Original Article

Understanding Local Governance: Historical Perspective

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Abstract

As earlier said by different personalities at different platforms i.e. India is the mother of democracy and so we can trace the history of local self-governance. From Manusmriti & Kautilya's Arthashastra and Mahabharata to famous Gupta empire and Vijayanagar Kingdom to modern day three tier Panchayati Raj institutions. The definition can be different for different thinkers & scholars but the core idea remains the same for all i.e. "it is a combination of various aspects like a local body, local inhabitants electing and controlling that body, autonomy of that body from the control of higher authorities within a limited sphere".

The credit for the modern-day concept of the governance can be given to the British viceroy Ripon. From 1957 through 1986, four significant committees were formed and worked on to realize India's local self-government system. Irrespective of what discussed in the constituent assembly about politicization of Panchayati Raj Institution but ultimately it was given a constitutional status in 1993.

The modern conceptualized & coded local governance system enabled the individual at grass root level in various ways like participating in democratic institution, accountability and transparency, responsive governance, empowerment and capacity building. Further, tackling local problems require knowledge of local condition which cannot be common to all the areas and vary from region to region. In addition, it also serves as a training ground for politicians that may in future shape the political aspects at the national and state level. Like other systems worldwide, this system too is imperfect dealing with issues like corruption, lack of funds and maladministration. So, it is imperative for the governments especially the state ones to take care of.

Keywords: Panchayati Raj, Stakeholders, Participation, Chaupal, Decentralization, Constitutionalization.

Introduction

It is evident from our ancient texts, inscriptions and medieval literature written by different travellers, that the modern day three tier system governance is not new for us. Yes, it can be in different forms and may be participatory methods varies but the sole purpose remains the same irrespective of time and era. The Panchayati Raj system dates back its origin from ancient through the medieval era, its transformation during British rule and eventual revival in post-independence India.

The soul of society is situated at the local level: in the village, the neighbourhood, the city district. This is where a community first develops common rules which can shape humans' existence. In the history of the concept of local self-government the village was the basic unit of government system whether the Central authority was monarchical, oligarchical or republican. The self-governance institution was so strong, that the rise and fall of all empires were not able to abolish the system. The system of conducting public administration by assembly of people prevailed in India since the early Vedic times. Throughout the Rig Veda, from the earliest mandala to the latest, we find frequent references to the word "assembly" or "council". The popular assembly and all the important decisions regarding the administration were also taken by them. The "Sabha" & "Samiti" were a crucial part of the government and were mentioned at several places in Rig Veda. It shows they must have served as necessary checks and balances on the king's authority. In the Atharvaveda of later Vedic period, it exhibits a hymn that signals, that the king considered the advice of the "Sabha & Samiti".

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The term Sabha mentioned in the Rig Veda refers to the persons assembled i.e. Brahmans and the wealthy people. It shows that the inclusion of common people was not allowed in the assembly. Unlike this, women were allowed to participate in the Sabha in early Vedic period. The importance of Sabha lies in the fact that Rajan (King) considered the advice of this assembly very seriously.

Another term 'Vidatha' which was the earliest tribal assembly. The term has been repeated many times in the Rig Veda.[1] The purpose of this assembly was to make decisions for secular, military, economic, social and religious purposes. Women had equal participation in these assemblies. Various inscriptions of the 9th to 11th centuries A.D. indicate that the village assemblies were the supreme authority in the village.

We can define it as the management of local affairs by such local bodies where the participation of even the grass root level of society is encouraged and included without discriminating on the grounds of religion, gender, colour and financial status. The Greek philosopher Plato and Aristotle believed in the importance of local self-governance and seeing it as a way to nurture good citizens. Another philosopher John Locke suggested that political governance is enabled by the governing of one's own judgment. Mahatma Gandhi too envisioned village self-governance as the foundation of Indian democracy

Evolution of Local Governance

From Vedic period & Mauryan empire to Gupta era & Vijaynagar empire we can trace a lot of evidences of village and community level administration. In Mauryan empire the villages were a pivot of administration in a rural society. The "Arthashastra" mentions the importance of the village headman in administration. In the Northern India he was known as "Gramika", in Eastern Deccan as "Mununda", in Karnataka as "Gavunda" and in Uttar Pradesh as "Mahatakka".[2] These village headmen were appointed by the central government, along with a council of village elders. One of the essential tasks of the village headman was to defend the hamlet and collect taxes. Similarly, urban area was managed by a 'Nagarika', responsible for the administration and development.

