Chapter I

History of Local Self Government in India
(A Brief Survey)
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1. VILLAGE ADMINISTRATION IN ANCIENT INDIA

The Panchayat Raj has always existed in India. These Panchayats were the Local Self Governments in villages. Local Self Government is the Government duly elected by local people. While Government at the National and state level have independent powers of their own drawn from the constitution, Local self Government Institutions are creations of the state and enjoy only such powers as are given to them by State Government or state legislature.

In the days of Maurya the village and the district were units of administration. During the times of Pandyas and the Pallavas in the eighth and the early ninth century, a system of local self-government existed but it was not so well developed as under the Cholas in later times. The inscriptions of Parantaka Chola I from Uttaramerur in the Chengleput district, Madras State (present Tamil
Nadu state) give a detailed account of local self-government. They inform that each village had an assembly consisting of all adult males and their involvement in general matters. These assemblies were of two types, the Ur and the Maha Sabha. A third kind was the nagaram confined to the mercantile towns and the fourth was the Nadu. The Maha Sabha was invariably an assembly existing in the agraharas—the villages inhabited predominantly by the Brahmins. It had more complex machinery and functioned through various committees. The number and constitution of the committees varied from place to place but they were representative in character.

The Maha sabha appointed a number of variyams (committees) and entrusted them with specific functions. The Uttaramerur inscription gives a detailed account of the committee system. As regards the qualifications of the members of the variyams, only those who were learned in Vedic Sastras were entitled to contest. The members of the Maha sabha were chosen by lot system. Those who committed theft and who failed to submit accounts in proper time and persons of doubtful character were not allowed to contest.

The whole village was divided into thirty kudumbu/wards. In each kudumbu there were contestants as per the qualifications. From
the contestants one was elected from each kudumbu by lot system. The members thus elected were nominated in various committees. It must, however be noted that the number of committees and the mode of election of its members differed from place to place. In some parts of the empire they were known as Mahajanas and some of them were large. The Mahajana of Tribhuvana Mahadevi Caturvedimangalam consisted of 4,000 persons. The village body in the non-Brahmin villages was called as Ur. In some villages, there was a peaceful co-existence of both the Maha Sabha and the Ur. The Ur was not a compact body. Probably it consisted of all adult males. This inference is drawn from the occurrence of the word ‘urom’, people of the Ur in certain inscriptions. The Ur had an executive body called ‘alunganam’, literally meaning ‘ruling group’.

Nadu and Nagaram were the other Local Self Government institutions that existed in South India. All these local bodies were concerned with the control and regulation of landholdings, management of irrigation works and temples, collection and remission of taxes, floating of loans for capital works and the management of charitable institutions. Some times the Maha Sabha prescribed the qualifications
of the priest and the procedure to be adopted for the worship of God. Sometimes, both the Maha Sabha and the Ur, assisted the officers of the Central Government in executing the orders of the king. The Sabha like the modern local authorities was the agent of the king for the execution of royal orders. Raja Raja I ordered the Maha Sabha of the Virnarayana Caturvedimangalam to confiscate the property of traitors. It appears as if there was a national sector. Some of the Sabhas were managing some industries.

Each Mahas Sabha employed a number of officers. They were called madhyasthas (neutrals in politics). Though the Maha Sabhas were autonomous, they were subject to the control of the central government. Their accounts were audited by the officers of the central government. Again, the officers of the central government attended their meetings when they transacted important business. By and large, however, they were free from central control.

