



The Indian Tradition Of Local-Self Government With Special Reference To Urban Areas

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There was a time when Westerners, by and large, were of the view that urbanization in India was a modern phenomenon and largely the outcome of colonization. Since the bulk of population in the country lived, in fact still live, in villages, the Indians were considered uncivilized or barbarians i.e. the people living in rural areas. As such, the colonial rule was tied to be justified on the ground that it had a pious mission of civilizing the people. Obviously, it was based on the narrow concept that civilization is nothing but urbanization. A section of Indians also shared a somewhat similar notion about the British rule. Sri Shashee Chandra Dutt accepted the view cherished by the British that their function in India was progressive, even providential. India, it seemed, had been on a state of decline when the British seized power:

"Reason had become paralyzed, repugnance to reason as general habits of indolence had reached their climax and the stupefaction of ages was setting down everywhere on a firm and immovable basis. A complete change of power was required a renovation of vitality by electricity or magnetism and this was in the power of the English, and the English alone, to impart. They brought to the task the aid of European civilization of highest order.

Even a person like Sri Keshav Chandra Sen when he visited England in 1870 and was received in audience by the Queen, was so much delighted to see things in England that he remarked in 1879; "It is my belief that it is God Himself who crowned Victoria with the crown of Empress".

Sri Bankim Chandra in his famous novel Ananda Math writes, "-British rule would have the presidential function of introducing a knowledge of Western Science into India, and such knowledge, was essential to the regeneration of Hinduism."

Sri Syed Ahmad Khan, the founder a Muslim College. at Aligarh which ultimately became the Muslim University, was bewildered to see things there when he visited England in 1869. As such, he remarked: "The English have reason for believing us in India to be imbecile brutes."

That this entire nation was baseless and false was later demonstrated by the researches of the western scholars themselves. In fact, India had a highly developed urban life and culture when the countries of the west were themselves at the barbaric stage. The discoveries of the developed urban culture of Mohenjo-Daro and Harappa were eye-openers on this count. In continuation of these discoveries, both the Indian and Western historians could subsequently highlight several instances and working of institutions in ancient times which clearly pointed to the existence of an old tradition of urban culture and governance in this country.

As researchers reveal now the tradition of local-self-government in India goes back to prehistoric times. Historians account for the first urban revolution in the country around 2500 B.C. The Indus Valley civilization, which is now called the Harappa civilization, remained in existence from 2500 BC to 1700 BC. This civilization was a literate and urban civilization and the people living therein were expert in the art of urban planning. The excavation of Mohenjo-daro and Harappa bear testimony to the fact of organized urban life in those days and they also highlight that they were oldest planned cities of the world. There was highly developed road cleaning system in the cities. Arrangements were also there for road lights and public drainage for the outlet of dirty waters of private houses. The revelation of the remains of public bathrooms, granaries and meeting halls led historians like Sri Stuart Piguet to infer that these cities might have had institutions like modern municipalities having responsibilities for their administrative system. Sri Earnest Maike is of the opinion that on account of our inability to decipher the script of the Indus Valley civilization, our knowledge of that period is indeed limited, nevertheless, the nature of marketing system and commerce, the cleaning system of the cities clearly showed that the local administrative was in existence to control them."

The Vedic civilization which followed the Indus Valley was essentially a rural one in which the village was the locus of people's life. The chief of the village, Gramini with the help of a 'Sabha' managed and controlled the public life of the village. The respected people and elders of the village were members of Sabha (Naristha). The problems of the village were discussed in the Sabha which also resolved various kinds of disputes. There were several references of the Sabha in Rigveda and Atharvaveda. The decisions of the Sabha were final and they could not be disobeyed. There are evidences that the Sabha remained in existence even after the Vedic period.

The Maurya period provides a clearer picture of the village and city administration in ancient India. Kautilyas' Arthashastra and Megasthenes's Indica throw sufficient light on that. According to the reports of Megasthenes, municipalities were in existence in the period for administration of important cities. The city council of Pataliputra had 30 members which was divided into six different committees of five members each. Each committee had specific functions." Kautilya has discussed the village administration of his time in Arthashastra. He refers to the existence of Gram Sabha, Gram Parishad and Gramvirdha Parishad, The chairman of the Gram Sabha known as Gramiki was elected by the residents of the village. Gram Parishad was the executive body. Gramvirdha Parishad discharged the judicial functions. The state government did not interfere on the village administration. This village administration system which developed in the Maurya period continued in the subsequent period. During Gupta period there used to be a council and elected administrative officers for the administration of the cities. 12

In south India, especially in the later period, existence of workers of autonomous bodies for the administration of both village and towns have been recorded by several historians."

