

**REPORT**  
**OF THE**  
**CONGRESS VILLAGE PANCHAYAT**  
**COMMITTEE**



**ALL INDIA CONGRESS COMMITTEE**  
**NEW DELHI**

**REPORT OF THE CONGRESS VILLAGE  
PANCHAYAT COMMITTEE**

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# ALL INDIA CONGRESS COMMITTEE

7 JANTAR MANTAR ROAD  
NEW DELHI-1

July 20, 1954

Shri Jawaharlal Nehru,  
President, Indian National Congress,  
New Delhi.

My dear Panditji,

I am submitting herewith the Report of the Village Panchayat Committee which was appointed by the Congress Working Committee on the 23rd May 1954.

The Committee held a number of sittings to discuss various aspects of the Panchayat system in India as fully as was possible within the limited time at our disposal. One of the members of the Committee, Giani Gurmukh Singh Musafir, left for Europe soon after the appointment of the Committee and could not, therefore, attend any of our meetings. Shri K.D. Malaviya has submitted a separate note which is given at the end of our main Report.

Printed copies of the Report will be available for the members of the Working Committee on the 23rd July at Ajmer.

Yours sincerely

*S. N. Azarmal*

Convener



## INTRODUCTION

**Appointment of the Committee:** The Congress Working Committee at its meeting in New Delhi on the 23rd and 24th of May, 1954, adopted the following resolution:

“The Working Committee have noted with appreciation the progressive introduction of the Panchayat system in various parts of India. This is not only in keeping with the ancient tradition of India but is suited to present-day conditions. A modern State tends inevitably to become more and more centralised. This tendency should be balanced by the growth of local self-governing institutions, so that the mass of the people should themselves participate in this business of administration and in other aspects of community life, social, economic and judicial. This can best be done by the development of Panchayats in the villages of India. These Panchayats should have an administrative functioning as well as a judicial function.

“The Committee particularly welcome the establishment of Nyaya or judicial Panchayats which should reduce the burden on the regular courts and make justice available on the spot in a considerable number of relatively petty matters and thus make it both speedy and inexpensive also.

“Such Panchayats should be developed throughout the country in accordance with local conditions and traditions and represent the entire community in the area concerned, irrespective of caste or creed.

“In view of the importance of this subject, the Working Committee appoint a Committee consisting of:

1. Dr. Kailas Nath Katju
2. Shri Jagjiwan Ram
3. Shri Gulzarilal Nanda
4. Giani Gurmukh Singh Musafir
5. Shri Keshava Deva Malaviya, and
6. Shri Shriman Narayan Agarwal (Convener)

to consider this question in all its aspects, including reports of the working of the Panchayats in various States, and report to the next meeting of the Working Committee which is going to be held prior to the Ajmer Session of the A.I.C.C.”

**Questionnaire:** The Convener of the Committee, Shri S.N. Agarwal, issued a Questionnaire (see Appendix A) on May 25, 1954. The

Questionnaire was sent to about one thousand addresses, among them the Chief Ministers of all States, Presidents of all Pradesh Congress Committees, Presidents of all District Congress Committees and a number of individuals and institutions. When the daily press reported the issue of the Questionnaire by the A.I.C.C. headquarters, we received a large number of letters from various individuals all over the country. The Questionnaire thus aroused considerable interest in India as a whole and it was sent to all those who demanded it.

The Committee received replies to the Questionnaire from almost all the States except Andhra and Travancore-Cochin. Nearly half a dozen Pradesh Congress Committees and two dozen District Congress Committees also replied to the Questionnaire. The Committee also received replies to the Questionnaire from a number of individuals and institutions.

The more important of these replies have been abstracted in the Appendices. Mainly basing ourselves on the replies to the Questionnaire from the State Governments, we have given in the Appendix a brief account of the present state of Panchayat organisation in the different States of the Indian Union.

**Local Self-Government Ministers' Conference:** The problem of Village Panchayats has become a very important question in the development towards a Welfare State in India after the attainment of Independence. Mention may here be made of the role played by the A.I.C.C. ECONOMIC REVIEW, the fortnightly journal of the Economic and Political Research Department of the All India Congress Committee, in bringing to the fore the problem of Village Panchayats in India and concentrating attention on them. As early as November 14, 1953, Congress General Secretary, Shri S.N. Agarwal, had addressed a Questionnaire on Village Panchayats to the State Governments and Congress organisations, and earlier, on November 1, 1953, the leading article of the REVIEW entitled "Planning from the Bottom" had drawn attention to the need of preparing the Second Five-Year Plan on the basis of our villages.

The Central Government, as also the Planning Commission, gave attention to the problem of Village Panchayats and a circular of the Planning Commission, dated April 28, 1954, addressed to all the State Governments, drew pointed attention to the need of preparing the Second Five-Year Plan on the basis of districts and villages. As a part of the same policy the Central Ministry of Health decided to convene a Conference of all Local Self-Government Ministers of different States. The Conference was convened at Simla and Dr. K.N. Katju, a member of the Congress Village Panchayat Committee, Shri S.N. Agarwal, the Convener of the Committee, and Shri H.D. Malaviya, Secretary of the Economic and Political Research Department of the All India Congress Committee were specially invited to this Conference. The Conference was held on the 25th, 26th and 27th June 1954. At this Conference the representatives of the Congress Village Panchayat Committee took a leading part in the discussions. Copies of the A.I.C.C. ECONOMIC REVIEW and abstracts of the replies of the State Governments to our Village Panchayat Questionnaire prepared by the A.I.C.C. Secretariat were placed before the invitees to the Simla Conference; and in her Presidential address, the Central Health Minister, Rajkumari Amrit Kaur,

made a pointed mention to the ideas propounded by the A.I.C.C. ECONOMIC REVIEW on the question of Village Panchayats.

**Sittings of the Committee:** The first meeting of the Village Panchayat Committee was held in the All India Congress Committee Office at New Delhi on 25th May, 1954. Dr. K.N. Katju was in the Chair and amongst those present were—Shri G.L. Nanda, Shri Jagjiwan Ram and Shri S.N. Agarwal. At this meeting the Committee discussed the issues facing it and it was decided to prepare a detailed agenda on the basis of this discussion for the next meeting of the Committee. The Committee also decided to associate Shri Mohanlal Gautam, Minister for Local Self-Government, U.P., with its work.

The next meeting of the Committee was held in the office of the All India Congress Committee on June 28 and 29 and at the residence of Shri Jagjiwan Ram on June 30. These meetings were attended by Shri G.L. Nanda, Shri K.D. Malaviya, Shri Jagjiwan Ram and Shri S.N. Agarwal. Shri Mohanlal Gautam, Shri P. Govinda Menon, leader of Congress Party in Travancore-Cochin Assembly, Shri Gopinath Aman, Minister of Delhi State, Shri Barfiwala of the Local Self-Government Institute, Bombay, and Shri A.B. Pant of the former Aundh State attended the meeting by special invitation.

In accordance with the decision of the previous meeting, the following issues were framed and laid on the table upon which the members took decisions after discussion:

#### I. Some Fundamental Aspects:

- (i) Role of Village Panchayats as effective instruments of a peaceful socio-economic revolution.
- (ii) Village Panchayats for bringing about far-reaching decentralisation of social and economic power for the establishment of a Welfare State.
- (iii) Village Panchayats as a model of 'composite democracy' in accordance with ancient Indian traditions—the conception of "Panch Parameshwar"
- (iv) Village Panchayats as community organisations free from party affiliations.
- (v) The need for unanimity in the working of Village Panchayats—Panchayats elected unanimously to have more powers than those where elections have not been unanimous.
- (vi) System of elections to Panchayats—Adult Franchise—Direct or Indirect election—secret ballot or show of hands—developing the system of drawing lots as in ancient India.
- (vii) Unit of Panchayat organisation—a village or a group thereof, or population basis.
- (viii) Intermediate units between the Panchayat and the State.
- (ix) Role of Village Panchayats in National Economic Planning—how to ensure their effective participation in the formula-

tion of the Second Five-Year Plan—their importance in relation to Community Projects and the National Extension Service.

## II. Problems of day-to-day functioning of Village Panchayats :

- (i) Administrative or municipal functions.
- (ii) Judicial functions—composition of judicial or Nyaya Panchayats—ensuring freedom of Nyaya Panchayat decisions from village factions.
- (iii) Economic functions specially in relation to cooperatives in the village and development of cooperative marketing and purchase and cooperative farming.
- (iv) Sources of revenue of Panchayats—percentage from collections of land revenue—from management of common lands, *hats*, bazars, *mela* grounds, ferries, etc.—contributions in cash, kind and labour.
- (v) Training of workers.

The next meeting of the Committee was held at the office of the All India Congress Committee on July 6, 1954. Besides the members of the Committee (except Dr. K.N. Katju) and Shri Mohanalal Gautam, it was attended by Shri C.D. Deshmukh, Union Minister for Finance and Shri V.T. Krishnamachari, Deputy-Chairman, National Planning Commission. This sitting was mainly devoted to the discussion of the question of Panchayats and National Planning.

The last meeting of the Committee was held at the A.I.C.C. Office on July 16, to consider the question of judicial Panchayats and the draft Report. All members of the Committee were present except Shri K.D. Malaviya. Shri Mohanalal Gautam and Shri D.K. Borooah attended by special invitation. The Committee again met the next day to consider the draft of the Report as revised in the light of the discussions that took place the previous day. The Report was signed by the members on July 18. Shri K.D. Malaviya, while signing the Report, submitted a separate Note.

Gyani Gurumukh Singh Musafir, a member of the Committee, could not attend any meeting as he had gone on a tour of Europe.

**Acknowledgement and Appreciation :** The Committee would like to place on record its sense of gratitude to all the State Governments who very promptly sent detailed replies to the Questionnaire issued by us and supplied other relevant and valuable material on the subject. The Committee is also grateful to the various Pradesh and District Congress Committees and individuals and institutions which replied to its Questionnaire and furnished other valuable information and suggestions.

In the course of its discussions, the Committee invited some friends for the benefit of their advice and suggestions. Among these were also the Members of the Planning Commission, and the Committee would like to record its debt of gratitude to all these friends. We would like to

make a special mention of Shri Mohanlal Gautam, who took pains to attend every sitting of the Committee and helped it by his knowledge of U.P. Panchayats.

The appointment of the Committee aroused great interest in the country and it received a very large number of enquiries and demands for the Questionnaire from all over India. A continuous correspondence had to be maintained with all of them and the State Governments. The brunt of this work was borne by Shri P.R. Chakravarti, Secretary of the A.I.C.C. Parliamentary Department. We would like to place on record our appreciation of his work.

The Committee received a lot of material on the subject of Village Panchayats in response to its Questionnaire, and its study and collation, in the short time at our disposal, was a difficult task. This work was done by Shri H.D. Malaviya, who also was mainly responsible for preparing the first draft of the Report, which was later suitably altered and amended before adoption by the Committee. The Committee places on record its sense of appreciation and thanks for Shri Malaviya's work.

The Committee is also thankful to the other members of the A.I.C.C. Economic and Political Research Department for their prompt and ungrudging help in the work of the Committee.

## CHAPTER I

### HISTORICAL

Village Panchayats in India have formed an integral part of our national life from times immemorial. This institution of Local Self-Government and village communities was also practised in different countries of Europe and Asia. The Greek City States in Europe enjoyed direct local autonomy. For the Greeks, the City was a 'life in common'. The City State "was at once a Parliament and a Government, an Executive, Legislature, and Judiciary in one."\* A good account of the cooperative life practised in village communities in Europe is given by Prince Kropotkin in his well-known book, *Mutual Aid*. China and Japan have also been some of the oldest homes of such decentralised rural institutions. We can, however, be rightly proud of the fact that the institution of Village Panchayat was "developed earliest and preserved longest in India among all the countries of the earth."\*\* It is believed that this system was first introduced by King Prithu while colonising the Doab between the Ganga and the Jamuna. In fact, the village in India has been looked upon as the basic unit of administration as early as the Vedic Age. *Gramini* or the leader of the village is mentioned in the Rigveda. In the Shanti-Parva of the *Mahabharata* and the Manu-smriti, there are numerous references to the existence of Gram Sanghas. References to the Gram Sabhas or the local village assemblies are found in the Jatakas also. *Shreni* was a well-known term for merchant guilds. A fairly detailed description of the village communities is found in Kautilya's *Artha-shastra*. In the Valmiki *Ramayana* we learn about the existence of the Janapada which was a kind of a federation of numerous village-republics. The well-known Greek traveller Megasthenes has left vivid accounts of the 'Pentads', as he called these Panchayats. Chinese travellers, Hieun Tsang and Fa Hien have told us how rural India was very prosperous at the time of their visits. An account of the Village Communities during the seventh century is found in Shukracharya's *Nitisara*. The Dharma Sutras and Shastras contain references to *Gana* and *Puga*,

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\* 'The Democratic Process' by Lord Bryce, pp 249-50

\*\* 'The Economic History of India' by R.C. Dutta.

both of which denote some kind of village or town corporations. Archaeological evidence in the form of numerous ancient inscriptions also confirm the view that the system of Village Panchayats was prevalent in India through the centuries. As a matter of fact, these Indian rural republics continued to flourish in this country during the Hindu, Muslim and Peshwa governments till the advent of the East India Company. They survived the wreck of dynasties and downfall of Empires.\* "The independent development of local government provided like the shell of the tortoise, a haven of peace where the national culture could draw in for its own safety when political storms burst over the land."\*\* "One foreign conquerer after another has swept over India", observed Sir Charles Trevellyn, "but the village municipalities have stuck to the soil like their own Kusha grass." "Scythian, Greek, Saracen, Afghan, Mongol and others have come down from the 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."\*\*\* In his famous minute, Sir Charles Metcalfé, the then Acting Governor-General of India, wrote as follows :

"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 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. I wish, therefore, that the village constitutions may never be disturbed and I dread everything that has a tendency to break them up."\*\*\*\*

But the inordinate greed of the East India Company caused slow but steady distintegration of these Village Panchayats. The deliberate introduction of landlordism and the

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\* 'Gandhian Constitution for Free India' by Prof. S.N. Agarwal.

\*\* 'Local Government in Ancient India' by Dr. Radha Kumud Mookerji, p. 10.

\*\*\* 'Industrial Arts of India', p. 320.

\*\*\*\* 'Report, Select Committee of House of Commons, 1832.'

Ryotwari system as against the *Mauzawari* or village tenure system, dealt almost a death blow to the corporate life of the village communities. The excessive centralisation of executive and judicial powers in the hands of the Government officials deprived the village functionaries of their age-long powers and influence. The Indian village communities were "a living and not dead institution".\* Prof. Altekar has also shown how these rural communities worked in Western India during the Hindu, Muslim and British periods. The British rulers did the greatest disservice to this country by destroying the ancient traditions of Village Panchayats and trying to replace them by their officers whose sole interest was to please the alien rulers by exploiting the people of India to the maximum.



## CHAPTER II

### THE TREND TOWARDS DECENTRALISATION

It would not be right to claim that these Village Panchayats were the ideals of democracy without suffering from any defects or short-comings. It is true that in certain parts of the country these Panchayats were ridden by caste and communal considerations and suffered from group factions and rivalries. It must be conceded, however, that these village communities were the living centres of direct and real democracy in India through the Ages. Modern democracy, as practised in the West, suffers from a multitude of sins. Centralised administration and the existence of party caucuses and the electioneering campaigns on a large scale cannot be regarded as conducive to the promotion of sound democracy. The general trend, therefore, in Western political thought is towards greater decentralisation of economic and political power. "If man's faith in social action is to be revived," observes Prof. Joad, "the State must be cut up and its functions distributed." Prof. G.D.H. Cole states that "democracy is hostile to centralisation, for it is a spirit which wants freedom to manifest itself *immediately and on the spot*, wherever the need for the expression of a collective will arises." "To canalise it, so as to make it all flow into a single central channel, is to destroy its spontaneity and to make it unreal."\* According to Prof. Aldous Huxley, "the political road to a better society is the road of decentralisation and responsible Self-government."\*\* Dr. Boodin records "small, closely knit republic to be the true moral units of civilisation" Analysing the drawbacks of modern States, Prof. Adams wants us "to go to the root of the trouble and pursue a bold policy of devolution, of decentralisation."\*\*\* Lewis Mumford, a well-known Sociologist, recommends the building up of "small balanced communities in the open country." "It was in small communities," declares Lord Bryce, "that democracy first arose; it was from them that the theories of its first literary prophets and apostles were derived: it is in them that the way in which the real will of the people tells upon the working of the government can best be studied,

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\* 'A Guide to Modern Politics,' p. 532.

\*\* 'Ends and Means' p. 63.

\*\*\* 'The Modern State,' p. 235

because most of the questions that come before the people are within their own knowledge"\* In modern America, the small communities are playing a very important role in the revival of rural life and cooperative effort. Prof. Richard Peston emphatically asserts that "vigorous small communities provide the only atmosphere in which democracy can thrive and remain a powerful force".\*\* Dr. Borsodi has been trying the same experiment of decentralisation and small community life in his School of Living near New York. Dr. Arthur Morgan's work at Yellow Springs, Ohio, for the re-organisation of the community life is also a notable attempt to preserve and stabilise the way of direct democracy.

It is, therefore, wrong to think that the idea of Village Panchayats is a medieval conception and is in the nature of a relic of tribalism. As Dr. Radhakrishnan remarks, "going back to villages is not to become primitive: it is the only way to keep up a mode of existence that is instinctive to India, that supplied her once with a purpose, a faith and a meaning." "India of the peasant and rustic life of village communities, of forest hermitage 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."\*\*\* According to Dr. Radha Kamal Mukerjee, the village communities "will furnish the basis of a new type of polity which in its coordination of diverse local and functional groups will be more satisfying in the State constructions of the future than the centralised structures of the Romano-Teutonic mould or the later parliamentary pattern."\*\*\*\*

It is, therefore, gratifying to find that the system of Village Panchayats in India is now being reorganised on a sound basis. There can be no intention whatsoever of reviving the demerits and short-comings of the ancient Panchayats. It must be admitted, however, that the Panchayat system can provide a sound basis for the establishment of healthy democratic traditions in India in accordance with modern conditions. Mahatma Gandhi, the Father of our Nation, drew pointed attention to the desirability of re-vivifying Village Panchayats in the country as the basic units of Local Self-Government. "India's independence," said Gandhiji "must

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\* 'Modern Democracies' Part II, p. 489.

\*\* 'Small Town Renaissance'.

\*\*\* 'Mahatma Gandhi: Essays and Reflections on his Life and Work.'

\*\*\*\* 'Democracies of the East'.

begin at the bottom". "Thus every village will be republic or a Panchayat having full powers. . . . In this structure composed of innumerable villages, there will be ever-widening, never-ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But it will be an oceanic circle, whose centre will be the individual always ready to perish for the village. . . ."\*Gandhiji was of the definite opinion that the Village Panchayats should constitute an integral part of our Constitution "if our Independence is to reflect the people's voice". "The greater the power of the Panchayats, the better for the people".\*\*

The Congress Governments in different States have been enacting suitable legislations during the last few years for reestablishing Village Panchayats in the country on a proper basis. The latest resolution of the Congress Working Committee has noted with appreciation "the progressive introduction of the Panchayat system in various parts of India". This system should be encouraged "so that the masses of the people themselves participate in this business of administration and in other aspects of community life, social, economic and judicial."

## CHAPTER III

### PANCHAYATS AND THE DIRECTIVE PRINCIPLES

Having considered different aspects of the ancient Village Panchayat system in India, the Committee feels that it should be our earnest endeavour to revive the system in the country in the best possible manner, eschewing its old evils and imbibing the good points of modern democracies. This is necessary even from the stand-point of the Directive Principles of State Policy in the Indian Constitution. Article 40 of the Constitution lays down that "the State shall take steps to organise Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government". The Directive Principles also point out that the citizens of India should have "the right to an adequate means of livelihood," and the State should shape its policy towards securing that "the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment." The implications of these Directive Principles in the context of the growth of the Village Panchayat institution in India in the post-Independence years have to be clearly grasped. The manner and the speed with which land reforms, involving the abolition of the feudal forms of exploiting tenures, have been implemented has profoundly affected the democratic process in our countryside. When the Constitution warns against "concentration of wealth and means of production to the common detriment", it proceeds on the assumption that economic inequality will obstruct the advance to real democracy. While assuring every citizen his "right to an adequate means of livelihood," the Constitution is conscious that its absence is bound to create numerous complications, specially in our rural areas where more often than not economic classes are synonymous with caste. The Panchayats have, therefore, to be viewed, on the one hand, as a direct product of the great experiment in democracy which we have launched in our ancient land. On the other hand, they are statutorily created bodies which draw the cooperation of the masses for development work and which become the nerve-centres of rural progress. It is clear that in the absence of economic

justice in terms of our Constitution, our Village Panchayats will not be able to fulfil these tasks and will fail in bringing about a peaceful transformation in our village society.

If follows, therefore, that for the achievement of the objectives laid down in the Constitution the Village Panchayats will have to serve not only as units of Local Self-Government but also as natural institutions for securing social justice and fostering corporate life resulting in fuller employment. The Panchayats of old were in the nature of social security institutions which looked after the joys and sorrows of all the inhabitants in the village. If there was a marriage in one family, it was the concern of the whole village and every family would willingly send its contribution in cash, kind or labour towards the success of the function. If there was a death in a family, the whole village would look after the performance of the last rites and, if necessary, take care of the orphans and the widow. If one or more houses were burnt down as a result of fire, the fellow-villagers would try to make good that loss by voluntary contributions. The Panchayats used to patronise the local handicrafts-men like the carpenter, the blacksmith, the cobbler, the washerman, the tailor, the barber, as also priests, the *mali*, etc., who rendered social service in various ways. Under modern conditions it would be futile to attempt to achieve local self-sufficiency as it existed in the ancient times. But it is surely possible through the reorganisation of Village Panchayats to decentralise social and economic welfare schemes through industrial cooperatives and village community institutions. As a matter of fact, the Committee feels that the basic principles underlying the Indian Constitution can be adequately fulfilled only if a serious and systematic attempt is made to bring about decentralisation of social, economic and political power in the country.

When we say this we are well aware of the attitude of ridicule and derision which obtains in certain quarters regarding talks of decentralisation in the present state of 'advancement' of the world. Our attention is drawn to the achievements in social security and advance towards fuller employment in countries with a highly centralised administration, and the totalitarian countries. That an ever-growing intelligent opinion in the West has gradually realised the evils of a centralised administrative apparatus is apparent from what we have said earlier regarding the work of Dr. Borsodi and

others. Centralisation and totalitarian control over a country's economy is not, in the final analysis, an unmixed blessing.

In fact, under a centralised system the villages are tossed hither and thither in accordance with the caprices of the world market, as also the home market, which in their turn are manipulated by the monopolists of the dollar or the sterling variety, or by those nearer home who upset internal markets in accordance with their requirements of industrial raw materials like jute, cotton, sugarcane, cocoanut, etc. We do not mean to say that decentralisation and devolution of power are the solution for all the problems of development which must dominate our social and economic rearrangement in years to come. Decentralisation and devolution of power is, however, amply justified by the work done by Panchayats for reconstruction during the last two or three years. Gandhiji's conception of "ever-widening, never-ascending circle of village republics" really visualises a structure based on village self-rule. The Committee would like to repeat, therefore, that it is definitely of the opinion that various fundamental objectives underlying the Indian Constitution can be effectively achieved through the decentralisation of social, economic and political power in the form of numerous self-governing institutions like the Village Panchayats.

We would here like to draw attention to another aspect of Village Panchayats as we visualise it. All the States of the Indian Union are implementing land reform policies as propounded by the Indian National Congress in its long history, and as laid down by the Planning Commission. Through these reforms, which in the main seek to do away with unearned incomes from land and give the land to the tiller, the Government seeks to reduce friction and unrest and give more incentive to the agriculturist to produce more and increase his income. Land reform involves the removal of landlordism, redistribution of land ownership, tenancy reforms and the elimination of the exploitation of agricultural labourers. Development of credit and marketing facilities, and other allied matters are the natural concomitants of such a policy. But it must be borne in mind that in days gone by, the landlord, in the absence of other agencies, very often acted as a creditor, and also provided services in the form of marketing,--supplies, etc. But now, with the abolition of the intermediary systems, a gap has been created. If chaos and confusion is to be avoided, the State has to intervene to

make provision for these services. But such action on the part of the administrative machinery has undoubted limitations. True it is, as the *Report of the Mission on Community Organisation and Development in South and South-East Asia*\* points out, the "administrative structure" which we have "inherited may not be entirely suited to the requirements of the process of rapid growth", it certainly provides "certain canons of integrity and efficiency," and this can prove of value provided "it is made more resilient and is adjusted to the needs of rapid change." It is here, in the new situation which has been created after Independence, that the Village Panchayats are required to fulfil a most vital role.

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\* 'Report of the Mission on Community Organisation and Development in South and South-East Asia' United Nations Publication, Dec. '53, p. 7.

## CHAPTER IV

### PANCHAYATS REPRESENTING ALL ELEMENTS OF VILLAGE LIFE

It is not our purpose here to discuss our administrative machinery. The need of reforms in the administrative set-up has been widely recognised and the leadership in the Government is well conscious of the need of "clearing the administrative jungle," and otherwise temper and improve it. But for quick and satisfactory results at the village level, the much-desired improvement of administrative ties would not be the adequate answer. For the desired results, in the final analysis, we will have to look forward to the village itself. The village in India, prior to the destruction and havoc caused by the imposition of British administrative institutions over our land, provided the necessary talent and skill to manage its own affairs in a unanimous and efficient fashion. Indeed, we may well say that the village was a composite whole and it provided a composite leadership for management of village affairs. The great law-giver Maharshi Shukracharya has mentioned six kinds of village leaders in his *Shukra-Niti-Sar*\*. These were: the *Sahasadhipati* or *Danda-Vidhayak*, the *Gramap* or *Gram-Neta*, the *Bhaghar*, the *Lekhak*, the *Shukla-Grahak* and the *Pratihar*. Their functions respectively were:

- (i) punish the evil-doer (magisterial powers);
- (ii) protect the village-folk from thieves, dacoits and Government officials\*\* ;
- (iii) collection of land revenue;
- (iv) collection of taxes from traders;
- (v) maintenance of records and village accounts; and
- (vi) summoning of people before the above-mentioned village leaders.

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\* साहसाधिपति चैव ग्रामनेतारमेव च ।  
भागहारं तृतीयं तु लेखकं च चतुर्थकम् ॥

'Shukra Niti-Sa', Chapter 2, Shloka 120

\*\* आघर्षकेभ्यश्चोरेभ्यो ह्यधिकारीणान्तथा ॥

प्रजा संरक्षणेदक्षो ग्रामपो मातृपितृवत् ॥

Shukra-Niti-Sar', Ch. 2, Shlokas 170-171



It is not our purpose here to go into details. What we suggest is that such a well-organised and well-knit system could have worked for centuries\* only on the basis of the willing cooperation of the entire village. In other words, there existed in those days a type of democracy in the village which was supreme over other aspects of village life and this democracy elected a leadership to conduct the village affairs representing all elements of village life to conduct the affairs of the community.

Of course, we do not mean to suggest that everywhere only good reigned over evil during that hoary past. In fact, instances are not wanting where casteism dominated and the system was utilised for purposes of exploitation, etc. It is undeniable that direct democracy and a composite leadership was the most marked feature of the Indian villages. This feature continued right through the middle ages, the centuries of Muslim and Peshwa rule. And even when the British had destroyed our ancient system, traces of this type of democracy in the village expressing the collective will of the community, before which all bowed and which all respected, continued to exist there. The great Hindi novelist and literateur, Munshi Prem Chand, has immortalised this aspect of village life even in our disintegrated villages in his great story "*Panch Parameshwar*". As the term indicates, the villagers believed that the decision of the *Panch* like that of *Parameshwar* (God) cannot be wrong and must be accepted. Even today the decision of the *Panchas* in the caste *Panchayats* is unanimously accepted.

We will not prolong the discussion further. We are strongly of the opinion that the Village *Panchayats* should function as models of this type of democracy. This is a consummation, however, which cannot be achieved merely by wishing it to be so. It would require conscientious efforts by the State, and the public workers, as also the growth of literacy and economic well-being of the village.

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\* Manu's *Manu-Smriti* and the *Manav Dharma Shastra*, as also Kautilya's *Arthashastra* describe identical system of village leadership.

## CHAPTER V

### PANCHAYATS AND PARTY POLITICS

The Committee has given serious thought to the question of party politics in relation to Panchayats. The Committee feels that if the Village Panchayats are to achieve the purpose for which they are meant then it is desirable that political parties should not utilise them for their political ends. Panchayats should be looked at as non-political units. Care has to be taken that in the enthusiasm to provide a democratic set-up in the villages, we do not introduce there the evils of western type of electioneering. The success of Village Panchayats will depend on the enthusiasm that is aroused and the feeling of oneness that is generated in the village community and the confidence it enjoys of all sections of village life. This will not be possible if there are political party manoeuvrings in the village.

This question came up almost exactly in this form at the Local Self-Government Ministers' Conference at Simla in June last.\* While the idea was generally welcomed, the fear was rightly expressed that the mere wish of the Local Self-Government Ministers, or even of the Congress Organisation, may not bring about this much desired orientation in Village Panchayat elections. As a State Minister pointed out, how would it be possible to keep away the Panchayat from politics when different parties will go to the same village with their different slogans for elections to the House of the People, the State Assembly and the District Board.

The Committee feels that the difficulty is no doubt real, but a very good augury for the future is that two of the major political parties in the country, the Indian National Congress and the Praja Socialist Party, have expressed agreement over this question.

It should not be difficult to build up traditions, as in Britain, whereunder in the elections to the local bodies the best men are selected irrespective of their party affiliations. We must have our best men and women in the village body and for this the Panchayats must be kept away from politics.

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\* Vide 'A.I.C.C. Economic Review', Vol. VI, No. 5, Whole No. 102, dated July 1, 1954.

## CHAPTER VI

### THE PRINCIPLE OF UNANIMITY

When this question of keeping the Panchayats away from Party politics and bickerings was considered, it was suggested that this problem will solve itself if proper provisions are laid down for the election of Panchayats. As a matter of fact, one of the reasons for the success of Panchayats in ancient India was the principle of unanimity in the elections 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. This system was specially prevalent in South India.\* "It is this principle of unanimity which was the soul of Panchayats in ancient India, and it is this very principle of unanimity and collective good will that requires revivification in the existing circumstances."

It was suggested that with a view to encourage unanimity it may be desirable to invest with more powers and authority those Panchayats which elect their Panchas unanimously. In this connection the example of Saurashtra would be found interesting. There are at present three kinds of Panchayats in the State, namely, 'A', 'B' & 'C'. At first all Panchayats are 'C' class ones. They are entrusted with simple municipal and general functions. Limited judicial powers are also entrusted to them. When 'C' class Panchayats agree to undertake the work of revenue collection, they are promoted to 'B' class. When a 'B' class Panchayat works well it is promoted to 'A' class which are entrusted with all the powers provided in the Act.

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.

We have hitherto expressed ourselves on some basic and fundamental aspects of the Village Panchayats, *e.g.*, their role

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\* Refer to leading articles entitled "Planning from the Bottom" and "Economics of Village Panchayats" in *A.I.C.C. Economic Review*, Vol. V, No. 13, Whole No. 86 of Nov. 1, 1953, and Vol. VI, No. 3, whole No. 100 of June 1, 1954.

and place in the democratic process, the decentralisation of political and economic power through Village Panchayats, the conception of village democracy, Panchayats and politics, the principle of unanimity, etc. These, we feel, are basic concepts which must be uniformly applicable all over the country and, though the Committee believes that States should be largely free to evolve their own methods in accordance with local conditions and other factors, we are strongly of the opinion that deviations from the above concepts and ideas should be avoided.

## CHAPTER VII

### PATTERN OF PANCHAYAT ORGANISATION TODAY

Now we will come to certain other aspects of Village Panchayat organisation and its functions over which no rigidity need be maintained, but which, nevertheless, should be uniform all over the country as far as possible.

