

AUTHOR

Anju Rawat Negi
Research Scholar,
Meerut College, Meerut.

Historical Perspective of Concept of Decentralization

ABSTRACT

Present day's writers have so widely and differently made use of this term. In the words of Norman D. Palmer it has become less precise. Some times delegation and devolution have frequently been used instead of decentralization. Devolution may be effected either constitutionally or statutorily the former course is adopted generally in the case of federation where the powers are divided between the center and the federating autonomous units. With the march of civilization and particularly with the emergence of the concept of the welfare state, the functions of the state have multiplied. It is no longer a regulatory state as it was until the middle of the 19th Century. Today it has become a service state.

1. MEANING OF DECENTRALIZATION

The term Decentralization was first introduced by French Jurist Montesquieu. He introduced this by the Doctrine of separation of powers in his well-known book "Esprit Des Lois" that exercised great influence on the French legal system. However, the doctrine was not applied by French Jurist exactly in the same as it has been applied in English legal system.

Literally, word Decentralization means away from the Center. It has been derived from Latin. Present day's writers have so widely and differently made use of this term. In the words of Norman D. Palmer it has become less precise. Some times delegation and devolution have frequently been used instead of decentralization.

In its strictly literal sense, the doctrine of separation of Powers implies that powers of the three organs of the Government viz., legislative, executive and judiciary should be kept separate from one another. The legislature should make laws, the executive should execute them and judiciary should interpret them. In this strict sense separation

of powers may mean three things-

First, the same person should not form part of more than one of the three organs of the government. For example a minister or judge should not sit in the legislature, A member of legislature or a judge should not be member of the executive; similarly a member of the legislature or a minister should not sit in the judiciary.

Second, the one organ should not exercise the function of another organ. Thus, minister should not exercise legislative functions, nor should they be allowed to interpret Laws, legislature should not execute or interpret the laws and the judges should not exercise legislative or executive functions.

Third, an organ should not control or interfere with the functioning of another organ. For instance the executive should not control legislature, executive should not be responsible to the legislature and the judiciary should be independent of the other two.

In practice, the vision of Montesquieu is not possible, it only emphasizes that some checks and balance are necessary to prevent the tyrannical abuse of power by any one organ of the government. Even Montesquieu

did not mean that legislature and executive should not have any kind of influence or control over the acts of each other. He only meant that neither should exercise the whole of the powers of the other.

In Indian Constitution Clause (1) of the Article 1 provides that “India shall be a union of states”. However the word state does not confirm to the orthodox definition of state, which mean that it must have sovereignty. In our Constitution, the word state is a synonym of province, these provinces are not sovereign in character. They are units of the federal structure of the Indian Government and are more or less akin to the well-known concept of the provinces of the pre-independent India.

There are generally two varieties of federations. First the federation has been formed by bringing together a number of sovereign or autonomous states as in the case of United states of America. Secondly breaking an unitary state into a number of federating units has formed it. This kind of federation has been described as “Devolutional Federation” that has been motivated by various factors like administrative convenience economic necessity, desire for local autonomy and linguistic, racial and cultural aspirations of the people. Indian Federation belongs to the second category. Further ‘Federation, in fact, is a developing Idea’.

Devolution may be effected either constitutionally or statutorily the former course is adopted generally in the case of federation where the powers are divided between the center and the federating autonomous units. The division is effected by means of a written and a rigid constitution so that the division once made may not be frequently tempered. The transfer of authority can be both territorial and functional in character. The Central Government is a unitary state and the provincial (state). Governments are federation after transfer through law the administration of such

affairs to the local government.

To sum up decentralization is a very comprehensive term it indicates situation wherein authority in dispersed form one single center to a number of centers. The method of effecting the dispersal of authority may either be administrative or democratic . Administrative decentralisation means administrative deconcentration, whereas administrative decentralization means the devolution of power’s by means of parliamentary statutes to the democratic bodies of the popele.

In the filed of administration decentralization has played a very significant role. It is possible that centralized system may not perform local functions effectively. Hence, central authorities have always delegated power to the local officials in smaller or larger degrees, for a better performance of activities; even in the past big empires have been administered. The Hindu rulers in ancient times had left the village communities intact and had allowed them to look after their own affairs through the locally constituted Sabhas and Samities. The Norman Kings of England had appointed sheriffs to manage the local lands in the countryside and to dispose of local problems. The PERFECTS in France even today run the local administration. The British Rulers of India appointed the LAMBARDARS and the PATELS to collect the land revenue and to safeguard their interest in the villages. History has many example of this type of decentralization. Decentralization in that time was an administrative necessity.

