

## PANCHAYATI RAJ: A BRIEF HISTORY AND BACKGROUND

Dr. Sonkhogin Haokip<sup>1</sup> & S. Gandhimathi<sup>2</sup>

### **Abstract**

*Panchayati Raj in India, in terms of the size of the electorate, the number of grassroots institutions (about 2.4 lakh), the number of persons elected – 36 lakh in the panchayats and Nagarpalikas, higher than the entire population of Norway, is the greatest experiment in democracy ever undertaken anywhere in the world or at any time in history. No less than 10 lakh women have been elected to our Panchayati Raj Institutions, consisting some 37 per cent of all those elected and rising to as high as 54 per cent in Bihar which has 50 per cent reservations for women. There are also reservations for the Scheduled Castes (SCs), the Scheduled Tribes (STs), and the Other Backward Classes (OBCs) in proportion to their share of the population in each panchayat area. An experiment of this scale is bound to have shortcomings and setbacks, and would need course correction. It is a social revolution that its founder in its present constitutional shape and form, Prime Minister Rajiv Gandhi, once remarked would take at least a generation to fully unfold. But it is equally necessary to take stoke of the evolution this institution from the inception. This paper attempts to highlight a brief history and background of Panchayat system in India.*

**Keywords:** Panchayats, Nagarpalikas, District Planning Committees, Constitution (64<sup>th</sup> Amendment) Bill, Constitution (73<sup>rd</sup> Amendment) Act, Municipalities, Gram Sabha.

### **Introduction**

Ever since her ‘Tryst with Destiny’, India has been a full-fledged, stable and uninterrupted democracy. But while this name has made India the world’s largest democracy, as Prime Minister Rajiv Gandhi remarked in 1989, India, at that stage, was also the world’s least representative democracy.” This was because there were then a mere 5000 or so elected representatives in Parliament and State Assemblies to represent nearly 800 million people.

Now, thanks to the constitutional amendments of 1992, initiated by Prime Minister Rajiv Gandhi in 1989, India has more than 32 lakh (3.2 million) elected representatives, including 12 lakh women, Scheduled Caste/Scheduled Tribe representatives, and in many states, other backward classes. These are represented in proportion to their share of the population in each ward, in the elected rural and urban local bodies, that is, the Panchayats and Municipalities. At the Village Panchayat level, the constituency of each Panch (ward member) comprises an average of 70 families or approximately 340 people. In terms of numbers, this is an achievement on a scale without parallel in the world and without precedent in history.

### **A brief History of Panchayats and Panchayati Raj**

The Rig Veda, one of India’s oldest sacred books and historical sources, mentions village communities across the sub-continent that were self-governing over millennia, serving as the main interface between the

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<sup>1</sup> Dr. Sonkhogin Haokip (lhingneinmhaokip@gmail.com) teaches in The Gandhigram Rural Institute – Deemed to be University, Gandhigram, Tamil Nadu

<sup>2</sup> S. Gandhimathi is a full-time Ph. D Research scholar in the Dept. of Political Science and Development Administration, The Gandhigram Rural Institute – Deemed to be University, Gandhigram, Tamil Nadu. [sgmmathi@gmail.com](mailto:sgmmathi@gmail.com)

predominantly agrarian village economies and the higher authorities. Custom and tradition elevated these earlier councils or assemblies called “sabhas” to a position of considerable authority. Slowly, they assumed the form of the “Panchayat” (an assembly of five respected elders). These panchayats in north and south India became the pivot of administration, the focus of social solidarity and the principal forum for the dispensation of justice and resolution of local disputes. During the medieval and Mughal periods these characteristics of the village panchayats remained unchanged.

### Local Government in British India

At the advent of British colonial administration, Sir Charles Metcalfe, the provisional governor General of India (1835-36), referred to the Indian village communities as “little republics”. In urban areas, a municipal corporation came to be formed in Madras, on the British model of town council, as early as 1687. The Madras Municipal Corporation was empowered to levy taxes for building schools, and was endowed with a guild hall. As the sphere of activities of this corporation expanded (as happened in similar bodies set up in other major towns), correspondingly, their powers of taxation also widened. These Municipal Corporations symbolized local government of sorts, but continued to comprise nominated members with no elective element whatsoever.