However, during the Mughal period the houses of these autonomous institutions were maintained on account of the nature of unitary and centralized authority. The municipalities during this period were under the administrative control of the Korwal Sir Abul Fazal in his famous book Aine Akbari has described in detail the working of the city administration. Kotwal was the governor of the city having the responsibility of chief of the police and of a magistrate. This was s all under an absolutist form of government as the

Mughal rulers were opposed to democracy in any form. As such, local people were not associated with the management of city affairs. The city administration was under direct and strict control of the Central authority. As a result of all these, the ancient institutions of local self-governments in India during the middle age and Mughal period became non- existent. They became victims of the arbitrary rule and military despotism.

Another scholar of this area maintains that the beginning of the existing form of local government in India can be traced to 1687 when the local government for Madras city was established for the first time." The local body composed of a chairman, a senior citizen and a city representative. It had power to levy tax and spend the tax so collected on social services. The urban local government, however received the constitutional authority in 1793 when the Governor-in-Council was authorized to appoint 'Justice of Peace' for the Presidency cities. The Justice of Peace was empowered to levy taxes on the houses and land for the cleanliness the cities.

The report of the Royal Army Sanitary Commission (1863) gave a boost to the development of urban local bodies. The report highlighted the pitiable conditions of the Indian cities and consequently the city administration was augmented in various points of the country. Till this time, local bodies were voluntary institution but 'thence onward the Provincial government are empowered to form city council mainly for the purpose of maintaining cleanliness, lighting and making available drinking water.

The development of local government received further impetus in 1870 when Lord Mayo's proposal for decentralization of powers were passed. The aim of this proposal was for the greater association of the Indians with administration and for that the city administration was considered to be the most appropriate. In spite of that the local government was totally un-Indian. In fact, it was neither local nor self-government" Moreover, there was no system of selection of the members of these bodies. Their powers were extremely limited and there was scant resources at their disposal. The paucity of funds constrained them to do any major work. Over and above, the extensive control of the government had reduced the municipalities to some kind of a dependent administration to serve the British colonial interest

The expectation rose with the appointment of Lord Rippon as the Governor-General of India in 1882. Liberal as he was, Rippon considered local government as an important means of political and public education. As such, he moved a resolution to improve the structure and working of the local government especially in the context of its existing nominated members and governmental control. However, the powerful bureaucracy sabotaged the passage of that resolution. 17

The important milestone in the development of local bodies was the formation of the Royal Decentralization Commission in 1907. The Commission brought to light the factors responsible for the failure of such bodies and made good recommendations which contained the following important points:

- (1) Recognizing as the primary unit of local self-government every village should have a village Panchayat and every town area a municipality.
- (2) There should be majority of elected members in all local bodies.
- (3) Municipality may elect its own chairman, but the District Magistrate was to continue to be the Chairman of the Zila Parishad.
- (4) Besides, it also recommended for the increase of powers and recovery of such bodies and the curtailment of governmental control over them.

Nevertheless, these recommendations did not make much improvement in actual practice. Meanwhile, the outbreak of the First World War made the British ruler anxious of the support of the Indian people. The Government of India Act of 1919 and resultant dyarchy brought about some changes in the local self-government also. The system of appointing public servant as the chairman of the municipalities was done away it. Widening of the scope of franchise and autonomy in making budget at the local government level were so welcome a development that persons like Jawaharlal Nehru, Ballabh Bhai Patel and Purushottam Das Tondon now associated themselves with the municipal bodies to make them really democratic. In spite of all these, the net result was disappointing. To quote Nehru himself: "In every province some local bodies

have successfully discharged their responsibilities while some have been model of great failures but the records of most of them have remained in between." The municipalities were now neither despotic nor democratic; they were reduced to narrow and bastard type having defects of disposition and democracy both. Lack of experience in elected representatives and enlightened leadership were largely accountable for their failure.

