



# LOCAL GOVERNMENTS IN INDIA

Prepared by,  
Mr. Thomas G.M.  
Associate professor,  
Pompei College Aikala DK

# Introduction:

- One of the essential requirement of a successful democratic political system is **decentralization of power**.
- In a modern state there is a great necessity **to reduce the burden of central and state governments**.
- Democratic political system requires the involvement and **people's participation** in the decision making process in a big way.
- More over these local governments are the **training ground for leaders** and has great educative value for the masses of people.

# Definitions of Local government:

- Local self government “is a territorial non-sovereign community possessing the legal right and the necessary organization to regulate its own affairs...”
- A local self government may mean the following –
  1. It is a **government of the local bodies**, e.g..A Panchayat, a Corporation, etc.
  2. These governments are runned by the **elected representatives of that area.**
  3. These are assigned the **responsibilities of looking after the local area.**

# Meaning ....

4. Local governments are usually **subordinate to** the central and state governments.
  5. The **powers are delegated** to them by the national or state government .But they may be given the autonomy to carry on their work independently.
- Thus, the local governments are those bodies which have been set up by the central or state governments and render officially public services like water supply, drainage, public roads, lightings, etc. these functions are considered as relating to the daily needs of the local people.

# Balwant Rai Mehta Committee on local governments:

- Local governments in India existed even during the **ancient period**.
- It operated even during the British Raj in India.
- The constitution of India has incorporated the idea of local self government in the in the **Part IV** of the constitution.
- **Article 40** provides “the state shall take steps to organize the village panchayats and endow them with such powers as may be necessary to enable them to function as units of self governments.”

## B. R. Mehta committee .....

- The experiences of the working of the local governments during the first decade of independence were not satisfactory.
- Hence, the government of India appointed a committee under the chairmanship of Balwant Rai Mehta in 1956.
- **This committee had to study the whole problem and suggest ways and means for implementing the scheme of Panchayat Raj on some uniform lines throughout the country.**
- The NDC endorsed the recommendations of the Mehta committee.

## B.R. Mehta committee .....

- The Central Council of the Local –self Government at its fifth meeting held at Hyderabad in 1959 noted the recommendations of the Mehta committee and the action undertaken to implement them.
- The Mehta committee visualized a broad pattern of the scheme without conforming to the idea of a rigid uniformity.

# Fundamental principles followed in the Report:

- Some of the fundamental principles followed by the committee are as follows
  1. There should be a **three tier structure** of local self governments like local bodies at the village level, district level and also at the intermediary level.
  2. **Transfer of power** and responsibility to these institutions of local self governments should be a genuine one.



# Fundamental principles ....

3. **Adequate resources** should be transferred to these bodies to enable them to carry on their responsibilities effectively.
4. These institutions are to formulate all **programmes of social and economic development.**
5. This new system was to facilitate to **further devolution and decentralization of power and responsibilities.**

# Proposals of the Committee:

- The committee proposed the establishment of a **three tier Panchayat Raj system** in its report submitted in 1958. The 3 tiers are –
  1. The village Panchayat ,
  2. The Panchayat Samiti at the block level &
  3. The Zilla Parishad at the district level.
- This proposal tried to bring about democracy at the grass root level.
- The proposal intended to establish a **close contact between the people and the community development projects.**

# Proposals .....

- **Village Panchayat** was to be at the bottom for one village if it is very big or for a group of villages if they are small.
- Village Panchayats, Block Samitis and Zilla Parishads were to be linked and cover up all areas up to the district level.
- At the Taluk level, the old Taluk Boards were to be replaced by the **Panchayat Samitis** and at the district level, the District Board were to be substituted by the new Zilla Parishads.
- This scheme was to be implemented with local variations all over the country.

## 2. Ashok Mehta Committee:

- The Janata Party Government at the Centre appointed a committee in 1977 under the chairmanship of Ashok Mehta in order to revive the local self government in the country.
- The committee in its report (1978) regretted that “the activities of the Panchayat Raj institutions were meager, their resource base weak, and over all attention given to them niggardly”

# Ashok Mehta committee ....

- The Ashok Mehta committee which tried to rectify the defects of the earlier committee made the following recommendations in 1978.
  - I. The committee replaced the earlier 3 tier system to **a 2 tier system** with Mandal Panchayat at the base and Zilla Panchayat at the top.
- It were to consist of **15 members**, directly elected on village-cum-population basis, representatives of farmers, service societies and two women.

# Ashok Mehta .....

- **Seats for SCs & STs** were to be reserved on the basis of their population.
  - Its president was to be elected by the directly elected members from among themselves.
  - A number of villages with around a population of 15,000 to 20,000 were to be grouped together.
2. Secondly, the Zilla Parishad were to consist of six categories of members, like

# Ashok Mehta ...

- 6 types of members were –
  1. Elected from electoral wards,
  2. Presidents of the Mandal Panchayat,
  3. Nominees of the bigger Municipalities & the district co-operative federation,
  4. Two women,
  5. Two co-opted members (one with special interest in rural development & the other from the local teaching profession)
  6. All MLAs, and MPs of the area were ex-officio members
- The tenure of the Zilla Parishads was **4 years**.

