

# Local Self-Government and Parliamentary Democracy in India

ASOK BHATTACHARYA

Local self-government in the form of panchayats and municipalities in our country are two grassroots democratic institutions mandated by the Constitution of India. They are neither any agencies of the government nor any sort of departments in the conventional sense within the framework of the government. They are democratically elected bodies and the heart of these institutions is the participation of the citizens. Some of the basic tasks of these institutions include framing and implementing development programmes, prioritizing the needs of the people and associating the people with the processes of implementation of all development programmes. The 73rd and 74th amendments of the Constitution have not only made it mandatory to hold elections at the interval of five years on a regular basis but also to devolve powers and functions on these institutions and thus create legal conditions for the effective functioning of local democracy.

The amendments have two schedules i.e. 11th and 12th Schedules, respectively, which spell out the functional domain of these institutions. And articles 243G and 243W of the amendments define panchayats and municipalities as institutions of self-government although the local-self government forms a part of the State list in the Constitution of India. The matter of devolution of powers and functions enlisted in the two Schedules has been left to the hands of the State Government. Incidentally part IX and IXA of the Constitution of India make refer to the panchayats and municipalities with 16 and 18 articles respectively. In addition, Article 243Z (d) and Article 243Z (e) have made it mandatory to constitute the District Planning Committees and Metropolitan Planning Committees, respectively. Interestingly, the Constitution has identified certain things which remain outside the purview of judicial enquiry.

The grassroots democratic institutions in India in villages and towns consist of nearly 30 lakh elected representatives which speak of the strength of India's democracy. India's decentralized governance has a chequered history the roots of which can be traced back even to the days of ancient and medieval India. During the days of the colonial rule panchayats and municipalities used to work under the overall control and guidance of the British Government. One may recall that Charles Metcalfe, Governor General of India, had described Indian villages as "little republics". In 1870 the then Viceroy Lord Mayo had realised the need for decentralisation as an effective tool of administering India. Madras Municipal Corporation was set up long back in 1887. In the case of the Bengal Presidency urban local bodies sprang up in 1842. Subsequently these bodies were entrusted with the power to levy and collect taxes. It is found from the historical records that in 1881 India had 700 municipalities, out of which 550 had nominated. In 1882 Madras, Bombay and Calcutta Corporations were given the limited right to impose and collect taxes along with the responsibility of providing some basic services such as drinking water, drainage and public health to citizens.

The Famine Commission Report 1880 had observed that it was difficult to carry relief materials to the famine stricken people due to the absence of local self-government institutions in the areas. Incidentally the panchayats in West

Bengal under the Left Front regime had played remarkable role in dealing with the floods which overtook rural Bengal in 1978, as documented in many studies.

Indian Constitution does not elaborate the role of the local self-government beyond mentioning their existence in the Constitution as a State subject. The Government of India Act 1935 had also referred to it as a provisional subject in Entry 12. During the days of nationalist struggle the leaders had spoken very highly of the panchayat institutions and Gandhiji had looked at them as the basis of India's democracy. But the Draft Constitution presented by B. R. Ambedkar in the Constituent Assembly remained silent on the issue. After a prolonged debate in the Constituent Assembly panchayats could find a place in Article 40 in the Directive Principles of State Policy in the Constitution of India but urban local government did not receive adequate attention.

Now, the Constitution has been amended to give the local government a fresh lease of life. But the question that haunts us is: are the Central and the State Governments serious or have the necessary political will to implement all the provisions of the 73rd and 74 amendments. A look at the devolution profile of the panchayats and municipalities in different states indicates lack of sustained political support to make these institutions work in terms of the concerned constitutional amendments. The experience tells us that there are state governments which would like to avoid the institutions. Some state governments seem to be increasingly interested in spending development funds either through new agencies or through the government departments bypassing the local self governing institutions.

The growing number of parallel bodies in both rural and urban areas in India speak of the lack of required political and administrative attention particularly in view of the fact that the constitutionally mandated panchayats and municipalities are required to take up all development works in their respective areas. There are states where the heads of the municipalities/corporations do not enjoy real or effective powers.

One of the ominous tendencies in recent times is to take away the powers of the local bodies which is in tune with the national tradition on the part of the central government, to encroach upon the domain of the state government. There are cases when the panchayats and municipalities have been superseded purely on political grounds. Despite the financial crisis of the local bodies, the central and the state governments are not paying taxes/fees due to them on account of their properties.

Both the NDA & the UPA governments at the centre seem to be reluctant to live up to the expectations of the constitutional amendments. It is unfortunate and undesirable in view of the constitutional responsibility of the central government to implement the provisions of these amendments. There are states which have not yet set up Ward Committees despite the constitutional requirement. In many states the administrative officers still run the institutions of panchayati raj and the municipalities bypassing the elected representatives.