In 1870, Lord Mayo,<sup>3</sup> Governor General-in-Council, secured the passage of a resolution for the decentralization of power aimed at bringing about greater administrative efficiency in meeting the demands of the people but primarily designed to augment imperial finances. The “existing Imperial resources will not suffice for the growing wants of the country,” he held. At about the same time, a significant first step towards reviving the traditional village panchayat system in Bengal was taken through the Bengal Chowkidari Act, 1870, which empowered District Magistrates to set up Panchayats of nominated members in the villages. These nominated Panchayats could levy and collect taxes to pay for the chowkidars, or watchmen, engaged by them. The Famine Commission of 1880 pointed to the absence of local bodies as a major impediment in delivering relief supplies to famine-stricken people, and underlined the need to expand self-government to the villages as well.

The Magna Carta of democracy in British India was the *Ripon Resolution*<sup>4</sup> of 1882 providing for rural local boards with two-thirds of membership to be composed of elected, non-official representatives and presided over by a non-official Chairperson. Actual progress in implementation was elevated, and the term “self-government” gained currency.

In 1906, the Indian National Congress, under the presidentship of Dadabhai Naoroji affirmed “self-government” as the political goal for the country in 1907, the government constituted a six member Royal Commission on Decentralization with Shri Ramesh Chandra Dutt as the only Indian member. The Report of the Royal Commission on Decentralization, released in 1909, elaborated the principles enunciated in the Ripon Resolution, and recognized the importance of Panchayats in the governance of India. In the same year (1909), the twenty-fourth session of the Congress at Lahore adopted a resolution urging the government to take early steps “to make all local bodies with elected non-official chairmen” and “to support them with adequate financial aid”.

At its twenty-eight session in December 1913 in Karachi, the Congress adopted a resolution regretting that decentralization had remained largely on paper. In her presidential address at the Congress session in Calcutta in 1917, Dr. Annie Besant blamed the “inefficient bureaucracy” for not doing even the little that was suggested in the Report of the Royal Commission on Decentralization.

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<sup>3</sup> Lord Mayo was Viceroy of India (1869-72)

<sup>4</sup> Lord Ripon was Governor General and Viceroy of India (1880-1884)

The Montagu<sup>5</sup> -Chelmsford<sup>6</sup> Reforms of 1919 made local self-government under the proposed scheme of Dyarchy a “transferred subject”, bringing self-government under the domain of Indian Ministers in the provinces. To make local self-government both fully representative and responsible, the Montague-Chelmsford reforms suggested that there should be, as far as possible, complete possible control in local bodies and the largest possible independence for them from outside control.

The Government of India Act, 1935 and the inauguration of provincial autonomy under it marked another crucial stage in the evolution of Panchayats. With popularly elected governments in the Provinces, almost all provincial administrations enacted legislation for further democratization of local self-government institutions, including the village Panchayats.

### **Panchayats in Post-Independence India**

Although Gandhiji had sought to make village Panchayats the very foundation of democracy in independent India, the first draft of India’s Constitution, circulated after the Mahatma’s martyrdom on 30 January 1948, did not include any provision for the Panchayats. The President of the Constituent Assembly, Dr. Rajendra Prasad, drew the attention of the Law Minister, Dr. B.R. Ambedkar, to this lacuna in a letter dated 10 May 1948, initiating discussion and debate both outside and within the Constituent Assembly which eventually led to the passage of an amendment proposed by the well-known Gandhian, Shri K. Santhanam, on 25 November 1948, including village Panchayats in Part IV of the Constitution which contain the non-mandatory Directive Principles of State Policy. The amendment, eventually numbered as Article 40 reads:

*“The state shall take steps to organize village panchayats and endow them with necessary power and authority as maybe necessary to enable them to function as units of self-government.”*

It is noteworthy that right from the beginning, “self-government” has been considered as the essence of Panchayat Raj.

