PANCHAYAT RAJ AS THE BASIS OF INDIAN POLITY

DHARMPAL (1922-2006) authored several books that sought to present different aspects of the Indian society and polity from an Indian perspective. These rigorously documented books disrupted the scholarly consensus about the backwardness and dis-functionality of pre-British India and presented the picture of a society that in fact was highly sophisticated and advanced in its political ideas and arrangements and in its sciences, technologies and education systems. These works are of abiding interest and importance.

In the Dharampal Classics Series, we present his major works in their original authentic version and in an aesthetically rich format. The Series is being brought out by the Centre for Policy Studies, a research institute with which Sri Dharampal was associated for several years, and Rashtrrotthana Parishat, an organisation that had the good fortune to host Dharampalji at Bengaluru on several occasions and to introduce him and his work to the Kannada readers.

Panchayat Raj as the Basis of Indian Polity (1962), the first in this Series, was the first book of Sri Dharampal. It presented extracts from the Constituent Assembly Debates on the place of Panchayat Raj in the constitutional polity of Independent India. This passionate debate ultimately led to the mention of Panchayat Raj in the non-enforceable Directive Principles part of the Constitution. The book gave an early indication of the deep interest Dharampalji was to develop in the understanding of classical Indian society and polity and the process of its subversion by the British.
Dharampal Classics Series

PANCHAYAT RAJ AS THE BASIS OF INDIAN POLITY
An Exploration into the Proceedings of the Constituent Assembly

DHARAMPAL

Foreword by
JAYAPRAKASH NARAYAN

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by Dharampal

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DHARAMPAL (1922-2006) authored several books that sought to present different aspects of the Indian society and polity from an Indian perspective. These rigorously documented books disrupted the scholarly consensus about the backwardness and dis-functionality of pre-British India and presented the picture of a society that in fact was highly sophisticated and advanced in its political ideas and arrangements and in its sciences, technologies and education systems. These works are of abiding interest and importance.

In the Dharampal Classics Series, we are reprinting the original editions of the most significant of his works. We have tried to keep the text of the first published editions unaltered except for changing some punctuation mark where it seemed essential or introducing a footnote here or there to explain some reference, word or phrase. Where possible, we have compared the archival documents reproduced in these books with the originals and carried out the necessary corrections when necessary.

The present volume, Panchayat Raj as the Basis of Indian Polity (1962) was the first book that Dharampal authored. It presents extracts from the Constituent Assembly Debates on the place of Panchayat Raj in the constitutional polity of Independent India. This passionate debate ultimately led to the mention of Panchayat Raj among the non-enforceable Directive Principles of the Constitution. The book gave an early indication of the deep interest Dharampal was to develop in the understanding of classical Indian society and polity and the process of its subversion by the British.

Soon after publishing this book, Dharampal began an extensive exploration into the British Indian archives, especially the India Office Records collection. This archival research led to three of his major works. In the first of these, Indian Science and Technology in the Eighteenth Century (1971), Dharampal compiled several articles by early British officers, scholars and observers about the Indian
sciences of astronomy and mathematics and the Indian technological practices in metallurgy, agriculture, architecture and medicine, etc. The book created a new appreciation of the sophistication and efficacy of Indian sciences and technologies before the coming of the British.

Around the same time, Dharmapal published *Civil Disobedience and Indian Tradition* (1971). It presented documents of an intense civil disobedience struggle that raged in Benaras and several cities of Bihar for nearly two years between 1810 and 1811 against the imposition of a new house tax by the alien British administration. Indians found the tax to be an innovation and therefore obnoxious. The book anchored the Civil Disobedience of Mahatma Gandhi in an older and, till recently, vibrant tradition.

*The Beautiful Tree: Indigenous Indian Education in the Eighteenth Century* (1983) was the third book of Dharmapal presenting the British archival records on various aspects of Indian polity. In this volume, Dharmapal compiled documents of a survey of indigenous education ordered by Thomas Munro, Governor of Madras, in 1822. The details of the indigenous schools and institutions of higher learning—sent by the Collectors of 21 districts of the extensive Madras Presidency—offer a fascinating picture of the extent, inclusiveness and sophistication of the then prevailing system of education in India. The book also includes extracts giving similarly fascinating details of indigenous education in Bengal and Punjab.

