

## Local Government System in India

### Background

Local self-government in India has been a topic of debate even before independence. Where few like Gandhi, wanted village republics and principles of subsidiarity, Nehru and Ambedkar favoured a strong centre. Due to the differences, only Panchayati raj got mentioned in the constitution at the time of its framing under DPSP. However, after several deliberations and bills, ultimately in 1992 through 73<sup>rd</sup> and 74<sup>th</sup> Amendment acts, Panchayati raj and urban governance were given constitutional status respectively.

### Evolution of Panchayati Raj System

The first Panchayati raj system in India was established by the state of Rajasthan in 1959, in Nagaur district followed by Andhra Pradesh. Thereafter the system was adopted by most of the states. The major concern regarding the local self-government was its architecture, amount of power to be devolved, finances etc. Several committees were constituted by respective union governments to devise a method for the same.

#### Some of the important committees are:

1. Balwant Rai Mehta Committee
2. Ashok Mehta Committee
3. G V K Rao Committee
4. L M Singhvi Committee
5. Thungon Committee
6. Gadgil Committee

After several committees, the Rajiv Gandhi government introduced the 64<sup>th</sup> constitutional amendment bill however it was defeated in Rajya Sabha on the ground that it sought to strengthen centralization in the federal system. However, the Narasimha Rao government modified the bill removing all the controversial aspects and introduced the bill. Both the 73<sup>rd</sup> and 74<sup>th</sup> amendment act was hence passed to give constitutional status.

### 73<sup>rd</sup> Constitutional Amendment Act of 1992

#### Salient features of the act

- The act added Part-IX to the constitution of India named as “The Panchayats”. It contains provisions from Article 243 to 243 O. Also a new schedule, the eleventh schedule was added which deals with 243 G. It has 29 functional items of the panchayats.
- The act gave practical shape to a DPSP, Article 40 of the constitution.
- The act consists of some mandatory and few voluntary provisions to be adopted by states.
- Gram Sabha acts as the foundation of the Panchayati raj system. The body consists of all persons who are registered as electorates in the corresponding villages. It also provides for a mandatory three-tier structure (village, intermediate and district levels) bringing uniformity throughout the country. But a state with a population of less than 2 Million are exempted from constituting at an intermediate level.

- The Act provides that all members at all three levels shall be elected directly by the people. Chairman at the upper two levels shall be elected indirectly and it is voluntary on the state legislature to have provisions regarding panchayats.
- Seats are reserved for SC and ST in every panchayat in proportion to their population. It is on the state to make voluntary provisions regarding reservations of offices of chairperson at all three levels. Also, not less than 1/3<sup>rd</sup> of the seats and office of the chairperson shall be reserved for women.
- The panchayats shall be of 5 years' duration and the elections shall be constituted before the expiry of the tenure of existing.
- The act creates a post of state finance commission and state election commission for the devolution of finances and conduct of elections respectively. It would upon the state to decide the ways of auditing and mechanisms for accounts of panchayats.
- The Act gives power to the state legislative assembly to formulate laws regarding finances of panchayat and how and on what terms they can levy, collect and appropriate taxes.
- Several states and areas are exempted from the law. Also in the scheduled areas under schedule fifth, the PESA Act of 1996 shall be applied. The president may direct, how the provisions of the act should apply to union territories.

### Reasons for ineffective performances

- Although given constitutional status, it is said that the act only provides a skeleton leaving much on the state to decide. Several states have not taken adequate mechanisms to strengthen grass-root democracy.
- There has been reluctance in the transfer of 3Fs (Funds, Functions and Functionaries). They are hence unable to discharge the responsibilities. It is imperative that they should have enough funds to work, however, neither they have the power to charge nor finances are devolved from states or centres.
- It is seen that the auditing mechanisms are very weak and there is immense corruption among the leaders in the panchayats. There are no regular meetings of Gram Sabha and also many times, the panchayats even in reserved areas are dominated by upper castes.
- Bureaucracy has got immense power in the country and further many a times gram panchayats have been placed as subordinates to them. Even, due to the egoistic nature and apartheid, there is little respect provided by the bureaucrats to the leaders.
- Many a time, funds are tied to certain schemes or policies and panchayats have been made only an executive body. They despite knowing the problems at grass root cannot take decisions to spend the funds themselves.
- The state acts do not lay out the powers of the Gram Sabha. Even procedures for their functioning has not been stated. They can be a powerful body to evaluate and audit policies and schemes and their execution at all three levels of government.
- Infrastructure is in a very poor state. They lack offices, computers and internet connections. The database for planning, monitoring etc. is absent in many cases. Also, the panchayats lack optimum human resources. Many representatives are semi-literate or illiterate and do not have digital knowledge.
- Also, there have been cases of Pati Panchayat where powers are in the hands of the husband even if a woman is elected from there.

### Way Forward

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- States should devise proper mechanisms to devolve funds to the panchayats. They should be conferred power to generate their own revenue. This can be done by including the third tier in GST or can tax lands or local activities. The state finance commission should be empowered and it should make the governments accountable regarding this.
- A proper uniform cadre should be created for the panchayats. Education programs for the representatives should be conducted, teaching them about their powers, roles and responsibilities.
- The powers of the panchayats should be properly demarcated. Gram Sabha should be empowered and regular meetings must be conducted. It should take place under a video recording camera. Social auditing mechanisms should be developed.
- Office building and infrastructure creation should be linked to the MGNREGA so that employees can also be created.

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