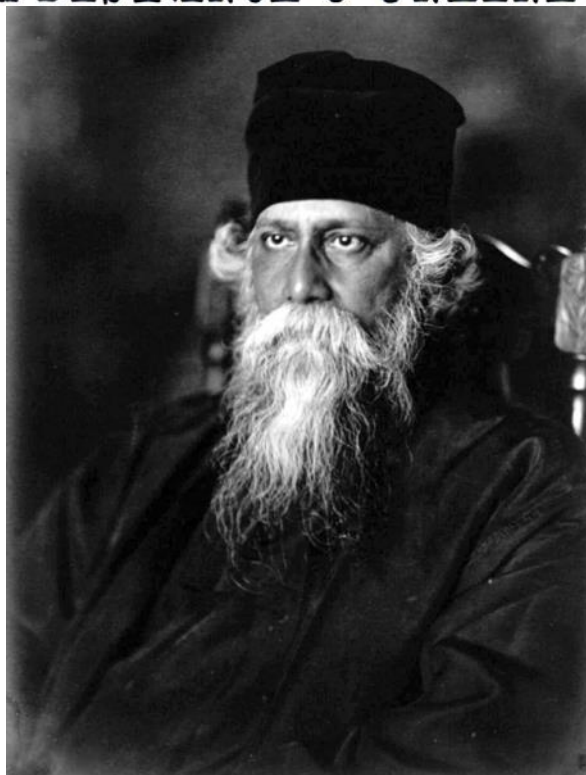




RABINDRA BHARATI UNIVERSITY
CENTRE FOR DISTANCE & ONLINE EDUCATION



Self-Learning Materials

for

M.A. (POLITICAL SCIENCE)

(Under CBCS)

Semester

4

C.E.C.

4.2

Units

1-8

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Local Government and Politics in India

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Approaches to the Study of Local Government: Liberal, Marxist, Neo Marxist, Public Choice Approach; Gandhian Perspective of Local Government

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1.1 Objectives

The primary objective of this unit is to discuss a few theoretical perspectives or important approaches to the study of Local Government. In your day-to-day life you require such basic facilities as water supply, drainage, garbage disposal, public health and sanitation. You may have watched such activities as installation or repairing of street lights, construction or repairing of roads or say renovation of a village tank. Who does all this? It is not the Central or the State government which immediately comes to your mind. It is the local government with which you can immediately relate. Hence, it becomes imperative to acquaint ourselves with how the study of Local Governance has been perceived by different political and administrative theories.

After reading this unit, you will be able to:

- a) familiarize yourself with the different approaches or perspectives to the study of Local Government
- b) evaluate the importance of the Local Government and how it effectively resolves day to day local issues of the people
- c) identify the structure and functions of the Local Government bodies in India(Urban and Rural)
- d) make an in-depth analysis of how Local governments ensured "democratic decentralization which facilitates greater direct participation of citizens in governance.

1.2 Introduction

The existence of local government has always been defended on the basis that it is a crucial aspect of the process of democratization and intensification of mass participation in the decision-making process.

No political system is considered complete and democratic if it does not have a system of local government.

Local government serves a two-fold purpose. The first purpose is the administrative purpose of supplying goods and services; the other purpose is to represent and involve citizens in determining specific local public needs and how these local needs can be met. Local representative government is a process that spans and connects representation and administration at local levels within local government structures. In order to understand the function and structure of local government, it is important to define local government and understand the meaning of local government democracy and values.

With these aspects of local government in mind, attention will be directed towards the various approaches of the Local Government as well as the typical structure of local government

as the administrative structure of local government forms the basic framework wherein local public policy is determined and implemented. We shall now discuss the five approaches of Liberal, Marxist, Neo Marxist, Public Choice and Gandhian perspective to the study of Local Government below:

1.3 Liberal Approach to the study of Local Government

Liberalism is ‘an ideology based on a commitment to individualism, freedom, toleration and consent’. Hence a liberal state focuses on individual rights and freedom. To uphold individual rights and freedom, a liberal democratic state is characterized by elections, representative and constitutional forms of government, rule of law, separation of powers and governments based on the consent of the ruled (universal adult suffrage). Many modern liberal democracies use Federalism, a system in which governing powers are divided between national(federal), provincial and municipal(local) governments in order to prevent abuse of power as well as provide good quality governance.

As Liberalism advocates people's participation in the democratic process and aims to make governance more people centric and transparent, many modern liberal democracies adopted a decentralized administrative structure in which a third tier of governance also known as local self-government is established at the local or grassroot level in order to improve the delivery of public services and make governance more effective, flexible and transparent.

It grants substantial powers to the local governmental institutions which gives priority to the cause of the individuals. Therefore, the liberal approach to the study of local governance focuses on how the local self-government institutions are established and works on the basis of the representational democratic governance model in which the officials of the local governmental institutions are elected by the people on the basis of universal suffrage. These institutions are authorized to decide and administer a limited range of public policies within a relatively small territory which is a subdivision of a regional and national government.

1.3.1 A Liberal approach to Local Governance in India

The governance model of India is based on the principles of Liberalism. In order to make governments more representative and people - centric, India has adopted the liberal model of governance which not only separates the governing powers between the Central and state governments but also delegates a substantial amount of authority to grassroot democratic institutions, also known as local self -government institutions. Through the 73rd and 74rd Constitutional Amendment Acts of 1992, local self-governance was introduced in rural and urban

India.

1.3.2 How is the system structured?

The local governing bodies in India are structured hierarchically with each level having designated powers to deal within its respective areas of governance. In the case of rural areas there is the Panchayati Raj system in which there are three nested bodies. At the apex, is the district council or zilla parishad, which is made up of a cluster of block councils or panchayat samitis, which in turn, are made up of village councils or gram panchayats. Each village has a village assembly or gram sabha comprising all adults in the village, who have the power to directly elect members of the panchayat.

In urban areas, there are three types of local bodies: municipal corporations for areas with a population of more than one million and municipal councils/ municipalities for areas with less than a million people, and town councils or nagar panchayats for areas transitioning from rural to urban. For ease of administration, large municipal areas may be further subdivided into wards. Members of both the municipal corporations and municipalities are elected every five years.

