

E-ISSN: 2709-9369
P-ISSN: 2709-9350
www.multisubjectjournal.com
IJMT 2020; 2(1): 80-83
Received: 20-01-2020
Accepted: 26-03-2020

Dr. Dayanand Naik
Associate Professor,
Department Political Science,
Mangalore University,
Mangaluru, Karnataka, India

Local self government in India: An overview

Dr. Dayanand Naik

Abstract

This paper deals with a general perspective of the local self-government by making an enquiry into its implication and implementations after the 73rd and 74th Constitutional Amendments in India. At the beginning, it deals with the historical background of the local self-government in India from pre Independence to the colonial period. Further, it explores the progress of local bodies after independence with functions of local governments, sources of income of local bodies, Centre and States' control over local bodies, values and limitations of local governments and concluding remarks.

Keywords: Governments, implementations, constitutional amendments, independence

Introduction

"A Nation may establish a system of free government, but without the spirit of municipal institutions it cannot have the spirit of liberty". -De. Toquiville

In every state it has been necessary to carry a process of territorial subdivision through various stages. Operating from a single Centre, the central government has found it difficult to tackle the myriad problems of a wide territory. Thus conceived, the regional governments in a federation are also central governments. These are clearly distinguishable from the network of local authorities, which can be found in every state operating with limited powers in narrow localities. In India, the local government units are of two types, Rural and Urban. Previously, the rural units consisted of the union boards (or village panchayats in some states), the local boards and the district boards at village, sub-division and district levels.

In recent years, a new system of local bodies generally known as "Panchayat Raj" has been set up at village, block and district levels. The major urban units in India are the municipal corporations, the municipalities and the cantonment boards. The cantonment boards are partly elected and are to be found only in military stations. Besides, there are notified area and town are committees for small towns.

Local institutions have every deep roots in Indian soil. History tells us that every Indian village in older times had a village panchayat, which used to function as an autonomous body. The panchayats were largely free from state interference. They were mainly concerned with administrative and judicial work. Their working was so efficient that every village community was a sort of small republic.

Sir Charles Metcalf goes to the extent of saying, " They (Village Communities) seems to last where nothing else lasts. Dynasties tumble down, revolution succeeds revolution. Hindu, Pathan, Mogul, Maratha, Sikh and English all are masters in turn but the village communities remain the same.

The village communities, by their unwillingness to change have been in the past preserves of Indian culture and Indian way of life. Above all the Local self-governing institutions as a rule are more efficient and economic. The councilors or corporators knew well that any waste of money means loss and disadvantage to the taxpayers. They as such work more judiciously and sincerely.

The distribution of power between the Centre, the State and Local bodies is not based on any rigid principles. It is difficult to define their respective scopes. Gilchrist similarly observes: "It can be described but not defined, for a definition requires limits and local government and central government cannot always be clearly demarcated. As a rule, the Centre administers subjects that concern the whole country, viz defence, external affairs, currency, inter-state commerce and customs, subjects like primary education, sanitation, drainage, street light and registration of births and deaths are handled by the local bodies.

The Local Self - Government in India

Historical background

The successful working of a democracy demands association of people at the various levels

Corresponding Author:
Dr. Dayanand Naik
Associate Professor,
Department Political Science,
Mangalore University,
Mangaluru, Karnataka, India

of administration. The role of local self-government in the state administration is of considerable importance.

In ancient India, village panchayats are basic units of local government. Self-governing village communities in an agrarian background existed in India from the times of the Rig-Veda (1200 B.C). These village bodies, in course of time, took the form of "panchayats". They were an assembly of 'five' persons which looked after the affairs of the village. They enjoyed police and judicial powers. The modern panchayat raj systems are different from the age-old panchayats.

Panchayat raj is a multi-functional, multi-purpose organizational system. It is an outcome of democratic decentralization. It is also development oriented. With the objective of facilitating the participation of the people in the developmental activities of the village. It is possible to trace the origin of local government institutions far back in Indian history. There is also evidence to show that these institutions came into existence during the Mauryan period, which is known for its extensive network of administration as well as innovations in administrative organization. In the early years of the British rule in India, there was centralization of authority. In 1830, Sir Charles Metcalfe described village panchayat as little republics. In 1864, Lord Lawrence in a resolution admitted the capability of the people of India in administering their own local affairs. Lord Mayo in 1870 in a resolution adopted decentralization with respect to sanitation and public works.