With the publication of the Uttaramerur inscription many eminent scholars made hasty and indiscriminate generalisations, that a strong system of local government existed in ancient and medieval India. This belief persisted for two reasons. The first one is that similar views were expressed by eminent British administrators like, Sir
Charles Metcalfe, Sir George Birdwood and Eliphinstone. Secondly, India was engaged in her battle for Independence and the political agitators quoted the British and Indian authorities to prove that Indians were capable of governing themselves. But students of history must view things in their proper perspective. A critical examination of the views expressed by the Indian and British administrators show that some of the encomiums they bestowed are not justified and the local self-government was not a universal feature in ancient and medieval India. It existed according to inscriptive evidence only in the 8th and 9th centuries under the Cholas and that too only in certain parts of the present Madras State, and not throughout the country. It also existed in the Pandyan kingdom but the inscriptive accounts are not complete. Some of the inscriptions of the Eastern Gangas reveal the existence of these institutions. But we have to be cautious in accepting this evidence. According to the inscriptions each village was organised under the leadership of a village official called gramakeya. He was the village elder and acted as an intermediary between the Government and the village. Royal orders were usually addressed to him. It was his duty to safeguard the interests of the village. He was, however, not the representative of the people but was more or less the agent of the central government.
The Manram and the Pondiyin mentioned in the classical Tamil literature of the Sangam. Age should not be considered as a local self-government institution. The word Manram means an open place in the center of the village where people met under the shade of a tree. It was also called Podiyam or Poduvil in Tamil and Bodduchavidi in Telugu. It was the place where the community festivals were held and where sacrifices to Gods were offered and where kings were said to have transacted serious business. But it was not a local self-government institution. It was simply a place where people met for the administration of justice.

The view that nagaram, valinjyar, manigramam and mulaparudiayar were local government institutions is not correct. They were simply guilds whose membership was restricted. The nagaram was a mercantile organization. Valinjyar and manigramam were economic organizations, largely concerning themselves with mercantile interests, while the mulaparudiayar was not concerned with the promotion of common matters.

From the above it is crystal clear that local self-government was not a universal feature in ancient and medieval India. Further, there was no elective system as in modern times. Many of the old institutions were not territorial in character. They did not resemble
the modern local self government institutions. The utmost can be
stated is that in some parts of ancient and medieval India, Local
self Government institutions existed.

2. LOCAL SELF GOVERNMENT UNDER BRITISH RULE

The East India Company after taking over the administration
continued the policy of the Mughals to curb the powers of the local
institutions. The Company slowly but steadily destroyed the local
institutions, especially village panchayats.

The beginnings of a modern system of local self government
had been made in 1687, when, for the first time, a local governing
body-a Municipal Corporation was set up for the city of Madras.
Then the Charter Act of 1793 established municipal administration
in three presidency towns of Madras, Calcutta and Bombay. In 1842
municipal administration was extended to district towns in Bengal,
when the Bengal People's Act was passed. Provision was made
in the Act to set up a town committee for sanitary purpose, if two-
thirds of householders in a town demanded such a council. As
the setting up of a municipality was an entirely voluntary affair, no
town came forward to ask for it. Later on due to the recommendation
of the Royal Army Sanitary Commission, the voluntary principle was abandoned, and provincial governments were empowered to constitute municipal committees. As a result, a series of Acts were passed, which extended municipal administration to the various parts of the country. However it should be noted that municipalities that had been established during this period were primarily as a result of British initiative. They lacked popular support and continued to function more or less as any other department of the respective states, without possessing the privileges of self-government. Their main duty was to look after the sanitation and conservancy arrangements under the supervision of the residence surgeon or other officer.

Writing about these village communities in 1830, Sir Charles Metcalfe stated:

They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; Revolution succeeds revolution; Hindu, Pathan, Mughal, Maratha, Sikh, English, are All masters in turn; but the village communities remain the same. In times of trouble they arm and fortify themselves: a hostile army passes through the country: The village Communities collect their cattle within their walls, and
let the enemy pass unprovoked. If plunder and devastation be directed against themselves, and the force employed be irresistible, they flee to friendly villages at a distance; but when the storm has passed over, they return and resume their occupations. If a country remains for a series of Years the scene of continued pillage and massacre, so that the villages cannot be inhabited the scattered villagers nevertheless return whenever the power of peaceable Possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the places of their fathers; the same lands will be reoccupied by the descendants of those who were driven out when the village was depopulated; and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbance and convulsion, and acquire strength sufficient to resist pillage and oppression with success. This union of the village communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India through all the revolutions and changes which they have suffered; and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence.⁶
The year 1870 marks a further stage in the evolution of local Government. In that year, Lord Mayo's famous resolution which advocated a measure of decentralisation from the centre to the provinces, emphasized the desirability of associating Indians in administration and indicated the municipal Government as the most promising field for this purpose. The resolution read: "The operation of this resolution in its full meaning and integrity will afford opportunities for the development of self Government, for strengthening municipal institutions and for the associations of natives and Europeans to a greater extent than here-to-fore in the administration of affairs. The main features of this period are indicated below:

