

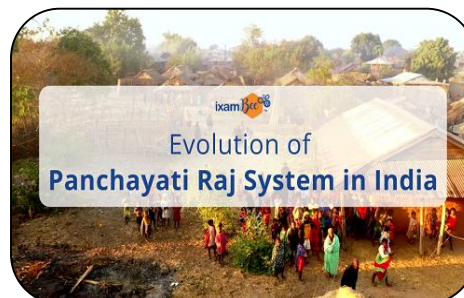


## EVOLUTION OF PANCHAYATRAJ SYSTEM IN INDIA AND KARNATAKA

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### ABSTRACT :

*In the preceding chapter an attempt was made to trace the history of Panchayati Raj Institutions (PRIs) from ancient period till the end of the British rule. In the present chapter an attempt has been made to analyse the growth of the Panchayati Raj Institutions since independence to 1992 i.e., till the enactment of 73rd constitution Amendment Act 1992. This chapter include the reports of several committees which were concerned to the Panchayati Raj Institutions, and also the discussion on the 64th Amendment Bill and 73rd constitution Amendment Act.*



**KEYWORDS :** *ancient period , Panchayati Raj Institutions (PRIs) , constitution Amendment Act.*

### INTRODUCTION :

Post independence period is really a landmark in the growth of Panchayati Raj Institutions. Because, for the development of the villages central government took number of steps, such as CDP, appointment of number of committees to assess the Panchayati Raj Institutions and introducing the constitutional amendment bill in parliament which related to the Panchayati Raj Institutions. As a result of all these attempts, 73rd constitution Amendment bill became an act. This act provides the constitutional status it; (he Panchayatj Raj Institutions. No doubt it has been considered as the 'Milestone' in the growth of the Panchayati Raj Institutions.

Therefore it is considered that 73rd constitution amendment acts has become the mile-stone in the growth of Panchayati Raj Institution. All the above mentioned attempts are responsible towards the genuine growth of Panchayati Raj Institutions in India. Hence the various attempts are discussed in this Chapter.

### THE HISTORICAL SURVEY

Vedic and post-Vedic sources<sup>1</sup> show the Indian village as a self-sufficient and autonomous miniature republic. This essential feature has giver. Indian history a sense of continuity. Kingdoms and empires rose and fell but the village has survived. Village social organization can be clearly understood by centering the discussion on the panchayat, an effective agency of social control for ages. <sup>1</sup> The autonomous village is best described by Metcalfe:

The village communities are little republics, having nearly everything they can want within themselves... 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 ... contributed more than any other cause to the preservation of the peoples-of India... and the enjoyment of ... freedom and independence.<sup>2</sup>

*The Vedic age:* The village during the Vedic age was administered by a respected official, advised by a council of elders. The *Ramayatu* ciles a village leader of great prestige called *Gramani*. He was held

in high esteem "so much so that when Rama killed Ravana, the happy gods, in singing praises to him, compared him to a general and 3 *Gramani*."<sup>3</sup> That the *Gramani* enjoyed high status in the village can be noted furthermore in that "at the royal consecration, the king's entourage consisted of... a *Gramani*, a *Sula* (charioteer), and a Bhagdugha (collector of taxes)."<sup>4</sup> As one Indian historian says:

Gramani was probably at the head of the village administration ... The post carried considerable prestige and is described to be the object of the highest ambition of a Vaisya. The king exercised his powers over the village through the ... Gramani.<sup>5</sup>

The *Gramani* was in charge of defense. He was the chief of a "corps of volunteers and guardsman." He also collected taxes for the state. A *Gram Vridhas* (council of village elders) and the whole village co-operated with him in collecting dues for the state.<sup>6</sup> The *Gram Vridhas* was a non-official advisory body. The *Gramani* and the village scribe (equivalent to the present *palwari, palel, kulkarni*, etc.) generally headed the *Gram Vridhas*' counsel.<sup>7</sup>

Manu, on the other hand, refers to the village official *Gramik*. Like the *Ramayana*, Manu also mentions village administration and tax collection for the king as the *Gramik*'s main duties.<sup>8</sup>

Before considering the Mauryan age, it may be well to say a word about Vedic judicial bodies. Malaviya claims that there is no clear evidence available for judicial bodies.<sup>9</sup> He, however, states that the nature of village judicial bodies may be inferred from the questions that Rama asked Bharat in their meeting near the Chit-rakut mountains:

Dost thou condemn any through avarice, without regard for justice or subjecting the offender to closer examination by those eminent in law and who are of good conduct? Are those who serve thee, just men, innocent of lying and theft, and not of ill repute? O Noble one, those who are apprehended for theft... are they able to obtain release by bribing the officials? In a dispute between the rich and the poor man, do thy experienced judges carry out justice uninfluenced by a desire for gain?<sup>10</sup>

