

## Chapter – 14

### Local Self Government – Constitutional Scheme in India

#### 14.1 Introduction

- We know there is a Government in India at the Center and State levels. But there is another important system for local governance.
- The foundation of the present local self-government in India was laid by the Panchayati Raj System (1992).
- But the history of Panchayati Raj starts from the self-sufficient and self-governing village communities.
- In the time of the Rig-veda (1700 BC), evidence suggests that self-governing village bodies called 'Sabhas' existed. With the passage of time, these bodies became panchayats (council of five persons).
- Panchayats were functional institutions of grassroots governance in almost every village. They endured the rise and fall of empires in the past, to the current highly structured system.

#### 14.2 Local Self-Government

- Local Self-Government implies the transference of the power to rule to the lowest rungs of the political order.
- It is a form of democratic decentralization where the participation of even the grass root level of the society is ensured in the process of administration.

#### 14.3 History of Local Administration

- The village Panchayat, as a system of administration, began in the British days, as their offer to satisfy the demands for local autonomy.
- They opened up the governance of the lowest levels to the citizens.
- The Government of India Act, 1935 also authorizes the provinces to enact legislation.
- Later, the conceptualization of the system of local self-government in India took place through the formation and effort of following four important committees from the year 1957 to 1986:
  - Balwant Rai Mehta Committee (1957)
  - Ashok Mehta Committee (1977\*1978)
  - G V KRao Committee (1985)
  - L M Singhvi Committee (1986)
- Though the 64th Constitutional Amendment Bill was introduced in the Lok Sabha in 1989 itself, Rajya Sabha opposed it.
- It was only during the Narasimha Rao government's term that the idea finally became a reality in the form of the 73rd and 74th Constitutional Amendment Acts, 1992.

#### 14.4 Panchayati Raj System under 73rd and 74th Constitutional Amendment Acts,

- The Acts of 1992 added two new Parts IX and IX-A to the Constitution.
  - It also added two new schedules- II and 12 which contain the lists of functional items of Panchayats and Municipalities.

- It provides for a three-tier system of Panchayati Raj in every state - at the village, intermediate and district levels.
- Panchayat and Municipality
  - Panchayat Municipality are the generic terms for the governing body at the local level -Both exist as three-tier, System at the lower, intermediate and upper levels.
  - The 73'd Constitutional Amendment Act provides for a Gram Sabhas the foundation of the Panchal at Raj system.
  - It is essentially a village assembly consisting of all the registered voters in the area of the Panchayat.
  - The State has the power to determine what kind of powers it can exercise, and functions it has to perform at the village level.
- The 74th Constitutional Amendment Act provides for three types of Municipalities:
  - Nagar Panchayat for a transitional area between a rural and urban area.
  - Municipal Council for a small urban area
  - Municipal Corporation for a large urban area -Municipalities represent urban local self-government'
- Most of the provisions of the two acts are parallel, differing only in the fact that they are being applied to either a Panchayat or a Municipality respectively.
- Each Gram Sabha is the meeting of a constituency called ward.
- Each ward has a representative chosen from among the people themselves by direct election.
- The chairperson of the panchayat or Municipality at the intermediate and distinct level are elected from among these representatives at the immediately lower level by indirect election.

#### 14.5 Elections Held in the Local Government Bodies

- All seats of representatives of local bodies are filled by people chosen through direct elections.
- The conduct of elections is vested in the hands of the State Election Commission.
- The Chairpersons at the intermediate and district levels shall be elected indirectly from among the elected representatives at the immediately lower level.
- At the lowest level, the Chairperson still be elected in a mode defined by the state legislature. -Seats are reserved for Scheduled Cast and Scheduled Tribe proportional to their population. -Out of these reserved seats, not less than one-third shall be further reserved for women.
- There should try a blanket reservation of one-third seats for women in all the constituencies taken together too (which can include the already reserved seats for SC and ST).
- The Acts bar the interference of courts in any issue relating to the election to local bodies.

#### 14.6 Qualifications Needed to be a Member of the Panchayat or Municipality

- Any person who is qualified to be a member of the state legislature is eligible to be a member of the Panchayat or Municipality.
- But he shall not be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years This means that unlike the state legislature, a person needs to attain only 21 years of age to be a member of panchayat/Municipality.
- The local governing bodies are elected for a term of five years.
- Fresh elections should be conducted before the expiry of the five-year term.

- If the Panchayati Municipality is dissolved before the expiry of its term, elections shall be conducted within six months and the new Panchayat/Municipality will hold office for the remainder of the term if the term has more than six months duration.