

LOCAL GOVERNMENT

WHY DO WE NEED DECENTRALISATION OF POWERS?

MEANING OF LOCAL GOVERNMENT:

Modern states are welfare states. The struggle for independence by colonial countries changed the map of world and many new independent nations came into being.

These newly emerged states were politically, economically and socially so weak that they required such a kind of Govt., in which one could not only live but also there should be such a kind of economic policy, where economic environment of Govt. also develops, but also gives economic help to the weaker sections of the society in a vast country like India, where a huge population with diverse landscape, climate, language, race, religion, custom etc. exists, there it was not possible to promote easily the welfare functions with success, efficiency and effectiveness through a single centralized Govt. therefore, the conduct of Govt. activities in India has been broadly decentralized into three states; such as central, provincial and local Government.

MEANING OF LOCAL GOVERNMENT:

According to William Harris, "Local Self Govt. is a system under which the person of the locality possesses a certain responsibility and discretions of local public affairs and in raising funds to meet their expenses."

From this definition, local self Govt. can be defined as something which deals with different and multiple types of problems connected with local areas like, Villages, Blocks, Districts, and Towns etc. Also, local public affairs like, supply of water, electricity, improvement of streets, drainage, education etc. should also be managed and conducted by local people through local self Govt. in form of Gram Panchayats, District Boards, Municipalities etc.

In India, local self Government means a government which is more or less representatives of the local inhabitants, more or less autonomous, instituted under State and central services, and is financed to a fair extent by local tax system 'Local Self Government' is essential for healthy working of democracy.

IMPORTANCE OF LOCAL SELF GOVERNMENT:

- Local Government is an important tested institution for development of the country and this decentralization is helpful in making democracy a success in vast country like India.
- Local Self Government inculcates in people civic consciousness, they learn the art of government and people understand local problems and learn art of solving them.
- Local Government decreases the economic burden of the state, as for solving local problems, people contribute themselves.

EVOLUTION OF LOCAL GOVERNMENT IN INDIA:

System of Panchayats is very old in India. The word literally means a group of five people. In villages, it was custom to elect a group of five elders or panches. They settled

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disputes and looked after other local problems in villages. This system existed in our country during ancient times and functioned well till Mughal period. But during British Rule, there were British officials to look after the affairs of the people, so Panchayats declined.

After Independence, and framing of constitution, importance of Panchayat was realized. Initially, it was not compulsory for government to set up a Panchayati Raj System. But when developmental programmes began, participation of people was missing at local level, so need to revive Panchayat system arose.

In 1992, central government amended the constitution and formulated rules for PRS, which were to be followed by all states and Union territories. These rules became effective from April 1993.

- i) PRS must be three tier system-village level, block level and the district level. Those states who are having population less than 20 lakhs do not have block level.
- ii) Direct elections for all the seats in PRS.
- iii) Reservation for ensuring representation of scheduled castes and scheduled tribes in proportion to their population.
- iv) $\frac{1}{3}^{\text{rd}}$ of the total number of seats are reserved for women.
- v) All panchayats must have a tenure of 5 years. If for some reasons Panchayat is dissolved, elections, must be held within six months of dissolution.
- vi) Member of panchayat should not be less than 21 years of age.
- vii) State Election Commission should hold regular panchayat elections.

STATUS OF LOCAL GOVERNMENT IN THE CONSTITUTION:

The ideal form of democracy is that in which democracy is established at the grass roots of the society and the people of villages and towns get adequate opportunities to solve their own problems. In India, in order to make democracy deep rooted, democratic institutions are organized at every level.

Important characteristics of local self government are the following:

- a) Local Self Government is a constitutional institution which is controlled by central and state government.
- b) This government includes local bodies and institutions.
- c) Districts are treated as units for local government.
- d) The representatives and voters of the political institutions of the local self government are the residents of the same place for which the local institution is established.
- e) The functions of local self government is development and it has nothing to do with political activities.

