UNIT 12: LOCAL-SELF GOVERNMENT IN INDIA

UNIT STRUCTURE

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12.5.1 The Constitution (73rd Amendment) Act, 1992

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12.1 LEARNING OBJECTIVES

After going through this unit you will be able to:

- describe the growth and development of local self -government in India.
- describe the growth and development of local self -government in Assam
- explain the Constitution (73rd Amendment) Act, 1992and its main provisions
- explain the Constitution (74th Amendment) Act, 1992 and its main provisions
- discuss the main functions of Zila Parishad, Anchalik Panchayat and Gaon Panchayat as institutions of self-government

12.2 INTRODUCTION

This unit introduces you to the system of local self-government in our country. This local self-government was prevalent during the British rule and now it has obtained constitutional status after the Constitution (73rd

Amendment) Act 1992. Panchayats are now considered as an institution of self-government and it has autonomy in matters of resources in decision making and its implementation. The Constitution (73rd Amendment) Act 1992 has initiated the principle of political participation at the grass-root level aimed at balanced economic development and social justice for all.

12.3 GROWTH OF LOCAL SELF- GOVERNMENT IN INDIA

The term "local self-government" originated when the British regime ruled our country. Gradually, the British regime took the decision to engage and associate Indians in administering local affairs which contributed more towards the process of local self-government for the people of our country. With the enactment of the Constitution (73rd Amendment) Act, 1992 and the Constitution (74th Amendment) Act, 1992, local self-governments, both rural and urban, have been given constitutional recognition in our country and it is the third stratum of government, the first two being the Central and the State governments.

In the pre-Independence period, Indian villages were organised in a way that enabled them to maintain social order through Panchayats. The informal institution of panchayat was responsible for maintaining and governing village society in accordance with the socio-political norms of their times. During the British period, the Montague-Chelmsford report in 1919 made local self-government a "transferred subject" under the scheme of diarchy. During this period, establishment of the village panchayat in a number of provinces was the major achievement. When India got Independence, the main question which came up was whether panchayat should have a place in the new Constitution or not? Indian Constitution didn't mention the panchayat of the Gandhian model. The Constituent Assembly didn't accept the Gandhian proposal and stressed that stability, unity and economic progress demanded a more centralized government. But, with the heralding of a new era, India's commitment towards local self-govt. and grass-root democracy stood upright. In fact, it was the inner urge to ensure all round development of India's political leadership that committed

the government to implement the decentralization process through the Panchayati Raj framework. Ideologically, the initiation of the Panchayati Raj system drew its inspiration from Gandhiji's firm conviction that independence must begin at the grass-root level and thus Panchayati Raj was synonymous with Swaraj or self-rule to Gandhi.

Thus, the new Constitution enforced on January 26, 1950 gave Constitutional importance to Panchayati Raj Institutions (PRIs) including them in Directive Principles of State Policy (DPSPs) under Article-40 of the Constitution. But it abstained from giving constitutional status to it.

After independence, the country adopted the five year plan for the economic growth and prosperity of rural India. To ensure growth and prosperity in rural India, the Community Development Project was launched in 1952, which was the biggest rural reconstruction scheme to fight against rural poverty, hunger, disease and ignorance. The First Five Year plan envisaged the establishment of 500 community centres.

In 1953, the National Extension Service was also launched, but the Balwant Rai Mehta Committee (1957) found that people's participation was not there and the village panchayats were not even involved. The committee therefore, recommended the devolution of development and decentralization of machinery of administration with adequate delegation of power to the Panchayati Raj Institutions. The committee recommended three-tier system of rural local government namely, the Village Panchayat at the local level i.e. village, the Panchayat Samiti at the Block level and Zila Parishad at the District level. Rajasthan was the first State to introduce the three-tier panchayat framework. The other States of the Indian union also gradually launched the system. This heralded a new phase in India's federal democratic polity. The Panchayati Raj Institutions particularly, the gram panchayats known as tiny-legislatures worked very well till the mid-sixties. However, in the wake of many problems confronting the PRIs including absence of adequate financial autonomy and holding of irregular elections.