Community Development projects were inaugurated in 1952, modeled after the earlier experiments at Santiniketan, Baroda (Vadodara), and Nilokheri. However, the dynamic driving force behind the Community Development movement, Minister S.K. Dey, was of the consistent view that Community Development projects could not achieve their full potential in the absence of effective institutions for people’s participation.

In 1957, a historic breakthrough in establishing Panchayati Raj was effected through the Report of the Team for the Study of Community Development Projects and National Extension Service, headed by Shri Balwantrai Mehta, which recommended that *“Public participation in community works should be organized through statutory representative bodies.”* The Team was of the view that without an agency at the village level that could represent the entire community, assume responsibility and provide the necessary leadership for implementing development programmes, real progress in rural development could not come about at all. Subsequently, the National Development Council endorsed the basic principles of democratic decentralization enunciated in the Balwantrai Mehta report and laid on States the duty of working out the structures suitable to each State. It was during this period that the term “Panchayati Raj” gained currency as a

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<sup>5</sup> Edwin Samuel Montagu was Secretary of State for India (1917-22)

<sup>6</sup> Lord Chelmsford was Viceroy of India (1916-21)

process of governance organically linking the will of the people from the Gram Sabha to the Lok Sabha. According to Shri S.K. Dey, the term was coined by Pandit Jawaharlal Nehru.<sup>7</sup>

Prime Minister Nehru inaugurated Panchayati Raj in Rajasthan on 2 October, 1959, at Nagpur, 260 kms. From Jaipur. The Jayprakash Narayan Committee spoke of the double-thinking and contradictory positions developing within the government in respect of Panchayati Raj, pointing out that:

*“After having accepted Panchayati Raj as the agency responsible for planning and execution of plans...there is no longer any valid reason for continuing individual allocations subject-wise even to serve as a guide.”*

The Ministry of Community Development was brought under the Ministry of Food and Agriculture, and in 1971 the title “Community Development” was dropped and replaced by “Rural Development”. The eminent Panchayati Raj activist, Shri LC Jain wrote: *“This was not just a cosmetic change. It marked the end of both the ‘community’ and ‘panchayats’ as agents of change and agencies of development.”*

Prof. Rajni Kothari regretted that *“We have ended up creating an impregnable alliance of urban officialdom and the rural rich, and have excluded the rural poor from it.”*<sup>8</sup>

The Asoka Mehta Committee Report of 1978 recommended that Panchayati Raj be included in the Constitution. In keeping with the spirit of the Asoka Mehta Committee recommendations, some states, including West Bengal, Karnataka and Andhra Pradesh, revisited their respective Panchayati Raj Systems and undertook several new initiatives to endow local bodies with more powers, leading to these initiatives being cited as “second generation” Panchayats, which served as a prime inspiration and example for subsequent reform.

Prime Minister Rajiv Gandhi (1984-89) was driven by a vision to provide the people with a “representative administration”, as he repeatedly emphasized in his Address to the Nation in January 1985 and included in the Revised Twenty-Point Programme of 1986. To this end, he met with district magistrates of every district of India over a seven-month period<sup>9</sup> and concluded that the way forward lay in amending the Constitution to give constitutional sanction and constitutional sanctity to Panchayati Raj. A Sub-Committee of the Consultative Committee of Parliament attached to the Ministry of Rural Development under the chairmanship of Shri P.K. Thungon recommended that Panchayati Raj bodies should be constitutionally recognized.

