

Panchayat Raj in the United Provinces

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AFTER the dawn of independence in India various schemes have been devised in different provinces for the uplift of the rural areas. Among all these the schemes for the constitution of village Panchayats and Panchayati Adalats embodied in the United Provinces Panchayat Raj Act of 1947 may easily be singled out as a pioneer measure aiming at revitalising the village as a community and drawing the village into the full orbit of life.

The constitution of village Panchayats is not altogether a novel feature in the economic and political life of India. Such institutions did exist in India in the past though in a slightly varied form. There are records to prove that the village communities existed in India as late as 207 B.C. in the time of the Emperor Chandra Gupta Maurya. The Code of Manu and certain South Indian inscriptions of the thirteenth century A.D. give indications of the existence of village communities. However, in these village communities there does not appear to be anything resembling the assembly of adults which is so remarkable a feature of the Gaon Sabhas of the present day. The Council of Village Elders was formed in quite a different way from that envisaged by the present Act. Anyway these Councils did serve a very useful purpose in the shape of Panchayats in different villages. It is to be gathered from Manu and certain tenth century inscriptions that there used to be a small select body or bodies chosen on some recognized principle to whom local administration was

practically entrusted in the great mass of village communities. There also used to be certain organized bodies resembling somewhat the new Panchayati Adalats, references to which are found in Kautilya's Arthashastra, the Sukra-Niti, the Code of Manu and South Indian inscriptions of the twelfth century A.D. Similar organized administrative and judiciary bodies did continue to function at places during the Mohammedan rule,¹ Referring to the village communities Lord Metcalf in his minute² of 7th November 1830 observed:

"The village communities are little republics having nearly everything they want within themselves and almost independent of any foreign relations. They seem to last when nothing else lasts . . . This union of the village communities each one forming a little state in itself has, I conceive, 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 their happiness and to the enjoyment of a great portion of freedom and independence."

On the passings of the rule into the hands of Company, the village communities began to disintegrate and the old village panchayats gradually tended to disappear. The result was that in the recent past there were caste or com-

munal panchayats particularly among the people of scheduled castes, but very few panchayats embracing people of different classes of a particular village or locality. Such bodies had almost become extinct,

No serious attempt for the revival of village panchayats was made under the British rule. A centralised form of administration came into existence in India by the Government of India Act of 1858. In later years there was a tendency towards decentralisation and more and more power came to people in charge of administration in different provinces in India. Lord Morley laid great stress on the decentralisation of administration. About the village panchayats he wrote:

"The village in India (generally) has been the fundamental and indestructible unit of the social system, surviving the downfall of dynasty after dynasty. I desire your Excellency-in-Council to consider the best way of carrying out a policy that would make a village the starting point of public life."

In the words of the Royal Commission on Decentralisation, the foundation of any stable edifice which shall associate the people with the administration must be the village as being an area of much greater antiquity (than the new administrative creations) and one in which people are known to one another and have interests which converge on well-recognized objects.¹ The Commission expressed their views in

¹ Hunter, W.W.: *Speech in the Imperial Legislative Council*, Sept. 12, 1883.

² Baden-Powell, E.H.: *Land Systems of British India*, Vol. I, pp. 170-71

¹ *Parliamentary Paper 1909* (Cd. 4360), pp. 238-9.

favour of the development of panchayats but stated that the panchayat system should be gradually and tentatively applied. They thought that a commencement should be made by giving certain limited powers to panchayats in those villages in which circumstances were most favourable by reason of homogeneity, natural intelligence and freedom from internal feuds. They hoped that these powers might be increased gradually as results warranted and with success there, it would become easier to apply the system in other villages.

As a result of the recommendations of the Commission a large number of local bodies such as municipal and district boards were constituted. The Act of 1919 transferred the Department of Local Self Government to the Ministers responsible to the Legislature, and in the later years and more so after the passing of the Government of India Act of 1935 during the days of Provincial Autonomy village panchayats were constituted in certain provinces. Thus there was no effective transfer of power, and responsibility to the village panchayats. The villager was never made aware of the fact that his progress and prosperity depended on his own response to the situation. This can come only with liberal education and responsibility and power being vested in them.