The most important step came in 1882 when Lord Rippon issued his famous resolution of local self-government which formed the basis of local self-government till 1947. Hence, he is regarded as the "Father of local self-government". In India, the Act of 1935 was a big step in the process of democratizing local bodies.

Progress of local bodies in Post Independent India

With the advent of Independence, real opportunity arose for the introduction of democratic decentralization. Mahatma Gandhi emphasized on the need to establish local self-governing institutions.

The constitution of free India contains specific provisions for the progress of local bodies, The state government went ahead with panchayat raj acts, The panchayats were formed in every village, with adequate powers to deal with local affairs. Most of the district boards have been dissolved and their functions have now been entrusted to Zilla parishads or panchayats.

One of the Directive Principles of State Policy (Art. 40) of the constitution of India states that States can take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to work as units of self-government^[4]. The panchayats send representatives to the block samities. The block samities have a chief executive officer as their development officer. All other panchayats have tehsildar as their executive chief. The panchayat samities are fully empowered to make budget and formulate schemes for village development. They are assured of getting all sort of technical or administrative help from the state. The new constitution which came into being from 26th January 1950 gave constitutional importance to local self-government institutions. In addition, Article 40 of Directive Principle of State Policy enjoins upon state to take steps to organize

village panchayats and endow them with such powers and authority as may be necessary to enable to function as units of local government.

With the passing of the Constitution Amendment Act, 1992 popularly known as the Nagarapalika Act- A uniform three tier system of government has been introduced at the local level. The Nagar Panchayat is to be constituted for a transitional area that is an area which is transitioning from a rural area to an urban area, the municipal council for a smaller urban area and the municipal corporation for a larger urban area.

The end of the first plan period revealed that not much success had been achieved in getting the participation of the people in the development process. Therefore, the government appointed the Balwant Roy Mehta committee in 1957 to examine the reorganization of district administration by providing for the association of popular organizations at the village and state level. The Committee recommended a scheme of "democratic decentralization". With the three tier structure of the local bodies namely the directly elected Panchayat Samiti at the block level and Zilla Parishad at the district level.

The government accepted the recommendations made by the Balwant Roy Mehta Committee and a three-tier system of Panchayat Raj had evolved in the country. Rajasthan and Andhra Pradesh were the first States to adopt the panchayat form of rural local self-government in 1959. They were joined by other states also in due course. Still, variations existed between states with regard to the composition, tenure, functions, decisions making, resource allocation, implementation and devolution of power at different levels of these bodies. Thus, there did not exist a uniform pattern of panchayat raj institutions.

In spite of all the enthusiasm with which Panchayat Raj was introduced, gradually, it began to wane in most states. This was due to political factionalism, struggle for control over patronage among politicians and bureaucrats, scarcity of resources and the general apathy of the people. Subsequently the 73rd Constitution Amendment Act came into effect from 25th April 1993. It inserted Panchayat Raj in parts IX containing articles 243, 243A to 243-0, 11th schedule envisages a three tier system of panchayat which are namely

- The village level
- The taluk level
- The district level

The 73rd Amendment Act mentions that the seats in a panchayat are to be filled by persons elected directly from territorial constituencies in the panchayat area. The electorate is named "Gram Sabha." It includes persons registered in the electoral rolls relating to a village comprised within the area of a panchayat.

The panchayat raj institutions are assigned with the responsibility of preparing and implementing plans for economic development and social justice with regard to matters listed in 11th schedule (inserted by the 73rd amendment) the list encompasses 29 items and thus distributes powers between the State Legislature and the Panchayat.

The Act also gives powers to panchayat to levy, collect and appropriate taxes, duties etc. The State is allowed to give grants in aid to the panchayats from the consolidated fund of the State. Article 243K ensures free and fair elections to the

panchayats. It provides for the constitution of a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor. To ensure independence of the Commission, the Act lays down that the State Election Commissioner can be removed only in the same manner and on the same ground as a Judge of a High Court.

