Chapter IV
A Comparative Analysis of Local Self-Government in South Asian Countries

4.1 Introduction
Local self-government has a long and venerable tradition in many countries. In some it is a young and sensitive plant, and in others it really has not yet been seriously tried. Concern about the strengthening of local government is not, however, a new phenomenon. Its philosophic roots go back at least as far as the writings of French philosopher Jean Jacques Rousseau, who, impressed with emerging Swiss democracy, wrote of local government as the training ground for democratic development. Further, attention was called to the significance of local government with Alexis DeTouqueville’s famous visit to the United States and his discovery of the importance of local citizens and their emerging municipal governments in sustaining and nourishing the newly formed North American democracy.

Recent concerns for the strengthening of local government can be traced to the process of democratization in countries undergoing the transition from authoritarian to democratic governance. To the extent that issues of decentralization and strengthening of local government are increasingly central all around the world.

4.2 Meaning of Local Self-Government
The term ‘Local Government’, generally understood as administration of a territorial unit smaller that the State, is sometimes used interchangeably with Local Self-Government. Local Self-Government is a body representing the local inhabitants, possessing a large degree of autonomy. Local Self-Government in
modern sense is essentially a British creation. Maine\textsuperscript{1} and Metcalfe\textsuperscript{2} described village communities as small "Republcs".

The expression of 'local government' is used rather loosely. Under British rule in India, the term was used to denote the 'Provincial Government' while the term 'Local Government' came to designate the direct and local bodies that were instituted as a first halting step towards local self-government. Some writers include within the term 'local government' not only local bodies like district boards and municipal committees but also the local administration being carried on by officials of the central or regional governments. According to Hume\textsuperscript{3}, Local Governments are infra-sovereign geographic units. Within its territory a local government unit seeks to give opportunities to people for the expression of their opinion in regard to local affairs. It enables them to choose their representatives to attain the goals on their behalf.

Local government involves indirect decentralization. In the word of De Tocqueville, "Local assemblies of citizens constitute the strength of free peoples... A nation may establish a system of free Government but without the spirit of municipal institutions it cannot have the spirit of liberty". The functions of local bodies are usually defined by statute. They enjoy autonomy within the limits laid down by the law. The central or regional government, as the case may be, reserves power and maintains some expert officials to advise and supervise the local bodies.

\textsuperscript{1} Maine, Sir Henery, jurist and legal historian who pioneered in the study of comparative law, notably primitive law and anthropological jurisprudence. A member of the council of governor general of India (1863-69), Maine was largely responsible for the codification of Indian law.

\textsuperscript{2} Metcalfe, Charles (Theophilus), British oversea administrator who, as acting governor general of India in March 1835, instituted in that country important reforms, particularly freedom of the press and the establishment of Jamaica and governor general of Canada.

\textsuperscript{3} The nineteenth century is an epoch of triumphant liberalism. Hume rejected the theory of natural rights, which was advocated by Locke but invented new utilitarian sections for the guarantee of fundamental rights of citizen by legal sovereign.
Local government is part of overall governance. In countries where it is recognized in the constitution it is at par with the other formal organs of state.

Like the central government authority local government institutions at various levels perform almost the same functions (agriculture, health, education, road development) within their jurisdictions. The scale and scope of these activities are, however, limited. But being nearer to the community the development activities and services provided by local government institutions can have immediate impact on their lives. The potential of local government institutions can be realized more effectively where there is decentralization and devolution of power. Accountability, transparency, participation, empowerment, equality and all the other attributes of good governance can be in full play (Hye, 2002).

Smith argues that advocacy for decentralization has been a part of the liberal political tradition and it is beneficial for the functioning of democratic system at the national and local levels (Smith, 1985:19-30). A number of eminent thinkers have emphasized the vital importance of local government institutions in the general democratic setup. Bryce eulogizes them as, “the best school for democracy and the best guarantee of its success is the practice of local government” (Bryce, 1962: 147). H.J. Laski says, “local government is an educative in perhaps a higher degree at least contingently, then any other part of government” (Laski, 1960:413).

The institution of local government can act as a valuable corrective to maladministration and political maneuvering. They provide a forum for the whole villages to participate in the dual process of making and implementing decisions. When the people begin to do things themselves, they feel the decisions are their own. Local rural self-government institutions differ from local governments.
The justification of rural democratic institutions is that it stands in favor of decentralized administration. The fact, the decentralized decision-making ensures the well being of all those who are likely to be affected by such decisions, is quite well known. The rationale of this premise is derived from the democratic imperative that all these, whose interests are affected by decisions, ought to take part in the decision-making process. Decentralization in terms of ‘sharing the decision-making authority with lower levels of organization’ should be understood in the context of the institutional framework of division of power (Datta, 1998: 11).

Crook and Manor observe, “decentralization combined with democratization might provide greater transparency, accountability, responsiveness, probity, frugality, efficiency, equity and opportunities for mass participation” (Crook, 1998: 2).

Local governments imply administrative organs at local levels whereas local self-government institutions refer to those administrative organs functioning on the basis of democratic principles at local levels. The rural local self-government institutions in South Asian countries are being treated as real democratic political organs which would bring the masses into active political participation. In India Panchayati Raj Institutions would establish a genuine political control from below, from the vast majority of the weaker and poorer sections of rural India (Desai, 1990: 533).

The government at the local level has been created for effective administration by ensuring active involvement of the people at large. Taking the ordinary citizen into confidence in the process of administration has been beneficial both for the government and the people. According to William A. Robson local government may
be said to involve the conception and territorial non-sovereign community, possessing the local rights and necessary organization to regulate its own affairs (International Encyclopedia of Social Sciences, 1968: 574). The United Nations Division of Public Administration defines a local government as "a political sub-division of a nation (or in federal system, a state) which is constituted by law and has substantial control of local affairs, including the power to impose taxes or extract labor for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected (UNDP, 1961: 11).

As the nature, authority and functions of local administrative bodies differ from nation to nation and also state to state within a nation; it is very difficult to define the term local government acceptable to all. However, it has been defined in various ways, but the simplest definition is a government at local level having authority to perform public activities within its territory. According to Jackson, the term local government is "concerned with localities and not with the country as a whole. It must, for this reason, be subordinate to national government. The term further implies some jurisdiction or activity of public nature" (Jackson, 1960:11).

The definitions make it clear that a local self-government is a lower level government, when compared to a national or state government, it is set up by laws and has certain responsibilities, and it is normally elected. In South Asia, the term local self-government is used instated of the term 'local government' as used in other countries because a local self-government unit seeks to give opportunities to the people for the expression of their views with regards to local affairs.
4.3 Importance of Local Self-Government

Decentralization: Local bodies are important units to help achieve the decentralization of political power and promotion of democratic values. They are also an indispensable part of the government machinery, contributing to the efficiency at the higher levels of administration by relieving them of purely local tasks.

Participation: Local Self-Government is certainly more effective than central government in providing opportunities for citizens to participate in the political life of their community. The benefits of widening the scope of political participation include the fact that it helps to create a better educated and more informed citizenry. It involves the local people in the solution of their problems.

Responsiveness: Peripheral institutions are usually 'closer' to the people and more sensitive to their needs. This both strengthens democratic accountability and ensures that government responds not merely to the overall interests of society, but also to the specific needs of particular communities.

Legitimacy: Physical distance from government affects the acceptability or rightness of its decisions. Decisions made at a 'local' level are more likely to be seen as intelligible and therefore legitimate. In contrast, central government may appear remote, both geographically and politically. Local governments are constituted under state or central laws. Their activities can be shortened and broadened by the constitutional governments.

Liberty: As power tends to corrupt, centralization threatens to turn government

4 Graham, Lawrence (1995), reporting on an international workshop on Good Local Government lists five key indicators.
into a tyranny against the individual. Decentralization protects liberty by dispersing government power, thereby creating a network of checks and balances. Local bodies check central government as well as each other. Their jurisdiction is confined to a limited area and tackles the peculiar problems of the locality. Local bodies have liberty to take over those activities, which are of use and benefit to the local people, for example sanitation, drainage, education etc.

