



GOVERNANCE AT THE GRASSROOTS: A COMPARATIVE ANALYSIS OF LOCAL GOVERNMENTS IN JAPAN AND INDIA

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Abstract:

This article revolves around the constitutional, legal and institutional underpinnings of the local self-governance in India and Japan. In order to accelerate decentralization, participatory democracy and inclusive development, local government is vital. This paper analyses on how India and Japan has tailored local governance by taking essence from their history, political and cultural set up of each nation. Under the 73rd and 74th Constitutional Amendment Act, the Part IX and IXA was introduced in the Indian Constitution establishing Panchayat Raj and Municipalities in India. In Japan, the system was brought by the Local Autonomy law and its Constitution. Regarding financial devolution, public engagement, and the functional autonomy of local organizations, these nations exhibit distinct paths. This study offers a systematic comparison through a doctrinal methodology that uses secondary data from online legal sources, committee reports, legislative texts, and constitutional provisions. The study is to draw attention to the similarities and differences between the two governance structures and offer suggestions for enhancing decentralized management in both situations. The study's conclusion offers recommendations for institutional capacity-building programs and legal reforms that could improve local governments' democratic efficacy and responsiveness.

Keywords: *Local government, Panchayat, Municipality, Constitution, decentralization.*

Introduction:

A key component of democratic administration, the local governance is based on the decentralization principle and the idea that the government should operate as near to the people as feasible. Self-governance is and should be the cornerstone of any really democratic society, as Jawaharlal Nehru, the first Indian prime minister, so eloquently stated. A consolidated democracy cannot be established until its foundation is built from the base or grassroot level. This realization is still significant in discussions of modern government because it emphasizes

how crucial local institutions are to maintaining democracy, promoting growth, and facilitating citizen participation. Both India and Japan have distinct constitutional frameworks, administrative systems, and historical paths that are reflected in the development of local governance. Through the 73rd and 74th Constitutional Amendments¹, India, a federal parliamentary republic, formally established local administration and made Panchayati Raj Institutions² (PRIs) and Municipalities³ the third tier of government. The Local Autonomy Act of 1947⁴, which functions under the constitutional recognition of local self-government despite being legislative in character, is the main mechanism by which Japan, a unitary state, allows for local autonomy.

Objectives:

- i. To define and conceptualize local governance in India and Japan in the framework of democratic decentralization.
- ii. To identify significant legislative and political turning points in the history of municipal governance in both nations.
- iii. To examine the pertinent laws, constitutional clauses, and institutional frameworks that form the legal and constitutional underpinnings of local governance in Japan and India.

Research methodology:

The research uses doctrinal method which is mainly based on the examination of legislations, policy documents, constitutional provisions, textbooks and court rulings that are pertinent to local governance in Japan and India. The Japanese Constitution (especially Article 92), the Indian Constitution (especially the 73rd and 74th Constitutional Amendments), and the Local Autonomy Act of Japan are examples of primary sources. A thorough assessment has been conducted of secondary sources, including law commission findings, suggestions from government committees (such as the Ashok Mehta and Balwant rai Mehta Committees), scholarly commentary, and peer-reviewed journal publications. To collect up-to-date interpretations and policy viewpoints, the study also makes use of trustworthy internet legal resources and government portals.

Definition of local self-governance:

The European Charter on Local Autonomy defines local self-government as “the right and ability of local authorities within the limits set by law, to manage public services in the interest of the local population where they carry responsibilities”.⁵

The OECD (Organization for Economic Cooperation and Development) states “the local government is based on fiscal governance, legislative and executive authority over an area corresponding to the territorial limit and a certain group of people.”

¹ The Constitution (Seventy-third Amendment) Act and The Constitution (Seventy-fourth Amendment) Act, 1992 (India).

² India Const. pt. IX

³ India Const. pt IXA

⁴ Local Autonomy Law, Law No. 67 of 1947 (Japan)

⁵ European Charter of Local Self-Government art. 3, Oct. 15, 1985, Europe. T.S. No. 122, <https://rm.coe.int/european-charter-of-local-self-government-/1680b0fbec>.

