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Understanding Local Self Government: Indian Perspective

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ABSTRACT: Local government in India refers to governmental jurisdictions below the level of the state. Local self-government means that residents in towns, villages and rural settlements are the people elect local councils and their heads authorising them to solve the important issues. India is a federal republic with three spheres of government: central, state and local. The 73rd and 74th constitutional amendments give recognition and protection to local governments and in addition each state has its own local government legislation.^[1] Since 1992, local government in India takes place in two very distinct forms. Urban localities, covered in the 74th amendment to the Constitution,^[2] have Nagar Palika but derive their powers from the individual state governments, while the powers of rural localities have been formalized under the panchayati raj system, under the 73rd amendment to the Constitution.^[3]

Within the Administrative setup of India, the democratically elected Local governance bodies are called the "municipalities" (abbreviated as the "MC") in urban areas and the "Panchayati Raj Institutes (PRI)" (simply called the "panchayats") in rural areas. There are 3 types of municipalities based on the population, Municipal Corporation (Nagar Nigam) with more than 1 million population, Municipal Councils (Nagar Palika) with more than 25,000 and less than 1 million population, and Municipal Committee (Nagar Panchayat) with more than 10,000 and less than 25,000 population. PRIs in rural areas have 3 hierarchies of panchayats, Gram panchayats at village level, Mandal or block panchayats at block level, and Zilla panchayats at district level.^[4]

Panchayats cover about 96% of India's more than 5.8 lakh (580,000) villages and nearly 99.6% of the rural population. As of 2020, there were about 3 million elected representatives at all levels of the panchayat, nearly 1.3 million are women. These members represent more than 2.4 lakh (240,000) gram panchayats, about over 6,672 were intermediate level panchayat samitis at the block level and more than 500 zila parishads at district level.^[5] Following the 2013 local election, 37.1% of councillors were women, and in 2015/16 local government expenditure was 16.3% of total government expenditure.^[1]

KEYWORDS: local self government, India, administrative, panchayati, municipal, zila, samiti, gram

I. INTRODUCTION

Committees for the study of issues

Various committees were formed to study the issues and make recommendations for the implementation of local governance in India.^[1]

The Balwant Rai Mehta Committee (1957)

In 1957, a committee led by Balwant Rai Mehta Committee studied the Community Development Projects and the National Extension Service and assessed the extent to which the movement had succeeded in utilising local initiatives and in creating institutions to ensure continuity in the process of improving economic and social conditions in rural areas. The Committee held that community development would only be deep and enduring when the community was involved in the planning, decision-making and implementation process.^[6] The suggestions were for as follows:^[7]

- an early establishment of elected local bodies and devolution to them of necessary resources, power, and authority,
- that the basic unit of democratic decentralisation was at the block/samiti level since the area of jurisdiction of the local body should neither be too large nor too small. The block was large enough for efficiency and economy of administration, and small enough for sustaining a sense of involvement in the citizens,^[2]
- such body must not be constrained by too much control by the government or government agencies,
- the body must be constituted for five years by indirect elections from the village panchayats,



- its functions should cover the development of agriculture in all its aspects, the promotion of local industries and others
- services such as drinking water, road building, etc., and
- the higher-level body, Zilla Parishad, would play an advisory role.³

Ashok Mehta Committee (1977)

The PRi structure did not develop the requisite democratic momentum and failed to cater to the needs of rural development. There are various reasons for such an outcome which include political and bureaucratic resistance at the state level to share power and resources with local-level institutions, the domination of local elites over the major share of the benefits of welfare schemes, lack of capability at the local level and lack of political will.

It was decided to appoint a high-level committee under the chairmanship of Ashok Mehta to examine and suggest measures to strengthen PRIs. The Committee had to evolve an effective decentralised system of development for PRIs. They made the following recommendations:^[8]

- the district is a viable administrative unit for which planning, coordination, and resource allocation are feasible and technical expertise available,⁴
- PRIs as a two-tier system, with Mandal Panchayat at the base and Zilla Parishad at the top,
- the PRIs are capable of planning for themselves with the resources available to them,
- district planning should take care of the urban-rural continuum,
- representation of SCs and STs in the election to PRIs on the basis of their population,
- four-year term of PRIs,
- participation of political parties in elections,
- any financial devolution should be committed to accepting⁵

that much of the developmental functions at the district level would be played by the panchayats.