During the days of first Congress Ministry (1937-39) in almost all the provinces schemes ambitious or modest for rural reconstruction were framed but in most cases they met with inadequate success. The Provincial Government was alive to the urgent necessity of improving the lot of village folk. For this purpose they felt the urgency of constituting administrative and judicial bodies in the villages which

might revitalise the village life and evoke both local response and local co-operation and also give scope to local initiative and would prove an efficient instrument both (or the political education of the villager in the art of self-government as well as for the improvement of his environment. It was also thought that in as much as the panchayat is an efficient institution suited to the genius of the people it was likely to appeal to the villager and be an effective agency for the execution of progressive schemes.¹ After August 1947 various provinces of India have prepared plans for the constitution of village panchayata. The United Provinces under the guidance of the distinguished Minister Dr. K. N. Katju took early steps in this matter. The Bill was circulated for public opinion in 1946 and was passed in 1947.

The United Provinces Panchayat Raj Act, 1947, as the preamble of the Act states, aims at establishing and developing local self-government in the rural areas of the Province and making better provision for administration and development. The membership of the Gaon Sabha which is a corporate body lasts for life. Every adult inhabitant of the village *ipso facto* is a member unless he is disqualified on certain definite grounds. Both the President and Vice-President of the Sabha are to be elected by the members for a period of three years. The Sabha is generally to hold two meetings during the year—one *Kharif* meeting in which the budget for the following year is to be passed and the second the *Rabi* meeting in which the accounts for the previous year are to be considered.

The Gaon Panchayat is to carry on the executive work of the

1. Katju K.N.: *A Scheme for Local Self-Government in Rural Areas, Ind. Journ. Econ.*, July 1939, p. 2.

Sabha which is constituted on the basis of joint electorate and is generally composed of 30 to 51 members according to the population of the village. The distribution of seats depends on the proportion of the population of the various communities i.e., the scheduled castes, the minority and the majority communities.

Every Panchayat has to perform certain obligatory functions. It is to look after the village sanitation, public works and grazing grounds. It has to make provision for the education of boys and girls, water supply, and maternity and child welfare. It is required to assist the development of agriculture, commerce and industry, arrange for the protection of life and property of the inhabitants, registration of births, deaths and marriages, regulation of markets, maintenance of records and administration of civil and criminal justice.

The Panchayat may undertake, if it so desires, the planting of trees, organisation of village volunteer force, development of co-operation, establishment of seed stores and improvement of cattle. It can maintain public radio sets and gramophones, a library or reading room. It can help the villagers by filling in the insanitary depressions and arrange for the supply of Government loans and make provision for recreation.

For the improvement of the village the Panchayat is authorized to take any steps necessary regarding public streets, waterways, sanitation, establishment or maintenance of primary school dispensary or hospital. It can also enquire into the misconduct of certain officials and make contract for the collection of taxes and other dues.

For the fulfilment of these objectives there is provision for a Gaon Fund which is to be consti-

tuted out of money realized from taxation, fines, contributions, gifts or loans.

For the administration of justice a Panchayat Adalat is to be constituted in every circle consisting of a group of villages. The Adalat is to include at least five

persons from each village elected by the Gaon Sabha and is to be headed by a Sarpanch. The Adalat is authorized to try cases under a number of sections of Criminal Procedure Code (1898), Civil Procedure Code (1908), Land Revenue Act (1901), Indian

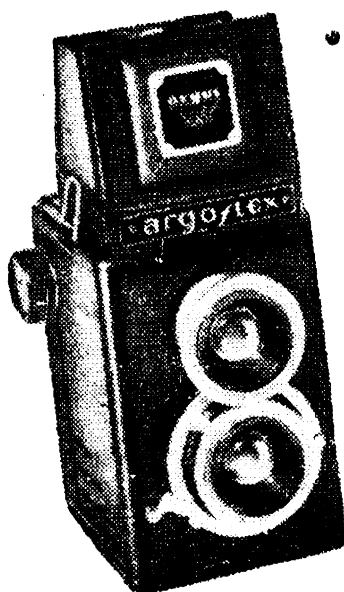
Penal Code (1800), Cattle Trespas Act (1871), U.P. District Hoard Primary Education Act (1926), Public Gambling Act (1867) and U.P. Panchayat Raj Act (1947) and impose fines upto Rs. 100,

In order to try every case the Sarpanch is to constitute a bench of five Panches out of whom one should be resident of the village of the plaintiff, one of the defendant and the remaining three from other villages. But no Panch can try a case in which any of his relations, employer, employee, partner in business or a person in whom he is interested is taking part.