In May 1989, Prime Minister Rajiv Gandhi himself introduced the Constitution (64<sup>th</sup> Amendment) Bill, saying: *“Our Bill will ensure that Panchayati Raj has a democratic character similar to the Lok Sabha and the State Assemblies and constitutional protection for their functioning as representative institutions of the people.”*

The Constitution (64<sup>th</sup> Amendment) Bill was followed in July 1989 with the Constitution (65<sup>th</sup> Amendment) Bill that sought to endow urban local bodies, from town Panchayats and Municipalities to Metropolitan Councils, with powers similar to those that were sought to be devolved to the rural Panchayats. A particularly significant provision was for buckling the development of the rural hinterland in every district to the

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<sup>7</sup>S.K. Dey, “Panchayati Raj in Independent India: Some Personal Reflections,” in George Mathew (Ed.) *Panchayati Raj in Karnataka Today: Its National Dimensions*, Institute of Social Sciences & Concept Publishing Co., New Delhi, 1986

<sup>8</sup>Quoted in George Mathew, *Panchayati Raj: From Legislation to Movement*, pp. 12-13. Concept Publishing Co., New Delhi, 1994

<sup>9</sup>Bhopal, December 1987; Hyderabad, February 1988; Imphal and Jaipur. April 1988; and Coimbatore, June 1988

neighbouring urban centers through the mechanism of a District Planning Committee jointly elected by, from and amongst the members of the Panchayats at all three levels and the Municipalities within the district. The DPCs so constituted were to be entrusted with the task of “consolidating” the plans prepared at lower levels into a “draft district development plan” which would then be forwarded to the State Government. Describing the Bill as the “Nagarpalika Bill”, Prime Minister Rajiv Gandhi said:

*“The Nagarpalika Bill supplements the Panchayati Raj Bill. The theme of this Bill is the same as the other: Constitutional sanction for maximum democracy and maximum devolution... We seek through these Bills to vest power in the only place where power rightfully belongs in a democracy – in the hands of the people... With these two Bills, we shall ensure that while India lives, democracy at the grassroots lives. No longer will democracy in local self-government be a passing political pastime. Through these Bills, democracy in local self-government becomes a solemn constitutional obligation, an obligation that can neither be suborned nor flouted for reasons of expediency or indifference.”*

Although both Bills received the required two-thirds majority with at least half the members present and voting in the Lok Sabha, on 13 October 1989, the Bills failed by a handful of votes to muster the required constitutional majority in the Rajya Sabha, notwithstanding the Prime Minister’s closing call to the Hon’ble Members:

*“We invite all the Parties in the House to join hands with us in passing these Bills. The Bills are for the people. The Bills are for their welfare, their benefit. The Bills are to give power in the hands of the people. The Bills are to end the reign of the power-brokers. The Bills are to entrust responsibility to the grassroots. The Bills are to give representative administration. The Bills are to involve the people’s participation in planning and implementation in development and social justice. The Bills are designed to entrench democracy in the very foundations of our polity so that the superstructure of democracy in State capitals and the national capital might be stable, sound and well-founded. The Bills represent the realization of Mahatma Gandhi’s vision. The Bills represent the fulfillment of Pandit Jawaharlal Nehru’s dream. The Bills are the outgrowth of Indira’s endeavours. I invite the House to pass these Bills unanimously.”*

In September, 1990, the National Front government introduced the Constitution (74<sup>th</sup> Amendment) Bill – a combined Bill on Panchayats and Municipalities – but before this was taken up for discussion, there was a change of government. The Congress government under Prime Minister P.V. Narasimha Rao introduced the 72<sup>nd</sup> (Panchayats) and 73<sup>rd</sup> (Nagarpalikas) Constitution Amendment Bills, based substantially on the Bills moved in the Eighth Lok Sabha by Shri Rajiv Gandhi but also incorporating some of the changes brought by the National Front government. These two Bills were referred to a Joint Selection Committee of the Parliament, which effected some further changes but conformed in very considerable measure to the earlier 1989 initiative.

The Lok Sabha and the Rajya Sabha passed both Bills on the 22 and 23 December 1992 respectively. By the time the Parliament passed the two Bills, their sequence changed to 73<sup>rd</sup> and 74<sup>th</sup> respectively. Following their ratification by more than half the State Assemblies as required under the Constitution, the President of India gave his assent, and the Acts came into force as the Constitution (Seventy-third Amendment) Act, 1992 on 24<sup>th</sup> April 1993, and the Constitution (Seventy-fourth Amendment) Act, 1992 on 1 June 1993, adding two new Parts to the Constitution, namely, Part IX titled “The Panchayats” and Part IXA titled “The Municipalities.”

