

Local Government: A journey to transform Grassroots Democracy

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ABSTRACT

It is the right time to look back at the local government while India commemorates and celebrating its 75th independence as Azadi Ka Amrit Mahotsav and nearly 30 years after the 73rd and 74th Constitutional Amendment which were enacted by parliament of India. Nearly 70 per cent of the country's population lives in rural areas where, for the first time since independence, the overall growth rate of population has sharply declined, according to the latest Census. Of the 121 crore Indians, 83.3 crore live in rural areas while 37.7 crore stay in urban areas, said the Census of India's 2011 Provisional Population Totals of Rural-Urban Distribution in the country. The local government is an important institution of this nation. It remains directly and closely connected to the people and deals with their issues in the most available decentralized way. Its proper functioning can be only be ensured by looking at its evolution, the power it has to execute the requirement of people, and by rectifying the fault, it has in it. In the piece, we will focus on the evolution of local governance in India, how significant the 73rd amendment to the constitution is empowering the rural local government.

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I. Introduction

In a democracy, it is not sufficient to have an elected government at the centre and at the State level. It is also necessary that even at the local level, there should be an elected government to look after local affairs. Local government is an essential part of the three-tier system of government. It is at the bottom of a pyramid of governmental institutions. Local bodies are institutions of the local self-governance, which look after the administration of an area or small community such as villages, towns, cities and metropolitans. Its jurisdiction is limited to a specific area and it functions within the provisions of the statute, which has created it. It is subordinate to the state or provincial government, which exercises control and supervision over it (Maheshwari, 1970). Local government is a system that ensures mass political participation in the decision-making process by extending democracy to the grassroots level.

Local government is an important institution anywhere in the world and India. They act as vehicles in carrying back to the people the power that really belongs to them (Mishra, et.al., 1996). The emergence of local government as a distinct unit of government is a result of the interplay of factors like historical and administrative. Historically, they preceded national government. Initially, the neighbourhood government was evolved. The national government came later on. Even after the coming up of the national government, local governments existed as units of the national government and performed those functions, which were of local interest. Administratively, it is necessary that the civic services needed by any community of people are planned, programmed and integrated in terms of region or area inhabited by them. In other words, the distribution of work was to be done on a territorial basis.

Local governance in India is the prime instrument of decentralization at the grassroots level. The Indian Constitution, which was adopted on 26th January 1950, has many features for the betterment of society and cooperation between the power holders. One of such features is federalism. Even though India's Constitution does not refer to the country as a federation, on the other hand, Article 1 of the Indian Constitution refers to India as a 'Union of States'. This signifies that India is a union made up of many intertwined states. The states are not allowed to secede from the union under any situation. They do not have the authority to leave the union.

The constituent entities, or states in a genuine federation, can leave the union. India is not an actual federal government since it mixes the characteristics of a federal government with those of a unitary government, resulting in a quasi-federal government. Since ancient times, local governance has been popular in India. Village Panchayats have been documented in the shape of village communities throughout history. Invaders have built and destroyed empires throughout the centuries, but these settlements have maintained their

identity. Villages were regarded as economic and administrative entities, with village chiefs serving as government agents. During pre-independence, the framework of local self-government was not well organised. Hence, to give it a proper structure, the constituent assembly put the subject of local governance under the state list, and Article 40 was inserted.

Article 40 of the federal Constitution of India's chapter on Directive Principles of State Policy has highlighted how village panchayats should be formed. Even after this attempt by the constituent assembly to strengthen its framework, it suffered from a lack of uniformity. It was under state subject, and local governance rules in different states differed. To solve this problem, the 73rd amendment was introduced in India, which was considered a revolutionary amendment for the local self-governance in India.

This paper will discuss the background of the formation of local self-governance in India and its many other aspects. We will also try to answer the following research questions-

- How does the 73rd Amendment empower the local self-government of India?
- Do faults currently present in the local government system?

To substantiate my opinions and answers, several materials have been used. Primary sources like amendments, Constitutional articles, etc., have been used, and under secondary sources, several websites, blogs, journals, etc., have been used.