According to Humes and Martin, local government should satisfy the below conditions:

- a. have a certain population,
- b. a specific surface area,
- c. the capacity to sign contracts or to enter into relationships with third parties, i.e. the legal status and authority,
- d. have a continuous organization and,
- e. to realize the financial function therefore have the capacity to collect taxes and determine its budget.⁶

Wilson and Game states local governance is a multi-functional and geographic organization determined on pursuing social objectives, economic or political ones, through funds given from above or those provided by its revenues, which regulates and monitors all areas of public services within the local community.⁷

A local unit is a legal entity that provides public services to its people within the territory where it exercises jurisdiction, but it is also a democratic institution which from the decision-making point of view, is governed by a council with representatives elected by the people who are accountable to their constituents.⁸

While Lockard thinks that the local government can be defined as a public organization, authorized to establish and administer public policies within a given territory, the latter is a subdivision of the central government. In fact, the organization of local government is public organization, changing from private organizations, they are aimed at the general interest of citizens.⁹

Local Government according to Hasluck is the sphere of government where local authorities are allowed by law to issue acts or decisions to adjust the way of governance.¹⁰

In his book "Elements of Politics", Sidgwick considers local government as government of some sub organs that have special powers to issue regulations or rules within the area which they manage. So, Sidgwick connects this government with its legislative character.¹¹

Stones in his definition defines local government as part of the governance of a country, but that deals with problems or issues of population within certain territory or location. According to him, this kind of government does the so-called "housework" so that living in these areas to be affordable for its residents. It achieves this by keeping the roads clean, children's education, residential housing construction etc.¹²

⁶ Samuel Humes & Eileen M. Martin, *The Structure of Local Governments Throughout the World* (Martinus Nijhoff 1961)

⁷ David Wilson & Chris Game, *Local Government in the UK* (4th ed. Palgrave Macmillan 2006)

⁸ C.R. Tindal, *Structural Changes in Local Government: Government for Urban Regions* (Monographs on Canadian Urban Government, 1977).

⁹ Duane Lockard, *The Politics of State and Local Government* (1st ed. Macmillan 1963).

¹⁰ E.L. Hasluck, *Local Government in England* (2010)

¹¹ Henry Sidgwick, *The Elements of Politics* (Oct. 22, 2014).

¹² P. Stones, *Local Government for Students* (3d ed. Macdonald & Evans 1968).

The historical evolution of the local governance in India:

The development of local governance in India is a long-standing historical lineage. Initially, there were traces of local governance in the ancient Indian texts. In Rig Veda (1700 BC)¹³, the self-governing village bodies called 'sabhas', 'samiti' and 'vidatha' prevailed. In Manu Smriti¹⁴, Manu has divided settlement into three kinds, namely, village (gram), town (pura), city (nagara). Manu promulgated village as the fundamental and basic unit of administration. At some later point of time, these bodies became the Panchayats made by a council of five persons, who were the functional institutions of each village and they exercised judicial and executive functions like distribution of land and collection of taxes out of the product and payment of the share of Government on behalf of the village.¹⁵ Further, in Ramayana villages were classified as Ghosh and Gram. As explicit in the Arthashastra, the Mauryan administration delineated their territories as provinces, districts and villages. Later, during the Gupta period famously called the Golden Age, the village was considered the smallest unit of administration and village councils were formed and district officials and village headman were appointed known as Vishyapathi and Grampathi respectively. During the Chola administration¹⁶, village administrators were given economic and administrative freedom. The major criticism of the ancient period was that there was no woman participation in local governance. At the Mughal Period, the muslim rulers gave the village community a sort of legal standing by their tact recognition of it, and encourage it to co-operate with the Government in its functions.¹⁷

In the medieval period, the Delhi Sultane's¹⁸ divided the provinces into vilayat and village was administered by Mukkadam (administrators) inspired from the Persian and Central Asian countries, Pattawari responsible for collecting revenue and Choudhrie dealing with settlement of disputes. The system, however, faced a downfall in the Mughal period due to the overemphasize of castesim and feudalism. Further, there was no reference of women participation. A new class of feudal chiefs and revenue collectors emerged between the ruler and the people. And, so began the stagnation and decline of Self-Government in villages.¹⁹

In the British period, initially the essence of Mughal's system was followed and the autonomy of Panchayats declined due to the constitution of local civil and criminal courts, revenue and police organisation, the increase in communications, the growth of individualism and the operation of the individual Ryotwari system as against the Mahalwari system. The Panchayat had never been the priority of the Britishers.²⁰ After the enactment of The Permanent Settlement in Bengal²¹ in the year 1793 the village institutions eroded as a class of landlords were introduced to serve as intermediaries. After Mayo's resolution which empowered provinces in local taxation there was an upgradation in the local institutions. However, the real benchmarking of the Government Policy on

¹³ Ralph T.H. Griffith & Arthur Berriedale Keith, trans., The Complete Rig Veda in English (Sakala Shakha), Internet Archive, Public Domain Mark 1.0 (Jan. 4, 2018), <https://archive.org/details/rigvedacomplete>

¹⁴ Manu, Manusmriti in Sanskrit with English Translation, Internet Archive (Jan. 2, 2016), https://archive.org/details/ManuSmriti_201601

¹⁵ Jawaharlal Nehru, The Discovery of India 288 (Signet Press 1964).