With the march of civilization and particulary with the emergence of the concept of the welfare state, the functions of the state have multiplied. It is no longer a regulatory state as it was until the middle of the 19th Century. Today it has become a service state.

Decentralization as Norman D.

Palmer rightly points out, is a matter of special interest and significance to these countries because they are faced with grave problems of Political Stability; economic development and even of national survival. Most of them have been the victims of alien Decentralization may be summoned up in the words of P. Sharns as, "Domination as a result of which they today present a picture under development".

- (a) It facilitates the extension of popular control over a large number of functions, which may be delegated to the authorities at the lower level.
- (b) It permits the adjustment of National policies of local, physical and economic peculiarities.
- (c) It helps in avoiding delay and red tapeism (which are the Chief evils of centralized bureaucracy) by doing away with the requirement of fragment reference to Central authorities before action can be taken in the field.
- (d) It helps in improving in the moral of the people who are unable to participate more actively in administration because through decentralization many administrative operations are brought closer to the people served. It also develops in them initiatives, responsibility and resourcefulness. To the foregoing according to Charles Worth, we may add these:-

- It facilitates experiment without committing the whole enterprise (Jurisdiction as administration) to an untried course of action.
- It permits competition and comparative measurement among the several units.
- It gives freedom from misunderstanding and meticulous oversight by Central Officers.

2. DEMOCRATIC DECENTRALIZATION

The word democratic widens the implication of the term decentralization. It then amounts to the transfer of powers to those bodies which are not only democratically

constituted by the people but also function democratically that is at every stage of their working and for every single act of theirs, they are responsible to the people, who in their turn possess the power of ensuring their conduct when they so please. The latter aspect of responsibility is perhaps more important than the former because democracy in constitution is also emptied in another concept, namely Democratic Centralization, which is quite opposed to the democratic decentralization. Democratic centralization which is an innovation of the communists means democracy in constitution and centralization in decision.

In the words of DwarkaDas "Democratic Decentralization refers to the movement which gives increasing initiatives, responsibility and direction to the lower levels of government to smaller authorities, to units and agencies specially local self governing". P.R. Dubuhashi defines democratic decentralization to mean "Free popular management of local affairs".

Iqbal Naryan observes "democratic decentralization is one of the modes of people's participation. It aims at associating people with the work of government to the maximum possible extent and in a living manner. Democratic decentralization is just and extension of the democratic principle, extension of peoples right to manage their own affairs in a local area without any undue interference from regional or national authorities.

He further add "it might be asked, when the idea of decentralization is in the interest of democratic principle, why should the objective 'democratic' be prefixed to it" the prefix is not superfluous. It emphasis the purposes of decentralization which is to provide a larger, greater and closer association of the peoples with the work of their own government. The concept of democratic decentralization is quite different from administrative decentralization or

decentralization. In democratic decentralization the power devolved to the local people is enjoyed by them as their democratic right of self-government, and is not subject to withdrawal. In administrative decentralization the repository of power is in the central authority but in democratic decentralization power is vested to the people.

In democratic decentralization participation of people is confined to the formulation of work and the election of the leaders in a party or government. Once the broad policy issue has been decided upon the leaders elected, the rank and file is left with no freedom but to carry out the programs as per orders received from above. Thus, under democratic centralism the emphasis is on providing a democratic base to the guided autocratic tap while in democratic decentralization the emphasis is on the people's autonomy. From the above discussion, the essential characteristics of the democratic decentralization may be as under:- i) A larger and closer association of the people with their own government. ii) Devolution of dispersion of authority from the higher levels of government to the lower levels. iii) Autonomy to the people at lower levels to take policy decision. Undertake development work and exercise financial and administrative control. iv) Institutionalization of democratic machinery through direct election of people's representatives. v) Meeting of decentralized authority in a committee to rule out the risk of individual monopolization and vi) Providing against undue, un-warranted and excessive, control and interference from the higher levels.

3. HISTORICAL BACKGROUND OF DECENTRALIZATION (PANCHAYAT RAJ)

Panchayats are continued to exist despite rise and fall of time and empires. The British wanted to dominate the village Panchayats yet they realized the system as

effective mean of rural government and link between government and people for smooth collection of taxes and in fact nursed the system. People for smooth collection of taxes and in fact nursed the system. People from generations in India have been managing their own problems in villages by means of Panchayat. The Panchayat has been the life and breath of the rural Indian polity from the past. Our constitution truly adds momentum to this unequally popular and traditional organization. Gandhiji also maintained high hopes about the Panchayats in India. Balwant Rai Mehta Committee recommendations have been guiding the national policy on village Panchayats significantly from the early sixties.

