

Chronological Study of Local Government in India after Independence

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Abstract: Decentralization acts as an alternative to government institutions, where centralized state has lost a greater deal of legitimacy and has failed to deliver services at grass root level. Decentralization is widely believed to promise a range of benefits. It is often suggested as a way of reducing role of state in general, by fragmenting central authority and introducing more intergovernmental competition and checks and balances. India's journey towards achieving local self government with constitutional status was difficult and time taking but a successful one. Enactment of Seventy Third and Seventy Fourth Amendment Act gave local bodies a constitutional status and insertion of Schedule XI and XII in the constitution provides authority and power to function as local self-government.

Keywords: Seventy Third Amendment Act, Seventy Fourth Amendment Act, Local self-government, Decentralization.

Introduction

At the dawn of the Independence it was a known fact that India has had a long history of Local government. After independence, government made efforts in Indianizing the administrative machinery at all the levels. The county bestowed upon itself a "democratic union of states" (a federation without writing the word 'federation' in the Constitution). The Rural-urban Relationship Committee (1966) observed that a lot of thinking has been done on the subject of Local Self Government in Independent India and far reaching reforms and changes have been affected. However, the primary emphasis has been on laying down a strong system of Local Self-government in rural areas. There were many changes in PRI while very little was done on the part of urban local bodies. With the enforcement of Indian Constitution, India got equal rights and opportunities of socio-economic development and betterment of living of men and women. Indian citizens were ensured liberty and equality, the freedom of speech, expression, personal liberty, religious freedom of residence and profession.

In 1993, Government of India passed a series of Constitutional reforms. To democratise and empower local governmental and political bodies, it came with the name of 'The Panchayats' and 'The Municipalities' for rural and urban area development respectively. Panchayat is not a new concept to India. The institution of Panchayati Raj is as old as Indian civilization itself. The history of legalized Panchayat Raj is not very old. Following the constitutional changes, decentralization has become an inevitable part of the governance to strengthen the Local Bodies. As Local Self Government is government at door step of citizens with the personnel for economic growth and social justice as the core aim. The provision of contesting election on not less than one third reserved seats gave women a mandatory entry in local level politics along with the local people, with the assumption that women will have a say in decision making process at the local level government as they would be elected representatives.

Constitutional provisions advocating the fundamentals

Fundamental rights of the Indian Constitution give its citizens not only sense of belongingness to its soil but also provide all security rights to live a better life. Article 14 ensures equality before law; article 15 prohibits any discrimination on the ground of religion, race, caste, sex or place of birth. And 15(3) empowers state for making special provision in favour of women and children. Article 16(1) guarantees equal rights in employments and appointment. The Directive Principles of State Policy in the Constitution asks state to provide equal status to all its citizens. In Article 38 of the Constitution, it directs state to ensure justice, social order, and welfare of people. Article 39 shares same intention as Article 16, focuses on ensuring equality among men and women in providing opportunity of employment, equal pay for similar work. And above and all, Universal Adult Franchise provides equal status all the citizens irrespective of any ground or base and empowers all politically and socially.

The Constitution of India provides for establishment of Panchayat under Article 40 in Part IV of the Constitution which contains the non-mandatory Directive Principles of State Policy. It reads as follows:

"The state shall take steps to organise village panchayats and endow them with such power and authority as may be necessary to enable them to function as units of self-government."

The legislative competence to enact laws to establish local bodies was given to States under Item 5 of List II of the Seventh Schedule of the Constitution.

Government Initiatives towards Decentralization

To attain maximum participation of women both in these specific and general development programmes, for the first time a chapter on 'Women and Development' was included in the Sixth Five Year Plan¹. In Seventh Five Year Plan, Indira Mahila Yojna, Rashtriya Mahila Kosh were established for economic inclusion of women through their banking accounts and funds for productive activities. Government had made efforts to eliminate discrimination against women and put women in mainstream, Schemes like Development of Women and Children in Rural Areas (DWCR) 1982, establishment of Women's Development Corporation in 1986-1987, Equal Remuneration Act 1976 came up during the decade to uplift socio-economic status of women at equal level compared to their male counterparts.