### THE MAURYAN AGE:

Village administration during this period (324 B.C.-236 B.C.) was closely linked with agriculture. The village size ranged from 100 to 500 families. Boundaries were demarcated by river, hill, forest, ditches, tanks, bunds, and trees situated at one or two *krosas* (1 *krosha* equals 2 miles) presumably for mutual protection with neighboring villages.<sup>10</sup> The following officials composed the village administrative staff: (1) the headman (*Adhyaksha*), (2) the accountant (*iSamkhayaka*), (3) village officials of different grades (*Sthanikas*), (4) the village couriers (*jamgha karika*), and the (5) veterinary doctor (*Anihistha*). In addition, the *Chikitsaka* (in charge of sanitation) and the *Ashwadamak* (horse-trainer) were also village leaders. All these officials were given land free of rent and taxes but they were not allowed to sell or mortgage the land.<sup>11</sup>

Vidyalankar cites the degree of governmental control over the village. He writes that despite Chandragupta's vast empire and centralized regime, he never interfered very much with the village communities. The village was self-governed. A sketch of village life under the Mauryas is illuminating:

Every village had its own *Sabha* (assembly) which debated all matters relating to the village; rules helpful to the entire community were framed, and the offenders were punished through regular trials and judgments. The *Sabha* was the centre of the multifarious activities of the village. It discussed religious and social matters. It arranged numerous types of entertainments... The *Sabha* met under a shady tree... Representatives of village families, the elders, and other experienced folk gathered there... The Indian people lived independently in these self-governing village republics.<sup>12</sup>

During the post-Mauryan period from 200 B.C. to A.D. 300, known as the "dark period", the village continued to be the smallest unit of administration. The headman, assisted by the council of elders, still played a prominent role in village life.<sup>13</sup>

In sum, the village under the Mauryas was efficiently organized the traditional elders found in the Vedic age were still dominant a feature also of Gupta rule.

### THE GUPTA PERIOD:

Gupta village government was in many respects similar to that of the Maurya period. Basham's discussion of Gupta village rule reveals this pattern.<sup>14</sup> Both northern and southern India had the traditional leaders-The village headman and the accountant were still active under the Guptas. In addition, the watchman helped administer the village. Altekar's description is very revealing;

The village administration was in charge of a headman designated as a Grameyaka or as a Cramadhyaksha. He had a clerk to work under him to keep the records. The headman was assisted in his work by a non-official council... The village councils were known as Janapadas in the Gupta administration...<sup>15</sup>

The main responsibilities of the village council were village defense, settlement of disputes, collection of revenues for the government, organization of works for public utility, and acting as a trustee for minors.<sup>16</sup> The southern councils especially performed a major role in social affairs, revenue collection, assessment, public works, and wasteland management. They also settled village disputes. On the judicial function, Majumdar believes that "justice was administered by royal officials with the help of the village council or assembly. In certain cases the assembly alone sat in judgment and passed sentence."<sup>17</sup>

Majumdar also writes that in the far south of India the lowest administrative units were the *Kurmm* (union of villages) and *grama* (village) each under its own headman who was assisted by assemblies (*Ur, Mahasabha*) ...<sup>18</sup> In some villages, the assembly was made up of the entire population. In some places, however, a few great men or *Brahmins* were chosen by ballot. Assembly-appointed committees performed function in definite spheres, such as hose haying to do with tanks, temples, justice, etc. The work of these self-governing bodies was directed by royal officers called *aanikann*.<sup>18</sup>

In summary, the village headman and the accountant, both prominent officials in the Vedic and Mauryan periods also played an important part in village administration. The village council took various forms but retained many of the functions found under the Mauryas.<sup>19</sup>

### The Mughal rule:

Village organization was not drastically changed under Muslim rule (1556-1749). The self-governing community under the Mauryas and the Guptas was still healthy and vigorous. The traditional officers, headman, accountant, and watchman, were still active notwithstanding the rise and fall of kingdoms and empires. The village, still the unit of administration, was little altered by the vicissitudes of Mughal, Maharatta... rule. Each village had a number of hereditary native officials. The most important was the headman, usually referred to as the *paid*, who collected the revenue and in Madras was a potty magistrate and civil judge; the *patwin*, or accountant, in charge of the village accounts, registers of holdings, and records connected with the land revenues; and the *chowki-dar*, or watchman, the rural policeman.<sup>20</sup>

This feeling is shared by Majumdar and his associates. Samant's view on the judicial aspect of panchayats is that village councils under Muslim rule had the state's support because "we find that even under Muhammadan kings, when Muhammadan interests were involved, the decision of a panchayat was enforced by the ruling monarch which is a sufficient proof to show that the power of the State was always behind the village councils."<sup>21</sup>

It can thus be inferred that the very spirit and form of the panchayats during the Mauryan and Gupta periods were still present in the Muslim period. The headman, the accountant, and the watchman, found in earlier times, still ruled under the Muslims. This state of stable village government was rudely shaken with the coming into power of the British in India, a period now to be explored.<sup>22</sup>

*The British regime:* This summary of the British regime in India has two purposes. to present a "typical" Indian village as perceived and described by the British rulers, and to discuss some of the basic political and economic changes introduced and their impact on village autonomy. Features of village life included as background material for British innovation ; include the physical setting, the staff of functionaries, artisans, and traders, and the village council.