Evolution of Local governments in India

The term 'Panchayat' refers to five senior leaders chosen by the local community. In 1946, Mahatma Gandhi emphasized that Indian freedom must begin grassroots. By establishing a three-tier Panchayati Raj structure that allows people to participate in rural rehabilitation, Gandhiji's vision has become a reality. Panchayat Raj refers to democratic decentralization and the appointment of local self-government at several levels, including village, block, and district. Rural development and expansion necessitate improving the rural population's socioeconomic situation long-term by optimizing local resources, both natural and human. The spirit of growth and expansion is found in 'promoting' the rural sector rather than 'providing' it. As a result, self-sufficiency should be the primary goal of rural development. Gandhi has always emphasized the need for rural community self-sufficiency and self-reliance and the necessity to utilize local resources for development efficiently. Villages should strive for absolute self-sufficiency, fundamental necessities like food, clothes, housing, education, and health.

Various committees, including the Malaviya Committee (1956), the Balwant Rai Mehta Committee (1957), the Ashok Mehta Committee (1978), the Hanumantha Rao Committee (1983), the G.V.K. Rao Committee (1985) and the Singhvi Committee (1986) have studied and analyzed the development, functioning, autonomy, freedom, and weaknesses of the Panchayati Raj system and remedial measures.

Since the 1950s, policymakers have been concerned with rural development. The Community Development Programme (CDP.) was announced in 1952. It was a programme that was implemented to help with rural rebuilding. It is founded on the idea that rural life is an organic whole and that no progress in any area would be possible unless all sectors were addressed simultaneously. The C.D.P., however, failed to meet its objectives owing to a lack of public engagement and initiative. The Balwant Rai Mehta Committee emphasized the need to establish democratic institutions at the foundation level, known as panchayats, to secure people's participation in implementing rural development programmes. In addition, the Ashoka Mehta committee was tasked with determining the role of panchayat raj and the methods for achieving faster growth and rural development. The committee made various proposals, primarily based on decentralization principles, for the growth and extension of India's panchayat raj system. The Ashok Mehta committee made several important recommendations, including establishing constitutional status for panchayat raj institutions.

India approved a new plan of action for agricultural growth and reforms in 1966, centred on using high-yielding wheat and paddy varieties and a policy of remunerative pricing for farmers. This approach is based on the idea that poverty is rooted in a lack of economic growth. The importance of the Panchayati Raj System as an effective instrument for people's participation has been emphasized by several committees over the years, including the Balwant Rai Mehta Committee in 1957, the Ashok Mehta Committee in 1977, and many others.

After years of deliberation, the 73rd amendment to the Constitution was passed in 1992. This amendment created the essential constitutional framework for democracy at the grassroots level, a tremendous step forward. The Panchayati Raj system consists of i) Zilla Panchayat, ii) Block Panchayat, and iii) Gram Panchayat. Since the 1990s, strengthening Panchayati raj institutions and implementing economic reforms have been critical policy developments. Both of these features are critical for the evolution and prosperity of our society since they provide community members with simple access to services. The 73rd and 74th constitutional amendments were driven by the necessity for local self-governance at the primary level.

Features of 73rd Constitutional Amendment Act

The 73rd Amendment was considered a revolutionary amendment in respect of local self-government due to its salient feature. Some of its salient features are following –

1. **Gram Sabha:** Gram Sabha is the primary body of the Panchayati Raj system. It is a village assembly consisting of all the registered voters within the area of the panchayat. It will exercise powers and perform such functions as determined by the state legislature. Candidates can refer to the functions of gram panchayat and gram panchayat work, on the government official website – <https://grammanchitra.gov.in/>.

2. **Three-tier system:** The Act provides for the establishment of the three-tier system of Panchayati Raj in the states (village, intermediate and district level). States with a population of less than 20 lakhs may not constitute the intermediate level.

3. **Election of members and chairperson:** The members to all the levels of the Panchayati Raj are elected directly and the chairpersons to the intermediate and the district level are elected indirectly from the elected members and at the village level the Chairperson is elected as determined by the state government.

4. **The Chairperson of a Panchayat and other members of a Panchayat, whether or not elected directly from territorial constituencies in the Panchayat area, have the right to vote in Panchayat meetings.**

5. **Reservation of seats:**

- **For SC and ST:** Reservation to be provided at all the three tiers in accordance with their population percentage.