In line with their objectives of promoting local economic development and social justice, the functions of the local government bodies are related to administrative activities such as maintenance of village records, construction, maintenance, and repair of roads, tanks, wells, and maintenance of public health and sanitation, providing public utilities such as water and electricity, and education etc.

1.3.3 Summing Up

The essence of democracy is decentralisation of power and allowing governance to reach to the grass-roots level for welfare of people. Local government elected by the people thus imbibes democratic functioning of the society involving residents of the area. Therefore, the liberal approach to local governance establishes democratic decentralization as it empowers and involves people in the decision making process. It mandates periodic elections for the members of the local governing bodies, as it would empower the grassroot population to choose their representatives they would think are best capable to address their needs effectively and efficiently.

The Liberal approach to local governance reinforces the belief that "If democracy means people's participation in running their affairs, then it is nowhere more direct, clear and significant than at the local level, where the contact between the people and their representatives, between the rulers and the ruled is more constant, vigilant and manageable and this involvement of people at the grass root level is the most important way to bring socio-economic development".

1.4 Marxist Approach to the Study of Local Government

Marxism is a social, political, and economic theory originated by Karl Marx, which focuses on the struggle between capitalists and the working class. It shuns private/individual ownership of land or any vital resources and believe in a society where everyone is treated equally. The Marxists believe the bourgeoisie control the economy; therefore, they control the state. Hence, according to the Marxists the state is an instrument of class domination. When analyzed within Marxist theory understandings, local governments can be considered as a body of administrative, political, social and economic relations which are defined in a certain spatial scale based on uneven development of capital accumulation.

1.4.1 Instrumentalist View

Instrumentalist view is a Marxian theoretical approach to the study of local governments with a class perspective. According to instrumentalist view, state is an instrument of class sovereignty as a whole and the local governments which represent the organization of the state at local level are the representatives of the central state at local level in the simplest sense. In this sense, local state is defined as the extensions of the central state where labor in the production and services such as housing, education, health are provided. As the state is an instrument of class sovereignty, its most fundamental feature is its being a pressure institution. Therefore, the state applies multidimensional pressure on the oppressed classes with its military and police forces, courts.

Institutionalist view further states that in capitalist system, all local units need to be dependent on central state structure and to be in the condition of being legitimization instrument in the presence of the public. The fact that the managers who govern the local governmental institutions are elected people is an instrument for the legitimization of the system. Social democrat groups in local councils are on the other hand important instruments which prevent and block labor class struggle and legitimize the system.

Hence According to the Institutional framework, the state is in integrity with local and central governments. Local governments are at the position of local state as a part of the central state structure. Within this context, the local state can not meet the demands of local community in any way in respect of decision-making mechanisms and representation levels, and ways of resource distribution. When the locals demand right in respect of collective actions, the state suppresses these groups by means of armed forces and courts. On the other hand, the family reproduces itself out of system production area with education and other instruments.

1.4.2 Uneven Development View

Another theory that is developed in order to understand local state government by the Marxist side is uneven development theory. According to this perspective, social structure develops together with the present political and economic processes or in different ways everywhere naturally. The inequality in the social structure brings spatial differences with itself.

In this sense, local state governments are a solution which the central state proposes for present social and spatial inequalities. But on the other hand, these local governing units become serious opposition points in terms of struggles carried out at the local level.

Capitalist states have developed as a part of social relations between sovereign classes and classes under pressure. People produce social relations including class relations relationally among themselves. This relationality brings inequality with itself. What needs to be understood as inequality here is the materialization of relations among people more randomly, without an order, in different times and places and in different ways. This uneven structure causes the differentiation of the social relations. Local governments deal with these areas where the central governments can not reach or achieve. Another structural role of the local state is its representative role. Although local groups remain marginal in the society, local governments make it possible for these groups to be represented and to reach the state.

1.4.3 Summing Up

The Marxist approach views the local administrations as a body of administrative, political, social and economic relations which are defined in a certain spatial scale based on uneven development of capital accumulation. This definition removes the local administrations from the context of a simple organizational-administrative problem and places them into a political context. When considered from Marxist point of view, basis of social and political problem is the class struggle.

When observed from this perspective, the fundamental factor affecting the quality of local administrations is the social struggles given on local scales. Therefore, the submission on local power can be on the side of central state or local communities depending on the social struggle given on a local scale. In other words, each reform demand regarding local administrations is the representation of the struggle between social classes or fractions in the essence. When this struggle is resolved in agreement, then this means the reform works have reached a result. When the problems are not resolved, however, the contradictions turn into unagreeable opposition and the present situation is the messenger of a serious transition. According to Marxist theory, the state will be attenuated when transition from socialism to communism period is completed. No need for

a mechanism called state, which would manage the society shall remain. Because the society will come to a level in which it will self-govern. In this context, local governments are model units within socialism for local population to self- govern.

1.5 Neo-Marxist Approach to the Study of Local Government

The focus of local government studies in Canada on questions of structural reform has diverted attention from the effort to explain existing institutions and practices. One result is naivete about the potential for significant change. Fortunately, experience of the urban reform movement of the 1970s has increased political sophistication. Two forms of political economy-populist and neo-Marxist-have emerged from this ferment. What they notice is the predominance of vested interests or class interests that pervert or structure the market and frustrate democracy. To explain how this happens and to demonstrate its effects on public policy and political decision- making are the main concerns of these forms of political economy. Thus, their ideological disposition is clearly to the left.

The Neo Marxist Political economy points away from a simplistic understanding of the municipality as a servant of vested interests, towards a view of it as a mediating agency in a society dominated by capital.

Neo-Marxist analyses are broadly framed, and show greater sensitivity to the weight of capitalism itself in determining patterns of growth. They also recognize the conflict between different fractions of capital; financial, industrial, and commercial; local, national and multinational.

Despite the growing popularity of the neo-Marxist approach, there is nothing like a comprehensive account of urban politics and local government in Canada from this perspective. Most of the good work has focused on the process of urban development.

1.5.1 Summing Up

The Neo Marxist approach to Local Governance analyzes the tendency of the populist political economy to attribute policies to vested interests. The approach also explains that the property industry, home owners as well as the common people are caught up, to some degree, in the growth mentality without losing sight of the inequalities that structure our society and that the municipality acts as a mediating agency in a society dominated by capital. The approach showed greater sensitivity to the weight of capitalism itself in determining patterns of growth.