Before we proceed further, certain general observations on the subject may be usefully made. The development of the Village Panchayat institution in India during the last few years has been a most remarkable feature of our recent history, though it is equally true that opinion in the cities has, on the whole, not noticed the magnitude of this development and is generally oblivious of its impact upon our countryside. As the Report of the U.N. Mission has remarked: "Because of their magnitude and even more because the guiding principle is participation of the people in their own improvement, we regard the community programmes in India as the most significant experiment in economic development and social improvements in Asia at the present time."\* Earlier the Mission has remarked that India is the only country in Asia where community programmes have been considered in the setting of overall plans for development.\*\*

Indeed, the Committee have been happy to note the attention which has been bestowed on the question of Village Panchayats in the different States of the Indian Union. In Appendix B of this Report we have given a brief summary of the existing position of Panchayat organisation in India in almost all the Part A and B States and most of the Part C States. The development of Village Panchayats has been tackled with commendable concern in many States, but if the interregnum of the period of British rule, so far as Panchayat development goes, is to be made good, it is essential that there should be a concerted approach to the problems they present.

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\* 'Report of the Mission on Community Organisation and Development in South and South-East Asia,' Op. Cit. page 8.

\*\* Ibid. page 5.

In order to better comprehend the magnitude of the problem, the following information would be found useful.

According to the Report of the Census Commissioner for India for the 1951 Census, there are 5,58,089 villages and 3,018 towns in our country. Out of a total of 3,569 lakhs of people, 2,950 lakhs (roughly five-sixths) live in villages and 619 lakhs (roughly one-sixths) live in towns. If the entire country is divided into squares of an area of 25 sq. miles (*i. e.* 5 miles length and five miles breadth), there will be 47,074 such squares. If the villages in India are grouped in such squares, there will be 47,074 such village groups, each group comprising in round figures about 12 villages on an average, and the total population will vary from about 4,000 to 12,000 inhabitants. The average population in each such group will, however, vary in each zone. While in North India a village group within 25 sq. miles has a population of about 12,000, in the South and East India it is about 9,000 and 8,000 respectively. However, in the West, Central and North-West India, the population is in the order of 5,000, 4,000 and 3,500 respectively. Broadly speaking, the majority of the village groups within the 25 sq. miles area has a population averaging about 6,000 to 7,000. About 75 per cent of the villages of India have less than 2,000 inhabitants, while about 5 per cent of the villages have a population of over 5,000.

The pattern of Village Panchayats varies in the different States of India. In a number of States, Gaon Sabhas or Gram Sabhas have been established in every village serving a population of 1,000, or more. However, in areas where there are no villages within 3 miles radius of a particular village, a separate Gaon Sabha is established for such a village even though the population of that village is less than a thousand. If the villages are close by, they are combined to form only one Panchayat, even if the population is above 5,000. In certain other States the Panchayat Raj is administered in two or three tiers, *viz.*, Gram Panchayat, Kendra Panchayat and Mandal Panchayat. At the lowest level the primary Panchayats or Gram Panchayats are given certain municipal functions. Kendra Panchayat, or the combination of a certain number of Gram Panchayats, is given certain administrative functions as well; and the Mandal Panchayat, which combines a few Kendra Panchayats, is given such functions as management of schools, dispensaries, hospitals, etc. In certain other States, Nyaya or Adalati (judicial) Panchayats are

established by combining a few Gram Panchayats and establishing one court for all of them. In some other States, the State Government specifies the local limits and jurisdiction of each Gram Sabha or the Panchayat. In certain other States, Panchayats which cater for a population of more than a thousand are divided into wards. Panchayats have as many as five or six wards and cater, therefore, for a population of five to six thousand persons.

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## CHAPTER VIII

### THE SYSTEM OF ELECTIONS

After a review of the Constitution and functions of the Village Panchayats in different States, the Committee is of the opinion that elections to the village bodies should in all cases be direct and based on adult franchise. The conferment of this right is in itself a great revolutionary step and has been responsible, as in U.P. in 1948, for a tremendous upsurge of popular enthusiasm and energy. The Committee also feels that to ensure free and unfettered elections, they should be held by secret vote. We know that difficulties have been pointed out regarding the secret vote method and election by show of hands is considered to be more convenient. While voting by show of hands should not be tabooed, the difficulties of the secret vote may be avoided by adopting a simplified procedure whereunder the polling officer may register the vote of each member of the Gaon Sabha. While the Committee would not be dogmatic about this, we would point out that in suggesting secret vote we are motivated by the feeling that property differences still continue in the villages and there is a possibility of the richer sections bringing pressure on the poorer folk to vote in a particular manner, which certainly would be undesirable.

The Village Panchayat elected by the Gaon Sabha will be in the nature of its executive. The strength of the Village Panchayat will depend on the population of the village. It should generally be a multiple of five. There should be reservation of seats for the backward castes and tribes.

More or less in accordance with the prevalent system, we agree that Gaon Sabhas should include all adults of the villages who would elect Panchayat Committees which would be in the nature of their executives. Periodical meetings of Gaon Sabhas should be held where all adults should participate. There may, however, be cases of larger villages where the total number of adults entitled to participate in a Gaon Sabha meeting may run into unmanageable proportions. In such cases provision may be made whereby each family will have at least one member to represent it in the Gaon



Sabha. The Panchayat should submit reports of its activities to the Gaon Sabha and invite suggestions. Healthy traditions of constructive criticism and free and frank discussions should be fostered and encouraged.

The Gaon Sabhas should also meet to pass the budget as prepared by the Village Panchayat and no new taxes should be imposed without its approval.

## CHAPTER IX

### THE UNIT OF PANCHAYAT ORGANISATION

The Committee has given thought to the question of the unit of Panchayat organisation. This is indeed a fundamental question on a proper decision of which to a large extent will depend the success of the new experiment. The L.S.G. Ministers Conference gave sufficient thought to this question.\* As was pointed out, in this new experiment in democracy, the pattern that is being evolved is that the village folk gather together, impose taxes, hear appeals, discuss development programmes, execute them, etc. The problem that faces us is whether this new pattern will succeed if confined to the area of one revenue village, or to more than one revenue village.

*Ramayana* and *Mahabharata* have mentioned two types of villages, namely, the *Ghosh* and the *Gram*. The *Ghosh* was of smaller size, used to be generally inhabited by the *gwalas* (milkmen) and was generally situated on the outskirts of forests and pastures. *Gram* was bigger than *Ghosh*. In *Shukra Niti-Sar* there is mention of three types of rural habitations: the *Kumbha*, the *Palli* and the *Gram*. *Kumbha* used to be half the size of the *Palli* and the latter was half the size of the *Gram*.\*\* Kautilya's *Arthashastra* is more specific. It lays down that no village should have less than 100 and more than 500 families.\*\*\* Assuming an average family to consist of five souls, it follows that a village should have not less than 500 people and not more than 2500 people.

The question of the unit of Panchayat organisation has to be viewed from a very important aspect. Our main object being to develop our rural communities, "success in a programme is likely to be greater if it is recognised that different

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\* Vide 'A.I.C.C. Economic Review,' Vol. VI, No. 5., Whole No. 102, dated July 1, 1954.

\*\* पल्लयर्धं कुभसंज्ञकम् ।

ग्रामार्धकं पल्लि संज्ञं ॥

[Shukra Niti-Sar, Chap. I, Shloka 192]

\*\*\* कुलशतावरं पंचशतकुलपरं ॥:

[Arthashastra, Chapter II]

sections of the people can contribute to it. The primary social and economic unit is the family, and the strength of this unit will be enhanced and its effectiveness in promoting self-help increased if a programme takes account of all its members, and not simply of the head of the house-hold.”\* “Especially where custom is strong and means are small, so that failure brings considerable risks, support is likely to be greater if it is possible to link expenditure and activity directly and closely with results, so that the results are clearly observable, and accrue fairly soon.”\*\*

In view of this, and in view of the need to work and plan on the basis of the felt needs of the village community, it is necessary to have one-village Panchayats. Local initiative can be developed only on the basis of one-village bodies. In case there are very small villages adjacently situated with populations of less than 300 or 400, they may be combined together. But, generally speaking, single revenue villages of 1500-2000 population should be the Village Panchayat unit. Of course, certain States and certain areas have specific local conditions. For example, in Himachal Pradesh, there are very small villages, even of 5-10 households, and there local variations and adaptations would obviously be necessary and desirable. The same is true for Travancore-Cochin where there is one continuous habitation and not a cluster of population or gaon abadi as in North India.

## CHAPTER X

### INTERMEDIATE UNITS

It is apparent that conscious creation by the State of statutory village bodies entails upon it heavy burdens and responsibilities. In the present conditions of backwardness and illiteracy in our villages, the State will have to largely foster their growth. Once the village communities have been allotted a specific place in our social organism, it becomes essential to supervise their work without in any way interfering in the basic functions of the Panchayats. In ancient India, it is apparent, a relationship of a unique type had developed between the State and the village community. In the *Sabha Parva* of *Mahabharat*, Muni Narada asks a number of questions from Dharmaraj Yudhishtir about his administrative machinery and arrangements. Some of the questions which related to the land and the village were as under :\*

- (1) Are your peasants happy and satisfied with you?
- (2) Is it that your nation entirely depends on rain?
- (3) Is it that the grain and seed of your cultivators is destroyed?
- (4) I trust that you continue to give loans to peasants on some interest in order to help them?

These questions were followed by the last question wherein Narada asked of Yudhishtir :

“Do brave and wise Panchas of your nation engage in collection of funds and other allied Panchayat activities and thus add to the general happiness?”\*\*

\* कच्चित्तुष्टाः कृषीवलाः ॥

कच्चिद्राष्ट्रे तडागानि पूर्णानि च बृहन्ति च ।

भागशोविनष्टानि न कृषिर्देवमातृका ॥

कच्चिन्नभक्तं बीजं चकष्वकस्याऽवसीदति ।

प्रत्येकं च शतं वृद्ध्या ददास्यिस्पृणमनुग्रहम् ॥

[ 'Mahabharat', Sabha Parva, Ch. V, Shlokas 79-81 ]

\*\* कच्चिच्छूराः कृतप्रज्ञाः पञ्च पञ्चस्वनुष्ठिताः ।

श्रेयं कुर्वन्ति संहृत्य राजञ्जनपदे तव ॥

[ Mahabharat, Sabha Parva, Chapter V, Shloka 83 ]

This significant question is clearly indicative of the intimate relationship which then existed between the Government and the Panchayats. Naturally, therefore, the Committee gave due thought to the question of the creation of a supervisory body to act as intermediate units between the State and the Panchayats. Such bodies should coordinate and supervise the work of Panchayats and foster their growth and should perform original functions in the Unit area which cannot be performed at the Panchayat level.

The Committee had a fairly long and interesting discussion over the question. A suggestion advanced was that over a certain specified area, say the sub-division, a supervisory body be created including a majority of non-officials elected by the Panchayats and some experts nominated by the Government to keep a vigilant watch over Panchayat activities and offer advice. Another trend of thought was that the imposition of supervisory bodies, partly nominated by the Government, would not be advisable. They might stifle free growth and there was every danger of such bodies being entirely dominated by the official experts to the detriment of the objectives sought to be achieved. Moreover, it was pointed out, the creation of such a body will involve the setting up of a new establishment and the consequent pressure on finances, which might become the bottleneck. Indeed, the experience of the association of Executive Officers or experts of the Government in Madras has been none too happy. As an official of the Madras Government said at the Simla Conference, "Panchayats in Madras have tended to become engines of oppression". In their replies\* to the Questionnaire of the Committee, certain Pradesh and District Congress Committees have complained that officials at the Tehsil headquarters have a tendency to behave with the Sarpanchas like they did with the village patwaris, etc., in olden days in the sense that they are summoned to the headquarters and ordered about to do things and show result. This, indeed, is the most dangerous thing for the full, unfettered growth of the Panchayat institution and must in all cases be avoided. Instead of compulsory association of Government officials with the Panchayat bodies, either at the village or at the supervisory level, a more salutary rule would be that the body should itself decide whether it needs the assistance of an official. In case it does, then also the official will have to work under the discipline and control of the body. The most important point is that our Panchas

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\* See Appendix C and D giving abstract of replies to Questionnaire from Pradesh and District Congress Committees.

and Sarpanchas must be given the proper status in official relationships. The status of the *Gramini* of old was indeed very high. Thus, for example, after Ram had killed Ravana, the overjoyous Gods, while singing the praises of Ram, respectfully addressed him as a Senani (General) and Gramini.\*

After a very thorough discussion of all aspects of the question and after a review of the supervisory machinery existing at present in certain States, the Committee felt that it would be really helpful to have some form of supervisory body to regulate, guide and coordinate the activities of the Panchayats. It should have some executive functions also. The Committee felt that such bodies may preferably be set up at the subdivisional level, but the final decision should be left with the State Governments according to their own convenience and local factors. The Committee was further of the opinion that there should be no nomination to the supervisory bodies which should be indirectly elected by Sarpanchas. In case it is considered desirable, some technical experts may be associated with its work without the right to vote.

## CHAPTER XI

### PANCHAYAT FUNCTIONS

The Committee gave considerable thought to the problems of the day-to-day functioning of the Panchayats. The Congress Working Committee in its resolution of May 23-24, 1954, has very broadly indicated the general functions of Village Panchayats. The resolution says: "...the mass of the people should themselves participate in this business of administration and in other aspects of community life, social, economic and judicial. . . . the Panchayats should have an administrative functioning as well as a judicial function."

We do not have with us the full data regarding the amount of work done by the Village Panchayats in the judicial and the administrative fields. No less important has been their contribution to actual development work. The following record of Village Panchayat work in Bihar and Uttar Pradesh would undoubtedly be found encouraging.

According to latest reports, 4500 Panchayats, representing 22,500 villages with a population of about 1,32,00,000 are actually working in Bihar. Administration of justice has been one of their important activities. In 1951-52, for example, out of 17,262 cases filed in Panchayat courts, 11,389 were compromised, and in 1952-53, out of 19,337 cases filed, 12,685 were compromised. The Bihar Panchayats have also executed a number of works of public utility which would have otherwise remained neglected. These are in regard to sanitation and public health, roads, wells, tanks and minor irrigation schemes. Education and tree-planting have also received their attention. A Village Volunteer Force has been organised to help the Panchayats in maintaining law and order in their areas.

Report of Panchayat achievements in the Singbhum district of Bihar is also encouraging. According to a news item in a Patna daily,\* the District Panchayat Adhikari reported that 437 Village Panchayats are active in the district. The Panchayats have at their disposal 5,224 volunteers. There

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\* 'Aryavarta', (Hindi daily), dated June 17, 1954

are 313 trained *Gram Sevaks*, out of which 245 are on salary basis. Voluntary labour has repaired 124 miles of village roads and 824 acres of waste lands have been brought under the plough. The Government has supplied free medicine chests to 153 Panchayats. Some Panchayats have been given the right to collect land revenue. Panchayats have in a large number of cases organised grain *golas*. Wells are being dug by the Panchayats on a large scale.

Gram Sabhas in U.P. have also made considerable improvement in the civic life of the rural people. The total value of the work done so far by Gaon Sabhas amounts to Rs. 9,43,41,472. Of this, Rs. 3,50,00,000 has been contributed in cash and the remainder in the shape of voluntary labour for implementation of the various self-help schemes. As regards judicial work, Panchayat Adalats have disposed of 13,29,295 cases out of 14,02,677 cases referred to them for disposal since they were formed in the State. Further, to increase irrigation facilities in the rural areas of the State, Panchayats have so far made over 235 tube-wells and 281 small dams, reconditioned over 3,50,000 tanks, installed 42 Persian Wheels and made over 8,000 pucca irrigation wells. The formation of 11 irrigation, marketing and other multi-purpose cooperatives is being encouraged, and a target of 8,500 such cooperatives has been laid down. Panchayats have to their credit over 30,000 pucca drinking wells.

Report of similar achievements have come from some other States also. It is not our purpose here, however, to give any account of the achievements of the Panchayats. What we wish to emphasise is that all matters relating to the functioning of village bodies have to be viewed from one and one angle alone, namely, how far they help in arousing community efforts for the achievement of fixed targets.

The general pattern which has evolved is that the Panchayats are called upon to fulfil certain obligatory and certain discretionary functions. Appendix B enumerates these specifically for the various States of the Indian Union. The Committee realises that the situation today is fluid and, as the U.N. Mission's Report has said, there are evidences of "growing pains." Serious problems face the village body relating to planning, organisation, mobilisation of popular effort and the like.

The Panchayats should have different functions—municipal, social, economic, judicial, etc. The municipal functions



should include sanitation, village roads, construction and maintenance of community buildings, drainage, provision for drinking water, street lighting, etc. Education may be entrusted to the Panchayats in case they are not being looked after by the District Boards. In such cases, the educational functions of the Panchayats should be under the supervision of the Education Department of the State. In addition to certain compulsory municipal functions, there may be some discretionary functions also which the State Governments may entrust to the Village Panchayats in accordance with their efficiency of working.

The Panchayats should try to utilise the voluntary service of the villagers as best as possible. We have already referred above to the remarkable results of *Shramdan* in Uttar Pradesh. It initiated constructive work in rural areas. The long felt needs of the society should serve as the incentive and if really the villagers are made to understand that the work undertaken by the Panchayats would bring them direct benefit, it is quite natural that they would willingly come forth to contribute their own mite to the constructive efforts of the community. It was felt that the Panchayats under proper guidance and supervision would be in a position to take the lead in the matter and develop rural welfare activities with contribution from all the families in the villages in the shape of labour or its equivalent in kind or cash.

The Committee had before it the findings\* of the Simla Local Self-Government Ministers' Conference and it generally agrees with what is said there regarding the scope of Panchayat functions.

## CHAPTER XII

### JUDICIAL FUNCTIONS OF VILLAGE PANCHAYATS

The Village Panchayats in India played a very important role in the settlement of village disputes. Differences between the villagers were settled by the village elders or Panchayats. These village elders lived in the villages and were fully conversant with the local situation as well as customs and habits of the people. Practically each resident in the village was personally known to them and they had the special advantage of easily finding out the causes of their differences. As such they proved to be good arbitrators and the disputes were settled by them in the presence of the villagers as a whole. The pressure of opinion of the villagers had also a moralising effect on the disputants and since justice was administered not at a distance but in the place where the causes of disputes arose, it was quick and cheap. Moreover, no attempts could possibly be made to concoct false evidences and any attempt in that line was easily exposed. The fact that the village elders took the responsibility of settling the disputes had a salutary effect on both sides and party factions and quarrels did not prolong themselves. Independence in the matter of dispensation of justice was ensured by the confidence and respect the elders commanded in the village.

We find references to such village justice in the ancient texts. Amongst the elders in the villages one was specially entrusted with the task of administering justice. He was called *Sahasadhipati* or *Danda-Vidhayak*. Special attributes also have been ascribed to this leader, who according to the text, should be neither too cruel nor too soft-hearted.

With the advent of British rule and the introduction of the British system of justice, the villages lost their autonomy and the Panchayats also became less effective. Vices crept in village life and litigation associated with all forms of corrupt practices, namely, buying witnesses and preparation of false evidences, bribery, etc., became the bane of the new form of civilisation. The villages found themselves divided into factions and warring groups. The courts were

presided over by judges who had no contact with the villagers; nor did they have knowledge of village life in all its aspects. Practically, justice was left to the wiles of the shrewd and unscrupulous people and the villagers had to go a long distance from their villages to appear before the courts. This meant waste of money as well as time.

Something radical needs to be done for improving the system of rural justice and the most effective method would be to revitalise the Village Panchayats and their judicial adjuncts—Nyaya Panchayats, which had gone into disuse since the advent of British rule. The essential factor that has to be brought into prominence is that justice must be administered in the very locality where the case of dispute arose and that it must be finished at one sitting without prolonging the process indefinitely.

The adult population of the village will form the Gaon Sabha and elect the Panchayat Committee which would be in the nature of executives of the Gaon Sabha. While electing the Panchayat Committees, the Gaon Sabhas will also elect some members to work as Judicial Panchayats; preferably, the members to be elected should be in proportion of one for 200 to 300 people. In this manner, for each thousand population, about 5 members will be elected to the Nyaya Panchayat, and each Nyaya Panchayat will have its jurisdiction over a few villages with a radius of three miles and having a population of 5 to 6 thousand. Thus the Nyaya Panchayat will be formed with 25 to 30 members working on it. The Nyaya Panchayats will be divided into a number of panels (with a quorum of 3), who will deal with cases by rotation as and when their turn comes. As such, no particular case will be earmarked for a particular panel.

We should discourage the idea of giving option to the parties to choose particular persons from the panel of Nyaya Panchayats. This practice turns members of the Nyaya Panchayats into so many pleaders of the respective parties who choose them for trying the case. The very fact that they are chosen by the contending parties goes against the fundamental basis of justice and it is hard to observe impartiality in cases where members take their seats on the bench as nominees of the contending parties.

We feel that the idea of electing the members of the Nyaya Panchayats along with the members of the Panchayat

Committees will be more conducive to the development of democratic set-up in the villages. Of course, the functions of the two being separate, it would be preferable to keep the Nyaya Panchayats aloof from the Panchayat Committees so that justice may be kept immune from party politics or other forms of influence in the villages. May be the leadership of the village would not develop to such an extent affording such rigid line of demarcation. However, it is expected that with the progress of the working of the Panchayat system, its judicial function would be separated from its administrative and executive functions. In case it is found that the members elected to the Panchayats have grievously failed in their duties and there is great public resentment on that account, the prescribed authority will make enquiry and dismiss, if necessary, the defaulting member. The people of the village will be asked to elect another person in the vacancy so created.

Alternative processes of election can be adopted for electing members of the Panchayats Committee and Nyaya Panchayats. Best efforts should be made to have unanimous election, failing which some names on which unanimity is achieved should be left out and election should be held for the remaining seats. In case it is felt that the idea of taking recourse to voting by show of hands may give rise to bitterness and personal rivalries, some easy process of secret voting should be adopted in the alternative. Instead of having all the paraphernalia of ballot boxes, ballot papers, etc., some less costly accessories should be used for the purpose, such as earthen pitchers and ordinary small tin canisters and paste board boxes, etc. In the alternative, the Government officer incharge of the polling should invite people to come up before him and to name the persons whom they prefer to vote for. The officer concerned will mark the names in the list before him as indicated by the voters. This will save the expenses of arranging ballot boxes and other accessories and at the same time maintain secrecy.

In forming the Nyaya Panchayats special care should be taken to see that the minorities should be adequately represented in proportion to their population. Similarly, provision should be made whereby in each panel of Nyaya Panchayat one member at least out of five should be a Harijan and one should be a woman.

After the election of the members to the Nyaya Panchayat, they should elect from amongst themselves one Chair-

man to be called Nyaya Sarpanch, or by any other suitable name. He will have a central office in some suitable place and will have an assistant to help him. The complainants will submit their complaints before him and he, in consultation with the members of the panel concerned, will announce a date and inform the parties. The members of the panel will go to the place of occurrence and try to settle the dispute by taking evidence and other statements connected with the disputes. The entire procedure of trial should be finished on the same day. It will certainly do away with the evil practice that has grown up round about the existing form of litigation.

With regard to powers of the Nyaya Panchayats, we feel that at present only small cause court powers should be exercised by them and after examining the working of the Nyaya Panchayats for a period of five years or so, the States concerned may make provision for extending their powers.

The Nyaya Panchayats will also work as bodies of conciliation and try to settle the disputes by persuasion and advice. Special care should be taken to keep the atmosphere of these Judicial Panchayats free from the existing atmosphere of courts to render village justice simple, cheap and expeditious.

## CHAPTER XIII

### PANCHAYATS AND PLANNING

The Committee devoted considerable attention to the question of the place of Panchayats in National Planning. The Final Report of the First-Five Year Plan has accorded a very important role to Panchayats in National Planning. Says the Report :\*

“We believe that the Panchayat will be able to perform its civic functions satisfactorily only if these are associated with an active process of development in which the Village Panchayat is itself given an effective part. Unless a village agency can assume responsibility and initiative for developing the resources of the village, it will be difficult to make a marked impression on rural life, for, only a village organisation representing the community as a whole can provide the necessary leadership. As the agencies of the State Government cannot easily approach each individual villager separately, progress depends largely on the existence of an active organisation in the village which can bring the people into common programmes to be carried out with the assistance of the administration.”

The Report has also recommended to the State Governments to so amend the Panchayat legislation as to enable Panchayats to assume responsibility for such functions as :

- (1) framing programmes of production for the village;
- (2) framing budgets of requirements for supplies and finance need for carrying out the programmes;
- (3) acting as the channel through which, increasingly, Government's assistance other than assistance which is given through agencies like co-operatives reaches the village;
- (4) securing minimum standards of cultivation to be observed in the village with a view to increasing production;

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\* 'The First Five-Year Plan,' Chapter VII, para 51, p. 133.

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\* 'The First Five-Year Plan,' Chapter VII, para 51, p. 133.



- (5) bringing waste land under cultivation;
- (6) arranging for the cultivation of land not cultivated or managed by the owners;
- (7) organising voluntary labour for community works;
- (8) making arrangement for cooperative management of land and other resources in the village according to the terms of the prevailing land management legislation; and
- (9) assisting in the implementation of land reform measures in the village.

Again, in a circular letter issued to all the State Governments on November 1, 1953, the Planning Commission drew specific attention to the need for drawing the Second Five-Year Plan on the basis of villages and districts. Saying that "Village planning will be primarily concerned with agricultural production and activities ancillary thereto," it suggested certain specific items which may be considered. As a matter of fact the Planning Commission envisaged the formation of Development Councils in the villages round about the Village Panchayats. In case it was found that the association of certain persons with the Council, who were not elected members of the Village Panchayats, were helpful to the village welfare work, they could be accommodated as members of the Council. Where there was no Panchayat, an *Ad Hoc* Committee might be set up to take up the work. The general conception was to build up village production-cum-development council, which would utilise the services of the people interested in the development of the villages. It was felt that these councils would bring forth a permanent kind of leadership in the villages. The councils should cover all aspects of rural development.

The Committee feels, however, that multiplication of different kinds of bodies at the village level should be avoided. In fact, the Village Panchayat itself should be the core of economic planning and development plans should be woven around it. Other experts and workers connected with Community Projects and National Extension Service Blocs can always be associated with the Panchayats for development work.

In the course of the discussions in the Committee it was suggested that Government officials wanted mainly to achieve the targets and, as such, their view points ran sometimes at cross purposes with those of the elected members of the Panchayats and other bodies. In their over-zealous enthusiasm they might attempt to ignore the local factors and carry on their work only with a view to implementing the programme and take the credit therefor. It was, however, agreed that as the Village Panchayat was going to be the base of National Planning, there should be no apprehension that the officers would overrule its legitimate decisions.

The success of these Development Councils would depend on local leadership and the work should be done by persuasion. Once the villages were made to realise the effective results that were likely to follow from these undertakings, good response was forthcoming and nowhere the work suffered due to a lack of local contribution. As a matter of fact recent experience has shown that through the informal meetings of the workers of several villages, convened by the village level workers, a form of intermediate body was growing up, and though the villages might have separate Panchayats and Development Councils, there would be a link amongst the contiguous villages, specially through the guidance of the village level workers. The Committee felt that every family must have a plan of its own. A register must be kept to show development programmes of the villages through different stages so that the people could have clear ideas as to what had been achieved and what would be the next target. The village level worker was in charge of developing the Panchayats, helping the cooperative societies and working as a technical guide. As such, his able leadership and the initiative which he took would certainly help the growth of the Panchayats and cooperatives and other village welfare units on the right lines.

The Committee emphasised the importance of inviting suggestions from all classes of people so that in the formulation of the Second Five-Year Plan, we might have a proper picture as to how the people wanted the plan to take shape in terms of their own requirements and also the felt-needs of the members of the Community. The village bodies would plan for their own areas and then this would go to the district, where the district planning authority would draw their own programme, accommodating as best as possible the suggestions received from the villages. It would next go to the State level and ultimately the suggestions would reach the Planning

Commission. It was pointed out that people were becoming acutely aware of the number of things that they wanted to have. Of course, the requirements had to be conditioned by the question of the feasibility of working them out with the resources that would be made available.

There was a feeling that it might be risky to ask the villagers to tell what they wanted because once they placed their demands they would expect them to be fulfilled, and failing that, frustration would be created followed by discontent and unrest. The Committee gave serious thought to this aspect of the question. There is, obviously, no way out of it. The list of priorities has to be made from the pressing demands coming from people duly recorded and that was only possible when the nature of the requirements was fully known, analysed, assessed, till ultimately the Plan took final shape by adjusting the diverse requirements to the available resources. The people must be made to understand this problem and the Committee is confident that the best cooperation would be forthcoming from the villagers if the intricacies of the formulation of the Plan were duly explained to them. We have to tell the people that if at this stage all their requirements could not be fulfilled, it would by no means impede the process of the development work which had to be taken up by stages, and in the next Five-Year Plan some more work would be undertaken. The immediate programme would be to try to meet the urgent requirements. It is practically a challenge to educate the people to realise their own responsibilities and to analyse and assess their requirements and the possible contributions which they might make to implement the programme under State patronage.

The Committee would like it to be borne in mind that in the system of planning there were two factors; the villagers should give their own ideas and, at the same time, the authorities directly concerned with particular aspects of the question, *i.e.*, setting up of schools, hospitals, maternity homes and other things of a like nature, would draw their own programme and would try to fit in the requirements of the villages as best as possible within the set up chalked by them. The State must have its own plan regarding these schools, hospitals and others and according to that plan constructive work would start. These institutions would satisfy the requirements of several villages and as such the district plan would consider these aspects and the villagers would be told how the plan was determined. It must be made known

to everyone in the village that each plan for development of any area should depend for its fulfilment not merely on the finance advanced by the State but it would require considerable contribution in kind, cash and voluntary labour of the people. This was an automatic check because all these works were based on contribution basis and naturally when the demands would be formulated by the villagers they would also take into account the contribution that they will make, and thereby they would willingly limit their own demands. The Committee is, however, confident that the people were ready to respond and give their whole-hearted cooperation to these constructive efforts and the amount of contribution has also been encouraging.

## CHAPTER XIV

### TRAINING OF WORKERS

The Committee also discussed the question of training of workers. It was pointed out that while there was considerable unemployment all over the country, specially amongst educated youngmen, the requisite personnel was not forthcoming in the different types of work which had been undertaken by the Planning Departments of the States and the Community Projects and National Extension Services. It would be better to make special provision for training of workers to make them fully competent to take up the development works in all their technicalities. A form of short course may be introduced to give technical training to people selected for the purpose, such as mechanics, overseers and surveyors, medical assistants, nurses, teachers for basic education and crafts and other social services. Thus would be created fresh opportunities for unemployed youngmen to utilise their own energy and labour in some productive effort and at the same time fulfil the increasing demands for technical personnel, specially in the rural areas.

In this connection the Committee felt that the services of non-official agencies which have specialised in certain specific kind of social work should be availed by the Government. A move in this direction has already been made and non-official agencies have been approached by the Government to take up training work of the workers so as to supplement the efforts undertaken by the Government in harnessing the available resources as best as possible. It was really essential that proper persons should be placed in-charge of these work centres and the success of each adventure will mainly depend on the push and drive of these people and the technical knowledge they possessed. We suggest that attempts should be made to enlist the cooperation of non-official agencies like the Sarva Seva Sangh, the Gandhi National Memorial Trust and the Kasturba Memorial Trust.

## CHAPTER XV

### SOURCES OF REVENUE

The Committee gave considerable thought to the problem of finding finances for Village Panchayats which will enable them to participate more fully in the development projects. The general experience has been that the total income of the Village Panchayat is far from adequate. A survey of the income and expenditure statements in the various States shows that roughly 50 per cent of the income of the Panchayat is spent on salaries, about 10 per cent on construction work, about 1-2 per cent on the realisation of taxes, and the rest on various miscellaneous items like water supply, public health, education, etc. Salaries thus consume a very large share of Panchayat revenue. In U.P., at one stage, people lost interest in Panchayats because they felt that Panchayats exist only to pay salary to the Secretary. Now the State Government of U.P. has taken this expenditure upon itself and provided 60 lakhs for the purpose. This has meant a marked change in Panchayat functioning in the State and other State Governments may usefully consider this experience.