To fine tune the working of these PRIs, the government appointed various committee from time to time. First to come was the Sadiq Ali Committee in 1964 to oversee the progress in decentralization and grass-

root democracy in Rajasthan. The next major committee constituted was Ashok Mehta Committee (1978) appointed by the Janata government in 1977 to assign meaningful role to Panchayati Raj Institutions and revitalize them. The committee recommended two tier system of Panchayati Raj system viz, the Mandal Panchayats and the Zila Parishad. The recommendations given by the committee evoked mixed response, from different states. Some states were not eager to introduce panchayat system based on the recommendations made by Ashok Mehta committee, while States like Kerela, Karnataka, Maharashtra and West Bengal came forward to establish panchayats at local levels.

In the 1980s due to expansion of anti-poverty programme and creation of District Rural Development Agency (DRDA) and other organizations for rural development purposes at lower level, it was required to integrate PanchayatiRaj system with development programmes. As a result, C.H. Hanumanth Rao Working Group on district planning was set up in 1983. There after G.V.K. Rao Committee was setup in 1985 to review the existing administrative arrangements for rural development and poverty alleviation programmes. The committee recommended the need of regular elections to the PRIs and strengthening of Zila Parishad.

Another committee under the chairmanship of distinguished Jurist L.M. Singhvi was set up in 1986 to deal with the financial aspects of these bodies. The committee recommended the reorganization of the villages to make village panchayats more viable. The committee recommended that the panchayat should be made financially viable by combining 2-3 villages in one panchayat. Similarly, the Sarkaria Commission on Centre-State Relations in 1988 too observed that most of the local self-governing bodies were not functioning efficiently and effectively. The Thungan Committee also made exhaustive recommendations on this account. The committee strongly recommended that PanchayatiRaj Institutions should be constitutionally recognized and timely and regular elections to these bodies be ensured.

During the time of Rajiv Gandhi government, attempts were made to reconstruct local governments, both rural and urban. Prime Minister Rajiv

Gandhi took the initiative to amend the Constitution of India. In the year 1987and 1988, the Prime Minister held a series of conferences and workshops where district collectors were summoned and the theme was on “Responsive Administration”. These conferences decided to decentralize functions, powers and authority to local government so that it might become strong and vibrant. Rajiv Gandhi introduced 64th Constitutional amendment Bill in 1989. But the Bill did not come into effect because of the fall of his Ministry. Finally, the P.V.Narasimha Rao government introduced Panchayati Raj system in India through the Constitution (73rd Amendment) Act in 1992.On on 24th April 1993 the Constitution (73rd Amendment) Act, 1992 came into force. It was a red-letter day for the Panchayati Raj system of our country. It gave constitutional status to the Panchayati Raj Institutions by inserting Part IX and adding the Eleventh Schedule to the Constitution. Under this Act, a Panchayat has been defined as an institution of self-government constituted under Article 243B of the Constitution for the rural areas. It provides that there shall be constituted in every State, panchayats at the village level, intermediate and district levels. However, panchayats at the intermediate level may not be constituted in a State having a population not exceeding 20 lakh. Accordingly, a three-tier structure of Panchayati Raj Institutions was put in place. It aims to strengthen the democratic base of the country as it provided constitutional status to Gram Sabha, a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of panchayat at the village level. The Gram Sabha may exercise such powers and perform such functions at the village level as the legislature of a state may by law provide. The Act provides for regular elections to PRIs every five years; proportional seat reservation for Scheduled Castes and Scheduled Tribes and reservation of not less than 33% seats for women. Under the 1993 Act a Gram Sabha means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of panchayat at the village level. The Gram Sabha may exercise such powers and perform such functions at the village level as the legislature of a state may by law provide.

The National Democratic Alliance(NDA) Government headed by Prime Minister A.B.Vajpayee convened a two day long conference of all heads of panchayats of the country in Delhi form April 5-6, 2002 to have a firsthand information about the problems of Panchayati Raj Institutions in India. He underlined the need for strengthening the grass-root level institutions by giving more power to PRIs.

The Panchayati Raj Act constitutes a major milestone in the history of rural local self-government as it provides political and administrative decentralization and devolution of resources and powers to local people.