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- f) These institutions have necessary power and responsibility in their jurisdiction.
- g) The activities of local government are limited to their own local areas.
- h) Their financial resource is local tax, and, moreover they get funds from centre and state government also.

The success of local self government depends upon the greater participation of the local people. Because aim is to develop entire country in a disciplined manner through local government, so it is necessary to develop uniformity among all local bodies.

COMMUNITY DEVELOPMENT PROGRAMME:

After Independence Indian leaders wanted to establish village self government as a powerful self-reliant body in village, which is organized by people and in the attempt by District to develop village, greater participation of villagers is made possible. In this connection community Development Programme was started in 1952.

Through community development programme, Indian Government wanted to promote aim of all-round development of rural areas. The centre and state government wanted to promote this programme through village social workers and employees.

This development programme was based on democratic decentralization and as a result it was decided to divide entire country into number of blocks, many villages included in one block and each block entrusted to a Block Development Officer.

Along with CDP, National Extension Programme was also started, for economic support for developmental programmes. It also aimed at providing job opportunities to villagers, by adopting scientific methods in agriculture, to increase production, to encourage local assistance in rural development and all-round development of the rural areas.

BALWANT RAI MEHTA COMMITTEE:

Community Development Programme was a failure as the basis was public cooperation, and people of villages did not show desired interest, and these plans remained on shoulders of officials. Finally, it suffered from defects of bureaucracy and could not show desired results. So, to study problem minutely, a committee was appointed in 1957, under chairmanship of Balwant Rai Mehta. The committee submitted its report in 1958 this committee suggested;

- i. Developmental work is not possible without local cooperation, hence these affairs should be entrusted to elected representatives of local people.
- ii. For cooperation by government there should be establishment of a three-tier autonomous local bodies.
 - a) Structure of Gram Panchayat at village level.
 - b) Panchayat committees or Samittis at block level.

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- c) Zila Parishad at district level. Since, 1959, a network of Panchayati Raj spread all over the country and organization was similar all over the country.

ASHOK MEHTA COMMITTEE:

In year 1977, Janata party in its Election Manifesto mentioned that they will make Panchayati Raj a self –reliant unit. After coming to power, Janata Government appointed a committee under chairmanship of Ashok Mehta to look into issue of PR and provide some recommendations. Some important recommendations of Ashok Mehta Committee are:

- i) Panchayats should be make more powerful in order to make them fully effective.
- ii) PRS of two tiers and should be given more financial and administrative powers.
- iii) The district civil authorities should be kept under control of Zila Parishad, so that they will work in better way. The powers of Zila Parishad should be increased.
- iv) Committee suggested that panchayat elections should be held on political basis, so that they may work according to party programmes and get grants from government.

Among all recommendations, two tier structure and election on political basis was criticized, but more powers regarding administration and finance to PRS was supported.

PANCHAYAT RAJ BILL 1989:

For reorganizing and making PRS more active, Indian Union introduced 64th constitutional amendment bill in lower house (1989). This bill could have made idea of village Autonomy applicable, but Upper house rejected it in October 1989. The following two major changes were brought to bill.

- a) Provision to insert 14 new sections (243 to 243 M), dealing with organization, functions, powers and finance of PRS.
- b) XI schedule to be added in which 19 subject were to be promoted (art. 243 E).

SEVENTY – THIRD CONSTITUTIONAL AMENDMENT ACT, 1993:

For improvement of PR the 72nd Amendment bill was introduced in 1992 in house of Parliament, but it was approved by President on 24th April ‘1993 and became 73rd Amendment. Following are the main features of the Amendment Act;

- i) Three tier system.
- ii) Reservation for women.
- iii) Definite Tenure.
- iv) Grants from consolidated funds of the State.
- v) Election by state election commission.
- vi) Provision of 11th Schedule regarding the village development and social spheres.

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vii) The jurisdiction of PRS includes irrigation, drinking water, health, education, power and fuel for kitchen. In addition employment opportunity, welfare for women and children welfare of the handicapped, mentally retarded and other weaker sections and arrangements for housing.