Various State Panchayat legislations provide for different forms of taxation by Village Panchayats such as taxation of land and house property, profession tax, vehicle tax, fee on transfer of land and other movable property, reimbursement of recoveries on account of judicial fines, fees, etc., and licence fees of different kinds. There is provision also for grants and contributions by the District Boards and the State Government. In some States, Village Panchayats are entitled to call for contribution in labour. In Punjab, it amounts to about 48 man-hours annually, in Orissa to 4 days' work, in Madhya Pradesh to 15 days' work and in Assam to 36 days' work. It has also been provided in certain State legislations that those who are unable to contribute labour may seek a proportionate contribution in cash and even in kind.

The fact is undeniable that our Panchayats suffer from shortage of funds. It has been suggested that there do exist possibilities of effecting economy in certain respects, *e.g.*, reduction of the expenditure on salaries. This may be done

by adopting such people as official of the Panchayats who are local men and who may be willing to carry out their duties in an honorary capacity, though it is also true that most often such honorary work is not very satisfactory. Such persons may be given small sums as honoraria for the actual out-of-the-pocket expenses that they may incur in the course of their duties.

But this 'economy', if it may be so called, will have only a very limited effect and will not solve the problem of finances of the Panchayats. In this connection we would like to draw attention to a very pertinent comment of the U. N. Mission's Report. Says the Report: "The shortage of capital greatly increases the importance of using idle man-power . . . which can make a big contribution to capital, for example in local public works, with small diversion of capital and services from other purposes. By the extent to which idle man-power is used it reduces the strain on current production to produce a given result. Often the use of this man-power requires a collective incentive and it must be organised." In a footnote the Report has in fact drawn pointed attention to the magnitude of the labour resources available for self-help activities in the seasonally unemployed or substantially under-employed labour in rural areas in South-East Asia. The Mission has estimated the number of idle days for the whole of Asia at 30,000 million working days, which is a stupendous total, representing about one-third of the total days actually worked in Asian countries. And remarks the Mission: "Even if the estimate is 50 per cent out, it indicates the enormous potentialities for improvement, if this reserve could be organised and put to use, especially through self-help activities."\*

It will be noted that the emphasis has been laid on "self-help activities". It would appear that labour contribution on a voluntary basis alone can have the desired results as is proved by the extensive *Shramdan* movement of Uttar Pradesh. The Committee is not averse to providing legislative measures for enforcing labour contribution but as the Planning Commission has remarked "these legislative provisions are not yet effective on any significant scale"\*\*. The example of the neighbouring States of Bihar and Uttar Pradesh is an instance in point. Bihar has provided for a Labour Tax but the success achieved in works of village reconstruction and development comes nowhere near the *Shramdan* drive in U.P.,

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\* U. N. Mission Report on Community Development, op. cit, p. 15.

\*\* "The First Five-Year Plan," Chapter VII, Para 19, p. 135.

where the effort is voluntary and not legislative. The Committee would wholeheartedly endorse the following remarks of the Planning Commission :

‘Whether legislature formally provides for contributions in labour or not, it is of the utmost importance that Village Panchayats should find ways of utilising the available man-power for works in the village or even outside, for instance, by forming labour cooperatives. Legislative provisions may undoubtedly be helpful but it is by arousing local enthusiasm for improving village conditions and promoting common effort that Village Panchayats can secure participation by the people in various programmes for development.’

While not averse to the powers conferred on the Panchayats to impose taxes including the labour tax, we must, however, sound a note of caution against the possible misuse of such powers by the village body. As a matter of fact, in the course of discussion in the Committee it was pointed out that there was a feeling of uneasiness in the villages regarding the imposition of profession tax which seemed to impose burden on artisans, handicraftsmen, blacksmiths, carpenters, cobblers, etc., thereby hitting the poorer section of the village population rather hard. The Committee felt that the profession tax should not appear to be discriminatory. Another point to be borne in mind in this connection is that in certain States the imposition of taxes like the House Tax has been made an obligatory function. This may not in all cases be conducive to the healthy growth of the Panchayat institution. The right to impose taxes is certainly a big right conferred on the Panchayats, but it should be kept in their discretionary functions. At present the State Governments have to incur expenditure on the collection of land revenue through the Government machinery. If the Panchayats are entrusted with this work the Government will save this expenditure and, therefore, payment of 15 to 25 per cent of the collection to the Panchayat will not mean any substantial financial loss to the State revenues. Moreover, experience has shown that wherever land revenue collection has been left to Panchayats, the process of collection is speedy and the arrears insignificant mainly because village communities have a direct interest in the realisation of the land revenues. It should be left to the Gaon Sabha to impose the tax or not to impose it.



The best course would be to assure for the Panchayats a definite source of income for certain specific jobs they may do, so that they may have the incentive to improve their own work. We suggest that the Panchayats should be increasingly assigned the task of collection of land revenue and 15 to 25 per cent of the collections should be allotted to them for their day to day functions. It should also be seen that transfers of portion of land revenue collection should not necessarily be accompanied with the transfer of additional responsibilities necessitating additional expenses. If this is done it would merely mean a transfer of accounts and nullify the purpose for which the income of the Panchayats is sought to be increased.

The Panchayats should also be empowered to levy a labour tax. But, as far as possible, efforts should be made to get voluntary contributions in the form of *Shramdan*. In case an individual is not prepared to work in lieu of the labour tax, he should be asked to contribute in cash twice the amount of labour work.

The management of common lands of the village can be a third source of income for the Village Panchayats. When a Panchayat has successfully worked for sometime then alone it may be permitted to impose taxes under the following heads :

1. Tax on land holdings;
  2. Vehicles Tax;
  3. Professional Tax;
  4. Tax on Tea shops, etc.;
- and 5. Revenue from management of *hats*, bazars, mela grounds, etc.

Under the existing circumstances State aid is absolutely essential to enable the Panchayats to carry on their work properly.

## CHAPTER XVI

### PANCHAYATS AND COOPERATIVES

While discussing this aspect of the question, the Committee attached the greatest importance to the development of the cooperatives in the village in respect of cultivation, marketing, irrigation, animal husbandry, assistance for Khadi development, purchase and sale of consumer goods and articles required in the day to day life of the villager, *e.g.*, seed, implements, cloth, kerosene, etc. Development of multipurpose cooperation should be encouraged.

The Committee, however, devoted greater attention to the question of the relations between the Cooperatives and the Panchayats. It was felt that while the Village Panchayats should take interest in the formation and organisation of the Cooperatives, the actual working of the Cooperatives should be separate from the Panchayats. Firstly, it is not possible to make the Panchayats and the Cooperatives co-extensive because their spheres of work will not be the same. In a number of cases the Cooperatives will necessarily cover an area larger than one village. For example, it will not be possible to form a Cooperative Society for oil-extraction, or marketing or minor irrigation, confining its activities only to one village. In the very nature of things, the scope of the Cooperatives has to be wider than that of the Village Panchayats. Secondly, the Cooperatives will be obliged to handle large amounts of money in their commercial transactions requiring the help of trained workers and experts. It is not desirable to burden the Village Panchayats with the responsibilities of such business and commercial transactions which should be left in the hands of experts. Each State Government has a separate Cooperative Department to supervise and coordinate the working of the Cooperatives in different spheres of economic activity. Thirdly, Cooperative activities have to be, in the very nature of things, optional and voluntary, whereas the membership of the Village Panchayats will be compulsory and on the basis of adult franchise. From this point of view also it will be desirable to keep the functions and organisation of the Cooperatives and the Village Panchayats separate from each other.

As we have said earlier, this does not mean that the Village Panchayats will take no interest in Cooperative activities. They can help the formation of Village Cooperatives by mobilising popular support and by encouraging the Village Communities to participate in their multipurpose activities. It will also be desirable for the Cooperatives to send their periodical reports to the Village Panchayats and Gaon Sabhas for their information and constructive suggestions.

In places where it has not been possible to develop Cooperatives in particular spheres of economic activity, it should be open to the Village Panchayats to initiate those economic activities till they are taken up later by the Cooperatives. It will not be desirable to retard the progress of economic development schemes merely because there are no Cooperatives in a particular area. It is always open to a Village Panchayat to take up a particular economic activity in the village or in a group of villages. The Committee is, however, of the general view that, as far as possible, the functions of the Village Panchayats and the Cooperatives should be kept separate from each other for the reasons mentioned above.

## CHAPTER XVII

### SUMMARY OF RECOMMENDATIONS

1. The Panchayat system provides a sound basis for the establishment of healthy democratic traditions in India. Its development should be encouraged and fostered by the State to enable the masses of our people to participate in the business of administration and other aspects of community life, social, economic and judicial.

2. For the achievement of the objectives laid down in the Constitution, the Village Panchayats should serve not only as units of Local Self-Government but also as effective institutions for securing social justice and fostering corporate life resulting in fuller employment.

3. The basic principles underlying the Constitution can be adequately fulfilled if a serious and systematic attempt is made to bring about decentralisation of economic and political power through the institution of Village Panchayats.

4. The introduction of far-reaching land reforms has resulted in the removal of the system of intermediaries who formerly were performing some essential functions in the village society like credit, marketing, supplies etc. The State should now try to provide these services through the promotion of Village Panchayats.

5. Village Panchayats should develop a type of democracy through which will evolve a leadership representing all elements of village life to conduct the affairs of the Community.

6. The success of Village Panchayats will depend on the enthusiasm that they create and the feeling of oneness that they generate in the village community and the confidence they enjoy of all sections of the village population. It is, therefore, necessary to keep the Panchayats, as far as possible, away from party politics.

7. Great importance should be attached to the need of unanimity in the elections of Village Panchayats. With a

view to encouraging unanimity, it may be desirable to invest with more authority and power those Panchayats which elect their Panchas unanimously.

8. While deviations from the above basic concepts should be avoided as far as possible, it must be borne in mind that for the day-to-day functioning of the Panchayats no rigidity can be maintained in the country as a whole and it should be left to the States to evolve their pattern of Village Panchayats in accordance with local traditions, conditions and requirements.

9. Elections of the Village Panchayats should be on the basis of adult franchise. All the adults of the village should constitute a Gaon Sabha. Where this number is too large, representatives from each family of the village may form the Gaon Sabha. The Village Panchayat elected by the Gaon Sabha will be in the nature of its executive. The strength of the Village Panchayat will depend on the population of the village. It should generally be a multiple of five. There should be reservation of seats for the Scheduled Castes and Tribes proportionate to their population.

10. The system of election of the Village Panchayats should be as simple as possible. There will be no difficulty in those Panchayats where elections happen to be unanimous. Where there is no unanimity for all the members, elections may take place through secret vote. This procedure also can be simplified by the use of village pots or tin canisters. If necessary, the election officer may be allowed to register the votes of the members of the Gaon Sabha secretly in a separate room. The Committee would not, however, like to rule out completely the system of elections by show of hands in a village where the Gaon Sabha is agreeable to such a procedure.

11. The unit of Village Panchayat organisation should be generally on the basis of one village upto a population ranging from 1,500 to 2,000. Only such Panchayats will be able to work and plan on the basis of the felt needs of the community. Conditions, however, differ from State to State and it is not possible to be rigid in this matter. Wherever necessary few small villages could be combined into one Village Panchayat.

12. It would be helpful to have some form of a supervisory body to regulate and coordinate the activities of the

Panchayats, and these supervisory bodies may also have some executive functions. Such bodies may preferably be set at the Sub-divisional level though their existence at the District level or other convenient levels is not ruled out. Such supervisory bodies should not be nominated but should be indirectly elected by Sarpanchas. Some technical experts may be associated with its work without the right to vote.

13. The Panchayats should have different functions—municipal, social, economic, judicial, etc. The municipal functions should include sanitation, village roads, construction and maintenance of community buildings, drainage, provision for drinking water, street lighting, etc. Education may be entrusted to the Panchayats in case they are not being looked after by the District Boards. In such cases, the educational functions of the Panchayats should be under the supervision of the Education Department of the State. In addition to certain compulsory municipal functions, there may be some discretionary functions also which the State Governments may entrust to the Village Panchayats in accordance with their efficiency of working.

14. The composition and functions of the judicial or Adalati Panchayats should be separate from the Village Panchayats. Each judicial Panchayat should serve a few villages covering a population of about 5 to 6 thousand in a radius of, say, 3 miles. Each Gaon Sabha should elect along with their representatives for the Village Panchayat, a panel of 5 members to work on the judicial Panchayat. On this basis the judicial Panchayat should consist of about 30 such members elected from a few villages. Cases should be tried by a bench of five out of the members of the judicial Panchayats by a system of rotation. The cases should be heard and disposed of in the village, to which the particular case belongs, and the whole legal procedure should be completed in one sitting in order to avoid unnecessary delays. The atmosphere of these judicial Panchayats should be free from the existing atmosphere of courts in order to render village justice simple, cheap and expeditious. No lawyers should be permitted to appear in these judicial Panchayats. In each judicial panel of five elected by the Village Panchayat, there should be at least one Harijan and one woman.

15. Planning in India can be successful and achieve its objectives only if it is based upon our villages. In this the Village Panchayats will have to play a vital role. For this

purpose the Development Councils envisaged in the Five-Year Plan should be woven around the Village Panchayats. This would help in creating a permanent kind of leadership in the village and would be able to cover all aspects of rural development. The Community Project and National Extension Service officers and the village level workers should actively help in the evolution and growth of Village Panchayats so that they may be equipped to shoulder an ever-growing responsibility for the implementation of the National Plan in their area.

16. Special provision should be made for the training of workers to make them fully competent to take up development works in all their technicalities. This would create opportunities for unemployed youngmen. Attempt should be made to enlist the cooperation of non-official agencies like the Sarva Seva Sangh, the Gandhi National Memorial Trust and the Kasturba Gandhi National Memorial Trust for such work.

17. The Panchayats should be increasingly assigned the task of revenue collection and 15 to 25 per cent of the collections should be allotted to them for their day-to-day functioning. The Panchayats should also be empowered to levy a labour tax. But, as far as possible, efforts should be made to get voluntary contributions in the form of *Shramdan*. In case an individual is not prepared to work in lieu of the labour tax, he should be asked to contribute in cash twice the amount of labour work. The management of common lands of the village can be a third source of income for the Village Panchayats. When a Panchayat has successfully worked for sometime then alone it may be permitted to impose taxes under the following heads :

1. Tax on land holdings ;
  2. Vehicles Tax ;
  3. Profession Tax ;
  4. Tax on Tea shops, etc. ;
- and 5. Revenue from management of *hats*, bazars, mela grounds, etc.

Under the existing circumstances State aid is absolutely essential to enable the Panchayats to carry on their work properly.

18. Functions and organisation of the Cooperatives and Village Panchayats must be kept separate from each other for a variety of reasons, *e.g.* scope of Cooperatives is wider than the Village Panchayats, it is optional and not compulsory like the latter, etc. Village Panchayats, however, must mobilise support for the growth of Cooperatives, which in their turn should periodically report their progress to the Panchayats.

(*Sd.*) *Kailas Nath Katju*

” *Jagjiwan Ram*

” *Gulzari Lal Nanda*

” *Keshava Deva Malaviya\**

New Delhi,  
July 18, 1954

” *S. N. Agarwal (Convener)*



## NOTE BY SHRI KESHAVA DEVA MALAVIYA

Directives of the Working Committee wanted our Committee to consider the question of the introduction of the Panchayat system in all its aspects. The special emphasis was on the investigation as to how the tendency of centralization in a modern State should be balanced by the growth of local self-governing institutions with a view to associating the mass of the people in the business of administration and other aspects of community life.

2. Whatever the pattern of the Panchayat system might have been in the last centuries or in our remote past, today the environmental conditions are so different and conditions so vastly changed that except for culturally connecting our present proposed pattern with the past traditions of autonomous village units not much analogy can be stressed. The present concept of decentralization, sense of equality in society and democratic nature of administrative functioning has to be substantially different from our past concept of Panchayat. While, therefore, we are legitimately proud of a pattern of village democratic unit which undoubtedly existed in various parts of the country in totally different conditions, we should be cautious in deriving too much from them. We have, therefore, to think in terms of our present needs such as conditions of density of population, the minimized distances due to richness in communication, and new intellectual and social conditions.

3. I further note below the points on which I have my difference with the views expressed by other members of the Committee :

(i) There should be an intermediate supervisory and controlling body known as Tehsil or Taluka Sabha at the tehsil level. This should be a body of 9 persons ; 6 of whom should be elected by all the Gaon Panchayats of the Tehsil, each Gaon Panchayat being treated as one vote ; 3 members should be nominated by the District Magistrate in consultation with the Tehsil officials and others. They should be experts like medical officers, agricultural officers, engineers or experienced administrative men. This Body should

function for supervising, advising, coordinating the activities of the Panchayats of the region, and also recommend disciplinary action against individuals or Panchayats in extraordinary cases like dishonesty or ill-treatment of a minority. Suitable precautions, however, should be taken against uncalled for interventions. In my opinion these intermediate Tehsil Sabhas are very essential to revive the confidence of the masses in Panchayats. They will also be very effective vehicle to train the personnel as well as the Panchayats of the locality in the work of administration and social service. I do not agree that this intermediate Body should be created at the district level. It should be as near the village level as possible. I am also of the view that this intermediate Body should have powers to recommend supersession of a Panchayat or suspension of a member of a Panchayat. They should, however, not be authorised to fill in any vacancy.

(ii) I am not in favour of a wholesale election of judicial Panchayats. I am in agreement with the latest proposals made in this connection by the Uttar Pradesh Cabinet Committee, that, out of the elected members of the Gaon Panchayat a prescribed authority should nominate suitable number of Adalati Panchas who will form the judicial bench of the area. It should be possible to keep in this bench a Panch of the locality from where the disputes come. The reason why I advocate this nomination out of a panel is my experience of affairs in Uttar Pradesh, where the experiment of Adalati Panchayat on elected basis was universally tried. Even the Government of U.P. State have to admit some harm done to the cause of Panchayat and Justice by creating purely elective Panchayats in the first instance.

(iii) With regard to framing of and looking after the economic development programme through a Village Development Council, I am of the view that the creation of more than one body at the village level besides the Village Panchayat will be a theoretical approach. All development activities, besides local self-government and primary education, should be the sole concern of cooperative development unions composed of regional cooperative societies of a multi-purpose pattern. Perhaps, the field of such development cooperative unions will be from 25 to 50 villages. What I mean to say is that all economic development schemes which involve business organisations, financial implications, and also business interests of individuals, should be kept out of the jurisdiction of Village Panchayats and the unit of such Cooperative

Societies and cooperative development unions will, in overwhelming cases, be the group of villages where there is contiguity of functions or purpose. Village Development Council as envisaged by the Committee has, therefore, in my opinion, no practical existence. It will either be the Village Panchayats looking after the local self-government, village administration, and the sovereign right of community ownership, or the regional cooperative development unions of multi-purpose pattern looking after the business of framing and executing economic development programmes. Movement like *Shramdan* or other cultural activities of a mass nature should also be the work of Village Panchayats.

4. Subject to what I have said above, I am in general agreement with the rest of the main conclusions of the Committee.

July 18, 1954.

**K. D. Malaviya**

## APPENDIX A

### QUESTIONNAIRE

- (1) What is the total number of villages in the State? How many of these have been covered by village Panchayats?
- (2) Are Panchayats formed on the basis of one Panchayat for one village or one for a group of villages? If the latter, what is the basis on which villages are grouped in order to form Panchayats?
- (3) Are Panchayats formed on the basis of adult suffrage or some other electoral system? If the latter, give a description of the system? Is there any proposal to change over to adult suffrage?
- (4) How are Panchayats formed: Election or Nomination? If the former, is it election at a general meeting of voters or through the system of ballot voting? If the former, is it by show of hands or through secret ballot? If the latter, is the area of the Panchayat divided into various wards, each of which elects one or more members? Is there provision for nomination of any part of the membership of the Panchayat? Are there any proposals to introduce changes in the existing provisions regarding the formation of Panchayats?
- (5) What are the powers of Panchayats? What are the benefits which the people of a village secure from the Panchayats? Have the Panchayats been instrumental in improving the condition of the villages in the matter of education, public health, communications, development of the Cooperative Movement and other welfare activities of the people?
- (6) Are the judicial or *Nyaya* Panchayats in your State? If so, what is the relation of a *Nyaya* Panchayat with the Village Panchayat? How are the *Nyaya* Panchayats constituted—election, nomination, or both?
- (7) What has been the experience of the working of *Nyaya* Panchayats in recent years? How far they have succeeded in reducing litigation? Have the group differences in the village been reflected in the *Nyaya* Panchayats?
- (8) Please detail the improvements which, according to you, should be effected in the *Nyaya* Panchayats. A comprehensive reply would be very much appreciated.
- (9) What are the sources of revenue of the Panchayats? Do the Panchayats levy any tax on their own, or does the Panchayat Act provide for certain items of taxation which are to be collected and administered by the Panchayat? Does the Government give any grants for the Panchayats and, if so, on what basis?

(ii)

- (10) How and on what items are the revenues of the Panchayats being spent? What is the procedure for the sanctioning of particular expenses for particular items? Does any item of expenditure require the prior sanction of the Government?
- (11) Is the President elected by members of the Panchayat Board or by the whole electorate or nominated by the Government? Is there any Executive Officer to help the Panchayat and its President in its executive work? If so, how is he appointed? How are the conditions of his service determined? How are the rules of discipline formulated and enforced in his case? Is he under the discipline of the Panchayat, or of the Government, or of both?
- (12) What is the staff, clerical and otherwise, of a Panchayat? How is it appointed and on what terms?
- (13) What is the relation between a Panchayat and the regular administrative and revenue officers of the village? How are the educational, public health and other activities of the Panchayat coordinated with the corresponding departments of the Government? Do the District or other executive officers of the Government exercise any authority over the Panchayats?
- (14) Is there a separate Panchayat Department of the Government? If so, how does it function? How does it supervise and check up the activities of the Panchayats? Does the Department possess and exercise powers of superseding a Panchayat? If so, under what conditions? What happens in the area of a Panchayat Board after its supersession?
- (15) What are the other organs of Local Self-Government for Rural areas in the State? Are there Union or Taluq Boards or District Boards? If so, how are the functions and activities of these organs co-ordinated with those of the Village Panchayats?
- (16) What is your opinion regarding the working of the Panchayats? What are the suggestions regarding the improvement of their constitution and functioning?
- (17) How do you propose to integrate the activities of Panchayats with the activities of such organs of popular co-operation in the implementation of the Five-Year Plan as have been proposed by the Planning Commission?
- (18) What acts and amendments of the same have been put on the Statute Book? Do you publish regular annual reports of the functioning of Panchayats in your State? A copy of all the Acts passed and the Reports published may please be sent along with the reply to this questionnaire.

## APPENDIX B

# PANCHAYAT ORGANISATION IN INDIA

## PART 'A' STATES

### UTTAR PRADESH

There are 1,12,000 villages in the State. In each village or group of villages with a population of 1,000 or above there is a Gaon Sabha and there is a Nyaya Panchayat for every 4 or 5 Gaon Sabhas. At present there are 36,139 Gaon Sabhas and 8,543 Panchayat Adalats.

The first Act known as the U.P. Panchayat Raj Act was passed in 1947. This was amended first in 1950, and again in 1952. A third amendment was made under the U. P. Panchayat Raj Amendment Act, 1954.

### VILLAGE PANCHAYATS

#### **How Constituted**

There is a Gaon Sabha in every village or group of villages with a population of 1,000. All adult members residing in an area are life-time members of the Sabha. The executive body of the Gaon Sabha constitutes the Gaon Panchayat. The number of members ranges from 30 to 51. Elections are held on the basis of adult franchise by show of hands. These are based on the joint electorate system.

Seats are reserved for the minority community and scheduled castes. There is no provision for nomination. All members are elected by direct election. Seats are allotted to each constituency in proportion to its population.

After the abolition of zamindari a Gaon Samaj has been established in every populated revenue village. They now number 84,000. All adults permanently residing in a village and persons having cultivatory interest in that village are members of the Gaon Samaj. Land Management Committees are the executive bodies of the Gaon Samaj. Members of the Panchayat, residing in the village, are members of the executive body. Waste lands and all other property vested in the State has been vested in the Gaon Samaj.

#### **Powers in Village Management**

*Obligatory functions:* Maintenance and improvement of public streets, lighting, medical relief, registration of deaths and births, sanitation, organisation of melas and fairs and providing primary education.

*Discretionary functions:* Plantation of trees, improving the breed of cattle, organisation of a Village Volunteer Force for watch and ward, development of cooperation, relief against famine, construction of new bridges and culverts, improvement in sanitation, schools and hospitals.

A Gaon Panchayat may enter into any contract with the State Government or other bodies and collect taxes, cesses, fees or other dues.

The Gaon Sabha can acquire any land required for its purposes. It can borrow money for carrying out work under the Act.

Panchayats are expected to help the development of co-operatives.

### **Sources of Revenue**

Each Gaon Sabha has a Gaon Fund at its disposal. This fund consists of taxes levied under the Panchayat Raj Act, Government grants, sale proceeds of property such as dust, dirt, dung or refuse vested in the Panchayat, loans and gifts and grants from other local bodies.

Gaon Sabha can also levy some taxes, *e.g.*, tax on the rent payable under the U.P. Tenancy Act, 1939. This should not be more than one anna in a rupee. A tax on the assumed rental value of 'Sir' and 'Khudkasht' (self cultivated) land, a tax on trades, callings and professions and a rate on buildings can also be levied.

Other non-tax sources of revenue are fees and fines realised, donations, income from ponds, fisheries and management of public fairs.

An annual licence fee of Rs. 2 on Mazdoors, Rs. 3 on Palledars, Rs. 8 on merchants, Rs. 1½ on persons plying vehicles on hire, Rs. 2½ on owners of animals used for riding, driving or carrying loads, and Rs. 2 on owners of sheep or goats may be levied.

### **NYAYA PANCHAYATS**

*How Constituted:* Every district is divided into circles in which many Gaon Sabhas are combined. Every Gaon Sabha elects five members to the Panchayati-Adalat of the circle. The electorate of every Gaon Panchayat elects five Panches to the Adalat. Each Adalat consists of 4 or 5 Gaon Panchayats. The Panel of 20 to 25 members elected to the Adalat elects a Sarpanch. The term of office of the Adalat is three years. There are 8,543 Adalats in U.P. There is no element of nominated members in the Panchayati Adalats. The members of the Panchayati Adalats can neither be removed by passing a vote of no-confidence nor by the electorate.

### **Powers**

Panchayati Adalats can try some specific criminal cases and civil suits or any other offence made cognizable by the Adalat.

The Sarpanch can ask any person to execute a bond of Rs. 100 if any breach of peace is feared. The matter will then be tried by a bench. No Panchayat can inflict a substantive imprisonment.

A fine of not more than Rs. 100 may be imposed. There is provision for awarding compensation to the accused or complainant whoever is wrongfully implicated in a case. Panchayats can also release offenders on probation.

The Adalat can try suits for recovery of money or moveable property. On the question of title, legal character, contract or obligation,

the decision of the Adalat is not binding. The Sub-Divisional Officer can ask the Adalat to revise its judgment, but there is no appeal against the decision of the Adalat. It cannot revise or alter its decisions. No legal practitioner can appear before an Adalat. Panchayats have special powers in matters of compromise, etc. In the case of division of opinion, the will of the majority prevails. The Munsif or Sub-Divisional Officer has complete powers over the Panchayati Adalat. Fines imposed by it are recoverable through the aid of State Government. Expenses of Nyaya Panchayats are charged from the Gaon Fund.

### **Report on the Working of Panchayats**

*Gram:* During the four years, 948 miles of pucca roads and 12,871 miles of kuchha roads were constructed. 32,134 wells were constructed and 31,005 converted from kuchha to pucca. 7,000 Panchayat Ghars were constructed. Nearly 200 miles of pucca drains were also constructed by Panchayats. The total work done by Panchayats is of the value of Rs. 9,53,66,000. More than two-thirds of this was contributed either in kind or in terms of labour.

*Nyaya:* Since their formation nearly 14,02,067 cases came before Panchayati Adalats. Of this 13,46,637 were disposed of and 4,98,402 were compromised. In all, revisions were filed in 5 per cent of the cases. These were accepted in 1.8 per cent cases.

Thus Panchayati Adalats have reduced litigation to a great extent.

*Remarks:* The total land revenue of the State is Rs. 16 crores. The village bodies can earn about one crore of rupees annually by way of commission if this function is undertaken by them.

The new amending Act passed by the Legislature empowers Panchayats to arrange for the disposal of stray and wild cattle. Government can enhance the monetary valuation of suits that can be tried by Panchayati Adalats from Rs. 100 to Rs. 500. In the amending Act it has been proposed to enhance the powers of the Panchayati Adalats. It is proposed that Sections 140, 279, 286, 336 and 356 of I.P.C. be withdrawn from Nyaya Panchayats and Sections 269, 273, 278 and 431 be made cognizable exclusively by Nyaya Panchayats.

The District Magistrate, the District Planning Officer and the Assistant District Panchayat Officer exercise powers of supervision and control over the working of Panchayats. The District Magistrate has the power to suspend any member of a Gaon or Nyaya Panchayat if he has failed to discharge his duties properly.

## **MADRAS**

There are 19,486 villages in Madras. 7,000 of these have been covered by Panchayats.

The first legislation, the Madras Village Courts Act, was passed in 1888. Some Panchayats were formed under the Madras Local Boards Act of 1920. A second Act known as the Madras Village Panchayats Act was passed in 1950. This was amended by the Madras Act XII of 1951 and the Madras Act XXIV of 1951.



## VILLAGE PANCHAYATS

Under the 1950 Act, Village Panchayats are to be formed for every revenue village or group of villages with a population of 500. But for administrative convenience this limit has been raised to 1,000. Panchayats established under the Madras Local Boards Act, 1920, have been retained. Here Panchayats comprise of many revenue villages. These can be separated if the population of the unit desiring separation exceeds 1,000.

There are two kinds of Panchayats—Class I and Class II. Class I Panchayats are formed in villages with a population of 5,000 and an estimated revenue of Rs. 10,000.

Elections to Class I Panchayats are held by secret ballot based on adult franchise. Elections for Class II Panchayats are held by show of hands based on adult franchise. For election purposes Class I Panchayat are divided into five wards and Class II Panchayats into two wards. There is provision for reservation of seats for scheduled castes. The Sarpanch is elected by the entire electorate. The number of members of a Panchayat varies from 5 to 15.

### Powers in Village Management

The obligatory functions of Panchayats include the construction, repair and maintenance of public roads, lighting of streets, and public places, construction of drains, cleansing of streets, removal of rubbish, provision of latrines whether public or private, provision for protected water supply, sinking and repairing of wells, bunds and tanks and preventive and remedial public health measures.

Certain additional powers have been given to Panchayats in respect of civil suits upto the value of Rs. 100; registration of documents which are exempted from paying stamp duty. It can also take up the execution of minor repairs to irrigation works. An acreage fee may be charged for this purpose.

Management of unreserved forests and all rights in respect of commercial income enjoyed by the village community have been transferred to Panchayats. Panchayats have not been entrusted with banking and other activities of cooperative societies.

Discretionary functions include planting and preservation of trees, opening and maintenance of elementary schools, reading rooms, slaughter houses, cart-stands, dispensaries, maternity and child welfare centres, control of fairs and improvement of agriculture and agricultural stock and the holding of agricultural shows.

### Sources of Revenue

The main source of revenue is land cess of 6 pies per rupee on the annual rant value of all lands and duty levied on all occupied lands and on the transfer of property. Under the 1950 Act a tax on professions, houses and vehicles are to be compulsorily levied. The rates are to be decided by the Government. Fees can also be levied on markets. 12½% of the Land Revenue, including water cess, is given as grants by the

the Government to Class II Panchayats on the basis of population. A licence fee on dangerous and offensive trades can be charged. There are special Government grants for teaching, maintenance of school equipment and public health measures. All the revenues are pooled in a Panchayats Fund.

### NYAYA PANCHAYATS

There are no separate Nyaya Panchayats in the State. But under the 1950 Act all cases that were tried by village courts under the Village Courts Act of 1888 were brought within the jurisdiction of Panchayats. The pecuniary jurisdiction was raised from Rs. 50 to Rs. 100. Fines can be imposed for various offences which range upto Rs. 500 for keeping open a private market in contravention of the Act. The fine may be raised to Rs. 1000 for unlawful erection of a factory.