1. Local Self Government in India was introduced primarily to serve the British interests rather than promote self-governing bodies in the country. The taxation enquiry commission (1953-1954) correctly points out: "it was the need for the association of Indians with administration (in order, for one thing that taxes could be more readily imposed and collected) that prompted the early British Indian administration to embark on the introduction of local self governing institutions in this country. The resolution of Lord Mayo (1870) on financial de-centralisation
also visualised the development of local self government institutions: But this was subordinate to the need for tapping local sources of revenue and of effecting economy by decentralised administration. 

2. Local Self Government institutions were dominated by the British and thus, most of the Indian population remained deprived of participation in their functioning.

3. The dominant motive behind the institution of local self government in India was to give relief to the imperial finances.

4. Election as the basis of membership of local bodies was not introduced except in the (old) central provinces. It may be pointed out that in 1881 four out of every 5 municipalities were wholly nominated bodies.

3. LORD RIPON'S RESOLUTION ON LOCAL SELF-GOVERNMENT, 1882

Lord Ripon is rightly regarded as the father of Local Self-Government in modern India. By the time he became the Viceroy,
the first generation of educated Indians, inspired by the ideals of democracy and liberty emerged and they demanded a share in the Government of the country. As a liberal, it was not possible for Lord Ripon to ignore such a demand. At the same time, he felt that the time was not yet ripe for giving them a share in the central or provincial Government and that they should be first trained in the sphere of local government. Such training was possible, according to him, only when local bodies became elective and enjoyed real powers and when the control exercised over them by the state was considerably reduced. The resolution, which his Government issued in 1882, embodies these ideas and also answers all the objections that were raised by the bureaucracy of those days against any extension of the powers of local bodies and giving them a democratic character. It is a comprehensive resolution and deals with administrative areas, the constitution of local bodies, their functions, finances and powers. Resolutions issued by government in subsequent years do not embody any new principles not found in that of Ripon but only carry a step further their practical application. It is thus the most important landmark in the evolution of local self-government in modern India.

The local boards, both urban and rural, must everywhere have a large preponderance of non-official members. In no case ought
the official members to be more than one-third of the whole, unless in places in which the elective system is followed, when merely on the ground that he was in the service of Government. Non-official members of the boards should hold office for at least two years after election or appointment; but probably the best rotation of a fixed proportion of members, these retiring being eligible to sit again. Another point deserving notice is the control that should be exercised over the execution of local works. It will not always be possible for a local board to entertain a competent engineer of its own; and in any case, when Government buildings and important works of other kinds are made over for maintenance, there must be some effective guarantee for thoroughness of execution.

The process of strengthening of local self-government institutions received further impetus with the appointment of the Royal Commission on decentralisation in 1907 headed by C.E.H. Hobhouse. The Commission sought public opinion about the steps to be taken for the resuscitation of the age-old institution of village panchayats. The Commission viewed that the local self-government should start from the village level instead of from the district level. It stated: “We consider, as the local self-government should commence in the villages with the establishment of village panchayats, so the next step be
the constitution of boards of areas of smaller size than a district. We desire, therefore, to see sub-district boards, universally established, as the principal agencies of rural administration.⁸

District boards were retained with coordinating and financial powers. The Commission recommended to grant some powers to panchayats so that they can perform their duties independently.

They were entrusted with the functions like village sanitation, control over ponds and management of schools. The Commission suggested that there should be adequate finance to cope up with the above functions. It also suggested that the panchayats should be empowered to have a portion of the land cess, receipts from markets, fees on civil suits and special grants for particular objects to be made by the district board.

These recommendations of the Commission were certainly far-reaching and conducive to the best interests of the villages.

