



Evolution of Local Self-government in India

Thanga Srinivasa Rao

Research Scholar (Part-Time)

Dept. of Political Science and Public Administration

Andhra University, Visakhapatnam

Abstract : *Local self-government is the management of local affairs by such local bodies who have been elected by the local people. Panchayat literally means an assembly of five elders elected by villagers. The institution of Panchayati Raj is as old as Indian civilization itself. A description of these village councils is also found in Arthashastra of Kautilya who lived in 400 B.C. In the Mauryan period, the village was the basic unit of administration. Villagers used to organize works of public utility and recreation, settle disputes, and act as trustees for the property of minors. But they had not yet evolved regular councils. The Mughals introduced elaborate administrative machinery with a hierarchy of officials, particularly in the field of revenue. The British came to India as traders, and before long established an inroad into the cultural nexuses of the land. The Bengal Chowkidar Act of 1870 marked the beginning of the revival of the traditional village panchayati system in Bengal. Lord Ripon made remarkable contribution to the development of Local Government. In 1882, he abandoned the existing system of local government by the officially nominated people. In this backdrop, Montagu Chelmsford reforms were passed in the year 1919. Although the popular government in the provinces governed by the Congress vacated office following the declaration of Second World War in 1939, the position as regards local government institutions remained unchanged till August 1947, when the country attained independence. Local governments got a fillip after the 73rd and 74th Constitution Amendment Acts. But even before that, some efforts in the direction of developing local government bodies had already taken place. The provisions of the 73rd amendment was not made applicable to the areas inhabited by the Adivasi populations in many States of India. In 1996, a separate act was passed extending the provisions of the Panchayat system to these areas. The State government is required to appoint a State Election Commissioner who would be responsible for conducting elections to the Panchayati Raj institutions. The 73rd and 74th amendments have created uniformity in the structures of Panchayati Raj and Nagarpalika institutions across the country. The presence of these local institutions is by itself a significant achievement and would create an atmosphere and platform for people's participation in government.*

Key words: *Panchayati, Rural, Urban, Government, Administration, Self-Government, Local Bodies.*

Introduction:

Local self-government is the management of local affairs by such local bodies who have been elected by the local people. It is widely accepted that self-governing institutions at the local level

are essential for national growth and for effective people's participation and that they are an integral and indispensable part of the democratic process. Grassroots democracy based on small units of government enables people to feel a sense



of responsibility and to inculcate the values of democracy. At the same time, it also offers a unique opportunity to participate in public affairs, including development work. In a vast, diverse and complex subcontinent, decentralisation is also a political and administrative imperative. Self-governing rural local bodies are described in the Indian context as institutions of democratic decentralisation or Panchayati Raj. The role of Local Self-government in the state administration is of considerable importance and requires some discussion. Therefore, the discussion on local government is deemed necessary to provide the conceptual background to the present study. This paper is focused on the historical evolution of Local government in India.

The term Panchayat literally means an assembly of five elders elected by villagers. Panchayati Raj is a system and process of governance. The term was coined by Jawaharlal Nehru. It is distinct from Panchayat, which connotes government of a local body limited to a geographical area. Jawaharlal Nehru did not like the phrase democratic decentralisation for, according to him: Democracy means power springing from the people. By Panchayati Raj what was being envisaged was not a territorial government or administration; but rather an approach to administration guided by and vested in the people themselves". There is still truth in the saying that India lives in her villages. Therefore, in the Indian context true democracy that can sustain itself and function effectively, is democracy at the village level itself. This is because village communities have been the basic units wherein individual's happiness, freedom and independence were realised since ancient times. In the words of S. K. Dey, "If we were to rebuild

India work must start from the villages. Villages have always been the basic units of administration in India since ancient times. Their importance was naturally very great when communications were slow. The question now rises, what will be the form of that society in which it will be possible for the people to run their affairs directly and develop all those values of life that characterise a socialist society, co-operation, self-discipline, sense of responsibility? The answer will be the 'Panchayats'.