Through legislation, government promised women legal reforms against social tradition culture, for example, Special Marriage Act 1954, Hindu Marriage Act 1955, The Hindu Succession Act 1955, Dowry Prohibition Act 1961, Comprehensive Family Act 1984 and Maternity Benefit Act etc. Legally women were assured of security, protection, financial support for livelihood in dire circumstances within the ambit of family and society. This has given women strength to identify themselves as equal and free. Participation of women in public domain, particularly going out of four walls of house, has consistently increased, in fact with more speed as compared to men. But numbers do not smile at this side; there are many areas where alarming stage is still maintained with some ups and downs with numbers in data. Women have disadvantages of around 6% in the availment of education with a cumulative quality of 5% in securing employment and 45% disadvantages in earning opportunities².

While comparing rural and urban areas, participation of women is at higher level in former area. In agriculture, women are involved in most aspects than men but because of their informal, passive and unaccounted work, their participation percentage is lower. It is obvious that in successive censuses the concept 'workers' has been changing and so we do not get comparative data of early women workers and their contribution to economic work³. Thus, it seems that there is deliberate exclusion of whole range of activities performed by women and there are cognitive problems in identifying women workers which arise from the cultural biases of traditional societies contributing to underestimation of women workers⁴. However, occupation structure of the census show that there has been a marginal improvement in the proportion of workers in white collared occupations⁵. They are not considered fit for certain types of occupation due to notion regarding their capacity as workers and employers efforts to minimize their costs⁶. (29) Thus, due to one reason or another very small proportion of women find employment in few selected occupations which reduce their supply price not only in these occupation but throughout the economy⁷. Most studies have found that women give priority to household responsibilities so that they have withdrawn from conventional labour markets. Thus, the emancipation of women and their equality with men becomes impossible and will remain so long as women are excluded from socially productive work and restricted to households. A report of the committee on Status of Women India (1975) also indicated that lack of adequate planning, co-ordination, inadequate machinery for implementation and resources and multiplicity of agencies have been major causes for failure of various women related development programmes which were initiated in the past⁸.

Chronology of developments

Besides constitutional provisions, here is a chronology of developments by government of India taking steps towards setting up Panchayats at grass roots level. These are following:

1. Balwant Rai Mehta Committee It was constituted for the Study of Community Development Projects and National Extension Service. Community Development projects in 1952, a historic breakthrough in establishing Panchayati Raj was effected in 1957 through the Report. The Committee recommended that public participation in community works should be organized through statutory representative bodies. In 1957, the Balwant Rai Mehta Committee advised that there should be administrative decentralisation for the effective implementation of development programs and that the centralized administrative systems should be under control of elected bodies. He emphasised on Block Samiti Level as the basic unit of democratic decentralization. Establishment of a 3-tier Panchayati Raj system- Gram Panchayat at the village level, Panchayat Samiti at the block level, and Zila Parishad at the district level. These tiers should be organically linked through a device of indirect elections. The main purpose of this division is to simplify and to decrease the work load of the state and central government⁹.

Subsequently, the National Development Council endorsed the basic principles of democratic decentralization enunciated in the Balwantrai Mehta report and laid on States the duty of working out the structures suitable to each State. It was during this period that the term "Panchayati Raj" gained currency as a process of governance. In 1959 Prime Minister Jawaharlal Nehru inaugurated Panchayati Raj on 2 October, 1959, at Nagaur in Rajasthan. Since then, Panchayats have been established in several States all over India in accordance with local state legislations. However, these were differentially empowered by these legislations. Women were given special representation through reservation in Panchayat bodies.

2. The Ashok Mehta Committee Report in 1978 was influential in bringing about a shift in emphasis between the first and second generation of Panchayats from development per se to local Government in its full meaning¹⁰. The Ashok Mehta Committee on Panchayati Raj recommended in its report that Panchayats ought to be strengthened into agencies capable of undertaking local planning¹¹. In keeping with the spirit of the Ashoka Mehta Committee recommendations, some States including West Bengal, Karnataka and Andhra Pradesh revisited their respective Panchayati Raj systems and undertook several new initiatives to endow local bodies with more powers.