The first elections of the village Princhayats were held in February last. It was really a remarkable events in the life of the countryside. Nor only it provided some excitement to the village folk and served to arouse their political consciousness but it had a more lasting effect as it filled the rural areas of the Province with self-governing democratic institutions. The elections of the Adalats are imminent and it is hoped that after these village courts of law have been formed the picture of the Panchayat Raj in the villages will be complete.

As we have said already, this new measure is to have far reaching consequences Never before in the past such comprehensive plans had been put into force for the amelioration of the lot of the tillages of the United Provinces. The Panchayat Raj Act reveals not only understanding of various problems which face the people of the villages but it is also conceived in a genuine spirit of sympathy and desire to lift the poor masses of the villages from the conditions of grovelling poverty and abject suffering. The Government of the United Provinces deserves congratulation on its efforts to create the Panchayat

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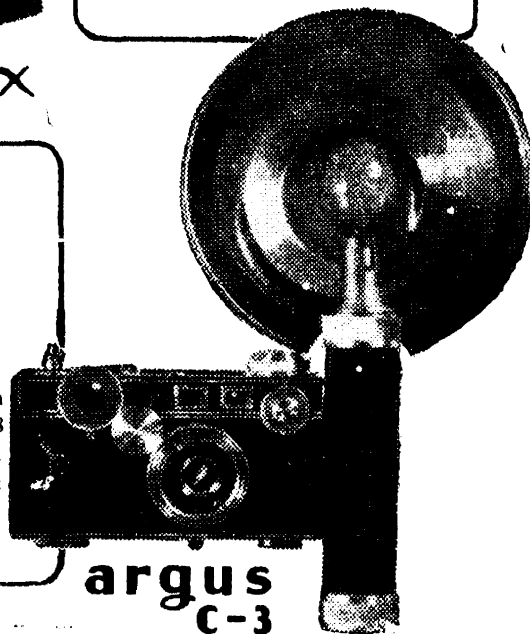
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The February elections have, however, revealed certain features of the new measure which deserve consideration. From a number of localities in the Province reports came that the atmosphere of the villages at the time of elections had become very tense and at places it even led to quarrels and rioting. This is nothing unusual. Election notes are nothing new and have taken place in all parts of the world and it is hoped, as people get accustomed more and more to the new democratic machinery, they will develop a greater sense of responsibility and behave better. But what was really alarming was that at places electioneering took a caste or sub-caste complexion and led to clashes. This is partially at least a result of the provisions of the Act itself which is anxious to provide representation to every little community. It is true that the provision of joint electorates is an antidote against this provision but in fact the last elections have revealed that the virus of petty communalism is present in our village polity and if it continues to exist it may lead to ugly consequences. Some modification, therefore, will have to be made in future to avoid mischief.

Another thing that strikes a careful reader of the Panchayat Raj Act is that while its comprehensive provisions take into account every other aspect of the village life, enough stress is not laid on the question of greater production which is so vital to our very existence. Dr. Katju who is more than any one else the architect of this new scheme discusses in an article in the *Indian Journal of Economics*, July 1939, the idea of a multi-purposes co-operative society as a basis of the village panchayats. That would have been greatly helpful

to the villager in production, marketing, financing, better living etc. But somehow when the Act was framed the economic motive lost ground and we have now, as we have said, inadequate stress on it in the present Act.

On the whole the Panchayat Raj Act deserves praise. There are two essential requisites of a self-governing organisation in the rural areas; "firstly, it should be an organisation of which practically every villager is a member and in which he himself takes an intelligent interest; and secondly,

that organisation should look after the life of the village community as a whole and should not confine itself to the mere requirements of the *abadi*: i.e., it should try to serve all their needs. It should undertake to look after the villager, the resident of the village, from his cradle down to the end of his days." (Katju, K. N.: *void.*, p. 5.)

It may be said with confidence that the Panchayat Raj Act satisfies the tests laid down above and will prove in its working a true blessing to the countryside.

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