the self-reliant strength of the people. We work only on this key.

Vinoba Bhave, *Bhoodan*, 29 May, 1957

I believe the day is not far distant when not merely India but the whole world, if it wants peace and security and prosperity and happiness, will have to decentralize and establish village republics and town republics, and on the basis of this they will have to build their State; otherwise the world is in for hard times.....

Now what is a State for? The utility of a State has to be judged from its effect on the common man's welfare. The ultimate conflict that has to be resolved is this: whether the individual is for the State or the State for the individual. Mahatma Gandhi tried in his life time to strike a happy balance, to reconcile this *dwandwa* and arrived at the conception of the Panchayati

Raj. I hope that we in India will go forward and try to make the State exist for the individual rather than the individual for the State. This is what we must aim at and that is what we must bring about in our own country.

.....I should say that the strength of a nation and the unity of her people do not depend upon the State power. It depends upon the realization of the inner unity and the human spirit that makes all men brothers.

H. V. Kamath,
Panchayat Raj as the Basis of Indian Polity

I think that in spite of revolutions and changes, the village panchayats have preserved Indian life and but for them India will be a chaos. I wish that some statutory provision had been inserted regarding village autonomy within proper limits. Of course there are difficulties because there are villages which are very small and there are big villages, and many of them have to be grouped for establishing panchayats, but I do think that at some stage or other when all the provinces have set up panchayats, their existence may have to be recognized in the Constitution; for in the long run local autonomy for each village must constitute the basic framework for the future freedom of this country.

K. Santhanam,
Panchayat Raj as the Basis of Indian Polity

The democratic principle was recognized in the various indigenous institutions of the country going back to the earliest period of her history.....(One of the criticisms has been that) the Constitution does not give sufficient importance to village communities which are an essential feature of India's social and political life. With the large powers vested in the provincial or State legislatures in regard to local self-government and other matters, there is nothing to prevent the provincial legislatures, from constituting the villages as administrative units for the discharge of various functions vested in the State Government.

Alladi Krishnaswami Ayyar,
Panchayat Raj as the Basis of Indian Polity

I wish to remind the House of the necessity for providing as many political institutions as possible in order to enable our

villagers to gain as much experience in democratic institutions as possible in order to be able to discharge their responsibilities through adult suffrage in the new democracy that we are going to establish. Without this foundation-stone of village panchayats in our country, how would it be possible for our masses to play their rightful part in our democracy? Do we want centralization of administration or decentralization? Mahatma Gandhi has pleaded over a period of thirty years for decentralization. Indeed, all the world is today in favour of decentralization.

What are to be our ideals? We have stated some of our ideals here in the Fundamental Rights Chapter as well as in the Directives. But is it not necessary that we should make it perfectly clear in one of these Directives that it is the duty of the State to establish village panchayats in every village, or for every group of villages, in order to help our villagers to gain training in self-government and also to attain village autonomy in social, economic and political matters, so that they will become the foundation-stone for the top structure of our Constitution?

Prof. N. G. Ranga,
Panchayat Raj as the Basis of Indian Polity

Democracy is not worth anything if once in a blue moon individuals are brought together for one common purpose, merely electing X, Y and Z to this Assembly or that Assembly and thereafter disperse. That is the present state of India today. People in the villages have had absolutely no opportunity to train themselves for democracy. They have not shared responsibility with anybody; they are absolutely irresponsible. That was the view that was taken and that was the purpose of the British who ruled us for 150 years. They destroyed the elements of our freedom, of our decentralized economy and the village republics that we had. They wanted to centralize the government and concentrated all power in the Governor General and ultimately in the British Parliament. It was in that view that they took steps to see that the villages did not govern themselves.

We must see that the village is the-unit for the social fabric that we are going to build. In the village itself, I would like that the family should be the unit, though for all-India purposes, the individual must be taken as the unit for voting. The village must

be reconstructed on these lines; otherwise, it will be a conglomeration of individuals, without any common purpose, occasionally meeting and dispersing, without an opportunity to come together and rehabilitate themselves both economically and politically.

I would advise that in the Directives a clause must be added, which would insist upon the various governments that may come into existence in future to establish village panchayats, give them political autonomy and also economic independence in their own way to manage their own affairs.

M. Anantasayanam Ayyangar,
Panchayat Raj as the Basis of Indian Polity

It is obvious that this ancient administrative structure must be made more resilient and suitable to the needs of rapid changes and growth. It is essential that these panchayat organizations should be well-organized and well-knit systems working on the basis of the willing co-operation of the entire village community, a consummation which in actual practice may present difficulties, but so very much to be desired and striven for. It would mean then that the village community be freed from the evils of electioneering, by creating a tradition of unanimity in election of the best available talent to the panchayat. The building up of tradition would admittedly require herculean efforts. But with the inherent training of centuries this should not be difficult.