4. PANCHAYATS IN THE ANCIENT AND MEDIEVAL PERIODS

Panchayats institutions are not a new thing for Indian society. The history of the village community as a corporate unit dates back to vedic times. For centuries, it existed and survived as a non-statutory device for the enforcement of norms and the settlement of claims of castes. As a statutory organization also its existence under different nomenclatures is traceable, as we shall see, in different periods of our administration. The most ancient form of Government in India was however monarchical but it was always limited by two factors viz., the kings control as flowing out from the system that had developed with the village as the basic unit of administration either in theory or in practice. Dr. Mukherjee points out, throughout the course of political evolution in the past, and throughout all the vicissitudes to which the land has been subjected the Indian village assemblies in some provinces until late in the 18th Century have enjoyed a sort of semi-independence. India like China and Russia had been a land of Myriads of petty republic and though their autonomy and scope of jurisdiction changes from time to time with the rise of a strong and influential Kingdom

and the location of Kardars, Jagirdars, Capitalists and Guarantors of State revenue in the neighborhood the village assemblies were left to enjoy their autonomy as long as they collected the revenue or tax and sent it to the royal treasury the supreme government dealt with the village assemblies with the inhabitants.

In the ancient village community the defecto-powers to control and govern the entire village were passed by Panchayats or Samities. In modern state the powers are distributed among legislative, executive and judiciary. In ancient India, the King enjoyed the position same as the President of Indian Republic. The supreme source of executive, legislative and judicial powers.

In actual practice, however the situation was different from age to age. In Vedic period it would appear that the 'Samiti' or the 'Parliament' shared the executive powers, and in some cases it could over rule the King also. The King was the supreme judicial functioning in ancient India no doubt. But in practice considerable powers were delegated to the local popular courts of Panchayats.

During the Vedic and Post-Vedic age every village in India was a self dependent and self governing unit, different villages, combined together to form provincial units which in their turn were formed into a loose-knit co-federation. It was perhaps due to great unity amongst them that were always able to maintain and defend our culture and traditions except exception in ancient Indian village committees enjoyed great powers in local administration.

A. THE MUGHAL PERIOD

Mughal period is a dark period for Indian village committees. Mughal emperors had no interest in the Village Panchayats. Mughals were not the native rulers but they were men of Urban taste having no interest in villages. They want to enjoy to a luxurious life without caring about people welfare. It was a tax collecting empires and Mughlas were

mostly busy in collecting taxes. They developed and empowered cities and town with whom they were attached but villages did not receive the same attention. Dr. R.P. Tripathi discussed this point, as "In each village there was the headman who is called Mukhiya or Mukkadam who was the main link between the government and village, it was through him that the government dealt with the village peasants. In spite of the fact that his influence and powers underwent some changes from time to time and there is no precise information as to how much power and responsibility was exercised by him in the time of Shershah, it may be presumed that the headman was the most important individual in the general economy at the village. Through the village Panchayat continued to function as before, yet their prestige and influence suffered a considerable decline during the medieval period. Since the whole machinery of the government was centralized, the village local government had to function as a subordinate unit of the centralized administration. "Thus, in a way the whole of the village local government became assimilated into the general administrative system as to create a harmonious machinery in which no part seemed isolated or to suffer from neglect. And the village local government worked in co-operation with official machinery of the rulers and in certain respect it become a part of it.

B. BRITISH PERIOD

After Mughal period, We find a notable change in Indian History with the rise of British Period. We find the British spirit in every sort of the government either local provincial or state whatever holds the village committees could retain during the Mughal was completely changed with the advent of the British Rule. After attaining political supremacy the East India Company appointed its own administrative, officials to maintain essential contact with the Village and the outside world. These officials were the nominee of the company and had to collect

tax or revenue from the village. The village people were left to settle their affairs in their own traditional way.

In words of Percival Spear, "In general the villages to elders were left to settle the ordinary disputes of property, while the cast councils settled a large range of personal crime and offences like cattle stealing. But they had to a large extent, had their own police and brought offenders to justice in their own way.