4.4 Searches for an Appropriate Local Self-Government in the Developing World

The contemporary world is experiencing profound change in the field of governance and in this context many developing countries are undertaking extensive state reform including decentralization of state structures and functions, public administration reorganization, and transitional steps to democratization. As a result there is an increased emphasis on the need to address local government more specifically, since in many countries this has been a neglected tier of government in the development effort (McCarney, 1996: 16).

Recent dynamics of globalization of economic and socio-cultural developments, urge for democratization, decentralization and structural adjustments and market orientation in economy at the national level and the emergence of enormous problems of over population, poverty, environmental degradation, shortage of shelter and services, increase in violence and gender and child exploitation at the local level and the inability of urban local governments to combat these problems effectively, have all focused attention on the need for strengthening rural local government. A new form of local government is demand of the day. This governance is through a new ‘state’, which has been defined quite aptly by Hye in his paper on “Good Governance” written for the present international seminar (Hye,
The new state, he schematizes, as one composed of a partnership of the National Government, private sector, local government, civil society, the judiciary and legislature. The need for a new type of local government is being felt by the national governments and also pushed by the international development agencies (such as, the World Bank, the Asian Development Bank, European Commission and the UN System).  

A review of the nature of local governments of the developing world is presented in the following section.

Asia

Being a vast region with diverse historical, political and economic backgrounds, the local self-government system in Asia is very diverse. At least 3 major sub-regions have to be considered for Asia. The three Asian sub-regions are: (1) Northeast Asia, (2) Southeast Asia and (3) South Asia.

Northeast Asia

This includes China, Japan, Korea and others. China has a long history of local government. The constitution emphasizes, “All powers in the People’s Republic of China belong to the people.” China has a system of People’s Congresses. The state authority is divided in (1) National people’s Congress and, (2) Local People’s Congress. The people exercise State power through National People’s Congress and the Local People’s Congress at various levels. The Local People’s Congresses are the highest legislative and executive authority in the local regions in which the State of China is divided. The system of People’s Congress makes China a new type

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5 The UN commitment to and insistence on encouraging local government was in the inclusion of mayors of cities and other stakeholders in human settlements issues, notably the private sector organizations and NGOs in the official delegations to United Nations Second Conference on Human Settlements, otherwise referred to as Habitat II, or the “City Summit” held at Istanbul in June, 1996.

of State. The ‘Congress System’ forms the basis of the political organization of China and represents the highest form of people’s democracy. In China, power belongs really to the people who exercise it through their congresses and supervise and control their working. In autonomous region, and autonomous counties, the form of the organs of Self-Government is decided according to the wishes of the people.

**Southeast Asia**

Southeast Asia covers an area of about 100,000 Sq.Kms containing the following countries: Brunei, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam. **Philippines**, with 327 years of Spanish rule saw a highly centralized political administrative system. Since independence, decentralization has progressed significantly. Finally, the Local Government Code of 1997 strengthened local governments. At present there are 78 provinces, 67 cities, 1600 municipalities and 42,000 barangays (villages). There are also special units such as Metropolitan Manila Development Authority, Autonomous Region of Muslim Mindanao (ARMM) McCarny, P.L. (1996), P.216.

**South Asia**

Unlike Northeast Asia and Southeast Asia, South Asia is somewhat more homogenous in terms of local government system, particularly in the three large countries, India, Pakistan and Bangladesh, because of their historical, political and social traditions. All these three have long history of local government, evolving from the times of the Mughals, through the British and then through postcolonial independent governments.

**Bangladesh:** Bangladesh experienced more or less similar tradition in local government system like India and Pakistan, in the distant past, it had the same
system as Pakistan's (during 1947-51) and a system of its own since 1971. The latest developments in local government restructuring took place as recently as 1997. In the overall structure in local government in Bangladesh there is a four tier system, with Zila Parishad, Upzila Parishad Union Parishad and the Gram Sarkar.

**India:** In India today, local governments are basically of two types: rural and urban. Generally rural governments consist of three tiers, namely Village Panchayats, the Panchayat Samiti and the Zila Parishad.

**Nepal:** For centuries, the heads of petty principalities within Nepal exercised local judicial, police, and other powers. Under the panchayat reforms introduced in 1962, the country was divided into 14 zones, which in turn were divided into 75 districts. The districts are further divided into smaller units into municipalities and village development committees (VDC).

**Pakistan:** In Pakistan, the system has three levels of local government: district (zila), tehsil (taluka)/town and union. The record of local government has been many ups and downs. In 1977, the military government of the time established the current local government system.

**Sri Lanka:** Although Sri Lanka is a unitary state, it is nonetheless divided into nine provinces. Municipal councils, urban councils, and Pradeshiya Sabhas perform a similar function in urban and rural areas. Their term of office is four years.

### 4.5 Importance of Rural Local Self-Government in South Asia

Almost two-third of the world's population lives in Asia. Current estimates are closer to four hundred million people are scattered throughout rural areas or crowded into towns and cities on a land of almost forty five million km, roughly
seventeen per cent of the world’s surface. The different countries of South Asia followed different paths towards political and economic development.

Table 4.1
Proportion of Urban & Rural Population in South Asia

<table>
<thead>
<tr>
<th>Country</th>
<th>Area (sq.km.)</th>
<th>Population</th>
<th>Population Density (sq.km)</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number</td>
<td>%</td>
<td>Urban %</td>
</tr>
<tr>
<td>India</td>
<td>3,287,263</td>
<td>1095,351,995</td>
<td>100</td>
<td>27.7</td>
</tr>
<tr>
<td>Pakistan</td>
<td>796,095</td>
<td>165,803,560</td>
<td>100</td>
<td>32.5</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>148,393</td>
<td>147,365,352</td>
<td>100</td>
<td>28.7</td>
</tr>
</tbody>
</table>


Since, in South Asia majority of the population lives in the rural areas. In South Asian countries’ nature the rural democratic institutions have a special significance. They can experience the cherished ideals of democracy only if the political system is capable of materializing those ideals through the institutions of local self-government. Most of South Asian people live in villages or in small towns. These are often quite far from the seats of government. Therefore, in addition to the central and the state governments, there is also a level of government, which is much closer to ordinary people living in small towns and villages. This is rural local self-government.
Democratic decentralization is a “concept based on the recognition of the right of the people to initiate and execute the policy decision in an autonomous way” (Datta, 1998: 11). It envisages people’s participation as the foundation on which the whole edifice of local self-government rests. Only by participation, people can feel the real taste of democracy. Therefore, the concept of democratic decentralization is "liberal, democratic, political ideal, the concretized from of which is local self-government (Ibid).

In South Asia, the term local self-government is used instead of the term ‘local government’ as used in other countries because a local self-government unit seeks to give opportunities to the people for the expression of their views with regards to local affairs.

4.6 Genesis and development of rural local self-government in Bangladesh

The institution of Local Government (LG) in Bangladesh goes back a long way. The origin of the existing local government institution can be traced back to the demand for self-government in British India. Initially local government was developed by the British to maintain law and order in the rural areas with the help of local elite backed by local police (Ali, 2001). The local elites were to be nominated in the local government institutions from among those who were trusted by the colonial authority. The British rulers institutionalized this system to perpetuate their political, economic and administrative ends and colonial extortion (Ali, 2001). In 1870, they introduced 'Choukidary Panchayat as the local government institution. This system was later changed and renamed in different regimes from the British period to present Bangladesh as three-tier Union Committee (1885), two-tier Union Board (1919), four-tier Union Council (1959), and Union Parishad (1973) (Shafi,
et.al, 2001: 3). After 1973, Union Parishad became the lowest unit of local government in Bangladesh.

There are two distinct kinds of local government institution in Bangladesh, one for the rural areas and another for urban areas. The local government in the rural areas represents a hierarchical system comprising four tiers: Gram Sarkar, Union Parishad, Upzila Parishad and Zila Parishad while the urban local government consists of Pourashavas and Municipal Corporation (Alam, 1984: 48).