CHECK YOUR PROGRESS

Q 1: Which report during the British period made local self-government a "transferred subject" under the scheme of diarchy?

.....

Q 2: When was Community Development Project (CDP) launched in our country?

(a) 1947 (b) 1951 (c) 1952

.....

Q 3: Which committee is considered as a Magna Carta of panchayat system in our country?

(a) Balwant Rai Mehta Committee (b) Ashok Mehta Committee (c) G. V. K. Rao Committee.

.....

Q 4: Balwant Rai Mehta Committee recommended a three-tier panchayat system.(True/False)

.....

12.4 GROWTH OF LOCAL SELF-GOVERNMENT IN ASSAM

The present local self-government can be traced back to the British regime. During the British regime, limited powers were granted to the local institutions. The traditional system of panchayat suffered a great setback

as the Britishers had little interest in the welfare of the native people. However, before the advent of Britishers, there were certain rules and regulations to administer our rural villages for protection of life and property of village people. In 1887, the Chowkidar Panchayat Act was passed and it provided for the establishment of panchayat in any village consisting of more than sixty (60) houses. The responsibility to create any panchayat in a village was entrusted to the District Magistrate. Besides, provision was made to establish panchayat for more than two villages provided they were continuous to one another. The functions of the panchayat were confined to the chowkidari system only. It is mentionable here that in ancient Assam, chowkidari system was prevalent and chowkidar served the villages and salaries were paid from collection of taxes to secure service from them.

The history of panchayat system turned into a specific direction after 1909 both for India and Assam. Because, the recommendations of the Royal commission on de-centralisation in 1907 were accepted in 1909. The commission suggested that more power should be conferred to the panchayat. Since then, attempts had been made to establish informed village authorities. Accordingly, the Government of Assam accepted the recommendations of the royal commission on de-centralisation and made an attempt to delegate more powers regarding sanitation, water supply etc. These provisions were incorporated in the Local Self Government Act, 1915. But, institutions established like panchayat under this act faced a lot of administrative and financial problems due to conflicts amongst the people of different parts of the same village.

In 1926, the Assam Rural Self-Government Act was passed with a view to provide an administrative setup where villagers could participate for solution of their own problems under this Act, powers were given to the panchayat and provision was made to increase the powers and functions of the panchayat in course of time in under the same Act. But, the villagers were unable to run the administration of their own affairs.

In 1948, the Assam Rural Panchayat Act was accepted and it provided for two-tier panchayat system i.e. primary panchayat and rural panchayat. Under this act primary panchayat and rural panchayat were

formed. The rural panchayats would be serving more than one village and the administrative area of the primary panchayat would be one village. But, this Act also failed to serve the villages satisfactorily.

On the recommendations of the Ashok Mehta Committee (1957), the Assam Panchayati Raj Act of 1959 provided for establishment of Mohkuma Parishad, Anchalik Panchayat and Goan Panchayat in rural areas of Assam. Mohkuma Parishad was an advisory body at the top of the system and Anchalik Panchayat was the middle tier and at the lower level there was the Gram Panchayats. The Anchalik Panchayat could not function effectively and as a result in 1972 it was abolished. In 1972, two-tier Panchayat system was introduced and accordingly Gaon Panchayat at the village level and Mohkuma Parishad at the district level was established. The Mohkuma Parishad was entrusted with the executive functions in the field of public health, education, welfare, agriculture, small scale industry, co-operative society etc. The Goan Panchayat was entrusted with several developmental functions.

In 1986, the Assam Panchayati Raj Act was passed and it introduced a three-tier panchayat system of Gaon Panchayat, AnchalikPanchayat and Mohkuma Parishad. The Mohkuma Parishads were entrusted with several functions like security and approval of the budget of the Anchalik Panchayat, review of the work of the Anchalik Panchayat to advise the government in distribution of funds etc.

In 1992, panchayat elections were held in Assam which may be considered as landmarks in the history of Panchayati Raj system in Assam. In the year 1992, the Government of India introduced a new Panchayati Raj system by the Constitution (73rd Amendment) Act 1992. In order to take appropriate action under the 73rd Amendment, the Government of Assam replaced Assam Panchayati Raj Act 1986 with the Assam Panchayat Act 1994. Under this Act, Zila Parishads, Anchalik Panchayats and Gaon Panchayats are constituted at the District level, Block or intermediate level and village level, respectively.