# Ashok Mehta .....

3. These Panchayati Raj institutions were to have **compulsory powers of taxation** in order to augment their resources. Thus, these institutions were to be less dependent on state governments.
4. As per this committee recommendations , political **parties were to have an open participation** in Panchayati Raj Institutions.
5. The state governments **did not have absolute** powers to supersede panchayati raj institutions on political grounds.
6. **A social justice committee** was proposed in each Zilla parishad to bring about keen interest in the welfare of certain social & economic groups.



# 73<sup>rd</sup> & 74<sup>th</sup> Amendments, 1993:

- Since the experiments of democratic decentralization had failed, Late Rajiv Gandhi's government decided to give constitutional sanction to the units of rural and urban local self government.
- He moved the 64<sup>th</sup> & 65<sup>th</sup> constitutional amendment bills in 1989 which were passed in the Lok Sabha but not got through in the Rajya Sabha due to lack of majority.
- This issue was taken up by Late PVN's government and got it passed in the form of 73<sup>rd</sup> & 74<sup>th</sup> Constitutional Amendments Acts, 1993.

# Main features of 73<sup>rd</sup> Amendment Act:

- The 73<sup>rd</sup> Constitutional Amendment Act, 1993 is relating to **according constitutional status to rural local governments**, better known as the Panchayati Raj Bill.
- The 11<sup>th</sup> Schedule of the constitution deals with matters relating to the powers of the rural local governments.
- This Act came in to effect from April 1993.
- Its main features are as follows -

# Features of 73<sup>rd</sup> Act .....

1. It proposed the setting up of **a three tier Panchayat** as obligatory on the part of every state having more than 20 lakhs population.
2. It was provided for the state legislature to enact law pertaining to the composition of the Panchayat. This law was to provide for **direct elections to the se bodies.**
3. **The Grama Sabha was to be the general body** of the village panchayat consisting of all the eligible voters in the jurisdiction of the Grama Panchayat.

## Features of 73<sup>rd</sup> Act ....

4. Seats shall be **reserved for the SCs & STs** in accordance with their population. Not less than 1/3 of the seats shall be **reserved for women**. These reserved constituencies shall rotate.
5. Seats shall also be **reserved for the backward classes**.
6. The panchayats shall enjoy **a term of 5 years** and the election of the panchayats shall be held within 6 months of its dissolution.

# Features of 73<sup>rd</sup> Act .....

7. It also proposed the setting up of an **election commission** to conduct the elections to these institutions so that they are free and fair. The election commissioner could be removed from the office only through the process of an impeachment.
8. The institutions of local government will be expected to plan economic development and social justice and also **implement the schemes of economic development and social justice.**

# Features of 73<sup>rd</sup> Act ....

9. 29 items have been laid down in **the 11<sup>th</sup> Schedule** which could be entrusted to the panchayats at different levels by the respective state legislatures.
10. Since the panchayat raj institutions require funds, the state legislatures prescribe the taxes and fees which could be levied by the panchayat. The act also provides for the **setting up of the Finance commission every 5 years** to recommend the devolution of taxes and grants-in-aid and their allocation to panchayats.
- The provisions of this act is applicable to all states and the Union territories except the states of Nagaland, Mizoram, Manipur and the hill areas of Darjeeling in W. Bengal.

# 74<sup>th</sup> Amendment Act, 1993:

- The 74<sup>th</sup> constitution Amendment Act 1992 came into effect on June 1, 1993.
- This act is related to the organization and functions of the urban local governments at various levels and gives power to the state governments to legislate regarding these. (Art. 243p-243gz) this act is popularly known as **Nagarapalika Constitution Amendment Act.**

# Features of 74<sup>th</sup> Act:

- I. This act **defines the organization and working of a local self government in the urban areas** such as nagara panchayats or municipalities/boards/councils/corporations. The state legislatures by law determine the strength of these bodies, the number of seats reserved for the SCs & STs, women and other weaker sections of the community in accordance with their population. These members shall be directly elected by the voters of the respective constituency.



# Features of 74<sup>th</sup> Act ....

2. The normal tenure of these bodies shall be of **5 years** from the date of their first meeting. In case of dissolution of such a body , elections to such a body shall be held within next 6 months from the date of dissolution. A person can be disqualified from its membership on the following grounds –
  - a. If he holds an office of profit under the government,
  - b. declared as of unsound mind by a competent court,
  - c. If he is an undischarged insolvent,
  - d. If he is not a citizen of India,
  - e. Is disqualified under any law.
- Governors decision is final in all cases of disqualification.

# Features of 74<sup>th</sup> Act ....

3. The accounts of the Municipal Corporations shall **be subjected to auditing** as per the rules framed by the Governor after consulting the C & AG of India. The audited report shall be laid before the state legislature.
4. The state legislature may by law endow the municipalities **to prepare plans for economic development and social justice**. Grant-in-aid may be provided to the Municipalities out of the consolidated fund of the state.