¹⁶ Chola Administration: Governance, Military, Economy and Society, vmbdn.in, https://vmbdn.in/e_material/5_1585577468_Chola%20%20Administration.pdf

¹⁷ P. Saran, The Provincial Government of the Mughal, 246-249

¹⁸ Ashirbadilal Srivastav, Delhi Sultanate (711 to 1526) (Shivlal Agrawal 1965), <https://archive.org/details/in.ernet.dli.2015.429869>

¹⁹ Shivaji Univ., Chapter 1, http://ir.unishivaji.ac.in:8080/jspui/bitstream/123456789/3600/5/05_Chapter%201.pdf

²⁰ George Mathew ed., Status of Panchayat Raj in the States and Union Territories of India 2000 (Concept Publ'g Co. for Inst. of Soc. Scis. 2000).

²¹ S.C. Ray, The Permanent Settlement in Bengal, <https://archive.org/details/in.ernet.dli.2015.47960>

decentralisation was the Lord Rippen's resolution on Local Self-Government on May 18, 1882.²² He recognised the twin considerations of Local Government as administrative efficiency and Political education. This is considered as the Magna Carta of Local democracy in India. That makes him treat as the founding father of Urban Local Government. This resolution states all boards must have two-third majority of non-official members have to be elected and the Chairman of those bodies have to be among the elected people. Then the Royal Commission of decentralization²³ in 1907 recommended that "It is most desirable, alike in the interests of decentralization and in order to associate the people with local tasks of administration, that an attempt should be made to constitute and develop Village Panchayats for the administration of local village affairs. Further, The Government of India Act, 1919, transferred few subjects of the provincial government to the local government. But, the Montague-Chemsford reforms in 1919 brought Local Self-Government as a provincial transferred subject, under the domain of Indian ministers in the provinces. Due to reasons like organisational and fiscal restraints, the reform was not able to empower Panchayats.

The Government of India Act, 1935 marked the evolution of panchayats in popularly elected Governments in provinces enacted Legislations to further democratise institutions of Local Self-Government.

During the Pre-independence era, Mahatma Gandhiji's ideology of Gram swaraj meaning village self-rule gained importance and he emphasised villages as being the primary unit of democracy. This Gram Swaraj encourages conversion of every village into a self-efficient autonomous entity where all the systems and facilities for a dignified living are available²⁴. This concept was an important point of consideration in the Constitutional assembly debates which resulted in the introduction of Article 40²⁵ of the Constitution which states:

"The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government".

The placement of this article under the directive principles of state policy indicates the nature of compromise went during the constitutional assembly debates. Following this, the Balwant Rai Mehta Committee²⁶ in the year 1957 supported a three-tier system which reflected in Rajasthan firstly in 1959.

Post-independence, finally the 73rd and 74th amendment act in 1993 and 1994²⁷ was a defining event in the evolution by introducing Part IX and IXA²⁸ of the Constitution and making it an constitutional mandate.

The historical evolution of the local governance in Japan:

In Japan, the evolution of local governance can be traced back to antiquity, when the society was organized on the basis of community. In these ancient periods, the rural areas were divided into small administrative units which were called as 'mura' or 'son', these were village communities that formed the basis of local governance.

²² Ram Chandra Palit ed., Speeches and Published Resolutions of Lord Ripon (1882), <https://archive.org/details/in.ernet.dli.2015.39375>

²³ Report of the Royal Commission upon Decentralization in India, vol. I (Gov't of India, His Majesty's Stationery Office 1909), <https://archive.org/details/dli.ministry.21477>

²⁴ Dr.M.Madhumathi, The Gandhian Approach to Rural Development, 2011 IJCRT | Volume 1, Issue 2 April 2011 | ISSN: 2320-2882

²⁵ India Const. art 40.

²⁶ Reserve Bank of India, Finances of Panchayati Raj Institutions, RBI Bull. (Occasional Series), Jan. 24, 2024, <https://www.rbi.org.in/Scripts/PublicationsView.aspx?id=22401> (last visited Aug. 9, 2025).

²⁷ The Constitution (Seventy-third Amendment) Act and The Constitution (Seventy-fourth Amendment) Act, 1992 (India)

²⁸ India Const. (1950)

These village communities were administered in administrative and judicial capacity by the local leaders who were known as the “shoya” or “shosha”.²⁹ They were primarily focusing on managing agricultural activities in the village, maintaining order in the society, organising communal tasks, collection of tasks, and amicably resolving disputes among villagers.