*Bhāratīya Chitta Mānas and Kāla* (1993), the fifth book in this *Series*, is in a way the final book of Dharmapal, though later he did author a few other books based on his archival studies. In this small, but seminal book, he reflects on the peculiarities of the Indian consciousness, the Indian sense of time and on the civilisational essence of being an Indian. The book thus lays down the philosophical perspective from which his corpus needs to be read.

Centre for Policy Studies has been fortunate to have the honour of Sri Dharmapal’s association from its inception in 1990. Around
that time, Sri Dharampal spent several years in Chennai and, we along with several other colleagues, had the opportunity to closely work with him on many subjects. *Bhāratīya Chitta Mānas and Kāla* was written during this time. It was translated into English and published under the auspices of the Centre in 1993.

The historical event of the demolition of Babari structure at Ayodhya happened when Sri Dharampal was residing in Chennai. The Centre, at his initiative and with his blessings, invited several eminent persons of diverse persuasions to speak on the meaning of that momentous event. The lectures and the subsequent discussion on them were published by the Centre under the title *Ayodhya and the Future India*. Sri Dharampal’s lecture, “Undamming the Flow”, in this compilation remains relevant even today, especially now when the Ayodhya saga is coming to its culmination.

During his stay at Chennai, Sri Dharampal also began looking into the archival records of a survey of the Chengalpattu region that the British had carried out in the 1770s. The Survey disclosed an affluent, equitable and functional polity in which the locality raised its own resources and performed all the functions that we today expect from a provincial or national State. The Centre has continued to compile and analyse the voluminous data of that Survey and carry forward Dharampal’s work in many other directions.

The Centre has initiated this *Series* to edit and publish authentic editions of Dharampal’s major works as part of the celebrations of his centenary year that begins on February 19, 2021. The five volumes that we present now mark the beginning of the *Series*. We hope to compile and publish several other volumes of his works in the course of the centenary year.

We dedicate this *Series* to Sri Dharampal who taught us to look at India and the world in a new light.

J. K. Bajaj & M. D. Srinivas

February 19, 2021

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VII. RESOLUTION ON AIMS AND OBJECTS
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Shri Dharampal, secretary of the Association of Voluntary Agencies for Rural Development (AVARD) has performed a great service in digging up from the voluminous proceedings of the Constituent Assembly all relevant material regarding the place of panchayat raj in the political structure of free India. A study of the material presented here would fill any one who has the least concern with Indian democracy with sorrow. During the freedom struggle, because of Gandhiji’s formative influence upon the political thinking of those who fought for freedom, it was more or less taken for granted that gram raj would be the foundation of Swaraj. In other words, the concept of political and economic decentralisation was axiomatic with the fighters for freedom. But when the Constitution came actually to be constructed, that concept somehow was forgotten, or, to be more precise, remembered only as an after-thought. The present wide-spread practice in the ruling circles of showering seasonal, fulsome praise on Gandhiji and neglecting him in practice seems to have had its beginnings right at the outset of our freedom, when Gandhiji was still present in flesh and blood.

There was, perhaps, a sub-conscious thought in the minds of the political leaders who followed Gandhiji that while in the enforced condition of disarmament of the Indian people, Gandhiji’s technique and philosophy of Satyagraha were useful in the struggle for freedom, his ideas were not relevant to the tasks of post-freedom reconstruction. This thought was never clearly formed in the minds of the political leaders, who would have most indigantly rejected
any such suggestion. I suspect, however, that from the beginning that sub-conscious thought has influenced the practical policies that the new rulers of the country have followed since Independence.

Be that as it may, it is rather remarkable that it should have been believed at the time that constitution-making was the job of lawyers and constitutional experts. All constitutions that were framed after successful revolutions, had been the work of the revolutionary leaders themselves, the experts doing no more than giving their ideas a legal framework. Unfortunately, in our case, even the distinguished lawyers to whom the task had for all practical purposes been entrusted seem to have performed their functions rather perfunctorily as is evident from Shri T. T. Krishnamachari’s lament.