The Government of India Act 1935 which was enforced in 1937, reestablished the autonomous provincial government in place of dyarchy. In that act, local government was made the provincial subject. But under the new system, the local bodies were not allowed to impose taxes. Meanwhile, on account of the outbreak of the Second World War the municipal bodies instead of providing services to the city development engaged themselves under the guidance of the district administration in works like black-out, first aid and preparing voluntary organizations for defense purposes. This gave jolt to the proper working of the urban local self-government.

Summing up the evolution and working of the local self-governing institutions in general and the urban ones in particular recent research has rightly attributed their decline during the British period to "their undefined role which led to systematic erosion in the functional domain, inadequate resource base, a weak executive system and pervasive state control.²⁰

In the post-independence scenario, the local bodies at all levels were to function on democratic lines. In 1948, a conference of the Ministers for Local Self-government in the provinces was held under the presidentship of the Union Minister for Health, Raj Kumari Amrita Kaur. In his inaugural address to the Conference, the then Prime Minister Nehru said: "Local Self-government is and, should be, the true foundation of any interpretation of democracy. By nature, we think of democracy at the higher level only and not at the lower one. But if the foundation is not prepared at the bottom, it is possible that democrat may not be successful."

Hence, after independence, the government did recognize the importance of the local self-government, which, however figured in the state list in the constitution. It was also mentioned in the Directive Panchayat of State Policy that "the state shall endeavor to organize village Panchayat in such a manner that they function as unit of self-government. "Clearly, there was no specific mention of urban local bodies. The local self-government, both rural and urban, was the responsibility of the State Government. Every state, therefore, managed it in its own way. The state government, by and large, treated them as their subordinate agencies rather than autonomous institutions. Presenting a graphic description of the working of the local bodies in the country it has been observed in a recent study: An elaborate state control on the day-to-day functioning of both rural and urban local bodies had been crippling them. These powers were frequently exercised through inspection, calling of records and giving directives for performing various functions. Besides these, the State Government also possesses overwhelming powers of control and supervision in matters of appointment, approval of contracts and estimate above a predetermined amount, sanctioning of new posts, and framing of bye-laws and rules. In fiscal matters, the control relates to rates and expenditure incurred. Obviously, with these control, the local government institutions could hardly be treated as embodiment of self-government. The most drastic mechanism of control may be applied by the act of supersession without reconstituting the council through a fresh election for years together. Due to this, a large number of local government bodies were under prolonged suspension. Even the Madras Municipal Corporation which was the first municipal body to be constituted in this country, happened to be the first municipal authority with the longest span of supersession.

It was long after independence the 'Government of India took the affective step to make the local bodies worthwhile. The 73rd and 74th amendments to the Constitution of India passed in 1992 have provided the constitutional status to the local bodies and they also provide the guidelines to the states for enactments in this regard and thereby maintain some kind of uniformity in the country. These amendments have also appended two new schedules, the eleventh and twelfth, which contain the functions to be performed by the

rural and urban local bodies respectively. Under the Eleventh Schedule there are 24 functions assigned to the rural bodies while under the Twelfth Schedule there are 18 functions marked for the urban bodies. Provisions are also there against arbitrary interference by the State Governments, holding of free and fair election, empowerment of weaker sections of society and women, The amendments also provide measures for making the local bodies financially viable.

Thus urban local government now stands on a firm footing. Its foundation, unambiguous infra-structures and clearly defined functions can go a long way in realizing democracy at the grassroot levels.

To sum up, India has had a glorious tradition of urban local-self-government whose roots are there in ancient time. Nevertheless, she has a chequered history in this regard. There is a rosy picture of the existence and functioning of local bodies in prehistoric and ancient times. But their decline in the subsequent periods, middle ages and modern time, i.e. during the British rule, eclipsed their glorious past. In fact, their recurring dysfunctionality during the Mughal and Ancient period defeated the very purpose of their existence as they acted as agents of centralized and despotic authority, For several years after India's independence also, the local self-governments remained neglected. It was only a decade ago effective steps were taken to provide them respectable status and ensure their proper functioning through 73rd and 74th amendments of the Constitution. It all depends now on the intentions of the rulers and genius of the people to make them the sentinel of Indian democracy, A decades experience of their functioning augurs well for the future provided the hurdles in the new experiment will be properly and adequately handled both by the people and the union and the state governments.

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