In the 12th to the mid-19th century, the governance structure in Japan witnessed a revolution. During this feudal era, Japan was divided into feudal domains which were known as “han” under the leadership of “daimyo” or feudal lord.³⁰ The daimyo’s power extended to exercising control over the economic affairs, enforcing taxation policies, maintaining law and order. During this period, there was only limited participation of the local people in the decision-making process.

The overthrowing of the Tokugawa shogunate and the establishment of the Meiji government brought historic shift in the development of local governance in Japan. The Meiji Restoration³¹ in 1868 was brought with an intent of transforming Japan into a modern and centralized state which prominently included reorganization of the local government. This was major task undertaken for the national unification after decades of disunity to form a centralised system of governance.

Aftermath of World War II, the Constitution of 1970 canonized the local autonomy principle by granting legal recognition to Local Self-Governance under its Chapter VIII in Articles 92-95. Various measures were undertaken to institutionalise this principle. One such is the enactment of the Local Autonomy Law³² in the year 1889. This was an institutional landmark in the evolution of local government wherein the law introduced the concept of elected local assemblies and mayors, thus, increasing the local participation in governance. The local public entities were granted administrative responsibilities and this is the way Japan shifted from feudal to a democratic form of local governance.

The reforms of the Occupation brought into Japan the democratic elements from America. Accordingly, Governors and Mayors were to be publicly elected which transformed Prefectures and Municipalities as autonomous. Further, the Ministry of Interior of abolished. The essence of integrationist model was retained such the practice of agency delegation and major programmes of the central government was delegated to Prefectures and Municipalities for their execution. In 1960, the Ministry of Home Affairs was set up.

In the 20th and 21st Centuries, Japan has undergone various challenges such as increase in population, economic stagnation, etc. These restraints enshrined decentralization.

²⁹ Japan Local Governance & Global Affs. Research Grp., Japan’s Local Governments and Governance under Population Decline (Leiden Univ. 2021), <https://www.universiteitleiden.nl/en/research/research-output/governance-and-global-affairs/japans-local-governments-and-governance-under-population-decline> (last visited Aug. 8, 2025).

³⁰ Marius B. Jansen, *The Making of Modern Japan 65–89* (Harv. Univ. Press 2000), <https://archive.org/details/makingofmodernja00jans> (last visited Aug. 8, 2025).

³¹ The Meiji Restoration: A Great Transformational Era in Japan’s History, *World Hist. J.*, May 15, 2025, <https://worldhistoryjournal.com/2024/10/06/the-meiji-restoration-a-transformational-era-in-japans-history/>

³² Local Autonomy Law, Law No. 67 of 1947 (Japan)

the legal framework of local self-governance in India:

India is a quasi-federal state whose government is delineated into three tiers, namely, Union Government, State Government, Local Government. The Union Government is the top most in the hierarchy which included the all three branches and is governed by the Constitution. Further, each state is administrated by the Chief Minister in the State Government. The grass root level and the lowest grade is the Local Government which gives emphasis on resolving the regional and local issues which is emphasised in the 73rd and 74th Constitutional Amendments³³. These two amendments established two local self-governing institutions namely, the Panchayats and Municipalities for the rural and urban areas respectively.

The significant features of the 73rd Constitutional Amendment Act are listed as follows;

- i. Establishment of Gram Sabha with all persons in electoral roll being the members of the Sabha.
- ii. The Panchayat is delineated into three tiers as village, intermediate and district levels.
- iii. All of these tiers will have members directly elected from their territorial constituencies based on their population.
- iv. The members of the Panchayat have the right to vote in meetings.
- v. The Chairman of Panchayat at intermediate and district are elected by their members itself.
- vi. Reservation of seats for the Scheduled Caste's, Scheduled Tribes and Women are to be given on rotational basis.
- vii. The eligibility of the member is to be 21 years of age and the fixed tenure of each tier is five years.
- viii. The constitution of Finance Commission, State Finance Commission and State Election Commission.

These features were expressed in the Part IX of the Constitution in the provisions Article 243A to Article 243O³⁴. Similarly, the 74th Constitutional Amendment Act deals with the important features relating to Municipalities as to the Constitution and Composition of Municipalities, Constitution of Wards Committee, Reservation of seats for SC, ST and women, Constitution of Metropolitan and District Planning Committees. In essence of this, the 11th and 12th Schedules of the Constitution gives the authority and power of matter in which the Panchayat and Municipalities are authorised.