Ravi Shankar Shukla, *On Village Panchayats*,
AICC Economic Review, 1 June, 1955

CHAPTER III

PANCHAYAT—ITS ACTIVITIES AND RESOURCES

Do brave and wise *panches* of your nation engage in collection of funds and other allied panchayat activities and thus add to general happiness ?

Mahabharata, Sabha Parva, Ch. V Sh. 83

Local bodies in ancient India had their 'Public Works' departments. They are termed *samuhās* for the purpose in some of the *smritis*. For the proper discharge of civic functions and the administration of the various interests of municipal life, an agreement was drawn up in writing forming the Memorandum or Articles of the Association, the members of which were bound to fulfil their legitimate part in promoting the manifold public works necessary for communal welfare. Deliberate violations of the agreement were severely punished either by banishment or confiscation of property. An attitude of either passive indifference to the agreement, or of opposition to it, was also punished by a heavy fine. Those who created disunion in the association were similarly dealt with.

According to the Kautiliya's *Arthashastra*, 'Whosoever stays away from any kind of co-operative undertaking shall send his servants and bullocks to carry on the work, and shall have a share in the expenditure but none in the profit !' The purpose for the promotion of which these municipal bodies were constituted embraced a wide area of useful activity which could not be left to the efforts of individuals, but was proper only for communal enterprise. They are thus enumerated by Brihaspati : preservation and maintenance of public halls, temples, tanks, rest-houses, wells for supply of drinking water to travellers, construction of water-courses and places of worship, protection against incursions of wicked people, and relief of the distressed. We thus find that these municipalities addressed themselves, not only to the ordinary material interests of communal life, such as sanitation and water supply, but also to the interests of public and spiritual life by the provision of

halls for public meetings and temples for public worship. They also organized the communal charities which embraced not merely the secular relief of the poor in times of famine and other calamities but also their religious or spiritual ministrations, which included the performance of purifying rites for the destitute and poor, *viz.*, arrangements for the cremation of dead, paupers, distribution of gifts among people desirous of performing religious acts. Thus the sphere of the administration of Poor Law was widened so as to bring within its compass provision for the spiritual necessities in the life of the destitute as fixed by their *sastras*. In another passage Brihaspati includes financial support in aid of the idiot, the infirm, the blind, the orphan, the distressed, as also diseased persons and women among the legitimate purposes to which an association could apply its public fund.

We should also note that the interests of strangers were not ignored. The duty of the village, with reference to construction and maintenance of the village public works, is clearly indicated in the following extract from a *Jataka*: "In a village there were just thirty families, and one day the men were standing in the middle of the village transacting the affairs of the village. They, doing good works, always in the Bodhisatta's company, used to get up early and sally forth, with razors and axes and clubs in their hands. With their clubs they used to roll out of the way all stones that lay on the four highways and other roads of the village; the trees that would strike against the axles of chariots, they cut down; rough places they made smooth; causeways they built, dug water tanks, and built the hall; they showed charity and kept the commandments. In this wise did the body of the villagers generally abide by the Bodhisatta's teaching and keep the Commandments".

Radha Kumud Mookerji,
Local Government in Ancient India

With regard to the actual administrative machinery evolved or adopted by these local bodies we have to depend upon the evidence of the later *smritis* such as those of Brihaspati, Narada, and Yajnavalkya. According to Brihaspati they are to be governed by a board of from two to five persons selected from the best men of the community. Says he : 'Honest persons, acquainted with

the Vedas and with duty, able, self-controlled, sprung from noble families, and skilled in every business, shall be appointed as heads of an association'. Again, 'Two, three, or five persons shall be appointed to look after the welfare of the association.....'

As Brihaspati states, 'Whatever is done by those (heads of an association).....must be approved by the king as well, for they are declared to be the appointed managers of affairs.....'

The most considerable clear light on the system of rural administration in ancient times is thrown by the two famous inscriptions in the Vaikuntha-Perumal temple at Uttaramallur, assigned to the tenth century A.D. In the first place, they speak of a number of committees, to each of which they apply a different designation to indicate roughly the sphere of work allotted to it. Secondly, they indicate the method of selection of committee members. Thirdly, they lay down the qualifications determining the eligibility for selection as a committee member. Fourthly, they enumerate the classes of disqualified persons. Fifthly, they lay down the conditions for the appointment of the accountants.

Radha Kumud Mookerji,
Local Government in Ancient India

From a South Indian inscription of the tenth century A.D., it would appear that each village owned a certain number of looms in common, and the weavers who worked them were maintained out of the village fund. Any other looms would be unauthorized.