Panchayati Raj Institutions in Ancient India

The word panchayat is derived from the word pancha panchasvanusthitah, has references in to the existence of Grama Sanghas or rural communities. The institution of Panchayati Raj is as old as Indian civilization itself. It was in existence since ancient periods, having an effective control over civil and judicial matters in the village community. The Rigveda, Manusamhita, Dharmashastras, Upanishads, Jatakas and others, refer extensively to local administration, i.e. the panchayat system of administration. In the Manusmriti and Shantiparva of Mahabharata, there are many references to the existence of Grama Sanghas or village councils. The earliest reference to panchayat is derived from the word Pancha, that refers to an institution of the five (pancha panchasvanusthitah) is found in the Shanti-Parva of Mahabaratha, pancha and panchavanustitah are semantically close to panchayat. A description of these village councils are also found in Arthashastra of Kautilya who lived in 400 B.C. Arthashastra gives a comprehensive account of the system of village administration prevailing in his time.



During this period, the village administration was carried under the supervision and control of Adyaksha or headman. There were other officials such as Samkhyaka [accountant], Anikitsaka (veterinary doctor), Jamgh karmika (village couriers), Chikitsaka [physician]. The village headman was responsible for ensuring the collection of state dues and controlling the activities of the offenders. In Ramayana of Valmiki, there are references to the Ganapada (village federation) which was perhaps a kind of federation of village republics. Self-governing village communities characterized by agrarian economies existed in India from the earliest times. It is mentioned in Rigveda that dates from approximately 200 B.C. The village was the basic unit of administration in the Vedic period. The most remarkable feature of the early Vedic polity consisted in the institution of popular assemblies of which two namely 'Sabha', and the 'Samiti' deserve special mention. A Samiti was the Vedic Folk Assembly that in some cases enjoyed the right of electing a king while the Sabha exercised some judicial functions. Both the Samiti and Sabha enjoyed the rights to debate, a privilege unknown to the popular assemblies of other ancient people. The office of the village head man (Gramani) indicates the emergence of the village as a unit of administration. In the later Vedic period, the Samiti disappeared as a popular assembly while the Sabha sank into a narrow body corresponding to the kings Privy Council. In the course of time, village bodies took the form of panchayats that looked into the affairs of the village. They had the powers to enforce law and order. Customs and religion elevated them to the sacred position of authority. Besides this there was also the existence of caste panchayats. This was the pattern in Indo

Gangetic plains. In the south, the village panchayats generally had a village assembly whose executive body consisted of representatives of various groups and castes. These village bodies, both in the north and south India, had been the pivot of administration, the centre of social life and above all a focus of social solidarity

In the Mouryan period, the village was the basic unit of administration. Villagers used to organize works of public utility and recreation, settle disputes, and act as trustees for the property of minors. But they had not yet evolved regular councils. The village council appeared to have evolved into regular bodies in the Gupta period. They were known as Panchamandalas in central India and Gramajanapadas in Bihar. These bodies negotiated with the government for concessions and settlement of disputes. The inscription of Chola dynasty shows the construction and functions of the village assembly and their executive committees. The village administrations were performed by the elected representatives forming village council.

During the medieval and Mughal periods, village bodies were the pivot of administration. In the Mughal period, particularly in the regime of Sher Shah, the villages were governed by their own panchyats. Each panchayat comprised of village elders who looked after the interest of the people and administered justice and imposed punishment on defaulters. The headman of the village, a semi government official, acted as a coordinator between the village panchayat and the higher administrative hierarchy. Akbar accepted this system and made it an indispensable part of civil administration. In this period, each village had its own panchayat of elders. It was autonomous in its own sphere and exercised powers of local taxation,



administrative control, justice and punishment

The Mughals introduced elaborate administrative machinery with a hierarchy of officials, particularly in the field of revenue. The Mughal local administrative system lasted over centuries. It was with the collapse of the Mughal strong hold, the British established their hegemony in India.