1.6 Public Choice Approach to the Study of Local Government

A key proposition in Public choice approach is that competition leads to better organizational performance. Competition is necessary for "allocative efficiency" which concerns responsiveness to public preferences in the allocation of resources between services and areas and also for technical efficiency which concerns the production of services at minimum cost. In other words, public sector organizations in a competitive market will be to "do the right things" and to "do things right". Public choice theory assumes that policy makers are selfish rather than selfless and that competition is required to steer them towards public interest rather than their own private interests. As in the private sector, so in the public sector competition is believed to lead to higher performance.

1.6.1 The Characteristics of a Competitive Local Government System

Public Choice approach views local government as an industry in which there are buyers and sellers in the market for local services. The buyers are households and businesses who choose to locate in specific areas and pay for their choices through local taxes; and the sellers are politicians and bureaucrats who either procure or directly provide services for the public. Competition between councils take two forms. First, geographical competition between authorities in different areas for a share of market in households and businesses. Secondly, competition between different tiers of local government for a share of local tax revenues in the same geographical area.

As with many industries, local government is subject to central government constraints on its internal structure, products and prices. Governments can influence the level of competition in any industry through policies on the number of firms and their market shares, the nature and variety of goods and services that are produced, and the prices that are charged to consumers. These ideas from the literature on industrial economics can be used to identify three major variables which influence the level of competition between the units in a local government system.

- (i) The structure of the system, which is measured principally by the number of units and the number of tiers.
- (ii) The level of local autonomy: even if there is a large number of units, strict central curbs on local autonomy will suppress competition on the quantity and quality of products.
- (iii) The extent of central funding: even if there are many units and high local autonomy, substantial central funding will suppress competition on price.

Structure

Local government structures may take one of two broad forms. In a 'consolidated' structure, all services are provided by a single unit that covers a wide geographical area. In such a single-tier system each authority has a monopoly over all local services and has an extensive spatial monopoly. By contrast, in a fragmented structure, local government is divided into a number of tiers with many units in each tier. The public choice preference for a fragmented structure is a reaction against the conventional view that large, hierarchical, multi-purpose organisations are the best way to organise local public services. The public choice approach does not completely reject arguments for large units of local government which may be necessary for some services in order to internalise externalities and take advantage of economies of scale. But a highly fragmented local government system with many authorities provides a 'market type' solution to the problem of determining the appropriate level of public services. The more public preferences vary geographically, the greater the degree of fragmentation required for allocative efficiency. In order to attract and retain mobile residents and businesses, each small unit of local government must ensure value for money in service provision, otherwise their customers will vote with their feet. This horizontal' fragmentation of the structure of local government provides citizens with information concerning taxes and services in neighbouring areas, thereby increasing the competitive pressure on decision- makers.

A competitive structure not only implies a large number of local units but also several tiers of local government. This has received less attention than horizontal competition in public choice theory. If one authority is responsible for providing all services, it can engage in 'full-line forcing', which means that consumers pay one fee for a whole package of services, regardless of their relative valuation of the parts of the package. However, if services are divided between several units of local government, then their relative costs become visible, and consumers can make separate judgements on the performance of each unit and allocate their political support and tax payments accordingly. This vertical fragmentation within an area forces local authorities to compete for a share of the finite local tax base. This does not mean that there should be one unit for each function, but as many units as are appropriate when the costs of public participation and monitoring are taken into account.

In addition to fragmentation, a fully competitive local government structure would contain both the flexibility to switch services between existing units and the potential to establish new units. If consumers are unhappy with a service provided by a local authority, then they should have the option to transfer the responsibility to another unit. This form of 'consumer power' would pose a permanent competitive threat to existing providers' share of the local government market. Such flexibility is present in the 'Lakewood Plan' in the US. Under this arrangement, municipalities in the Los Angeles area provide services themselves or negotiate contracts with the county. Warren argues that the Lakewood Plan institutionalises a competitive relationship between a

large-scale producer of municipal services (the county) and a diverse set of consumer jurisdictions in which the latter have the option of withdrawal and the capacity to bargain over service arrangements. Consumers should also have the option to establish a new unit to provide a service, such as the special districts for particular services in the US. In other words, there should be no 'barriers to entry' in the local government market. Thus, in a competitive local government system, 'business may be lost to other areas, to other units in the same area, or to new firms entering the market. In a horizontally fragmented structure, councils which perform well will gain new households and businesses, while councils which perform poorly will suffer a decline in their tax base. In a vertically fragmented structure, local tax revenues will be more easily acquired by an efficient tier of local government than a prodigal tier.

Autonomy

Fragmentation is a necessary but not sufficient condition for competition in local government. In order to foster competition in practice it is necessary for central government to permit substantial local autonomy. It follows that local autonomy is reduced by central policies that remove powers of action or imposes an obligation to act, and increased by policies which bestow new powers or abolish obligations. Central curbs on local autonomy prevent the potential competitive benefits of fragmentation from being realised in practice.

If all tiers of local government in an area are subject to stringent central controls, then there is little point in the public attempting to apply fiscal or electoral sanctions for poor performance. By contrast, when local areas are given the discretion to pursue their own interests, competition in the local public economy will encourage appropriate outcomes. Over time, individuals will cluster into homogeneous communities and consumer preferences will be closely reflected in public policies.

Finance

Even if local government is fragmented and each unit has substantial autonomy over the pattern of service provision, the full benefits of competition will not be realised if central grants are high. A high level of central funding can be viewed as 'public bad' i.e a cost for the performance of the local government system as a whole, but a benefit for individual areas. There is, nevertheless, an argument for some central funding in the form of 'equalization grants' to neutralise local variations in service needs and tax base resources. Equalisation grants put all areas on the same competitive footing: they provide equality of opportunity in the local government market. It has been argued that central grants do not remove competition between local governments, but simply transfer it from economic markets to political markets. This implies that there is no escaping intergovernmental competition. Rather, a choice can be made about the form of competition

which is likely to produce superior outcomes.