- **For women:** Not less than one-third of the total number of seats to be reserved for women, further not less than one-third of the total number of offices for chairperson at all levels of the panchayat to be reserved for women.

- The state legislatures are also given the provision to decide on the reservation of seats in any level of panchayat or office of chairperson in favour of backward classes.

Duration of Panchayat: The Act provides for a five-year term of office to all the levels of the panchayat. However, the panchayat can be dissolved before the completion of its term. But fresh elections to constitute the new panchayat shall be completed –

- before the expiry of its five-year duration.
- in case of dissolution, before the expiry of a period of six months from the date of its dissolution.

Disqualification: A person shall be disqualified for being chosen as or for being a member of panchayat if he is so disqualified –

- Under any law for the time being in force for the purpose of elections to the legislature of the state concerned.

- Under any law made by the state legislature. However, no person shall be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years.

- Further, all questions relating to disqualification shall be referred to an authority determined by the state legislatures.

State election commission:

- The commission is responsible for superintendence, direction and control of the preparation of electoral rolls and conducting elections for the panchayat.

- The state legislature may make provisions with respect to all matters relating to elections to the panchayats.

8. **Powers and Functions:** The state legislature may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government. Such a scheme may contain provisions related to Gram Panchayat work with respect to:

- The preparation of plans for economic development and social justice.
- The implementation of schemes for economic development and social justice as may be entrusted to them, including those in relation to the 29 matters listed in the Eleventh Schedule.

Finances: The state legislature may –

- Authorize a panchayat to levy, collect and appropriate taxes, duties, tolls and fees.
- Assign to a panchayat taxes, duties, tolls and fees levied and collected by the state government.
- Provide for making grants-in-aid to the panchayats from the consolidated fund of the state.
- Provide for the constitution of funds for crediting all money of the panchayats.

10. **Finance Commission:** The state finance commission reviews the financial position of the Panchayats and provides recommendations for the necessary steps to be taken to supplement resources to the panchayat.

11. Audit of Accounts: State legislature may make provisions for the maintenance and audit of panchayat accounts.

12. Application to Union Territories: The President may direct the provisions of the Act to be applied on any union territory subject to exceptions and modifications he specifies.

13. Exempted states and areas: The Act does not apply to the states of Nagaland, Meghalaya and Mizoram and certain other areas. These areas include,

- The scheduled areas and the tribal areas in the states
 - The hill area of Manipur for which a district council exists
 - Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists.
- However, Parliament can extend this part to these areas subject to the exception and modification it specifies. Thus, the PESA Act was enacted.

Continuance of existing law: All the state laws relating to panchayats shall continue to be in force until the expiry of one year from the commencement of this Act. In other words, the states have to adopt the new Panchayati raj system based on this Act within the maximum period of one year from 24 April 1993, which was the date of the commencement of this Act. However, all the Panchayats existing immediately before the commencement of the Act shall continue till the expiry of their term, unless dissolved by the state legislature sooner.

Bar to interference by courts: The Act bars the courts from interfering in the electoral matters of Panchayats. It declares that the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies cannot be questioned in any court. It further lays down that no election to any panchayat is to be questioned except by an election petition presented to such authority and in such manner as provided by the state legislature.

Finding faults in the local government

The lack of comprehension of the function, idea, and primary goals that panchayat representatives are supposed to achieve. For some, it is an organisational body and a mandate of countryside local authorities for others. This confusion might hinder the process' efficacy, resulting in uncertainty and ambiguity.

In some instances, a lack of tech knowledge leads to rapidly deteriorating productivity levels. The authorities started the e-panchayat initiative in the 360-gram Zilla Parishad. On the other hand, these regions lack equipment and have inadequate broadband internet access. Such an e-governance initiative aims to deliver civilian services online, keep gram panchayat resources, and freely access gram panchayat software and information.