#### Other Aspects

The question of devising a cheaper machinery than the existing secret ballot system for adoption in the conduct of elections to Panchayats, irrespective of its income, is under consideration.

There is a separate Department of the Government, *viz.*, The Inspector of Municipal Councils & Local Boards and Regional Inspectors to supervise and coordinate the administration of all the Panchayats, District Boards and Municipalities in the State.

The Inspector may supersede or dissolve a Panchayat which is not competent to perform its functions properly. The District Boards attended to the needs of the non-Panchayat areas in the district and may assist them in regard to education and public health.

It has been found that some of the provisions of the Madras Village Panchayats Act are not completely workable. Hence it is suggested that the constitution of Panchayats be made optional instead of being compulsory. The territorial unit may be raised from 500 to 1,000, which has been adopted by the Government for the sake of administrative convenience. The President should be elected by the Panchas and not the entire electorate as at present. The levy of professional tax should be made optional. Section 81 of the 1950 Act has been declared *ultra vires* of the Fundamental Rights of the Constitution by the Madras High Court. The Act should be amended to provide 10% of the land revenue for distribution as grant among Class II Panchayats. Executive officers of Panchayats should not be vested with the powers of Registration Officers. Village courts and Village Panchayats should be distinct bodies. Section 132 of the Act may be deleted and village courts revived. It is proposed to associate Panchayats with District Development Councils so that they may be able to assist in rural development projects.

### MADHYA PRADESH

There are 48,000 villages in the State. Of these 8,000 have been covered by Panchayats.

The first Panchayat legislation, the Central Provinces and Berar Panchayats Act, was passed in 1946. This has been amended by the

Central Provinces & Berar Panchayats (Amendment) Act, 1947, the Central Provinces & Berar Panchayats (Amendment) Act, 1948, the C.P. & Berar (Amendment) Act, 1949, the Madhya Pradesh Panchayats (First Amendment) Act, 1950, the M.P. Panchayats (Second Amendment) Act, 1950, the M.P. Panchayats (Third Amendment Act), 1950, the M.P. Panchayats (Amendment) Act, 1951 and the M.P. Panchayats (Amendment) Act, 1953.

## VILLAGE PANCHAYATS

### How Constituted

The formation of Panchayats is split into three stages. First for every village with a population of 1,000; second, for villages with a population between 500 and 1000 and third, for villages with a population below 500. When the third phase is taken in hand group Gram Panchayats would be established. This will be based on physical proximity. The principle is one Panchayat for every village. Panchas are elected on the basis of adult suffrage. Rules about election procedure are still under consideration. Indications are that secret ballot system would be adopted. In the first instance Gram Panchayats were formed by nomination under the C.P. & Berar Village Panchayats Act, 1946. The Sarpanchas were also nominated by Government. Now the Panchas and Sarpanchas will be elected. The Directorate of Social Welfare advises Panchayats. No person can hold office in more than one Panchayat.

### Powers in Village Management

Panchayats have been given comprehensive powers. Administrative and development functions have been entrusted to them. Panchayats also undertake social, public health and municipal functions.

Compulsory duties of Panchayats include medical first-aid, registration of births, deaths and marriages, supply of water, sanitation and construction and maintenance of roads in the village. The optional functions of Panchayats are improvement in agriculture, live-stock, provision for storage of seeds, promotion of education, encouragement of cottage industries, maintenance of rest houses and street lighting. Panchayats are also expected to assist in the development of cooperative movement and other welfare activities.

There is provision in the Act for enabling Gram Panchayats to collect revenue. It may exempt persons from payment of a tax, toll or fee payable under the Act. Panchayats can enact bye-laws.

### Sources of Revenue

The sources of revenue of Gram Panchayats are fees, taxes, Government grants and donations.

A compulsory cess on land revenue at the rate of 6 pies per rupee is levied. Compulsory taxes on buildings and non-agricultural land ranging from Rs. 2 to Rs. 80 per year, an annual tax on profession varying from eight annas to Rs. 5, an annual licence fee ranging from Rs. 1 to Rs. 30 for practising as broker can be levied.

Optional taxes include a toll on vehicles, pack animals and bazars, water-rate and a lighting fee.

Gram Panchayats can also raise loans equal to 5 % of its revenue from a non-collapsible Village Development Fund. In the initial stage Government grants Rs. 200 and Rs. 300 for meeting the expenses of Gram and Nyaya Panchayats.

There is a Gram Panchayat Fund. All money received is credited to this account.

## **NYAYA PANCHAYATS**

### **How Constituted**

Each Nyaya Panchayat has a circle which includes a minimum of three Gram Panchayats or between 20 to 30 non-Gram Panchayat villages. Each constituent Gram Panchayat makes an annual contribution to the funds of the Nyaya Panchayat. It is 1/8th of the total annual income of Panchayats having an income of Rs. 1000 and 1/10th if the income exceeds this. Gram Panchayats are to give the amounts received in fines to the Nyaya Panchayat. Panchas to this body are nominated from among the Gram Panchas and the basis for this nomination is educational qualification, social status and reputation for integrity. The term of office is five years.

### **Powers**

Nyaya Panchayats can entertain civil suits of the value of Rs. 100 but can admit cases upto the value of Rs. 500 with the consent of both the parties to a dispute. They can also try criminal cases under certain sections of the I.P.C. They can impose a fine of Rs. 50. This limit may be raised by the State Government to Rs. 100. The judgment of the Nyaya Panchayat is final and there can be no appeal against its decision. No legal practitioner can appear in the Nyaya Panchayat. Nyaya Panchayats are closely linked with Gram Panchayats. Both together weave a new pattern of rural life. Nyaya Panchayats have reduced litigation.

### **Other Aspects**

Janapada Sabhas have been established in the State and they are responsible for the efficient and proper working of the Panchayats. Supervision and control over them also vests in the Janapada Sabhas. The Directorate of Social Welfare is responsible for the proper working of Panchayats. The Directorate has advisory powers of recommending to Government supersession of Panchayats for their negligence and inefficiency. After supersession of a Panchayat the Janapada Authority has to undertake its duties.

## **B O M B A Y**

There are 36,389 villages in the State. Upto the end of June 1953, 5,636 Panchayats had been formed and 1,098 villages were declared 'villages' under the Bombay Village Panchayat Act, 1933, where Village Panchayats had to be established.

The first legislation on the subject, the Bombay Village Panchayat Act, was passed in 1933. It has undergone slight modifications several times, namely in 1939, in 1947 and in 1950. The Bombay District Municipal Act of 1901 and the Bombay Village Panchayats Act of 1933 were also amended by the Bombay District & Municipal Village Panchayats (Amendment) Act, 1953. This envisages certain modifications in Bombay Village Panchayats Act of 1933.

### VILLAGE PANCHAYATS

It is obligatory on the Government to establish Village Panchayats with a population of 2,000 and above. For this purpose two or three villages may be combined. There is no Panchayat for villages with a population of less than 1,000. The Panchas are elected through secret ballot based on adult franchise. The area of Village Panchayat is divided into wards each of which elects one or more members. If the required number is not returned within 8 weeks, the Standing Committee of District Local Board will appoint the required number of persons. If the Sub-Committee fails to appoint, then nomination is made by the District Collector. The Sarpanch is elected by members from among their own number.

#### Powers in Village Management

The obligatory functions of Panchayats include cleansing of public roads, drains, etc. and their construction and maintenance if these functions are not vested in any other public authority, lighting, control of fairs, preservation and improvement of public health and water supply.

The discretionary functions are: Crop experiment, relief of the destitute and the sick, provision for village libraries and reading room, etc., improvement of cattle and their breed, co-operative farming, planting of trees, promotion and improvement of cottage industries, construction and maintenance of dharamshalas, management and control of ghats and watch & ward of the village and crops. A Panchayat may by a resolution passed at its meeting and supported by two-thirds of the whole number of its members make provision for any public reception, ceremony or exhibition. The expenditure should not exceed Rs. 25.

#### Sources of Revenue

The sources of revenue of Panchayats are fees, taxes and Government grants. Village Panchayats can levy a tax on occupiers and owners of houses, including farm buildings and on occupiers and owners of land which are not subject to agricultural assessment. These taxes may be paid either in cash or in kind.

Panchayats can also levy a pilgrim tax; tax on fairs, festivals and entertainments; octroi and tax on sale of goods; a tax on marriages, adoptions and feasts and a fee on weekly bazars, etc. One of these taxes may be made compulsory.

Government pays 15 % of the land revenue grant or 25 % of the local fund cess, whichever is greater, realised within the limits of the villages. Government also grants three-fourths of the salary and allowances of Village Panchayat secretaries. It pays voluntarily 50% of the amount spent on payment of dearness allowance to other staff and

an initial grant of Rs. 100. It bears the entire cost of election to Village Panchayats.

### **NYAYA PANCHAYATS**

Each Panchayat in its first meeting elects out of its members five members for Nyaya Panchayats. Their term of office is co-existent with the terms of the members of the Village Panchayats. The Chairman is elected by the members of the Nyaya Panchayat from amongst themselves. Three members form the quorum. The secretary of the Gram Panchayat acts as the judicial clerk of the Nyaya Panchayat.

#### **Powers**

Nyaya Panchayats are invested in the initial stage with powers to try minor offences and settle disputes of ordinary nature. The procedure followed by Nyaya Panchayats is quite simple and many of the legal formalities have been dispensed with.

Panchayats can try cases for the recovery of money dues on contract (not affecting any interest on movable property) not exceeding the value of Rs. 100, suits for compensation for wrongfully taking and injuring movable property. Criminal cases under sections 269, 277, 323, 426, 447, 448, 504, etc., of the I.P.C. can also be tried by Panchayats. Panchayats are empowered to award compensation to the accused for a false or frivolous case. The Government has powers to enhance the powers of Panchayats in the matter of inflicting punishment. At present Panchayats may fine upto Rs. 40. No order for imprisonment can be passed. Members interested in a case cannot sit in the Nyaya Panchayat. Pleaders are excluded from appearing in Nyaya Panchayats. Nyaya Panchayats cannot revise or alter their decision. The appeal against the Panchayat lies with the District Court in any suit and with the Sessions Court in any case. The decision of this Court is final.

#### **Report on the Working of Panchayats**

During the period March 1947 and March 1951, water supply works were completed in 3,182 villages. Government allotted Rs. 2,21,00,000 for this purpose. Where drinking water is not available pipe system has been adopted. Village Panchayats are co-operating in completing public utility works in Community Project areas and National Extension Blocks.

Nyaya Panchayats have lessened the burden of suits on the courts. Justice has become convenient for villagers. Government is considering ways of revitalizing Village Panchayats.

#### **Other aspects**

There is no separate department exclusively for Village Panchayats but there is a separate Local Self-Government Department for all local bodies. The District Collector checks and supervises the activities of the Panchayats. The Collector has powers to dissolve or supersede a Panchayat and appoint an administrator.

## PUNJAB

There are 16,455 revenue villages in the State. All of them have been covered by 9,177 panchayats.

The first legislation on Panchayats known as the Punjab Panchayat Act was passed in 1939. Another legislation known as the Punjab Gram Panchayat Act was passed in 1952. Election rules under this were framed under the Gram Panchayat Election rules, 1953 and an amendment, the Punjab Gram Panchayat (Amendment) Ordinance, passed in 1953.

### VILLAGE PANCHAYATS

#### How Constituted

Panchayats are formed for a village or group of villages with a population of 500. At present Panchas are elected by direct vote of all adults entered as voters on the electoral rolls for the State Legislative Assembly. The election of Panchayats is held by secret ballot. There is no provision for nomination for any part of the Panchayat. The area of Panchayats is not divided into wards. If a Sarpanch or a sufficient number of Panchayati Adalat members are not elected or a casual vacancy not filled within a reasonable time, the seat may be filled by nomination. The number of Panchas varies between 5 and 9. There is one scheduled caste member for 5 Panchas and 2 for more than five. The Sarpanch is elected by the Panchas.

#### Powers in Village Management

The functions of the Panchayats are primarily administrative. Panchayats have to arrange for sanitation, lighting of public places, cattle-ponds, relief of the poor, recreation and reading facilities, development of agriculture and village industries, laying out new roads and maintenance of culverts and bridges. Panchayats have also powers to pass general orders to regulate or prohibit the use of water of a well or pond, the steeping of hemp within 220 yards of the abadi in the village, dyeing or tanning within 440 yards of the abadi, etc.

Panchayats have been empowered to provide for establishment, maintenance and management of maternity and child welfare centres, first aid centres and provide famine relief and educational facilities.

Panchayats can impose a fine up to Rs. 25 on any person for defying its orders. A Panchayat can introduce prohibition by at least two-third votes.

#### Sources of Revenue

The main sources of revenue are grants from Government and local bodies and fines, fees and taxes collected by the Panchayats. All the collections received in fines and fees under the Panchayat Act of 1952 and 10 per cent of the Land Revenue aid by the Government to the Gram Panchayat area are credited to the Panchayat Fund.

The imposition of a house tax is obligatory on the Panchayats. If the Panchayat does not impose it, Government may take steps to impose it.

By the special permission of the Director of Panchayats, a special tax on all adult members in the village for the construction of any public work of general utility can be levied. Government gives Rs. 10,000 to the Panchayats every year for the expansion of libraries in the villages.

## NYAYA PANCHAYATS

### How Constituted

The Gram Panchayat acts as a Nyaya Panchayat also. Panchas who work on the executive side also act in the Judicial Panchayat. There is no separate institution of judicial functions. Government has the authority to enhance the powers of the members of a group of Panchayats. In this case Panchayat members elect by direct voting 5 Adalati Panchas and they form a Panchayat Adalat. So far no Adalats have been formed.

### Powers

Gram Panchayats acting as Nyaya Panchayats exercise judicial function, both civil and criminal.

In civil suits the pecuniary jurisdiction is fixed at Rs. 200. They can also try offences under some sections of the I.P.C., *e.g.*, 323, 379, 411, 426 and 427 and offences under the Vaccination Act, Cattle Trespass Act, Indian Forest Act, etc. No Panchayat can try a public servant under any section of the I.P.C. Panchayats on conviction can sentence the accused to a fine not exceeding Rs. 100.

### Report on the Working of Panchayats

Panchayats have collected Rs. 5,00,000 for sanitation and deposited Rs. 1,28,735 towards the National Savings Drive. They have organised Farmers' clubs, started 595 libraries during last year, constructed and repaired 592 schools, executed many public utility schemes and taken the Grow More Food campaign with great enthusiasm. A remarkable feature was the participation by Panchayats in anti-locust operations. In the judicial field Gram Panchayats have reduced the burden on courts. In 1951-52, compromises were effected in 63.2% of the criminal cases against 63% in the previous year and 64% in 1949-50. Likewise, 54% of the civil and revenue cases were compromised in 1950-51 and 1951-52 against 53% in 1949-50.

Decisions taken by Panchayats are liable for cancellation or modification by the courts. Some serious differences have also been noticed in cases decided by Gram Panchayats. But action is taken in such cases. Things can very much improve by getting men of integrity elected to Panchayats. This can be done if wide powers are given to the inspecting staff for removing Panchas who have been found to take sides. But, in the ultimate analysis, the real sanction against Panchayats doing injustice is public opinion. The provision for transfer of cases from one Panchayat to another are salutary and so are the provisions relating to revisions and appeals.

The main handicap of the Panchayats is their poor financial position. Ten per cent of the Land Revenue and Government grants are not adequate for their requirements. But Panchayats are doing good work. They are proving to be rural municipalities. There is much enthusiasm



among the masses for contributing their share in village development in the form of voluntary labour.

### **Other Aspects**

There is a separate Panchayat department in the State. The Government has powers to supersede a Panchayat and establish another one in its place. There are District Boards in the rural areas and there is every co-operation with Panchayats. Functions of the District Boards may be delegated to Panchayats, but in this case funds necessary for the performance of the duties so delegated should be placed by the District Board at the disposal of the Panchayats.

To promote adult education, Panchayats can pay some honoraria to a teacher and provide equipment for an improvised school.

To solve land problem cooperative village management is recommended, and Panchayats should become the agency for land management and land reforms.

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## **BIHAR**

The total number of villages in the State is 71,318. There are two kinds of Panchayats, official and unofficial. 4,087 official Panchayats cover 20,500 villages, and 2,063 unofficial Panchayats cover 6,200 villages.

The first legislation, *viz.*, the Bihar & Orissa Local Self-Government Act was passed in 1885. The Bihar Panchayat Act was passed in 1947. Some major amendments are proposed in the Bihar Panchayat Raj Act of 1947.

### **VILLAGE PANCHAYATS**

#### **How Constituted**

Panchayats are formed for a village or group of villages with a population of 4,000 in the Northern and Southern districts and 2,500 in the Chota Nagpur region. Previously the unit was a population of 1,000.

A selective method is followed in the establishment of Gram Panchayats. A number of small villages voluntarily group together to constitute an unofficial Panchayat. The *Mukhiya* or President of such a Panchayat is elected without contest. If there is good response from the people the Panchayat is made an official one. It has been decided to integrate the Revenue and Panchayat administrations. The Panchayats will have to be co-extensive with the jurisdiction of Halkas of the Revenue Department.

Panchas are elected by secret ballot based on adult franchise. A Panchayat consists of many villages. There is proportionate representation on population basis to ensure due representation to all the units.

The *Mukhiya* is the head of the executive. He nominates his executive Committee. The number varies between 7 and 15 according to the size of the population of a Panchayat.

In accordance with the recommendations of the Planning Commission there is a proposal to introduce the system of nominating at least one-fifth of the members of the executive committee.

### **Powers in Village Management**

Compulsory duties of a Gram Panchayat comprise of sanitation and conservancy, medical relief, supply of water and cleansing of the sources of water, upkeep of village roads, communications and irrigation works, and control and prevention of epidemics.

The discretionary functions are : street lighting, primary education; planting trees ; improving the breed of cattle ; construction and repair of wells, ponds and tanks ; introduction of cooperative farming ; maternity and child welfare ; organising recreational and social functions and regulating dangerous trades and practices.

Panchayats are expected to coordinate the work of the nation-building departments. They are responsible for local security and can organise a Village Volunteer Force. They can also levy taxes. The Executive Committee can fine anyone disobeying its orders.

### **Sources of Revenue**

Gram Panchayats have independent powers of taxation.

Two kinds of compulsory taxes can be levied by them : (1) A Labour Tax with a minimum of 12 units of manual labour equivalent to 48 work-hours, and (2) Property Tax. It can be imposed according to capacity on the valuation of property.

Certain supplementary taxes like a tax on professional businessmen ; a tax on vehicles and pack animals, fees on goods for sale and a tax on professions and callings can also be levied. Besides, service taxes like water-rate, lighting rate, latrine tax, drainage fee and pilgrim tax can also be charged.

In the initial stage Government gives a grant-in-aid of Rs. 50 to every Panchayat.

Service taxes have not been imposed in any Gram Panchayat. Supplementary taxes fetch a nominal income and property tax has not been imposed to any appreciable extent. Thus Panchayats derive very little income in cash.

## **NYAYA PANCHAYATS**

### **How Constituted**

Every Gram Panchayat has a separate Nyaya Panchayat known as the "Gram Kutchery". There are 3,813 Gram Kutcheries in the State. 15 Panchas are elected by adult franchise and they form a panel. They elect the Sarpanch. The executive and judicial functions are completely separate. No person can be member of the executive committee and Panch at the same time. In certain respects the *Mukhiya* is subordinate to the Sarpanch. The *Mukhiya* is responsible for executing the orders of the Nyaya Panchayat. The term of office is three years.

### **Powers**

The Nyaya Panchayats try both civil and criminal cases. In case of theft their jurisdiction is limited to Rs. 50 and in civil cases upto

the value of Rs. 100 only with the written consent of both the parties. Their scope is very limited.

For each case a Bench is constituted. An appeal against the decision of the Bench can be made with the full Bench of the Kutchery. The decision of the full Bench is final and non-appealable. The endeavour of the Panchayats is to bring about amicable settlement.

In criminal cases the jurisdiction of the Gram Kutchery is concurrent with Police in the matter of cognizance, *e.g.* Sections 140, 151, 153, 160, 290, 294, 403, 411, 426, 428, of the I.P.C. This leads to occasional conflict between the Panchayats and Police. This can be overcome if Sec. 154 of the I.P.C. is amended so as to make some of these offences cognizable only by a Bench of the Gram Kutchery.

Gram Kutchery can issue a warrant of arrest if a person fails to appear before it. It can also take a surety from such a person.

### **Report on the Working of Panchayats**

Village Panchayats have been instrumental in improving sanitation, village communications, drinking water supply, public health, agriculture, education, irrigation, etc. In Gaya, Panchayats collected grain for the relief of the distressed. Nearly 4½ lakh people were vaccinated through Panchayats. Panchayats have helped in checking crimes.

Nyaya Panchayats disposed of 4,387 civil and 17,262 criminal suits upto the end of 1952. In the same year 77 per cent cases were amicably settled in Gram Kutcheries. In 1952-53 the figure increased to 78.5 per cent. There have been no reports about the decision of Gram Kutchery being influenced by group rivalry. But there is a tendency to award severe punishment even in petty offences. This is specially marked in tribal areas.

### **Other Aspects**

Theoretically, Gram Panchayat is expected to coordinate the activities of all the nation-building departments, but this has not been achieved except in the Community Project Areas and in four National Extension Service Blocks.

The District Magistrate, the District Judge and the Sub-Divisional Magistrate have powers to inspect the judicial records of the Kutchery. Similarly a gazetted officer or Chairman of the District Board can inspect the office of the Gram Panchayat. In each district there is a Panchayat Officer.

According to the Act, District Boards shall appoint a Gram Panchayat Committee and delegate some powers to the Panchayats. But the District Boards have not delegated any of their functions to the Panchayats.

As the number of Gram Panchayats is rapidly increasing, the skeleton supervisory staff is not able to cope with the work.

To augment the financial resources of Panchayats it is proposed to impose a surcharge on land revenue and to entrust Panchayats with the collection of rent and pay a suitable Commission for the work. It is also

proposed that Gram Panchayat should work as Village Production Councils as envisaged by the Planning Commission.

## WEST BENGAL

There are 35,603 villages in the State. Of this 477 have been covered by Panchayats set up by executive orders of the Government.

So far there has been no legislation on the subject of Panchayats.

### VILLAGE PANCHAYATS

#### How Constituted

At present Panchayats are formed in villages or a group of villages with a population between 600 and 1,000. Panches are elected at a general meeting of voters by show of hands. These elections are based on adult franchise. There is no provision for nomination. The President is elected by the Panchayat Board. There is no Executive Officer of the existing Panchayats.

#### Powers in Village Management

In the absence of Panchayat legislation the existing Panchayats set-up in West Bengal by executive orders of the Government have no statutory powers. Within their limited resources Panchayats have undertaken improvement of village communication, village water supply, jungle clearance, education, etc.

#### Sources of Revenue

As there is no legislation, Panchayats cannot levy taxes and have no other source of revenue except Government grants. At present Government gives an initial grant of Rs. 140. This has been augmented by Panchayats through voluntary contribution by the people both in the shape of money and labour. Of this amount Rs. 100 is for rural welfare schemes, Rs. 20 for election expenses and Rs. 20 for stationery and contingent expenses.

#### Other Aspects

As Panchayats are not statutory, Government do not exercise any control over sanctions of expenditure from their revenue on account of welfare schemes. The Local Self-Government Department of the Government looks after the existing Panchayats and the District Magistrate ensures that election of Panchayat members and presidents are held according to executive orders of the Government. He further sees to it that accounts of the Government grants and the public contributions are maintained properly and that the money is duly spent towards rural welfare schemes drawn up by the Panchayats. It is not possible to coordinate the welfare activities of the Panchayats with corresponding departments of Government as, besides the initial grant of Rs. 100 for rural welfare schemes, no recurring grant is paid to the Panchayats. Whatever works the Panchayats do in their areas are done with the help of the contribution of the local people and as such it is not desirable for Government to interfere in such matters.

As the Panchayats are not statutory bodies, the question of coordination of their functions and activities with other organs of local self-government does not arise.

## ORISSA

There are 48,398 villages. So far 28,427 villages have been covered by Panchayats.

First legislation was passed in 1885 and is known as the Bihar & Orissa Local Self-Government Act. But Panchayats were established under the Orissa Gram Panchayats Act, 1948.

### VILLAGE PANCHAYATS

#### **How Constituted**

Gram Panchayats are established in compact, selected areas with a population ranging from 5,000 to 10,000. At first the limit was 2,000, but it was realised that a real economic unit would require a bigger population. All Panchayats are formed on the basis of adult suffrage. Members are elected by secret ballot. The District Magistrate determines area of a Panchayat and the number of members it is to send. There is adequate provision for representation of minorities or scheduled castes. There is no provision for nomination. The Sarpanch is elected by the Panches and not by the whole electorate. The Gram Sabha is a permanent body and membership is lifetime. The Sabha elects members to both Gram Panchayat and Panchayat Adalats.

#### **Powers in Village Management**

Obligatory functions include medical relief, sanitation and conservancy, primary education, establishment, management and care of common grazing grounds, maintenance of village roads, water supply and construction and control of new buildings.

Discretionary functions relate to afforestation, veterinary and medical facilities, famine relief, organising gram sewaks, maintaining libraries, etc.

Panchayats have control on all public streets and waterways. They can undertake small irrigation works. They can acquire land for its own purposes. It can also levy a compulsory labour tax on all able-bodied adults.

#### **Sources of Revenue**

Certain sources of income have been diverted in favour of Gram Panchayats. Gram Panchayats can levy a tax on owner and occupier of immovable property, levy a license fee on brokers, commission agents, weighmen and measurers in the local area of the Panchayat. Fees can be levied on the slaughter houses, tax on profession, trade or calling.

A grant-in-aid of Rs. 150 is initially sanctioned by Government. A grant for maintenance-of sanitation staff is provided every year. All fees, fines and penalties realised under the Act shall be credited to the Gram Sabha Fund.

Rent on fisheries can be used by Panchayats. Panchayat lands can be leased out on bhag (crop-share) basis. Grain Golas have been established in many Panchayats. They provide rural credit and supply improved seeds to the agriculturist at 25% of interest payable in kind. This augments the resources of the Panchayats.

## NYAYA PANCHAYATS

### How Constituted

Each Gram Sabha elects three adult members to act-as Panchas in the Adalati Panchayat. There is one Adalati Panchayat for a number of villages. The elected members form a panel out of which three Panchas form a Bench. In each Panchayat there shall be one Panch who lives in the local area of the Gram Sabha in which any one of the parties to the suit before the Adalati Panchayat resides and one Panch who lives in the area in which none of the parties reside. The Adalat has no relation with the Gram Sabha. Adalats are not to be introduced intensively. Panchayati Adalats have reduced litigation. It is expected to achieve greater results with wider experience and better organisation.

### Powers

In criminal cases coming under their jurisdiction there can be no appeal, but the Sub-Divisional Officer has powers of revision which is final. Powers of some Adalats are enhanced to try sections 411, 379 and 526 of the Indian Penal Code. In case both parties agree, Adalats can act as arbitrators. In case of division of opinion, the decision of the majority prevails. There is no appeal in criminal cases against the decision of the Adalat. But the Sub-Divisional Magistrate has powers of revision.

### Other Aspects

It is felt that membership of the Panchayati Adalat should be restricted to people over 40 years in age. The District Magistrate has over-all control on Gram Panchayats. He exercises general powers of inspection, supervision and control over the duties of the Panchayats. There is no separate Panchayat Department. The Revenue Department is in charge of Gram Panchayats.

The new pattern of decentralised Local Self-Government is the Anchal Shasan with the establishment of which the District Boards will be abolished. The Anchal Shasans will have statutory control in respect of certain matters, such as management of markets, rest houses, *sarais* and other public institutions. The Gram Panchayat shall derive one-third of local cess levied in the area from the Anchal Shasan. The Anchal Shasan Scheme has been formulated on the basis of the recommendation of the Orissa Land Revenue and Land Tenure Committee. The Anchal Shasan can sanction grants-in-aid for medical and educational institutions under the Panchayat. So far the Anchal Shasan Bill has not been passed.

The Anchal Shasan Scheme envisages to bridge the gulf between the public and public servant in the Panchayat area. Here the Anchal Shasan executive officer will take the place of Sub-Divisional Officer and Registrar of Cooperative Societies for supervision and control of Panchayats.

In determining the National Extension Blocks in Orissa, Gram Panchayats have been taken as the units. Ten Panchayats in a compact area form a block.

Some enthusiastic Panchayats have, in the real sense of the term, proved instrumental in improving the conditions of the villages in matters of education, public health, communications and other welfare activities of the people.

## A S S A M

The total number of villages in the State is 25,327. Of these 3,663 have been covered by Panchayats.

The Assam Rural Panchayat Act, 1948 was passed in 1948. This was amended under the Assam Rural Panchayat Amendment Act of 1952.

### VILLAGE PANCHAYATS

There are primary Panchayats and Rural Panchayats. Every Primary Panchayat is composed of all adults in its area. Membership is life-time. All elections are held on the joint electorate system based on adult suffrage. The term of office is three years and one-third of the members retire annually by drawing of lots. Each Primary Panchayat elects one representative for every 500 voters. No person can be a member of more than one Primary Panchayat.

Rural Panchayats are formed for a population of 20,000 to 25,000 people. Each Rural Panchayat is divided into not more than five Primary Panchayats. Panchayats are formed "Mouzawise". The object is to make the Panchayat an economically self-sufficient unit. There is no provision for nomination. Rural Panchayats elect a President. An executive council helps him. There are no Panchayats in the hill areas.

### **Powers in Village Management**

Panchayats are expected to improve the condition of villages in matters of communication, education, public health, development of cooperative movement and other welfare activities.

The functions of Panchayats include cleansing and lighting of streets, sanitation and conservancy of the Panchayat area, taking of curative and preventive measures in times of epidemics, construction, maintenance and repair of public wells, tanks, etc., maintenance of records relating to population census, improvement of communications and drains, maintaining a Village Volunteer Force for watch and ward, remodelling of the village with proper sanction, prevention of fragmentation of holdings, promotion of Cottage Industries and maintaining a trading organisation. Planting of trees, regulation of melas and 'hats', legal and persuasive measures to prevent child marriages, popularization of village sports and other public health measures can also be undertaken by Panchayats. Every Primary Panchayat is to maintain a marriage register. Panchayats may enter into contract for collecting local taxes.

### **Sources of Revenue**

The Assam Government has a fund known as the Assam Rural Development Fund. There will also be a fund at sub-divisional level. An equitable allotment of money is made to Panchayats from the sub-divisional fund. Every Panchayat also has a Panchayat Fund. This will be composed of taxes, fees and cesses levied for the filing of suits and criminal cases before the Panchayati Adalats, Fines, costs on account of execution of works recovered, contributions from Government or other sources and the sale proceeds of property vested in it are credited to the Panchayat Fund. Panchayats can levy a tax on land revenue at the rate of one anna per rupee, a tax on uncultivated cultivable land, buildings, marriage, health, water-rate and vehicles. Panchayats can also levy a

labour tax on all adult male members of village. Panchayats may control all waste lands and public fisheries within their jurisdiction and utilize revenues received from them. The sale proceeds of all dust, dirt, dung or refuse collected by its employees and gifts and loans received are credited to the Panchayat Fund.

## **NYAYA PANCHAYATS**

### **How Constituted**

There are no Nyaya Panchayats but there is provision in the Act for establishing Panchayati Adalats. These Adalats will be independent of the rural Panchayats. The Panchayat Enquiry Committee has suggested that members of the Adalat should be appointed by the Government.

### **Powers**

Panchayati Adalats can try some criminal cases under specified sections of the I.P.C. Offences under the Cattle Trespass Act of 1871, and other offences made cognizable by the Court can also be tried. The law courts are not to take cognizance of offences coming within the jurisdiction of the Panchayats. Fines not exceeding Rs. 250/- can be imposed by the Adalat but no imprisonment can be awarded. They can also award compensation if the accused has been wrongfully implicated in a case. The Adalat cannot revise or alter the judgement once it has been passed. There is no appeal but the Sessions Judge can set aside the conviction of the Panchayati Adalat if he is satisfied that the said court has misappropriated its powers. A legal representative can appear before the Adalat if one of the parties to the suit dies during the pendency of the suit.