The cholas had an advanced system of local self-government particularly in Tamil Nadu. Villages had councils like "Ur" and "Sabha". During this period the king was the head of the administration and all powers were vested in his hands. But he was assisted by a council of ministers who gave him advice on all matters of governance. For the administration purpose, they divided their empire into nine provinces called as "Mandalas". It was made up of several "Valnadus" which were group of "Nadus" (land, country or place).[3] Ur was a general assembly of the village consisting of all the tax-paying residents of the village. The Ur was open to all adult males. The Sabha was the assembly only for Brahmins. The Uttaramerur inscriptions of the Chola king Prantaka I is a great landmark in the history of the Chola village assemblies which also provide evidence of India's long history of democratic government.[4] The elections in each ward were decided using a system called "Kudavolai" which literally means "pot ticket" for one year period.

The administration system that distinguished the Chola empire from its contemporaries was its highly organized nature. Non-interference in local administration was viewed as sacred, and a careful balance was kept between centralized authority and local autonomy. The Chola officials only participated in village administration as an observer rather than administrators.

If we talk about the great Gupta Kingdom, It looks like kings were almost absolute rulers but in reality, they had to share their power with ministers, provincial governors and other senior officials who themselves share their authority with the local administrative body of villages. The villages were governed by a village headman known as "Gramika" or "Gramadhyaksha". The headman was assisted in his work by a non-official local council, the members of which were usually known as 'Mahattaras'[5]. This non official council known as "Panchamandala" which discharged almost all the functions of government. It looked after village defense, settled village disputes, public utility works and collected revenues for the government's treasury.

Due to invasion from Central Asian tribes and dynasties, the shape and execution process of local governance got changed but sole idea remained unchanged. Mughals being a foreign Muslim dynasty, initially kept higher posts for their own loyalists but later on awarded decorative posts to the indigenous people to rule and expand their territorial might all over the country. The legacy of ancient local level governance inherited by Indians was under threat due to invasion and brutal suppression. This led to mushrooming of agitation and voice against this. In a way it was evident that without the inclusion of local people one cannot establish a proper administration. And hence empire was divided into provinces called "Subas" and it was further subdivided into "Sarkdar (district)".[6] A local governor called Faujdar was incharge of this. And again, these Sarkdars were divided into Parganas (sub-districts) and ultimately these Parganas were a group of villages. The smallest unit of administration; village was kept under the charge of "Muqaddam". At Pargana level, Shiqdar (military officer who helped in revenue collection and maintained law and order) were some of the important officers.

Like all the other societies of the medieval period the Vijayanagar Empire was also stratified into different hierarchy. Day to day administration of village was done by officers known as 'Ayyagars', who inherited the post[7]. Position of Nayaks in village administration was equal to that of Nayaks in central administration.

Pre Independence Era

When Indian nationalists were demanding autonomy and democracy at the lowest level, Britishers gave concession by offering powers to Panchayats and Municipalities under various enactments. Although local government existed in India in ancient times, in its present structure and style of functioning, it owes existence to the British rule in India. The basic structure of Panchayati raj that India has today is evolved during British empire. It was formulated and conceptualized over the years during British rule in India through various acts and regulations.

The earliest efforts in municipal Government in India were made in the town of Madras, Calcutta and Bombay presidencies in1687. In 1870, Viceroy Mayo's resolution for financial decentralization paved the way for local self-government. Lord Ripon was governor general who had initiated a number of policies in which local self-government was one of them. The famous resolution by Ripon, which is also called the Magna Carta of Local Self Government in India was issued in May 1882 which gives him the title of Father of Local self-governance in India.[8]   By the Government of India Act 1919, the local self-government was transferred to ministers responsible to new provincial legislatures.[9] The Municipal Act of 1919 and District Municipalities Act of 1920 in Madras, gave powers to the councils to elect their own chairmen and frame their own budgets. Another Act passed in 1925 made the city municipalities, with a population more than one lakh. The Government of India Act 1935 introduced provincial autonomy and local self-government was declared as a provincial subject.