The 74th Constitution Amendment Act, 1992 seeks to introduce uniform pattern of local government throughout the country in accordance with the parameters set by it as regards to the classification of urban local bodies and the board frame work.

Article 243P to 243ZG, part IX-A was added to the Constitution by the Constitution (74th Amendment Act, 1992. This amendment has added 18 new articles and a new schedule. 12ⁿ schedule relating to urban local bodies in the Constitution like panchayat raj amendment the 74th amendment provides for constitutional sanction to the urban local self governing institutions ensuring regular elections and enabling them to play a greater role in the development of urban areas. This provides for three types of municipal corporations and reservation of seats in every municipality for scheduled castes, scheduled tribes and women. The amendment empowers the state legislature to confer necessary powers and responsibilities upon the municipalities in respect of preparation of plan for economic development, levy of taxes and duties by municipalities.

Functions of local government

Local institutions include panchayats, municipalities, panchayat samitis, zilla parishads and corporations. The functions of these institutions are the functions of the local governments. These institutions perform the following functions:

1. They take care of the local health. They check the spread of diseases.
2. They arrange the primary education.
3. They arrange lighting in their areas.
4. They arrange cremation grounds and open reading rooms, libraries, parks, hotels and restaurants.
5. They issue licenses to the people for the opening of slaughter houses and dairies.
6. They can stop trading in dangerous and harmful drugs.
7. They ply trains and buses.
8. They repair the roads and bridges.
9. They impose restrictions on adulteration and begging.
10. They sanction the house building plans.
11. For entertainment they make arrangements for the opening of cinemas, theatres, wrestling areas and swimming pools.

Sources of income of local bodies

The following are the sources of income of the local bodies

1. House tax.
2. Profession tax.
3. Income from the property of local bodies.
4. Income from water, electricity, buses etc.
5. Grants from the provincial government.
6. Tax on the sale of animals in the markets and fairs.
7. Income from licenses issued to commission agents, brokers and weigh men.
8. Local rate, which is realized along with the land revenue.

How far should the Centre or State control local bodies?

The local bodies should get sufficient freedom in local matters, so that people are able to get primary education in democracy. But this does not mean that the local bodies should be completely free from the control of provincial or central government. In our country, usually the central government has no relation with the local government and only the provincial (State) government have relation with the local bodies. However, in certain countries with unitary government, the central government maintains relation with the local government.

Provincial or state government gives financial aid to local bodies and therefore it becomes its duty to see that this aid is not misused. To check this the state government appoints auditors and they audit the accounts of local bodies. Besides, the State government has to see that all local bodies adopt a uniform policy towards education, eradication of diseases, improvement of public health and other important subjects and there is administrative efficiency. The state government keeps commissioner or divisional commissioner. In case the management of local body is defective, or there is corruption, or if the public money is being misused by it, the state government can suspend that local body and take its administration into its own hands. For running the administration of that institution, the state government can appoint an administrator. The director of panchayats also has a great control over the panchayats.

The director is a high government officer. Local institutions have been given powers to impose taxes to some extent not only in India but also in England, France, America and other countries. They can also take loans and grants from the state and central government. The state governments have the right to take administration of local bodies in their own hands if their administration proves to be defective. The state government can also take steps to prevent the misuse of funds and to relieve the local bodies of heavy debts. The state government can make rules and regulations for the administration of local bodies. Therefore, whenever it is desirable that the local bodies should be given autonomy in their own administration.

Values and limitations of local governments

Local governments are essential for the establishment of a strong and stable democratic government in a country. Since these institutions function very closely to the people, they draw the ordinary citizens into actual participation in the process of government to a great extent.

The local people while taking an active part in them can observe the process of government more fully and closely. This enables them to exercise and enjoy their rights and duties of citizenship at the regional and national level in a better manner contributing for the successful functioning of democracy.