The intention of Shri Dharampaul in bringing to light the buried bones of past discussions is not to indulge in sterile historical research. Since the report of the Balvantray Mehta Committee and inauguration of what is now known as Panchayati Raj in Rajasthan in 1959, there has been a quickening of interest in the subject of decentralised economic and political democracy. It is to help in this process of re-thinking that this material is being published. It should be found refreshing to be reminded of sentiments and ideals expressed when the glow of a unique revolution still lighted the minds of the people and their leaders.

I should like, as a sort of a footnote (this is not the appropriate place for elaboration) to the old debate to emphasise that the question involved is not only that of decentralisation. As I look at it, there are two entirely different concepts of society involved here. Even though not clearly expressed, this is implicit throughout Gandhiji’s discussion on the subject. One concept is that put forward by Dr. Ambedkar, and accepted as the basis of the Constitution, namely, the atomised and inorganic view of society. It is this view that governs political theory and practice in the West today. The most important reason for that is that Western society itself has become, as a result of a certain form of industrialisation and economic order, an atomised mass society. Political theory and practice naturally
reflect this state of affairs, and political democracy is reduced to
counting of heads. It is further natural in these circumstances for
political parties, built around competing power-groups, to be
formed, leading to the establishment, not of government by people,
but of government by party: in other words, by one or another
power-group.

The other is the organic or communitarian view, that puts man
in his natural milieu as a responsible member of a responsible
community. This view treats of man not as a particle of sand in an
inorganic heap, but as a living cell in a larger organic entity. It is
natural that in this view the emphasis should be laid more on re-
sponsibility than on right, just as in the inorganic view it is natural
that it should be the opposite. When the individual lives in commu-
nity with others, his rights flow from his responsibilities. It cannot
be otherwise. That is why, in Gandhiji’s sociological thought, the
emphasis is always laid upon responsibility.

Now, a community in order to be real, that is, in order that it
might be infused with the sense of community, must emphasise in
its internal life such ethical values as adjustment, harmony and co-
operation. Without these there can be no community. The commu-
nity can never be at war with itself: one part of it fighting the other
(albeit democratically), and the majority ruling over the minority.
Such kind of political battle is possible only in the mass society,
where there is no community. This does not mean that within the
community there can be no difference of opinion or of interests. But
they must be adjusted together and harmonised so that the commu-
nity and its individual members live and grow and evolve materially
and spiritually. The job is to discover the political and economic
institutions and processes that can accomplish this task. It is time
the protagonists of panchayat raj looked beyond the hackneyed
phrases of political and economic decentralisation, fondly hoping
that parliamentary democracy plus a large measure of local self-
government would perform the trick and usher in people’s
democracy of their dreams.
It is necessary to point out that according to the communitarian view, the community does not begin and end with the primary community: the village or the small township. Gandhiji’s concept of concentric circles of community might be recalled in this connection, the outermost circle, which Gandhiji termed ‘oceanic’, embracing the whole world community of human beings; just as within the primary community adjustment, conciliation, harmony and cooperation are the aim, so the relations between different ‘circles’ of community have to be adjusted and harmonised in the interest of all concerned. This objective and the means to achieve it should be expressed in the polity of society. The representative, political institutions for example, should be so constituted as to represent not individuals, but their communities, beginning with the primary community and going outward to embrace wider and wider circles. In this system, the community thus takes the place of the party—the difference within and between communities being adjusted and harmonised at every level.

In the sphere of world relations, this concept of adjustment of the interests of national communities, even of the USSR and the USA, is being considered as a practical proposition. But it is remarkable that within the national community this is not yet thought to be possible, or to be possible only on the basis of the majority in numbers imposing its will democratically upon the minority. In the United Nations it is inconceivable that the majority of the nations should seek to impose their will over the minority. It would lead immediately to the break-up of the world organisation. For the good of each it is imperative that the nations should discover ways to adjust and harmonise their interests. It is true that this imperative is accepted not because of moral conviction, but because of destruction from the new weapons of war. Nonetheless, the mental acceptance of the imperative is real. There is no equally clear imperative at work within the national community. In the West where the community has almost wholly ceased to exist, the frustrations of the mass society resulting in a new moral consciousness will perhaps in
time replace the present political system based on the struggle for power with a system based on harmony and cooperation.