# Features of 74<sup>th</sup> Act.....

5. The Governor shall set up a Finance Commission to review the financial position of these bodies and to make recommendations for the distribution of taxes, grant-in-aid, etc. the report of the commission shall be laid before the legislature & after that it is submitted to the Governor.
6. The state legislature shall also have the power to make a law relating to the elections of these bodies under the superintendence, direction and control of the chief electoral officer of the state.

# Features of 74<sup>th</sup> Act ....

7. The provisions of this Act shall **also apply to all Union Territories** and the President of India shall have the power to make necessary alterations or modifications in their application.
8. The state legislatures shall make law for the **settlement of election disputes**.
9. It inserted **Schedule XII** which assigns 18 subjects to Municipalities as urban or town planning, regulation of land use and building construction and the like.

# Critical appraisal of these Acts:

- These Acts **granted constitutional status** to the institutions of Panchayat Raj and Nagarapalikas.
- However, these acts are subjected to certain criticisms like –
  - I. It has **made the constitution much more bulkier**. Much has been added to the text of the constitution which could have been done through legislatures.

# Critical appraisal .....

2. These institutions have become the **centers of corruption** and maladministration. Money power and muscle power also plays its role. And reservation hampers its effectiveness.
3. Panchayat elections which is fought on **party lines** is likely to disturb the tranquility in the villages.

# GRAM OR VILLAGE PANCHAYAT

- INTRODUCTION :
- the 73<sup>rd</sup> Amendment Act of the constitution of India provided for the establishment of a three tier rural local self government system like the Gram Panchayat at the village or grass root level, Taluk Panchayat at the taluk level and Zilla Panchayat at the district level.
- As per the Karnataka Panchayat Act, 1993 the **Gram Panchayat is the primary unit of the three tier system.**

# Organization:

- A village or group of villages having a population of not less than **5000** but not more than **7000** is called the Gram Panchayat.
- It is the Assistant Commissioner who declares an area as Gram Panchayat.
- The number of members in Gram Panchayat is usually notified by the Deputy Commissioner from time to time.
- **Usually, there will be one representative for every 400 of the population.**



# Organization .....

- Seats have been reserved for **SCs & STs** in proportion to their population.
- 1/3 of the seats are reserved for the **backward classes** and 1/3 for the **women**.
- Seats reserved in different constituencies in the panchayat area are allotted on the basis of rotation. All the members are directly elected.

# Election:

- All the members are **directly elected** by voters.
- Every voter can cast only one vote for one candidate but he has as many votes as there are members to be elected from a particular constituency.
- A list of voters for each Gram Panchayat constituency is maintained by the secretary of the Gram Panchayat.
- **All the people registered in the voter's list are entitled to vote.**

# Term & Meetings:

- Members of the Gram Panchayat hold office for a period of **5 years** from the date of its first meeting.
- The meetings of the Gram Panchayats are **held once in two months**.
- The **quorum** required is  $1/3$  of the total number of members.
- The members of the Gram Panchayat elect **a president and a vice-president** for a period of 30 months.
- They can be **removed by a vote of no confidence** by majority of members.

# Powers & functions:

- The Gram Panchayats perform the following functions –
  1. Formation of annual development plan of Panchayat area.
  2. Formation of annual budget of Gram Panchayat.
  3. Collection & maintenance necessary statistics relating to panchayat.
  4. Providing reliefs in natural calamities.
  5. Promotion of agriculture.

# Powers & functions .....

6. Promotion of animal husbandry, diary & poultry.
7. Development of fisheries.
8. Social and farm forestry, minor forest produce, fuel and fodder.
9. Promotion of village and cottage industries.
10. Distribution of sites and houses.
11. Construction of drinking water wells, tanks and ponds & prevention of water pollution.

# Powers & functions ....

12. Construction and maintenance of roads, buildings, bridges, ferries, water ways and other means of communication.
13. Promotion of public awareness and implementation of poverty alleviation programmes.
14. Encourage primary and higher education.
15. Support adult education & informal education.
16. Construction and maintenance of libraries and reading rooms.
17. Regulation of markets and fairs.

# Powers & functions .....

18. Strive for the welfare of women and children.
19. Strive for the welfare of weaker sections
20. Preservation of public distribution system.
21. Maintenances of public garden and stadiums.
22. Maintenance of graveyards.
23. Strive and support the welfare of physically handicapped and mentally retarded.
24. Maintenance of public parks, play grounds, etc.
25. Establishment and control of shanties and so on.

# Finances:

- Following are the sources of finance of Gram Panchayats –
  1. Central reserved funds.
  2. Fund collected through imposition of tax and penalties.
  3. Income obtained through rent and sale of Gram Panchayat property.
  4. Interest earned on loans.



# Standing Committees:

- There are 5 standing committees to look after the functions of Gram Panchayats –
  1. Committee on Productivity,
  2. Committee on Social Justice,
  3. Committee on Services,
  4. Committee on education and health, &
  5. Committee on agriculture and Industry.
- The secretary of the Gram Panchayat is the Administrative officer.