SEVENTY – FOURTH CONSTITUTIONAL AMENDMENT ACT:

This act added part –IX-A to Indian constitution, entitled as ‘The Municipalities’. Like PRS, States are under constitutional obligation to adopt the new system of municipalities. It aims at strengthening the urban governments.

The salient features of the Act are:

Three types of Municipalities: The act provides for three types of municipalities;

- a) A Nagar Panchayat for a transitional area, (area in transition from a rural area to an urban area).
- b) A municipal corporation for a larger urban area.
- c) A municipal council of a small urban area.

COMPOSITION:

All the members of a municipality shall be elected directly by people of the municipal area. For municipality election, each municipal area is divided into wards. There is provision for chairperson also.

WARDS COMMITTEES:

There shall be ward committees, consisting of one or more wards with population of 3 lakh or more. State legislature suggests composition of ward committee.

RESERVATION OF SEATS:

Act provides reservation of seats for SC and ST as per population, and, 1/3rd reservation for women.

DURATION OF MUNICIPALITIES:

Act provides for five year term. If it is dissolved before expiry of term, than next election should be held within 6 months.

STATE ELECTION COMMISSION:

The superintendence, direction and control of preparation of electoral rolls and conduct of municipal election is vested with state Election commission.

FINANCE:

The state legislature may;

- i) Authorize a municipality to levy, collect taxes, duties, tolls and fees.

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- ii) Assign to municipality taxes, duties, tolls and fees levied and collected by state government.
- iii) Provide for making grants-in-aid to municipalities from consolidated fund of state.
- iv) Provide funds for crediting all funds of municipalities.

TWELTH SCHEDULE:

It contains 18 – functional items within jurisdiction of municipalities:

- Urban planning including town planning.
- Regulation of land use and construction of buildings.
- Planning for economic and social development.
- Roads and bridges.
- Water supply for domestic, industrial and commercial purpose.
- Public health, sanitation, conservation and solid waste management.
- Fire services.
- Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
- Slum improvement and upgradation.
- Urban poverty alleviation.
- Provision of urban amenities and facilities, such as parks, gardens, play grounds.
- Promotion of cultural, educational and aesthetic aspects.
- Burials and burial grounds, cremations, cremation grounds and electric crematories.
- Cattle ponds, prevention of cruelty to animals.
- Vital statistics including registration of births and deaths.
- Public amenities like street lightening. Parking lots bus stops and public conveniences.
- Regulation of slaughter houses and tanneries.
 - Village Panchayat at village level.
 - Block Samiti at Blocks.
 - Zila Parishad at District level.
 - Urban forestry, protection of the environment and promotion of ecological aspect.

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VILLAGE LEVEL: PANCHAYATS:

Village panchayat has been organized in all states nearly on uniform basis, throughout the country. In ancient times, panchayat implied those dignified old persons called as panchs. They solved all the problems, and their decision was accepted by all. But due to long period of slavery, no one is ready to accept any person who has no sanction of law behind him. So, panchayats have been organized on legal basis;

Village panchayat constitutes of three organs:

- a) Gram Sabha b) Gram Panchayat c) Nyaya Panchayat

a) **Gram Sabha**: Gram Sabha consists of all men and women in a village who are 18 years of age and above. Gram Sabha meets twice a year, elects its representatives to Gram Panchayat, has power to review the work done by the Gram Panchayat and examine its accounts of expenditure. If Gram Sabha is not satisfied with the performance of any member of the Panchayat, it can remove the member by means of vote of no-confidence. (5 years term)

Gram Sabha elects a President and Vice – President is elected by Gram Panchayat, and person elected for either of the post must not be less than 30 years of age. For meeting 1/5th of members should be present. President of Gram Sabha is president of panchayat also. For no confidence motion 2/3rd majority is necessary.