4.6.1 British period

Decentralization in Bangladesh began even before the country's liberation in 1971. The British colonial administration established local governments through the Local Self-Government Act of 1885 to maximize land revenue collection and maintain law and order. Local officials during this period came from the local elite. But the process of decentralization during British rule was obscure. The British were not interested in any degree of devolution. What appears from the real practice of local bodies is a picture of oppression and exploitation. There has not been any positive result for rural people apart from the fact that these experiments served the colonial interests of the empire. Although India was the first colony to become the experimental ground for such policies of decentralization, the British reluctance to implement any real degree of decentralization is also evident. One example of such reluctance is when the empire rejected the report of the Decentralization Commission in 1907 which recommended an elected Panchayat (Tinker, 1967: 87).

4.6.2 Pakistan period

Reforms regarding local governance were also introduced during the Pakistan period. A new system of local government, known as the system of Basic Democracies, was introduced in the late 1950s. According to Zarina Rahman Khan
of the University of Dhaka, ‘General Ayub Khan devised a decentralization policy for rural development under the banner of the Basic Democracies System, which offered a four-tier government reflecting a mix of de-concentration and devolution.’ Rahman and Khan (1997:8) also added that the system of Basic Democracies was designed as a blend of democratic and bureaucratic values. It was, in other words, between 'devolution' and 'de-concentration' having nothing in common with the 'principles' and 'characteristics' of a democratic decentralized system. Though explicitly propagated as a programme of decentralization, the system actually helped the military regime of General Ayub Khan in extending the stronghold of bureaucracy to the local level.

4.6.3 Bangladesh period

As a result of the long history of struggle for freedom and democracy, Bangladesh saw the importance of developing a sound democracy and increasing people's participation in the political process, decision-making, and development of the country after it emerged as an independent nation. Though slow in progress, reforms to strengthen local governance and expand democracy were made. Decentralization was viewed as a strategy that would allow democratic governance and encourage people's participation. It was also a response to the challenge of reducing poverty. ‘The Constitution...gives enough opportunity to the lawmakers to develop viable self-governing local government institutions. However, as far as the implementation of the objective is concerned, the achievement is far from satisfactory.’ (Mujeri and Singh)

The following are the various decentralization strategies and developments in the local government system after 1971.
4.6.3.1 The Mujib Period (1972 to 1975)

After the independence in 1971, the Awami League government, headed by Sheikh Mujibur Rahman, brought the following reforms in the local government.

1) The system of basic democracies was abolished and government bodies carried over from the days prior to independence were dissolved.
2) Public officials were authorized to form committees at different tiers of government to fill the void created by the termination of some government bodies. The committees created would, for the interim, perform local functions.
3) District governorship was introduced in 1973. This provided for a three-tier system with a directly elected Union Parishad (Council), a Thana development committee under the control of the sub-divisional officer, and Zila Parishad under the control of deputy commissioner.
4) Union councils were elected but were not able to function effectively due to the coup in 1975.

Mujib paid more attention to national than local issues. Although the Union Parishad (Council) was designed as a decentralized body of local government and the election in 1973 was to ensure grassroots democracy, the Awami League did not hold elections to the higher level councils, nor did it take any measures to devolve authority to any of them. There was a substantial lack of political and behavioral support among Awami League leaders for democratizing the system of governance. It was manifested when Sheikh Mujib abolished the parliamentary system altogether, introduced presidential rule under one-party rule known as BAKSAL, along with the 'governor system' introduced at the district level (Rahman and Khan, 1997:8).
4.6.3.2 Under General Ziaur Rahman (1975 to 1981)

In August 1975, Major General Ziaur Rahman seized all power as the Chief Martial Law Administrator. Nevertheless, Gen. Zia played a critical role in reviving the local government institutions in the country. The Local Government Ordinance 1976, promulgated by Zia, created Gram Sabha (village councils) in an attempt to decentralize government down to the village level. In 1980, two years after General Zia became the elected president, all the Gram Sabhas were transformed into Gram Sarkar (village government) in each of the 68000 villages of Bangladesh. The Gram Sarkar was a body consisting of Gram Pradhan (village executive) and 11 elected members representing different classes of the village. The Gram Sarkar was a mini-government which could undertake planning and promotional programmes (Chowdhury, 1987:20).

The reforms initiated by Gen. Zia were different from the earlier policies of decentralization. The bureaucracy was given a free hand to control the local councils once again. These bodies of local government remained as the de-concentrated form of decentralization. The only exceptions were the Union Parishads and Gram Sarkars. The Gram Sarkar had many characteristics common to those of Mawhood model of decentralization. Although for the first time in Bangladesh, the Gram Sarkar provided for an equality of representation to various functional interests, many argue that implicit objectives of the reform package of decentralization during Zia's period was to gain direct political support for the military regime in its process of civilianization (Hossain, 1989).

4.6.3.3 Lieutenant General Ershad (1982 to 1990)

After Gen. Zia was assassinated by a military coup d'etat in 1981, the Gram Sarkar was abolished by the new military regime of Ershad, which seized power in March 1982. In his first year of office, Ershad initiated the reform measurers to
decentralize the administration through the abolition of former subdivisions and upgraded the Thanas into Upazilas (sub-district). In hundreds of public meetings in the beginning of reform, Ershad and his associates of the Upazila model pronounced that improving access and promoting participation were the primary goals of their reform. In contravention of this pledge to the nation, the military regime exploited every possible opportunity to weaken the democratic forces in the country and strengthened the autocratic bureaucracy. The political history of Bangladesh was repeated in the 1980s as the Upazila was politicised in favour of the ruling military regime the way Pakistan's dictator Ayub Khan used the system of Basic Democracies in the 1960s, and the Gram Sarkar of the 1970s (Rahman and Khan, 1997:9).

4.6.3.4 Under Khaleda Zia's Five-Year Rule (1991 to 1996)

It took Prime Minister Khaleda Zia only a few months after she came to power to abolish the Upazila Parishad and reinstate the previous bureaucracy-dominated thana administration by promulgating the Local Government (Upazila Parishad and Upazila Administration Reorganization) (Repeal) Ordinance, 1991. In June 1992, a cabinet division resolution was passed to replace the Upazila Parishad with Thana administration (GOB, 1992). Khaleda Zia’s decision to depoliticise the Upazila system was also due to the fact that her party Bangladesh Nationalist Party (BNP) had only a handful of chairmen in the Upazila of the country. Since BNP had not taken part in the first Upazila election in 1985. In the second Upazila election in 1990, BNP was placed at the 5th position getting only 24 Upazila (out of 460) under its control (Mukta Barta, 31 March 1990). However, the abolition of the Upazila is seen as a victory of the bureaucrats whose plan during this crucial period was to exploit the changed political situation to their own benefit. Ironically, the democratically elected government of Khaleda Zia indulged in anti-democratic practices with regard to decentralization.
Begum Khaleda Zia, who failed to provide any new form of local government during her five-year rule, is criticised for the persistent crisis in governance. The local government institutions have become weak. The NGO's effective intervention rendered the local government institutions purposeless since they failed to perform. The rural people apparently getting more resources from the foreign funded NGOs seemed to have distanced themselves from local government (Rahman and Khan, 1997:9).