It is being increasingly observed that the central government is introducing a number of development

programmes tied with conditionalities which impinge upon the constitutional status of the state and local governments. Mention may be made of the programmes under the JNNURM. It is found that in the name of centrally sponsored programmes the state governments are being burdened with financial responsibilities. The municipalities are being forced to surrender to the compulsions of globalisation and liberalisation. The policy of the present central government is dictated by the World Bank. It seems that the Indian State is bent on destroying the basic pillars of respective democracy. Efforts are being made to bypass WC and the gram sabhas by encouraging the formation of the citizens' committees consisting of the local influentials. Attempts are being made to promote civil society organizations. Unfortunately, a section of the media is trying to blame the panchayats and the municipalities in the event of their not being able to provide services, without carefully and incisively looking into the facts. It is being increasingly emphasized that it is better to get the work done through the bureaucratic systems rather than through the democratically elected institutions. The rigid conditionalities for accessing funds under the JNNURM tend to show that the basic spirit of the 74th amendment is under attack.

One of the basic premises of parliamentary democracy is to enable the citizens to elect their representatives at regular intervals. India has now a new crop of local self government based on the constitutional sanction. The so called idea of free society and the increasing role of the civil society organizations are throwing challenges to these institutions. Added to it is judicial over activism. In the name of attacking terrorism the political system is being challenged. All the political parties are being placed on one row without taking into account their politico-ideological differences. There is, however, still some ray of hope as evident from the results of some state assembly elections and the general elections in Bangladesh where participation of the people has been remarkably significant. We know that local elections often attract more attention than the higher level elections as is evident from the turnout of the voters.

**G**iven the background of what is happening in the country in the field of local self government the Left Front Government in West Bengal has been trying to move in an alternative direction. This government has a clearly spelt out policy and perspective coupled with strong political will to carry forward the processes of decentralization and democracy. Even before the 73rd and 74th constitutional amendments were put on the anvil the Left Front Government started working on democratizing the institutions of local self government by holding elections at regular intervals since 1978. Most of the functions identified in the two schedules of the Constitution have already been transferred to the concerned local bodies. Care is being taken to implement each and every provision of the 73rd and 74th Amendment of the Constitution in order to move towards more effective and meaningful decentralization. The Left Front Government has set up Gram Sansads below the Gram Sabha in the villages and Ward Committees in each ward in the towns beyond the framework of the constitutional amendment. In the villages there are also Gram Unnayan Samitis at the Gram Sansads to facilitate the process of implementation of the development programmes. In the slums in the cities there are three-tiered structures of the Community Development Societies the representation of

which has been ensured in the WCs. In West Bengal there are more than seven lakh SHGs in the villages. Similarly, in the urban areas there are not less than 30,000 groups almost all the members of which are women. The combined strength of such groups of women in the town is around four lakhs. Besides, there are NHGs and NHCs consisting of the urban poor and the slum dwellers. There are RCVs in each slum all of whom are women. It is now mandatory to have their representation in the ward committees. The functioning of the ward committees, CDSs, NHGs, SHGs has brought about a change in the balance of forces. In the rural areas the successful implementation of land reforms by giving ownership rights to the poor and the landless has led to a significant change in the power relations in the countryside. All these have created necessary conditions for the rural poor to express their opinions freely. It is strengthening the base of democracy and enhancing the rights based awareness of the poor in the rural and urban areas.

In addition to District Planning Committees, the Left Front Government has constituted the Metropolitan Planning Committees in conformity with 74th Amendment of the Constitution, the first of its kind in the country. It has been made legally mandatory to place before the citizens in the villages and towns reports on the development and financial activities twice in a year. The opposition parties have also been given their due by ensuring their participation in the District Council and Municipal Accounts Committee.

Also, opinions of the stakeholders are taken into account while formulating development plans for the villages or towns. Through this process the backward people in the villages and towns are gradually becoming aware of the entitlements. They can now lodge their complaints and can freely criticize the functioning of these institutions. They take part in the processes of formulation of development plans in the villages and towns. In accordance with the RTI Act the people have been given the right to collect information on any matter pertaining to the functioning of the panchayats and the municipalities. The amendment of the West Bengal Municipal Act in order to facilitate the creation of Area Sabhas down below the Ward Committees and the granting of right to information to the citizens is under active consideration of the Government of West Bengal. In panchayats and municipalities there is a provision for the creation of Standing Committees and Mayor/ Chairman- in- Council system which ensures decentralization within decentralization. In our state the heads of the municipalities and panchayats along with the elected representatives are active functionaries endowed with necessary powers and functions. The successful working of the local self government in West Bengal has not only strengthened democracy but has also made it powerful.

It can now be concluded that local self government benefits in the long run the parliamentary democracy in the country but it is a matter of regret that the present UPA Government and the former NDA Government have cleverly reduced the significance of local self government in such a manner as to strengthen bureaucracy. All these stand in the way of effective democratic decentralization which the major landmark constitutional amendments seek to develop. It is time to raise our collective voice against the clandestine move of the Central Government and the LFG in West Bengal can lead this movement.

□ *The writer is Minister-in-Charge, Urban Development and Municipal Affairs Departments, Government of West Bengal*