4. NATIONAL MOVEMENT AND THE LOCAL SELF-GOVERNMENT

It was only subsequent to 1909 when Royal Commission's
report was published that the importance of the village panchayats came to be recognised. Even the Indian National Congress at its 24th session at Lahore in 1909 passed a resolution on the subject and urged the Government of India “to take early steps to make all local bodies from village panchayats upwards elective with elected non-official chairman and to support them with adequate financial aid”. But the Government did not respond to this call and remained deaf. National Movement and Rural Development received mass popular support, for the first time, with the entry of Mahatma Gandhi into Indian public life. Gandhiji returned to India from South Africa in 1915, but it was in 1919 that he plunged into national politics.

As stated earlier, the national movement for independence started gaining momentum causing anxiety to both Governments in Britain and India. With the outbreak of the First Great war (1914-18) the British Government felt it necessary to gain support and co-operation from the people in India. The British Government ultimately came out with the historic announcement to seek increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India. This announcement
marked the end of one epoch in India and the beginning of a new one. The Government of India Act of 1919 was enforced in 1920 to lead the country towards this goal. The Government of India Act of 1919 made Local Self Government a subject of responsibility for the popular ministry and this gave an impetus to the Government of Local bodies. A beginning in responsible Government was made in the provinces by introducing, a diarchic system of Government. Certain functions which were of developmental nature like local self-government, Co-operation, agriculture, etc. were transferred to the control of the popularly elected ministers who were responsible to the legislature and elected on a wider franchise. The Government of India Act of 1919, thus, inaugurated an era of new interest and activity in the field of local government. This period witnessed a series of amending Acts on local government in every province. The practice of having a civil servant as the president disappeared from all municipal bodies, and from a number, though not from all, of district or local boards; the franchise was further democratised; the local bodies were freed from many restrictions in respect of preparation of budget; and finally, the executive direction passed into the hands of the elected members of the public. Men like Jawaharlal Nehru, Sardar Vallabhai Patel and Pursottam Das Tandon...
entered the municipal councils and gained insight into the functioning of democratic institutions.

The non-cooperation movement, started by Mahatma Gandhi in 1920, was the first political attempt in India to mobilise the villagers and ruralise politics. The non-cooperation resolution, moved by Mahatma Gandhi and passed by the Congress in its Calcutta session of September 1920, articulated the approach to rural development by recommending "hand spinning in every house and hand-weaving on the part of the millions of weavers who have abandoned their ancient and honorable calling for want of encouragement".10

Khadi became India's freedom dress, and its adoption by the Congress was the first genuine organised concern for the rural poor. The spinning wheel economy, adopted at this time by the Mahatma, was the first popular exercise in rural development in India. Besides, the Mahatma designed a comprehensive programme of rural development, which included the use of khadi, promotion of village industries, eradication of untouchability, provision of basic and adult education, prohibition, women's upliftment and propagation of the national language. Soon, Sevagram and Wardha, where he was
translating these ideas into action, became household words in India for upholding a vision of the future. Mahatma Gandhi raised a nation-wide army of voluntary workers engaged in rural reconstruction programmes all over the country. The Congress party symbolised its newly acquired rural orientation by holding its annual sessions in villages.

The new wave of “back to the villages” movement quickly spread far and wide and a spurt in voluntary activities in the field of rural development occurred. Rabindra Nath Tagore set up the Sriniketan Institute of Rural Reconstruction in 1921 with the aim of making the rural population “self-reliant and self-respectful”.

In the same year the Martandam experiment was started in Madras under the leadership of the Young Men’s Christian Association to bring about a complete upward development towards a more abundant life for rural people, spiritually, mentally, physically, socially and economically.

These were entirely voluntary efforts but, in the process, even the Government’s attention began to turn to the villages. A most notable name, in this respect, is F.L. Brayne, the district collector...
of Gurgaon (then in Punjab, now in Haryana) who started in 1927 a programme of rural reconstruction based on the old-fashioned virtues of hard work, thrift, self-respect, self-control, self-help, mutual help and mutual respect.\textsuperscript{13}

Similarly, in 1932 the princely state of Baroda launched a broad-based programme of rural amelioration to promote the will to live better and a capacity for self-help and self-reliance.