### **Part IX: “The Panchayats” – A Summary**

The principal provisions of Part IX of the Constitution relating to the Panchayats are summarized below:

**Article 243A** places the common man at the centre of Panchayati Raj, by giving constitutional recognition to the 'Gram Sabha' as 'a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of the Panchayat at the village level.' The Constitution stipulates that a Gram Sabha may exercise such powers and perform such functions at the village level as the legislature of the State may, by law, provide. The Gram Sabha is the only forum that can ensure direct, participative democracy. It offers equal opportunity to all citizens of a village or cluster of villages to discuss and criticize, approve or reject proposals of the Panchayat executive and also assess its performance. It is the platform for effective social audit, which lies at the core of ensuring transparency and accountability in the functioning of the system. To this end, there is a need to accord clearly enunciated statutory powers and authority to the Gram Sabha.

**Article 243B** defines the 'Panchayat' as an 'institution of self-government constituted for the rural areas.' It also makes it mandatory for all States to constitute Panchayats at the village, intermediate and district levels in accordance with the provisions of the Constitution, with the exception that States with populations of less than 20 lakh need not constitute Panchayats at the intermediate level.

**Article 243C**, which deals with the composition of Panchayats, mandates that all seats in Panchayats shall be filled through direct election from territorial constituencies in the Panchayat area. It also mandates that a Chairperson of the Panchayat would be elected by and from among the elected members thereof. An exception is made in the case of Village Panchayats, where if a State so wishes, it can provide, through law, for village Panchayat. Each Panchayat is to be elected for a period of five years and elections to the next Panchayat shall be completed before the completion of the term of the existing Panchayats, to ensure the continuity of elected representation.

**Article 243D** provides that at least one-third of the elected seats and offices of Chairperson at all three levels of the Panchayats are reserved for women. It also provides that seats and offices are to be reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to the size of their populations within that Panchayat, subject to one-third of these seats/offices being reserved for women belonging to these categories. There is also an enabling clause for States to provide reservations, on a similar pattern, for the other backward classes (OBCs). The allocation of reserved positions for various categories is to be by rotation in such manner as may be determined by the State. In a society that was and still remains fractured by discrimination based on caste and gender, Article 243D is the harbinger of non-discrimination against disadvantaged sections and justice for all in village India.

**Article 243E and 243F** provide for elections to Panchayats to be held within a period of five years and, in the event of dissolution for any reason whatsoever, for by-elections to be held within six months. The latter Article specifies the grounds on which candidates might be disqualified from contesting elections. While a few States have introduced a two-child norm<sup>10</sup> to disqualify candidates, it may be noted that Article 243E does not stipulate this.

**Article 243G read with the Eleventh Schedule** stipulates that States may by law endow the Panchayats with such powers and authority as may be required to enable them to function as institutions of self-government. Such laws may also provide for the devolution of powers and responsibilities upon Panchayats for the preparation of plans for economic development and social justice and implementation of schemes for economic development and social justice as may be entrusted to them, including those in relation to the 29 matters listed in the Eleventh Schedule, as illustrative of being devolved to Panchayats.

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<sup>10</sup> Madhya Pradesh has introduced three-child norm

**Table 1. Matters listed in the Eleventh Schedule**

Sl. No	Subjects	Sl. No	Subjects	Sl. No	Subjects	Sl. No	Subjects	
1	Agriculture, including agricultural extension	8	Small-scale industries, including food-processing industries	17	Education including primary and secondary schools	25	Women and child development	
						26	Social welfare including welfare of the handicapped and mentally retarded	
2	Land improvement, implementation of land reforms, land consolidation, and soil conservation	9	Khadi, village and cottage industries	18	Technical training and vocational education			27
			10			Rural housing		
			11	Drinking water	19	Adult and non Formal education		
			12	Fuel and fodder				
3	Minor irrigation, water management and watershed development	13	Roads, culverts, bridges, ferries, waterways and other means of communication	20	Libraries	28	Public Distribution system	
				21	Cultural activities			
				22	Markets and fairs			
4	Animal husbandry, dairying and poultry	14	Rural electrification, including distribution of electricity	23	Health and sanitation including hospitals, primary health centers and dispensaries	29	Maintenance of community assets	
5	Fisheries							
6	Social forestry and farm forestry	15	Non-conventional energy sources	24	Family welfare			
7	Minor forest produce	16	Poverty alleviation programmes					