- It is a safeguard against the extension of bureaucracy and its evil effects.
- Lightens the burden of provincial (state) and national governments.
- Local self-government represents decentralization of administration. It develops the spirit of self-help and self-dependence.
- Helpful in the realization of the ideas of welfare state.
- Brings about political and social consciousness. Develops the local leadership and qualities of organization.

Conclusion

Many states have not taken effective step to devolve the three tier system of Panchayat Raj institutions to enable the discharge their constitutionally stipulated functions. Further, it is imperative that the Panchayat Raj Institutions have final resources and manpower to match the responsibility entrusted to them. While State Finance commissions have submitted their recommendations, not many states have implemented these or taken steps to ensure Panchayat Raj Institutions fiscal viability.

Parallel systems and organizations set up under various Central/State developmental programmes have further sapped the strength of the panchayats, reduced their legitimate functional space and even encroached upon their political space.

In some states, the gram panchayats have been placed in a position of subordination: gram panchayat Sarpanches have to spend extraordinary amount of time visiting block offices for funds and/or technical approval. These interactions with the block staff/ office distort the role of Sarpanches as elected representatives. Activities permitted under the schemes are not always appropriate for all parts of the district. This results in unsuitable activities being promoted or an under-spend of the funds.

An important power devolved to gram panchayats is the right to levy tax on property, business, markets, fairs and also for services provided, like street lighting or public toilets, etc. Very few panchayats use their fiscal power to levy and collect taxes. The argument of panchayat heads is that it is difficult to levy tax on your own constituency, especially when one lives in the community. However, when panchayats do not raise resources and instead receive funds from outside, people are less likely to request a social audit. The procedures of accounting adopted are very complex for the rural masses. This issue is further compounded by the lack of skills and knowledge of the panchayat members.

Empowering the gram sabhas could have been a powerful weapon for transparency, accountability and for involvement of the marginalized sections. However, a number of the state acts have not spelt the powers of the gram sabhas nor have any procedures been laid down for the functioning of these bodies or penalties for the officials.

Unfortunately, the present act has not clearly defined the role of political parties. To a large extent the success or failure of the Panchayati Raj system depends on the state government's good or bad intentions.

References

1. Gurumurthy U. Local self-government of modern states, Chethan Book House, Mysore; c2002.
2. Guptha RC. Panchayat Raj in India, Agra; c2007.
3. Dicey AV. The Law of Constitution, New Delhi; c2002.
4. Kapur AC. Principles of Political Science, New Delhi.
5. Pandey JN. Constitutional law of India, 1998, New Delhi.
6. Agarwal RC. Principles of Political Science, New Delhi; c2000.
7. Narang AS. Indian government and politics, Geethanjali Publishing House, New Delhi; c2000.
8. Baradvvall CP. Public administration in India, Ashish Publishing House, New Delhi; c1993.
9. Bhargava BS. Grass-root leadership in Panchayat Raj Institutions, New Delhi; c1979.
10. Chandra Bipan, Mukherjee Mridul, Mukherjee Aditya: India after Independence (1947-2000). Penguin Books, New Delhi; c2002.
11. Sharma Brijkishore. Introduction to the Constitution of India, Printice-Hall of India, New Delhi; c2004.
12. Basu Durga Das. Introduction to the constitution of India, Wadhwa and company, Nagpur; c2003.
13. Pylee M.V. Introduction to the Constitution of India. Vikas Publishing House, New Delhi; c2005
14. Rajneesh Shalini Goel SL. Panchayat Raj in theory and practice, deep and Deep publications, New Delhi, 2003.
15. Nehru Jawaharlal: Discovery of India, New Delhi; c1946.
16. Chandran Hari C. Panchayat Raj and Rural development, Concept publishing company, New Delhi; c1983.
17. Johari JC. The constitution of India, Sterling publications, New Delhi; c2004.
18. Pylee MV. Indian Constitution, S. Chand and company, New Delhi, 2006.
19. Batiwala Srilatha, Wale S Chandana. Status of rural government in Karnataka. National Institute of Advanced studies, Bangalore; c1998.
20. Mathew G [Ed]: Status of panchayat Raj in the states and Union territories of India, Indian institute of social sciences, Concept Publications, New Delhi; c2002.