### **Other Aspects**

Panchayats are placed under the supervision and control of the District and Sub-Divisional administrative and revenue heads. The Rural Development Board coordinates the activities of Panchayats in regard to public health, education, etc. There is no separate Panchayat Department in the State. At the District and Sub-divisional level, there are Development Officers in the plains for general supervision and for checking the activities of the Panchayats. The Government have full powers of superseding a Panchayat. There is a Local Board for each Sub-division. The Rural Panchayats and Local Boards pursue the same objectives. There is a provision for joint committees of these two local bodies for any particular object.

The Panchayat Enquiry Committee recommended that the subsidy given by the Government for development purposes should not be discontinued after five years, as provided in the Act. This is essential till such time that the Panchayats become financially self-sufficient through taxation. The Committee has also recommended that the present area of Rural Panchayats should be reduced. At present it extends to several primary Panchayats spreading over very big areas, sometimes comprising an area of 30 to 40 square miles. A Rural Panchayat should not have less than 5 and more than 15 Primary Panchayats. In regard to the Panchayati Adalat, the Committee is of the opinion that these powers should be given with great caution. The members of the Adalat should be appointed by Government and not elected as provided under the Act. The life of Rural and Primary Panchayats should be raised from 3 to 5 years.

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**PART 'B' STATES****HYDERABAD**

There are 21,497 revenue villages in the State. So far Panchayats have been formed in 1,020 villages. They cover a population of nearly 25 lakhs.

The first legislation on the subject was passed in 1351 Fasli (1944). The second legislation was passed in 1951 and is known as the Hyderabad Village Panchayat Act (VIII) of 1951. This was amended by the Hyderabad Village Panchayat (Amendment) Act of 1952.

**VILLAGE PANCHAYATS****How Constituted**

Panchayats are formed on the basis of one for each village. But villages can also be grouped for this purpose. For establishing a Panchayat each such unit should have a population between 1,000 and 5,000. For purposes of election, the village can be divided into constituencies. These may be single or double member constituencies. The number of Panchas varies between 6 and 12. This is determined by the District Magistrate. Of these 2 or 3 members are nominated by the District Magistrate and the rest are elected. At least one seat is reserved for Scheduled Caste members. Elections are conducted by secret ballot.

**Powers in Village Management**

The obligatory functions of Panchayats include construction, repair and maintenance of public roads, footpaths, culverts, bridges and drains; regulation of construction of new buildings; sanitation and conservancy; preservation and improvement of public health; control of property vested in the Panchayats; conversion of step-wells into draw wells; supply of water for domestic and village purposes; the removal of rubbish heaps and filling of insanitary pits.

The discretionary functions comprise: providing relief for travellers; relief of the poor and the sick; extension of village sites; planting of trees; control of cattle-stands and grazing grounds; development of education, agriculture, co-operation, rural industries and trade; purchase and maintenance of stud bulls; street lighting; sinking and repairing of wells for the supply of drinking water; registration of births and deaths; promotion of agriculture on cooperative basis; promotion of cottage industries and organising a watch and ward force for the village.

Panchayats may also undertake construction of houses for their servants; preparation of compost manure and pits for it; regulating, checking and abating of offensive trades or practices dangerous to the public and promotion of social and moral welfare.

Public health and education are not placed directly under the Panchayat.

### **Sources of Revenue**

The main source of revenue are taxes, fees and grants from Government and other bodies. They can levy a tax on the capital value of buildings with a minimum of 4/- and maximum of Rs. 5 annually; tax on callings, trades and professions, the maximum being Rs. 10 annually; fees for cart-stands and for cleansing private latrines; a tax on the sale of goods; a vehicle tax; a pilgrim tax; a general water-rate; a tax on public entertainment and a tax on the transfer of immovable property.

Non-tax revenues include grants-in-aid from Government equal to 15 per cent of the land revenue of a Panchayat village; loans from District Boards equal to 1/3 of the local cess of a Panchayat village. Fines can be levied for contravention of rules, and fees for license of hotels and on the construction of buildings. No tax or fee can be levied if it is not supported by two-thirds majority of the members of the Panchayat.

The Panchayat may commute a tax into a contribution of labour

## **NYAYA PANCHAYATS**

### **How Constituted**

According to the Hyderabad Village Panchayats Act, 1951, each Nyaya Panchayat shall consist of not less than three and not more than 6 Panchas. Panches are selected by the Collector from among the Panchas of the Village Panchayat. Their term of office is co-existent with the term of the Panchas of the Village Panchayat. The Sarpanch is elected by the Panchas. The Executive Officer of a Panchayat is appointed by the Deputy Collector.

### **Powers**

Nyaya Panchayats can try suits for money dues on contract, not exceeding in value Rs. 100; suits for compensation for wrongfully taking and injuring movable property; suits for recovery of movable property, and suits for mischief and thefts carrying a damage of Rs. 20. Criminal cases under sections 269, 277, 283, 323, 352, 358, 426, 447, 448, 461, etc. of the I.P.C. can also be tried by them.

They can impose a fine not exceeding Rs. 25 and can award compensation to the accused if he is wrongfully implicated in a case. No lawyer can appear before a Nyaya Panchayat. They cannot revise or alter their decision. Appeal against the decision of the Nyaya Panchayat lies with the District Court in a decree and with the District Magistrate against an order of the Panchayat in a case. The order of the revisional authority is final.

### **Report on the Working of Panchayats**

Some resourceful Panchayats have undertaken to construct feeder roads. Others have contributed their bit for the building of primary and middle schools. Some have repaired drains and wells have been deepened. A lot of work has been done in the field of sanitation with

a very small staff. Panchayats have also arranged for promoting literacy among the adults.

Although a decade has elapsed since the commencement of the Panchayat Movement in the State, so far they have not been able to discharge their responsibilities fully or in a satisfactory manner. They have been unable to expand their revenues to any appreciable extent and have, therefore, found it difficult even to maintain the existing level of services. Social organisations can do a good deal to create an atmosphere which would dispel the fear of unpopularity that stands in the way of collection of funds by the Village Panchayats. Social service and other organisations should provide a Panchayat with full information pertaining to all phases of social and economic life of the people. The unused time, energy and skill of the people should be diverted to essential fields of social and economic activity.

A good number of jobless people could be enrolled to work on maintenance allowance basis. So far 670 Panchayats have levied house and profession taxes and charged fees for the use of market sites. A few of the Panchayats have imposed entertainment, vehicle and animal taxes.

### **Other Aspects**

The collector has overall powers of supervision of Panchayats. In cases of emergency he may entrust to them the performance of some specific duties.

The Village Officers (*Patels* and *Patwaris*) are not directly associated with a Village Panchayat. Their services may, however, be utilised by a Panchayat for collection of arrears of taxes. A remuneration at 3 per cent may be paid to him for this work.

There is no separate Panchayat Department in the State. Full administrative authority is wielded by the Local Government Department. The supervision of Panchayats is done through the Special Officers of the Panchayats. But the present staff is rather inadequate. An Inspector has under his jurisdiction 70 Panchayats. Panchayats, being recent in origin, cannot depend on their own finances. They have to depend more on Government grants. Suitable sub-committees may be formed for carrying out the work of Panchayats. There is scope for creation of joint committees to consider matters of common interest.

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## **SAURASHTRA**

There are 4,356 villages in Saurashtra. Out of this, 1,871 villages have been covered by 1,785 Panchayats.

The first legislation, the Saurashtra Gram Panchayat Act, was passed in 1949. Section 45 of the Act has been amended in 1950 and thereby the establishment of the Gram Panchayat Madhyastha Mandal effected. The Madhyastha Mandal is a statutory body and looks after the establishment, working and development of the Gram Panchayats in the State. A provision has also been made for the voluntary establishment of Panchayats.

## VILLAGE PANCHAYATS

### How Constituted

Generally the principle is to establish one Panchayat for one village, but with the unanimous consent of the people small villages may be grouped together. Panchas are elected on the basis of adult suffrage by show of hands by the entire village assembly. The number of members varies from 5 to 15. Their tenure of office is three years. Seats are reserved for the scheduled castes and women. Panchayats are not enforced by the State or the village but allowed to evolve themselves. The Sarpanch is elected by the entire electorate. The village is not divided into wards, as the intention of the Government is to keep up village community feeling.

There are at present three kinds of Panchayats in the State, *viz.*, A, B, and C. At first all Panchayats are C Class ones. They are entrusted with simple municipal and general functions. Limited judicial powers have also been entrusted to them. When a C Class Panchayat agrees to undertake the revenue collection work, it is promoted to B Class, and when it is found that a B Class Panchayat is working well it is promoted to A Class. A Class Panchayats have been entrusted with all the powers provided in the Act.

Panchayats existed in the former State of Bhavanagar even before its integration with Saurashtra. Under this system a Statutory Board was established at district level, and it had both official and non-official representatives. The system is working well. Plans formed at the Board level are received well because they represent the unanimous advice of the Government and representatives of the village bodies.

### Powers in Village Management

Panchayats are responsible for the promotion of collective life, religious and social harmony and organisation of village sports and other entertainments. They are also responsible for sanitation; public health; preservation of morality; development of education and culture; improvement in live-stock; opening of primary schools; libraries; holding of group discussions; development of village industries; maintenance of a register of births and deaths; general upkeep of public works like village roads, streets, tanks, wells, etc., and organisation of a Village Volunteer Force. Panchayats can also make rules and bye-laws and grant remission in land revenue in case of an emergency.

All C Class Panchayats have at first merely municipal functions. After the period of probation is over, they are given powers of revenue recovery and promoted to B Class. If it works well they are also granted some judicial powers. Panchayats in the State lend Taccavi to villagers on behalf of the Government and also recover it.

### Sources of Revenue

The main sources of revenue of Panchayats are taxes, fees and fines levied by the Panchayat and grants from the Government or other institutions. Panchayats get a grant from the land revenue collected in the previous year. This amounts to 17½ per cent in the case of C Class Panchayats, 25 per cent in the case of B Class, and 33½ per cent in the

rural security, including organisation of village guards and other associations for the maintenance of village morale and safety; organisation, supervision and control of rural development or multi-purpose cooperative societies.

### **Sources of Revenue**

The sources of revenue of Panchayats are fees, fines, taxes and government grants.

The Government gives to Panchayats an amount equal to 12½ per cent of the net Land Revenue collected in the State. Besides, Panchayats can levy taxes on houses, shops, places of trade or business, vacant sites, carts kept in the village and taxes on professions, shandies, fairs and festivals. They can also impose a Village Improvement Tax, which can be commuted in labour. Such a tax shall not be less than Rs. 6 and more than Rs. 10 per family per annum. The present grants are given for specific development works and for the establishment, audit and supervision of Panchayats.

There are no Nyaya Panchayats in the State as they have no judicial powers under the Act.

### **Other Aspects**

The existing sources of income are inadequate even for meeting their obligatory duties. If proper grouping of Panchayats is made, and if the groups are made economically viable units, Panchayats can provide better amenities to the village community and can augment its sources of income.

A portion of the Health Cess should be given to them. If the house list of villages is revised, Panchayats may be able to increase their finances. Besides, aid for meeting certain recurring costs and at least half the cost of the pay of Secretaries of Panchayats should be met by Government. The supervisory arrangements at District level will have to be made by appointing an officer. At present the audit system is very inefficient. The scheme of Local Development Works inaugurated by the Planning Commission should be extended. Instead of local effort we may substitute Village Panchayat contribution. If development works under the Five-Year Plan are to succeed, it is necessary to evoke popular support and cooperation at the village level and coordinate development activities of the Village Panchayats and the District Boards. In all our Planning efforts, it is necessary to prepare a development programme in terms of regions determined by physical, economic and administrative considerations. Therefore, District Plans should be adopted and adjusted to local and regional needs. To achieve this, coordination of several local bodies at the village and taluk level is absolutely necessary. It is suggested that presidents of the Village Panchayats should represent the village units in the District and Taluk Boards.

Members of Taluk Board should be elected from among the members of the Village Panchayats and members of District Boards elected by members of the Taluk Boards.

In the next Five-Year Plan, Panchayats should be centres of agricultural development, rural housing schemes, development of cottage industries and social services.

So far elections to the Panchayats have not been held. The Government is not in favour of entrusting Panchayats with any judicial functions.

## **MADHYA BHARAT**

There are 21,900 villages in the State. Practically all of them have been covered by Panchayats.

First legislation on the subject, the Madhya Bharat Panchayat Act, was passed in 1949. This was amended first in 1950, then in 1951 and again in 1953.

### **VILLAGE PANCHAYATS**

#### **How Constituted**

There are three grades of Panchayats in the State. Ordinarily there is a Panchayat for every village with a population of 1,000. Smaller villages have been grouped together. There is a Kendra Panchayat for every Revenue Inspector's Circle. There is also a Nyaya Panchayat for this area. For every district there is a Mandal Panchayat.

Elections for the Panchayat are held on the basis of adult franchise by show of hands at a general meeting of the voters. Members of the Kendra Panchayat are elected from among the Panchas of the Gram Panchayat. The Mandal Panchayat consists only of the Sarpanchas of the Kendra Panchayats. Elections to the Kendra and Nyaya Panchayats are held by secret ballot.

The Sarpanch of the Gram Panchayat is elected by the Panchas. The Sarpanch of the Kendra Panchayat is elected by the Panchas of the Gram Panchayats. The Sarpanch of the Mandal Panchayat is elected by the Panchas of the Kendra Panchayats.

#### **Powers in Village Management**

The functions of the three Panchayats are also graded into three classes.

The obligatory functions of Gram Panchayats include construction, repair and maintenance of village roads, and roads coming under the jurisdiction of Kendra and Mandal Panchayats; sanitation; destruction of wild animals; prevention and control of epidemics and upkeep of the sources of water supply. The discretionary functions include construction and maintenance of village rest houses; planting of trees; street lighting; slaughter houses; construction and maintenance of public latrines; preparation of compost and undertaking other public health and welfare activities.

The obligatory functions of Kendra Panchayats include arrangements for adult education; management of cattle pounds; development of agriculture; effecting improvement of the breed of cattle; development of cottage industries; maintenance of a register of deaths, births and marriages; animal census; organisation of a watch and ward service for its area; control on the construction of new buildings and the repair of old ones; development of trade; preparation of schemes for the development of villages; assisting Gram Panchayats in their area and removal of their difficulties. Their discretionary functions are: helping the sick and the diseased; control

on harmful occupations; assisting Panchayats in getting loans from the Government and arranging for their distribution; popularising the use of improved seeds and arranging for them; disposal of unclaimed dead animals and undertaking other welfare works.

The obligatory functions of Mandal Panchayats include management of Government Hospitals and cattle pounds and the opening of new ones; organising exhibitions, fairs and melas; construction of roads for the benefit of people under their jurisdiction; providing famine relief and assistance in any other calamity; medical aid and adoption of preventive measures in times of epidemics; vaccination against diseases; preparing plans for the development of agriculture, commerce and industry; assisting and encouraging Kendra Panchayats; supervision and inspection of the work of Kendra Panchayats; collection of vital statistics and undertaking developmental works in cooperation with other Mandal Panchayats. Their discretionary functions include arrangement for the segregation of persons suffering from contagious diseases; and opening of homes for the maintenance of the aged and the disabled; establishment of maternity centres and undertaking other welfare works.

### **Sources of Revenue**

The main sources of revenue are compulsory and discretionary taxes and Government grants.

The compulsory taxes of a Gram Panchayat consist of a land tax at the rate of half anna per rupee; house tax on those who pay a land tax but its value is lower than that of the assessment of the house tax; labour tax on all adults, which should not be less than five work-days in a year. The optional taxes comprise of fees on vehicles that are plied on hire; fees for the sale of goods within the Panchayat area; fees on rest houses, slaughter houses, etc.; water-rate; tax on pack animals; lighting rate; drainage fees; tax on trades, callings and professions, *e.g.*, brokers, and a tax on public entertainments like cinemas, circus, etc.

These taxes are divided among the Gram, Kendra and Mandal Panchayats. Taxes levied by the Mandal cannot be levied by the Kendra or Gram Panchayat. If a tax has first been levied by the Gram Panchayat and later by either the Kendra or Mandal, the tax levied by the Gram Panchayat lapses.

Government aid is equal to the amount received from the land tax. Land tax is divided equally into three parts. One part is given to each of the Gram, Kendra and Mandal Panchayat. If an optional tax is levied by the Gram Panchayat, the entire proceeds go to it; if it is levied by the Kendra, the proceeds are divided between the Kendra and the Gram Panchayats. But if it is levied by the Mandal, it is distributed equally between the Mandal, Kendra and Gram Panchayats.

## **NYAYA PANCHAYATS**

### **How Constituted**

There is one Nyaya Panchayat for every Kendra Panchayat. The members are elected from among the members of the Gram Panchayat by secret ballot. But if a seat remains vacant even after the elections, it is filled by nomination. At present each Nyaya Panchayat has in its circle

nearly 18 villages. But the Government can grant the right to establish a Nyaya Panchayat to villages with a population exceeding 2,000. The number of members of a Nyaya Panchayat varies from 5- to 11. This is a distinct body and its tenure is one year. The Sarpanch of the Nyaya Panchayat is elected by the Panchas of the Gram Panchayats coming within the jurisdiction of the Kendra. At present the Nyaya Panchayats are elected every year. It is proposed that now their tenure should be increased to three years.

### **Powers**

Panchayats can try civil suits for money dues on contract, recovery of movable property, suits for compensation for wrongful implication in a case and criminal cases under sections 140, 160, 179, 277, 279, 283, 286, 290, 294, 341, 356, 374, 411, etc., of the I.P.C. If the value of the amount involved does not exceed Rs. 50, cases under sections 426, 428, 430, 447, 448, 504, 506, 509 and 510 of the I. P. C. can also be tried. They can impose a fine, but no imprisonment can be awarded. In case of division of opinion, the decision of the majority prevails. No legal practitioner can appear in a Nyaya Panchayat. The decision of the Nyaya Panchayat is final. There can be no appeal against its judgment but revision can be made by the District Magistrate or District Judge.

### **Report on the working of Panchayats**

On the whole Panchayats have been working satisfactorily. There is a proposal to amend the Act so that Gram Panchayats could establish a sub-committee which would work as the Village Development Committee. Nyaya Panchayats have been accused of slow action. It is reported that in some cases postponement resulted in the accused being kept in custody for three months at a time. But they have not been affected by group rivalry. It is proposed that the size of the Kendra should be reduced and powers for issuing bailable warrants, in case of persons evading to appear before the Nyaya Panchayat, should be granted to them.

### **Other Aspects**

Every Mandal Panchayat has an Administrative Officer and every Kendra Panchayat has a Secretary, who is an employee of the Panchayat. Panchayats can appoint a person upto the salary of Rs. 40 directly.

There is a common Department for Panchayats and Co-operation. In every district there is a District Development Officer. There are Inspectors in each circle who supervise and inspect the work of the Panchayats. The Government can supersede and suspend Panchayats if they are not working well. After supersession the Kendra Panchayat takes up the work of the superseded Panchayat. The Panchayat organisation in the State is on a zonal basis. The question of electing members of the Nyaya Panchayats from those of the Kendra Panchayats is being considered.

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## **TRAVANCORE - COCHIN**

Nyaya Panchayats existed in the Cochin State since 1915. They were called "Panchayat Courts", and were established by a law promulgated by the Maharaja. There was no Legislature in Cochin at that time. In 1941, the Government of Cochin appointed a Committee to enquire into and report on the working of the Panchayats as Courts. The



Committee reported that in order to improve the existing Panchayats, there should be two bodies in each village area *viz.* Panchayats attending to local administration and Village Courts attending to the decision of disputes between villagers. A new law was passed by the Legislature of Cochin in 1943 known as "The Village Courts Act." In 1950 an Act was passed to make the Cochin Act applicable to the entire Travancore-Cochin State.

## **VILLAGE PANCHAYATS**

### **How constituted**

Panchayats constituted under the 1915 system were nominated. Later it was provided that all except one or two members in each Panchayat should be elected in a meeting of the villagers. Nominations were made in the case of backward communities. The Enquiry Committee appointed by the Maharaja in 1941 recommended that the members of the Village Courts should be nominated by Government and not elected.

The term of office of elected members is three years. For purposes of election the area of the Panchayat is divided into wards.

### **Powers in Village Management**

The obligatory functions of Panchayats include construction, repair and maintenance of all roads, other than those under the Public Works Department, and of all bridges, culverts, road-dams and cause-ways on such roads; preservation of all poromboke paths, lanes and canals useful for purposes of communication; control of all cattle-grazing grounds and other communal porombokes; carrying out of petty irrigation works; sinking and repairing of wells; excavation, repair and maintenance of ponds or tanks for supply of water for drinking, washing and bathing purposes; construction of bathing ghats; lighting of all public roads and public places; construction of drains and the disposal of drainage water and sullage; cleaning of streets; the removal of rubbish heaps and jungle-growth; the filling in of disused wells, insanitary ponds, pools, ditches, pits or other hollows; and other improvements of the sanitary condition of the Panchayat area; provision for public latrines and arrangements to clean latrines, whether public or private; opening and maintenance of burial and burning grounds and taking preventive and remedial measures connected with epidemics, including vaccination.

The discretionary functions of Panchayats are planting and preservation of groves and road-side trees; opening and maintenance of public markets; control of fairs and festivals; control of offensive and dangerous trades; control of cattle-pounds; opening and maintenance of public landing places, halting places and cart-stands and public cattle-sheds; opening and maintenance of public slaughter-houses; registration of births and deaths; improvement of agriculture and agricultural stock by maintaining stud-bulls and prevention of cattle mortality; promotion of cooperative activities in the direction of cottage industries, distribution, marketing, etc; primary education; relief of the poor or the sick; opening and maintenance of reading rooms and libraries; restoration and improvement of minor irrigation works; control of rest-houses, camp-sheds and other institutions or property belonging to it or under its control; provision of community radio-services; maintenance of demonstration farms, stores of seeds and agricultural implements and manure depots; provision for medical aid.

midwifery service, etc; and other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the Panchayat area.

### **Sources of Revenue**

The Panchayats are given powers to raise their own funds by the imposition of a cess on lands and buildings. Government makes contribution to the funds of a Panchayat. They can also levy special rate known as the Panchayat rate. All the collections from the above taxes together with the receipts of the fines realised, income from or the sale proceeds of all properties vested in Panchayats are credited to a Panchayat Fund. A tax on profession, trade or calling varying from annas eight on a half yearly income of Rs. 150 to Rs. 125 may also be levied by them. Besides, a house-tax at 4 per cent of the net annual rental value of the house can be imposed.

### **NYAYA PANCHAYATS**

Under the Village Courts Act, 1950, for each village area, Government nominates a Village Court with five members, one of whom will be the President and another the Senior Judge. They are selected from among the villagers themselves and work in an honorary capacity. The suits cognizable by them are "claims for money dues on contract or for personal property or for the values of such property when the debt or demand does not exceed in amount or value the sum of Rs. 100, whether on balance of account or otherwise."

With the written consent of the parties a Village Court may hear and determine suits of the above nature, the amount or value of which shall not exceed Rs. 200. The rate of Court Fee payable is lower than in Civil Courts.

For the trial of a case a bench of three members is created. No legal practitioner is allowed to appear before a Panchayat Court. A Village Court may execute its decree either by arrest and detention of the debtor or by attachment or sale of movables belonging to the debtor. There is no appeal from the judgment of a Village Court but an aggrieved party may move the Village Court Registrar who has been invested with the powers of a Court of Revision over the Village Courts.

### **Other Aspects**

Village Courts have made petty litigation simpler. A class of professional agents attached to Village Courts has emerged in the State. Panchayats are now languishing for want of funds. There is a good deal of red-tapism, which hinders the activities of the Panchayat Courts.

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## **RAJASTHAN**

The total number of villages in Rajasthan is 32,040. Out of this 19,246 have been covered by Panchayats.

The first legislation on the subject was passed in 1953.

## VILLAGE PANCHAYATS

### How Constituted

Panchayats in Rajasthan are formed for a group of neighbouring villages with a population of 5,000. Elections are held on the basis of adult suffrage by show of hands. Panchayat circle is divided into wards and each ward returns one member. Representatives of Harijans can be nominated only if they are not elected by the people concerned. The Sarpanch is elected by the entire electorate of the village.

### Powers in Village Management

The obligatory functions of Panchayats include construction, repair and maintenance of public wells, tanks and ponds for the supply of water and public streets; sanitation; taking curative and preventive measures in epidemics; medical relief; upkeep, repair and protection of property vested in it; registration of births, deaths and marriages; regulation of places for the disposal of dead bodies of human beings and animals; management of common grazing ground; regulation of the construction of new buildings; assistance in the developemnt of agriculture, commerce and industry; maternity and child welfare; maintenance and construction of public latrines.

The discretionary functions of Panchayats include planting of trees; improvement in the breeds of cattle; filling in of insanitary pits; organisation of a Village Volunteer Force for watch and ward duties; development of cooperation and establishment of improved seed and implement stores; famine relief; extension and development of the abadi; relief against famine; promotion of goodwill and social harmony; maintenance of stud-bulls; relief of the destitute and the sick; promotion and encouragement of cottage industries; control of traffic on public streets and taking up any other work of public utility.

### Sources of Revenue

The sources of revenue of Panchayats are money realised from cattle pounds, income from court fees and fines imposed; sale of bones of dead animals and income from melas and cattle fairs.

Panchayats can levy the following taxes: a tax on the rent payable for use or occupation of agricultural land not exceeding half an anna in a rupee of such rent; a tax on rent received by any land-holder on account of the use or occupation of agricultural land not exceeding half an anna in a rupee of such rent; a tax on the assumed rental value of 'khudkasht' land; a tax on trades, callings or professions; entertainment tax; vehicle tax and a water-rate.

Government gives grants to Panchayats for carrying out public utility works, provided the responsibility of collecting half the amount of the total estimate of the work is taken by them. Not more than 40% of income can be spent on administrative matters.

## NYAYA PANCHAYATS

There are no separate Nyaya Panchayats in the State. The Gram Panchayats carry on the judicial functions also. It does not seem advisable from administrative or financial point of view to bifurcate the two func-

tions of Panchayats. The working of Gram Panchayats, specially in relation to their judicial functions, has been quite satisfactory.

### **Other Aspects**

There is a separate Panchayat Department in the State. The Chief Panchayat Officer works under the direct supervision and control of the Government in the Local Self-Government Department. The supervision and control of the activities of the Panchayats vests in this department. The Panchayat Department possesses powers of superseding a Panchayat. It is superseded only in case of incompetency, default or abuse of power. It is mandatory to hold re-election of such a Panchayat within six months of the supersession. The electoral college for the election to the District Boards will be the Panchas and Sarpanchas of the Village Panchayats. In order to secure the cooperation of the public effectively in contributing their own quota, a special tax on community service could be imposed as provided in the Act. All plans for the welfare of the rural people should be formulated in consultation with the Panchayats so that such plans may receive the fullest support of the people.

## **PEPSU**

There are 5,118 villages in the State. Of these, 4,474 have been covered by Panchayats. There are 1,008 Nagar and 214 Adalati Panchayats.

Panchayats were formed under the PEPSU Panchayat Raj Act, 1951. Panchayat Adalats started functioning on 28th July, 1953.

### **VILLAGE PANCHAYATS**

#### **How Constituted**

Nagar Panchayats are constituted on the basis of population, one for every group of 1,500 people. Thus a Panchayat may be established in a village or group of villages. The members are elected by show of hands at a general meeting of voters. Elections are held on the basis of adult suffrage. There can be no nominations. The number of members of Panchayats varies from 5 to 9. Every adult member residing in the area of a Nagar Panchayat is a member of the Nagar Sabha. Nagar Panchayat is its executive body. For administrative convenience the Nagar Panchayat may form sub-committees. The Sarpanch is elected by the entire electorate. Nominations for all offices, *viz.*, Nagar Panchayats or Panchayati Adalats have to be accompanied by fees.

A candidate for the office of Sarpanch has to pay Rs. 10 while a Panch of the Nagar Panchayat pays Rs. 5 and Nyaya Panchayat Rs. 10.

#### **Powers in Village Management**

Compulsory functions of Panchayats include maintenance, construction and repair of public roads, bridges, etc., cleansing of sources of water supply, drainage, sanitation, planting of trees, construction of buildings for public use, promotion of village industries, registration of deaths and births, street lighting; preventive and remedial measures against epidemics, organisation of a Village Volunteer Force for watch and ward; regulation of melas and markets, management of common grazing grounds and allotment of places for storing manure.

The discretionary functions include medical relief and child welfare; organisation and celebration of public festivals; promotion of agricultural credit; maintenance of stores for providing improved seeds, fertilisers, etc.; relief against famine; improving the breeds of cattle; primary education and promotion of cottage industries.

Panchayats can take up works designed to promote social, moral and material well-being of the people. They can make bye-laws and acquire land for their purposes. They can also collect taxes and fines and enter into contract with the Government for this purpose.

### **Sources of Revenue**

The sources of revenue of Panchayats are Government grants, fines, fees and taxes. They can levy a tax on trades, callings or professions, a health tax, a tax on the marriage of a male person; a tax on any person on the birth of his male child; a labour tax on all able-bodied males between the prescribed age limit and a duty on the transfer of property. It can sell all dust, dirt, dung or refuse including bodies of animals collected by the servants of the Panchayats.

All collections from fines, donations and Government grants are allocated to the Panchayats. All profits accruing from the collection of fines imposed by the Panchayati Adalat are equally distributed among the Nagar Panchayats.

The Government gives to Panchayats one-tenth of the land revenue collected from their areas.

## **NYAYA PANCHAYATS**

### **How Constituted**

Panchayati Adalats are formed for a group of villages with a total population of 7,500, or for a group of 4 to 5 Nagar Panchayats. Each Panchayat has five panches elected by the Nagar Sabhas. Each Nagar Sabha sends one representative. The Sarpanch is elected by the Panchas of the Adalat and is known as the Pradhan.

These Adalats enjoy civil, criminal and revenue powers.

There are two kinds of Adalats : Class I and Class II. At present all Adalats are Class II Adalats. The expenses of the Adalat are borne by the constituent Nagar Sabhas. The composition of the Panchayati Adalat is independent of the Nagar Panchayat. It is elected directly by the Nagar Sabha. But the functioning of the Nagar Panchayat and Panchayat Adalat is inter-connected. All cases have first to be referred to the Nagar Panchayat, which constitutes a conciliation Board, usually comprising the Sarpanch and two other Panchas. Failing conciliation, a certificate to this effect is issued within 30 days of the reference.

### **Powers**

All Class II Adalats can entertain civil suits of the value of Rs. 200 and revenue suits of the value of Rs.100. Class I Panchayats can try civil suits up to Rs. 500 and revenue suits upto Rs. 200. Criminal cases under Sections 172, 264-267, 277, 289, 291-294, 341, 352, 379, 411, 426, etc., of the I. P. C. may be tried by Class II Adalats. Class I Adalats can, in

addition, try cases under Sections 292, 270, 327, 417, 504 and 506. They can also try cases under Sec. 402 and 420, if the amount or property involved does not exceed Rs. 100. Class I Adalats can impose a fine not exceeding Rs. 200 or double the value of the loss caused by the accused. Class II Adalats can impose a maximum fine of Rs. 100.

Both Adalats can try cases for committing affray or any other act likely to endanger public health, negligent conduct, committing public nuisance, sale of obscene books, etc., voluntarily causing hurt, criminal trespass, house trespass, wilful maiming of animals, etc., upto the value of Rs. 50 and unlawful employment of a boy.

Class I Adalats, in addition, can try cases for criminal intimidation and breach of trust. Appeals against the Panchayat Adalat's decision can be made with the subordinate judge in civil suits and the Assistant Commissioner in revenue suits. A fee of Rs. 2 shall be charged for every such appeal. The Adalats can have a wider jurisdiction by agreement of both the parties.