The states of Karnataka, Andhra Pradesh and West Bengal passed new legislation based on this report. However, the flux in politics at the state level did not allow these institutions to develop their own political dynamics.

G.V.K. Rao Committee (1985)

The G.V.K. Rao Committee was appointed by Planning Commission^[9] to once again look at various aspects of PRIs. The Committee was of the opinion that a total view of rural development must be taken in which PRIs must play a central role in handling people's problems. It recommended the following:^[10]

- PRIs have to be activated and provided with all the required support to become effective organisations,
- PRIs at district level and below should be assigned the work of planning, implementation and monitoring of rural development programmes, and
- the block development office should be the spinal cord of the rural development process.
- district development commissioner to be introduced.
- election should conduct regularly.⁶

this is GVK RAO Committee main topics which they focused on.

L. M. Singhvi Committee (1986)

A committee led by Laxmi Mall Singhvi was constituted in the 1980s to recommend ways to revitalize PRIs. The Gram Sabha was considered as the base of a municipality decentralised, and PRIs viewed as institutions of governance which would actually facilitate the participation of the people in the process of planning and development. It recommended:^[11]

- local government should be constitutionally recognised, protected and preserved by the inclusion of new chapter in the Constitution,
- non-involvement of political parties in Panchayat elections.

The suggestion of giving panchayats constitutional status was opposed by the Sarkaria Commission, but the idea, however, gained momentum in the late 1980s especially because of the endorsement by the late Prime Minister Rajiv



Gandhi, who introduced the 64th Constitutional Amendment Bill in 1989. The 64th Amendment Bill was prepared and introduced in the lower house of Parliament. But it got defeated in the Rajya Sabha as non-convincing. He lost the general elections too. In 1989, the National Front introduced the 74th Constitutional Amendment Bill, which could not become an Act because of the dissolution of the Ninth Lok Sabha. All these various suggestions and recommendations and means of strengthening PRIs were considered while formulating the new Constitutional Amendment Act.⁷

Legal framework

Following laws and subsequent amendments were passed to implement the selected recommendations of various committees.

The 73rd Constitutional Amendment Act (1992)

The idea which produced the 73rd and Amendment^[12] was not a response to pressure from the grassroots, but to an increasing recognition that the institutional initiatives of the preceding decade had not delivered, that the extent of rural poverty was still much too large and thus the existing structure of government needed to be reformed. This idea evolved from the Centre and the state governments. It was a political drive to see PRIs as a solution to the governmental crises that India was experiencing.⁸

The Constitutional (73rd Amendment) Act, passed in 1992 by the Narasimha Rao government, came into force on April 24, 1993. It was meant to provide constitutional sanction to establish "democracy at the grassroots level as it is at the state level or national level". Its main features are as follows:^[13]

- The Gram Sabha or village assembly as a deliberative body to decentralised governance has been envisaged as the foundation of the Panchayati Raj System. 73rd Amendment of the Constitution empowered the Gram Sabhas to conduct social audits in addition to its other functions.
- A uniform three-tier structure of panchayats at village (Gram Panchayat — GP), intermediate or block (Panchayat Samiti — PS) and district (Zilla Parishad — ZP) levels.
- All the seats in a panchayat at every level are to be filled by elections from respective territorial constituencies.
- Not less than one-third of the total seats for membership as well as office of chairpersons of each tier have to be reserved for women.
- Reservation for weaker castes and tribes (SCs and STs) have to be provided at all levels in proportion to their population in the panchayats.
- To supervise, direct and control the regular and smooth elections to panchayats, a State Election Commission has The Act has ensured constitution of a State Finance Commission in every State/UT, for every five years, to suggest measures to strengthen finances of panchayati raj institutions.
- To promote bottom-up-planning, the District Planning Committee (DPC) in every district has been accorded to constitutional status.
- An indicative list of 29 items has been given in Eleventh Schedule of the Constitution. Panchayats are expected to play an effective role in planning and implementation of works related to these 29 items.¹⁰

97th Constitutional Amendment Act (2011)