The voters of the Gaon Panchayat directly elect the President and the members of the Gaon Panchayat. The President of the Anchalik

Panchayat is elected from amongst the Anchalik Panchayat members. The members of the Zila Parishad are elected by the voters of Zila Parishad constituency. There is a provision of reservation of seats for SCs, STs and women also. 33% of total seats of panchayats are reserved for women. Seats are reserved for the Scheduled Tribes and Scheduled Castes communities on the basis of population. The Act provides for setting up a State Finance Commission to review the financial position of the panchayat bodies and suggest recommendations for sharing of resources between the State and panchayats. Besides, there will be a District Planning Committee to consolidate the district plan. The Act also provides opportunities to mobilize the resources of panchayat in many ways.

The Assam Panchayat Act, 1994 mentions some functions of the three-tier Panchayati Raj Institutions. Among these, preparation of annual plans and annual budget, mobilization of relief in natural calamities, removal of encroachment on public properties, organizing voluntary labourers and contribution for community works, maintenance of essential statistics of villages and such other development works as may be entrusted are some important functions of the Gaon Panchayats.

Similarly, Anchalik Panchayats are entrusted with preparation of annual plan and annual budget which are submitted to the Zila Parishad for approval, consolidation of the annual plans of all Gaon Panchayats, execution of work entrusted by the government or the Zila Parishad, and to assist the government in relief operation in natural calamities.

The function of a Zila Parishad is to prepare plan for economic development and social justice of the district and ensure the co-coordinated implementation of such plan.

The legislature of a State may by law endow the Panchayat with such powers and authority as may be necessary to enable them to function as institutions of self-government as the State or the Central governments, reservation of seats for Scheduled Castes and Scheduled Tribes, etc., mandatory reservation of seats (not less than one-third) for women in proportion to their population, etc. To prevent executive control over powers and functions of Panchayati Raj Institutions, many State governments have

enacted laws, empowering panchayats as institutions of self-government and transferred many departments to panchayats. In Madhya Pradesh, the State government transferred 22 departments to panchayats. In Assam, the State government transferred 14 subjects out of 29 subjects to Panchayati Raj Institutions.



LET US KNOW

Gram sabha is truly the bed-rock of Panchayati Raj. It is people's parliament of rural people. Every adult who is 18 years and above is a member of the gram sabha. It is through gram sabha that a representative is made accountable to the villagers.



ACTIVITY 12.1

When were the last Panchayat elections held in Assam? Try to gather information regarding the same.

.....

.....



CHECK YOUR PROGRESS

Q 5: The Assam Rural Panchayat Act, 1948, provided for a two-tier panchayat system. (True/False)

.....

Q 6: Mention the three tiers of panchayats constituted under the Assam Panchayat Act, 1994.

.....

Q 7: Which body does the Assam Panchayat Act, 1994, provide for setting up a State Finance Commission to review the financial position of the panchayat bodies?

.....

Q 8: In 1986, the Assam Panchayati Raj Act was passed and it introduced a ..... (Fill in the Blank)

12.5 THE CONSTITUTION (73rd AMENDMENT) ACT, 1992 AND THE CONSTITUTION (74th AMENDMENT) ACT, 1992

The Constitution (73rd Amendment) Act, 1992 and the Constitution (74th Amendment) Act, 1992, were landmarks in the history of local self-government in India in the sense that it gave constitutional status to local self-government at the grass-root level and as a result, it became an indispensable part of governance in the country.