### **Report on the working of Panchayats**

Panchayats have made their existence felt during their short life. Nagar Panchayats received 30,154 cases for conciliation. Of these, 22,684 were settled by them and only 4,714 were sent to the Nyaya Panchayats. Panchayats carry on their educational, public health and other activities in coordination with the corresponding Departments of the Government. They have made valuable contributions to development work in the form of labour and finances.

Panchayati Adalats have reduced litigation. Conciliation has proved of great assistance. It reduces rancour and bitterness. Of the 8,316 cases that came before the Adalats, 2,664 were decided and 3,000 conciliated. They have succeeded in minimizing the differences among different parties. There are no group alignments in Panchayati Adalats.

### **Other Aspects**

Panchayats are expected to improve the social and economic conditions of the rural areas and train rural people in democratic ways. They can play a vital part in the planning and execution of the development projects under the Five-Year Plan.

The provision of conciliation is novel to this State. It admits that conciliation must precede adjudication. But the conciliating authority must be different from the adjudicating authority.

There is a separate Panchayat Department in the State. Now the duties of the Assistant Panchayat Officers and Inspector of Cooperative Societies are being amalgamated. The Government has power of superseding a Panchayat. The District Magistrates, Illaqa Magistrates, Sub-Judges and Panchayat Officers supervise the working of Panchayats and Adalats in their various capacities. Some of them are appellate authorities and can intervene in their work.

**PART 'C' STATES****VINDHYA PRADESH**

There are 71,318 villages in the State. 1,032 of these have been covered by Village Panchayats. 600 Panchayats will be formed in 1954-55.

Panchayats were established under the Gram Panchayat Ordinance, 1949. This is the only legislation on the subject:

**VILLAGE PANCHAYATS****How Constituted**

Single village or a group of villages within a particular patwari circle are formed in one Gram Sabha area. Generally a village falling in one Patwari circle is not combined in a Gram Sabha of another Patwari circle. Panches are elected on the basis of adult suffrage at a general meeting of voters by show of hands. There is no provision for nomination of members. The number of Panches varies from 5 to 15. It is regulated by the population of the village. Their term of office is three years. The President or Sarpanch is elected by the entire electorate.

**Powers in Village Management**

The obligatory powers of Panchayats include construction, repair and maintenance of public streets; medical relief; sanitation; taking curative and preventive measures against epidemics; registration of deaths, births and marriages; removal of encroachments on public streets; regulation of places for disposal of dead bodies; establishment and maintenance of primary schools; construction, repair and maintenance of public wells and tanks; supply of water for drinking; assisting the development of agriculture, commerce and industry; rendering assistance in extinguishing fires; providing maternity and child welfare facilities and allotting places for storing manure.

The discretionary functions are planting trees; improving breeds of cattle; filling insanitary depressions; organising a Village Volunteer Corps for watch and ward; establishment and development of cooperative societies; assisting and advising agriculturists in obtaining loans and distribution of seeds and implements of improved varieties, etc.; giving famine relief; promotion of village sports; establishment and maintenance of reading rooms and undertaking any other work of public utility.

Panchayats can enter into contract with the Government and collect taxes or rents on behalf of the State. The costs of the Village Volunteer Force are to be paid from the Panchayat Revenues.

**Sources of Revenue**

Each village has a Panchayat Fund. All sums received in taxes, fees, fines, grants and donations are credited to this fund. All sums

received as rents from public property vested in Panchayats and receipts from the disposal of dust, dirt, dung or refuse, etc., are also credited to this fund.

Government granted Rs. 300 in 1952 and Rs. 120 in 1953 for each Panchayat. Panchayats can also borrow money from the State Government. Panchayats can levy a tax on the rent payable under the Tenancy Code; a tax on rent received by the Khewatdar on account of land, a tax upon the assumed rental value of Sir and Khudkasht, calculated in accordance with Land Revenue Code; a tax on trade, calling or profession (weighmen Rs.3, merchants Rs. 8 per year); a tax on buildings owned by persons who do not pay any of the above taxes and a tax of Rs. 3 per year from owners plying vehicles on hire. Panchayats can also levy a tax on business people earning Rs. 600 a year at a rate not exceeding nine pie in a rupee and half an anna per rupee between the incomes of Rs. 600 and 1,200 a year.

## **NYAYA PANCHAYATS**

### **How Constituted**

Nearly 3 to 5 Gram Sabhas are combined for the purpose of forming a Nyaya Panchayat. Each Sabha elects five members. This panel of 20 to 25 people elects Sarpanch. The term of office of the members of a Nyaya Panchayat is three years.

### **Powers**

Only limited powers are enjoyed by Nyaya Panchayats, hence they can try suits of smaller valuation. The value of money involved in civil suits is limited to Rs. 50. But in no case this amount is to exceed Rs. 100. Besides, Panchayats can try cases for other offences made cognizable by them and certain sections of the I.P.C., viz., 140, 160, 172, 179, 277, 279, 294, 334, 352, 356, 403, 411, 426, etc., and cases under the Cattle Tresspass Act. Panchayats have to perform police duties and can demand security from a man if any breach of peace is feared on his part. All revenue proceedings of the Panchayats can be revised. No Nyaya Panchayat can award imprisonment. No legal practitioner can appear in Panchayat courts, and a Panchayat cannot alter its judgement once it is passed. They can frame bye-laws for village welfare works.

### **Report on the working of Panchayats**

Panchayats have been responsible for making improvement in education, sanitation and public health and the development of cooperative movement. Their administration is likely to improve as more educated people come in them.

Nyaya Panchayats have resulted in quick dispensation of justice. No cases of group differences have appeared in Panchayats.

### **Other Aspects**

There is no separate Panchayat Department in the State. The Department of Local Bodies and Cooperative Societies looks after them. The Director of Civil Supplies is also the Director of Panchayats and Cooperatives. The Department has no powers of superseding Panchayats.

The educational, public health and other activities of the Panchayats are coordinated with the corresponding department of the Government



through the Gram Panchayat Officers, Gram Panchayat Inspector and Secretaries.

## HIMACHAL PRADESH

There are 14,125 villages in the State. So far 10,972 villages have been covered by 280 Panchayats. But it is expected that by the end of this year all the villages in the State would be covered by them.

The Himachal Pradesh Panchayat Raj Act was passed in 1952 and was amended in June 1953.

### VILLAGE PANCHAYATS

#### How Constituted

In a village or a group of villages comprising a population of 2,000, a Gram Sabha is formed. The basis is a Patwar Circle and this is guided by considerations of area, population, etc. The extent of a Patwar Circle ranges between 2 to 6 miles in radius. Gram Panchayats are formed on the basis of adult suffrage by show of hands at a general meeting of the voters. Elections to the Zilla and Tehsil Panchayats are indirect. In this case there is provision for nominations. Every Gram Panchayat or Tehsil Panchayat, as the case may be, sends at least one representative and a certain number is nominated by the Government with the condition that in the case of Tehsil Panchayat the percentage of nominated members shall not exceed 25 per cent of the total and in the case of Zilla Panchayat 40 per cent of the total. As the Tehsil and Zilla Panchayats, are to cater for the requirements of the Gram Panchayats, it is considered that indirect election alone would be most useful.

For the purpose of elections Gram Panchayats are divided into constituencies. There is provision for reservation of seats for women and Harijans. In the case of Gram Panchayats there is no provision for nominations. The President of the Gram Panchayat is elected by the general electorate. But the Tehsildar presides at the Tehsil Panchayat and the Deputy Commissioner at the Zilla Panchayat. The village school teacher acts as the ex-officio Secretary of the Panchayat and is paid an allowance of Rs. 10 per month.

#### Powers in Village Management

The duties of a Panchayat include control of all public streets and water-ways situated within its jurisdiction; extension of the Abadi; setting up of organisations for promoting goodwill and social harmony; powers to take any measure of public utility calculated to promote the moral and material well-being of the villagers; improvement in village sanitation—for this purpose the Gram Sabha can direct any person to close, remove, alter, cleanse or disinfect any latrine, water closet or urinal. Panchayats can also arrange for clearing off any vegetation undergrowth and arrange for the removal of any dirt, dung, or any other offensive matter. The Panchayat has control on the erection and demolition of buildings. It can impose a fine upto Rs. 100 for disobedience of the orders issued by it; it has power to enquire and report about the conduct of minor village officials like peons, forest guards, vaccinators, police constables, chowkidars or patwaris; it can also impose a

penalty for causing loss, waste or misapplication of money or property of the Gram Panchayat. Gram Panchayats have also to maintain a register of deaths, births and marriages and arrange for places for the disposal of dead bodies of human beings and animals. They are also expected to plant trees, arrange for stud-bulls for improving the breeds of cattle, encourage cooperation, provide assistance to people in times of famine and construct godowns for the storage of grains.

### **Sources of Revenue**

The sources of revenue are : a local rate, which is realised at 20 per cent of the land revenue, receipts from this source to be placed at the disposal of the Tehsil Panchayat for allocation among Gram Panchayats; a house tax; a tax on the rent of the house; a tax on the value of the produce of Khudkasht; a tax on the registration of marriages and births; a tax on the construction of buildings and a tax on the transfer of property, etc. The other sources are judicial fees and fines and grants-in-aid from the Government. At present grants are given for specific purposes such as meeting initial expenditure, and promoting developmental and educational activities. A sum equivalent to the amount that has been earned by the Panchayats in judicial fees and fines is also contributed by Panchayats. All sums received are credited to a Gram Fund.

## **NYAYA PANCHAYATS**

### **How Constituted**

Nyaya Panchayats are formed for a group of Gram Sabhas. Every Gram Sabha elects 10 persons suitable for appointment as Panchas of the Nyaya Panchayat and the Government reserve the right to nominate any five of them. This mode acts as a check upon the Nyaya Panchayats being influenced by group rivalries. Generally, one Kanugo circle forms a Nyaya Panchayat circle. From the panel of the representatives of the Gram Sabha one Sarpanch is elected. The Sarpanch forms a Bench of at least three Panchas for each case.

### **Powers**

Nyaya Panchayats can try cases for money dues on contract upto the value of Rs. 100; suits for the recovery of movable property and suits for wilfully causing damage to property. The Government can increase the value of suits cognisable by the Nyaya Panchayat to Rs. 500. It can also try revenue cases upto the value of Rs. 100 and criminal cases under sections 160, 172, 174, 277, 279, 283, 285-290, 336, 354, 403, 426, 509, etc., of the I.P.C., and offences under the Cattle Trespass Act. The Nyaya Panchayats have special jurisdiction in settling the cases by compromise. They can impose a fine upto Rs. 100 but cannot award any imprisonment. The appeal against the decision of a Bench lies with the full Bench. Their decision is final. Only revisions can be made by the Sub-Divisional Officer. No legal practitioner can appear before a Nyaya Panchayat. Nyaya Panchayats can also make bye-laws for Gram Sabhas under their jurisdiction.

In view of the meagre resources of the Panchayats and the illiteracy in the villages it has been considered prudent to provide the services of the headmaster of the school situated at the headquarters to work as Secretary, so far as the routine work is concerned; but in the matter of trying

**Powers**

The Circle Panchayat can try cases for money dues on contract, suits for recovery of movable property, suits for compensation for wrongfully taking or injuring movable property and suits for damages caused by cattle trespass. The jurisdiction can be extended by agreement of both the parties. The Adalats cannot revise or alter their judgement. No legal practitioner can appear before a Panchayat. The decision of the Adalat is final. Revision can be made by the Senior Sub-Judge. In the event of division of opinion, the opinion of the majority prevails. Adalats can issue a bailable warrant for ensuring the attendance in the Adalat of a person who is wanted by the Panchayat. They can impose a fine but no imprisonment can be awarded.

**Other Aspects**

Under the proposed Bill, supervision and control of Panchayats rests with the Government. The Chief Commissioner can suspend or supersede any Panchayat. The Chief Commissioner can delegate all or any of these powers to any officer or authority.

The present working of Panchayats is unsatisfactory. The provisions in the new Bill envisage improvement in the constitution and functioning of Panchayats. Lambardars and other public workers are not cooperating with the Panchayats. At some places they have been successful in making them ineffective and have boycotted them altogether.

**BHOPAL**

There are 2,919 villages in the State. Of these 1,858 have been covered by Village Panchayats.

The first legislation on the subject was passed by a Farman of the Nawab of Bhopal in 1947. The second Act, The Bhopal State Panchayat Raj Act, was passed in August 1953.

**VILLAGE PANCHAYATS****How Constituted**

Under the 1947 Farman, 572 Panchayats were established on the basis of one Panchayat for every village or a group of villages with a population of 1,000 and above. But they did not have adequate finances and taxation powers, hence they failed to achieve any substantial success. Under the 1953 Act elections have been held in seven tehsils. Now Panchayats are formed on the basis of one for each Revenue Circle, which normally comprises four to five villages. In each village with a population of 500 to 3,000, there is a Gaon Sabha which elects members for the Panchayat. Panchas are elected at a general meeting by show of hands on the basis of adult suffrage and joint electorates. In the first elections, there is reservation of seats for the Scheduled Castes and Scheduled Tribes. The Panchayats are divided into constituencies to enable every village to get representation on it. The State Government has been given the powers to nominate *Patels*, which are also the elected offices, on the Panchayats, if it deems such nominations necessary in the interest of the Panchayats. The number of members of a Panchayat varies from 15 to 30. There are 15 members for the first 1,000 population and one for every 100 thereafter.

### **Powers in Village Management**

The obligatory powers of the Panchayats are construction, repair and maintenance of roads; medical relief; sanitation and taking of curative and preventive measures against epidemics; upkeep, protection and supervision of any public property vested in it; registration of births, deaths and marriages; regulation of melas and 'hats'; promotion of primary education; assisting the development of commerce; agriculture and industry, maternity and child welfare; promotion of co-operative farming; relief of the destitute and sick and maintenance of sources of public water supply for drinking.

The discretionary powers include planting of trees, improving the breeds of cattle ; filling of insanitary depressions and levelling of land; organizing a Village Volunteer Force for watch and ward; development of co-operation and establishment of improved seed and implement stores; relief against famine; provision of recreational activities like sports and reading rooms; promoting social harmony and goodwill among different communities and other welfare works.

Besides, Panchayats can raise loans and levy a compulsory labour tax. Any violation of the order of the Panchayat can be punished by a fine of Rupee one.

### **Sources of Revenue**

The chief sources of revenue are taxes, fees and grants by the Government. Panchayats can also levy the following compulsory taxes: a tax on the land revenue payable not exceeding one anna in a rupee ; a tax on trade, calling and profession; a tax on persons not paying any of the above taxes; fees on persons exposing goods for sale in the village market and fees on the registration of animals sold in any market or place under the control of the Gaon Sabha.

The optional taxes which panchayats can levy include a toll on vehicles, a licence fee on porters bringing goods for sale in the area of the Gaon Sabha; a water-rate; fees for cleansing private latrines; a tax on the owners of animals for keeping their live-stock within the Gaon Sabha area; fees for keeping vehicles in the Gaon Sabha area; a lighting rate; a drainage fee and any other fee or rate approved by the State Government.

All receipts from taxes, fees, fines, donations and Government grants are credited to a Gram Fund.

## **NYAYA PANCHAYATS**

### **How Constituted**

At present there are no Nyaya Panchayats in the State. But under the Act each district is divided into circles for the establishment of Nyaya Panchayats. Each Panchayat sends five representatives to the Circle Nyaya Panchayat. The Sarpanch is nominated by the District Magistrate on the recommendation of the Sub-divisional Officers. Five panchas constitute a bench.

### **Powers**

The Nyaya Panchayat can try certain civil suits and criminal cases.

In civil suits its jurisdiction is limited to Rs. 100, but the State Government can raise this limit to Rs. 500. It can also try minor criminal cases.

No Nyaya Panchayat can award any imprisonment but it can impose a fine with a maximum of Rs. 50. The decision of the Panchayat is not binding and can be appealed against in the District Court within 30 days of the judgment.

### **Other Aspects**

The Government is proceeding slowly in the matter of establishment of Panchayats. It is felt that the system of having elected members for the Nyaya Panchayats may complicate the functioning of the judicial system in the State. There is a separate Panchayat Department in the State which is responsible for the supervision and guidance of Village Panchayats. The State Government possesses powers of superseding Village Panchayats. It is suggested that duplication of authority in the villages should be avoided.

## **A J M E R**

There are no Panchayats in the State. The Ajmer Gram Panchayat Raj Bill was introduced in the State Legislative Assembly in 1953.

The following are the provisions in the Bill.

### **VILLAGE PANCHAYATS**

#### **How Constituted**

A Gram Sabha may be established for every village or a group of villages. All adult members residing in the village are members of the Gram Sabha. The Gram Sabha elects an executive body known as the Gram Panchayat. These members are elected on the basis of adult suffrage. One-fifth of the members of the Panchayat form a quorum.

#### **Powers in Village Management**

Panchayats should meet at least once a month. The obligatory functions of Panchayats comprise construction, repair and maintenance of public streets; medical relief; sanitation; taking curative and preventive methods against epidemics; registration of births, deaths and marriages; regulation of melas and markets; regulating the construction of a new building; assisting the development of agriculture, commerce and industry; establishment of maternity and child welfare centres; allotment of places for storing manure; promotion of cooperative farming and undertaking any other public utility work.

Discretionary functions include planting of trees; improving the breeds of cattle; filling of insanitary depressions; development of co-operation and the establishment of improved seed and implement stores; relief against famine; promotion of goodwill and social harmony between different communities and undertaking any other welfare work.

Control of waterways and public streets vests in the Panchayats. The Gram Sabha can acquire any land required for Panchayat work. The State Government may transfer the ownership or management or

both, of its public property to a Gram Sabha. Gram Panchayats may frame byelaws to regulate sanitation and conservancy and to prevent damage to public property. It can borrow money from the State Government. It can levy a compulsory labour tax. Any violation of the orders of the Panchayat is punishable by a fine upto Rs. 50.

### Sources of Revenue

Every Gram Sabha has a Gram Fund at its disposal. The proceeds of any tax under the Gram Panchayat Ordinance, *viz.*, sale proceeds of dust, dirt, dung or refuse, etc.; sums received in fines or through gifts or allotted by the State Government, shall be kept in this fund. Gram Sabhas can also impose the following compulsory taxes, *e.g.* a tax on lands; a tax on trades, callings or professions; fees on the sale of goods in a market within the jurisdiction of the Panchayat, and fees on the sale of animals in the village market. Gram Sabha can also levy a compulsory labour tax for village development work.

Optional taxes comprise of taxes on vehicles, and pack animals, water rate, fees for cleansing private latrines, a lighting rate, a drainage fee and tax on vehicles and animals kept within the Sabha area. Panchayats may, with the consent of the person on whom any tax, toll or fee is to be charged, commute the payment into a contribution of labour not exceeding 30 days labour in a year. Panchayats can also exempt people from paying taxes and has to arrange for their collection.

### NYAYA PANCHAYATS

Gram Sabhas may be divided into circles and a Nyaya Panchayat established for each circle. The Panches are selected from the members of Gram Sabha by the District Magistrate. The Sarpanch is also appointed by the District Magistrate. Each Gram Sabha sends five members. The tenure of office of a Nyaya Panchayat is three years.

### Powers

Nyaya Panchayat can try certain civil and criminal cases. Civil suits for money dues on contract, for recovery of movable property, claiming compensation for wrongfully taking or injuring public property, for causing damage under the Cattle Trespass Act, may be tried by Nyaya Panchayats. If both parties agree, the jurisdiction of the court can be enlarged.

Criminal cases under section 160, 174, 178, 179, 289, 290, 379, 380, 381, 411, 426, 430, 448, etc., of the I.P.C. can be tried. The Nyaya Panchayat can impose a maximum fine of Rs. 50. No imprisonment can be awarded. All contraventions of the provisions of the Act are punishable by fines. Expenses of the Nyaya Panchayats are charged to the Gram Fund. No legal practitioner can appear in Panchayat courts. The Panchayats cannot revise or alter their judgment once it is passed. All suits have to be instituted before the Sarpanch. The Sarpanch can ask any person to execute a bond, if the Sarpanch apprehends breach of peace on his part. There is a provision for awarding compensation to the accused if he is wrongfully implicated in a case. Appeals against the judgment of the Panchayat can be made to the prescribed authority.

## JAMMU & KASHMIR

There are 8,740 villages in the State. This includes the number of villages across the Cease-Fire Line. Of these, 4,770 have been covered by 751 Panchayats.

### VILLAGE PANCHAYATS

#### How Constituted

Generally Panchayats are elected on the basis of adult suffrage by show of hands at a general meeting of the voters. But the new rules provide for election through secret ballot. On an average five to seven villages are covered by one Panchayat. Generally the units of the Panchayat are co-extensive with Revenue Patwar Halqas. Powers of nominating members to Panchayats is not generally exercised. In areas where public opinion is very well advanced, almost all the seats are thrown open for election. It is only in backward areas where suitable persons cannot usually be found among the elected members that the power of nominating members is exercised by the Officers of the Department. The proposed rules also provide that Panchayat areas will be divided into a number of manageable constituencies from which one or more members may be elected according to local conditions. The President is elected by members of the Panchayat. No Executive Officer functions under the Panchayat.

#### Powers in Village Management

Panchayats exercise administrative, municipal and judicial functions. It is the duty of the Panchayats to arrange for the construction, maintenance and improvement of all village roads, thoroughfares and streets that are not under the control of any other Department; construction, maintenance and repairs of all bunds, embankments, streams and lakes, silt clearance and storage of manure in pits. To stave off the fuel scarcity obtaining in the State, the Panchayats have to plant trees. They have also to procure seeds of improved varieties of food and commercial crops. It is the duty of the Panchayat to regulate the construction of new buildings, improvement of sanitation, arrangement for improvement and disinfection of wells, ponds etc., and set up tube-wells. For the proper upkeep of village lanes and building of latrines, etc., the Sanitation Cess Fund, which is realised from the villagers along with Land Revenue, has been transferred to Panchayats recently.

There are joint committees for a number of Panchayats. Their functions include construction, maintenance, repair and improvement of roads; construction and maintenance of all irrigation *Kuhls*, springs and water shoots; plantation of trees; medical relief including maternity and child welfare; drawing up plans for improvement of communications; irrigation facilities; maintenance of stud bulls for improvement of breeds of cattle and distribution of improved seeds. Sixty per cent of the revenue from the Road Cess Fund of the tehsil shall be given to Panchayats. This will be the main source of their revenue, besides the fees levied for the institution of appeals that come up for disposal before the Board.

#### Sources of Revenue

The sources of revenue of Panchayats are fees levied in judicial cases, fines imposed under the Act, voluntary contributions from the people, taxation (these powers have not yet been exercised in actual practice),

contribution from Village Sanitation Cess Fund and contributions by the Government. Government grants do not form part of the Budget of the individual Panchayats.

### NYAYA PANCHAYATS

There are no separate Nyaya Panchayats in the State. But Panchayats exercise judicial powers. They can entertain civil and criminal cases upto the value of Rs. 25/- and Rs. 10/- respectively. The Panchayat can take cognizance of a suit of the value of Rs. 200/-, provided the parties agree to abide by the decision of the Panchayat. The Head of the Department can confer enhanced powers on some selected Panchayats to try cases upto the value of Rs. 75/- and take cognizance of the offences of theft, mischief, etc., where the property stolen or loss caused does not exceed Rs. 30/-. A Panchayat can also inflict fines.

### Report on the working of Panchayats

Before the introduction of Panchayats in the State, the villages had no amenities, *i.e.*, means of communication, drinking water supply, protection of crops from stray cattle, village sanitation etc. Now all these things are gradually developing. There has been a definite fall in the number of cases going to Law Courts from the Panchayat villages. During 1951 in Kashmir province 16,601 civil and criminal cases were instituted and 13,098 decided, while in Jammu province 4,123 cases were instituted and decided. So far Panchayats have planted 12,00,000 saplings to meet the fuel scarcity in the future. Panchayats have taken various kinds of development works since their inception.

### Other Aspect

The State Government's experience shows that these bodies can very well play an effective role in administrative, municipal and village development spheres.

There is no connection between the Revenue Officers and Panchayat administrators at the village level. The District Officers have no control over the Panchayats. There is a separate Panchayat Department with a regular staff of its own. The Director functions at the State level and is the controlling and coordinating head of the different provincial administrative units of the Panchayat Department. At the sub-tehsil level the Sub-Inspector is responsible for supervising and guiding the work of the Panchayats. The jurisdiction of a Sub-Inspector extends to over fifteen Panchayats at an average depending upon the density of population. The Department possesses powers of superseding Panchayats. At the tehsil and district level supervision is exercised by the Inspector and Assistant Rural Development Officers respectively. The latter has some technical staff, *viz.*, overseers, mistries, etc., under him, who frame estimates of improved works and assist in executing them.

The present finances of the Panchayats are inadequate and to place them on a sound footing Panchayats should be given such immovable property as would form a source of recurring income for the unit. Other avenues of income should also be explored.



5. The working of very few Nyaya Panchayats can be said to be satisfactory. Many do not function at all. Nyaya Panchayats have reduced litigation to some extent. Group differences have influenced Panchayats, so people are afraid of taking their case to them. For efficient working Nyaya Panchayats should be assisted by judicial minded people, who should help Panchayats in writing judgments and impress upon them the nobility of the position they are holding and train them to rise above party differences.
6. The sources of income of Gram Panchayats comprise a compulsory cess on land revenue or rent at the rate of Re. -/6 per rupee, compulsory tax on buildings or non-agricultural land ranging from Rs. 2/- to 80/- per annum. Professional tax ranging from Rs. -/8/- to Rs.5/-, and a license fee ranging from Re. 1/- to Rs. 50/- for persons practising the calling of brokers, commission agents, etc. The optional taxes include tolls on hides, animals, bazars, etc. A Nyaya Panchayat derives its income from Gram Panchayats in the shape of contributions amount recovered as fines, etc. Five per cent of the village revenue is earmarked for Panchayat. It cannot lapse but it is given only to Panchayats which collect an equal amount locally.
7. There will be an elected Sarpanch. There shall be, hereafter, a Secretary to assist the Gram Panchayat. He is appointed by the Government, as per rules of Government service.
8. The Revenue Officers help the Panchayats in the recovery of dues and removal of encroachments on public property. No co-ordination exists between the educational and public health activities of the Panchayats and the corresponding activities of the Government.
9. Previously the State Government had a separate Panchayat Department but recently it has been amalgamated with the Social Welfare Department. The Department will regulate the work of the Panchayats by giving one trained secretary for a group of one to three Panchayats. Then there is to be one Inspector for the Panchayats in each development block consisting of nearly one hundred villages. He is to report to the Janpad Sabha who will act upon his suggestions through the Chief Executive Officer. The Department has no power to supersede any Panchayat. The Government can do so on the recommendations of the Department. In such cases the Janpad concerned looks after the Panchayats.
10. Over the Panchayat there is the Janpad, the only Local Self-Government organ which functions for a Tahsil. There is general supervision of the Janpad over the Panchayat in the Tahsil. Janpad opens a dispensary in a village if the Panchayat deposits Rs. 500/-. Similarly, if the Panchayat deposits Rs. 500/- the Janpad provides an English teacher to the village Middle School.
11. Panchayats should be developed into full fledged admini-

strative units of the village. The Panchayat should be in a position to fulfil one and all the requirements of a village. Suggestions of Panchayats should be promptly attended to. There should be no dual ownership of any public property like tanks, abadi lands, etc. All Government Departments should function for a village through their Panchayats.

12. Panchayats should be asked to prepare Five-Year Plans for their respective areas. The Development Department should finance it only within reasonable limits, and help them in raising funds locally. Delay and red tapism at the Governmental level in sanctioning the plans and rendering financial and other assistance should be avoided.

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### ASSAM PRADESH CONGRESS COMMITTEE

1. There are two kinds of Panchayats in the State, *viz.*, Primary and Rural. Each Rural Panchayat is divided into not more than five Primary Panchayats and the election is done by voters from each of the Constituent Primary Panchayats assembled at a meeting. The Primary Panchayats elect members on population basis—one representative for every 500 of its voters. There is no provision for nomination of members at present. There are proposals from the side of the voters to replace the present election system by the ballot system. Panchayats in the State are organised by the Rural Development Department.

2. The function of the Panchayats include prevention of fragmentation of agricultural holdings; maintenance of a trading organisation; formation of unions of craftsmen; holding exhibitions of local products; preventing the spread of water hyacinth; preventing the celebration of marriage between couples below the legal age; introduction of cooperative farming and framing of bye-laws consistent with Acts and Rules.

3. There are no Nyaya Panchayats in the State as the provisions in the Act have not yet been brought into force.

The sources of revenue of the Panchayats so far have been the contribution of the State Government for a period of five years; taxes levied by the Panchayats on cycles, ponies, carts, etc., tolls on small bazars, cattle pounds, etc., and 90 per cent of the local rates of the area after the withdrawal of the Local Self Act in the area.

4. The annual budgets prepared by Panchayats are scrutinised and approved by the Sub-divisional Officer or the District Collector concerned. Projects undertaken by the Panchayats estimated at a cost of more than Rs. 1,000/- require prior sanction of the District Collector.

The members of the Rural Panchayat elect their President. A body of the Executive Council helps him in the execution of the works. Besides, there is a Secretary appointed by the District Collector or the S.D.O. to help the President in maintaining the office. The Secretary is under the discipline of the Government, while the Executive Council and the President, in executing certain works, are under the discipline of the Panchayat. The Secretaries, clerks and other staff of the Primary Panchayats are appointed by the Panchayats with the prior permission of the S.D.O. or the District Collector.

5. The Panchayats are under the control and supervision of the District Collector or the S.D.O. Revenue Officers or the Village Officers work in coordination with the Panchayat. There is a provision for a Coordination Board to effect coordination between educational and other activities of the Panchayats with those of the corresponding Departments of the regular administration. The Development Officer is the ex-officio Secretary of this Board. The District Collector or the S.D.O. has the powers to prohibit the execution of any act by the Panchayat if in his opinion such an act is manifestly against public interest. The State Government can also dissolve a Panchayat after giving sufficient opportunity to show cause, if it makes persistent defaults in the performance of duties imposed upon it.

6. There are Local Boards in the State. Their operation from any particular area is withdrawn when a Panchayat is formed. Panchayats and Local Boards are expected to pursue the same objectives in their respective areas. There is also provision for joint committees of these two local bodies for any particular subjects if they so desire, but in actual practice lack of coordination is noticed between them.

7. The areas of the Primary Panchayats should be smaller on the basis of what is called a village. The present system of voting based on the grouping of voters is not proper and hence should be abolished. Ballot system, on the other hand, is costly. As a via media, the procedure adopted for elections for Municipalities may be introduced. Emphasis should be laid on the productive and creative powers of the Panchayats.

8. Development schemes of the villages and local development works undertaken by the National Plan should be carried out through the agency of the Panchayats. More money should be allotted to Panchayats for works of Rural Planning, and for development on self-help basis.

9. Panchayats have been undergoing financial difficulties. Although there is a provision empowering Panchayats to levy certain taxes of their own, it is very difficult to levy them in the initial stages. It may be possible after some years of practical work, when the people of the areas concerned are convinced that Panchayats are doing some really beneficial work for them. It would be better if the State Government levies the taxes and allots the receipts to the Panchayats. It would also be better if provision could be made for people to pay their taxes in terms of labour to the Panchayats.

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### **BIHAR PRADESH CONGRESS COMMITTEE**

1. There are some Panchayats which cater for a single village. Panchayats are formed for a group of 4 or 5 villages. At first Panchayats were formed for a population group of 2,000 people. This has now been increased to 4,000. But in the hilly areas they are formed for smaller units also.

2. Every Panchayat has two departments—administrative and judicial—but they are not two separate bodies as in U.P. and Madhya Pradesh. In Bihar every Panchayat has a Sarpanch and a Mukhiya. The Mukhiya looks after village administration while the Sarpanch looks after

after the judicial matters. Both the departments are independent. But the administrative section is expected to assist the judicial section.

3. The Mukhiya is elected by the entire electorate of the Panchayat. He nominates an Executive Committee of 7 to 15 members, which assists him in carrying out his duties. This Committee is to represent all sections of the village population and has to be finally approved by the subdivisional officer.