FUNCTIONS OF GRAM SABHA:

Gram Sabha performs the following functions:

- Gram Sabha hold's two meetings in year. In first meeting, it passes an estimated budget for the year and in second meeting, it looks into accounts and the progress of development programmes.
 - Gram Sabha elects its own President, who acts as president of village Panchayat, and, is elected for 5 years. Besides, it elects panches of village Panchayat and Judicial Panchayat.
 - Gram Sabha makes village development projects, gives acceptance to them and supervises all other activities regarding village upliftment.
 - Its functions are to make provision for village funds and consider the audited report annually. It considers taxes proposed by village panchayat and gives its assent to the sources of income of panchayat and controls the income.
- b) **Gram Panchayat**: In ancient times, Gram Panchayat referred to Panches /Pach Parmeshwar (Five Divine powers). But after independence Gram Panchayat was reorganized. Now Panches are elected and number is more than five. Gram panchayat acts as executive in villages.

COMPOSITION OF THE GRAM PANCHAYAT:

The members of Gram Panchayat are elected for a term of 5 years, having 7-31 scheduled castes and scheduled tribes as per their population. One-third of the total number

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of seats is reserved for women. Seats may be reserved for backward classes, if the state law so permits.

A chairperson called Pradhan or Sarpanch heads the gram panchayat. The members of panchayat are elected by Sarpanch. The Pradhan is responsible for organizing meetings of panchayat, signs important documents and co-ordinates the activities of panchayat.

Gram Panchayat elects Up-Pradhan or Deputy Chairperson. He officiates in the absence of Pradhan. Village panchayat constitutes several committees to carry out different responsibilities assigned to them.

FUNCTIONS OF GRAM PANCHAYAT:

Gram Panchayat has various duties / functions to perform:

- Main emphasis is on developmental activities such as agriculture, primary education, health, sanitation etc.
- Gram panchayat is responsible for implementing the community development programme at the village level.
- Gram panchayat is incharge of village affairs. It is supposed to ensure a proper supply of drinking water to the village, maintain wells, tanks and pumps. It also maintains cleanliness in village.

SOURCES OF INCOME:

Panchayat receives income from various sources like taxes on houses, shops and fairs, registration fees on purchase and sale of cattle, sale of public property and grants from the state government. Whole income is supposed to be spent on welfare of the village.

c) **Nyaya Panchayat**: Nyaya panchayat acts as judiciary of village Panchayat. It is like a local court and important part of the Gram Panchayat. Its purpose is to settle minor disputes and provides justice quickly and cheaply.

COMPOSITIN OF NYAYA PANCHAYAT:

Nyaya Panchayat is composed of several village panchayts and includes, The Nyaya Panchayat of all these panchayats. Generally, among 20 who are educated and most capable are nominated as panches of Nyaya Panchayat.

Nyaya Panchayat also has a Sarpanch and Assistant Sarpanch. Members elected for Nyaya Panchayat cease to be the members of village panchayats.

PROCEDURE OF NYAYA PANCHAYAT:

The process of justice in a Nyaya Panchayat is swift, simple and in-expensive. No lawyer or much money is needed for pursuing a case Decisions are taken by majority.

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JURISDICTION:

Nyaya Panchayat has been bestowed extensive powers. They have both civil as well as criminal cases. For civil cases, they can decide cases of Rs 50 to Rs 1000 (fine).

Criminal case includes theft, molestation of women, fighting and quarrelling in public places, rioting, damages caused to government property, forced labour, trespassing, threatening and abduction of women.

“BLOCK LEVEL – THE BLOCK SAMITI”

Block Samiti: Block Samiti at block level are responsible for the total development of the community living in the Block Samitis. Different states give different names to Block Samitis. In west Bengal it is ‘Anchalik Praishad’, Andhra Pradesh “Panchayat Samiti”, ‘Janpad Parishad’, in Madhya Pradesh, and, ‘Taluka Panchayat’ in Gujarat.

