



Local-Self-government in India: Relationship between state and local bodies

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Abstract

India is a country of more than a billion people with full of diversity. Here a successful practice of democracy demands proper decentralization. Keeping this in view, the 73rd and 74th amendment act was passed to realize the Gandhian dreams of village republics. The local institutions created by this act are of two types. One at the village level: panchayats and two, at the city level: municipalities. However, it is upon the states to make enabling acts. And, we see that states are generally not very willing in devolving power to the local bodies. The financial crunch with political interference has led to the less effective functioning of the local bodies. But with the emerging popular pressure for better governance, it is expected that in near future, the local bodies will become much stronger and play a more vibrant role in Indian political setup.

Key words: Local self-government, Panchayat, Municipalities.

1. Introduction

The Penguin dictionary of Politics defines decentralization as a process or scenario in which authorities and responsibilities are delegated from a central authority to other, typically more localised organs" (Robertson, 1993). We can say that decentralization is an alternative system of government. It is opposed to centralization in governance. Here the local problems of development and social justice are addressed by a 'people centered' approach. The entire process would be aimed at putting people at the Centre of power, so that they may become the primary engine of progress rather than just a beneficiary as they have been in the past. For the purposes of understanding, decentralisation can be divided into three categories:

1. The decentralisation of political power. There is a transfer of policy and legislative authority. The

democratically elected local bodies are being delegated power from the central government and state governments. 2. Administrative decentralisation means transfer of responsibility for planning and implementation. 3. Fiscal decentralisation is a means to provide autonomy to the local governments in terms of revenue and expenditure.

Those who oppose decentralization put forth arguments like emergence of centrifugal tendencies and ignorance of people. Some of them even say that local people do not have the expertise and understanding to govern themselves. But we must point out here that if our criteria are only better governance, we should look somewhere else but democracy. The primary objective of democracy is government of the people so; people's participation in governance is expedient. Hence, democracy without decentralization is a hollow. The requirement of a decentralized government comes from the very basic principle of democracy.

Self-government institutions at the local level are now universally recognised as critical for national progress and successful citizen engagement. They are an integral and indispensable element of the democratic process. Grassroots democracy, which is centred on tiny units of governance, allows individuals to feel a feeling of responsibility and install democratic values. Simultaneously, it provides an opportunity to get involved in public issues, including development work. Decentralization is also a political and administrative requirement in a wide, diversified, and complicated country" (Raghavan, 1991).

2. Role of local government:

The local government has the potential to play a variety of roles in a democracy. The local government institutions make democracy more accountable and dynamic. The major roles of the local government can be classified as: educational, developmental, administrative convenience, channel of communication, social cohesion, political decentralization and empowerment of people (Meenakshisundaram, 2001).

A local government provides avenues for political education for masses and training for democratic leadership. It involves everyone in the political process, so it lay the foundations for participatory democracy. It can provide certain services significantly and more effectively than the federal or state governments because of its proximity to people. It's crucial to remember that in resource-strapped states, proper prioritisation of needs is critical for effective governance and growth. It can plan for its social, economic, and manpower improvement far more efficiently than a national government, because to its superior local understanding. Because of its proximity to the people, it can promote better accountability of public authorities to residents. A local government can be an efficient communication channel between the Centre and the people because of its location. It allows local residents to vent their frustrations over unresolved issues in their community. It allows local residents to vent their frustrations over unresolved issues in their community. As a result, in a democracy, it inhibits divisive tendencies. It can also decongest the government at higher levels indirectly, allowing national and provincial leaders to avoid superfluous involvement in local politics.

3. Why India needs local government:

“The geographical complexity of a large territory requires decentralization for the purpose of planning and administration of development” (Jha, 2001). India is a multilingual, multi-religious, multicultural ‘subcontinent’. It is almost impossible to imagine the needs of north east India by sitting in the capital of India. Or even in India, the states are so big that, they are bigger than many countries of Europe. The cultural mores and social practices vary even in same state starkly. And to preserve this variation with a positive aspect of democratic development, decentralization is needed in India. From our experience of centralized planning in India we have found that a scheme which is effective in one part, fails miserably in some other part. So “the needs for decentralization in India has long been realized, though the logic and schemes of decentralization that followed depended upon the ideologies and requirements of prevailing time and regimes” (Jha, 2001).

4. History of local government in India

India is a country of villages. Even in ancient times during the golden Maurya and Gupta periods these villages were largely self-sufficient units. And there were village headmen either hereditary or sometimes chosen (as in case of republic of vaishali). This pattern more or less continued in medieval centuries with some aberrations. With the advent of East India Company, a major socio-political churning started in India. Till 1857 there was an attempt by the colonial administration of centralization. But after 1857, it was decided to slowly decentralize administration by promoting local government through municipalities and district boards. However local institutions were introduced in India in the last quarter of the 17th century for the urban areas. Madras was the first to have a municipal corporation in 1687 to be joined by the other two presidencies of Bombay and Calcutta in 1720. The important stages in the evolution of local government during British period can be identified as: Mayo’s resolution of 1870, Rippon’s resolution of 1882, Royal commission on decentralization (1908), Government of India act 1919 and The Government of India Act 1935. In 1919 Act, under diarchy, local self-government was made a ‘transferred’ subject under popular ministerial control. The provincial autonomy ushered in 1935 Act, gave further impetus to the development of local self-government intuitions in India.