In India, and perhaps in all the developing countries of Asia and Africa, however, the situation is more favourable. The small primary community, the village and the township, still exist. True, there is little of true community found at present in the village, but at least, the physical shell of community is there. The task is to put substance into the shell and make the villages and townships real communities. But if a political system is introduced into the village that further disrupts the already largely disrupted community, the result would be not development of feeling of community and harmony but just the opposite. The polity of panchayati raj, or communitarian polity, must not copy the polity of the mass society. It is for this reason that Gandhiji rejected parliamentary democracy, which he termed the tyranny of the majority, laid stress on gram raj (which logically embraces Nagar raj) as the basis of swaraj, and also why he commended the process of decision-making through a process of consensus-making and emphasised the role of a detached moral force based on popular sanction and derived from selfless service as a unitive and corrective force in the democracy of his conception.

There is a last point which I should like briefly to touch upon. It might be urged, as is actually done, that in the organic or communitarian society the individuality of man would tend to be submerged in the community and he might not be able to enjoy that freedom which is essential for the dignity and development of the human personality. Contrarily, it might be urged that it is only in the society that treats the individual as a unit in the political system and bases the political structure on individual votes, that there is the highest possible freedom enjoyed by the individual. Nothing could be farther from the truth. It is exactly in the mass society, which falsely proclaims the sovereignty of the individual, that the individual is alienated from himself and becomes a nameless digit which the political and economic masters manipulate for power and profit and glory. The individual in the modern society is a victim of social and
economic forces over which he has little control. On the other hand, it is life in the community, in which the sense of community has developed, that the individual is a distinct personality living with other personalities and has the possibility to develop to the highest as a human being. The relationship between the individual and the community, as Gandhiji has expressed it, is the readiness of the individual to die for the community and of the community to die for the individual. To the extent to which this attitude is developed on both sides, to that extent there is individual and social development. The task is to discover the best social, political, economic, cultural and educational processes and institutions that would achieve that objective.

These are some of the implications of panchayati raj, as I see them. I hope this publication will stimulate thought on these questions.

Jayaprakash Narayan
“There are seven hundred thousand villages in India. Each would be organized according to the will of its citizens, all of them voting. Then there would be seven hundred thousand votes and not four hundred million. Each village, in other words, would have one vote. The villages would elect their district administrations, and the district administrations would elect the provincial administrations, and these in turn would elect a president who would be the national chief executive.”

— Mahatma Gandhi
June 6, 1942
(Collected Works of Mahatma Gandhi, Vol.76, p.438)
I must confess that I have not been able to follow the proceedings of the Constituent Assembly.... Principal Agarwal says that there is no mention or direction about village panchayats and decentralization in the foreshadowed Constitution. It is certainly an omission calling for immediate attention if our independence is to reflect the people’s voice. The greater the power of the panchayats, the better for the people.

— Gandhiji in Harijan, December 21, 1947
(Collected Works of Mahatma Gandhi, Vol.90, p.209)

INTRODUCTORY

The resolution on the aims and objects of free India’s Constitution was introduced in the Constituent Assembly on December 13, 1946. This was a period of turmoil and uncertainty. The Muslim League, the second major party in India, had boycotted the Assembly, and most of the representatives of the then Indian States had yet to be brought in. Yet Gandhiji was then very much with us. It is not surprising, therefore, that no specific mention was made in this resolution itself regarding the place of India’s villages in an Independent India, their role in its government and the meaning of Swaraj to the Indian village. Whatever needed to be said about the subject was presumed to be covered by similar references like “the passion that lies in the hearts of the Indian people today” and that there was “no doubt that his (Gandhiji’s) spirit hovers over this place (Constituent Assembly hall) and blesses our undertaking.” During the course of his speech while moving the resolution, the mover (Shri Jawahar Lal Nehru) said:
Obviously we are aiming at democracy and nothing less than a democracy. What form of democracy, what shape might it take, is another matter? The democracies of the present day, many of them in Europe and elsewhere, have played a great part in the world’s progress. Yet it may be doubtful if those democracies may not have to change their shape somewhat before long if they have to remain completely democratic. We are not going just to copy, I hope, a certain democratic procedure or an institution of a so-called democratic country. We may improve upon it. In any event whatever system of government we may establish here must fit in with the temper of our people and be acceptable to them. We stand for democracy. It will be for this House to determine what shape to give to that democracy, the fullest democracy, I hope.