Gandhi's vision of Swaraj as rural empowerment

With its roots deeply entrenched in its village, India has always believed that the nation's progress is linked with its rural population. The concept of Swaraj advocated by Gandhi acknowledges the importance of empowering rural regions. The fundamental inspiration behind the birth of modern Panchayati Raj System was envisioned by MK Gandhi. By promoting participatory democracy, Gandhi believed that ordinary citizens should play a pivotal role in local governance. Gandhiji always endorsed that independence must be start from low level of society. He imagined a democratic set up from Gram Sabha to Loka Sabha.

Post-Independence Reforms

In the constituent assembly, when the Objective Resolution was passed there was no provision for Panchayats, role and its constitution was mentioned. On 4 November, 1946 the drafting committee proposed the constitution and it was discussed that Panchayats should be given the place in the constitution. But Dr Ambedkar argued and denied the role of local people in nation's development and quoted Charles Metcalfe "numerous kings of Mughal, Maratha, Shikh, Hindu, Pathan, British ruled India but rural India remained the same".[10] Pt Nehru too agreed with Dr Ambedkar and labelled villagers as narrow-minded people with lack of intelligence. Despite all the ifs and buts, on 22 November 1948 K Santhanam proposed that each gram Panchayat will be given autonomy to work independently and this led to the inclusion of Panchayati Raj in the constitution in Part IV, article no 40.

The inclusion of article 40 in the constitution was merely a symbolic and no solid and concrete act or regulation was made defining the term, composition and tenure of the local governance system. Instead, in the name of self-governance community programs were started that too in a limited part of the country, for example on the occasion of Gandhi Jayanti in 1952, Community Development Program (CDP) was launched on a pilot basis in 55 districts [11]. The program was multi-dimensional but mainly aimed at the socio-economic upliftment of the rural people. It was mainly aimed at increasing agricultural products both quantitatively and qualitatively. Along with this, set up of some rural industries in the nearby area so that villagers could find employment was done.

After the initial phase of implementation of the project, it was evaluated in the famous Balwant Rai Mehta Committee. The committee was appointed in 1957 to examine the working of CDP to suggest measures for its better working.[12] The committee submitted its report in November 1957 and recommended the establishment of the scheme of 'democratic decentralization' which finally came to be known as Panchayati Raj. The committee recommended a three-tier system of Panchayati Raj, with Gram Panchayats at the village level, Panchayat Samitis at block level and Zilla parishads at the district level. It also said that resources and power be transferred to these bodies making District Collector to be the chairman of the Zilla Parishad. The National Development Council accepted the committee's recommendations and this led to some serious and ground reality steps. Our first Prime Minister Pandit Nehru inaugurated Panchayati Raj at Nagore district in Rajasthan. After this almost all the states introduced Panchayats. Other states also created four tier systems and 'Nyaya Panchayats'. But unfortunately, after a phase of enthusiasm and a new hope for local self-government, we witness stagnation in progress. No regular elections were held and if Panchayat was dissolved, it remained dissolved. Although the local governance is a subject of state list, the success of Panchayats needs the will of union government.

Following the downfall of Panchayati Raj and its poor performance a committee known as Ashok Mehta Committee was set up in 1977 by the 'Janata government'. The committee submitted its report in August 1978 and made 132 recommendations to revive and strengthen the declining Panchayati Raj system in the country.

The committee said that the three-tier system should be replaced by the two-tier system i.e. Zilla Parishad at the district level and below it the Mandal Panchayat consisting of a group of villages of population 15,000 to 20,000. [13] Its view was clear that district should be the first point for decentralization under the supervision of state level making 'Zila Parishad' as the executive body. The state government should not supersede the Panchayati Raj institutions. The Nyaya Panchayats presided over by a qualified judge, should be kept as separate bodies from the development Panchayats.

