



# STATE-LOCAL RELATIONS IN INDIA

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## ABSTRACT

The Constitution of India established democratic governments at the Center, States, and Local Levels. The constitution provides relationship between the center, state local governments. The constitutional structure of Local Self-government in India is based upon the decentralisation pattern in India with reference to the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional amendments and devolution of powers to Rural and Urban local bodies, known as Panchayati Raj and Municipalities, as the lowest unit of governance in villages and towns. The Act gives constitutional status to rural and urban governments. States governments are mandated to devolve adequate powers, responsibilities, and finances for preparing plans and implement schemes to provide basic amenities in rural and urban areas.

**Keywords:** Democratic Decentralisation, Grama Panchayat, Panchayat Samiti, Zilla Parishad, Community Development Programmes, National Extension Service

## INTRODUCTION

There are two local governments, in the rural and urban areas panchayats and municipalities under Indian Constitution. Initially, the Indian Constitution provided a clear division of powers between the Centre and the States. Later, the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Acts (1992) set up three-tier local governments. The 73<sup>rd</sup> Amendment Act of 1992 gave the Panchayats (Rural Local Governments) constitutional status by adding a new Part IX and 11<sup>th</sup> Schedule to the Constitution. Similarly, the 74<sup>th</sup> Amendment Act of 1992 gave the constitutional status to municipalities (Urban Local Governments) by adding a new Part IX-A and 12<sup>th</sup> Schedule to the Constitution. So now the Constitution provides for a three-tier Panchayati Raj system in every State: Village Panchayats at the village level, Panchayat Samiti or Block or Panchayats at the intermediate level, and Zilla Parishad at district levels. Apart from Rural Local Bodies, it also provides three types of Urban Bodies in every State: Nagar Panchayats, Municipal Council and Municipal Corporation.

## INDIAN CONSTITUTION AND PANCHAYATI RAJ

The first session of the Constituent Assembly started on December 9th, 1946, to frame India's Constitution. The task before the Constituent Assembly members was to provide a vision for the economic reconstruction of India. Economic reconstruction implies transforming India's rural economy, agriculture and industry through a scientific and planned development model. It also presupposes that building up an economic system that promotes people's welfare removes inequalities, fulfills basic needs of life, and ensures a good quality of life. Mahatma Gandhi was a firm believer of Gram Swaraj. In this context, Gandhian followers in the Constituent Assembly underlined the significance of the Indian indigenous tradition and decentralised polity based on village Panchayats. He was an uncompromising champion of economic and political decentralisation, i.e., village-based Panchayat system.

The Gandhian and Congress outlook has been that the future Constitution of India would be a pyramidal structure, and its basis would be the village Panchayats. The blueprint of the Gandhian Constitution, which emphasised the primacy of the village as a unit of economic and political governance, received little response in the constituent assembly. While introducing the draft Constitution, Dr. B.R. Ambedkar said in the assembly, "I hold that these village republics have been the ruination of India. I am therefore surprised that those who condemn provincialism and communalism should come forward as champions of the village. What is the village but a sink of localism, a den of ignorance, narrow-mindedness, and communalism. Although the Gandhian model of the decentralisation did not find wide support in the Constituent Assembly, the Gandhian concept of Panchayati Raj found its way into the Directive Principles principles of State Policy under Article 40 of the Indian Constitution. According to Article 40, "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 units of self-government."

## MILESTONES IN LOCAL GOVERNMENTS IN INDIA

In the post-Independence period, the Panchayats have played significant roles in implementing and extending public policies at the local level of governance in India. The Community Development Programme was launched on October 2nd, 1952, to mark Gandhi's birth anniversary. It was the first programme following Independence, aiming to promote people's participation in local development activities. Villages became a major focus of attention its first five-year plan, and the plan document stressed that "We believe that the Panchayats will be able to perform its civic functions satisfactorily only if these are associated with an active process of development in which the village Panchayat is itself



given an effective part. Unless a village agency can assume responsibility and initiative for developing the resources of the village, it will be difficult to make a marked impression on rural life, for only a village organisation representing the community as a whole can provide the necessary leadership.” (First Five Year Plan)

One year after the launch of CDPs in 1952, the government decided to launch the National Extension Service (NES) on October 2nd, 1953. The NES was implemented in the areas not covered by CDP. The main aim of NES was to extend scientific and technical help to the villagers to improve their economic and social conditions. Following the introduction of the NES, the entire country would benefit from the development policies targeting village society.