Cooperative Societies are taken under "Local Government" after 97th Constitutional Amendment act 2011, under Dr Manmohan Singh's Govt. Part-IX of Indian Constitution is related to Local Government, under which Panchayt Raj was defined, then after 74th amendment Municipal Corporation and council were included and defined by inducing Part IX-A, and in 2011, Cooperative Societies were included in Local Government by inducing Part IX-B in the Constitution. The 97th Constitutional Amendment Act, 2011 provided for amendment in following things : 1. It amended article 19(1)c by inserting after the word 'or unions' the words 'or Co-operative Societies'. 2. It also inserted Article 43B in part IV of the Constitution as "The State shall endeavor to promote Voluntary formation, autonomous functioning, democratic control and professional Management of the Co-operative Societies" and 3. After Part IX-A of the Constitution Part IX-B was inserted. Part IX-B extended from Article 243ZH to Article 243ZT.

Types of local government entities

The local governance entities are broadly classified into urban and rural, which are further sub-divided based on the size of population in case of the urban bodies and based on the size of population and hierarchy in case of the rural bodies.¹¹



Urban local governance bodies

3 types of MCs

The following 3 types of democratically elected urban local governance bodies in India are called municipalities and abbreviated as the "MC". These are classified based on the size of the population of the urban settlement.^[14]

- Municipal Corporation, also called the "Nagar Nigam", of cities with more than 1 million population.
- Municipal Councils, also called the "Nagar Palika", of cities with more than 25,000 and less than 1 million population.
- Municipal Committee, also called the "Town Council" or "Nagar Panchayat" or "Town Panchayat" or "Notified Area Council" depending on the state within which they lie, these are in the town with more than 10,000 and less than 25,000 population.

Municipal Acts

Municipal Acts are state level legislations to establish municipal governments in urban areas. These acts provide a framework of governance for cities within the state. Various processes including rules for elections, recruitment of staff, and demarcation of urban areas derive from the state municipal acts. Almost 70 different municipal acts in India govern the cities in the country. Typically, the municipal acts are of three types - statewide general municipalities acts, separate acts for establishing municipal corporations, and acts that are specific to individual municipal corporations.^[15]

II. DISCUSSION

Functions of MCs

All municipal acts in India provide for functions, powers and responsibilities to be carried out by the municipal government. These are divided into two categories: obligatory and discretionary.

The mandatory functions of MC include the supply of pure and wholesome water, construction and maintenance of public streets, lighting and watering of public streets, cleaning of public streets, places and sewers, regulation of offensive, dangerous or obnoxious trades and callings or practices, maintenance or support of public hospitals, establishment and maintenance of primary schools, registration of births and deaths, removing obstructions and projections in public streets, bridges and other places, naming streets and numbering houses, maintenance of law and public order, etc.^[12]

The discretionary functions of MC include the laying out of areas, securing or removal of dangerous buildings or places, construction and maintenance of public parks, gardens, libraries, museums, rest houses, leper homes, orphanages and rescue homes for women, public buildings, planting of trees and maintenance of roads, housing for low income groups, conducting surveys, organizing public receptions, public exhibitions, public entertainment, provision of transport facilities with the municipality, and promotion of welfare of municipal employees.

Some of the functions of the urban bodies overlap with the work of state agencies. The functions of the municipality, including those listed in the Twelfth Schedule to the Constitution, are left to the discretion of the state government. Local bodies have to be bestowed with adequate powers, authority and responsibility to perform the functions entrusted to them by the Act. However, the Act has not provided them with any powers directly and has instead left it to state government discretion.^[16] These are all functions of MCs^[13]

Rural local governance bodies

The democratically elected local governance bodies in the villages of rural India are called Panchayati Raj Institutions (PRIs) which are based on the vedic era native democratic panchayat (Council of five officials) system.^{[17][18]}

3 hierarchies of PRI panchayats

The following 3 hierarchies of PRI panchayats exist in states or Union Territories with more than two million inhabitants:

- Gram Panchayats at village level
- Panchayat Samiti/Mandal Parishad at Community Development Block/Mandal level and



- Zila Parishad at district level.^[18]