COMPOSITION:

- a) All Sarpanchas of village Panchayat under the block.
- b) Chairman of Town Area committee and Notified Area committee in that area
- c) Members of Zila Parishad elected from the block.
- d) Members of Legislative assembly and Parliament elected from block.
- e) Managers of Agricultural Co-operative Societies of that area, woman and representatives of scheduled castes and tribe.
- f) Provision for reservation for scheduled tribes women according to population.
- g) At least 33% seats reserved for women.

The term of Block Samiti is 5 years. The members of Block Samiti elect chairman and vice chairman through secret Ballot.

LOCAL URBAN INSTITUTIONS:

These institutions are three in number:

1. Municipal corporation
2. Municipalities.
3. Town panchayats.

1. **Municipal Corporation:** Generally municipal corporations are established in cities having large population, wealthy and resourceful. Earlier Municipal corporations were established in big cities only, but now M.C are present in almost all cities of India. Municipal Corporations are established to tackle varied and complex city problems.

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COMPOSITION:

Maximum number of Municipal corporation members is fixed by state itself. Elected members are between 50 – 100 and for big cities more than that. There is membership for Alderman also (experienced and respected people of city). There is reservation for SC and ST as per population and 33% reservation for women.

Elections are held after every five years. First election for councilors, then for aldermen. The Mayor and Deputy Mayor are elected by councilors on single transferable vote system and are elected every year.

Mayor is helped by three bodies:

i) **General Council**: It consists of councilors and aldermen. It considers over various problems of the city and distributes work among other committees. It considers over the reports submitted by various committees.

ii) **Standing Committees**: It includes executive and development committees (Deputy Mayor is ex-officio of these committees). Besides it includes committee on Health, Education, Water Supply, Taxation, Finance, Engineering work and Electricity.

iii) **Municipal Commissioner**: Is chief Administrative officer appointed by state. He distributes and supervises the work between officials. General council can recommend his removal by 3/5th majority to the state government.

OFFICERS:

i) Mayor and deputy Mayor, both elected by councilors on very first meeting. Both are elected for one year and can be re-elected. Mayor presides over meetings.

ii) Municipal commissioner elected by state for five years and he looks after routine work of corporation.

iii) General Manager, electricity board appointed by central government for five years. He is independent in his field. General council can recommend his removal by 3/5th majority to Union government. His salary and allowances are paid form the treasury of Municipal Corporation.

FUNCTIONS OF MUNICIPAL CORPORATION:

i) *Sanitation* :

a) Sanitation for area under its jurisdiction, removal of refuse and rubbish.

b) Sanitation of slums and thickly populated areas.

c) Drainage and sewage for the dirty water providing public toiletries.

ii) Water Supply –Supply of pure drinking water.

iii) Lighting – Electricity to the people.

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iv) Transport – to provide license and frame rules for taxis, scooters, tongas, rickshaws, carts, etc.

v) Medical and health – opening Ayurvedic, Unani, Homeopathic and Allopathic hospitals and dispensaries for free treatment.

To prevent spread of diseases/epidemics like cholera, small pox etc by arranging vaccination.

➤ Punishment for adulteration.

➤ Spraying of insecticides in drains of the streets and in wells and ponds in the rural areas.

➤ Prevents the sales of intoxicants like opium.

➤ Opening Maternity homes and Children Welfare Centres.

vi) Education to arrange primary and middle education by opening schools. To provide liberal grant to private schools.

vii) Trade and market gives license and other facilities to trade and industries, establishes market and manages it.

viii) Recreation license for opening Cinema Halls, Zoo and Museum, Picnic Huts, Parks and Gardens.

ix) *Miscellaneous:*

a) Arranges for cremation grounds and electric crematoriums.

b) Keeps records of birth and death.

c) Construction and repair of lanes, roads, bridges etc.

d) Arranges for fire Brigade.

e) Facilities for construction of houses and lays down rules in this regard, builds quarters for its employees.

f) Gives notice for their demolition of illegal buildings and looks after the safety of people.

g) Municipal Corporation frames policies for social and economic development of people. Work decreasing pollution and protect rights and interest of the weaker and poor section of population.