The Judicial section has 15 Panchas, who are taken from every village within the jurisdiction of the Panchayat Board area on the basis of their population. Each member is elected by the voters of the Panchayat. The Panchas elect a Sarpanch.

The election of the Mukhiya and the Sarpanch is held by secret voting.

4. Panchayats can compel all adults, between the age of 18 and 30 years, to join the Village Volunteer Force and all males between 18 and 50 years of age to contribute at least 4 hours of manual labour a month.

5. In Civil suits the Panchayats can entertain cases upto the value of Rs. 100, and in criminal cases they can award an imprisonment of one month and impose a fine upto Rs. 50.

i. Panchayats have not been established in all the villages of the State simultaneously. Every year 1,300 Panchayats are established. Villages which do some constructive work during the first few months are notified as Panchayat villages. This system enables them to undertake development work from the very beginning.

7. Panchayats have done some valuable work in the direction of village sanitation, filling up of unwanted pits, making of compost manure and the improvement of village communications. Although they have established some libraries, night schools and constructed school buildings very little achievement has been made in this direction. Panchayats in the State have been working well in judicial matters. During the last three years nearly 60 per cent of the cases filed in the Panchayats were compromised. In 1952-53, the number of suits filed in the Panchayats was 19,837. Of these 319 alone were referred to the Sub-divisional Officer and the S.D.O. maintained the decision of the Panchayat in 116 cases. The establishment of village courts has definitely reduced the number of minor cases going in the urban courts. Party influence and groupings have manifested in very few cases.

8. Panchayats are frequently confronted with difficulties arising from the duality of jurisdiction. Often it happens that some cases which are being tried in the Panchayats are also referred to the Police. The Police starts its routine enquiry and often the members of Panchayats are also implicated in the case with the result that in the court, the Panchayat members have to appear like any other accused. Another difficulty that confronts the Panchayats is in the matter of handling persons who are a threat to the peaceful life of the village and do not acknowledge its authority. The Panchayat has great difficulty in serving

any notice, summons, etc., to such a person. Moreover, they do not have requisite finances to pursue the matter in higher courts.

9. Panchayats are independent in the matter of expenditure of their revenues but they have to obtain the prior permission of the District Magistrate for any development work costing more than Rs. 500.

10. Every Panchayat has a Secretary known as the "Gram Sewak", who is paid Rs. 40/- per mensem. The Director of Panchayats confirms the appointment. For this purpose a Committee of both official and non-official members is appointed. The District Magistrate is the Chairman of this Committee. It is this Committee which finally nominates the Gram Sewaks from among the candidates. Under the Act, the Gram Sewak must be a resident of the same area as the Panchayat. He has to work under the Mukhiya, who has the power to report against him to the District Magistrate if his work is not satisfactory. Besides the Gram Sewak there is also an officer for the Village Volunteer Force under the control of the Mukhiya. This officer has the power to order the removal of a wall or any other obstruction in case of emergency or enter anybody's house if it is necessary for safeguarding the security of the village or arrest a person. His training is arranged by the Government. Under the Act his salary is payable by the Government but so far no salary has been paid and he is working in an honorary capacity.

11. So far the collection of revenue has been entrusted to 224 Panchayats in the State. In all the other parts this work is done through the Special Officers appointed for the purpose. The Panchayats which have been asked to collect revenue on behalf of the Government are given 15 per cent of the collection for their service.

12. Every Gazetted Officer of the district, *viz.*, the District Magistrate, the Sub-divisional Officer, the Munsif and the District Judge can inspect the work of Panchayats in their respective spheres. There is a separate Panchayat Department in the State. The Government can, by a notification, wind up a Panchayat if its record is not satisfactory. But there is no provision for their supersession.

It is suggested that the Union Boards in the State which catered for one or two police circles of the districts should be replaced by Panchayats.

Panchayats have done some useful work and have awakened the rural masses. But from what has so far been achieved it can be said that their future is bright. If they have failed to come up to expectations the responsibility for this partly rests with Government Officials. They have not cooperated with the Panchayats fully. This attitude can be changed only if Government accepts Panchayats as integral units of administration through which all works are to be executed.

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### MAHARASHTRA PRADESH CONGRESS COMMITTEE

1. Panchayats in the State are formed for a population of at least 2,000. In special cases, where the population is below the prescribed limit but the people spontaneously demonstrate their willingness to have them, they may be established. Panchayats can also be established for two or

three villages together having a population of 1,000. All adults residing in the area are eligible for voting. All members are elected by secret ballot. The area of a Panchayat is divided into wards for purposes of holding elections. If for some reasons the election does not result in the return of the required number of qualified members, the Standing Committee of the District Local Board nominates persons for filling the vacant seats.

2. The Panchayats are not responsible for the provision of educational facilities, development of cooperative movement and public health. Their chief functions are supply of water ; cleansing of public roads ; sanitation ; lighting of the village, etc.

3. The levy of a House Tax or a Land Tax is obligatory on the Panchayats. Government pays either 15 per cent of the Land Revenue or 25 per cent of the Local Fund Cess, whichever is greater, as grants to the Panchayats. Besides the Government also pays half of the expenditure incurred in the payment of Dearness Allowance to the staff of the Panchayats.

4. There is no separate department for Panchayats in the State. Their work is supervised by the Local Self-Government Department. The Collector exercises control over the Village Panchayats. The Commissioner and the Government has power to supersede a Panchayat and appoint an Administrator.

5. Though Village Panchayats are still in their infant stage, majority of them, especially in the big villages, are doing their best towards the welfare of their villages. Government is considering ways of revitalising them and placing them on a sound financial footing. In the Community Project and National Extension Block areas Panchayats have given active support in undertaking public utility works.

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## **PUNJAB PRADESH CONGRESS COMMITTEE**

1. Panchayats in the State are elected on the basis of adult franchise. Every village or a group of villages with a population of 500 has one Panchayat.

2. The Panchayats are responsible for all round development of the village and undertake welfare activities of various kinds. They also exercise judicial powers, both civil and criminal. The object is that Panchayat being conversant with local conditions of the village can administer justice more efficiently. The pecuniary jurisdiction in civil suits is Rs. 200. They can also try cases under sections 323, 379, 411, 426, 447, etc., of the I.P.C. Panchayat can on conviction sentence an accused to a fine not exceeding Rs. 100. Any violation of the orders of the Panchayat can be punished by a fine of Rs. 50.

3. Panchayats within their meagre income are doing useful work for improving the communications of the villages. Now they are busy collecting funds for opening a primary school in every Panchayat area before the end of the year. In the domain of public health they collected a sum of Rs. 50 lakhs some time ago. This amount supplemented by

### KARNAL (PUNJAB)

1. The total number of villages in the district is 1,429. Of these, 1,417 villages have been covered by Gram Panchayats.

2. If a village has Harijan population but no Harijan Panch has been elected, the Government can nominate one Harijan Panch. In case a Panch dies or vacates or his election is held void, then also Government can nominate a person for filling that seat.

3. Gram Panchayats have been able to improve the general condition of the villages, but on account of lack of enthusiasm and proper training of the Panchas and Secretaries, the desired improvement could not be effected.

4. Members of the Gram Panchayats elect members of the Adalati or Nyaya Panchayats on the basis of a population of 10,000. Nyaya Panchayats have succeeded in reducing litigation but they have been influenced by group differences.

5. The Panchayats have part-time paid Secretaries. These Secretaries are appointed by the resolution of a Panchayat. The appointment is subject to the approval of the Director of Panchayats. The Secretaries are paid Rs. 5 per month by a Panchayat and generally control 10 to 12 Panchayats.

6. At present Panchayats have no powers to enforce its orders. This is a big handicap in the way of improvement of the Panchayats.

7. There is no definite coordination between Panchayats and other departments in the villages.

#### 8 Suggestions

- (a) The Secretaries must be trained. Their posts should be graded and they should get higher salary.
  - (b) Panchas should be trained.
  - (c) At present supervising staff is too small. One Tehsil Panchayat Officer has to supervise about 150 Panchayats, *i.e.* visit one Panchayat after 5-months, if he tours all the time.
  - (d) Panchayats should have power to enforce its orders. At present this is done by other courts.
  - (e) Funds at the disposal of the Panchayats are meagre. All village funds should be at the disposal of the Panchayats. Panchayats should have complete authority in the village. The Panchayat should have power to report against any official who does anything wrong in the village area. At present this is denied to them.
  - (f) Every department should approach a village through the Panchayat. Village petty officials should be under the control of the Village Panchayat.
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## AZAMGARH (UTTAR PRADESH)

1. Panchayats have become useful units for development. In U.P., Government officers treat Pradhans as their subordinate and often allow personal advantages to keep them in perfect sub-ordination. This hampers a dignified outlook. Pradhans are often called at district and tehsil headquarters for instructions.

2. Panchayati Adalats will be known as Nyaya Panchayats under the amended Act.

3. Nyaya Panchayats have been very useful and handy for villagers. Panchayati Adalat, howsoever important it may look to the State, is a negligible affair in the village and as such it does not result in formation of groups in the villages. More than 90 percent of Panchas are honest but more than 70 per cent are incompetent. This results in abuse of power and position.

4. 80 per cent of the Panchas are labourers on the fields. They cannot attend Panchayat meetings held in day time. The result is mass absence. Therefore, the meetings should be compulsorily held between 6 p.m. and 8 p.m. In thinly attended meetings Sarpanch and others can manipulate presence in registers. Meetings in the evening would prevent this evil as cent per cent attendance will be assured.

5. Another improvement will be to appoint Munsifs and Vakils as Honorary Inspectors of Panchayat Adalats. Panchayat Inspectors fear public personalities and do not report but only request Sarpanchas to be cautious. Trial at the spot of occurrence in the village and trial by permanent benches of five members in fortnightly rotation may also be tried.

6. Panchayats levy, assess and collect taxes and Government Amins resort to attachment if taxes are in arrears. This causes great hardship. One wrong multiplies another wrong. The looseness in the beginning has resulted in harsh measures which are unpopular. The U.P. Government paid 50 lakhs as grant for salaries of Secretaries in 1952-53 and 59 lakhs in 1953-54, as the taxes were not realized. Now arrears are often realized by attachments. Cases have gone to writ stage in High Court which has declared assessment illegal.

Secretaries remained unpaid for ten months in the beginning and they become corrupt. They were paid salaries for 8 months in a lump sum. It is difficult to make them honest again.

Government must not be harsh in assessments and collections. If the treatment is kind they would pay taxes. Government should not blame villagers and realise arrears of several years at a time.

7. Gaon Sabha are required to pass budgets. My experience is that it is hardly done. All collude in concealing this drawback. The Budget should be a handy printed paper, on which only a few items are provided. This can be done by reducing the number of heads, sub-heads, etc., which are never understood. The result is that they never hold a meeting and the Budget is not passed.



Amounts are mostly lying in the hands of Pradhans un-accounted for as there are strict rules for Saving Bank Deposits. They are not being spent at all. But now District Magistrates are looking to these funds as funds of District Planning Committees to be spent on those works by sanction of Government.

Villages must realise what it is to spend their own money. It should not be a Collector's affair as it is now becoming.

8. Officers carry on development work through Pradhans whose duty it is to mobilise village opinion. Shramdan in U.P. has succeeded in districts where authorities encourage schemes selected by villagers for execution.

9. District Boards have no coordinated functioning with Panchayats but efforts are being made to consolidate their taxes. District Board may be turned into District Panchayat Board as an intermediary authority between the U.P. Government and the local Panchayats.

10. In U.P., under Zamindari Abolition Act, 84,000 Gaon Samajas have come into existence in which zamindari rights in plains have been vested. Gaon Sabhas are arithmetical units of 1,000 population while Gaon Samajas are natural old Patwari villages. Gaon Sabhas number 35,000 only. Panchayati Adalats number 8000 as they roughly cover 3 or 4 Gaon Sabhas.

Pradhans of Gaon Samajas were elected under the auspices of revenue authorities in villages where there were no Gaon Sabha Pradhans or Up-Pradhans, as the latter were automatically made ex-officio Gaon Samaj Pradhans.

The Prevailing confusion is being done away with by making areas of Gaon Sabha and Gaon Samajas co-terminus, by reducing and increasing the number respectively to 60,000. Integration of village level worker scheme will combine lekhpals (Patwari) post with Panchayat Secretary, and so on.

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### **SIROHI(RAJASTHAN)**

1. For the progress of Panchayats half of the village revenue should be allocated to Panchayats. Supervision over village schools, development works etc., should be entrusted to Panchayats.

2. Wherever Panchayat unanimously opposes the introduction of machines or machine-made products, it should have the power to enforce it, e.g., the Panchayat should have power to ban the erection of a flour-mill in the village or the establishment of a hotel.

3. Public spirited people who favour decentralisation should be appointed to supervise the work of the Panchayats.

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### **BANSWADA (RAJASTHAN)**

The total number of villages in the district is 1,465. All these villages are covered by Panchayats.

2. Panchayats are formed for groups of villages with a population of 5,000.

3. Election is based upon adult franchise by show of hands. Scheduled Castes have one reserved seat.

4. Gram Panchayats have also judicial powers. They can try criminal and civil suits and can fine up to Rs. 50 in the former and up to Rs. 100 in the latter case. According to the amended Act (amended in 1953) Tehsil Panchayat will be elected by July 1, 1954. These will hear appeals against decisions of Gram Panchayats and generally supervise their unctions.

5. Judicial work of Panchayats has no doubt reduced litigation, but they have been influenced by factional disputes in the village.

6. Illiterate people should not be elected for Nyaya Panchayats. Necessary legal literature should also be supplied to the Nyaya Panchayats. In backwards areas, State should provide a legal adviser to the Panchayats.

7. Panchayats have generally to depend upon their own resources and the income derived from cattle ponds, court fees, fines, some taxes, etc., for their funds, which is generally inadequate for their purposes. They are required to pay the Panchayat officials and provide for lighting, sanitation medicine, etc.

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### **SIRONCHA TALUQA CONGRESS COMMITTEE**

1. The total number of villages in the tehsil is 512. There are 28 Panchayat villages.

2. Panchayats are formed on the basis of one Panchayat for each village.

3. So far Gram Panchayat has been instrumental and effective in improving matters of education, public health and communications to some extent.

4. The Act regarding the working of the Nyaya Panchayats seems to be imperfect. There are no clear instructions regarding the procedure of appointment of substitutes in the case of vacancies in the Nyaya Panchayats. As a result of the application of the method of compromise, there has been reduction in litigation. But group differences have been reflected in the Nyaya Panchayats in some cases.

5. Many of the Gram Panchayats do not pay contributions to Nyaya Panchayats. Consequently, Nyaya Panchayats cannot employ fulltime servants. It would be better if a provision is made to the effect that Nyaya Panchayat summons be served by the regular Revenue peons.

6. The State Government granted Rs. 200 to each Gram Panchayat in the beginning for purchase of office furniture and other necessary things. But there is no provision for any annual Government grant.

7. In many cases patwaris are negligent and deliberately delay the preparation of the cess list which obstructs the smooth working of the Gram Panchayat.

8. - Payment of salaries to Secretaries and chaprasis exhaust a large part of income and thus uplift work cannot be undertaken properly. Government should pay these salaries. Gram Panchayat should get a definite proportion of the Land Revenue. The procedure of the recovery of arrears should be so adopted as to avoid delay.

9. Houses in many villages being of thatched huts costing not more than Rs. 100 each, adequate income from house tax is not received.

10. If financial help is given by the State Government, Gram Panchayats can help in the implementation of the Five-Year Plan.

### **KOTAH (RAJASTHAN)**

1. There are nearly 2,000 villages in the district of which 193 have Panchayats. Usually Panchayats are formed for a population group of 4,000 people. But in no case Panchayats are formed for less than 2,000 people. There is no Panchayat in a village which is more than five or six miles away from the village where Panchayat meetings are held.

2. All members are elected by adult franchise. Even women in this area exercise their vote. Gram Panchayat members are elected by show of hands at a meeting of the adult members of the village. But members to the Tehsil Panchayats are elected by secret ballot.

3. Panchayats can entertain civil suits upto the value of Rs. 100 and can impose a fine of Rs. 50 and award an imprisonment up to 25 days. They also charge a court fee at the rate of one anna per rupee.

4. Panchayats are running 41 schools in the district and have undertaken public health, medical aid and other measures. They have also been instrumental in developing other welfare amenities in the villages.

5. There are no separate Nyaya Panchayats in the State. Gram Panchayats perform judicial functions also. In 1951-52, 53,425 cases were filed in Gram Panchayats and in 1952-53 the number stood at 47,144. This indicates that there has been no notable fall in litigation. The only redeeming feature is that 80 per cent of these resulted in compromise, thereby resulting in a saving of money for the people. The Nyaya Panchas should be trained in legal procedure and legal books should be translated into simple Hindi.

6. Panchayats have very limited sources of income. Even the 10 per cent of Land Revenue collections which are to be given to them under the Act are not being given. Moreover, while Panchayats collect courts fees in civil suits, fines imposed by the Panchayats and other such dues like a tax on melas, etc., are utilised by other Government Departments. Although Panchayats can levy certain other taxes, prior sanction of the Government has to be obtained. The present state of Panchayat finances is very unsatisfactory. They do not even have enough money to pay their meagre staff. In this district there are 45 such villages which had the services of Harijans for village sanitation during the time of the States, but now the Panchayats are not in a position to pay their salaries. Formerly nearly one lakh of rupees were invested on this work. Now this aid has been stopped.

7. The president of the Panchayat is elected by the entire electorate. There is no official assistant for carrying out the work of the Panchayats. But the Panchayats can appoint a secretary and a peon on their own.

8. Under the present Act the District Collector and the District Judge has to maintain a watch on the working of the Panchayats. Formerly this function was entrusted to the Panchayat Officers.

9. There is a separate Panchayat Department in the State. They assist Panchayats in discharging their duties properly. Tehsil Panchayats are going to be formed shortly. They will be empowered to admit appeals against the decision of the Gram Panchayats and supervise their work.

10. For achieving the targets of the Five-Year Plan the cooperation of Panchayats should be secured. Besides all plans made in the district should be formulated with the consultation of the Tehsil Panchayats and plans of Tehsil Panchayats should be formed in consultation with Gram Panchayats.

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### RAIPUR (MADHYA PRADESH)

1. Generally Panchayats in the State are formed on the basis of a population of 500 and above. Villages may be grouped for this purpose. They are elected on the basis of adult franchise. There is no provision for nominations. But the present Panchayats were formed by nomination. The names were recommended by the Revenue Officers and Congressmen to the State Government. The Panchas can be removed from office on complaints from the general public. The President is elected by the entire electorate.

2. Panchayats are primarily responsible for village sanitation, public health, medical relief and the supply of water for drinking purposes.

3. In the matter of finances Panchayats can levy taxes on houses, fees on businesses and professions and a licence fee for practising as a broker. At present Panchayats are not in a position to undertake works of public utility for want of funds because the rural public is reluctant to pay taxes which are new to them.

4. There is a Nyaya Panchayats for a group of villages. For this purpose separate Nyaya Panchayat circles have been formed. Some of the Nyaya Panchayats have been working smoothly. The number of litigations has not decreased but the villagers have been able to save money spent in going to the regular courts. Under the provisions of the Act there will be no election of Nyaya Panchayats but the Panchas will always be elected from among the Panchas of the Gram Panchayats. At some places the Nyaya Panchayats have certainly resulted in the formation of parties in the villages but such cases are rare. There should be proper check on the working of Nyaya Panchayats by magistrates. The Nyaya Panchayats are not regular in their work. They hold their sittings at their sweet will and do not care for quorum. Some educational qualifications should be prescribed for the members of the Panchayats.

Nyaya Panchayats have no independent source of income. Their income comes mainly from the Gram Panchayat contributions and fees, and fines, etc.

The revenues of the Panchayats are spent on the maintenance of staff. This should not exceed 25 per cent of the revenues. Besides, one-sixth of the amount received in revenues is kept in reserve. This leaves a very small amount for being spent on development work.

The Government exercises control over the Panchayats through the Janpad Sabhas only and there is no direct control. Officers of the Government and the Sabha help the Panchayats in their work. The duties of the Panchayats are not intertwined with the duties of Government or the Janpad Sabha and so there is no clash of interest between them. The Directorate of Social Welfare controls the working of Panchayats in the State. They inspect and supervise their work. This Directorate can under the advice of the Janpad Sabha recommend to the State Government the supersession of a Panchayat. Panchayats can assist the Development Department in its work and in obtaining public co-operation for their plans.

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### SAHARSA (BIHAR)

1. There are 721 villages in the district and 500 of these have Panchayats. At present Panchayats are elected by adult franchise. The voter goes to a booth and tells to the polling officer the name of the person for whom he wants to vote. This system of voting is not very satisfactory. It is proposed that it should be replaced by secret ballot. The President is elected by the entire electorate.

2. Nyaya Panchayats in the State are known as Gram Kutcheries. They are independent of the Gram Panchayats but the orders of the Kutchery have to be executed by the Gram Panchayats. Some signs of group rivalries have been noticed in Nyaya Panchayats. Some influential persons who are not elected to the Panchayats try to obstruct their work. If they are elected they even try to take revenge on their opponents and try to evade payment of taxes levied by the Panchayat. Under these circumstances Panchayats, which aim to reduce litigation, are themselves becoming victims of litigation. To enable Panchayats to stand on sound footing some educational qualifications should be prescribed for members of the Nyaya Panchayats and Panchas who do not attend three meetings of the Kutchery consecutively should be removed from office. Governmental support for making the work of Gram Kutcheries a success is essential.

3. Although Panchayats have been empowered to levy a compulsory labour tax, a tax on trades and professions, etc., it is doubtful if they could successfully recover the dues. People naturally resent payment of new taxes. Besides, adequate encouragement is not accorded to Panchayats by Government departments.

4. There is not sufficient enthusiasm among Government officers for encouraging the work of the Panchayats. In every Panchayat there is a paid secretary. Besides there is also an officer for the Village Volunteer Force. He is not a paid member hence this work does not attract much attention.

5. In theory Panchayats have a definite say in the matter of education, public health and welfare activities but in actual practice the suggestions of the Panchayats are ignored. This creates an adverse effect upon them and hampers their healthy development.

There is a separate Panchayat Department for supervising the work of the Panchayats but there is no uniformity in its work and it has no set programme. But the Department does not have the powers of superseding these Panchayats. But they can replace an unpopular or corrupt Panchayat by a fresh Panchayat which has necessarily to be re-elected. Under the existing system it has been made obligatory for teachers in village schools to get their bills counter-signed by the Mukhiya. Otherwise their bills are not passed for payment. The Education Department has strongly protested against this measure.

Every Panchayat should be inspected at least once in every two months and the progress made during that period properly assessed.

Complaints against Panchas and officers of the Panchayats should be enquired and heavy punishment inflicted if they are found guilty.

Statistics of the materials and facilities available for developing cottage industries in Panchayat areas should be explored and village industries developed as a measure of checking unemployment and for improving the lot of the rural people.

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### TRIVANDRUM (TRAVANCORE-COCHIN)

1. The village system in Travancore-Cochin is entirely different from that in other parts of the country. There are *Pakutys* and *Karas* which are revenue villages and are unequal. The village is the smallest unit.

2. Panchayats are formed primarily on the principle of one Panchayat for one village. But villages can be combined for establishing a Panchayat. The Panchayat area is divided into wards for elections and the system of ballot voting is adopted.

3. Panchayats in the State started functioning from the 15th of August 1953. They have not yet undertaken all the functions allotted to them. The Panchayats have practically no finances and so are not in position to undertake any development works. Unless Government is prepared to render financial assistance to these institutions, most of them will have to be dissolved on account of the dissatisfaction and discontent of the local people arising from the failure of Panchayats to do anything substantial for them. Some Panchayats, which have been functioning as Village Unions for the last so many years, have managed to construct roads, culverts, wells, etc.

4. The main sources of revenue of Panchayats are land cess, profession tax, house tax, vehicle tax and licence fees and they can be collected after passing the bye-laws at a special meeting of the Panchayat and getting the approval of the Government. The Act also provides for an yearly grant to each Panchayat by the Government of an amount equal to the sum collected by the Panchayat during that particular year by levying rates, taxes

and other fees, the maximum limit being Rs. 2,000. Special grants for specific purposes may also be given.

5. The old Panchayats have got 1st and 2nd Class Aminadar clerks. There is also one or more peon depending upon the financial position of the Panchayat. But the new Panchayats have only a part-time clerk and a full-time peon. Their pay is Rs. 15 per month.

6. There are no separate Nyaya Panchayats in the State. The Panchayat courts look into this side of the work.

7. There is a separate Panchayat Department of the Government. Government alone has powers of superseding Panchayats in cases of abuse of power or failure in discharging their duties. The supersession is for a period not exceeding two years.

8. It is becoming ostensibly clear that elections on party basis do more harm than good to the Panchayats. Justice and fairplay is sacrificed for party interests. There is a persistent complaint that in the Communist dominated Panchayats people of opposing views are heavily taxed.

Greater public support can be drawn from the Panchayats for the implementation of the Five-Year Plan if Government Officers take the people of the villages into confidence.

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### SHIVPURI (MADHYA BHARAT)

1. There are 1,484 villages in the district and there are 310 Panchayats.

2. Panchayats have been established in a village or group of villages comprising a population of 1,000. They are elected by show of hands based on adult franchise. Places which are not filled by the elected members are filled by persons nominated by the Nomination Collector. There is a demand for replacing the present voting system by secret ballot system.

3. Nyaya Panchayats are established for each Kendra Panchayat. They have been successful in reducing litigation and have promoted settlement through compromise. Party grouping has not manifested itself clearly in the Nyaya Panchayats.

4. The present area of a Nyaya Panchayat is very big and people have to travel long distances for securing justice. The size of the Nyaya courts should be reduced and Nyaya Panchayats established for every group of four or five villages within a radius of five miles. Besides Nyaya Panchayats should be provided with the services of a trained secretary. This would result in considerable saving of labour and resources.

5. There is no executive officer for carrying out the work of the Gram Panchayat. But at the Kendra and Mandal Panchayats there is a Secretary and other staff. At present the work of the Gram Panchayats is performed by the village teacher who is given an allowance for the work.

6. The Development Department in the State looks after the work of the Panchayats. There is a regular cadre of Development Officers who supervise and inspect the development activities of the Panchayats. The Government can supersede a Panchayat but so far no Panchayat in the district has been superseded.

7. Panchayats are still in their infancy. Moreover this district is a hilly one and also financially poor. The Panchayats have not been able to collect all the taxes. Even the land tax, which is levied by the Tehsils, has not been fully realised. So rents should be allocated to Panchayats on the basis of 25 per cent of the collections. This would provide adequate incentive for the people to donate voluntary labour.

8. Interference by Government officers and their control should be reduced and greater autonomy granted to Panchayats. The present red-tapism of Government Departments hampers the healthy growth of Panchayats. Secondly, as the members of Panchayats are mostly illiterate, they are afraid of written proceedings. Therefore, to remove this fear efforts should be made to reduce the recorded proceedings of the Panchayats. This will also result in a saving of considerable amount of money and efforts.

9. The work of the Five-Year Plan should be undertaken on a 25:75 basis instead of a 50:50 basis. Finances should be sanctioned within reasonable time and in amounts commensurate with the size of the targets fixed. The Government should not impose unnecessary restrictions on the Panchayats.

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### KAIRA (GUJRAT)

1. Those Panchayats who have intelligent and enthusiastic persons as members have no doubt been benefited. Good Panchayats in the long run will be copied by others.

2. To give an impetus to good work some minimum educational qualifications for the Sarpanch and the Up-Sarpanch should be made compulsory. This is absolutely necessary when adult franchise is introduced and giving more powers to Panchayats is contemplated. There may be some difficulty in the initial stages but as primary education expands there will be no difficulty in finding people of the requisite qualifications for the Panchayats.

3. In certain villages strong party alignments have certainly sprung up, but this is a transitory phase.

4. For the efficient working of a Panchayat a competent Secretary is essential. The power of appointment may vest with the Panchayat but it should be subject to the approval of the District Local Board. The power of transfer of the Secretaries should also vest in the District Local Boards.

5. At present there is dual control. If the Panchayats are to grow on a sound basis this control must be with one authority. This authority must be a District Local Board, which is also an elected body.



6. Panchayats should be given independent financial sources so that they do not depend merely upon Government grants. Land Revenue to the tune of 50 per cent may be given to them. In the levying of a House Tax, Panchayats should be assisted by the District Local Boards through their Assessment Officers.

7. If the Nyaya Adalats are to function in an impartial manner, a minimum educational qualification, e.g., the passing of the Primary School Certificate Examination, should be essential for all its members so that they can grasp the fundamentals of the law. Besides, age restriction of at least 30 years should be placed for becoming members of the Nyaya Adalat.

8. In case sufficient number from the members of a village are not available in one Panchayat, a group of Panchayats may jointly form a Nyaya Adalat.

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### **SARANGARH TEHSIL CONGRESS COMMITTEE, (MADHYA PRADESH)**

1. There are 580 villages in the Tehsil. Of these only 30 villages have Panchayats. Normally Panchayats are established for villages with a population of more than 1,000. But they are formed by nomination. The President is also nominated.

2. Every Panchayat also has a Nyaya Panchayat which is also nominated. They have not yet been able to reduce litigation considerably but on the whole the people are satisfied with their work. There is no sign of party grouping in the Panchayats. At present Panchas coming from areas more than five miles away from the Panchayat's meeting place are given an allowance. But this should be given to all the members as all of them sacrifice their work and time equally.

3. Panchayats levy a House Tax. Government grant was given in the initial stages. Panchayats have to obtain prior sanction of the Government for undertaking development works costing more than Rs. 50. The Panchayats should be given wider powers.

4. There is a Janpad Sabha for every Tehsil. But there is no co-ordination between the work of the Janpad Sabha and the Panchayats.

5. For drawing public support in the implementation of the Five-Year Plan the Officers of the Development Department should consult the Panchayats and work in the area in consultation with the Sarpanch.

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### **SIBSAGAR (ASSAM)**

1. At present Panchayats in the State are formed by elections held on the basis of adult suffrage. There is no provision for nomination. There are various proposals from the side of the voters to change the present election system into ballot system. Although there is a provision in the Assam Panchayat Act for the establishment of Nyaya Panchayats they have not yet been formed.

2. In the matter of finances Government has provision for a contribution of Rs. 2,000 to Rs. 18,000 yearly for a period of five years. Besides, cycle tax, tax on ponies, carts, bazars, etc., held within the jurisdiction of the village and 90 per cent of the local rates after the withdrawal of the Local Self Act in the area, are to go to the Panchayats. Sometimes grants for communications and water supply works are also made.

3. The Primary Presidents are elected by the voters and Advisory Councils are nominated by the President. They have powers of executing certain works and are under the discipline of the Panchayat.

4. The work of the Panchayats is supervised by the Revenue Department Officers and Rural Inspectors in each Sub-division. Government has powers of superseding Panchayats in certain matters. But it has been seen that after supersession the people of the area have generally to face some sort of suffering.

5. There is no coordination between the Panchayats and other Local Boards. Rural welfare works suffer on account of this deficiency. But on the whole Panchayats have been instrumental in improving the condition of villages in the matter of communication, sanitation, etc. The formation of Panchayats with improved constitutions should be encouraged.

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### KANKAR (MADHYA PRADESH)

1. There are 13 Panchayats in 569 villages of the district. There is one Panchayat for a group of villages. The grouping is done on the basis of population of the area.

2. Panchayats in the district were formed only in March this year by nomination of members on the recommendations of the M.L.As and Congressmen. Even the Nyaya Panchayats are nominated. The President of the Nyaya Panchayat is also the President of the Gram Panchayat. The Sarpanch is elected by the members of the Gram Panchayat.

3. It would be better if the members of the Nyaya Panchayats could be given some training in their work.

4. The Chief Executive Officer of the Janpad Sabha, who is also the Additional Deputy Commissioner, supervises the work of Panchayats; thus there is a link between the administrative and revenue offices of the village. Through him the activities of the Village Panchayat and the Government Departments are also coordinated. They give suggestions for the proper working of their departments in cooperation with the Panchayats.