Further in the time frame another committee, under G.V.K Rao was established to examine India's rural growth and poverty reduction programs in 1985. The committee envisioned district as the epicentre of democracy administration. It also recommended that in regions where Zilla Parishads do not exist, it might serve as the District Development Council's (DDC) head. Other findings of this committee were; notion of a regional budget be introduced and the DDC's office should have a greater standing than just the district collector.

In an effort to reconsider Panchayati Raj, the then Prime Minister Rajiv Gandhi formed the L.M Singhvi committee in 1986 for 'Revitalisation of Panchayati Raj Institutions for Democracy and Development'. [14] Unlike the previous committee recommendations, for the very first-time formalisation of PRI was recommended. The Panchayati Raj institutions should be constitutionally recognized, protected and preserved. For this a new chapter should be added to the constitution. It recommended to include provisions to ensure regular, free and fair elections to the local bodies. The committee emphasized the importance of Gram Sabha and called it the 'Embodiment of Direct Democracy'. It also recommended to have more financial resources for village

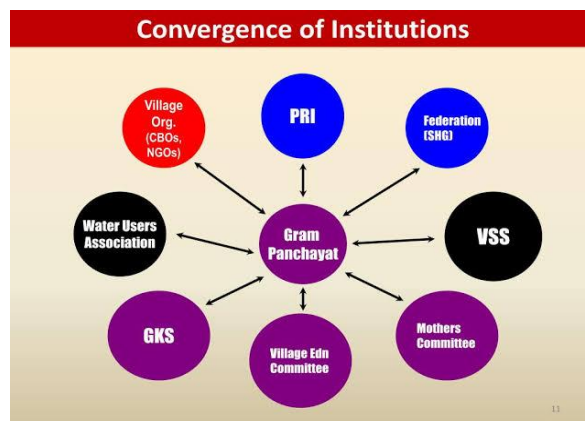Panchayats and Nyaya Panchayats should be established to make it more viable.

Again, a committee was setup in 1988 to give recommendations with regards to giving constitutional status to PRIs known as Thungon Committee. This committee was another step towards constitutionalizing the PRIs. In 1989 Gadgil Committee under the leadership of VN Gadgil focused on formulating policies and programs for Panchayats established.[15] It recommended the PRIs should have a fixed five-year term in which members at all the three level should be directly elected. Establishment of State Finance Commission to oversee fund distribution to the Panchayats was the key feature of this committee's recommendations.

Constitutional frameworks

Though the PRIs have been existence for a long time, it was observed that these institutions have not been able to acquire the status of responsible body due to a number of reasons such as irregular elections, lack of representation of weaker sections like Scheduled Castes, Scheduled Tribes and women.

It's been more than forty years since the inclusion of PRI in the article of Directive Principal of State Policy which lays down that 'the State shall take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as unit of self-government', a need was felt to carry out a comprehensive all India reforms of the system of local governance. Rajiv Gandhi government in 1989, on the recommendations of LM Singhvi Committee, for the very first time brought the revolutionary bills to introduce strong Panchayats and municipalities. However, these bills could not pass as states felt that the strong Panchayats will result into bypassing the state governments. Finally, in 1991 the Narsimha Rao government introduced the Constitutional Amendment Bill. The bill passed in both the houses of the Parliament in 1992 emerging as the 73rd Constitutional Amendment Act, wef from April 24, 1993[16].

- This act paved the way for two types of provisions. First are compulsory provisions, which is institutional and creates the structure of Panchayati institutions. The second type is voluntary, deals with subjects in which states have discretion in policy making.
- It is mandatory to constitute Panchayat in all the states in three tier model except the states with less than 2 million population.
- It introduces gram Sabha as integral part of Panchayati raj by making it mandatory to constitute.
- The act provides for the reservation of seats for SCs and STs in every Panchayat in proportionate to their population. Further it also mandates the reservation for women not less than one-third of the total seats.
- Provisions empowering state legislature to make laws to collect, impose and utilize taxes & duties for Panchayats is made.