The result of this shift from economic to political competition is that councils pay less attention to local economic prosperity and public preferences, and more attention to the rules of the grant game and central government demands. In this context, Belanger argues that an efficient local administration is not primarily concerned with real responsibility any more but, rather, with 'selling' its projects to a government on a higher level. When such a situation prevails, a good administrator in local government is first of all a good salesman. An alternative strand in public choice theory suggests that high grants lead not to political competition, but to collusion. It has been argued that local bureaucrats may form a cartel with other jurisdictions and central government in order to constrain price variations through the payment of grants.

In short, high grant subsidies, and widely different subsidies in different areas, make a nonsense of price competition in local government. High grants also undermine local autonomy, particularly if they are 'specific rather than general'. Specific grants are tied to particular services or programmes in which the central government has a special interest, whereas general grants leave local authorities with the freedom to allocate the funds between services according to their own priorities.

Therefore, according to public choice theory, a competitive local government system should have the following characteristics: a large number of authorities with service responsibilities, dispersed across several tiers, a high level of local autonomy that permits diversity in service provision, and a high reliance on local taxes so that variations in efficiency and quality are reflected fully in price variations. All of these characteristics can be influenced directly by the central government.

1.6.2 Summing Up

Public choice theory suggests that public sector organisations will be more efficient and responsive if they are exposed to competitive pressures. In local government, various markets can be identified where alternative suppliers can compete for the favours of consumers. These include markets for political power, service production and service provision. However, in British local government, there is little effective competition in the markets for political power and service production. These problems suggest that benefits of competition could be sought in the market for service provision which consists of rivalry between local authorities. In principle, a public choice framework of inter-authority competition can lead to efficiency and responsiveness in local government system. Competition is promoted by a fragmented structure containing several tiers and a large number of authorities. By contrast, a small number of councils in a single tier of 'unitary' authorities is monopolistic in structure. Competition is enhanced by a

high level of local autonomy which encourages innovation and diversity, but is suppressed by strong central controls on local discretion. Competition is strengthened if local authorities are heavily reliant on local sources of revenue, but weakened by substantial central funding.

The concept of competition has been a key feature of Conservative policy statements on local government since 1979. The level of competition between local authorities has not been an explicit target of central policies, but the conditions for competition in the local government market have been influenced strongly and adversely by Conservative policies. The number of authorities has been reduced and a single tier in many parts of the UK is the likely outcome of the current reorganization process. Local autonomy has declined because councils have more mandatory obligations and fewer discretionary powers. And central funding has risen sharply as a result of the policy mess and political fiasco associated with the poll tax. All of these policies have weakened substantially the level of competition in local government system. This has not been a consequence of a strategic decision to reduce competition, but rather a by-product of the centre's obsession with controlling local behaviour. If public choice arguments concerning competition are valid, then these central policies will have substantial adverse effects on local government performance.

1.7 Gandhian perspective on Local Government

Gandhiji favored decentralization of governance rather than establishing central authority for self-government. He was a high believer in the concept of democratic decentralization which was introduced hypothetically for the formulation of Non-violence as well as truth and individual freedom. He asserted that democratic decentralization should be possible in a mainly non-industrial society with the self-sufficient village as the basic unit of organization. He wanted to establish a system of governance at the village level. There was no state or government to control the rights of the individual. He called it village swaraj or panchayat raj. Gandhiji wanted to see each village a little republic, self-sufficient and rural people would enjoy maximum independence in decision making in rural socio-economic development. He also wanted to distribute political power among the villages in India and he described the word Swaraj what he called a true democracy. This democracy is built on the basis of freedom. Individual freedom, in Gandhiji's view, could be maintained only by the political self-government or self-rule of the people and autonomous, self-sufficient village communities that offer opportunities to the villages people for full participation in the democratic process. According to Gandhiji decentralization of political power is the basic requirement for the success of true democracy.

This democracy is based upon freedom. Individual freedom in Gandhi's view, could be

maintained only in autonomous, self-reliant communities that offer opportunities to the people for fullest participation. Gandhi dreamt of a new Indian society. He wanted to build up a democratic structure from below- the self government- the real Swaraj- by instilling into the masses a sense of their power

and dignity. He reminded the people that they constitute the real power of the nation; they are the real masters of their destiny. Gandhi added: "True democracy cannot be worked by twenty men sitting at the center. It has to be worked from below by the people of every village." His "Gram Swaraj" was not the recreation of the old village system, but the formation of fresh independent units of villages enjoying a self-sufficient economy.

1.7.1 Village Panchayats

The vehicle that was most ideal to initiate both political and economic democracy at the grassroots level was the Panchayat Raj system. Mahatma Gandhi's tours all across India reinforced his convictions that India would benefit if the villages were governed by Village Panchayats based on the principal of "simple living and high thinking". These were village republics which were self-contained and self-reliant and having all that people want. These were the institutions where minimum standard of living could be accorded to all human beings. In these republics there would be a diminution of the state and the roots of democracy deepened. According to him centralization cannot be sustained as a system without adequate force. The affairs are to be managed by Panchayats consisting of five persons elected annually. Gandhi aimed at the individual the center of the local administration. People are expected to take personal interest and turn up in large numbers at the meeting to deliberate problems of common interest such as village industries, agricultural production, obligation and planning.

1.7.2 Village – Unit of a devolution system

Gandhi made it very clear that focusing on either economic or political power would violate all the necessary principles of participatory democracy. He was against the center being too strong. Gandhian decentralization means the creation of parallel politics in which people's power is institutionalized to counter the centralizing and alienating forces of the modern state. He considered Panchayat Raj institutions as the parallel politics of decentralization and as units of economic autonomy. The last unit of the decentralization process is the village. Village is the primary unit of participatory democracy. According to Gandhiji, development of the Panchayat system would be possible through proper use of local resources. In the field of local industries and agriculture, development would come up through village meetings of Gram sabha and the panchayats would have to be organized that way. Gandhiji's dream village is a small republic, self-sufficient, enjoying maximum freedom and the village panchayat can be the director of rural

society and economy. At the same time, all decisions regarding rural matters are entitled to be made. Gandhi undertook a plan of government under the Gandhian Constitution starting from the primary unit, the Village Panchayat to the balance of the All India Panchayat Raj, where power has been entrusted to all levels of government. Therefore, every village will not only be self-sustained, it will be capable of managing its affairs even to the extent of defending itself against the whole world.