12.5.1 The Constitution (73rd Amendment) Act, 1992

The core features of the Constitution (73rd Amendment) Act, 1992 are as follows:

- As per the Constitution (73rd Amendment) Act, 1992, a new part, namely, Part IX 'The Panchayats' has been inserted in the Constitution of India.
- A new schedule, namely, the Eleventh Schedule to the Constitution has been added containing 29 subjects which have been devolved to the Panchayats by Part IX of the Constitution. These include agriculture, including agricultural extension, land improvement, implementation of land reforms, land consolidation and soil conservation, minor irrigation, water management and watershed development, animal husbandry, dairying and poultry, fisheries, social forestry and farm forestry, khadi, village and cottage industries, rural housing, drinking water, fuel and fodder, etc.
- Article 243-B of the Constitution mentions panchayats as institutions of self-government constituted under the Constitution for rural areas. Therefore, local government is not a mere agency of the executive branch. As an institutions of self-government, panchayats have autonomy in matters of resources, decision making in respect of powers and functions assigned and autonomy in implementing decisions through

its own functionaries, for promoting economic development and ensuring social justice.

- The amendment initiates a three-tier panchayat structure. It provides that there shall be constituted in every State, panchayats at the village level, intermediate and district levels. However, panchayats at the intermediate level may not be constituted in a State having a population not exceeding 20 lakh. Accordingly, a three-tier structure of Panchayati Raj Institutions was put in place. Accordingly, Zilla Parishads, Anchalik Panchayats and Gaon Panchayats in the District, Block and village levels have been constituted respectively.
- It fixed a five years tenure for all panchayats and their office bearers so that regular election is held.
- Article 243-G recognizes panchayat as institutions of self-government with necessary powers and authority in matters of resources in decision making and to implement its decisions through its own functionaries.
- The Amendment provides institutions like Gram Sabha as people's parliament of rural areas. Gram Sabha constitutes the foundation of Panchayati Raj system. It aims to strengthen the democratic base of the country as it provided constitutional status to Gram Sabha, a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of panchayat at the village level. The Gram Sabha may exercise such powers and perform such functions at the village level as the legislature of a State may by law provide.
- Another important feature is the provision for setting up a State Finance Commission to allocate adequate resources to panchayat bodies.
- The provision of a mandatory District Planning Committee in each district to consolidate the plans prepared by the panchayats and municipalities in the district and prepare a

draft of development plan for the district is another feature of the amendment under Article 243-ZD

- The amendment provides reservation of seats for Scheduled Castes and Scheduled Tribes based on their population.
- One third of the total numbers of seats are reserved for women so that they may represent in participatory development process and in decision making process.
- The amendment introduces effective devolution of powers and functions to Panchayati Raj Institutions so that they can function as institutions of self-government.
- The Act provides mandatory regular elections for PRIs and entrusts responsibility on the State Election Commission to conduct fair and free election.
- The State legislature shall make laws for maintenance of accounts by the panchayats and laws to audit such accounts.



LET US KNOW

Social auditing emerged as complementary to the financial auditing. It is the assessment of an organization's non-financial aspects, its achievements or failures. It is a mechanism of monitoring and evaluation of a panchayat body. Selected issues are audited socially in the meeting of gram sabha and performance of an institution is assessed.

12.5.2 The Constitution (74th Amendment) Act, 1992

The Constitution (74th Amendment) Act, 1992 came into effect in April 1993. The core features of the Constitution (74th Amendment) Act, 1992 are as follows:

Features:

- It inserted Part IX A to the Constitution and incorporated 18 subjects under the Twelfth Schedule related to municipality.

- According to Article 243-Q, there shall be constituted in every State, Nagar Panchayats, Municipal Councils and Municipal Corporations and all the seats of the municipality shall be filled by direct election from the territorial constituencies in the municipal area. Each municipal area shall be divided into territorial constituencies to be known as wards. The legislature of a State may by law make provision with respect to composition, manner and territorial area of wards committee.
- Seats are reserved for SCs and STs in every municipality and one-third of the total seats are reserved for women.
- Every municipality shall continue for five years from the date appointed for its first meeting. Under the Act, a municipality means an institution of self-government. As an institution of self-government, it can prepare plans and implement them for economic development and social justice.
- The legislature of a State may by law endow the municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provision for the devolution of powers and responsibilities with respect to preparation of plan and its implementation and subjects incorporated in Twelfth Schedule for economic development and social justice. The legislature of a State may by law authorize a municipality to levy collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits.
- The Finance Commission constituted under the 73rd (seventy third) amendment act shall review the financial position of the municipality. Similarly, the superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections to the municipalities shall be vested in the State Election Commission.