Components of Panchayati Raj

The Panchayati Raj in India is dependent on a three-tier device that encompasses local self-authorities at the village, intermediate and district levels. These three-tier system acts accordingly: -

1. Gram Panchayat (village level)

It is the lower most level of the Panchayati raj system functioning at village level. It generally consists of elected representatives known as Panchayat members.

The onus of overseeing various ground level affairs such as sanitation, water supply, primary education, health, infrastructure development and people's plea within a village. It acts as a crucial link between the local community and higher levels of administration to execute the government's schemes and progress.

Pic: Gram Sabha (source: google)

2. Panchayat Samiti (Intermediate level)

Panchayat samiti also known as or mandal Panchayat operates at the intermediate level between the gram Panchayats and Zila Parishad. It comprises of representation elected from various Panchayats. It has its own sources of revenue from state and central governmers, taxes, funds etc. Allocation of resources and funds to Gram Panchayats is done here.

3. Zila Parishad (District level)

A Zila Parishad is the apex body of the Panchayati Raj at the district level. It focuses on district level planning, resource allocation and overseeing developmental activities. It represents the district's interests at the state and national levels.

Positive impact of Panchayati Raj Institutions

When Panchayati Raj Institution established and framed in the constitution it was envisioned that it will address the different aspects such as social empowerment, economic inclusion, people's participation etc.

Real world outcomes

Over the years, data shows tangible progress. The PRIs identifies locations, needs of the health facilities and prepare the comprehensive gap analysis in coordination with National Health Mission (NHM) officials at block and district levels. The birth or death certificate as an official document is required for various purposes, like age proof, claiming schemes and welfare benefits etc.[17] The Mahatma Gandhi Rural Employment Guarantee Act (MGNREGA), is mostly implemented through PRI. Works such as water conservation, earthen dams, drought proofing, rural connectivity and many more comes directly under control of Panchayats that provide employment to the respective local peoples.

If we look at the outreach of government officials and local MLAs, now they often visit and take feedback from the representatives so that citizen centric schemes can be formulated in future.

Women led development

Women are changing the nature of governance in India. Increased political participation has contributed a positive result such as education, health, nutrition, and increase in family income. Villages with active women sarpanch (village heads) often report better outcomes in water management and child nutrition. Women representatives have demonstrated that they have information about community resources and are more inclusive and adept at managing funds.

A happy society makes a happy nation, and a society will only be happy if community living there is being taken care of. Since women are bedrock of any community, in this scenario women representatives play a critical role in shaping an ideal environment for them by communicating with them one to one. Community hospitals led by female ANM/GNM in rural areas is having a good impact on female healthcare by involving representatives and Self-Help Groups in consideration while dealing with local women.

Limitations of local self-government in India

It has been 32 years since Panchayati Raj came into existence in the country after the amendment of the constitution. But its reach to all the states, is not uniform. Credit for this delay and negligence perhaps goes to policymakers, leading to disparity among regions. This is the reason why some states are seen to be more developed, while in some are lagging behind.

Currently more than two and a half lakh Panchayats are working in the country. There are 30 lakh elected members in this in which1.5 million are women which is a big figure in itself. Article 243 of the constitution gives Panchayat the right to work on 29 subjects. But it depends on the State government as to how many subjects it gives to those Panchayats. There are some states like Kerala, Karnataka and West Bengal where work is being done on almost

all the 29 subjects. If we talk about financial strength in these states 499 lakh is given to each Gram Sabhas. Whereas in states like Arunachal Pradesh, Himachal Pradesh, a Panchayat has to work with 9 to 10 lakhs only.

When the Panchayati Raj Act was passed in 1992, it was formulated that a total of 29 subjects on which state governments will decide the fate of Panchayats were left. [18] But unfortunately, the state governments have done majorly only politics, they do not want such rights to be given to the Panchayats, municipal corporations or mayor. Factual analysis of Panchayati Raj tells us that, though local governments has been formed in villages and cities but the decision regarding the political rights that should be given to Panchayats and municipalities are yet to be taken.