Gram Swaraj had not been on prior after independence. Gandhi wanted to revitalize village panchayat that would ensure direct democracy at the grassroots level. But in the Constitution of independent India revitalisation of village panchayat is primarily a matter of State Policy and it was mentioned only in the Directive Principles of State Policy (Article 40).

However, Gram Swaraj has materialized in its essence in many ways. For example, if the Constitutional status to Panchayats is analysed, it may be seen that the 73rd Amendment Act 1992, which came into effect on April 24, 1993, is a watershed in the decentralisation process. The most significant aspect of this amendment is that it bestowed constitutional sanction to the institution of Gram Sabha. This body can be effectively used as a stepping stone for attainment of gram swaraj or local self-governance visualized by Gandhi.

1.7.3 Summing Up

Mahatma Gandhi strongly pleaded for decentralisation of economic and political power. He believed that strengthening village Panchayats was a means of effective decentralisation. All development initiatives must have local involvement in order to be successful. For the Father of the Nation, the independence of India meant the independence of the whole of India. Independence should begin at the bottom ushering every village into a republic. He wanted every village to be self-sustained and capable of managing its affairs. He also visualized life as a pyramid with the open sustained by the bottom. Gram Swaraj as suggested by Gandhiji is a very outgoing concept that can help the village and group of villages to be self-reliant and self-sufficient. It will also help in the equal development of all the cities and villages in the country. This step will help to curb unequal developments because generally, developed cities become more and more developed over time and underdeveloped cities remain underdeveloped for a long period of time. Constitutional status to Panchayati Raj System through the 73rd Amendment Act 1992, accorded constitutional status to the Gram Sabha which can be effectively used as a stepping stone for attainment of gram swaraj or local self-governance visualized by Gandhi.

1.8 Self-Assessment Questions

- a) What are the two-fold purpose served by the local government?

- b) Liberalism is ‘an ideology based on the commitment to individualism, freedom, toleration and consent’. With this viewpoint explain the Liberal approach to the study of Local Government.
- c) How is the Local Government System structured in India?
- d) How has the Instrumentalist viewpoint enhanced the idea of Marxist Approach to the study of Local Government?
- e) What is the Uneven Development view propounded by the Marxist Approach to the study of Local Government?
- f) What is “allocative efficiency” for better organizational efficiency to the study of Local Government?
- g) What are the characteristics of a competitive Local Government System?
- h) Identify three variables which influence the level of competition between the units in a local government system.
- i) What is the ‘Lakewood Plan’ arrangement in the United States.
- j) Why is a high level of central funding viewed as a ‘Public Bad’ for the performance of the local government?
- k) Write a note on the Constitutional Status to the Panchayat Raj System in India.
- l) Why did Mahatma Gandhi favor Decentralization of governance rather than establishing central authority for self-government?

1.9 Suggested Readings

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**Colonial Approach to Local Self-Government –
Postcolonial development of Local Government;
Constitutional Amendment and Local Government
– Emerging trend in India**

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2.1 Objectives

The primary objective of this unit is to discuss the colonial approach to local self-government, evolution of local self-governance in the post-colonial era with a special focus on the constitutional amendments which led to the establishment of local self-governments in post-colonial India.

After reading this unit, you will be able to:

- a) Acquaint yourself with the colonial approach to the local self-government.
- b) Gain in depth analysis of the post-colonial development of local government.
- c) familiarize yourself with the various committees, commissions and constitutional amendments which led to the establishment of local self-government in post-colonial India.
- d) identify the structure and functions of the local government bodies (Urban and Rural) in post-colonial India.

2.2 Introduction

Local self-government implies the transference of the power to rule to the lowest rungs of the political order. It is a form of democratic decentralization where the participation of even the grass root level of the society is ensured in the process of administration. Local bodies are institutions of the local self-governance, which look after the administration of an area or small community such as villages, towns, or cities. In local governance, the people elect local councils and their heads authorizing them to solve the most important local issues. Hence, Local self-government refers to the governmental jurisdictions below the level of the state. Provincial governments, whether “colonial non-democratic” or “post-colonial democratic”, perceive local government as appendage to “Empire of the State”, despite support and legitimization for the latter from “Colonial Federal Regime” and later “Post-Colonial Democratic Federal Regime”.

With these aspects of local government in mind, attention will be directed towards how the local government systems developed in the colonial regime, how they functioned during the colonial regime as well as how the local governance emerged in post colonial period with special focus on India.

2.3 Colonial Approach to Local Government

Local government is the cornerstone of the democratic governance of the country. The local government system has been subjected to many radical and vibrant changes under colonial rule. It was significantly emphasized during the period of the British colonial period. Modern local government system was established under the British colonial period. The main objective of the pre- and post-independence local democracy and government system was to enhance democratic applications and enhance the social well-being of the ordinary people who live in the grass root. There were a couple of changes and conversions happened during the period of the British colonial period regarding the local government sector in colonies such as Sri Lanka. A significant point of the local government sector under the British colonial period is it has been gone democratization process of local democracy with new combinations. Introducing the universal franchise system was a benchmark of the enhancement of the local democracy and governance in the local government sector colonies such as in Sri Lanka. Modern features of the local government were incorporated during the colonial administration. Especially, by many political and constitutional amendments and reforms that modern features such as community engagement for the policy decisions making process, electoral rights, were introduced for the local government system.

2.3.1 Nature of local government under the British colonial system

The British colonial period was most influential regarding local administration and governance. Local government and Local Self-Government are interchangeably used. The difference between them is a legacy of the alien rule. It was only during the 19th century that the terms local government and local self-government came to be used for the first time in those countries which were under the colonial rule. For example, in the sub-continent, when the British Government decided to include the Indians in the administration of the local affairs, it meant a share of self-government for the people. It marked a turning point in local governance and administration in colonies. The main purpose of the British colonial administration was to control the colonies by dividing different administrative units. The legal foundation of the local government system was laid down by the British colonial administration. Therefore, even today, the British legal foundation has been given direction for the local government and its governance in colonies such as Sri Lanka. In 1865, the then British Governor Mr. Hercules Robinson reported to the Secretary of State for the British colonies the difficulties that had to be faced when implementing all the activities under the central government, and approval was sought to establish Municipal Councils. The establishment of municipal councils, which was considered a turning point in the history of local government, was initiated in this manner.