Epigraphia Indica, Calcutta, Vol. IV, p. 138

A peasant who is allotted land for cultivation in the village but fails to cultivate it, should be fined and the amount credited to the village fund. If he takes a loan for cultivation needs and fails to do anything, then thrice the amount advanced should be realized from him as fine, etc.

Kautilya's *Arthashastra*, quoted by H. D. Malaviya,
Village Panchayats in India

The sources of the public fund of corporations comprise the contributions of individual members, the gifts of the king, the profits earned on public works, and the proceeds from penalties

which included confiscation of property for serious offences, as stated by Brihaspati and Yajnavalkya. But *Viramitrodaya* mentions an additional source of municipal revenue, viz., octroi duties on goods sold within municipal limits. *Vivadaratnakara*, in its chapter on immunities enjoyed by towns, also mentions some other sources such as those connected with the rights granted to the municipalities to import and export goods without the sanction of government, to levy a duty on goods carried on people's shoulders, and to decide disputes relative to the conduct of the minor associations existing within the municipal limits. When these sources of municipal revenue proved inadequate, recourse was had to private borrowing or state help.

The sources of village revenue, whether earmarked for the central government, or local, are variously described in different inscriptions. The charges on land seem to have been of two kinds. They might be dues of money (*kadamai*) and dues of labour (*kudimai*).

Radha Kumud Mookerji,
Local Government in Ancient India

The village panchayat or elected council had large powers, both executive and judicial, and its members were treated with the greatest respect by the king's officers. Land was distributed by this panchayat, which also collected taxes out of the produce and paid the government's share on behalf of the village. Over a number of these village councils there was a larger panchayat or council to supervise and interfere if necessary.

Jawaharlal Nehru's comment on the village system
as revealed in *Sukra Nitisara*, *Discovery of India*

My idea of village Swaraj is that it is a complete republic, independent of its neighbours for its own vital wants, and yet interdependent for many others in which dependence is a necessity. Thus every village's first concern will be to grow its own food-crops and cotton for its cloth. It should have a reserve for its cattle, recreation and playgrounds for adults and children. Then, if there is more land available, it will grow useful money-crops,

thus excluding *ganja*, tobacco, opium and the like. The village will maintain a village theatre, school and public hall. It will have its own waterworks ensuring clean water supply. This can be done through controlled wells or tanks. Education will be compulsory up to the final basic course. As far as possible every activity will be conducted on the co-operative basis.

Gandhiji, *Harijan*, 26 July, 1942

Every village should be self-sufficient. It should look after its education and defence. The people in the village should actively participate in the day to day affairs of the village. There should be no caste divisions, or any feeling of high and low. There should be a climate of brotherliness and co-operation in the village. Land will belong to all. All will have work. There will be village industries. The whole village, in short, will live as one family.

Vinoba Bhave, *Bhoodan*, 26 June, 1957

In September 1954, Vinoba accordingly advocated a five-fold programme for gram panchayats, for "then only will it be possible to establish *Ram Rajya* in our villages". The following is the programme :

1. Every panchayat should organize a study circle which will acquaint the people of the village with new ideas and important developments taking place in the national and international fields. The circle should especially provide for the study of Gandhian and other Sarvodaya literature. Selected writings from such literature should be read out and explained to the people.
2. The panchayats should undertake to bring about an increase in production as one of their primary responsibilities. So long as production does not increase and the vast unemployment to be found in the villages is not liquidated, villagers are not likely to feel the urge for offering their co-operation to any development activity. Why should the villagers build roads when it is their exploiters who are likely to derive greater benefit from them ?
3. The panchayats should consider it their duty to see that no person within their area remains unemployed or goes hungry. Just as the boycott of foreign goods helped the attainment of

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3. The panchayats should consider it their duty to see that no person within their area remains unemployed or goes hungry. Just as the boycott of foreign goods helped the attainment of

Swaraj so would the boycott of mill goods help bring about the village-raj.

4. Since land is the basic factor of all production the village land must be distributed to all. The ownership of land should belong to the village and there should be no one without land.

5. The real power of the panchayats is the people's support. The panchayats should, therefore, follow their will and act under their control. They should not care whether the Government recognizes them or not. The people must rely on their own strength and go forward.

Quoted by H. D. Malaviya,
Village Panchayats in India, p. 287

Then the panchayat should see to cattle improvement. They should show steady increase in milk yield. Our cattle have become a burden on the land for want of care.... The panchayat should also see to an increase in the quantity of food-stuff.... Then they must see to the cleanliness of their village and its inhabitants. They must be clean and healthy in body and mind.