4.6.3.5 Sheikh Hasina's Period (1996 to 2001)

When the Bangladesh Awami League came to power in 1996, it constituted a Local Government Commission and came up with a Report on Local Government Institutions Strengthening in May 1997. The Commission had recommended a four-tier local government structure including Gram/Palli (Village) Parishad, Union Parishad, Thana/Upazila Parishad and Zila (District) Parishad. While local government bodies' exercised some degree of local autonomy, the central Government or a higher body in the administrative hierarchy of the state closely supervised them. Westergaard (2000) observes that, ‘like the previous local government systems, the local bodies are controlled by the central government in all aspects.’ Mujeri and Singh, in their study on the impact of decentralization in Bangladesh, describe the patron-client relationship existing between the national and local governments. According to them, ‘the territorial jurisdiction, functions and revenue/expenditure patterns of different tiers of the local government are determined by central legislation and their activities are guided and supervised largely by departments/agencies of the central government.’
4.6.3.6 The Present Government (since 2001)

The present government, after assuming power in 2001, initiated a change in the local government structure. Gram Sarkar in place of Gram Parishad has been introduced. There has been recent legislation creating Gram Sarkars. These bodies will be created at the Ward levels. Each Gram Sarkar will represent one or two villages comprising about 3,000 people at an average. The UP member elected from the Ward will be the Chairman of the GS, which will have other members -- both males and female elected in a general meeting of the voters of the Ward under the supervision of a 'prescribed/directing authority'. There are defined functions of the Gram Sarkar (GS) and other functions may be assigned to it as may be specified by the government from time to time. Gram Sarkars will have the right to constitute issue-based standing committees as and when required, and determine the membership of such committees. The way the Gram Sarkar Act has been passed and its members selected in each ward, has been criticised by every section of society. It is obvious that this has been done for strengthening the power base of ruling Bangladesh Nationalist Party in the rural areas.

4.7 Genesis and Development of Rural Local Self-Government in India

There is sufficient evidence to establish the fact that the institution of local self-government is almost pre-historic, and the conception of local self-government is indigenous to the Indian soil. Municipal governments have flourished in India since times immemorial. While empires rose and fell, village Panchayats which formed an integral part of the national life, helped to preserve democratic traditions in social, cultural, economic and political life, survived the onslaughts of centuries of political upheavals and saved Indian society from disintegration. The existence of local bodies in ancient India is a positive proof of the inherent genius of our people to manage local affairs efficiently and on a decentralized basis.
The concept of local self-government has been known in India since ancient times. As far back as the Vedic period, although the king was at the head of all administration, the village assembly known as Samiti, Sabha, Vidatha and the Gana, the village headman, represented the kings’ authority in civil and military administration and collected dues on behalf of the king. These assemblies acted as effective checks on the power of the king and also as the mouthpiece of the peoples will. There is also mention of terms like Gramyavadin or village judge, Dasagrami, Vimasapati, Satgrami, etc. They represented officials at the head of ten, twenty or a hundred villages respectively (Ram Sharan Sharma, NCERT:73). In course of time these village bodies took the form of ‘Panchayats,’ which means an assembly of five persons. The panchayats looked after the affairs of the village. It is believed that these bodies were the pivot of administration and center of social life.

In Sultanate period also, there was Panchayat System, in the Village level which looked after education, sanitation etc., and acted as a judicial body’ to settle disputes. The people of the village constituted a small commonwealth and looked after their affairs and arranged defense, elementary education and sanitation (Ghosh, 2000: 208).

The Mughal Rulers inherited the excellent system of Panchayat from Sher Shah. The village Council (Panchayat) performed every type of function from the judiciary and the police to the maintenance of local roads, irrigation works, temples, mosques and educational institutions.

In Akbar’s period, each village, which has substantial population, had its own Panchayat of the elders headed by a Lambardar headman. He had given legal recognition to the Panchayati Raj. Each Panchayat was autonomous in its own
sphere and exercised powers of local taxation, administrative control, justice and punishment.

Between the breakdown of the Mughal Empire and the coming of the British, there was complete anarchy and military despotism in most parts of the country. During this period “the ties of social framework were loosened, and in many places, local institutions had been perverted or sapped, before the British officials had an opportunity to assess their value.” (Tinker, 1968:15)

4.7.1 The British Period

The history of local self-government in India under the British rule can be conveniently divided into four phases. The first phase may be assumed to have ended in 1882, when Lord Ripon issued his well-known resolution on local self-government. The second phase covers developments from 1882 to 1919, when more powers were transferred from the Centre to the provinces, and the recommendations of the Decentralization Commission of 1907, besides discussing other matters, suggested some changes in local self-government. The third phase extended up to 1935, during which the Indian Taxation Enquiry Committee (1925) considered the problems of local taxation, along with central and provincial finances. The Simon Commission of 1930 reversed the process of decentralization, by recommending strict control of the state over local bodies. The fourth phase covers developments up to 1947.

During these phases, the struggle for independence was intensified and with the introduction of provincial autonomy in 1937, and coming into power of congress ministries in many provinces, local bodies, particularly village panchayats, received a great stimulus and there was democratization of local bodies. But “local self-government became a mere annexed to the national political stadium, where
the struggle for independence was moving towards its climax." (Tinker, 1968:161).

The process to develop the Local Self-Government really began under the Lord Mayo in 1870. New Municipal Acts were passed for Madras, Bombay, Bengal and North Western Provinces. These Acts widened the sphere of municipal usefulness and extended the elective principle (B. L. and S. Grover, 2004: 206). However, the election procedure was not brought into practical operation in many places. It was Lord Ripon’s government, which through a famous Resolution in May 1881-82 promised elected majorities and chairman in local bodies (Sumit 2002: 19). Acts were passed in 1883-84, which greatly altered the constitution, powers and functions of municipal bodies. Even a private citizen was eligible for contesting the office of the chairman of a municipality, a position that had hitherto been filled by the executive officer. His Resolution stood for decentralization of administration through the establishment of a large network of local self-government bodies for the purpose of:

- Training the Indians in the art of governance.
- For enabling them to learn from experience; and
- For opening up avenues for political participation of the educated people.

The Decentralization Commission Report, 1908, recommended of District Boards, Sub-District Boards and Village Panchayats. The Montague-Chelmsford Report, 1918, recommended “there should be as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control”.

With the coming into force of the Government of India Act, 1919, local self-government became a transferred subject under popular ministerial control. The Government of India Act, 1935, which introduced provincial autonomy, gave a
further impetus to development of the local self-government (B. L. and S. Grover, 2004: 206). This Act included the subject of local self-government in the Provincial Legislative list. In the 1937, with the assumption of popular ministries, the Provincial Governments appointed Committees to recommend the lines on which local self-Government should be recognized. However, the outbreak of the 2nd World War in September 1939, and the subsequent resignations of the provincial ministries led the local bodies once again into void.

4.7.2 The Post-Independence Period

Independence opened a new chapter in socio-economic reforms, as embodied in the Directive Principles of State Policy, enunciated in the Constitution which established a federal system of public administration, provided universal adult franchise and the objective of welfare state. Article 40 of the Constitution lies down that the state would take steps to establish autonomous bodies in the form of village Panchayats.

The dawn of independence provide the real opportunity for materializing the dream of democratic decentralization in the country. As far as India is concerned, 80% of its population lives in villages which means India is a country of villages. So village level institutions are the part and parcel of Indian Democracy. Thus in India democratic decentralization can be achieved and actualized through Panchayati Raj Institutions.

4.7.3 Community Development Programme

During the constitution making process and thereafter since the inception of planning in India, certain hard choices had to be made between the needs of national security, national unity and economic growth, on the one hand, and the consideration of achieving a measure of distributive justice, on the other, so that the
benefits of development accrue to the people at the grass-root level, and also people may participate in the process of planning and development at different territorial levels. In the initial years, the choice was made in favor of rapid growth and planning and, therefore, decision-making remained centralized and vertical around the two political levels, viz. the Union and the state. With the inauguration of the constitution, Indian democracy wanted to bring a new social order on the basis of a planned economy in which the panchayati Raj Institutions had a major role to play. While making his concluding speech in the constituent Assembly on November 26 1949, Dr. B.R. Ambedkar said, “it is quite possible in a country like India where democracy from its long discuss must our regarded as we must make our political democracy a social democracy as political democracy cannot last unless there lies at the base of it, social democracy” (Rajput: 1984: 24).

Several measures were taken by the central as well as the state government to reckon with the objectives of Article 40 of the Constitution. A notable step was taken by the central government on October 2 1952, known as community development programme. It was to bring about administrative and technical coordination among the different agencies of the government at the block level, that the block headquarters were ultimately turned into a repository of multi-polar knowledge integrated at that level (Dey. 1986: 35).