In case of India, the Panchayat had never been the priority of the British rulers. The rulers were interested in the creation of controlled local bodies, which could help them in their trading interests by collecting taxes for them. When the colonial administration came under severe financial pressure after the 1857 uprising, the remedy sought was decentralisation in terms of transferring responsibility for road and public works to local bodies. However, the thrust of this 'compelled' decentralisation was with respect to municipal administration.

2.3.2 Resolution of Lord Mayo (1882)

The development of local self-government in India received the much-needed impetus by the resolution of Lord Mayo in 1882. It proposed to decentralize the administration of certain departments like education, medical services and roads to the provinces. This was done to bring about administrative efficiency in meeting people's demands and to add to the finances of the colonial regime.

However, the real benchmarking of the colonial government's policy on decentralization in India can be attributed to Lord Ripon, who in his famous resolution on local self-government on May 18, 1882 recognized the twin considerations of local government: Administrative efficiency and Political education. This resolution is said to be the forerunner of local governmental institutions and Lord Ripon as the father of local self-government in India.

The Resolution envisaged the following principles:

- i) The establishment of a network of local self-government institutions.
- ii) The number of non-officials should not be more than two-third, these should be elected whenever possible.
- iii) Exercise of control should be from without instead of from within.
- iv) Financial decentralization was highly recommended.
- v) Elections were to be held for constituting the local government.

After that, there were several acts and commissions adopted by the colonial government such as the Royal Commission of 1907, Resolution of 1918, Rural Self Government Act 1921, Government of India Act 1935 which gave shape to the modern local governance in independent India.

2.3.3 Summing up

Modern system of the local democracy and governance was reshaped by the colonial administration during the period of the British colonial period. Local democracy and governing systems were determined by the existing ruling pattern of the country. The British colonial period put the benchmark regarding reshaping local democracy and governance systems in colonies. There were many modern democratic features were introduced by the British colonial for the local politics in colonies such as India and Sri Lanka including introducing franchise rights. Lord Ripon laid the foundation stone of modern local governance with a view to provide "political education." With the Viceroy's declaration of August 1917, the democratic ideal again came to the fore which soon gave way to the objective of political education in the 1918 Montagu-Chelmsford Report. This declaration proposed the increased participation of Indians in the administration and the development of self-governing institutions in India.

The emphasis of democracy was motivated firstly, by the British desire of securing increased

assistance of Indians in the government administration of the country and secondly, it was thought that local self-government would impart education in the principles and practice of self-government which would ultimately help the Indians in handling the national affairs independently after the transfer of power.

2.4 Postcolonial Development of Local Government

Many of the countries in the region (for example, India, Indonesia, Malaysia) had colonial past and had been subjected to decisions made by a handful of colonial administrators in the centre. For convenience, the colonial administration had carried out de-centralisation without or with devolution within very narrow limits. Some countries such as Thailand and Nepal were not under colonial rule but they have histories of centralization not much different from the colonial countries. In the region, however, there are some other countries which had a long history with traditional authority enjoyed by the decentralized units such as Papua New Guinea where 90-97% of the land resources is owned by groups of families although used by individual households (Talbot and Lynch, 1995).

In the post- colonial period, a general feature valid for the countries with centralized administration was to promote decentralization in the 1950s and early 1960s, waning of interest in it in the late 1960s and renewed interest from early 1970 onwards in some of them (Hye,1985). Whatever be the degree of interest, deconcentration was the only important element. The other important element of decentralization, namely the development of devolution, has been very slow and disappointing. On top of it, in most countries, there has been hardly any structural change to the administrative organization so that within a short period the deconcentrated units became more cosmetic than substantial.

2.4.1 Bangladesh

The story of Bangladesh is a typical one namely one of progress and retraction. When the region became independent from Pakistan in 1947, there were moribund administrative institutions at the union and district levels. In the period 1958-1968, two more echelons namely the thana and divisional levels were introduced. In addition, government service institutions were established in the thana levels. Besides, for the first time a thana council composed of the government officials and the elected people of the unions was formed with some devolution of powers and allotment of funds for development. This institution was suspended after Bangladesh became independent of Pakistan. In 1976, for the first time, decentralization to the village level namely gram sabha and gram sarkar (local government) was brought into being. In 1982, with the change of the government, gram sarkar was abolished and instead upgradation of thana into upazila with some powers was done. This means that the decentralization to the village level was curtailed in favour of a higher level namely sub-district level (upazila). Overall, the upazila did not also function well because of weak financial base, stranglehold by the government officials, unrepresentative character of the upazila parishad, and the development of a nexus between the traditional elites and the local administration.

2.4.2 India

In India, the real process of decentralization was started with the establishment of Panchayati Raj in the 1950s. Over time the Panchayat became a three-tier system, one at the district, the second at the block and the third at the cluster of village level. The members constituting the different levels were elected. While the intention was excellent, the effectiveness of the system broke down substantially because of delay in (some states, discontinuance of) regular elections, entrenchment of vested interests of the elites in the Panchayats, disassociation of panchayats in many development projects, failure to garner resources, bureaucratic resistance and lack of government will (Muttalib, 1985). Only recently, the central government has made it mandatory for the state governments to have elections at regular intervals. In some states such as West Bengal, the Panchayats have started to function well as a decentralized unit in development work. However, they still are dependent mostly on the resource grants from the state or the centre.

2.4.3 Nepal

Nepal introduced partyless Panchayati system in 1959. This consisted of a hierarchy of councils from the village to the central level. This is a return to the traditional system of governance ruled by elites. Popular participation was negligible. In 1982, the government enacted the Decentralization Act, which made the District Panchayat as the focal point of development headed by an elected person (Pradhan, 1985). However, the Act has not made things much different as the government departments continue to act as the major player in most activities.