5. GOVT. OF INDIA ACT OF 1935 AND LOCAL SELF-GOVERNMENT

Though the weaknesses of the local self government were realised, attempts were made to improve it only after 1935. The introduction of Provincial Autonomy in 1937, under the Government of India Act. 1935, which gave further impetus to the development of Local Self Government was classified as a provincial subject. During this period provinces launched investigation into local governing bodies, with a view to make them apt Institutions for conducting local affairs. But the World War II, which widened the conflicts between the British Government and the Indian National Congress, impeded this progress. On the call of the National Congress, the Congress
Ministers in the provinces resigned and provincial legislatures were dissolved. During the period 1937-1947, much progress could not be made in the sphere of local Government due to the constitutional deadlock and conflicts between the British Government and the Nationalists. In 1927, a Commission (Indian Statutory Commission) was appointed under the Chairmanship of Simon to go into the details of the working of local self-governments and also to enquire into the system of responsible government under the Act of 1919. The Commission made an exhaustive survey of the developments in the sphere of local government from 1920 onwards. The Commission felt that the development of responsible government after the passing of many resolutions, Acts and reforms, was not a picture of unrelieved failure or unqualified success. In every province, while a few local bodies have discharged their responsibilities with undoubted success and others have met with conspicuous failure, the bulk lie between these extremes.14

The major drawbacks in the working of local bodies were traceable to the factors such as the inability to realise the importance of having a competent and well paid official analogous to the Town Clerk to the provincial governments over local self-government
authorities; the large size of an average district in India; inadequacy of financial resources; and lack of public spirit among many voters. The critical assessment of the performance of local self-government institutions made by the Commission was very well supplemented by the Indian leaders too. The vehement opposition came from D.P. Misra, the then Minister for local self-government under the Government of India Act of 1935 in Central Provinces and Bearer. He was of the view that “the working of our local bodies.... In our province and perhaps in the whole country presents a tragic picture. ‘Inefficiency’ and ‘local body’ have become synonymous terms. Party strife, based not on party programmes but on personalities is rampant. Members of our local bodies waste most of their time and energy and sometimes also public funds over the appointment and dismissal of their employees who are untrained and anything but efficient. The district officials merely occupy the position of irresponsible critics having nothing to do with the day-to-day conduct of business by the so-called self-governing bodies.15

Having opposed the existing system of responsible government at the grass-root level, the Minister proposed reforms, which marked a departure from the recommendations, made by earlier committees
and commissions. After making a close study of the working of existing local bodies, he felt that due to the evils of over-bureaucratization in the entire governmental machinery from top to bottom, the popular will should be associated with all administrative matters. To cope up with these inadequacies, the Minister suggested that "to secure the best which modern democratic methods can give us and combine it with highly trained administrative staff of officials, both popular will and efficiency may go hand in hand in the cause of public good and progressive administration."\(^{16}\)

To rejuvenate the system of local self-government, Misra proposed a scheme in which decentralisation of administration was the main approach. In this scheme, the district was made as the principal unit of administration followed by municipalities in urban area and circle boards and village panchayats in the rural area. All these will be statutory sub-divisions and all other regional divisions, whether for local self-government purposes or other purposes, shall cease to function as units of administration.\(^{17}\)

The immediate effect of all these developments led to the formation of popular ministries in 1937 and they undertook legislation to make local bodies truly representative of people. But, unfortunately,
the initial zeal of these ministers to make these institutions popular was jeopardized with the outbreak of Second World War and the Ministers tendered their resignations as a mark of protest and there was absolutely one-man rule; the Governor's in the provinces. This period (1939 to 1946) was looked as a dark period in the history of local government, and village panchayats were totally ignored or completely neglected during this period by the authorities in British India. All these dramatic developments following the war culminating in independence, explain why the functioning of local self-government institutions did not register further progress in this period.