#### **Balvant Rai Mehta Committee (1957)**

Five years after introducing the Community Development Programme (CDPs), The Planning Commission appointed on 16<sup>th</sup> January 1957 a committee known as Balvant Rai Mehta Committee after the name of its chairman Balvant Rai Mehta to examine the impact of CDPs and NES. The Committee submitted its report on November 24th, 1957, and recommended establishing a three-tier Panchayati Raj system: Gram Panchayat at the village level, Panchayat Samiti at the block or Taluk level; and Zilla Parishad at the district level. The other significant recommendations of the committee were that the government should divest itself completely of specific duties and responsibilities and devolve them to a body that will have the entire charge of all development work within its jurisdiction; the government should reserve with it only the functions relating to guidance, supervision, and higher planning. It also recommended that an efficient self-governing institution be set up with its jurisdiction co-extensive with a development block at the block level. Indirect elections from the Panchayatis should constitute the Panchayati Samiti.

#### **Ashok Mehata Committee (1977)**

After the Janata Government came to power in center, it appointed a committee on Panchayati Raj Institutions under Ashok Mehta's chairmanship in December 1977 to suggest measures to revive and strengthen the Panchayati Raj system in India. The Committee submitted its report in August 1978 with 132 recommendations to revive and strengthen the Panchayati Raj system. The committee's key recommendations were: the Two-Tier system should replace the Three-Tier system of Panchayati Raj, i.e., Zilla Parishad at the district level, and Mandal Panchayati or Parishad consists of few villages covering a population of 15000 to 20000. The middle level has been abolished. A district should be the first point for decentralisation, and Zila Parishad should be the executive body responsible for planning at the district level. The Panchayati Raj institutions should have powers of taxation to mobilise their financial resources.

#### **G .V. K. Rao Committee (1985)**

The GVK. Rao Committee was appointed by Planning Commission in 1985 to look into various aspects of Panchayati Raj Institutions (PRIs) and its existing administrative arrangements for poverty alleviation programmes. The Committee's major suggestions were, the PRIs have to be activated and provided with all the necessary support to Panchayati Raj Institutions at the district, Taluk, and Village level should be assigned local planning work, implementation, and monitoring of rural development programmes.

#### **L.M. Singhvi Committee (1986)**

The Rajiv Gandhi government set up L. M Singhvi Committee in 1986 to study the problems faced by Panchayati raj institutions. The Singhvi Committee's significant recommendation was that local self-government should be given constitutional status by incorporating a new chapter in India's Constitution. The Committee also recommended the Non-involvement of political parties in Panchayati elections. However, the idea of giving constitutional status to PRIs gained momentum with the patronage of the Rajiv Gandhi government at the Center.

#### **THE CONSTITUTION 73<sup>rd</sup> /74<sup>th</sup> AMENDMENT ACT, 1992**

The Panchayati Raj system in India was inaugurated by the then Prime Minister Jawaharlal Nehru on 2<sup>nd</sup> October 1959 at Nagour in Rajasthan. After that, the different states implemented the Panchayati Raj system. However, until the 73rd Constitutional Amendment Act, 1992, The Panchayati Raj Institutions did not acquire viable and responsive institutions due to the lack of Constitutional Status. Apart from that, the absence of regular elections, inadequate representation of weaker sections such as Scheduled Castes, Scheduled Tribes, and women, inadequate devolution of powers, and lack of financial resources are significant limitations of the Panchayati Raj Institutions. In order to remove this limitation, in July 1989, the Rajiv Gandhi Government introduced the 64th Amendment Bill in the lower house of Parliament. However, the bill got defeated in the Rajya Sabha. Later, under the leadership of Viswanath Pratap Singh, the National Front Government introduced the 74th Constitutional Amendment Bill, which could not become an Act because of the dissolution of the Ninth Lok Sabha. However, finally, the PRIs were granted constitutional status on April 24<sup>th</sup>, 1993, with the passage of the 73rd Constitution Amendment Act, 1992, during the tenure of PV Narasimhaa Rao as prime minister. Since then, April 24<sup>th</sup> celebrated as National Panchayat Raj Day. The local government is a state subject in Schedule Seven of the Indian Constitution. Hence, the state governments need to enact at the state level. The 73<sup>rd</sup> Amendment Act inserted a new Part-IX to the Constitution, and it consists of provisions for Panchayats from Article 243 to 243 O, which define the powers and functions.