Panchayats are often recognized as a venue for power shenanigans and rallies. It is often seen as an extension of its dominant political parties. Furthermore, the state administration allows Panchayats to operate in their favour rather than in line with democratic decentralization objectives. Differences amongst government bureaucrats can also occur. The 73rd Convention has limited the bureaucracy's ability to exercise control and privilege. There is a significant difference in their knowledge and attitude between the top contributor and the administrators.

Concerns about relinquishing power due to delegating powers to Gram Sabha have scared MLAs, MPs, and employees. Senior political actors have turned antagonistic to lesser political leaders because of their lack of experience, comprehension, and other flaws. They would seize the chance to criticize the Panchayati Raj's operation.

Furthermore, MLAs and MPs are already in jeopardy since the fortunes of city leaders are expected to improve. As a result, political figures and the decentralization process are at odds. Both 73rd and 74th Constitutional changes have resulted in substantial improvements that encourage fair opportunities and increase participation of women in government. Ladies have now been allocated around a third of the total number of Electoral districts. Permitted to participate in mainstream society is also ensured and enhanced. It aspires to create a basic level of national policy towards women. This systemic change had tremendous benefits, putting lakhs of ladies into Panchayat management positions. The ratification of this Modification has to lead to the Decentralisation Process recognising women's rights, which is a crucial way of bringing women's untapped potential to government. It facilitates women's participation in village Council planning, a judgement call, and execution. Women's delegates have demonstrated their capacity to evolve and learn new skills such as managing money, effective community-based redevelopment, and so on. Women are primarily excluded from PRI or state governing systems, notwithstanding the beneficial benefits. Proxy tactics, energy, and sexual preference prejudice are continuing problems. Women sarpanches have had to confront tremendous brutality in their groups to challenge existing power structures. It has also been noticed that male relatives use women's status in their respective homes to run for polls, allowing the males to exert influence over the PRI through all the women. There are several significant issues; it is the responsibility of individuals to evolve and embrace a more

enlightened attitude towards women. Such problems can be solved by acknowledging female empowerment and modifying our thought patterns.

II. Conclusion

The establishment of Panchayat Raj is still a watershed moment in the evolution of grass-roots functional roles. Panchayats have played a significant role in developing Today's rural areas. This Panchayati Raj system has witnessed several challenges, which have been discussed above. However, it is past time for concrete remedial action to guarantee that leadership is representative. These problems can be solved, but it will take the people's participation to accept the adjustments. For individuals to properly comprehend the essence of this paradigm, the still-dominant belonged system must be gradually removed.

First and foremost, the problem that persists today should be acknowledged. The complexity of the issues must be recognized; further exposure and recognition in parliament throughout question hour may be explored. To operate the institutions efficiently and successfully, substantial funding is required. In terms of holding corrupt officials accountable, there must be transparency at all government levels.

Furthermore, in several Indian states, PRIs are seen as a forum for delivering social justice via conflict resolution, allowing access, expense, and participation. The constitutional imperative to make litigation accessible to all includes the PRIs' resolving dispute's role. It relieves the judicial system of some of its burdens and allows for more rapid due process. In addition, conflict resolution panels have been established at the several levels of the municipality that operate under the Panchayats' authority. To avoid any conceptual inconsistencies, the focus should also be on people management learning and support. The position of women in the committee must be acknowledged and not carried over with male relatives; else, the proposal would be a complete failure. Instead, they should focus on increasing community participation in general. As a result, notable reforms in policy and regulations are required to fully realize people's involvement in this governing structure.

As a result of these constitutional steps taken by the union and state governments, India has moved towards what has been described as 'multi-level federalism', and more significantly, it has widened the democratic base of the Indian polity. Before the amendments, the Indian democratic structure through elected representatives was restricted to the two houses of Parliament, state assemblies and certain union territories. The system has brought governance and issue redressed to the grassroots levels in the country but there are other issues too. These issues, if addressed, will go a long way in creating an environment where some of the basic human rights are respected.

Indian society is known for its inequality, social hierarchy and the rich and poor divide. The social hierarchy is the result of the caste system, which is unique to India. Therefore, caste and class are the two factors, which deserve attention in this context. Thus, the local governance system has challenged the age old practices of hierarchy in the rural areas of the country particularly those related to caste, religion and discrimination against women and completely eradicating it.

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