As a result of the 74th Amendment, the Part IXA³⁵ was introduced in the Indian Constitution dealing with Urban Local Bodies. Article 243P defines the two significant terms namely, Municipality and Municipal area as the local governing body for urban areas and the geographical area within the ambit of a municipality respectively. The Municipality under Article 243Q is delineated into three tiers namely, the Municipal Corporation for larger cities having a population of more than 1 million people, A Municipal Council administering small cities and A Nagar Panchayat administering areas that transitioned from rural to urban area. The composition of the Municipality includes elected representatives and one-third of this seat is reserved for women, this is specified in Article 243R. Under Article 243S, each municipality is classified into wards for election and this delineation is determined by each State Legislatures. Article 243V deals with the power of municipalities in matters contained

³³ The Constitution (Seventy-third Amendment) Act and The Constitution (Seventy-fourth Amendment) Act, 1992 (India).

³⁴ India Const. (1950).

³⁵ India Const. (1950).

in the twelfth Schedule which include transport, public health and sanitation, water supply and drainage systems, etc. The Finance Commission and State Election Commission are to be constituted for the municipalities under Article 243X and Article 243Y. As stated in the amendment, there is constitution of the Wards Committees and Metropolitan Planning Committees under Article 243ZA and 243ZB. In the case of *K.K.Verma V. Union of India*³⁶, the constitutional validity of this amendment was upheld.

Further, the 15th Finance Commission³⁷ brought several alterations and strengthened the finances for the local government by adding all levels of Panchayat in the scheduled areas for grants. The commission also recommended to grant Rs. 4.36 lakh crore to the rural and urban local governments from the central divisive tax pool.

Article 243ZD of our Indian Constitution deals with Committee for district planning. This committee is constituted by every state for each district for the purpose of consolidating plans that are prepared by the rural and urban local bodies and to prepare a draft development plan for the whole district.

The Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)³⁸ was enacted by the Parliament on 24th December 1996 to grant the tribal communities of the fifth Schedule in India more autonomy and control over their own administrative affairs. The Act establishes institutions such as Gram Sabha, Gram Panchayat and Panchayat Samiti at the village level. A Gram Sabha was established by this act to enable a forum which helps in the participation of the tribal community in their development process and this sabha identifies, prepares and implements such made plans. The act confers various powers on these institutions to manage the natural resources and protect the environment. Fund is allotted to these institutions under this act.

Similarly, there are legislations like The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in 2006, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act in 2013, The Mahatma Gandhi National Rural Employment Guarantee Act in 2005, The Biological Diversity Act in 2002, The Right to Education Act in 2009 and The National Food Security Act in 2013 that reinforce local governance. Apart from legislations there are also schemes launched to promote local governance such as the E-Gram connectivity scheme.

The legal framework of local self-governance in Japan:

The Japanese Constitution³⁹ was majorly inspired from the American Constitution which came into force in 1947 and has not been amended since that. Despite of this, local government was operated under the name of delegated functions.

All of these were transformed on the passing of the Comprehensive Local Autonomy Law⁴⁰ in 1999 granting full authority to local governments all the affairs that are being handled by them, inclusive of those that were

³⁶ AIR 1954 Bom 358 (India)

³⁷ Law Comm'n of India, Report No. 170, *Reform of the Electoral Laws* (1999), https://lawcommissionofindia.nic.in/report_fifteenth/ (last visited Aug. 8, 2025).

³⁸ The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, No. 40 of 1996, India Code, <https://www.indiacode.nic.in/bitstream/123456789/1973/1/A1996-40.pdf> (last visited Aug. 8, 2025).

³⁹ Const. of Japan (1947).

⁴⁰ Local Autonomy Law, No. 67 of 1947 (Japan)

previously delegated by the Central government. This law upholds the legal basis of the local self-governance. The local government under this law is classified into two tiers namely, prefectures and municipalities, apart from this there are also special wards. As on April 1, 2009, there were 47 prefectures and 1777 municipalities. Neither of these tiers are an administrative unit of the central government. They are artificial person recognised as individuals, legally making their governing bodies responsible to the locals of their particular jurisdiction. They comprise of a unicameral elected assembly and a chief executive. This Law prevented National administrative agencies from interfering in local governance, except when provided by laws or ordinances. Whenever the local government is dissatisfied with the interference of the National administrative agency, the National or Local Dispute Resolution Committee was established in the national Ministry of Internal Affairs & Communications to examine such cases. The Forum for Consultations is constructed amidst the national and local governments. Lastly, in October 2022, the forum met at the Prime minister's office and the discussion revolved around regional revitalisation and decentralisation reforms.