Form 1805 to 1813, the Government had only one interest and that was to collect revenue (tax) and deposit the same with the government treasury in order that they could crush the struggle of internal rebel, leaders or local robber, chief (Mughals, Afghans, Marathas, Sikhs, Pathan and Peshawar) whose movement were fairly regular with their own limited arrives.

From 1810 to Lord Mayo's government in 1870, concerted efforts were made by the British Government to maintain the internal balance in India through the settlement of Rayatwari system (1799-1810) the Zamindari in Bengal and the like about they could not succeed in checking the struggle. It was therefore; felt that the remedy to get rid of these internal problems was to transfer some of the civic services to local initiative and efforts. And the vary first step taken by the British government in this direction was the formation of Municipal Corporation in the presidency town of Madras, Bombay and Calcutta.

It was Lord Mayo's reign 1869-1872 for the first time the steps were taken to establish local self government passed a revolution on provincial finance in 1870, which emphasized the necessity of taking steps to bring local supervision and care to bear on management of the funds devoted the education sanitation, medical relief and local public works. In this pursuance, the resolution municipal acts were passed for various provinces between 1871-1874, which gave

power to municipal boards and made provision for election of their members. But the principle was adopted only in the Central Provinces. Lord Ripon also pleaded for the satisfactory development of the words of Dr. Iswari Parsad "The Resolution of 1882 directed local government to maintain and extend local boards in rural areas".

C. THE ROYAL COMMISSION

The Royal Commission on decentralization set up in 1907 was the second step taken by the British Government in this direction which laid stress on the importance of Village Panchayats and recommended the adoption of special measures for their revival and growth. the commission recommended the foundation of stable edifice, which could association the people, especially of the village or the groups of villages uniformly elected by the inhabitants. Besides, managing the common affairs of the Village, the members of the Panchayats, the Commission affair of the view, should also constitute the electorate for the sub-district boards, taluka or tehsil. Thus, the local self-government was reorganized like Pyramid with the village Panchayats at its base, the sub-district boards at the middle and district board at the apex. The town of course continued to have their municipalities. Regarding the constitution of local boards the non-officials on them and they should be independent of government control.

The Commission also suggested that the local bodies be left free from their own budgets within sanctioned limits and determined their own taxes, hastily, the Commission recommend that the Panchayat should receive a proportion of land cess, receipts form village cattle ponds, markets and small fees on civil suits filed before them. Question of local self-government and endorsed the principle of elected majorities and accepted the policy of gradual creation of village Panchayats.

But some of the provinces found it

difficult to accept this principle. In Bombay, *i.e.*, officials continued to be chairman of District and Sub District Boards. Other Provinces also found it impossible to concede full financial control to the local bodies. Thus, in spirit the report of the commission remained a dead letter. Whatever be the importance of the commission, it cannot be denied that the provinces and the Central Government did not carry out the policy laid down by it. In consequence, after a lapse about ten years, another resolution known as the resolution on local self-government was passed in the year 1918 during the governorship of Lord Chelmsford which laid down responsible government as the ultimate aim of the British policy.

The resolution formulated certain principles intended to establish wherever possible complete popular control over local bodies, and elected non-official chairman of the municipalities. The same was done in case of rural bodies. As a result Village Panchayat were set up in selected villages to develop their co-operative life. The government of India resolution of May, 1918, also put emphasis on the advisability to encourage the growth of Village Panchayats. This act set up a hierarchy under which local self-government became one of the provincial transformed subjects under the charge of minister and the provincial.

Government was left to chart out their own courses in regard to local bodies. A Number of provinces passed village Panchayat acts during the year 1919-26, Baroda, Travanceor, Mysore may be mentioned as examples. In the united provinces, village Panchayats act of 1920 and the U.P. district Boards act of 1922 were passed. A number of Panchayats all nominated, were established in the village. Their jurisdiction was limited to small civil disputes and petty criminal cases.

In this way, right from 1935 up to 1946, the British Government took steps through several constitutional measures the act

of 1935, the August offer of 1940, Crips proposal of 1942, the cabinet union scheme of 1946 and the like to develop local initiative and responsibility in administration. All these go to show that British rulers took time to discover the value and the necessity of the traditional institution of local self-government. They also tried in their half hearted manner to receive the Panchayat system of judicial administration, especially at the village level, which continued to edit till India attained independence on 15th August 1947.