It was a programme, which covered all aspects of the economic and social life of villages. The objective was to mobilize all institutions and voluntary organizations for rural development. Although there was no devolution of powers in community Development Programme, it was considered as the first step towards decentralization. This Programme is intended to take steps to ensure people’s participation by organizing non-statutory committees at village and block levels (Singh,1985: 21).
The C.D.P. was intended to deal with the economic, social and political aspects of the rural people but it failed to yield the desired results. At the end of the first Five Year Plan in 1957, a committee under Balwantrai Mehta was constituted to evaluate the planned projects under the C.D.P. (Rajput: 27).

4.7.4 The Balwantrai Mehta Committee

The Balwantrai Mehta Committee was a Committee appointed by the Government of India in January 1957 to examine the working of the Community Development Programme (1952) and the National Extension Service (1953) and to suggest measures for their better working. 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 specific recommendations of the committee are:

1. Establishment of a three-tier Panchayati Raj system-Gram Panchayat at the village level, Panchayat Samiti at the block level, and Zila Parishad at the district level. These tiers should be organically linked through a device of indirect elections.

2. The village Panchayat should be constituted with directly elected representatives, whereas the Panchayat Samiti and Zila Parishad should be constituted with indirectly elected members.

3. All planning and developmental activities should be entrusted to these bodies.

4. The Panchayat Samiti should be the executive body while the Zila Parishad should be the advisory, coordinating and supervisory body.

5. The District Collector should be the Chairman of the Zila Parishad.

6. There should be a genuine transfer of power and responsibility to these
democratic bodies.

7. Sufficient resources should be transferred to these bodies to enable them to discharge their functions and fulfil their responsibilities.

8. A system should be evolved to effect further devolution of authority in future.

These recommendations were accepted by the National Development Council in January 1958.

4.7.5 Asoka Mehta Committee

In 1977, the Janta Government of Morarji Desai, decided to set up a committee under Asoka Mehta to review the existing situation regarding democratic decentralization in the States and Union Territories, the working of P.R.Is and to make suitable recommendations for reorganizing the Panchayati Raj System and to remove the shortcomings and defects with to fulfill their future role (Bhargava, 1979: 16). This committee comprised of 14 members including the chairman. The late E.M.S Namoothripad was a member of their committee.

The committee made a thorough study of the matter and submitted its report in 1978 with the following recommendations for improved functioning of P.R.Is. the principal, contention in the Ashok Mehta Report was the necessity for functional decentralized in administration. “Where millions of people are involved and where the lot of the poor is sought to be improved through a very large number of micro projects, decentralized administration is an unavoidable necessity (Avasti and Maheshwari, 1991: 168).

The most significant recommendation of the committee was the creation of a two-tier system with Mandal Panchayat at the base and Zila Parishad at the top (Ghosh, 1999: 77). It recommended that the Mandal Panchayat should consist of 15
members directly elected by the people. It should also contain representation of farmers, services, women etc.

In short, Asoka Mehta Committee Report has made an attempt to revitalize the Panchayati Raj System established according to the recommendations of the Balwantrai Mehta Report. These two Mehtas made landmarks in the history of local self-government in the country, through each has its distinctive conceptual framework of analysis and examination (Biju, 1998:30).

4.7.6 The Phase of Renovation and Revival since 1985

Since the middle of Eighties there has been growing interest within the union government and several state governments in reviving the role of PRIs. The change in the Prime Minister ship also influenced the process of revitalization of Panchayati Raj system throughout the country. When Rajiv Gandhi came to power, he made sincere and whole-hearted affords to implement the Panchayati Raj in letter and spirit (Ibid: 32).

The Seventh Five Year Plan called upon the state governments to activate P.R.Is, particularly at the village and block levels, with a view to ensuring their active involvement in the planning and implementation of special programmes for rural development, particularly those concerned with poverty alleviation and provision of minimum needs (Mohanlal, 1994:9).

In 1985, the Central government appointed a 12 member Committee under the chairmanship of G.V.K. Rao to review the administrative arrangements for rural development and poverty alleviation (Ibid: 13). The committee, among other thins, favored a three-tier structure for P.R.Is. It wanted the P.R.Is to be activated and given all support needed so that they could become effective organizations for
handling people’s problems. Elections to these bodies should be held regularly (Biju: 32). It also recommended the appointment of a District Development Commissioner as the chief executive of the Zila Parishad. Before taking any follow-up action on the report of the Rao Committee, the government set up another committee under the chairmanship of a distinguished jurist L.M. Singhvi in 1986. The Singhvi Committee made a clear recommendation favoring constitutional sanction for P.R.Is (Mohanlal: 1994: 13).

The Singhvi Committee advocated that Panchayati Raj should primarily be viewed as the local self-government system. It should be strengthened so as to serve the people better as one of the foundation stones of the country’s democratic political system (Khana, 1994:28). It wanted the local self-government should be constitutionally reorganized, protected and preserved by the inclusion of a new chapter in the constitution. Its secondary role of much importance was to continue to be administrative agency for promotion and management of rural development (Ibid).

At the same time, several other conferences, seminars and workshops of senior administrators and public men were convened by the government in order to provide an opportunity for them to express their views about reinforcing Panchayati Raj for undertaking increased responsibility for management of local development and local affairs (Ibid).

In 1989, the Central government convened a national conference on Panchayati Raj and Women. In that conference the Prime Minister Rajiv Gandhi emphasis the importance of women’s role in strengthening P.R.Is at the grassroots level. He gave an assurance that 30 per cent reservation in all P.R.Is and other elected bodies
would be given to women and for that the government wanted to amend the Constitution. The Singhvi Committee recommendations to provide constitutional sanctity to P.R.Is enthused the Indian states during Rajiv Gandhi’s prime ministership (Datta, 1998 :21). Thus the most debated as well as controversial constitutional amendment relating to Panchayati Raj known as the Constitution (Sixty Fourth Amendment) Bill 1989, was introduced in the Lok Sabha on May 15, 1989 (Mohanlal,1994: 14).

The amendment bill proposed to insert Article 243 in the Constitution of India. This was to be the sole provision in a newly added part viz. part IX. The bill proposed to make it obligatory for all states to establish a three-tier system of Panchayati Raj -Panchayat at village, Panchayat Samiti at block level and Zila Parishad at district level.

By spearheading the introduction of the bill in the parliament Rajiv Gandhi said that, “It (the bill) is a revolution that will bring development to lakhs of our villagers. It is a revolution that will open doors of opportunity to million of scheduled castes and scheduled tribes and half the population of our county, the women of India (Kurukshetra, 1995: 20).

4.7.8 The Present Stage
The present stage in the evolution of the democratic decentralization has come with the passing of the 73rd and 74th Constitutional Amendment Acts, 1992. It is said to be a landmark in the history of local self-government institutions in India. The Acts wanted the “Panchayati Raj bodies to be genuine and effective democratic and decentralized institutions, which provide ample opportunities for a large number of rural people to participate actively in the process of development and democratic decision-making and to infuse in the minds of the rural people a spirit of self-help,
self-dependence and self-reliance and to obtain the experience in the art of self-government” (Ghosh, 1999: 33-34).

In this sense, it has provided a new dimension to the concept of Panchayati Raj. Now the concept of Panchayati Raj has come to be accepted as an extension of democracy down to the remotest villages. The 73rd and 74th Amendment Acts to the P.R.Is throughout the country. The Acts provide for two types of provisions, i.e., mandatory as well as discretionary (Singh, 1997: 25).

The mandatory provisions aim at the establishment of local self-government institutions with a uniform structure for the whole country and the status have no option other than to comply with it. Provisions like reservation of seats, Gramsabha, Finance Commission are to be adopted throughout the country. The local government being a state subject, the discretionary provisions were left to the states to be enacted according to their needs and local situations (Ibid:25).

It is argued that, “the political process in a pluralistic and highly diffused society of India’s size can be carried on effectively and predictably only by operating through a decentralized structure of governance. And it is only on the basis of such a political process that effectiveness and predictability in the pursuit of large socio-economic goals are possible” (Kothari, 1998:188).