British Period

The British came to India as traders, and before long established an inroad into the cultural nexuses of the land. The primary focus of the British Raj was much to do with trade and little to do with governance and development. The local governments were hardly their first priority. In fact till the advent of the British rule in India, the rural republic had flourished and thrived. With the emergence of the British Raj in India, panchayats ceased to play a role that it once played. But, local self-government as a representative institution was the creation of the British. In the initial days, the interest of the British was limited to the creation of local bodies with nominated members. These bodies were built around trading centres. Thus in the year 1687, a municipal corporation came to be formed in Madras. Set up on the British model of town council, this body was empowered to levy taxes for building guild halls and schools. As time passed, similar bodies were set up in other major towns and this model became prevalent, helping the British widen their taxation power. This model continued to comprise nominated members with no elected elements what so ever. It was Lord Mayo, the then viceroy of India (1869 to 1872), who felt the need to decentralize powers in order to bring about administrative efficiency and in the year 1870 introduced the concept of elected representatives in

the urban municipalities. The revolt of 1857 that had put the imperial finances under considerable strain and it was found necessary to finance local service out of local taxation. Therefore, it was out of fiscal compulsion that Lord Mayo's resolution on decentralization came to be adopted.

The Bengal Chowkidar Act of 1870

The Bengal Chowkidar Act of 1870 marked the beginning of the revival of the traditional village panchayati system in Bengal. The Chowkidar Act empowered district magistrates to set up panchayats of nominated members in the villages to collect taxes to pay the chowkidars or watchmen engaged by them.

Ripon Resolution (1882)

Lord Ripon made remarkable contribution to the development of Local Government. In 1882, he abandoned the existing system of local government by the officially nominated people. According to his local self-government plan, the local boards were split into smaller units to achieve greater efficiency. In order to ensure popular participation, he introduced an election system for the local boards.

The government resolution of 18th, May, 1882, stands as a landmark in the structural evolution of local governments. It provided for local boards consisting of a large majority of elected non-official members and presided over by a non-official chairperson. This is considered to be the Magna Carta of local democracy in India. This resolution proposed the establishment of rural local boards where 2/3rd of whose membership was composed of elected representatives.

He brought in the concept of self-government in urban municipalities. He is treated as the founding father of urban local government. Ripon's resolutions



followed a series of Committees, Commissions and Acts in this line. The Royal Commission on Decentralization in 1909 elaborated further the principles of Ripon resolution. But this remained merely on paper. Ripon's scheme did not make much progress in the development of local self-government institutions.

Montagu-Chelmsford Reforms of 1919

In this backdrop, Montagu Chelmsford reforms were passed in the year 1919. This reform transferred the subject of local government to the domain of provinces. The reform also recommended that as far as possible there should be a complete popular control in local bodies and the largest possible independence for them, of outside control. By 1925, eight provinces had passed village panchayat acts. However, these panchayats covered only a limited number of villages with limited functions.[11] But this reform could not get much result as far as democratization of panchayats was concerned and lead to a lot of organizational and fiscal constraints.

Government of India Act (1935)

This is considered as another important stage in the evolution of panchayats in British India. With popularly elected government in the provinces, almost all provincial administrations felt duty bound to enact legislations for further democratization of local self-government institutions, including village panchayats.

Although the popular government in the provinces governed by the Congress vacated office following the declaration of Second World War in 1939, the position as regards local government institutions remained unchanged till August 1947, when the country attained independence. Even though the British government did not have interest in the village autonomy,

they were forced to do so, in order to continue their rule in India and moreover to meet financial necessities. The Indian rural republic had flourished till the advent of British. It received a setback during the British rule. Self-contained village communities and their panchayats ceased to get substance. They were replaced by formally constituted institutions of village administration. In the highly centralized system of British rule, village autonomy seems to have lost.

Local Governments in Independent India

Local governments got a fillip after the 73rd and 74th Constitution Amendment Acts. But even before that, some efforts in the direction of developing local government bodies had already taken place. First in the line was the Community Development Programme in 1952, which sought to promote people's participation in local development in a range of activities. In this background, a three-tier Panchayati Raj system of local government was recommended for the rural areas. Some States (like Gujarat, Maharashtra) adopted the system of elected local bodies around 1960. But in many States those local bodies did not have enough powers and functions to look after the local development. They were very much dependent on the State and central governments for financial assistance. Many States did not think it necessary to establish elected local bodies. In many instances, local bodies were dissolved and the local government was handed over to government officers. Many States had indirect elections to most local bodies. In many States, elections to the local bodies were postponed from time to time. After 1987, a thorough review of the functioning of local government institutions was initiated. In 1989 the P.K.Thungon Committee recommended



constitutional recognition for the local government bodies. A constitutional amendment to provide for periodic elections to local government institutions, and enlistment of appropriate functions to them, along with funds, was recommended.