Gandhiji, *Harijan*, 4 January, 1948

The greater the power of the panchayats, the better for the people. Moreover, for panchayats to be effective and efficient, the level of people's education has to be considerably raised. I do not conceive the increase in the power of the people in military, but in moral terms.

Gandhiji, *Harijan*, 21 December, 1947

Shri S. K. Dey has referred, particularly to panchayats, about their sizes and their accounts, and the resources. You cannot lay down any hard and fast rules. In my opinion we should give them more and more responsibility and believe in them and keep perhaps some powers in our hands to correct them when they do make mistakes. If they have to consult you about everything, their responsibility loses its meaning.

Jawaharlal Nehru, Fourth Meeting of the Central Council of Local Self-Government, 27 October, 1958

I regret to say that the community development movement has only very partially succeeded. Why is it so? I think the only way to get a response is to trust the peasant and give him power and authority to go ahead. The argument is used that he does not know enough. That is why we may not give him the power and the authority. But this is fundamentally a wrong argument. That is an argument to deny any country freedom because it is not yet ripe to govern. That was the argument the British people used against us. Therefore, you should give them authority, technical help and, of course, such other help as you can give. But, essentially, authority and power must be given to the people in the villages. Let them function and let them make a million mistakes. Do not be afraid about it. We are restricted in our thinking and in our movement because of the way of our thinking. Let us give power to the panchayats.

Jawaharlal Nehru, December, 1958

My idea of looking upon the whole world as the common heritage of humanity does not mean that there would be no regional self-sufficiency in economic matters. On the contrary, every village, district or country ought to be self-sufficient as far as the primary necessities are concerned; and atomic power would be of great help in decentralizing the industries so that they could have highly developed tools and machinery in every village. Thanks to the scientific knowledge at our command, we can have enough physical comforts for everybody even if we restrict our choice to our immediate surroundings. But we must stop hankering after more than enough if we want to avert a disaster.

Vinoba Bhave, Speech at Tyandakura, Orissa, 11 March, 1955

All disputes must be settled in the village itself. The people must decide what, and how much of, agricultural production is to be sold outside the village and what is to be brought from outside. They will, in other words, assess the available resources of the village and make a plan. . . . Every village must experiment in its own way. This alone can convey a real sense of responsibility and participation to every adult in the country and preserve real democracy.

Vinoba Bhave, *Bhoodan*, 18 September, 1957

In a decentralized democracy, the proper functioning of gram panchayats would be possible only if there is a more equitable distribution of wealth, more specially of land, in the villages. Otherwise gram panchayats are likely to become instruments of oppression rather than of co-operation.

Vinoba Bhave's interview with Shriman Narayan,
A.I.C.C. Economic Review, 1 December, 1955

The principle of a panchayat was 'Panch Parameshwar', *i.e.*, 'God speaks through the Five', which, in other words, means that a unanimous decision of the panchayat was respected as the verdict of God. If three or four out of five gave one judgement and the others gave a different one, it could not be taken as the verdict of God. If it were not so, it would give rise to majority and minority distinctions. Therefore, the only way to achieve unity is to accept the principle of 'Panch Parameshwar', 'God speaks through the Five', to achieve the ideal of unanimous decision.

Vinoba Bhave, *A.I.C.C. Economic Review*,
24 July, 1954

One of the reasons for the success of panchayat in ancient India was the principle of unanimity in the constitution of panchayats. "Elders of the village from different communities were elected by the whole village meeting almost unanimously. Whenever it was not possible to achieve unanimity, election was completed by means of lots drawn by the youngest child in the village".

The committee attaches the greatest significance to the need of unanimity in the working of village panchayats. The committee feels that panchayats elected unanimously should have more powers vested in them, than those where unanimity could not be achieved in the process of their formation.

Congress Village Panchayat Committee Report,
quoted by H. D. Malaviya,
Village Panchayats in India, p. 771

CHAPTER IV

NYAYA PANCHAYATS

One of the most important functions of the old village assemblies was the administration of justice. These assemblies appear to have developed a considerable differentiation of functions, and their functions appear to have been discharged through different organs; and so far as the purely judicial functions were concerned, the evidence of the *smritis* appears to point to the growth of independent institutions for the purpose.