3. In 1986, another **committee was constituted under chairmanship of Dr. Lakshmi Mal Shingvi** and this committee recommended on adding a new chapter in the Constitution of India giving constitutional status to local bodies. Planning commission elucidating the objective of Integrated Development of Small and Medium Towns (IDSMT) during Sixth Five Year Plan (1980) emphasised to increase the rate of growth of small and medium sized town so as to enable them to act as growth and service centres for rural areas and to reduce the rate of migration to the metropolitan cities.

4. Keeping in view the growing demand and necessity of urban local bodies, central government introduced in Lok Sabha the Constitution (64th Amendment) Bill, which proposed constitutionally-sanctioned Panchayati Raj and 65th Constitution Amendment Bill in 1989. However, both the 64th and 65th Amendments (the latter dealing with Nagarpalikas) Bills could not be passed and lapsed due to dissolution of Lok Sabha.

5. In 1991, the Union government introduced the 73rd (Panchayats) and 74th (Nagarpalikas) Constitution Amendment Bills, based substantially on the earlier Bills moved in the Eighth Lok Sabha but also incorporating some changes. Both the Lok Sabha and the Rajya Sabha passed both Bills on the 22 and 23 December 1992 respectively. By then, their sequence changed to the 73rd and 74th amendments respectively. It was rectified by majority of the states and after the presidential assent came into force with effect from April 24, 1993, as the Constitution 73rd and 74th Amendment Act, 1992. Through these Acts, local level governing bodies got constitutional status as they placed part IX and IX-A in the Constitution, namely, Part IX titled **“The Panchayats”** and Part IXA titled **“The Municipalities.”**

73rd and 74th Constitutional Amendment Acts are landmarks in the history of local government. The Acts facilitate the democratic decentralization, and stability to rural and urban local government units with the aim of accomplishing the objective of bringing administration closer to the people. Following the enactment of these Amendments, about 28 lakh Panchayat representatives have been elected to 239582 PRIs (all three levels included). Of these 10.39 lakh representatives are women.

Panchayati Raj Institutions and Municipalities (73rd & 74th Constitutional Amendment Act)

Since promoting ‘equity with growth’ is stated as an objective in the development strategies of developing countries, special attention has been given to distribute wealth equally, ignoring spatial structure of human settlements¹². In India like many developing countries most of the population still lives in rural areas and depends on small and intermediate sub urban centres for numerous economic and social purposes. Keeping in view predominance of agricultural economy, rational urbanization as a development instrument is likely to play strategic role in development process. Realizing the need of constitutionalisation of Local Self Governance, in the year 1992, 73rd and 74th Constitutional Amendment Act came into prominence and authority and responsibilities rolled down to lowest level of government.

The two (73rd and 74th) Amendments to the Constitution mark a watershed in the evolution of local government in India. For the first time, the Panchayati Raj Institutions in rural India and the Municipalities and Municipal Corporations in urban India have been accorded constitutional status by these two Amendments. They have been raised to the status of ‘governments’ at the local level like the Union Government at the national level and the State Government at the state level¹³.

Delegation and devolution of power from centre to local elected Institutions empowers society as well as the centralised Indian State and empowers disadvantaged groups vis-à-vis entrenched groups within the society. These disadvantage groups are women, Scheduled castes (SC), Scheduled Tribes (ST) and Other Backward Castes (OBC). Reasons behind providing reservation to women and other disadvantaged group in the society are that these groups are socially backward; economically poor and they get unequal treatment and opportunities.