Several speakers who followed in support made brief references to the shape of the polity, the meaning of Swaraj for every village. This was well brought out by a reference to a then recent statement of Gandhiji where he had said:

The centre of power now is in New Delhi, or in Calcutta and Bombay, in the big cities. I would have it distributed among the seven hundred thousand villages of India…

There will then be voluntary co-operation between these seven hundred thousand units, voluntary co-operation—not co-operation induced by Nazi methods. Voluntary co-operation will produce real freedom and a new order vastly superior to the new order in Soviet Russia…

Some say there is ruthlessness in Russia, but that is exercised for the lowest and the poorest and is good for that reason. For me, it has very little good in it.

After a lapse of over a month, during which period the Assembly waited to give time to the others to join (which they did not), the
resolution on the aims and objects of the Constitution was finally adopted on January 22, 1947. Meanwhile, negotiations about Independence were going on, the unity of the country was at stake and everyone who had any say or view was totally taken up with such immediate issues.

The Secretariat of the Constituent Assembly, however, was not idle. With the help of its adviser, Shri B. N. Rau, it went on studying constitution after constitution of countries in Europe, in the Americas and the USSR. A draft was finally placed before the Assembly in August, 1947, a few days after Independence. At the same time, on August 29, 1947, the Minister of Parliamentary Affairs, moved that a Committee “be appointed to scrutinise and to suggest necessary amendment to the draft Constitution of India prepared in the Office of the Assembly on the basis of the decisions taken in the Assembly.” After some modification the motion was adopted the same day. The members of this Committee were:

1. Shri Alladi Krishnaswami Ayyar
2. Shri N. Gopalaswami Ayyangar
3. The Honourable Dr. B. R. Ambedkar
4. Shri K. M. Munshi
5. Saiyid Mohd. Saadulla
6. Sir B. L. Mitter
7. Shri D. P. Khaitan

The revised draft, as it emerged from the Scrutiny Committee was re-introduced in the Constituent Assembly on November 4, 1948. During the intervening 15 months since the draft was entrusted to the Scrutiny Committee, the revised draft was published and circulated and had aroused much controversy and debate. One of the major issues which then, and subsequently in the Constituent Assembly, aroused considerable heat and anger was the place of the villages in the polity which was envisaged. In April 1948 itself, the issue was referred by the President of the Constituent Assembly to the Constitutional Adviser for his views. In a note submitted by him he said:
Even if the panchayat plan is to be adopted, its details will have to be carefully worked out for each province and for each Indian State with suitable modification for towns. Apart from other difficulties, this will take time and rather than delay the passing of the Constitution further, it would seem better to relegate these details to auxiliary legislation to be enacted after the Constitution has been passed.

It is revealing how the Scrutiny Committee had done its job of preparing a constitution for free India. The following was stated, on behalf of the Scrutiny Committee by Shri T. T. Krishnamachari, during the general debate at the start of the second reading on November 5, 1948:

At the same time, I do realise that that amount of attention that was necessary for the purpose of drafting a Constitution so important to us at this moment has not been given to it by the Drafting Committee. The House is perhaps aware that of the seven members nominated by you, one had resigned from the House and was replaced. One died and was not replaced. One was away in America and his place was not filled up and another person was engaged in State affairs, and there was a void to that extent. One or two people were far away from Delhi and perhaps reasons of health did not permit them to attend. So it happened ultimately that the burden of drafting this Constitution fell on Dr. Ambedkar and I have no doubt that we are grateful to him for having achieved this task in a manner which is undoubtedly commendable. But my point really is that the attention that was due to a matter like this has not been given to it by the Committee as a whole. Some time in April the Secretariat of the Constituent Assembly had intimated me and others besides myself that you had decided that the Union Power Committee, the Union Constitution Committee and the Provincial Constitution Committee, at any rate the mem-
bers thereof, and a few other selected people should meet and discuss the various amendments that had been suggested by the members of the House and also by the general public. A meeting was held for two days in April last and I believe a certain amount of good work was done and I see that Dr. Ambedkar has chosen to accept certain recommendations of the Committee, but nothing was heard about this Committee thereafter. I understand that the Drafting Committee—at any rate Dr. Ambedkar and Mr. Madhava Rau—met thereafter and scrutinised the amendments and they have made certain suggestions, but technically perhaps this was not a Drafting Committee. Though I would not question your ruling on this matter, one would concede that the moment a Committee had reported that Committee became *functus officio*, and I do not remember your having reconstituted the Drafting Committee. The point why I mention all these is that certain aspects of our Constitution have not had the amount of expert attention that was necessary, the amount of attention that could have been provided to it if a person like Mr. Gopalaswamy Ayyangar or Mr. Munshi or certain other persons had attended the meetings all through.

Member after member arose to express their sorrow, anger and disappointment. This was particularly provoked by a reference to village India by Dr. B. R. Ambedkar, who piloted the draft and was also Chairman of the Scrutiny Committee, in his opening statement. This concern had some effect. On November 22, 1948, a new clause was inserted in the Constitution and adopted with no dissent. This was:

“That after Article 31, the following new Article be added:
‘31-A. 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.’”
This is how the present article 40 which forms part of the Directive Principles of State Policy was incorporated in free India’s Constitution.

That this much only was possible under those circumstances was realised and sorrowfully agreed. How much sorrow, disappointment and unhappiness yet remained could still be felt at the third reading of the Constitution between November 17-26, 1949. Not that all agreed. The views of some members were more or less akin to those of Dr. Ambedkar. But the overwhelming opinion of the House was for recognising the village and giving it a place in Indian polity.

Believing that all this needs to be noted, digested and acted upon, AVARD has tried to make some exploration in this past. Though all this adds up to some 25,000 words, feeling that we need to share it with others we have brought together all the relevant material (on panchayat raj) from the proceedings of the Constituent Assembly. This includes:

6. A note by the Constitutional Advisor on the place of Panchayats in India’s Constitution.
7. The Resolution on Aims and Objects.

The material has been arranged in chronological sequence and we have tried not to make any omission of any reference, favourable
or hostile, to the role of the village in Indian polity. We would try

to publish any other material from this chapter of our history which
we come by, subsequently.

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This journey into the past may still serve us help explore the
future. The singular ambition of the greatest man of our generation
“to wipe every tear from every eye” is far from being fulfilled.
Perhaps only a Gandhi could have achieved that. It was, and still is,
the resolve of the Constituent Assembly “…as long as there are
tears and suffering, so long our work will not be over.” If during the
last fourteen years our attention has been diverted, and our energies
spent on problems arising out of the immediate happenings of the
year of Independence and its immediate repercussions, we can still
plan to restart our journey by re-ordering the basic structure of
Indian Polity. We still have a chance to help the people of India to
build that ‘India of our dreams’, which was left rather unspelt on
August 15, 1947—perhaps needing no elaboration in the days of
Gandhiji—by the President of the Constituent Assembly, Dr.
Rajendra Prasad, an India which alone can bring the impact of
democratic living to all its citizens in its fullness.

It is the permeation of Swaraj at all levels—not only in Delhi
and the State capitals—which can lead to worthwhile development.
More than ‘development’ such a feeling of Swaraj would help in the
much greater task—on which development itself depends—of
integration of Indian Society, the lifting up of the depression which
seems to have settled over the country and thus lead to purposive
action and a feeling of well-being.

DHARAMPAL