CHECK YOUR PROGRESS

Q 9: As per the Constitution (73rd Amendment) Act, 1992, which new part has been inserted in the Constitution of India?

.....

Q 10: Gram Sabha is a people's parliament under a panchayat area. (True/False)

.....

Q 11: The term of office of a panchayat is -

(a) Four years (b) Five years (c) Six years

.....

Q 12: How is the President of a Gaon Panchayat elected?

.....

Q 13: The term of office of a municipality is six years. (True/False)

.....

Q 14: What are the various forms of municipalities?

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12.6 LET US SUM UP

- The term "local self-government" originated when the British regime ruled our country. In the post-independent period, the government appointed various committees from time to time to look into the working of the Panchayati Raj Institutions.
- The Constitution (73rd Amendment) Act and the Constitution (74th Amendment) Act, 1992 are considered to be milestones in the field of local self-government in the country.These Acts constitute a major milestone in the history of rural local self-government as it provides political and administrative decentralization and devolution of resources and powers to local people.
- The Constitution (73rd Amendment) Act, 1992 gave constitutional status to the Panchayati Raj Institutions by inserting Part IX and adding

the Eleventh Schedule to the Constitution. The amendment initiates a three-tier panchayat structure.

- The Act provides for regular elections to PRIs every five years; proportional seat reservation for Scheduled Castes and Scheduled Tribes and reservation of not less than 33% seats for women.
- In order to take appropriate action under the 73rd Amendment, the Government of Assam replaced Assam PanchayatiRaj Act 1986 with the Assam Panchayat Act 1994. Under this Act, Zila Parishads, Anchalik Panchayats and Panchayats are constituted at the District level, Block or intermediate level and village level, respectively.
- The Constitution (74th Amendment) Act, 1992 came into effect in April 1993. It inserted Part IX A to the Constitution and incorporated 18 subjects under the Twelfth Schedule related to municipality.



12.7 FURTHER READING

1) Chander, Prakash.(2000). *Indian Government and Politics*. New Delhi :CosmosBookhive Pvt. Ltd.

2) Ghai, K.K.(2007). *Indian Government and Politics*. New Delhi: Kalyani Publishers.

3) Kapur, Anup Chand and Misra, K.K. (2006). *Select Constitutions*.NewDelhi : S. Chand and Company.

4) Pylee, M,V. (2006). *Constitutional Government in India*. New Delhi: S. Chand and Company.



12.8 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: Montague-Chelmsford Report

Ans to Q No 2: 1952

Ans to Q No 3: (a) Balwant Rai Mehta Committee.

Ans to Q No 4: True

Ans to Q No 5: True

Ans to Q No 6: Gaon Panchayat, Anchalik Panchayat and Zila Parishad

Ans to Q No 7: State Finance Commission

Ans to Q No 8: Three

Ans to Q No 9: Part IX

Ans to Q No 10: True

Ans to Q No 11: 5 years

Ans to Q No 12: The President of a gaon panchayat is elected directly by the people of that panchayat area.

Ans to Q No 13: False

Ans to Q No 14: Nagar Panchayats, Municipal Councils and Municipal Corporations



12.9 MODEL QUESTIONS

A) Very Short Questions

Q 1: Which committee recommended two tier system of PanchayatiRaj system viz, the Mandal Panchayats and the Zila Parishad?

Q 2: Which Article of the Constitution mentions panchayats as institutions of self-government?

Q 3: Write two functions of a municipality.

Q 4: Which Schedule of the Indian Constitution is related to municipality?

B) Short Questions (Answer each question in about 150 words)

Q 1: Explain the main features of the Assam Panchayat Act, 1994.

Q 2: Discuss any two features of the Constitution (73rd Amendment) Act, 1992 and the Constitution (74th Amendment) Act, 1992.

Q 3: Write a note on the growth of local self-government in India.

Q 4: Discuss the growth of local self-government in Assam.

C) Long Questions (Answer each question in about 300-500 words)

Q 1: Discuss the main features of the Constitution (73rd Amendment) Act, 1992.

Q 2: Write the main features of the Constitution (74th Amendment) Act, 1992.

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