Among the them, the highest level of local government is prefectures, which is empowered in supervising multiple municipalities under its jurisdiction. The administration of the prefectures is devolved as Governor, Deputy Governor and other commissions like the Board of Education, Election Administration Commission, Personnel Commission, Public Safety Commission, Local Labour Relations Board, Auditor and Public Enterprise Manager. Under the Deputy Governor overlooks the following departments such as General Affairs Department, Planning Department, Living and Environment Department, Health and Welfare Department, Industry, Commerce and Labor Department, Agriculture, Forestry and Fisheries Department, Public Works Department, Accounts Department and Enterprise Bureau. This prefecture has remained constant since its adoption in the Meiji Period (868-1912). This area was rooted on the basis of administrative divisions and historical relationships between the Shogunate government and other clans like Edo Period. As a result, these prefectures are entrenched in the Japanese's culture. However, there are criticisms that this area should be re-evaluated to meet the current economic conditions post-World War II.

The Constitution of Japan in its Chapter 8 titled Local government under its article 92-95⁴¹ is the foundational basis of this concept. Article 92 states that any regulations regarding the local government's organization and operation must be decided by law considering the principles of local government. This establishes the balance amidst the local and national government. Article 93 empowers local governments to constitute assemblies in accordance with the law. All the officers shall be elected on direct popular vote basis. This shows the basis nature of local governance the concept of representation and participation which yields in good governance. Article 94 grants the autonomy to local governments in managing their property, affairs and administration and have the right to regulate their own regulations. According to Article 95, any special law cannot be enacted by the Diet for one local government except without the consent of the majority of the votes of the concerned community. This assured local self-determination.

⁴¹ Const. of Japan (1947).

Comparative analysis of India and Japan's local self-governance:

i. Structure of local government:

The framework of local governance in India is constitutionally established and is based on the legal provisions found in Part IX and Part IXA⁴² of the Constitution, which were introduced by the 73rd and 74th Constitutional Amendment Acts of 1992. These amendments collectively facilitate the decentralization of political, administrative, and fiscal authority to local self-government institutions in both rural and urban settings, thereby strengthening the directive outlined in Article 40⁴³ of the Directive Principles of State Policy. This article mandates the State to organize village Panchayats and grant them the necessary powers and authority to function effectively as self-governing units.

According to Article 243B⁴⁴ of the Constitution, the Panchayati Raj system is organized into a three-tier structure that includes:

1. Gram Panchayat at the village level,
2. Panchayat Samiti at the intermediate (block/taluk) level, and
3. Zilla Parishad at the district level.

All states must have this three-tier structure, with the exception of those having fewer than twenty lakh people, where the proviso to Article 243B (1) specifies that the intermediate level (Panchayat Samiti) does not need to be established. According to Article 243C, the individual State Legislatures have the legislative authority to decide on the makeup, authority, and functions of these organizations. Article 243Q, which governs urban government, requires municipalities to be constituted in each state and divides them into three categories according to the size and characteristics of the urban area:

- i. Nagar Panchayat for transitional areas,
- ii. Municipal Council for smaller urban areas and
- iii. Municipal Corporation for urban areas.

Japan, on the other hand, is a unitary state with two-tiered system of local government that is based on the idea of local autonomy that is protected by Article 92 of the Japanese Constitution (1947). The local government system in Japan is made up of: There are 47 prefectures that operate at the regional level, and Municipalities are community-level organizations made up of more over 1,700 cities, towns, and villages. The 47 Prefectures consist of 43 ordinary prefectures, two urban prefectures in Osaka and Kyoto and one circuit in Hokkaido and one metropolis in Tokyo, each of these having a unique administrative body. The Local Autonomy Law clearly defines and distributes the powers and responsibilities between the Prefectures and Municipalities. The Prefectures has broader responsibilities which include healthcare, public infrastructure, etc. The second tier takes care of the day-to-day services like education, waste management and water supply. There is a concept of

⁴² India Const. (1950).

⁴³ India Const. art 40.

⁴⁴ India Const. art 243B

designated cities by which municipalities undertake the administrative work of the prefectures due to a government decree.