In the *smritis* there are references to institutions bearing the names, *kula*, *sreni* and *puga*. These institutions were connected with the administration of justice in villages and though the earliest mention of these institutions as judicial tribunal is in *Yajnavalkya Smriti*, it may be assumed that these tribunals were functioning from Vedic times. The passage in *Yajnavalkya Smriti* indicates the integration of these tribunals with the courts of the king. After enumerating the king's courts as *nripenadhakrita*, *Yajnavalkya* mentions the popular courts *puga*, *sreni*, *kula* and adds that in the matter of deciding disputes each previous one is superior to the next succeeding one. If we bear in mind how in other countries royal justice effaced the ancient popular tribunals, we can at once realize the significance of the development in our country evidenced by the text of *Yajnavalkya*. Whatever it may be, these popular tribunals find frequent mention in all the later Hindu law books. It is out of place to enter into the controversies as to the exact connotation of the terms *kula*, *sreni* and *puga* employed to denote these tribunals. Broadly speaking, *kula* is the lowest court composed of kinsmen for arbitration in small matters. *Sreni* is the court constituted of traders, of artisans including men of different castes pursuing similar means of livelihood, and *puga* is a court constituted by men of different castes and occupations inhabiting the same village or town. An interesting passage in *Katyayana Smriti* describes the qualifications for membership of these tribunals. It lays down that the members should be pure, conversant with vedic dharma

(or Veda and dharma), self-controlled, well-born, of all-round capacity, not covetous, aged and noble. As to the law to be applied by these tribunals, we have a text of *Pitamaha* which provides: "Between parties of the same country, town, societies, cities or villages, adjudication should be made by following their own conventions and usages; but when the dispute is between these persons and strangers, the law of the *dharma sastra* should be observed."* As to the jurisdiction of these tribunals, the position seems to have varied from time to time. Broadly speaking, causes concerning violent crimes seem to have been outside the purview of these tribunals at all times.

The principle underlying these courts has been admirably put by the *Sukra Niti*: "They are the best judges of the merits of a case who live in the place where the subject-matter of the dispute arises." This system harmonized with the spirit of the people so much that it was invariably encouraged by monarchs.

These indigenous institutions continued to flourish in some form or another down to the British era. The decisions of these bodies were supported not only by the moral sanction of the public opinion of the community but also by the legal sanction of punishment inflicted by the king. Neither the Mauryan zeal for centralization nor the Muslim invasion was sufficiently strong to kill them. In fact, in the Mauryan village communities, *dharmasthas*, that is to say, influential persons appointed by the government to the village bench, who, unlike their earlier counterparts, did not possess any *de jure* powers of self-adjudication, did continue to exercise them *de facto*, their main endeavour being to arrive at an equitable arrangement in each case satisfactory to both the parties. Inscriptions dating back to the 10th century A.D. in Uttaramallur in the Chingleput district of Madras show that in South India administration of justice through village *sabhas* was well known. These inscriptions reveal the extraordinary care taken in the selection of the members of the *sabha*, and details are to be found in these inscriptions as regards the qualifications of members, disqualifications, methods of selection and the like. And during the Muslim period instances are not found wanting in which the

*Cited in Sarkar, *Epochs in Hindu Legal History*, 1958, p. 244

government respected and gave effect to the decisions of such village institutions even where they went against the interests of persons professing the same religion as the rulers. Under the Mughals panchayats had a wide jurisdiction covering "communal disputes, matrimonial disputes, disputes concerning revenue and all kinds of rent-sharing disputes and indeed all kinds of conflict arising in the social and economic life of the people."* An informal system of appeals and reference from a panchayat to a nearby bigger panchayat also seems to have obtained.

The decline of the village community after the downfall of Muslim rule which we have referred to earlier no doubt enfeebled panchayats. The process was accelerated by the change in policy introduced by the British Government of establishing its own courts and its own officers to try cases which brought about a sharp decline in the importance of the institutions. The decisions of gram panchayats ceased to obtain any recognition and therefore even where they continued to function, the only sanction behind the decisions was the moral force of public opinion. When people discovered that the power of the State was behind the newly established courts and not behind these ancient institutions, they naturally abandoned the old courts and turned to the new ones. It is surprising that notwithstanding pronounced change in policy, gram panchayats should have continued to exercise jurisdiction in respect of certain matters in the village and at the same time have their decisions respected. In the Punjab we were told that in a certain district which looks with disfavour upon dowry, the gram panchayat is still able to inflict fines, the fines so realized being utilized for the benefit of the village community.

The large degree of local autonomy which the villagers formerly possessed disappeared with the advent of the British largely due to the change brought about by the revenue and police administration and the administration of justice. Better means of communication and the growth of individualism also played their part in this process. Despite this the British administration was not slow to realize the importance of these village

* P. Saran: *The Provincial Government of the Mughals*, cited in the *Journal of the National Academy of Administration*, Vol. VI, No. 2, April 1961, p. 105

bodies and before long they attempted to revive them in some form or another.