The panchayati raj system is a three-tier system with elected bodies at the village, taluk and district levels. The modern system is based in part on traditional Panchayat governance, in part on the vision of Mahatma Gandhi and in part by the work of various committees to harmonize the highly centralized Indian governmental administration with a degree of local autonomy.^[19] The result was intended to create greater participation in local government by people and more effective implementation of rural development programs. Although, as of 2015, implementation in all of India is not complete, the intention is for there to be a gram panchayat for each village or group of villages, a tehsil level council, and a zilla panchayat at the district level.¹⁴

Functions of PRIs

Defined in the Part IX of the Indian Constitution,^{[20][21]} these are responsible for the 29 subjects listed in the Eleventh Schedule including the "economic development, and strengthening social justice."^[18]

Local bodies by the states of India

The Constitution of India visualises panchayats as institutions of local governance. However, giving due consideration to the federal structure of India's polity, most of the financial powers and authorities to be endowed on panchayats have been left at the discretion of concerned state legislatures. Consequently, the powers and functions vested in PRIs vary from state to state. These provisions combine representative and direct democracy into a synergy and are expected to result in an extension and deepening of democracy in India. Hence, panchayats have journeyed from an institution within the culture of India to attain constitutional status.

III. RESULTS

State or Union Territory		Local Bodies		
Map key	Name	Rural LB	Urban LB	Traditional LB
1	Andhra Pradesh	1. Zilla Parishad 2. Mandal Panchayat 3. Gram Panchayat	4. Municipal Corporation 5. Municipality 6. Nagar Panchayat	
2	Arunachal Pradesh	1. Zilla Parishad 2. Anchal Samiti 3. Gram Panchayat	4. Municipal Corporation 5. Municipality	
3	Assam	1. Zilla Parishad 2. Anchalik Samiti 3. Gaon Panchayat	4. Municipal Corporation 5. Municipality 6. Town Panchayat	
4	Bihar	1. Zilla Parishad 2. Panchayat Samiti 3. Gram Panchayat	4. Municipal Corporation 5. Municipality 6. Town Panchayat	
5	Chhattisgarh	1. Zilla Parishad 2. Janpad Panchayat 3. Gram Panchayat	4. Municipal Corporation 5. Municipality 6. Notified Area Council	
6	Goa	1. Zilla Parishad 2. Village Panchayat	4. Municipal Corporation 5. Municipality	
7	Gujarat	1. District Panchayat 2. Taluka Panchayat 3. Gram Panchayat	4. Municipal Corporation 5. Municipality	
8	Haryana	1. Zilla Parishad 2. Panchayat Samiti 3. Gram Panchayat	4. Municipal Corporation 5. Municipal Committee 6. Municipal Council	
9	Himachal Pradesh	1. Zilla Parishad 2. Panchayat Samiti		



State or Union Territory		Local Bodies		
Map key	Name	Rural LB	Urban LB	Traditional LB
		3.Gram Panchayat		
11	Jharkhand	1. Zilla Parishad 2.Panchayat Samiti 3.Gram Panchayat		
12	Karnataka	1. District Panchayat 2.Taluk Panchayat 3.Gram Panchayat	4.Municipal Corporation 5.City Municipal Council 6.Town Municipal Council 7.Town panchayat	
13	Kerala	1. District Panchayat 2.Block Panchayat 3.Gram Panchayat	4.Municipal Corporation 5.Municipality	
14	Madhya Pradesh	1. Zilla Panchayat 2.Janpad Panchayat 3.Gram Panchayat		
15	Maharashtra	1. Zilla Panchayat 2.Block Panchayat 3.Village Panchayat	4.Municipal Corporation grade A 5.Municipal Corporation grade B 6.Municipal Council 7.Nagar panchayat	
16	Manipur	1. Zilla Parishad 2.Gram Panchayat		
17	Meghalaya	NA		
18	Mizoram	NA		
19	Nagaland	NA		
20	Odisha	1. Zilla Parishad 2.Panchayat Samiti 3.Gram Panchayat		
21	Punjab	1. Zilla Parishad 2.Panchayat Samiti 3.Gram Panchayat		
22	Rajasthan	1. Zilla Parishad 2.Block Panchayat 3.Gram Panchayat		
23	Sikkim	1. Zilla Parishad 2.Gram Panchayat		
24	Tamil Nadu	1. Zilla Parishad 2.Panchayat Samiti 3.Gram Panchayat		
25	Telangana	1. Zilla Parishad 2.Mandal Panchayat 3.Gram Panchayat		
26	Tripura	1. Zilla Parishad		