5. Development after independence:

During the freedom struggle, Mahatma Gandhi stood for the development of panchayat system in India. He used to emphasize that independence must begin at the bottom and for this purpose every village should have panchayats with full powers. Gandhi regarded the village as economically self-sufficient. His view of Swadesi involved the creation of a "village republic". When all the settlements in India become self-sufficient, the whole country becomes self-sufficient. Therefore, India as a whole will be able to fulfill all its basic needs. This also has a social meaning. This model of governance will enable people to work together to create goods and services at the village level and ultimately for the country.

But in the constitutional debates the institution of village republics was opposed by Ambedkar. Ambedkar considered the villages as the den of ignorance. He believed that the village social system perpetuates the discriminatory practices of the caste system. Even Jawaharlal Nehru was not in favour of 'village republics. As a result, this was put as a non-binding directive in the chapter four of the Indian constitution.

The institution of Panchayati raj in India was formally inaugurated as a consequence of the recommendations of Balwant Rai Mehta committee set up in 1957 to study the community development programme (CDP). The Balwant Rai Mehta committee made some important recommendations: a) A three-tier system of Panchayati Raj. b) The village panchayat was to be in charge of local works. c) The panchayat samiti was to be constituted through indirect elections from village panchayats. d) The financial resources of Panchayats were also identified. e) The emphasis was on democratic decentralization which meant a process whereby the government diverts itself completely of certain duties and responsibilities and devolves them to some other authority. The recommendations of the Balwant Rai Mehta committee were accepted by the national Development council in 1959. The Panchayati raj was first inaugurated in Rajasthan in Oct. 1959.

However very soon defects cracked up and as Ashok Mehta committee (1977) pointed out that post-1965 these institutions declined. There was no uniformity in the structure of Panchayati raj in India. This committee formed by the Janta party government recommended a different pattern of structure for the local bodies, but this recommendation was not taken in to account by the later congress government. Even in the functioning of the local government, we find variations in different states. Thereafter we find a number of committees that were formed to study and evaluate the system. After years of vacillation, in 1992 the 73rd and 74th amendment was passed and the local bodies were given constitutional status.

6. Constitutional provisions:

Article 40 of Indian constitution directs the state to organize village panchayats and endow them with such powers and authorities may be necessary to enable them to function as units of self-government. However, as this article comes under the chapter: directive principles of state policy: so, it is non-binding in nature. In 1992 by the 73rd and 74th Amendment Act, IX and part IXA was added to the constitution. These two parts respectively provides elaborate provisions for the establishment of Panchayats and municipalities. By this amendment the local bodies have been given constitutional status and a uniform structure throughout the country. Some path breaking measures were introduced by the 73rd and 74th amendment act:

- a. Direct elections: Elections are mandatory and regular on the basis of universal adult franchise, with a minimum age limit of 21 years to get elected.
- b. Through these amendments a uniform structure has been outlined for the whole country.
- c. The tenure is fixed for five years to ensure durability and building confidence among people about the institutions of local government.

- d. Reservation of women- One third (including the number of seats reserved for women belonging to SC/STs) of the total number of seats were reserved (by rotation) for women.
- e. Proportionate reservation for scheduled castes (SCs) and scheduled tribes (STs) according to their population on rotation basis.
- f. Provision for a special state election commission - The state election commission was vested with the power of superintendence, direction and control of local bodies elections.
- g. As the subject of local government comes in the state list in the federal distribution of subjects. So, finally it is up to the states to make the enabling laws according to the guidelines of this amendment.

7. Relationship between state and local bodies

Municipal bodies have legally delegated powers and functions, like in the times of British India. Although all local functions are concurrent in nature in a constitutional sense, the legal delegation procedure was supposed to produce an autonomous local functional sector. In practice, this has not occurred in India, since the state government intrudes into the municipal domain through parallel legislation or executive decisions to operate in some functional areas, even when functions are expressly delegated to municipalities (Dutta, 2001).

During the pre-independence era municipalities had the authority regarding matters like, water supply, drainage, sanitation, building control etc. After independence these matters were taken away from municipal control and put under some bureaucratic government agency. Through the 74th amendment act, the government has again tried to give back the municipalities their earlier powers. But we observe here that despite the constitutional provisions the state-municipality relation still continues to be a relation between a higher authority and a subordinate authority. The objective of decentralization demands that the local authority must not be treated as lower authority. But they must be seen as partners in governance. But this is not the case here. There are two important reasons for this:

One, although the amendment acts give extensive powers to the local bodies, but at the same time it leaves the enabling legislation to individual states.