SOURCES OF INCOME (MUNICIPAL CORPORATIONS):

i) Water tax – rent from houses and shops, charged as water tax.

ii) Scavenging tax – fixed percent of the property tax.

iii) Fire services tax- prior fixed tax from property, charged as fire services.

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- iv) House tax – in urban whom areas, House tax is charged, but not from those whose rental income is less than Rs 100.
- v) Entertainment tax – tax from cinemas, theatres,, music conference circus.
- vi) Tax on advertisements – published except newspapers.
- vii) Tax on sale and transfer of property.
- viii) Tax on building plans.
- ix) Tax on consumption of Electricity.
- x) It charges tax from various professions, workers and realizes toll tax
- xi) Grant-in- Aid from state Government.
- xii) Income from enterprises.

MUNICIPAL COMMITTEES:

Municipal committees are established by state government in city. The membership of municipal committee depends upon the population. Special reservation for SC, ST and women.

COMPOSITION:

Members of Municipal Committee are elected by all the adult persons of the city, who are recorded in voter list. Only a voter of Municipal Committee can contest the election and no tax arrear should be pending against such a candidate. He should not be a Govt. servant nor an insolvent.

ii) **Municipal Committees:** 74th constitutional amendment empowers every state government to establish a municipal committee in their city. These committees possess less power than Municipal Corporation. Membership of Municipal committee depends upon the population of city and reservation for schedule castes and scheduled tribes a per their population, and, 33% reservation for women.

COMPOSITION:

All members of municipal committee are elected by aldermen of city, whose names are recorded in voter list. The city is divided into constituencies, and one member is elected from each constituency.

Only a voter can contest municipal election. Besides, no tax should be pending against him, should not be a government servant nor a insolvent or punished by law.

Municipal committee has 20 – 50 members. Members themselves elect a chairman and vice-chairman. The term of municipal committee is 5 years. Committee is having a regular salaried employee. Committees with adequate financial resources have Executive officer and committee with low financial resources have Secretary.

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iii) **Town Panchayat**: Town panchayat are local bodies for areas which are between villages and cities. The areas between villages and cities, possessing characteristics of both are called towns, and their local administration is called as town panchayat. The functions of town panchayat include Health and sanitation, water supply, electricity, education and various socio-economic functions.

EFFECT OF GIVING CONSTITUTIONAL STATUS TO LOCAL GOVERNMENT:

a) India is having 2.5 lakh village Panchayats, 6000 block panchayats, more than 500 zila Parishads. Similarly, 2000 Nagar Panchayats, 1400 Municipalities and over 100 Municipal corporations.

b) The 33% reservation of women in rural and urban local bodies resulted in women empowerment. Reservation for scheduled castes and tribes encourages their participation in local and urban affairs.

c) Political interference has polluted atmosphere of villages, and has destroyed spirit of unity and harmony in villages. Now common person is hardly elected for Panchayat.

d) Village Panchayat is no more a representative body of villagers, but it is a puppet in hands of politicians and landlords.

e) Too much of government interference has destroyed independence of Gram Panchayat. Even the Gram Panchayat is dissolved by government officers.

f) Illiteracy in villages has led villagers in the world of ignorance. This made them superstitious and filled in them evil feelings of thefts, dacoities, murder, communalism, casteism etc.

g) Sources of income for panchayats are limited. They depend on funds from state government, which panchayats hardly receive.

h) Urbanization has resulted in increase of population in towns and cities. Due to shortage of residential accommodation, slum dwellings grow faster. This results in environmental problems and growing rate of crimes.

i) The major problem in urban governments is lack of discipline and accountability, thus resulting in corruption.

j) Both centre and state governments have launched number of poverty alleviation programmes and lots have funds have been released, but so far no such programme has been launched.