2.4.4 Sri Lanka

In Sri Lanka, in 1973, the district administration was restructured with a district political authority. The process of devolution was further improved with district ministership in 1977, the use of decentralized budget in 1974 and establishment of the development councils composed of parliament members, locally elected representatives and the local administrators in 1982. However centralism, failure to promote local participation and the politicians' continued attempt to keep the decision making to themselves rather than share with the people have made the attempt to bring about administrative decentralization substantially ineffective (Gunawardena, 1985).

2.4.5 Philippines

Philippines, the decentralized government units below the central government are: barangay, municipality, city, province, and the regional government in the national capital region at Manila and regional autonomous governments in regions IX (Western Mindanao) and XII (Southern Mindanao) (Guzman and Padilla, 1985). The criteria used to make these subdivisions is population, average estimated annual income for the last 3 years, land area and approval of the majority of the

votes cast in a plebiscite. For example, the required population for qualifying are 1,000, 10,000, 100,000, 150,000, and 500,000 respectively for the five decentralized unit levels. The constitution of 1973 gives the powers to the subdivisions to create their own resources and to levy taxes. But in fact, the smallest unit namely the barangays do not have any significant income and are therefore totally dependent on the other units. The other units, although able to impose some taxes to earn revenue, also have to depend on about 60-80% of its total income from the central government.

The participation of the different units in planning, implementation, supervision, and monitoring is variable. The barangays are too small and unviable while the provinces too big for personal attention to individual citizens. The intermediate units between the barangays and the provinces namely the city/municipality are centre dependent but do deliver services to the people within its jurisdiction.

2.4.6 Summing Up

It is worthwhile to analyze a little on what led to deconcentration in the post-colonial Asia Pacific region. Lutz and Caldecott (1996) believes decentralization as a means of redistribution of property rights and bargaining power of different levels of society by three distinct processes namely the educational or self-discovery process, empowerment process and the process of communication and negotiation. In self-discovery process, each level of society perceives the oppressive elements of reality which include harmful environmental problems and act against them. In the empowerment process, each level acquires its bargaining power. The communication and negotiation process is self-explanatory. While these three processes cover a lot of ground, they fail to explain some common features of decentralization. For example, why in most countries, deconcentration has been aggressively promoted but devolution has been left unattended. Another interesting element is promotion of deconcentration by the centre although there was no bargaining for it (for example that of introduction of panchayati raj in India). Still another element is the plethora of bargaining for decentralization only by a handful of people.

These demands, often political in nature, are sought and sometimes acquired for themselves and not for the people. It is also often noticed that decentralization is often a facade to defuse or pre-empt the rising democratic aspirations of the people. It may also be a method to keep a political tab in the far reaches of the country. Therefore, it is believed that a more realistic way to divide the factors that bring about decentralization are as follows:

State coercion: Superimposition by the top Administration/political authority of the society: The administrative/political authority on its own distributes its officials to geographically decentralized units for local supervision and management.

Political Democratization: The political authority promotes deconcentration through popular elections at different levels.

Peoples' power: Wrenching of power by the lower echelons of the society: This amounts to political unrest and eventual devolution to the revolting group.

Popular Pressure: Reluctant deconcentration due to popular pressure exerted by environmental lobby, social activists, judicial courts etc.

Traditional: Decentralization existed in the past and have continued to exist at present. The above processes may have acted singly or in combination to influence decentralization noticed in different countries.

2.5 Constitutional amendment and local government – emerging trends in India

India attained deeper from the prolonged British rule on 15 August, 1947, and was proclaimed a republic under its new constitution on 26 January, 1950. It ushered-in an era of self-rule. However, the constitution of India did not give a recognition to the urban local self-government as an independent entity. Primary emphasis was laid on the organization of Village Panchayats as a unique local self-government in the rural areas. Since independence, not only the central government has constituted committees, a commission and expert bodies for undertaking in depth study of the problems confronting the urban local governments but also adopted constitutional amendments to give effect to the local self-governance in post-colonial India.

2.5.1 Evolution of local self-government in post-colonial India

The framers of the Indian constitution, unsatisfied with the existing provisions, included Article 40 among the Directive Principles, whereby: **“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.”** Later, the conceptualization of the system of local self-government in India took place through the formation and effort of four important committees from the year 1957 to 1986.

2.5.2 Balwant Rai Mehta Committee (1957)

In 1956, when the Second Five Year Plan was launched, it recommended that the Village Panchayats should be organically linked with popular organisations at higher levels and in stages the democratic body should take over the entire general administration and development of the district or the sub division excluding functions such as law and order, administration of justice and selected functions pertaining to revenue administration. To operationalise this initiative, Government appointed a committee under the chairmanship of Shri Balwant Rai Mehta in 1957.

The important recommendations of this committee are:

Establishment of a three-tier Panchayati Raj system – gram panchayat at village level (direct election), panchayat Samiti at the block level and Zila Parishad at the district level (indirect

election).

District Collector to be the chairman of Zila Parishad.

Transfer of resources and power to these bodies to be ensured.

The recommendations of the Committee were generally welcomed and Panchayati Raj legislations were enacted in a number of States to give effect to these recommendations. By the 1960s, Gram Panchayats covered 90% of the rural population in the country. Out of 4974 Blocks, Prakhanda Samities were formed in 4033 blocks. Out of 399 districts in existence, 262 Zila Parishads were also constituted with varying degrees of actual power. Rajasthan (1959) adopted the system first, followed by Andhra Pradesh in the same year. Some states even went ahead to create four-tier systems and Nyaya panchayats, which served as judicial bodies.

2.5.3 Ashok Mehta Committee (1977 – 1978)

In 1977, Government formed a committee under the chairmanship of Shri Asoka Mehta to go into the working of Panchayati Raj Institutions and to suggest measures to strengthen them into effective local apparatus for decentralised planning and development of the rural areas. The committee was constituted by the Janata government of the time to study Panchayati Raj institutions. Out of a total of 132 recommendations made by it, the most important ones are:

Three-tier system to be replaced by a two-tier system.

Political parties should participate at all levels in the elections.

Compulsory powers of taxation to be given to these institutions.

Zila Parishad to be made responsible for planning at the state level.

A minister for Panchayati Raj to be appointed by the state council of ministers.

Constitutional recognition to be given to Panchayati Raj institutions.