All States have enacted new Acts or incorporated changes in their existing acts in conformity with the 73<sup>rd</sup> Amendment Act. As a result, they now have a uniform three-tier structure of local governments. At the village level, the Gram Panchayat covers a village or group of small villages. At the intermediate level of Taluka or Mandal or Block Panchayats (Panchayat Samithi) and the district level, Zilla Panchayat (Zilla Parishad) covers the entire rural area of the district. However, the states with less than 20 lakhs may not constitute the panchayats at the middle-tier or intermediate level.

### **FUNCTIONING OF LOCAL BODIES**

The state government exercises control over the local bodies. The government can review, modify or reject the proposals of the local bodies. The state government can remove the members of the local bodies under certain circumstances through prescribed procedures. The state governments conduct periodic inspections also. The state government executes the no-confidence motions passed by the local bodies and dissolves these bodies in certain circumstances within the Act's provisions.

The function of the panchayats is to prepare annual plans for the area. The Gram Sabha functions as a deliberative and decision-making body. The Panchayats are also be vested with the power to levy and collect taxes. It passes the annual budget and discusses the major problems of the village. It is also responsible for identifying or selecting persons as beneficiaries for various Central and State poverty alleviation and other programmes. It is an aspect of direct democracy at the lowest level of governance. All social groups, including the marginalised sections, can participate in the decision-making process in the Gram Sabha meetings. The active functioning of the Gram Sabha would ensure a transparent administration and participatory democracy.

However, in the majority of villages, Gram Sabha meetings are reduced to a mere formality. In several villages, the dominant communities do not let the SCs, STs, or OBCs communities elected to the Panchayat perform their duties independently. In several instances, the husbands or other family members of women panchayat heads act as de-facto leaders and decision-makers in the PRIs.

Though the village panchayat level elections were conducted on a party-less and non-political party symbol basis, the major political parties either field their candidates as apolitical or campaign for independent candidates. Political parties and their leaders consider winning these local bodies crucial in MP and MLA general elections. The parties use candidates who win local body elections with their support to consolidate their vote banks. The ordinary people depend on these local leaders to benefit from the welfare schemes of the Centre and State. The party that controls the local bodies identify the people who support them and accommodate them while identifying beneficiaries for various welfare and development schemes. The state governments use the populist welfare schemes, and freebies like cheap rice and wheat, free colour TVs, mixer grinders, Dothi and sarees, subsidised housing, free education, fee reimbursement, scholarships, and free electricity for farmers, etc. are designed and delivered through the local bodies and local leaders such as Sarpanch, Taluk/Block Parishad, Zilla Parishad members, MPs and MLAs for electoral gains. Apart from that, the local leaders who hold some position or office of local bodies with solid connections with people at grassroots levels use their positions to get tickets to contest state assembly or Lok Sabha elections.

The local bodies do not have sufficient funds for spending on programmes and schemes. The Panchayats are mainly dependent on grants from State and Union governments. A significant portion of grants received from the State and Union governments are scheme-specific. The local revenue collection is very meager and negligible. Even the state governments are lost their majority revenue resources and depending on the Union government to get their share of revenue after the introduction of Goods and Service Tax (GST). State governments cannot devolve funds to local bodies because of the tight fiscal position. This financial dependence and grossly inadequate resources considerably compressed the local bodies to function as units of self-government.

### **CONCLUSION**

The enactment of The Constitution (73<sup>rd</sup> Amendment) Acts, 1992, and The Constitution (74<sup>th</sup> Amendment) Acts, 1992 generally known as the Panchayati Raj Act, and the Nagarpalika Act, respectively, are landmarks in the development of local self-government in India. The amendments bestowed constitutional status to the rural and urban local governments for providing mandatory regular elections as per schedules and time. The amendments provided reservations for the SCs, the STs, the OBCs, and women at all levels in local bodies. The provisions of these acts are the impetus for promoting greater community participation in different marginalised sections of society in achieving developmental goals in the true spirit of local self-government. These Amendments provided constitutional status to the institutions of local rural and urban governance. However, the powers, functions, financial strength, and autonomy of the local government institutions largely depend on the state governments. The local bodies do not have sufficient funds for spending on programmes and schemes depending on State and Central governments. The financial dependence of the local bodies is the major hindrance to the functioning of self-government. Nevertheless, the local governments continue to play a significant role in implementing various development and welfare schemes of Central and State governments. Thus, the local governments have contributed towards strengthening participatory democracy at the grass-root level.



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