Along with this, the bureaucracy of the states also does not want Panchayats to become self-sufficient claiming the reason of incompetency and corruption. This belief hinders the progress of Panchayats and eventually led to underdevelopment. Due to reservation, women have got the opportunity to go to the village "chaupal" by stepping out of their homes but the right to work with discretion and how to use the endowed funds i.e. funds received from the finance commission, is still a matter of concern that is yet to be addressed. In case of any emergency, if the Gram Pradhan (Panchayat head) wants to spend some money in the Panchayat, they can't, as we lack such provisions in Panchayati Raj.

Like in all previous elections, I have come once more to seek your valuable vote so that I can win and continue to improve your living conditions . . .

Also, the states in the North are not at par with the states of South but picture has changed after the implementation of Panchayati Raj in the states of North India as numerous works has been done towards education and fulfilling basic needs. States such as Kerala, Karnataka, the government and Panchayats have become one and the same. Here political leaders rise from Panchayat and then gradually reach the ministerial level.[19] Whereas in Uttar Pradesh, Madhya Pradesh, Maharashtra etc. the MLAs and MPs do not come through the Panchayat but come from sugar cooperative societies and schools, so it is obvious, why would they leave their rights to the Panchayats. The political parties feel that they can make Panchayat a part and assistant which will be helpful in taking the party forward. In this way the Panchayat there keeps moving ahead and they also get responsibilities. While the states having lack of coordination with its Panchayats are still dependent on for funds and grants.

Challenges

1. The benefit is not uniform; some states have developed more powers and funds than others, and issues like political interference and low financial autonomy still limit potential. Still, over the decades Panchayati Raj has undeniably shifted power downward, giving rural India a louder voice and a stronger hand in its own future.
2. Panchayats in the states having tough terrain and harsh climatic condition faces infrastructure related problems. The villages that were more remote; they lack proper road connectivity to their respective district head quarter.
3. It is seen that while people are attending at the ward level gram Sabha but very less or no participation at Panchayat meetings.
4. The 73rd amendment act does not specify which level of Panchayat will perform what functions. [20]
5. Since local governance is a subject of state list, states have been given wide space to decide on important aspects of PRI.
6. According to observations of Manishankar Ayyar Committee, on an average only one meeting of gram Sabha takes place in a year.
7. Although elections held in time but State Election Commission is not as autonomous as at central level. There is always a question mark on fairness of elections.
8. It is seen that in case of seat reserved for women, a challenge faced by them is acting like a 'rubber stamp candidate'. A new imaginary post 'Pradhan Pati' is created by their male spouse which leads to proxy participation.
9. Women representatives are found to be younger and less educated than their male counterparts, which proposes challenge in performing well while in office.
10. Most female representatives are first-time candidates with no training or exposure, which lags them behind with their male counterparts.

Conclusion

The Panchayati raj institution was established in India to achieve the goals of democratic decentralisation, distributive justice, participatory development and empowerment of women & other marginalised sections of the society. The rural masses should be empowered by adopting several constitutional, and progressive policies and affirmative actions. The intervention of state for the empowerment of women and weaker sections fall short due to lack of political will, economic resources, social activism and inclusive approaches to development. The constitutional

provisions and protective measures should be promptly implemented in the rural areas through reforms in PRIs which are the prominent platforms for good governance & development of women and weaker sections of society. Several commissions have suggested policy framework and initiatives to enhance the status of PRIs and facilitate the establishment of a true welfare state on the basis of certain human values and constitutional provisions.

It would not be wrong to say that the Panchayati Raj Institutions have started playing their administrative role in the manner it was thought to be. But the problem come at the stage of the input form the major stakeholder, i.e. the public at large. It is thus important to start the reform targeting the people which include educating the voters making them competent to understand their rights and duties.

Also, the functioning of the Panchayat in India needs a structural change as it does not have any power to levy tax, and therefore it depends on the state government for financial assistance and loses its independency. These issues need to be addressed at the earliest. It is to be noted that political reforms and economic reforms have to go parallelly. Hence, we have failed to move ahead with even economic reforms in a smooth manner.

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