73rd and 74th Amendments

In 1989, the central government introduced two constitutional amendments. These amendments aimed at strengthening local governments and ensuring an element of uniformity in their structure and functioning across the country. Later in 1992, the 73rd and 74th constitutional amendments were passed by the Parliament. The 73rd Amendment is about rural local governments (which are also known as Panchayati Raj Institutions or PRIs) and the 74th amendment made the provisions relating to urban local government (Nagarpalikas). The 73rd and 74th Amendments came into force in 1993. We have noticed earlier that local government is a 'State subject'. States are free to make their own laws on this subject. But once the Constitution was amended, the States had to change their laws about local bodies in order to bring these in conformity with the amended Constitution. They were given one year's time for making necessary changes in their respective State laws in the light of these amendments.

73rd Amendment

Three Tier Structure All States now have a uniform three tier Panchayati Raj structure. At the base is the 'Gram Panchayat'. A Gram Panchayat covers a village or group of villages. The intermediary level is the Mandal (also referred to as Block or Taluka). These bodies are called Mandal or Taluka Panchayats. The intermediary level body need not be constituted in smaller States. At the apex is the Zilla Panchayat covering

the entire rural area of the district. The amendment also made a provision for the mandatory creation of the Gram Sabha. The Gram Sabha would comprise all the adult members registered as voters in the Panchayat area. Its role and functions are decided by State legislation. Elections All the three levels of Panchayati Raj institutions are elected directly by the people. The term of each Panchayat body is five years. If the State government dissolves the Panchayat before the end of its five-year term, fresh elections must be held within six months of such dissolution. This is an important provision that ensures the existence of elected local bodies. Before the 73rd amendment, in many States, there used to be indirect elections to the district bodies and there was no provision for immediate elections after dissolution.

Reservations

One third of the positions in all panchayat institutions are reserved for women. Reservations for Scheduled Castes and Scheduled Tribes are also provided for at all the three levels, in proportion to their population. If the States find it necessary, they can also provide for reservations for the other backward classes (OBCs). It is important to note that these reservations apply not merely to ordinary members in Panchayats but also to the positions of Chairpersons or 'Adhyakshas' at all the three levels. Further, reservation of one-third of the seats for women is not merely in the general category of seats but also within the seats reserved for Scheduled Castes, Scheduled Tribes and backward castes. This means that a seat may be reserved simultaneously for a woman candidate and one belonging to the Scheduled Castes or Scheduled Tribes. Thus, a Sarpanch would have to be a Dalit woman or an Adivasi woman.



The provisions of the 73rd amendment was not made applicable to the areas inhabited by the Adivasi populations in many States of India. In 1996, a separate act was passed extending the provisions of the Panchayat system to these areas. Many Adivasi communities have their traditional customs of managing common resources such as forests and small water reservoirs, etc. Therefore, the new act protects the rights of these communities to manage their resources in ways acceptable to them. For this purpose, more powers are given to the Gram Sabhas of these areas and elected village panchayats have to get the consent of the Gram Sabha in many respects. The idea behind this act is that local traditions of self-government should be protected while introducing modern elected bodies. This is only consistent with the spirit of diversity and decentralisation.

State Election Commissioner

The State government is required to appoint a State Election Commissioner who would be responsible for conducting elections to the Panchayati Raj institutions. Earlier, this task was performed by the State administration which was under the control of the State government. Now, the office of the State Election Commissioner is autonomous like the Election Commissioner of India. However, the State Election Commissioner is an independent officer and is not linked to nor is this officer under the control of the Election Commission of India

State Finance Commission

The State government is also required to appoint a State Finance Commission once in five years. This Commission would examine the financial position of the local governments in the State. It would also review the distribution of revenues between the State

and local governments on the one hand and between rural and urban local governments on the other. This innovation ensures that allocation of funds to the rural local governments will not be a political matter.