State or Union Territory		Local Bodies		
Map key	Name	Rural LB	Urban LB	Traditional LB
		2.Block Panchayat 3.Gram Panchayat		
27	Uttar Pradesh	1. Zilla Parishad 2.Kshetra Panchayat 3.Gram Panchayat	4.Nagar Nigam 5.Nagar Palika Parishad 6.Nagar Panchayat	
28	Uttarakhand	1. Zilla Panchayat 2.Kshetra Panchayat 3.Gram Panchayat		
29	West Bengal	1. Zilla Parishad 2.Panchayat Samiti 3.Gram Panchayat	4.Municipal Corporation 5.Municipality 6.Notified Area Council	
A	Andaman and Nicobar	1. Zilla Parishad 2.Panchayat Samiti 3.Gram Panchayat		
B	Chandigarh	1. Zilla Parishad 2.Panchayat Samiti 3.Gram Panchayat		
C	Dadra and Nagar Haveli and Daman and Diu	1. Zilla Panchayat 2.Gram Panchayat		
D	Jammu and Kashmir	1.District Planning and Development Board 2.Block Development Council 3.Halque Panchayat		
E	Ladakh	1.District Planning and Development Board 2.Block Development Council 3.Halque Panchayat		
F	Lakshadweep	1. Zilla Panchayat 2.Gram Panchayat		
G	NCT Delhi	NA		
H	Puducherry	1. Commune Panchayat 2.Village Panchayat		

The **Panchayat raj** is a political system, originating from the Indian subcontinent, found mainly in India, Pakistan, Bangladesh, Sri Lanka, and Nepal.^[1] It is the oldest system of local government in the Indian subcontinent, and historical mentions date to the 250 CE period.^[2] The word raj means "rule" and panchayat means "assembly" (ayat) of five (panch). Traditionally, Panchayats consisted of wise and respected elders chosen and accepted by the local community. These assemblies settled disputes between both individuals and villages. However, there were varying forms of such assemblies.¹⁵

The leader of the Panchayat was often called the president mukhiya, sarpanch, or pradhan, an elected or generally acknowledged position. The modern Panchayati Raj of India and its gram panchayats are neither to be confused with the traditional system nor with the extra-constitutional khap panchayats (or caste panchayats) found in parts of northern India.^[3]



Mahatma Gandhi advocated panchayat raj as the foundation of India's political system. It would have been a decentralised form of government, where each village would be responsible for its own affairs.^{[4][5]} The term for such a vision was Gram Swaraj ("village self-governance"). Instead, India developed a highly centralised system of government.^[6] However, this has been moderated by the delegation of several administrative functions to the local level, empowering elected gram panchayats.^[7] There are significant differences between the traditional Panchayati Raj system, the system envisioned by Gandhi, and the system formalised in India in 1992.^[8]

Panchayat raj had to go through various stages. The First Five Year Plan failed to bring about active participation and involvement of the people in the Plan processes, which included Plan formulation implementation and monitoring. The Second Five Year Plan attempted to cover the entire countryside with National Extensive Service Blocks through the institutions of Block Development Officers, Assistant Development Officers, Village Level Workers, in addition to nominated representatives of village panchayats of that area and some other popular organisations like co-operative societies. But the plan failed to satisfactorily accomplish decentralisation. Hence, committees were constituted by various authorities to advise the Centre on different aspects of decentralisation.¹⁶

At least in part to provide the Gandhian goal of direct political participation of people at the grass root level, in 1957, the National Development Council appointed a committee under Balwant Rai Mehta, which submitted its report in 1958 in which it recommended:- » A 3-tier structure consisting of Zila Parishad at the District level, Panchayat Samiti at the Block level and Gram Panchayat at the village level.

The next major change in the panchayat system of India came in the form of the passage of the Panchayati Raj Act (73rd Amendment) in 1992. A key motivation of this act was the belief that local governments may be better placed than centrally appointed bureaucrats to identify and respond to the needs of the village. Hence, this act was an important part of India's move towards decentralization.