*The Imperial Gazetteer of India* gives a vivid description of a "typical" Indian village:

The typical Indian village has its central residential site, with an open space for a pond and a cattle stand. Stretching around this nucleus lie the village lands, consisting of a cultivated area and (very often) grounds for grazing and woodcutting. The arable lands have their several boundary marks, and their little sub-divisions of earth ridges made for retaining rain or irrigation water. The inhabitants of such a village pass their life in the midst of these simple surroundings, welded together in a little community with its own organization and government, which differ in character in the various types of villages, its body of detailed customary rules, and its little staff of functionaries, artisans, and traders.<sup>23</sup>

Matthai<sup>24</sup> enumerates the staff of functionaries, artisans, and traders which governed the village. The list of officers and service groups, for example, in a Madras village is contained in a report of a Select Committee of the House of Commons, issued in 1812:

1. The headman—who supervises village affairs, settles disputes, supervises the police and collects revenues within his village.
2. The accountant—who keeps accounts of cultivation and registers everything connected with it.
3. The watchmen—of two kinds: the superior and the inferior. Superior watchmen gather information of crimes and offenses and escort and protect persons who go to other villages. Inferior watchmen guard crops and assist in measuring them within the village.
4. The boundaryman—who preserves village limits or gives evidence respecting them in cases of conflict.
6. The superintendent of tanks and water-courses—who distributes water for agriculture.
7. The priest—who performs village worship.
8. The schoolmaster—who teaches children to read and write in the sand.
9. The astrologer—who proclaims lucky or unpropitious periods for sowing and threshing.
10. The smith and carpenter—who manufacture agricultural implements and build dwellings of ryot.
10. to 16. The potter, washerman, barber, cowkeeper, doctor, dancing-girl, musician-poet.<sup>25</sup>

The most characteristic feature of the government of a village was the village council or panchayat (literally, council of five). In Matthai's view, the village council might designate either a general meeting of the inhabitants or a select committee chosen from among them.

Before explaining the British innovations in Indian village life, a description of the systems of landholding in rural India at that time can clarify the succeeding discussion.<sup>26</sup>

There are two main types of landholding: namely, the landlord type and the nonlandlord type. The landlord type (prevailing then in the Punjab, U.P., and greater part of the Central Provinces) is characterized by the presence of a powerful joint body of proprietors who form a close oligarchy in relation to the general mass of inhabitants. They claim jointly the entire village site, the cultivated land and the waste; and the other inhabitants pay rents to them for permission to hold and use land. Here the revenue was formerly assessed on the village as a whole, and the incidence was distributed among the members of the proprietary group.<sup>27</sup>

On the other hand, in the nonlandlord village (dominant in Madras and Bombay and even in British Burma), "there is no joint ownership and no communal responsibility for paying the revenue. Each cultivator holds his own land and pays the tax on it directly to the State.<sup>28</sup> From the local administration angle then, the difference between the two systems lies in the "relative importance assigned to the village headman."<sup>29</sup> Whereas the nonlandlord village composed of many small holders of equal position and influence" necessitated a single leader's appointment with sufficient powers, the landlord type did not need a common leader's services. As a result, the headman in nonlandlord villages "has always been part of the original Constitution, holding an important position in every sphere of village life," while in the landlord-type, the headman is comparatively a government creation and "the original purpose of his appointment was simply to act as an intermediary in revenue matters between the proprietary body and the government."<sup>30</sup>

With this distinction between the two systems of landholding, the changes can be seen more clearly. Under the centralized British regime, all activities were directed from headquarters. The village had no place in the scheme. Because the British rulers deemed it wise and profitable to have direct

dealing with the tenants, the existing village machinery was, therefore, relegated to the background.<sup>31</sup> The land revenue allotment and collection which till then was vested in the village councils was "allowed to lapse in favor of direct dealing with the tenant."<sup>32</sup> The age-old traditional village headman and the accountant became paid government servants. Thus, the villagers were not only deprived of their land revenue share; their leaders were also reduced to salaried government agents.

In judicial matters, Samant states that the regular courts established by law influenced even distant villages. The British administrators would not enforce local panchayat courts' decisions. Statute law, therefore, replaced the social and religious traditions. The panchayat, an effective force of social control before British rule, gave way to a more formalistic, legalistic, and impersonal entity:

The introduction of this British system of justice by regular courts and fixed laws, naturally, tended to 'suppress the indigenous agencies, whether caste assemblies or guilds, by which the customary usages regulating the conduct and rights of the members of the communities were constantly though unconsciously modified to suit the changing conditions?'<sup>33</sup>

It is evident then that the traditionally self-sufficient and self-governing village was basically altered by the centralized, colonial British regime in India. The British government later tried, however, to extend some semblance of local autonomy to the Indians. The degree of success or failure in British attempts at panchayat reform can be made clear by describing in the succeeding topic the role of the Indian nationalist movement. Thus, the history of panchayatsystem has its history in India.

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