Regulations passed in Bombay and Madras in 1802, modified in 1827 and 1816 respectively, were aimed at diminishing the expense of litigation and in rendering the principal and more intelligent inhabitants useful and respectable by employing them in administering justice to their neighbour. Although the experiment was not successful, the attempt was not given up and we find a Royal Commission observing in 1907-08: "The foundations of any stable edifice which shall associate the people with the administration must be the village as being the area of much greater antiquity than administrative creations such as *tehsils*, and one in which the people are known to one another, and have interests which converge on definite and well-recognized objects like water supply and drainage".*

This Commission also suggested that the village panchayats might be entrusted with summary jurisdiction in petty civil and criminal cases. Then came the Government of India Resolution of May 1915, which left the matter to be regulated by State Governments after laying down certain broad principles, one of which was that the jurisdiction of panchayats in judicial cases should ordinarily be permissive. Following the expression of these views, steps were taken to develop nyaya panchayats.

The foregoing survey, though brief, is sufficient to show that administration of justice in villages by panchayats, or popular tribunals, is of virtually immemorial origin. Though the panchayats may have evolved out of the fluid and inchoate conditions of tribal life as mentioned earlier, they took deep root in the soil and fitted so well with the spirit and genius of our villagers that the latter virtually deified them as is evident from sayings such as "Panch Parameshwar" (supreme deity), and nothing short of an utter disruption of the village life and village administration such as happened during the early British period could affect the panchayats. Even such violent changes only stunted their growth and rendered them ineffective in varying degrees but did not destroy them altogether. The British rulers themselves recognized their mistake in not promoting such institutions

* *Royal Commission on Decentralization*, paragraph 699

and made some efforts at reviving them. If the past be any guide for the future, by reviving panchayats and moulding them on the right lines we will be taking a much-needed step in the direction of making law and administration of justice reflect the spirit of the people and become rooted once again in the people.

Report on the Study Team on Nyaya Panchayats, 1962

Progressively, we must delegate to the village panchayat judicial powers in petty criminal and civil cases; the local police too might be put under the charge of the panchayat. If we build upon this village unit of self-government, rehabilitate it to the altered conditions of today, we shall be working in consonance with the genius of our people. This is the natural and the easy way. Merely to copy the West should not be our object. We may also forget that the West has made, more specially in the big countries, democracy complex and expensive. The West has evolved the official red tape which makes the democratic machinery cumbrous and slow-moving. All these drawbacks we must try to avoid in the new constitution that we may devise. Our judicial system must be simple and effective. The law's delay and expense and complicity must be avoided.

Gandhiji, *Harijan*, 8 December, 1946

Parties in civil suits must be compelled in the majority of cases to refer their disputes to arbitration, the decisions of these panchayats to be final except in cases of corruption or obvious misapplication of law. Multiplicity of intermediate courts should be avoided.

Gandhiji,
Presidential Address, Belgaum Congress, 1924

CHAPTER V

PANCHAYATI RAJ

I suggest that if India is to evolve along non-violent lines, it will have to decentralize many things. Centralization cannot be sustained and defended without adequate force. Simple homes from which there is nothing to take away require no policing; the palaces of the rich must have strong guards to protect them against dacoity. So must huge factories. Rurally organized India will run less risk of foreign invasion than urbanized India, well equipped with military, naval and air forces.

Gandhiji, *Harijan*, 30 December, 1939

While operating through the people's local organizations, the community development programme simultaneously strengthens the foundation of democracy on which our Constitution stands by making the villager understand the significance of development and his own position in the process of development, and it makes him realize his position in this vast democracy. Thus, community development and democracy progress through, and strengthen, each other. The community projects are of vital importance 'not so much for the material achievement that they should bring about but much more so because they seem to build up the community and the individual and to make the latter the builder of his own village-centres, and of India in the larger sense'.

Jawaharlal Nehru,
Development Commissioners' Conference, May, 1952

I am also convinced that there should be a growing measure of decentralization and delegation of authority. There is a danger in this and a risk of things going awry because of lack of experience or training. That risk should be cheerfully faced. In the long run it is only by spreading out responsibility that we will train our people.

Jawaharlal Nehru,
Message to the Conference on Community
Development and Co-operation, Mysore, July, 1959

We are going to lay the foundations of democracy or Panchayati Raj in our country. If Mahatma Gandhi had been alive today, how happy he would have felt!

Jawaharlal Nehru, Inauguration of the Programme of Democratic Decentralization, Nagaur (Rajasthan), 2 October, 1959

I think this Panchayati Raj is of outstanding importance and ministers, who are responsible for this in the States—of course all the States have not got it and should get it soon enough—should feel that they are in charge of the most vital subject in India, not in charge of a showy subject in the sense of putting up a big plant or big buildings. It is, however, the most vital thing that would change the texture of India.