The main features of this act are: (a) a 3-tier system of Panchayati Raj for all States having population of over 20 lakh; (b) Panchayat elections regularly every 5 years; (c) reservation of seats for Scheduled Castes, Scheduled Tribes and women (not less than one-third of seats); (d) appointment of State Finance Commission to make recommendations as regards the financial powers of the Panchayats. Hence, in theory,¹⁷ panchayats have been given sufficient authority to function as institutions of self-governance and aid social justice.

There were several positive effects of this amendment, some of which have been listed above. However, there is also evidence of deeply ingrained vote-trading structures maintained through extra-political means. This can potentially be blamed on the fact that Gram Sabhas have not been sufficiently empowered and strengthened to ensure greater people's participation and transparency in functioning of Panchayats as envisaged in the Panchayat Act.

IV. CONCLUSIONS

Municipal governance in India in its current form has existed since the year 1664. In 1664, Fort Kochi Municipality was established by Dutch, making it the first municipality in Indian subcontinent, which got dissolved when Dutch authority got weaker in the 18th century. British followed with the formation of Madras Municipal Corporation in 1687, and then Calcutta and Bombay Municipal Corporation in 1726. In the early part of the nineteenth century almost all towns in India had experienced some form of municipal governance. In 1882 the then Viceroy of India, Lord Ripon, known as the Father of Local Self Government, passed a resolution of local self-government which lead the democratic forms of municipal governance in India.^[2]

In 1919, a Government of India Act incorporated the need of the resolution and the powers of democratically elected government were formulated. In 1935 another Government of India act brought local government under the preview of the state or provincial government and specific powers were given.¹⁸

Nagar Nigam and other names in different states (translated as "Municipal Corporation/City Corporation") in India are state government formed departments that work for the development of a metropolitan city, which has a population of more than 1 million. The growing population and urbanisation in various cities of India were in need of a local governing body that can work for providing necessary community services like health centres, educational institutes, and housing and property tax. They also replace street lights.

They are formed under the Corporations Act of 1835 which mainly deals in providing essential services in a major city. Their elections are held once in five-year and the people choose the candidates. The largest corporations are in the eight metropolitan cities of India, namely Mumbai, Delhi, Kolkata, Chennai, Bangalore, Hyderabad, Ahmedabad, Surat,



and Pune. These cities not only have a large population but are also the administrative as well as commercial centres of the country.¹⁹

A **Nagar Palika** or Town Municipality is an urban local body that administers a city with a minimum population of 100,000 but less than 1,000,000. However, there are exceptions to that, as previously Nagar Palikas were constituted in urban centers with a population over 20,000 were reclassified as Nagar Palika even if their population was under 100,000. Under the Panchayati Raj system, it interacts directly with the state government, though it is administratively part of the district it is located in. Generally smaller district cities and bigger towns have a Nagar Palika. Municipalities are also a form of local self-government, entrusted with some duties and responsibilities, as enshrined and guided upon by the Constitutional (74th Amendment) Act, 1992. Udaipur is a city which is big but its population is 451,000 so it has a Nagar Palika.

The members of the Nagar Palika are elected representatives for a term of five years. The town is divided into wards according to its population, and representatives are elected from each ward. The members elect a president among themselves to preside over and conduct meetings. A chief officer, along with officers like an engineer, sanitary inspector, health officer, and education officer who come from the state public service are appointed by the state government to control the administrative affairs of the Nagar Palika.²⁰

City Municipal Councils are known regionally by different names, including Town Municipal Council, Town Municipality, Nagar Palika, Nagarasabe, Purasabe, and Nagaraatchi.

A **Nagar Panchayat** or Town Board is a form of an urban political unit in India comparable to a municipality. An urban centre with more than 11,000 and less than 25,000 inhabitants is classified as a "Nagar Panchayat".

Each Nagar Panchayat has a committee consisting of a chairman with ward members. Membership consists of a minimum of ten elected ward members and three nominated members. The NAC members of the Nagar Panchayat are elected from the several wards of the Nagar Panchayat on the basis of adult franchise for a term of five years. There are seats reserved for Scheduled Castes, Scheduled Tribes, backward classes, and women. The Councillors or Ward Members are chosen by direct election from electoral wards in the Nagar Panchayats.

Town boards are also known by different names depending on the region, including: Town Panchayat, Taluk Panchayat, Notified Area Council, Municipal Board, Nagar Panchayat, and Pura Panchayat.²¹

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