Decentralization works on two pillars: decentralised administration and decentralised democracy. The decentralized administration is primarily a managerial idea, which increases the efficiency of service delivery by adopting a strategy of administrative decentralization. Within the idea of administrative decentralization the citizens exist only as beneficiaries of an administrative structure that is supposed to be more efficient. On the other hand, decentralized democracy is a political idea, which focuses on effective service delivery and involves citizen participation in decision-making. Within this idea of decentralized democracy citizens participate as it is integral to the quality of citizenship and it also produces good outcomes. The objective of citizen participation is effective service delivery and efficient governance at the local level.

Much of the official as well as scholarly writings read the 73rd and 74th Constitutional Amendment as constituting a watershed in the evolution of political institutions in India, as moving the structure of local government from a model of “decentralized administration” to one of “self-government”. This Act has provided a significant space for pursuing the political goal of citizen participation in the democratic process and decision making process and exploring avenues of achieving efficient utilisation of resources. Both the acts have some salient features in general and some dealing with women as a community in particular.

Number of Panchayats				
S. No.	Name of States and U.Ts	District Panchayats	Intermediate Panchayats	Village Panchayats
1	Andaman And Nicobar Islands	3	9	69
2	Andhra Pradesh	22	1,098	21,649
3	Arunachal Pradesh	16	155	1,734
4	Assam	21	191	2,206
5	Bihar	38	534	8,473
6	Chandigarh	1	1	17
7	Chhattisgarh	18	146	9,776
8	Dadra And Nagar Haveli	1	N.A.	11
9	Daman And Diu	2	N.A.	14
10	Goa	2	N.A.	190
11	Gujarat	26	223	13,883
12	Haryana	21	125	6,079
13	Himachal Pradesh	12	77	3,243
14	Jammu And Kashmir	22	143	4,098
15	Jharkhand	24	259	4,423
16	Karnataka	30	176	5,631
17	Kerala	14	152	978
18	Lakshadweep	1	N.A.	10
19	Madhya Pradesh	50	313	23,024
20	Maharashtra	33	353	27,912
21	Manipur	4	N.A.	160
22	Odisha	30	314	6,232
23	Puducherry	N.A.	10	98
24	Punjab	20	139	12,430
25	Rajasthan	33	248	9,181
26	Sikkim	4	N.A.	176
27	Tamil Nadu	31	385	12,527
28	Tripura	8	26	511
29	Uttarakhand	13	95	7,555
30	Uttar Pradesh	75	821	51,897
31	West Bengal	18	333	3,239
	Total	593	6,326	2,37,426

Source: Ministry of Panchayati Raj: <http://www.panchayat.gov.in> (website visited on 6.12.2013)

Number of Urban Local Bodies				
S. No	Name of States and U.Ts	Municipal Corporations	Municipal Councils	Nagar Panchayats
1	Andaman & Nicobar Islands	-	1	-
2	Andhra Pradesh	19	112	38
3	Arunachal Pradesh	2	-	-
4	Assam	1	-	71
5	Bihar	11	42	87
6	Chandigarh	1	-	-
7	Chhattisgarh	10	32	127
8	Dadra and Nagar Haveli	-	1	-
9	Daman And Diu	-	2	-
10	Goa	1	13	-
11	Gujarat	8	159	-
12	Haryana	9	14	51
13	Himachal Pradesh	1	20	28
14	Jammu And Kashmir 1	2	6	77
15	Jharkhand	3	14	19
16	Karnataka	8	138	68
17	Kerala	5	60	-
18	Lakshadweep	-	-	-
19	Madhya Pradesh	14	100	263
20	Maharashtra	26	220	13
21	Manipur	-	9	18
22	Meghalaya2	-	-	-
23	Nagaland	-	3	-
24	Mizoram	-	1	-
25	NCT of Delhi	3	-	-
26	Odisha	3	37	66
27	Puducherry	-	5	10
28	Punjab	10	95	47
29	Rajasthan	5	13	166
30	Sikkim	1	1	5
31	Tamil Nadu	10	125	529
32	Tripura	-	1	19
33	Uttarakhand	6	28	38
34	Uttar Pradesh	13	194	423
35	West Bengal	6	121	-
	Total	171	1598	2134

Source: State Election Commissions of States/UTs

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