The Constitutional Amendment Act, 1992, marks a watershed in the history of local self-government in the country since it gives a constitutional mandate to the state governments to restructure and revamp rural local bodies in accordance with constitutional obligations. The Act provides for:

(i) The creation of three-tier system of PRIs - gram panchayat at the village level, Janapad Panchayat at the block level and Zila Panchayat at the
district level, with sufficient powers and functions contained in schedule XI of the Act;

(ii) The creation of State Election Commission to ensure free, fair and timely elections after the expiry of every 5 years, and

(iii) The creation of State Finance Commission after every 5 years to recommend devolution of financial resources from the state government to local bodies and it also suggest measures for strengthening their financial position.

(iv) The reservation of one-third of seats and offices of chairperson for women in P.R.Is is a path-breaking step in the administrative history of India.

4.8 Genesis and Development of Rural Democratic Institution in Pakistan

The Local governments have existed in the Indian subcontinent for many centuries, with the first municipal corporation set-up in Madras in 1688 by the East India Company, through the Conservancy Act 1842, followed by the Municipal Act 1867, Lord Ripon's Resolution on local self-government 1882, Decentralization Commission 1907, Simon Commission 1925 and finally by the Government of India Act 1935 (Arora and Rajni, 1995). In 1947, the areas, which constituted Pakistan had few developed systems of local government and were confined mainly to Punjab (Rizvi, 1976). Wherever local government existed; it was not based on adult franchise and was under severe bureaucratic control (Quddus, 1981).

In the early years after independence, the national government could not give required attention to the development of local system (Quddus, 1981). In fact the local government existed only in theory and not in the form of functioning institutions with a representative character. Moreover, the financial condition of local government was very weak, as it had always lacked a sound financial base
Consequently, it failed in performing even its minimum functions. The situation continued until the introduction of Basic democracies system 1959 by the then government. The chronology of local government systems is given below with a brief account of each system.

4.8.1 Local Government: 1959-69

The first serious attempt to provide institutional framework at local level was made in 1959 by the then president Ayub khan in the form of Basic Democracies (BD)” (Abid, 2004). The BD comprised a hierarchical system of four linked tiers (Quddus, 1981). The lowest tier, the Union Council, consisted of Basic Democrats elected through adult franchise, while the other tiers had some members elected indirectly and some nominated by the Government and had officials as Chairmen (Cheema et al., 2004).

The Basic Democracies system did make some achievements in terms of physical target, but it could not emerge as a vehicle of change (Quddus, 1981). The main reasons were inherent and built-in contradictions in the system itself (Rehman, 1987), such as severe bureaucratic control through “controlling authority” (Siddique, 2000). The concept of ‘controlled democracy’ was the most controversial (Rizvi, 1976). “According to (Khan, 1967) Ayub wanted to limit people’s participation to choosing a political elite or ‘opinion leaders’ from amongst themselves. In Ayub’s own words, it was a system to “suit the genius of the people” (Cheema et al., 2004).

“This partly bureaucratic and partly political system was used for distributing resources and patronage in order “to secure a mandate for Ayub” (Gauhar, 1996) and build a constituency for the military regime (Burki, 1980). It was based on a rigid hierarchical structure that could not meaningfully involve the rural masses in
planning and implementation of the projects. Moreover, the corruption issues and allocation of funds in shape of political bribery weakened the confidence of the rural masses and the system gradually lost the support of the society and had to fall” (Cheema et al., 2004)

4.8.2 Local Government: 1972-77
The B.D system continued till 1971 and was abolished by the Pakistan People Party regime in 1972 (Abid, 2004). Under Bhutto, new system was re-organized through local government ordinance 1972 (Paracha, 2003). The local bodies enacted under Bhutto could not become operative because no elections were held (Quddus, 1981). Consequently, official administrators governed local institutions from 1971 to 1979 (Rehman, 1987). Since the political system at the gross roots level was inadequate to articulate and resolve local problems, the bureaucracy continued to have a free hand with no accountability of the Deputy Commissioner.

4.8.3 Local Government: 1979-84
After Bhutto, General Zia-ul-Haq revived local governments through the promulgation of Local government ordinances 1979 and 1980. The new ordinances introduced a two-tier system of rural and three types of urban local government structures in the four provinces of the country (Quddus, 1981). The councilors elected from among themselves a Chairman & a Vice Chairman. The Chairman acted as an executive head of the local council (Abid, 2004).

This system achieved a fair degree of success. During this period several political and administrative decisions were made which were considered unwanted interference in the domain of local government system.
4.8.4 Local Government 1985-98

"The revival of elected national and provincial governments in 1985 transplants the culture of local body politics to the national and provincial levels (Wilder, 1999), in results, the MNAs & MPAs took over the functions, performed by local representatives (Zaidi, 1999). Various Prime/chief Minister's special financial packages reinforced this trend and in turn, federal parliamentarians managed local level development allocations. Consequently, the tension between provincial and local tiers resulted in the suspension of local bodies between 1993 and 1998" (Cheema et al., 2004).

4.8.5 Local Government: 2001

In October 1999, the politically elected government was overthrown as the military took over power in Pakistan. The Military Government established National Reconstruction Bureau (NRB) to restructure the political and service structures through devolution, including empowerment of citizens, decentralization of administrative authority, decentralization of professional functions, distribution of financial resources to the provincial and local governments and authority through the diffusion of power-authority nexus (Rafikhan, 2004). Each Provincial Government in August 2001 promulgated the Local Government Ordinances (World Bank report, 2004).

4.9 Present Status of Local Government in & India, Pakistan and Bangladesh

4.9.1 India: Features of the Rural Local Self-Government

The 73rd Constitutional Amendment Act was passed in 1992 but became effective from 20th April 1993 after being published in the Gazette of India. This was included in Articles 243 A to 243 O– as Part IX of the Constitution of India. The
rights and duties of the Panchayats have been included in schedule XI of the Constitution.

The 73rd Constitutional Amendment Act envisages *Gram sabha* as the foundation of the PRI system to perform the functions of and powers entrusted to it by the state legislatures. The amendment provides for a three-tier PRI system at the village, intermediate and district levels. Small states with population below 20 lakh have been given the option to not to constitute the intermediate level. The Act provides that the Panchayat bodies will have an assured duration of 5 years with mandatory elections after this period. However it might be noted that under the Act the establishment of Panchayat and the devolution of necessary powers and authority on the PRIs are vested in state governments. In view of this it may be said that the success of the PRIs as a unit of democracy and thereby ushering an all round development of rural areas will much depend on the intention and support of the state governments. The following are the basic elements of the PRI system introduced through 73rd Amendment Act.

**Gram Sabha**

Article 243A, it provides that a *Gram Sabha* may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide. *Gram Sabha* means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level. In the Gram Sabha meeting, the rural poor, the women and the marginalized people would now get an opportunity to join in decision making on matters affecting their lives. Active functioning of the Gram Sabha would ensure a participatory democracy with transparency, accountability and achievement.

Gram Sabha should meet at least in each quarter preferably on Republic Day, Labour Day, Independence Day and Gandhi Jayanti.

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- Decide developmental work to be undertaken by Panchayats based on needs assessment.
- Suggest remedial measures for economy and efficiency in the functioning of the Panchayats.
- Question and scrutinize the decisions of Panchayats in the meeting of Gram Sabha.
- Discuss the Annual Financial Statement of Gram Panchayats.

**Constitution of Panchayats**

Article 243 B, this article visualizes a three-tier PRI system. It provides that in every state there shall be constituted Panchayats at the village intermediate and district levels. Small states with population below 20 lakh have been given the option to not to constitute the intermediate level.

**Composition of Panchayats**

Article 243 C, further provides that subject to the provisions of these part legislatures of state government may by law make provisions with respect to the composition of the Panchayats. However the ratio between the population of territorial area of a Panchayat at any level and the number of seats in such Panchayats to be filled by election, shall, so far as practical be same throughout the state.