## APPENDIX E

### ABSTRACT OF REPLIES AND MEMORANDA RECEIVED FROM INDIVIDUALS AND INSTITUTIONS

**Shri Bhagwant Narain Bhargava, Lucknow**  
(Formerly, Director of Panchayats, U.P.)

1. It is essential to develop a uniform policy and ideology for Panchayats all over the country. For this a legislation of all India nature is required, mere directives by the Congress are not enough. In view of the wide differences prevailing in various States in regard to the system of election, area, composition and the working of Nyaya Panchayats, the need for central legislation is increased. For placing Panchayats, on a sound footing it would be necessary that for sometime Panchayats are administered by the Union Govt. which should also guide the Panchayats.

2. Panchayats should be organised on the basis of Gandhian ideals. It is essential that this organisation is based on individual devotion, love and faith—more or less on the lines of Sarvodaya. Any programme of development can only be successful when it takes into account the spiritual values. We have to kindle a sense of self-respect among the rural people, so that they may realise that every one has a share in the Government of the country. A spirit of equality and cooperation should be generated among the Panchas and Government servants.

This could be possible only if the Panchas were respected and accorded the same treatment as is given to the M.P.s or M.L.A.s Any kind of subordination, and mistreatment of the members of Panchayats should be avoided. Nyaya Panchayat's Members should be given the same respect as is accorded to members of the judiciary. Panchayats should have full freedom to undertake development works. There should be no undue restrictions on them.

3. The system of elections has encouraged grouping among the people. This could be overcome if some change in the mode of elections is made. But the change should try to eliminate the struggle that takes place during elections. Group rivalries in the villages have gone on for generations. Efforts should be made to overcome this evil.

4. All Government servants residing in a Panchayat area should be members of the Gram Sabha and given franchise. But they should not be appointed to any committees of the Panchayat.

5. A register of families in a village should be prepared and with the consent of the family members the name of the head for each family should be taken down in the register. Then each family should be asked to send a representative to the Panchayat. In this case representatives of families would constitute a Gram Panchayat and there would be no need for a Gram Sabha. In large villages, Sub-Committees may be appointed. Very large villages may be divided into zones for this purposed and

from each zone not more than two or three representatives sent to the Panchayat. There should be no provision for nomination by Government; wherever it is essential the right should vest with the Panchayat. There should be reservations of seats in Panchayat for women and Harijans. Government interference should take place only when the Panchayats have completely failed to work. In this system there would be no election contest.

This scheme, which has been tried in U.P., may prove valuable for other States also.

6. Although Panchayats have been entrusted with the promotion of primary education they have not made much progress in the matter. There are considerable criminal activities in the rural areas. Sufficient police aid and power to organise Village Defence Force should be given to Panchayats. Members of this Force should be drawn from every family. This would reduce differences based on caste and creed and promote harmony. The cost of this measure should be borne by the villages themselves.

Practically all villages want that a hospital be opened there, but very few try to emphasise the preventive measures which are more essential. This is borne out by experience. Wherever hospitals have been opened diseases have increased. People should be taught the value of preventive measures.

Attempt should be made to develop cultural life in rural areas. Panchayats should be encouraged to pay more attention to the development of animal breeds.

7. Except for license fees no other taxes should be levied by the Panchayats on the rural people. The rural people are already heavily taxed. Government must give a part of their revenues to the Panchayats regularly. For development works they should even be granted loans, which may be recovered from the annual grants.

8. The mode of elections for Nyaya Panchayats should also be based on family representatives. At present procedure and rules of Nyaya Panchayats are very complex and litigation cost is as heavy as in courts. So the rules for Nyaya Panchayats should be the simplest. They should have small areas and not large ones. Nyaya Panchayats should try to settle cases on the spot. They should be encouraged to get disputes compromised. The appeals of Nyaya Panchayats should lie with a bench constituted from Sarpanchas of Nyaya Panchayats and not by the district courts, where Panchayats are not accorded a place of respect.

9. The present Taluqa and District Boards should be liquidated and powers and scope of Panchayats enhanced. There should be no duplication in taxation by District Boards and Panchayats.

10. There should be a District Committee to which representatives of Panchayats are sent. This Committee should be held responsible for district development work. The President should be an elected public man. Care should be taken to see that this Committee does not become a mere finance controlling body but actively advises and supervises develop-

ment work in the district. Government officials should also be associated with this body. It would reduce misunderstanding between the people and Government servants.

11. Village Panchayats should be entrusted with the work of land management and land distribution in the village. In U.P., Gaon Samaj and Land Management Committees are being created parallel to each other in a village. This is wrong. It encourages mutual bickerings and greed for office. The larger the number of institutions in a village the more the bickerings.

12. The Village Panchayat must prepare its own Five-Year Plan. Plans should not be imposed upon them from above.

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### **SHRI MANPAL GUPTA, KASGANJ, DIST. ETAH, U.P.**

1. In the recent discussion in the U.P. State Assembly on the Panchayats Raj Amendment Bill, majority of the members held the Village Panchayat responsible for the miseries of the villagers and characterised them as corrupt, unjust, etc., and demanded that the basis of their election should be radically changed. They also said that in case nominations were replaced by elections, the villagers will hold the Congress organisation directly responsible for their troubles. The crux of the question, therefore, is as to how the Gram Panchayats should be constituted?

It has been often seen that honest people do not like to get entangled in election contests. This prevents them from coming to the Panchayats as members. It would be better if every community (biradari) in a village elected its own leader or "chowdhury" and they together form a Panchayat. Such Panchayat could form some sub-committees and elect five Panchas for the Nyaya Panchayat. This system of forming a Panchayat was prevalent here before the East India Company took control of the administration of the country. In case of a vacancy or removal of a Panch of a certain group or community, a new representative should be elected by the community. He should be allowed to serve in all places his predecessor occupied. This system would do away with the evils of modern elections.

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### **SHRI S.L. NARASIMHA RAO, DISTRICT CUDDAPPAH, ANDHRA**

1. The existing Panchayats have not been useful to the village community in any appreciable manner. They are a mere source of expenditure. Their funds are frittered away by irresponsible people and have been influenced by group differences. If Panchayats have to cater real justice and bring about peace in the villages, they will have to be reformed on a no-class, no-caste basis. So long as the powerful and wealthy people exercise influence in the villages, elections in the villages will not be free and just. The civil and criminal powers of the Panchayats should be extended to the maximum limit. Existing powers are very limited and serve no useful purpose. No court fee should be charged and Nyaya Panchayats should be easily accessible. The very foundations of the present Village Panchayats need to be reformed.

2. Present Panchayats are not effective units of administration though they are given certain independent powers.

3. No democratic form of Govt. will thrive in the villages as long as the gap between the rich and the poor in the villages persists. Panchayats and Government should work towards this aim. Unless the powerful landed and wealthy classes in the villages are brought down and the land and wealth equitably distributed under the aegis of the Panchayats, elections to these bodies cannot be free and just. No democratic Government will thrive as long as these glaring inequalities exist. The strong always tries to make himself stronger.

4. A Village Panchayat Organisation Commission should be appointed to fix the boundaries of each Panchayat. This would make possible the formation of Panchayats as economic units.

5. The formation of Panchayats for every revenue village with a population of over 500 is wrong. Our villages are still full of ignorant and illiterate people and are infested with factions. The creation of small Panchayats with meagre sources of revenue and limited powers and responsibilities will only give room for job-seekers and partisans to enter Panchayats and manipulate them for selfish ends. The size of the Panchayats should be enlarged if they are to be really effective. A Panchayat should be formed for a population group of 10,000 people or 2,000 families. The members should be elected by show of hands only and not secret ballot as they are illiterate. Elections should be held every year and there should be one member for every 1,000 people.

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**SHRI N. SATYANARAYANA, PRESIDENT, ANDHRA UNION OF PANCHAYATS, RAJAHMUNDRY, ANDHRA.**

1. In this State Panchayats are formed by election and there is no provision for nomination. But some authorities have advised the State Govt. to introduce the system of nomination from among the social workers in the village. There are no judicial Panchayats in Andhra. Gram Panchayats judicial powers under the Madras Village Panchayats Act of 1950, which are given operates in Andhra. They have not reduced litigation. The working of Nyaya Panchayats, which are very few in number, can be improved by nomination of experienced vakils to them. They should help the Panchayats to arrive at correct decisions without fear or favour.

2. Vehicle tax was abolished in Andhra recently as it was found practically useless. The Government, on some plea or the other, is refusing to set apart 12½ per cent of the land revenue, which was to be given as grants to Class II Panchayats. But Government is giving grant on a fifty-fifty basis for development works.

3. The district and other executive officers of the Government do not exercise any authority over the Panchayats. The treatment meted out to Panchayat members by Government officials is not honourable and proper. They always look at Panchayats with contempt. As too many powers, viz., registration, control and liquidation of Panchayats, are vested in Panchayat Officers they gives scope for corruption and bribery.

4. Panchayats should be allowed to collect taxes and Government should take not more than 1/12 of the collection. The rest should be

left to the villages for undertaking development works. In ancient India Panchayats were autonomous units. They collected all taxes and the Sovereign authority received between 1/6 to 1/12 of the total income.

5. The Government must implement all village level plans through Panchayats. Panchayats must be given the opportunity to prepare their own plans for their improvement and Government should provide grants. At present the plans are thrust on the Panchayats by the Government. In the Second Five- Year Plan planning should start from Village Panchayats. Government must come down to the village level.

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**SHRI K. GOVINDRAJALU, EDITOR, PANCHAYAT NEWS,  
TIRUCHIRAPALLI, MADRAS**

1. Conditions in Panchayat villages have definitely improved.
2. There are no separate Nyaya Panchayats in the State but the entire Panchayat acts as a Court. There are group differences in Panchayats but this is due to illiteracy. It could be remedied by adopting some qualification basis for contesting elections instead of the present adult suffrage. But this would go against the Constitution.
3. The villages require a lot of improvement. The Panchayats, as at present constituted, can do a good deal towards this end. But most of them are handicapped for want of funds. There cannot be large scale assistance from the Government. A major part of the village requirements will have to be raised locally. But the villagers do not freely give for want of proper propaganda and general information. It would also be necessary to check the waywardness of expenditure through a planned programme of improvement of the villages and insisting upon the fulfilment of such programmes. Under the new Panchayat Act enormous powers are said to have been vested in the Panchayats. But the control is given to the Inspector of Local Boards.
4. The Act, either from British standards of administration, or even from the Socialist point of view, doubtless ushers in an era of rural republics and if the 15,000 and odd Panchayats that are sought to be organised in Madras State are to be placed under the administrative control of an Inspector, who is already overloaded with the administrative functions, etc., of other local bodies, the purpose will be defeated. To add to their burden would amount to doing more harm than good.
5. It would be more advisable to place the Panchayats either under a Special Commissioner or an Inspector General of Panchayats, who may be a senior Secretary to Government, to work independently with the cooperation of Panchayat Officers and Project Officers under the Five-Year Plan for the uplift of villages through Panchayats.

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**SHRI M. MANICKAM, SECRETARY, MADRAS PROVINCIAL  
UNION OF PANCHAYAT BOARDS, MADRAS.**

1. Nyaya Panchayats have settled many cases without the parties incurring any cost on litigation. Group differences of the village are not reflected in Nyaya Panchayats.

2. Every member of the Panchayat must be made to attend to court work. For this, suitable amendments should be made to the Panchayat Act. Nyaya Panchayats must not try criminal cases since group or party differences may cause great abuse of justice.

3. No grants are given by the Government to Panchayats.

4. The Panchayat has no hand except to pass a resolution which the Executive Officer may carry into effect only if it pleases him. Though the members and President of the Panchayats are elected by the people they cannot question the Executive Officer or his staff for any mistakes or dereliction of duty. Though the Executive Officer and staff are paid from the Panchayat funds, they are answerable to an outside authority, *viz.*, Panchayat Officer.

The Panchayat and Revenue Officers of the village work completely apart. Education, Public Health and other activities are supervised by the Government. Panchayats are not being treated well. Besides, Panchayats have no connection with the cooperative movement in the State.

5. Provisions in the Act make it impossible for the elected representatives to function efficiently for the good of the people. They are contrary to every democratic principle. In fact it allows the Executive Authority and Staff to do any thing behind the back of the Board, which the Panchayat cannot find out. It is the Government which is running the administration of the Panchayats through the Executive Officer. Presidents of the Panchayats should have full powers of control over staff and management. This would reduce the friction between the Executive Officer and the Panchayat.

6. Panchayats have not been consulted in the implementation of the Five-Year Plan. The decisions are taken by the District Magistrate.

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**SHRI BANSI LAL LOHADIA, CHAIRMAN JAIPUR DISTRICT BOARD, RAJASTHAN**

1. There should be two kinds of Panchayats, *viz.*, those elected unanimously and those which are elected on a majority basis. The Panchayats elected unanimously should be given wider powers. Provision to this effect should be incorporated in the Act. This would arouse public interest in securing uncontested elections.

2. To improve the economic position of the Panchayats they should be given a part of the land revenue of the area, at least at the rate of one anna per rupee. The Panchayats should have the right to sell land for the construction of houses and its receipts should be made over to the Panchayats.

3. The appeals and revisions of the decisions of the Tehsil Panchayats should lie not with the District Judge but with a non-official body like the District Board. In the Gram and Tehsil Panchayat the aim is to secure settlement of the issue and not to stick on legal details, while in the district courts more emphasis is given on the legal aspects. This procedure would defeat the very purpose of the Panchayats and justice will be delayed.



4. In the elections to the Panchayats, services of Officers of the Revenue Department should not be used. The management of the primary schools and hospitals in the Panchayat areas should vest in the District Board.

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### SHRI R. KAKATI, SHILLONG, ASSAM

1. These days everybody is thinking of establishing Panchayats for the development of rural India. The object is to decentralise the present administrative set-up and to give full scope to the people of the locality to develop their economic and social structure according to local genius. For a vast country like India with its manifold differences it is the most practical way. It is suitable to the Indian mass mind. But, though we are talking of decentralisation and Panchayats, we are working in a different direction. The Community Projects and National Extension Blocks breed centralisation. Our mass mind is simple and they want to do things in a simple, swift and speedy way.

2. In 1947 the Assam Government proposed to embark on an ambitious ten-point plan of rural reconstruction. This covered all the aspects, *viz.*, development of rural reconstruction centres, establishment of model villages, subsidization of village self-help enterprises, etc. Under this scheme there was to be a planning committee which was to make a house to house investigation of the number of members of each family and the working members, their social habits, economic condition, land position, agricultural production and marketing, cottage industries, etc., of the village. After the survey these bodies were to draw up a plan for the development of the whole Panchayat area and also separately for each small unit of Gram Panchayat. There will be a multi-purpose co-operative society attached to each such Panchayat to function as an integral part of the Panchayat and an instrument through which economic activities of the villages will be organised.

3. The expenditure of the whole scheme of rural development for the 5 years was calculated at about 4 crores of rupees. But owing to financial and other difficulties the scheme had to undergo material changes and though the Assam Government is doing things on the main principles, it is in a skeleton form. When the scheme was announced there was great enthusiasm among the people, because the people regarded it as their own plan. It appealed to their sentiments. But unfortunately the plan failed to achieve its ends on account of lack of finances. It is estimated that the implementation of the scheme during the next ten year would cost the Assam Government about 10 crores of rupees. For the whole of India the figure might be computed at about 350 crores. With some modifications, the Assam scheme is the most suitable instrument of development of the rural areas of the country.

4. To implement development works fully there should be two sets of Panchayats :

(a) One set should be wholly managed by elected representatives of the people. The Government should help them with lump sum grants in the first year and twice the amount of local rate, cart taxes and other such dues collected in the second year. In the third year 3 times, and so

on upto 5 times in the fifth year, then three times in the sixth, one and a half times in seventh, eighth and ninth and nothing in the tenth. The Panchayat Multipurpose Cooperative will do the function of the Sub-Divisional Multipurpose Cooperative. The Gram Panchayat Cooperative will do the function of the Panchayat Cooperative in the Gram Panchayat Area.

(b) The other set will be solely managed by Government agency for a fixed period of five years. They will be expected to undertake a certain programme which will be published by the Government. After the completion of the programme a referendum should be made whether the people want such Panchayats in their area or not. If 80 per cent people vote for it then work for the next programme can be undertaken.

If these two measures are taken side by side the people will know the difference between the two systems.

5. The original Assam Scheme envisaged full coordination of various nation building departments in its various phases such as at State level, district level and sub-divisional level. The formation of two classes of Panchayats would facilitate this co-ordination.

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### **SHRI B.D. GHORPADE, KOLHAPUR (BOMBAY)**

1. The Administrative Enquiry Committee appointed by the Bombay Government in 1948 says "Whatever the objects of Local Self-Government, it cannot be doubted that the apathy of the electorate, lack of civic spirit in the elected, inadequate financial resources, ill-trained and low paid staff and above all want of timely guidance and control by the Provincial Government have combined to prevent any substantial achievement in the sphere of local administration." These remarks hold good even today.

2. To make Village Panchayats units of Local Government facilities for compulsory education, upto VII standard, and adult education should be provided. The Provincial Local Self-Government Institute be charged with the duty of training the electorates, members of Village Panchayats and secretaries in Acts and Rules and principles of local administration ; adequate funds such as 25 per cent of the land revenue be given to them as also the services of secretaries and other servants.

At present the Revenue Department is already overburdened and so cannot undertake effective supervision of Panchayats. Abnormal delays take place. To overcome this a self-contained and self-sufficient machinery from top to bottom should be created for this purpose.

3. The District Local Boards should remain in charge of sanctioning budgets and auditing the accounts of Panchayats. If a separate Department cannot be created, the control and supervision of Panchayats should be given to Local Boards instead of the District Magistrate. But an appeal should lie with the Inspector of Local Boards.

4. A divisional or district cadre of Village Panchayat Secretaries should be created.

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5. Panchayats should be encouraged and minimum powers and functions given to them. These should be expanded when possible.

6. Prizes should be given every year for the first three Panchayats in each district. Honorary village Panchayat organisers may be appointed for each district.

7. Local Self-Government bodies including Panchayats are the most neglected bodies and as such all possible care and finances need to be diverted to them and all work should be done through them.

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### **BIHAR STATE PANCHAYAT COMMISSION**

During the last three years Panchayats have undertaken many welfare works. It has created great enthusiasm in the public. The Panchayats have not made the progress that was expected of them but the responsibility for this lies in official non-cooperation. If Panchayats are accepted as the units of administration they will be able to achieve greater results.

At present the financial resources of the Panchayats are quite inadequate. The establishment of Gram Kutcheries has reduced litigation in the villages. Although charges of favouritism against the decisions of the Panchayats have been framed but they are insignificant. With greater Government cooperation and the spread of literacy, the efficiency of Panchayats is bound to increase.

## APPENDIX F

**FINDINGS OF THE PANCHAYAT COMMITTEE OF  
LOCAL SELF-GOVERNMENT MINISTERS'  
CONFERENCE, SIMLA**

The Conference of Local Self-Government Ministers set up a Committee for recording their findings in respect of the various items on the agenda concerning the Panchayats. The Committee held its meeting on the 25th, 26th and 27th June, 1954. The record of findings prepared by the Committee is given below :

**1. Constitution of Panchayats as basic units of self-government and planning**

The Committee was of the opinion that in order that the Panchayats may serve as effective basic units of self-government and as basic agencies of planning from below, the development of the village community and for the proper administration—in all spheres of village life, judicial executive, economic, etc.,—at the village level, it was essential that the entire population of the village should be represented as a community in the Panchayats and the constructive local talent drawn into them. To achieve this purpose, it was necessary that frequent meetings of the entire village (*Gaon Sabha*) should be called by the Panchayats and that the Panchayats should function as an effective executive of the *Gaon Sabha*. There should be at least two meetings of the *Gaon Sabha* in each year, in one of which the budget for the coming year and the programme of work for the coming year should be approved and in the other an assessment of the work carried out by the Panchayat executive and how far the targets set up have been realised should be examined. Membership of the *Gaon Sabha* may be either of all the adults in the area of jurisdiction of the Panchayats or one adult member for each family. It was, therefore, considered necessary that the elections to the Panchayats should not be held on the basis of party affiliations, particularly in the formative stages of the Panchayats. It would be desirable that the members of the Panchayats were elected unanimously or almost unanimously at a meeting of the *Gaon Sabha* specially called for the purpose either by show of hands or by any other simple method which could reduce expenditure on elections to the barest minimum. Such a method will not only tend to make the elections to the Panchayats non-political but may also discourage formation of local parties or factions. It was, however, recommended that in order to encourage unanimous elections to the Panchayats, the Panchayats so elected may be given enhanced powers and preferential State assistance.

**2. Jurisdiction of Panchayats**

The Committee felt that, since the objectives in setting up Panchayats were to secure direct participation of every adult in every family for assessing the felt needs of the village community, for determining priorities in relation to such needs and for the formulation and implementation of programmes to realise those needs as well as to secure cheap and speedy justice

and administration at the village level, the village presented itself as a normal homogenous primary unit for the establishment of Panchayats which should be the basic unit for building up a new social structure. These considerations, however, have to be balanced by the necessity to make the Panchayats as viable administrative units with resources sufficient to engage the minimum necessary establishment. Keeping these considerations in view, the Committee recommended that it would be desirable to constitute into a Panchayat units of population, say 1000 to 1500, represented normally by a single revenue village, but where there were administrative difficulties in forming Village Panchayats on this pattern, States should be free to make suitable departures from it, bearing in mind, however, the basic principles given above.

### **3. Collection of land revenue by Panchayats.**

The Committee was of the opinion that using Panchayats as an agency for collection of land revenue on behalf of the Government and giving a certain percentage of such collections as commission to them (Panchayats) is a progressive step, which would increase the income of the Panchayats. It would be advisable, however, to try this experiment in selected Panchayats in the beginning.

### **4. Maintenance of village land records by Panchayats**

The Committee was of the opinion that the Panchayat should be associated with the maintenance of land records. To achieve this object, the Patwari should report change of possessions to Panchayats in addition to sending notice of such registrations to the concerned parties.

### **5. Management of waste lands**

The Committee recommended that the management of Government lands of common utility such as waste lands, pasture lands, fisheries, *Abadi sites*, forests etc., with such exceptions as the State Governments consider necessary in view of local conditions, be entrusted to the village Panchayats. The village Panchayats would be responsible for the care and development of such lands etc., and for giving leases for their use for agricultural and other purposes.

### **6. Letting of lands through Panchayats**

The Committee was of the view that in order to save the tenants from being rack-rented all letting or sub-letting of land for agricultural purposes should be done through the Village Panchayats and not direct.

### **7. Role of the Panchayats on the economic side of village life—Cooperatives**

The Committee then considered the question of the role of the Panchayats to improve the economic position of the villages. It was considered necessary to form multi-purpose co-operative societies for helping the public of the village in respect of cultivation, animal husbandry, assistance in the development of Khadi etc., purchase and sale of consumer stores and articles required in the normal life of a villager *viz.* seeds, implements, cloth, kerosine oil etc., so that the villagers are made self-sufficient in their daily necessities.

The Committee was of the view that while the Panchayats should promote formation of such village co-operatives and assist them actively in their day to day working, yet it would be desirable to keep the functions of the two bodies separate. The Panchayats should mobilise the public and the resources of the village as a whole for development works and operate in spheres where the joint efforts of the entire community of the village are necessary. Cooperatives should, however, function mainly for the economic improvement of the villages in the manner mentioned above.

It was, however, felt that the Panchayats might take over certain functions like sale of improved seeds etc., from the Cooperatives. The view was also expressed by some members that duplicate organisations in a village were unnecessary and, therefore, the Panchayat itself should take over the functions of the Village Multi-purpose Cooperative Society.

It was recommended that Panchayats should be increasingly utilised as the channel through which Government's assistance, other than assistance through agencies like the village cooperative societies, reaches the village.

#### **8. Compulsory service for public purposes**

The Committee felt that greater dependence and emphasis should be placed on *Shramdan* by the village community for carrying out local public work schemes and that Panchayats may be given powers to impose compulsory service for public purposes within their jurisdiction and that it should be left to the discretion of State Governments to make suitable provisions in the Panchayat legislation for such powers.

#### **9. Functions of Panchayats**

The Committee was of the opinion that a long range view should be taken in allocating functions to Panchayats and that such allocation should be on the basis of what is desirable and not on the basis of what is possible. Wherever Panchayats show their capacity for taking over and managing additional duties and responsibilities they should be encouraged to do so, not withstanding the absence of specific provisions in the Panchayat legislation for entrusting such duties and responsibilities to them.

The Committee recommended generally the following items as illustrative of the functions which might be entrusted to Panchayats:

##### **(a) Municipal and Welfare Functions**

- (1) registration of births, deaths and marriages.
- (2) medical relief, including maternity and child-welfare dispensaries, hospitals, etc.
- (3) general sanitation of the entire area including taking of preventive and curative measures against outbreak of epidemics.
- (4) regulating places for disposal of dead bodies of human beings, animals and other offensive matter.
- (5) disposal of unclaimed corpses of human beings, animals, etc.

- (6) construction and repair of drinking water well, public washing and bathing ghats and regulating sources of supply of drinking water, including piped water supply where possible, and prohibition of bathing, washing, etc., in any public water supply sources set apart for drinking.
- (7) regulating, cleansing, removal and disposal of sullage, sewage, etc., including sale of manure therefrom.
- (8) regulating the construction of latrines, urinals, water closets, drains, etc., with powers to remove, alter, repair, cleanse and disinfect the above mentioned including cess pools.
- (9) cleanse, repair, remove, cover, fill-up, drain or deepen or to remove water from a public well, tank, pool, etc., as a preventive public health measure.
- (10) clear any vegetation, undergrowth, shrub or jungle for the same purpose.
- (11) construction and maintenance of slaughter houses.
- (12) veterinary relief.
- (13) management and control of cattle pounds.
- (14) construction, repair, maintenance, sanitation and lighting of public streets, pathways, lanes, etc.
- (15) power to prevent encroachment on public streets and public places including hedges and to remove trees or branches of trees obstructing any public thoroughfare or causing public inconvenience.
- (16) construction of roads, building of bridges, culverts, etc., between villages under their control including approach roads to highways and installation of public road stands.
- (17) planting of trees on roadsides and other places.
- (18) establishment of libraries, reading rooms, recreation grounds, children's parks, etc.
- (19) establish, maintain and supervise one or more primary, middle or high schools.
- (20) regulating construction of new buildings and existing buildings.
- (21) organisation and regulation of fairs and markets.
- (22) organisation and regulation of melas, festivals, community festivals, etc.

- (23) extension and development of *abadi* village sites.
- (24) watch and ward of the village including crops therein.
- (25) assistance and care of crippled destitutes, blind, etc.
- (26) construction and maintenance of dharamsalas.
- (27) rendering assistance in extinguishing fires including maintenance of fire fighting equipment and personnel where possible.

**(b) Development Functions**

- (1) crop experiments.
- (2) improvement of agriculture.
- (3) formation of cooperative thrift and credit societies and multi-purpose co-operative societies.
- (4) organisation of cooperative farming.
- (5) improvement of cattle breeding and general care of live-stock.
- (6) establishment of common granaries.
- (7) promotion and development of cottage industries.

**(c) Judicial Functions**

The Committee was of the view that judicial functions should be performed by a body other than the Panchayat executive which was entrusted with the administrative functions. The formation of *Nyaya* Panchayat or Judicial Panchayat for the area comprising four or five Village Panchayats was recommended. The procedure suggested for the constitution of *Nyaya* Panchayat was as follows:

Each Panchayat should elect, say, five persons to serve on the *Nyaya* Panchayat and if the five Panchayats comprising a group elect five such persons each to serve on the *Nyaya* Panchayat, a total of 25 Panchayatdars to serve on the *Nyaya* Panchayat would be obtained. These 25 persons should again be divided into five groups of five persons each, each group consisting of at least one member from each Panchayat. Each of these five groups will function as a Panchayat Court, administering judicial (civil and criminal) functions alternatively *i.e.* if one case is allotted to the first group, the next is allotted to the second group and so on. If, however, any State Government preferred to experiment with vesting judicial powers also in the executive Panchayat, it might do so.

The Committee was definitely of the opinion that as far as possible more and more powers to try criminal cases and civil and revenue suits should gradually be delegated to Panchayat Courts and that enhanced civil and revenue powers might be given to such courts if the parties agree to refer their cases for arbitration to those Courts. Panchayat Courts should also be authorised to undertake amicable settlement of civil or revenue disputes referred to them by the parties to such disputes.



## 10. Rural Water Supply

The Committee was emphatically of the opinion that the provision of protected water supply in rural areas was of the greatest urgency and necessity and that for such purposes the Centre should assist Panchayats through State Governments with subsidies for construction and repair of drinking waterwells, including provision of piped water supply where possible.

## 11. Trust Duties

The Committee was not in favour of empowering the Panchayats to take over properties or public trusts within their areas which vest in the Commissioner of Charitable Endowments.

## 12. Constitution of Panchayats—Election Nominations

The Committee felt that constitution of Panchayats should be by election. Seats might, however, be reserved, if necessary, for scheduled castes and scheduled tribes, such reservation could, however, be in force only up to a period of 10 years from the commencement of the Constitution of India.

## 13. Procedure for Elections

While approving the advantages of election by secret ballot, the Committee was of the view that in order to reduce to the minimum the expenditure on elections to Panchayats and to secure unanimous election of members to Panchayats such elections could, with advantage, be held at meetings of Gaon Sabha by show of hands or by some such simple procedure.

## 14. Finances of Panchayats

The Committee generally approved the allocation, *inter alia* of the following sources of tax and non-tax revenues for Panchayats.

- (a) Graded Tax on land revenue and rent.
- (b) A tax on trade, profession and calling.
- (c) Property tax.
- (d) Conservancy tax.
- (e) Licence fees for sale of goods in markets, fares, etc.
- (f) Licence fee on vehicles and animals used for hire.
- (g) Fees for fishing in ponds and sale of entire crop.
- (h) Income from management of public fairs.
- (i) Commission on collection of land revenue.
- (j) Fines and fees realised by Panchayat Courts.

(k) Tax in the form of compulsory service for public purposes.

(l) Donation of land, money, *Shramdan* for public utility works.

The Committee was of the considered view that there was not much scope of increasing the income of Panchayats from tax revenue items and recommended, therefore, that State Governments should give increasingly larger grants to Panchayats.

They also recommended that all State Governments should assign a suitable portion of land revenue to Panchayats.

The Committee suggested that Panchayats should acquire adequate land either from the Government or through donation by individuals or village communities. Panchayats could improve their finances from the income from such lands.

It was also felt that the Panchayats should increase their resources by getting voluntary donations in cash and kind.

The Committee was of the opinion that Panchayats should spend as little as possible on their establishment.

## 15. FUTURE OF DISTRICT BOARDS

The concensus of opinion in the Committee was that there should be an intermediary unit of self-government between the Panchayats and the State. The functions of this unit would be:

- (i) to co-ordinate and supervise the work of Panchayats and foster their growth, and
- (ii) to perform original functions in the Unit area which cannot be performed at the Panchayat level.

The unit should not interfere with the basic functions of the Panchayats. The Unit should have powers to raise revenue. The Unit should be constituted mainly by direct elections with members of the Panchayats serving as an electoral college. Some members elected by direct election might also be introduced if the State Government found it necessary. A section of the Committee, however, was of the view that units should be constituted mainly by direct election. It was recommended that the State Government and the Local Bodies (intermediary units of self-government) should discuss and settle the functions that could be decentralised and entrusted to these Local Self-Government Units.

The Committee strongly recommended that every effort should be made to get men and women of first class calibre into all Local Self-Government Bodies.

The Committee recommended that organisation should be formed at the Centre to collect and collate information regarding Village Panchayats and other Local Bodies in the various states. It was also of the view that such information should be arranged and tabulated and periodically supplied to all the States.

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**16. TRAINING**

The Committee recognised the need for training both the Panchayat staff as well as the members of the Panchayats (both executive and judicial) to enable them to perform their duties efficiently.

**17. Standardisation of technical terms in Panchayat Legislation.**

The Committee considers it desirable that the terms used in the Panchayat Acts of different States should, as far as possible, be standardised and that the organisation to be set up at the Centre for collection and collation of information regarding Local Bodies in the various States should be entrusted with this task.