74th Amendment

It is very easy to identify a big city like Mumbai or Kolkata, but it is not so easy to say this about some very small urban areas that are somewhere between a village and a town. The Census of India defines an urban area as having:

- I. a minimum population of 5,000;
- II. at least 75 per cent of male working population engaged in non-agricultural occupations and
- III. a density of population of at least 400 persons per sq. km. As per the 2011 Census, about 31% of India's population lives in urban areas. In many ways the 74th amendment is a repetition of the 73rd amendment, except that it applies to urban areas. All the provisions of the 73rd amendment relating to direct elections, reservations, transfer of subjects, State Election Commission and State Finance Commission are incorporated in the 74th amendment also and thus apply to Nagarpalikas. The Constitution also mandated the transfer of a list of functions from the State government to the urban local bodies. These functions have been listed in the Twelfth Schedule of the Constitution.

Implementation of 73rd and 74th Amendments

All States have now passed a legislation to implement the provisions of the 73rd and 74th amendments. During the ten years since these amendments came into force (1994- 2004) most States have had at least two rounds of elections to the local bodies. States like Madhya



Pradesh, Rajasthan and a few others have in fact held three elections so far.

Today there are more than 600 Zilla Panchayats, about 6,000 block or intermediary Panchayats, and 2,40,000 Gram Panchayats in rural India and over 100 city Corporations, 1400 town Municipalities and over 2000 Nagar Panchayats in urban India. More than 32 lakh members are elected to these bodies every five years. Of these, at least 13 lakhs are women. In the State Assemblies and Parliament put together we have less than 5000 elected representatives. With local bodies, the number of elected representatives has increased significantly.

The 73rd and 74th amendments have created uniformity in the structures of Panchayati Raj and Nagarpalika institutions across the country. The presence of these local institutions is by itself a significant achievement and would create an atmosphere and platform for people's participation in government. The provision for reservation for women at the Panchayats and Nagarpalikas has ensured the presence of a significant number of women in local bodies. As this reservation is also applicable for the positions of Sarpanch and Adhyaksha, a large number of women elected representatives have come to occupy these positions. There are at least 200 women Adhyakshas in Zilla Panchayats, another 2000 women who are Presidents of the block or taluka panchayats and more than 80,000 women Sarpanchas in Gram Panchayats.

The Constitutional amendments assigned as many as 29 subjects to the local governments. All these subjects are related to functions linked to local welfare and development needs. The experience with the functioning of local government in the past decade has shown that local governments in India enjoy limited

autonomy to perform the functions assigned to them. Many States have not transferred most of the subjects to the local bodies. This means that the local bodies cannot really function in an effective manner. Therefore, the entire exercise of electing so many representatives become somewhat symbolic. Some people criticise the formation of the local bodies because this has not changed the way in which decisions are taken at the central and the State level. People at the local level do not enjoy much powers of choosing welfare programmes or allocation of resources.

Conclusion

The Panchayati Raj in India is a system established from the time immemorial, from the above research we see that the traces of the panchayati raj found in the Ramayan and Mahabarta period. We also see from the Chanakya Arthasastra which mention about the Local Self-government and its functions. During the British period the first time the three-tire system of panchayati raj institution was established by the lord Repon's.

During the British period the Panchayati Raj institution was created only to collect the revenue and the power was actually was not transferred to the institution. After independence the draft constitution assembly was formed for the preparation of the Constitution of India but local self-government did not find its place in the Constitution. This was criticized by leaders like Mahatma Gandhi and at last there a provision was inserted under Article 40 of the constitution.

Thereafter also there was no heed was paid regarding the local self-government. In the year 1957 Balwantraji Mehata Committee in its report laid down certain provision regarding the local self-government. Thereafter on the said



recommendation of the Balwantrai Mehata Committee certain state established the panchayati raj institution in its state but its only works for few years. In 1977 when janta dal Government comes in power it also formed a committee and the committee recommended the two-tire system but before it was implemented the janta party government was fall and the new government comes in power and it never thought to implement this programme. Then after Rajive Gandhi the then prime minister formed a committee which first time in its report mention that the local self-government given constitutional recognition by inserting the separate chapter and the Rajive Gandhi government introduce constitutional 64th amendment act and it was passed in loksabha but due to majority in Rajya sabha the bill fails and the local self-government again not find its place in the constitution. But in the year 1992 the Bill was again introduced in Parliament by doing minor amendment and this time bill was passed and the Panchayati Raj Institution finally find its place in the Constitution of India.

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