All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area. For this purpose each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the numbers of seats allotted to it should be the same throughout the Panchayat area.8

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8 [http://indiacode.nic.in/coiweb/amend/amend73.html](http://indiacode.nic.in/coiweb/amend/amend73.html) (accessed on 26 July 2007).
The legislatures of the states may by law provide for representation of following persons in Panchayats:

- The Chairperson of the Panchayat at the village level, in the Panchayats at the intermediate level or the case of a state not having intermediate Panchayats, in the Panchayats at district level.
- The Chairpersons of the Panchayat at the intermediate level in the district Panchayat.
- The members of the Loksabha and the MLAs representing the territorial part of the Panchayat.
- The members of Rajyasabha and Legislative Council of the state where they are registered as electors.\(^9\)

The Chairperson of a Panchayat and other members of Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayat. The Chairperson of a Panchayat at the village level shall be elected in such a manner as the legislature of a state may by law provide.

The Chairperson of a Panchayat at the intermediate level or district level shall be elected by the elected members there of.

**Reservation of Seats**

Article 243 D, It provides that in every Panchayats seats will be reserved for the SC/ST population in accordance with their population in the village or Panchayat concerned. More over 1/3 of the seats in each level shall be reserved for women. The office of the Chairperson in the Panchayats at the three levels shall be reserved for SC, ST and women in such a manner as the legislatures of each state, may, by

\(^9\) [http://indiacode.nic.in/coiweb/amend/amend73.html](http://indiacode.nic.in/coiweb/amend/amend73.html) (accessed on 26 July 2007).
law provide. But the number of offices of Chairpersons reserved for the SCs and STs shall be in the same proportion to the total number of such offices in the Panchayats at each level in proportion to the total population of SC and ST in the state. However, not less than 1/3 of the total number of the offices of Chairperson in the Panchayat at each level shall be reserved for women. The number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

**Powers and Authorities and Responsibilities of Panchayat**

According to Article 243 G, Panchayats shall be given powers and authority to function as institutions of self-government. The following powers and responsibilities are to be delegated to Panchayats at the appropriate level:

- The preparation of plan for economic development and social justice.
- The implementation of schemes for economic development and social justice in relation to 29 subjects given in Eleventh Schedule of the Constitution.

**Eleventh Schedule**(Article 243G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.

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10 Added by the Constitution (Seventy-third Amendment) Act, 1992, sec.4 (w.e.f. 24-4-1993)
7. Minor forest produce.
8. Small scale industries, including food-processing industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways, and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centers and dispensaries.
24. Family welfare
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled castes and the scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.
4.9 Pakistan: Features of the Rural local Self-Government

A new local government system was installed in 2001 for establishing genuine and sustainable democracy for durable governance and irreversible transfer of power to the people. The system has three levels of local government: district (zila), tehsil (taluka)/town and union. The present day local government system in Pakistan stems from the reforms introduced in 1999 when the Government of President Pervez Musharaf proposed a seven point agenda to address the issues of national reconstruction:

- Rebuilding national confidence and morale;
- Strengthening the federation whilst removing inter-provincial disharmony;
- Reviving investor confidence;
- Ensuring law and order;
- Depoliticizing state institutions;
- Ensuring across the board accountability; and
- Devolving power to the grass roots level.

National Reconstruction Bureau (NRB) was set up on 18 November 1999, to work on reconstruction of institutions of the State.

Local Government Ordinances 2001

The Chief Executive of Pakistan announced the blueprint of local government system on 23rd March 2000, and final plan was announced on 14th August 2000. The Provincial Governments promulgated the Local Government Ordinances on 14th August 2001 as provincial legislation. With the installation of local governments in the districts, the power stands devolved to the locally elected representatives and decentralization of administrative and financial authority to local governments. The system has been designed to ensure that the genuine interests of the people are served and their rights safeguarded. The strategy for devolution of power was based on three Basic Principles, viz., People-Centered
Development, Rights and Responsibility-Based, and Service Oriented Government, thus creating an enabling environment in which people can start participating in community development and be the masters of their own destiny.

**Constitutional provisions**

**Articles 32 and 140-A** of Constitution of Islamic Republic of Pakistan, 1973, provide as under:

**Articles 32. Promotion of local Government institutions.** - The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women.

**140-A. Local Government.** - Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local government.

In order to strengthen the local government system, the Provincial Local Government Ordinances, 2001 have been included in the Sixth Schedule of the Constitution for a period of six years and these ordinances can only be amended with the previous sanction of the President after consultation with the Prime Minister in accordance with the provisions of Article 268 (2) of the Constitution.

**Functions and Powers**

Local governments have a very large number of functions, which they are expected to perform. It is unlikely that extending their statutory duties would have a particularly significant and positive effect on their performance. Thus legal provisions are not a real handicap. It is likely that financial and technical and
possibly bureaucratic constraints may be the cause for the poor performance of most municipal governments. Like their urban counterpart, a very long list of functions for the two-tiered rural local government exists as well. Union Councilors are expected to perform civil, welfare and development functions. The civil functions include the provision and maintenance of public ways, sanitation, conservancy, and the slaughter of animals, maintenance of wells, water pumps and tanks. If calamities strike, the Union Councils are expected to undertake relief measures and other measures to promote welfare and health. The development functions of the council include measures to increase food production, industry and promote community development.

District Councils have optional and compulsory functions. Compulsory functions include the provision and maintenance of roads, bridges, public buildings, water supply, maintenance and management of hospitals, maintenance and construction of school buildings etc. Many of the optional functions of District Councils are similar to those of town committees. Despite the large number of legislative functions of local councils and their often-extensive organization and management structures, very few functions are actually carried out by local councils.

In urban areas, essentially three basic (compulsory) services are carried out - garbage disposal, maintenance of roads and street lighting. In larger cities, local government looks after preventive health care, which is beyond the scope of smaller urban councils. Most urban local councils are involved in the maintenance of water and sanitation services. Essentially, urban local councils have restricted their role to some of the compulsory functions, which they are expected to perform. In smaller cities, even these compulsory functions have been unfulfilled by the local council because they either do not have the funds or know how to undertake the compulsory functions. In rural areas, the actual role of Union Councils and District Councils is
even more limited than the role played by smaller urban councils. Some District Councils are involved in the development and maintenance of link roads and drainage. Union Councils have virtually no role in development or maintenance of services. The larger District Councils have a partial involvement in the provision of preventive and curative health care and in animal husbandry.

The functions and powers of Zila, Tehsil/Town and Union Councils are provided in the law. The councils approve byelaws and local taxes proposed by the respective administrations. They also approve long term and short-term development plans, annual and supplementary budgetary proposals. All councils elect committees from amongst their members for monitoring the performance of their respective administration. Monitoring Committees are required to perform their functions in a non-intrusive manner without interfering in the day to day working of the relevant offices. The councils review the Monitoring Committees quarterly reports. In addition to Monitoring Committees, Councils elect other committees like Insaf (Justice), Accounts, Sports and Ethics. The Zila councils also elect members of the Zila Council to represent in District Public Safety Commissions (UNESC for Asia and Pacific, 2000).

4.10 Bangladesh: Features of the Rural Local Self-Government

The rural/regional local government as proposed by the latest commission on local government would have four tiers:

- Gram (Village) Sarkar
- Union Parishads
- Thana/Upzila Parishads
- Zila (District) Parishads

In two articles of the Constitution of Bangladesh an administrative vision of local government is provided: '
Article 59

(1) Local Government in every administrative unit of the republic shall be entrusted to bodies, composed of persons elected in accordance with law.

(2) Everybody such as is referred to in clause (1) shall subject to the constitution and any other law, perform within the appropriate administrative unit such functions as shall be prescribed by Act of Parliament, which may include functions relating to: (a) administration and work of public officers, (b) the maintenance of public order and (c) the preparation and implementation of plans relating to public services and economic development.

Article 60

For the purpose of giving full effect to the provisions of article 59 Parliament shall by law, confer powers on the local government bodies referred to in that article, including power to impose taxes for local purposes, to prepare their budgets and to maintain funds.