D. GANDHIAN APPROACH

Gandhi ji rightly claimed that Indian lives in its villages and pleaded for the transfer of power to rural masses. The idea of village Panchayat was valued as fighting slogan against alien the father of the nation strove vigorously to make the Panchayat idea a part and parcel of national thinking. He made the revival of Panchayats as integral part of his political philosophy and an instrument of uplifting a down trodden enslaved nation from slavery to freedom and hence to social regeneration.

Gandhi ji's idea of the Panchayat system was Sriman Naryan's Gandhian constitution for free India. This work gives the clearest exposition of the structural pattern of village panchayats an envisaged by Gandhi Ji. The author coated form Gandhiji's Idea that "Self sufficient and self governing village should be the basic units of public administration". But the complete and clearest picture of his ideas of Panchayat system was presented by Gandhiji himself in Harijan; July 22, 1946 in these memorable words, "*In this structure composed of innumerable villages there will be ever widening never ascending circles. But it will be an oceanic circle, whose centre will be the individual always ready to perish for the village, the later ready to perish for the circle of villages, till at last the whole becomes one life composed of individuals, never aggressive in their arrogance but ever humble sharing the majority of oceanic*

circle of which they are integral units. Therefore, the outermost circumstances will not wield power to crush the inner circle, but will give strength to all within and will drive its own strength from it”.

Gandhi visualized a republic of every village in India in which the last is equal to the first and none the last. Gandhi ji believed in supremacy and sovereignty at the grass root level. G. Morley Mohan Lal quote about Gandhi ji as- “Panchyat Raj to him was a kind of common weath of reformed and reconstructed village communities Gandhi ji believed that decentralization was essential for the realization of true democracy and felt that this the pivot in Indian polity and the future of India depends upon the future of its villages. To quote him (Gandhi ji) “If the village perishes, India will perish too”.

E. NEHRU’S CONTRIBUTION

The challenging task of translating

• Gandhiji’s vision of rural democracy was
 • taken up by Pt. Jawahar Lal Nehru. Nehru
 • set in motion a new programme, initially in
 • fifty five selected pilot blocks covering
 • seventeen thousand villages. The programme
 • was launched on October 2nd, 1952
 • synchronizing with the birth anniversary of
 • Bapu. Nehru took their programme as
 • community Development and national
 • extension service for the welfare of rural
 • population, with the given initial impulse, the
 • programme grew out of its own experience
 • and momentum. As is expected, it met old
 • needs and created new ones, new methods
 • were discovered, deficiencies long ignored
 • came to be recognized and in the manner of
 • its functioning the program succeeded
 • involving the vital problems of the community
 • national extension and community projects in
 • fact, provided the setting in which national
 • plan approached the rules and aspiration on
 • the community.

REFERENCES

1. Dicey an introduction to the law of Constitution (L.P.A.D), P. 838.
2. Norman D. Palmer. The Indian Political Science Review, Vol. 1 (Oct 1966-March 1967) No. 1-2, Delhi University, Page 49 & 52.
3. Wade and Phillips, Constitutional New, 8th Edition.
4. Jennings, The Law and the Constitution (5th Edition), App. 1. Finkelman, Separation of Powers/ Toronto, L.J. 313.
6. Sobei Magi, The Problem of Federation, Vol. 1, P.266.
10. P. Sharan, Theory and Practice of Public Administraton. Meenakshi Prakshan, Meerut 1980, Pp.401-404.
11. P.R. Dubashi, Rural Development Administration in India, Bombay Prakashan, 1970.
12. Iqbal Narain, Indian Democratic decentralization: The idea, the image and the reality, Indian Journal of Public Administration, Vol IX No.1, Jan-March 1963, Pp.10-11.
13. Dr. R.K. Mukerjee – Democracies of the East: A study in Comparative Politics, University of LOC, Gratsmit Street, West Minister, London, 1923 P.197.
14. A.S. Altekar, State and Government in Ancient India, Motilal Banure Das Publication, Banaras 1949 P.37.
15. Dr. R.P. Tripathi, Rise and Fall of Mughal empire, Allahabad, 1956, Pp.131-32.
16. Dr. P.Sharan, The Provincial Government of the Mughals (1526-1628), Kitabistan Allahabad, 1941. P. 237.
17. Percival Spear, The Oxford History of Modern India (1740-1947), Oxford Claredon Press, 1965. P.190.
18. Dr. Iswari Prasad and S.K. Subedar, A History of moden India (1740-1950), The India Press Limited Allahabad, 1951, Pp-300-301.
19. Dr. R.R. Sethi and V.D. Mohajan, British Rule in India and after (1707-1956), S. Chand & Co., 1956, P.379.