Jawaharlal Nehru, Meeting of the State Ministers of Community Development, 9 December, 1960

Its (Panchayati Raj) theory, of course, is fascinating. But in practice also, in so far as we have seen it in Rajasthan, Andhra, Madras, it is quite fascinating, the way it is bringing about basic changes. Even the official is changing, or trying to change. The village people, of course, are changing. I think it is, in a sense, the most revolutionary thing that is happening in India.

Jawaharlal Nehru, Meeting of the State Ministers of Community Development, 9 December, 1960

The establishment of Panchayati Raj, as it is called, in some States and the promise that it will be extended to the other States is an event of revolutionary significance. The transfer of authority and of developmental work to the Panchayat Samitis is likely to change the whole background in our rural areas and make the people there more self-reliant and conscious of their responsibilities.

To the Pradhans, Sarpanches, etc., who have been elected and on whom this new and great responsibility is cast, I send my congratulations and good wishes. They are active and responsible partners now in the great task of building up our villages and putting a new life in our rural areas.

It is necessary for our Members of Parliament as well as Members of State Assemblies to develop close contacts with the Panchayat Samitis in their constituencies and get to know the Pradhans. The Panchayat Samitis, on their part, should cultivate and utilize the services of the Members of Parliament and of the State Assemblies who represent them. In this way, we shall build up an integrated and co-operative structure which will form the basis of all future progress and make our democratic structure unbreakable.

Jawaharlal Nehru, Message on the Establishment of Panchayati Raj, 22 April, 1961

In recent years, the district organization has been growing in a rather haphazard manner. When the community development organization was started, it was superimposed on the existing development administration. The two worked side by side without connecting links. There were also the old local boards functioning separately. The result is that we have the following agencies in districts working on parallel lines with their activities almost entirely unco-ordinated : the portion of the revenue administration dealing with specified developmental functions; the established development departments at the district, taluk and other levels—agriculture, animal husbandry, co-operation, etc.; the non-official co-operative structure—apex banks, central banks, etc.; the community development agency with block officers and village level workers, including panchayats at the village level; and, the agency of local boards.

All this is leading to much overlapping and waste of effort. I hope that in every State one district will be chosen and a well-knit staffing pattern evolved with functions assigned on a logical basis. This will be useful when more areas are brought under Panchayati Raj in the next two years.

Training programmes for members of panchayats and co-operatives and secretaries are of cardinal importance. It should be the special responsibility of the non-official agencies in districts to play a leading part in organizing these. When the movement of Panchayati Raj is fully developed it is expected that we shall have about 2,50,000 to 3,00,000 panchayats and as many co-operatives with nearly 70 million members. The aim should

be to have in the next five years as large a proportion as possible of those trained as members of panchayats and co-operatives. There should also be programmes for training young men to work as secretaries to these bodies.

V. T. Krishnamachari, Annual Conference on Community Development, Hyderabad, 13 July, 1961

Panchayati Raj is a mighty experiment. It might not succeed all over India, in every part of India, but the conception is a tremendous one, and it is succeeding somewhere and it will succeed in the major part of India.

Jawaharlal Nehru, Debate on the President's Address, Rajya Sabha, 15 March, 1962

At the cross-roads, the community development movement began accordingly to chart a new course. Panchayati Raj is the new concept. It offers a new orientation of the programme. On 2 October, 1959, the State of Rajasthan was the first to transform the entire structure of administration in the State. This was followed by Andhra Pradesh on 1 November, the anniversary of the State*. The stagnant District Boards stood abolished. So also did the other institutions below the State Legislature except the village panchayat. Village panchayats send their elected representatives to the new statutory body known as the Block Panchayat Samitis. The Samiti has other co-opted members representing women, and the depressed and scheduled classes. It has a President and a Vice-President. The administrative personnel in the block, besides the budget and other resources of Government, have been placed at the disposal of this new body. The Community Development programme, along with all individual departmental programmes of Government in the block, is vested in this body. The Presidents of Block Panchayat Samitis together with the MPs and the MLAs in the district constitute the Zilla Parishads. The Zilla Parishad in collaboration with the Collector and the technical departments at the

*Several more States have since passed legislation for the introduction of Panchayati Raj.

district level offers guidance and assistance to the Block Panchayat Samitis, without controlling them. This is the constitution

S. K. Dey,

Community Development through Panchayati Raj, pp. 7-8

The State Legislature will thus travel from the State Headquarters down through the District and the block to the village panchayat. The new institutions, as people's organizations, are responsible for planning and implementing the programme approved in the State Legislature. The suzerainty enjoyed by local government agencies is ending. These will be subject to support and control by democratic institutions of people all along the line, with adequate charter of powers. Thus is democracy travelling from Parliament to the panchayat