Rural local government functions

Rural local government bodies are entrusted with a large number of functions and responsibilities relating to civic and community welfare as well as local development. The functions of the Gram Sarkar, Union Parishad, Thana/Upzila Parishads and Zila (district) Parishads are elaborate and include amongst other optional functions. The present government in its recent Local Government Institutional Strengthening Report, written by the Local Government Commission in May 1997, has laid down the responsibilities of the various rural and rural/regional local bodies. The Gram Parishad and Union Parishad Bills have been approved on 4 September 1997.
The *Gram Sarkar* functions are as follows:

- Conducting socio-economic surveys of households, every five years to be used for development plan preparation;
- Maintain vital statistics like registration of births-deaths, marriage etc.;
- Make plans for natural resource management and development;
- Supervise management of primary educational institutes; motivate parents to send their children to school and create better awareness for adult and female literacy;
- Create awareness for better primary health care;
- Maintain law and order and control terrorism, violence against women etc.;
- Ensure participation in local and central government development planning;
- Encourage co-operatives and NGOs;
- Initiate participatory development of local roads, bridges, culverts etc.;
- Support various development activities related to agriculture;
- Encourage and initiate tree plantation programmes;
- Assist various organizations in their development efforts.

Union *Parishads* have also been assigned functions quite similar to *Gram Sarkar* functions. In addition, Union *Parishads* have been assigned with the adoption and implementation of poverty alleviation programmes directly by themselves and through NGOs and co-operatives. The *Thana/Upzila Parishads* are entrusted with functions similar to *Gram Parishads* and Union *Parishads*. In addition, they have the responsibility of making integrated 5-year development plans for the *Thana/Upzila* on the basis of plans submitted by the Union *Parishads*. *Zila* (District) *Parishads* are responsible for monitoring activities of the *Thana/Upzila Parishads*, implementing district level economic, social and cultural development programmes and preparing project proposals for road, bridges and culverts (http://www.Bangladesh.com/Bangladesh - Local Administration.htm (accessed on 26 July 2007)).
4.11 Local Self-Government in South Asia: A Comparative Analysis

The different countries of South Asia followed different path towards political and economic development. India went the democratic route, while Pakistan went the military route with an export-oriented economic policy. And Bangladesh played with military rule but settled on democratic political system. Here a comparative perspective is provided regarding status, structure, composition and functions of rural local government in these countries.

Status

Local government has not only statutory status but also Constitutional status in these countries. In Bangladesh, has introduced constitution mentions as a principle of state polity that local government has to be set up in every administration unit. It is to comprise local bodies elected and vested with functions as prescribed by an Act of Parliament. The functions are to include preparation and implementation of plans relating to public services, economic development as well as maintenance of public order.

In Pakistan, a new local government system was installed in 2001 for establishing genuine and sustainable democracy for durable governance and irreversible transfer of power to the people. The system has three levels of local government: district (zila), tehsil (taluka)/town and union.

In India, the constitutional provisions are very explicit and also mandatory for rural local government and urban local government separately. India also authorizes state legislature to vest powers in rural local government so as to enable it to function as self-government institutions.
Structure Levels

In Bangladesh, there are four tiers of rural local government bodies namely, Zila Parishad, Upzila Parishad, Union Parishad and Gram Sarkar.

In Pakistan, there is three tiers of local government bodies namely, Zila Councils, Tehsil/Town Councils and Union Councils.

In India, number of tiers or levels of local government vary across the states. As mandated constitutionally states with population exceeding two millions each have three tier rural local governments: village level, district level and intermediate level. States with population not exceeding two million each have the constitutional option about intermediate level local body.

Tribal Areas

The structure of rural local government has been adapted to suit the tribal areas in Bangladesh, Pakistan and India. The emphasis has been placed on suitable representation of various tribes and on functional empowerment of rural local body at village level (B.S. Khanna, 1999:243). Specific laws have been enacted to provide legal framework for these local bodies in India and Bangladesh. In Pakistan, Specific regulations have been prescribed for this purpose.

Election Commission

For arranging conduct of elections of local government the responsibility has been entrusted to an election commission or authority in each country. In Bangladesh the national election commission undertakes also this responsibility. In Pakistan a local election authority presided over by a judge of High Court has been set up in every province for conduct of local election (B.S. Khanna 1999:245). In India, the
local election commission as stipulated by the constitution has been set up in every state.

**Election Members and Chairpersons**
Members of village local bodies are directly elected on the basis of adult franchise in the various countries. The chairperson of this body is also directly elected in **Bangladesh**. The chairperson is indirectly elected in **Pakistan** and in **India** by members of the village level body from among themselves.

**Special Reservation Quotas**
In recent years there has been growing awareness within the government and among people that both ensuring social justice and improving efficiency and relevance of developmental activities for women and socially weak sections.

**India**, has taken a significant step towards it. The minimum representation constitutionally guaranteed for women is thirty-three per cent of directly elected membership and also of chairperson offices at all levels of rural bodies. 33 per cent of seats in all local bodies are reserved for women according to the 73rd Constitutional Amendment. This includes the provision that 33 per cent of the seats reserved for the scheduled classes etc shall be women.

In **Bangladesh**, there has also been improvement in representation of women in rural local bodies. Nearly one-third of memberships in district local body and about one-fourth of membership in village local body are reserved for women. In the Fundamental Principles of State Policy of the Constitution of Bangladesh, Article 9 stipulates the representation of women in local government institutions. The first election to the union parishad, under the new provision was held in 1997.
In Pakistan, according to the Devolution of Power (a local government plan), adopted in March 2000, 33 per cent of the local legislative seats are reserved for women in legislative councils at the union, tehsil (municipality) and district level. Except for the union councils, the members of tehsil and district council are indirectly elected by the elected councilors at union level, who form the Electoral College for all elections to the tehsil and district councils.

Role of Political Parties

There was legal ban on participation of political parties in rural local government in Bangladesh, Pakistan previously. This was gradually relaxed in Pakistan after 1985 and has now been abolished by the government altogether. Similarly in Bangladesh has been removed recently. In India, there was voluntary restraint by political parties' or else legal ban as regards participation in elections and working of village level local body in some states. Now the ban has been removed and self-restraint by political parties has faded out, by and large (Khanna 1999:251)

Role of NGOs

A large number of NGOs are working in rural areas in various countries. Unlike in India, NGOs' involvement in Bangladesh has increased extensively in rural areas. NGOs have brought about noticeable improvement in the living conditions of rural poor by providing credit, skill, and training and by building awareness about their rights, health and education. Normally, NGOs work parallel to the local self-government and central government programmes. In Pakistan the role of NGOs in rural development is limited in scale. There is hardly any coordination between the rural local administration and NGOs in developmental activities.

To the currently worldwide phenomenon of decentralization, South Asian countries are no exception. Ethnic, linguistic, communal, caste or cultural diversities are a reality in each of the South Asian countries. But still there are some similarities
among these nations. The struggle for freedom from colonial rule provided a unifying force where these diversities were submerged. To preserve their polity South Asian counties have to accept a measure of decentralization. So far as India, Bangladesh and Pakistan are concerned, there has been significant devolution of functions, power and resources to the local self-government. In these countries local self-governing bodies are intervening in rural planning, rural development, infrastructure, water, sewerage, electricity, transportation, poverty alleviation, health, education and gender balance.

4.12 Conclusion:
The contemporary South Asia is experiencing profound change in the field of rural local self-government and in this context Bangladesh, India and Pakistan are undertaking extensive state reform including decentralization of state structures and functions, public administration reorganization, and transitional steps to democratization. As a result there is an increased emphasis on the need to address local government more specifically, since in many countries this has been a neglected tier of government in the development effort.

Recent dynamics of globalization of economic and socio-cultural developments, urge for democratization, decentralization and structural adjustments and market orientation in economy at the national level and the emergence of enormous problems of over population, poverty, environmental degradation, shortage of shelter and services, increase in violence and gender and child exploitation at the local level and the inability of urban local governments to combat these problems effectively, have all focused attention on the need for strengthening rural local government. A new form of local government is demand of the day. The need for a new type of local government is being felt by the national governments and also pushed by the international development agencies.