In order that the devolution of powers and responsibilities to Panchayats is worthwhile and relevant to the lives of the people within their jurisdiction, it is essential that finances are devolved to them on the pattern of the devolution of functions to administer these tasks and responsibilities and that technical and administrative staff to assist Panchayats in carrying out their duties are placed at the disposal of the Panchayats and brought within the ambit of Panchayat discipline. Hence, the stress in the National Common Minimum Programme on the devolution of the three Fs: functions, finances, and functionaries as the basic prerequisite of effective Panchayati Raj. Hence too, the fundamental importance that is attached to Activity Mapping that clearly and unambiguously spell out the activities to be undertaken by the Panchayats at each of the three levels in respect of each devolved function.

**Article 243H** empowers the State legislature to authorize Panchayats to levy, collect and appropriate designated taxes, duties, tolls and fees, and provides that these grants-in-aid be assigned to Panchayats from the Consolidated Fund of the State.

**Article 243 I** specifies that the Governor of a State shall within one year of the commencement of the 73<sup>rd</sup> Amendment, and thereafter at the expiration of every fifth year, constitute a State Finance Commission. The State Finance Commission is to review the financial position of the Panchayats and to make

recommendations regarding the allocation of funds to Panchayats, the determination of taxes, duties, tolls and fees which may be assigned to or appropriated by the Panchayats, as also “measures needed to improve the financial position of the Panchayats” or any other matter relating to the “sound finance of the Panchayats”.

**Article 243J** gives the States the power to make by law provisions with respect to the maintenance of accounts by the Panchayats and for their audit.

**Under Article 280**, which deals with the constitution and duties of the Central Finance Commission, a new clause has been added which states that the Central Finance Commission shall make recommendations to the President as to the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State.

**Article 243K** mandates that the superintendence, direction and control, and conduct of all elections to the Panchayats shall be vested in an independent State Election Commission consisting of a State Election Commissioner to be appointed by the Governor. The State Election Commissioner is also responsible for the preparation of electoral rolls for Panchayat elections.

**While Article 243 L** extends the provisions of Part IX to the Union Territories, under certain terms and conditions, **Article 243 M** gives to Parliament the power to extend the provisions of Part IX to the tribal areas listed in the Fifth Schedule. It is in exercise of these powers that Parliament passed the Provisions of The Panchayats (Extension to the Scheduled Areas) Act 1996, better known by its abbreviation, PESA. Article M also exempts certain States and certain areas covered by the Sixth Schedule, as also certain other States and regions covered by separate special arrangements, from the purview of Part IX of the Constitution. Moreover, the Article exempts Arunachal Pradesh from necessarily making reservations for the Scheduled Castes.

The final provision in Part IX, **Article 243N**, provides a one year grace period from the entry into force of Part IX to bring all laws dealing with the Panchayats into conformity with Part IX of the Constitution.

### **District Planning Committees (DPCs)**

Article 243ZD in Part IXA of the Constitution provides for the reconstitution of District Planning Committees (DPCs) by the State Governments in every district where Part IX applies, and is a milestone in decentralized planning. The DPCs are required to “consolidate” the plans prepared by the Panchayats and Municipalities in the district, and, on this basis, to formulate a draft development plan for the district as a whole. Four-fifths of DPC members are to be elected by and from amongst the elected representatives of the District Panchayat and the Municipalities in the district. Each DPC has the authority to take decisions regarding matters of common interest between the Panchayats and the Municipalities, including spatial planning, sharing of water and other physical and natural resources, as also the integrated development of infrastructure and environmental conservation in the districts concerned.



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