S. K. Dey,

Community Development through Panchayati Raj, p. 8

The village panchayats, the Panchayat Samitis and the Zilla Parishad mean extension of leadership resources at the disposal of the people. The needs and demands of people and their elected institutions for supplies and services continue to outstrip resources in material and leadership. The demands and services grow increasingly out of step. Panchayati Raj institutions can initiate overall planning, mobilization of people and resources, and look after general administration. Panchayati Raj cannot act effectively as the economic arm for itself. Co-operatives come in thus as sister institutions to take a dominant share of the growing economy. We have then the service co-operative as the mother economic institution at the village. But panchayats and co-operatives cannot by themselves meet the growing demands of the village. The need arises therefore for supplementary voluntary organizations—"Associate Organizations", they are called These organizations will take up the responsibility for implementing the respective village programmes on behalf of the statutory Panchayati Raj institutions. The members of the Associate Organizations can be co-opted as members of

the functional sub-committees in representative institutions at the Village, Block and District levels.

S. K. Dey,
Community Development through Panchayati Raj, p. 9

A programme for education and training has to be organized *en masse* all along the line. Institutions of Government from the apex to the base, hitherto meant for officials, can also be used effectively for the training of people's representatives and people's associates. There should alongside be a mass-scale programme of education also of the people. An ignorant people and enlightened representatives are either myths or uneasy partners. A powerful administration and a docile people offer a fertile ground for the devil. Those who hold the title-deeds to power have to be mobilized through education and discipline. This programme cannot be conducted from above, nor at the initiative of Government alone. Every institution, every group of people will have to play its part in the education and discipline of the group immediately below. A programme on this pattern has been chalked out in detail. In this the members of Parliament, the State Legislatures, the voluntary social welfare institutions in the country—all have the most vital role yet to play. The village school will play in this context the master-role as the third basic institution, the other two being the panchayat and the co-operative. It will be the community centre for the young and adult alike. It will offer adult literacy and guidance. It will lay the foundation for discipline, organization and education in children.

S. K. Dey,
Community Development through Panchayati Raj, p. 10

Thus the final picture emerges. The people of India will govern themselves through their representatives in institutions from the Gram Sabha to the Lok Sabha, based more on consensus than on numerical majority. There will be functional sub-committees in every institution looking after individual subjects of development. The functional sub-committees will consist of members of representative institutions and co-opted members from the associate organizations. The village co-operatives, the

associate organizations and their formations higher up will undertake responsibility for development in all sectors of life. People would be involved and mobilized by each one of the functional sub-committees. The permanent administration of Government will be there to serve the needs of the people at the behest of their representatives. Representatives and associates will supplement each other. They will act and react on each other against unhealthy trends. All plans and actions at the village will be conducted in close association with, and with the approval of the Gram Sabha, the counterpart of the Lok Sabha at the national level, which will include all the adults of the village, both men and women. The village, the block and the district will thus acquire new importance as units for planning and development. The scope for political or official patronage will diminish enormously, if not be eliminated altogether. There will be greater vigilance at all levels. Officials or representatives will no longer function alone. Team work will act as a corrective to anti-social trends in individuals.

S. K. Dey,

Community Development through Panchayati Raj, pp. 11-12

It is not infrequently that delegation of power is mistaken for decentralization. The former does not divest the Government of the ultimate responsibility for the actions of the authority to whom power is delegated; this authority is under the control of the Government and is in every way subordinate to it. Decentralization on the other hand, is a process whereby the Government divests itself completely of certain duties and responsibilities and devolves them on to some other authority. It is true that devolution of responsibility cannot be complete without a complete devolution of all the control over the necessary resources and admittedly such devolution cannot be completely feasible in any country. What we can work up to is to decentralize certain sources of income assured under statute and recommend that further resources should be made available by mutual agreement between the government and the local body. Delegation of powers is taking place to progressively lower levels of executive machinery. Decentralization of responsibility and

power, on the other hand, has not taken place below the State level in recent years. Such decentralization has now become urgent and can be effected by a devolution of powers to a body which, when created, will have the entire charge of all development work within its jurisdiction. The term 'development work' covers agriculture, animal husbandry, co-operation, minor irrigation works, village industries, primary education, local communications, sanitation, health and medical relief, local amenities and similar subjects. If this body is to function with any vigour, initiative and success, the Government will have to devolve upon it all of its own functions in these fields within the body's jurisdiction, reserving to itself the functions of guidance, supervision and higher planning, and where necessary providing extra finance.

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Move together, meet together, your hearts should be in unison.
Keeping in view the unity of the village, you divide equally your
collective property, as the gods have been doing before.

Rig Veda, last mandala

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