Every local government entity, including municipalities and prefectures, has a great deal of financial and administrative autonomy. Although these tiers perform vital administrative functions, their power is delegated and is stated by the national legislature, rather than being constitutionally granted. The Local Autonomy Law⁴⁵ was amended by the Omnibus Decentralisation Act in the year 1999 which distinguished the powers and responsibilities between central and local government and repealed the agency delegated functions arrangement.

ii. Electoral system:

Article 243K and Article 243ZA⁴⁶ of the Indian Constitution mandates the election of Panchayats and Municipalities. This power is authorised by the Constitution to the State Election Commission for the supervision, direction and control for the preparation of the electoral rolls and conduct of elections. The tenure of these officers are five years. The Indian citizens qualified under the Representation of People Act, 1951⁴⁷ are eligible to vote. There is reservation for the disadvantaged communities in Article 243D for ensuring their inclusion as Scheduled Castes and Scheduled Tribes must be reserved in every Panchayat in accordance with the proportion of their population and the seats are allotted on rotation basis. At least one-third of the reserved SC/ST seats must be further reserved for women belonging to that category. Not less than one-third of all seats must be reserved exclusively for women and this is also allotted on rotational basis.

In Article 93 of the Japan's Constitution⁴⁸, the direct elections are held with a tenure of 4 years for all local offices. This empowers local governments to elect their heads and assemblies independently. There is no reservation or quota as such as in India for SCs/STs/Women. The Governors, Mayors and local councillors as the Chief executive officer (Chief) of a local government are elected directly by citizens for a tenure of 4 years⁴⁹. The Governors and Mayors are responsible in policy-making. The qualification for participating in the election of councillor is that the candidate must be a national of Japan, at least 24 years of age and has his name on the local electoral roll. Various other features like the number of councillors, the enacting of bye-laws and the maximum number is determined by the Local Government law stipulations.

iii. Devolution of powers:

Article 243G of the Constitution endows the Panchayats with powers and authority that is essential for them to function as institutions of self-government enabled by the State Legislatures in the twenty-nine subjects stated in Schedule XI which included agriculture, fisheries, rural housing, drinking water, fuel and fodder, education, libraries, cultural activities, family welfare, women and child development, public distribution system, etc. Similarly, in Article 243W endows the Municipalities with the eighteen subjects stated in the Schedule XII such as urban planning, roads and bridges, fire services, urban poverty alleviation, cattle ponds, public health, burials

⁴⁵ Local Autonomy Law, No. 67 of 1947 (Japan)

⁴⁶ India Const. (1950).

⁴⁷ The Representation of the People Act, No. 43 of 1951, India Code, https://indiacode.nic.in/handle/123456789/2096?sam_handle=123456789/1362

⁴⁸ Japan Const. 1947

⁴⁹ Local Autonomy Law, Article 139

and burial grounds, public amenities including street lighting, parking lots, bus stops and public conveniences, etc.

The local government in Japan is based on Article 92 of the Japan's Constitution and this ensures local autonomy. The Local Autonomy Law was the primary legislation empowering the prefectures and municipalities to manage the local affairs. They are empowered to manage functions like education, welfare, health and urban planning. After the 1999 reforms of abolishing delegated functions which reinforced functional autonomy as they are given administrative independence and also authorised to raise revenue through local taxes.

The major powers of a Chief include:

- a) Be the representative body in the local government.⁵⁰
- b) To administer and implement all the functions of the local government.⁵¹
- c) To aligning with other executive bodies harmoniously.⁵²
- d) Imposing regulations.⁵³
- e) To administer the appointment, dismissal, guidance and supervision of personnel.⁵⁴
- f) To revoke or suspend certain administrative actions.⁵⁵
- g) Implementation of reforms whether structural or organizational.⁵⁶
- h) To administer and overlook the public institutions.⁵⁷

In Japan, administrative commission systems are used to promote political neutrality and items were divided between Prefectures and Municipalities.

Items that are in common to both Prefectures and Municipalities:

- a) Board of Education
- b) Election
- c) Local Public Officials Law
- d) Audit

Items that relevant to Prefectures alone:

- a) Police law
- b) Labour Union Law
- c) Land Expropriation Law
- d) Fisheries Industrial Law

Items relevant to Municipalities alone:

⁵⁰ Local Autonomy Law, No. 67 of 1947, art. 147 (Japan).

⁵¹ Local Autonomy Law, No. 67 of 1947, art. 148 (Japan).

⁵² Local Autonomy Law, No. 67 of 1947, art. 180 (Japan).

⁵³ Local Autonomy Law, No. 67 of 1947, art. 15 (Japan).

⁵⁴ Local Autonomy Law, No. 67 of 1947, art. 154 (Japan).

⁵⁵ Local Autonomy Law, No. 67 of 1947, art. 154(2) (Japan).

⁵⁶ Local Autonomy Law, No. 67 of 1947, art. 158 (Japan).

⁵⁷ Local Autonomy Law, No. 67 of 1947, art. 157 (Japan).