In spite of adverse developments in the arena of local government, the idea of panchayat remained as a vital factor and also as a strategy for the struggle for independence. The main architect behind this was none other than Mahatma Gandhi who fought relentlessly for the cause of Swaraj. He viewed Panchayat as a “Swadeshi” institution and later he wrote that “village organisation” “meant the organisation of the whole of India, in as much as India was predominantly rural”.18

He pleaded for the complete ‘village swaraj’ which is a complete republic, independent of its neighbors for its own vital wants, and yet interdependent for any others in which dependence is a necessity.19
6. INDEPENDENCE AND AFTER

With the advent of independence in India in August 1947, the concept of local self-government acquired new significance. For the first time a Local Self-Government Ministers' Conference was held at Simla for discussing all aspects of reconstruction of Local Self-Government. In 1949, the Government of India appointed the Local Finance Enquiry Committee, which made a number of recommendations for improving and stabilizing local finance. After 1950, a universal desire was evidenced to make local institutions not only a training ground for democracy but also an effective agency to shoulder the added responsibilities envisaged in the Five Year Plan.

In the meanwhile the Constituent Assembly was set up in order to draw up a new Constitution. The Assembly appointed two committees to propose a scheme for both Centre and state governments. These two were named as Union and Provincial Committees. If we look into the recommendations of these two Committees, nowhere do we find mention of panchayat and also of Gandhian view. To quote Granville Austin, "The minutes of the
committee meetings contain no mention of a Gandhian Constitution, or of Panchayat or indirect government. A Gandhian constitution seems not to have been given a moment's thought.\textsuperscript{20}

And it is a surprise to note that even in the Draft Constitution, the word Panchayat did not appear even once. Obviously, the Drafting Committee did not discuss Panchayats in its meetings. Though India is rightly acclaimed as the land of villages, the directive principles of state policy enumerated in the Constitution contain just about two references, which have a particular bearing on rural development in India. Article 40 of the Constitution commits the state to organise village panchayats and endow them with adequate powers and authority to enable them to function as units of self-government. The second provision (Article 48) relates specifically to agriculture and animal husbandry and states that 'the state shall endeavor to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds and prohibiting the slaughter of cows and calves and other milch and draught cattle. Though the Constitution makes it 'the duty of the state to apply these principles in making laws, they are not- and cannot be justifiable. Local bodies are the creation of state
and are subject to supervision, guidance and control of state governments. Legislatively their constitution and functions are defined by State acts and detailed application of these acts is regulated by the rules made by the state governments. Financially they are required to obtain sanction from the government for rising of loans and levying taxes. Administratively the governments has the right of information and local bodies can be even superceded if they do not function well. However the state government does not unduly interfere with their daily working. It provides all technical guidance and allows them maximum of freedom.

The Constitution of India was promulgated in 1950 necessitating the election of new governments at the centre as well as in the states. The general election was held in the winter of 1951-52. One of the earliest measures taken by the Congress party's election manifesto had already made pledges towards rural rejuvenation. While the government was thus getting ready for action, the concrete design and even financial assistance came from another quarter—from the United States, viewed in the friendliest possible terms during this time. The United States was remembered as an advocate of India's independence and, moreover, was admired both on account of its
democratic ideals and its political history, which was not tainted by imperialism. This country provided aid to India under its technical cooperation plan with the help of which India launched, on 2 October 1952, fifty-five Community Projects throughout the country. The programme was inaugurated by India's first president, Rajendra Prasad, who hailed it as 'the small seed which will grow into a huge and mighty tree.'

He said: India lives very largely in villages. Anything done to bring about an all-round improvement of the villages and those who inhabit them should not only be welcome but given all encouragement by the state and by the people at large. Mahatma Gandhi used to look upon all work for the common benefit as yajna and it is in this spirit of yajna that the work has to be undertaken and accomplished. I can only hope and pray that the government and the people will travel together hand in hand in this mighty effort.

Local Self Government serves us daily. They provide schools for children of primary stage, drinking water, children parks, local roads and streets, vaccination etc.
REFERENCE


2. An Inscription of Raja Raja (955-1013 A.D) mentions forty villages which managed their common matters.

3. Neelakanta Sastry: Colas, Oxford University Press, New Delhi, 1960 pp.487 and also See A.C.Basham A Wonder that was India, Rupa & Co, New Delhi, 1982)


20. He also writes that judging from the records of speeches made by UCC and PCC members in the Assembly and from other documents, none of the members of these committees was an advocate of indirect, decentralised government or of the Gandhian idea. Granville Austin, The Indian Constitution: Corner stone of a Nation, Oxford University Press, Delhi, 1972 p.34.


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