U.B. Singh argues ; “Though the 74th amendment act has bestowed powers to the urban local bodies. At the same time, it also gives state, the liberty to impose their own choice, which has at times created more confusion. In many cases although the powers have been given on paper their actual transfer remains a distant dream and concerned government department at the state level still have monopoly over those subjects and are handling them directly rather than operating through the concerned local units” (Singh, 2004).

The lack of authority to the local bodies hinders the growth of these institutions. We can say that only the work load has been transferred but that real authority still lies in state capitals. So, it creates “pseudo decentralization”. Here we find a very interesting case in federal structure. The state governments complain

to the federal government about lack of powers but at the same time they do not give real powers to local bodies.

Two, Lack of political will among the power wielders remain a major hurdle for the success of any constitutional scheme in India. The Twelfth schedule (Art.243W) puts 18 subjects under the authority of Municipal bodies. Some of these are urban planning, roads and bridges, water supply, urban poverty alleviation, slum improvement and up gradation etc. But we see that in practice schemes for these subjects are planned by central or state governments and the municipal bodies have a very limited or no role in decision. Further they are used as a government implementing agency for government sponsored programmes. We can give example of some schemes, like Jawaharlal Nehru urban renewal mission (JNURM), Valmiki Ambedkar yojana, etc.

Pointing out the limitation of local bodies Amitav Mukherjee (1999), beautifully indicates towards a three level of conflict:

- i. The conflict between the local level politicians on the one hand and the state level politicians and national level politicians on the other.
- ii. The conflict between bureaucracy and the local level politicians.
- iii. The conflict between vested interest and the local level politicians.

In their book 'Decentralisation and Local Politics' (1999), SN Jha and PC Mathur argue that Panchayats have been weakened and degraded for three reasons:

- i. States' unwillingness to delegate significant power to Panchayats
- ii. A resolute bureaucracy
- iii. Local elites wielding dominating influence

8. Limitations of local bodies emanating from state-local body relationship:

The 73rd and 74th amendment act attempts to bring about uniformity in the local government system through the most centralist conceivable instrument, whereas each state has its own history tradition and consequent structure of local government (Mukherjee, 1991). The 11th and 12th schedules are only taken as recommendations. There are no specific provisions which creates a method for dissolution of these bodies. In this case, the states can dissolve them. Under this circumstance, the evidence suggest that the state can dissolve them according to the political considerations. The evidence points to a significant lack of consistency in holding elections at regular intervals as required by the act. Parallel structures are forming side by side, obstructing the proper decentralisation process. The political and administrative power structures in several states have resisted initiatives to surrender control of domains under their jurisdiction to local organisations. Panchayats have become local authorities for implementing schemes devised in the faraway state capital for all practical purposes. A multitude of centrally supported programmes has further limited their freedom of choice. The states are hesitant to form the District Planning committees (DPC). DPCs are responsible for coordinating local government programmes at the village, block, and district levels. These DPCs are in charge of power decentralisation in a variety of fields, including agriculture,

irrigation, health and sanitation, education, electrification, and public distribution. The states' stance is concerning because, in the absence of responsibility to a statutory authority, development efforts could be hampered by vested interests at the local level. On a deeper level, local governments' autonomy has been limited by a substantial overlap in their responsibilities and those of the administrative machinery. Besides these institutional problems there are some socio-political reasons that limits the growth of local bodies-

- a) Despite the fact that the act was passed three decades ago, the quantitative and visible growth in women's participation has not resulted in qualitative and progressive change. The empowerment of women at grassroot level, still remains a far cry. There are many cases where the men rule by proxy and which has led to the notorious phrase- Mukhiya Patis (MPs).
- b) Although the marginalized caste –groups are coming in local representative bodies. But the instances of distorting the system by dominant caste groups for their own benefit are prevalent and pervasive
- c) The act itself does not define clearly the role of political parties. And hence leaves confusion in this regard.
- d) The local democracy also brings politics very close to people. And in some parts of India, this has also brought the issues of money power and muscle power to the very grassroot level. At many times, this has also vitiated the harmonious environment of village life.

9. Conclusion:

Today Indian democracy lies at a crossroad. There are twin pressures created by globalization and rising expectation. The process of decentralization will be an effective toll to accommodate these two. As people empowered are people with choice and choice with authority in local hands will lead to fulfillment of development demands. Therefore, it can be said that in the coming years the position and performance of local bodies will decide the fate of India's democratic fight against corruption, on-responsiveness favoritism, bureaucracy, inefficiency, non-transparency, non- accountability, ineffectiveness of implementation etc. The freedom that local self-governments have in choosing their own course of development, planning for it autonomously, and hiring and firing their own workforce under their own conditions of service is the essence of local self-government. Now if the local bodies do not have their own sources of finance and they depend on grants-in –aid, it will be difficult for these institutions to have an independent choice about spending or deciding about the priority of schemes. At last we can say that the dream of Gandhi and the goals of 73rd and 74th amendment can be fulfilled only by grater political will, substantial follow up of constitutional/legal measures and an accountable bureaucratic machinery.

End note:

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