- a) Law concerning the Agricultural Commission
- b) Local tax law

iv. Relationship between Central and State government:

Since India has a quasi-federal system and local self-government is a State issue under Entry 5 of the State List (Seventh Schedule) of the Constitution⁵⁸, the connection between the Central and Local Governments is mainly mediated through the State Governments. Part IX and Part IXA of the Constitution were added by the 73rd and 74th Constitutional Amendment Acts, 1992, giving rural and urban local bodies—Panchayats and Municipalities—constitutional status under Articles 243 to 243O and 243P to 243ZG, respectively. The actual devolution of powers, functions, and finances to local bodies is up to State Legislatures, which may assign responsibilities based on the Eleventh and Twelfth Schedules. This is true even though Articles 243G and 243W empower local bodies to act as institutions of self-government and enable them to create and carry out plans for social justice and economic development. Through centrally sponsored schemes (CSS) like MGNREGA, Swachh Bharat Mission, and PMAY, as well as through the Finance Commission's recommendations under Article 280, which distribute union resources to states, in Even while the Constitution calls for robust local governance, in reality, state governments mediate and frequently restrict the central-local relationship, which results in uneven state-to-state devolution and little direct interaction between the Union and local governments. Therefore, rather than having direct legislative or administrative control, the legal structure defines local bodies as constitutionally recognized but state-empowered entities. The Centre primarily influences these bodies through fiscal transfers, national programs, and policy guidelines including grants-in-aid for local bodies, the central government plays a major but indirect role.

Although local governments in Japan are subject to the Local Autonomy Law and are constitutionally guaranteed autonomy under Article 92, their relationship with the national government is characterized by a high degree of fiscal dependence, with many municipalities receiving more than 70% of their funding from the national government. Through specialized bureaus handling administration, finance, and taxation, the Ministry of Internal Affairs and Communications is in charge of local affairs. Even while decentralization measures since 2000 have eliminated agency-delegated activities and increased local functions, the central government retains authority through national policy alignment and finance channels. As a result, Japan's local governance strikes a balance between autonomy and central supervision, reflecting a unitary yet operationally decentralized form.

Suggestion:

Although Indian Constitution has enshrined decentralization in its Part IX and IXA, there are certain lacunas in the implementation of these constitutional provisions. To improvise and strengthen this situation, the following suggestions are given:

⁵⁸ India Const. 1950

i. Providing Fiscal Autonomy:

The Fiscal Autonomy of Panchayats and Municipalities have remained limited. They majorly rely on the state for fund. These local bodies can be empowered by granting fiscal autonomy to them by way of authorising them to levy and collect taxes, which would result in increase of financial sustainability.

ii. Uniform Devolution of Powers:

The Constitution in its Schedule XI and XII devolve the powers between Panchayats and Municipalities, however, the extent of this devolution differs with state. The uniformness in this devolution and also a central monitoring mechanism could empower these systems.

iii. Capacity Building;

Focus must be given on training of personnel, technical expertise and digital infrastructure.

iv. Inclusive Governance:

The Constitution has mandated reservations for Women, SC and ST's in local bodies. Although it has ensured descriptive representation, it does not reflect in effective participation. To resolve this, various leadership development and mentorship programmes are to be conducted.

Conclusion:

The comparative study of local governance in India and Japan reveals both shared aspirations and divergent legal frameworks in their pursuit of decentralised democracy. India's constitutional entrenchment of Panchayati Raj Institutions and Urban Local Bodies through the 73rd and 74th Amendments reflects a formal commitment to grassroots empowerment. Japan, while governed by a unitary structure, demonstrates a well-organised and efficient local governance model through the Local Autonomy Act, backed by administrative professionalism. Despite these legal foundations, both nations face persistent challenges such as fiscal dependence on central governments, limited autonomy in functional matters, and gaps in institutional capacity at the local level. As Mahatma Gandhi once emphasised, "The voice of the people should be heard in the village panchayats, not in the corridors of Parliament," reaffirming that true democracy must begin at the grassroots. Similarly, Jawaharlal Nehru reminded us that "Democracy is not merely a form of government. It is primarily a mode of associated living, of conjoint communicated experience." This study underscores the necessity of aligning legal structures with democratic practices that promote participation, accountability, and efficiency in local governance. Moving forward, India must work towards ensuring the mandatory implementation of devolution across states, strengthen the role of State Finance Commissions, and build institutional capacities at the local level. Japan, on the other hand, may consider constitutional fortification of local autonomy and greater fiscal uniformity across municipalities. By drawing comparative lessons and fostering mutual learning, both countries can move towards more effective, inclusive, and democratic local governance.

Reference:

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