Unfortunately, the Janata government collapsed before action could be taken on these recommendations.

2.5.4 G V K Rao Committee (1985)

Appointed by the Planning Commission, the committee concluded that the developmental procedures were gradually being taken away from the local self-government institutions, resulting in a system comparable to 'grass without roots.' Some of the recommendations were as follows:

Zila Parishad to be given prime importance and all developmental programs at that level to be handed to it, the post of DDC (District Development Commissioner) to be created acting as the chief executive officer of the Zila Parishad and regular elections to be held.

2.5.5 L M Singhvi Committee (1986)

Constituted by the Rajiv Gandhi government on 'Revitalisation of Panchayati Raj institutions for

Democracy and Development’, its important recommendations were: Constitutional recognition for PRI institutions. Nyaya Panchayats to be established for clusters of villages. The next landmark in decentralised governance occurred with the 64th and 65th Constitutional Amendment Bills introduced in July 1989 by the Government of Shri Rajiv Gandhi. The basic provisions of the Bills were: (a) it should be mandatory for all States to set up PRIs/Urban Local Bodies(ULBs), (b) the elections to be conducted by the Election Commission, (c) tenure of Panchayats/ULBs to be five years and, if dissolved before time, fresh elections should be held within six months, (d) all seats (except those meant for the representatives of other institutions) to be filled through direct elections, (e) reservation of seats to be made for SC/ST/Women, (f) Local Bodies to be entrusted with more functions e.g. minor irrigation, soil conservation, bio-gas, health, benefits to SC/ST etc. (g) planning and budgeting systems be introduced at the panchayat level, (h) the State Legislature to authorise Panchayats/ULBs to levy taxes/tolls and fees, (i) a separate commission to review the Local Body finances, and (j) PRI/ULB accounts to be audited by the CAG. The Bill could however not be passed in the Rajya Sabha. Though the 64th Constitutional Amendment bill was introduced in the Lok Sabha in 1989 itself, the Rajya Sabha opposed it.

It was only during the Narasimha Rao government’s term that the idea of local self-government in post-colonial India finally became a reality in the form of the 73rd and 74th Constitutional Amendment acts, 1992. In 1992, after synthesising important features of the earlier exercises on this subject, the Government drafted and introduced the 73rd and 74th Amendments Bill in Parliament which were passed in 1993. These introduced new Parts IX and IXA in the Indian Constitution containing Articles 243 to 243ZG.

2.5.6 73rd and 74th Constitutional amendment act

The 73rd and the 74th Constitutional Amendment Acts, 1992 enjoin upon the states to establish a three-tier system of Panchayats at the village, intermediate and district levels and Municipalities in the urban areas respectively. States are expected to devolve adequate powers, responsibilities and finances upon these bodies so as to enable them to prepare plans and implement schemes for economic development and social justice. These Acts provide a basic framework of decentralisation of powers and authorities to the Panchayati Raj/Municipal bodies at different levels. The 73rd and 74th Amendments to the Constitution of India constitute a new chapter in the process of democratic decentralisation in India. Some of the main provisions of the 73rd Constitutional Amendment Act are as follows:

- Establishment of ‘Gram Sabha’ at the village level comprising of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat (Article 243(b)). The State, where Gram Sabha does not exist, will have to make such provision.
- Establishment of a three-tier system of Panchayat, at the village, intermediate and district levels, in all the States and Union Territories (UTs) except in those having a population of less than twenty lakhs where Panchayats at intermediate level need not be constituted. The States which will fall under this category as per 1991 census are Goa, Sikkim, all the North

Eastern States and UTs. All levels of Panchayats will consist of persons elected directly from the territorial constituencies in the Panchayat area. The territorial constituencies shall be carved out in such manner that the ratio between the population of each constituency and the number of seats allotted to it should be uniform throughout the Panchayat area as far as practicable.

- Reservation of seats for SCs/STs in proportion to their population in the Panchayat area and seats may be allotted by rotation.
- One-third of the total number of seats, both in reserved and unreserved categories shall be apart for women in every Panchayat and seats may be allotted by rotation.
- A fixed tenure of five years for Panchayats from the date appointed for its first meeting and the tenure cannot be extended. However, if a Panchayat is dissolved before the expiry of its term, election is to be conducted within a period of six months of the dissolution to reconstitute the Panchayat for the remainder of the terms of the term provided the remainder of the period is not less than six months. The Panchayats shall be constituted before the expiry of its tenure of five years.

Some of the provisions of 74th Constitutional Amendment Act are as follows:

- Urban local bodies are known as municipal corporation, municipal council and nagar panchayat based on population. The nagar panchayat is for traditional areas, the municipal council or municipalities are for smaller urban areas and municipal corporation are for larger urban areas.
- It is constituted for a time period of 5 years.
- 1/3rd reservation for women.
- These bodies have been given the power to legislate and implement scheme for economic development and social justice. The legislature of a state can assign specific taxes, duties, tolls, etc. for the functioning of urban local bodies.

2.5.7 How is the system structured in India?

The local governing bodies in India are structured hierarchically with each level having designated powers to deal within its respective areas of governance. In the case of rural areas there is the Panchayati Raj system in which there are three nested bodies. At the apex, is the district council or zilla parishad, which is made up of a cluster of block councils or panchayat samitis, which in turn,

are made up of village councils or gram panchayats. Each village has a village assembly or gram sabha comprising all adults in the village, who have the power to directly elect members of the panchayat. In urban areas, there are three types of local bodies: municipal corporations for areas with a population of more than one million and municipal councils/ municipalities for areas with less than a million people, and town councils or nagar panchayats for areas transitioning from rural to urban. For ease of administration, large municipal areas may be further subdivided into wards. Members of both the municipal corporations and municipalities are elected every five years. In line with their objectives of promoting local economic development and social justice, the functions of the local government bodies are related to administrative activities such as maintenance of village records, construction, maintenance, and repair of roads, tanks, wells, and maintenance of public health and sanitation, providing public utilities such as water, electricity, education and so on.

2.5.8 Summing up

The government appointed committees/commissions and the two constitutional Amendment Acts (73rd and 74th of 1992) mark a watershed in the evolution of Indian local government. These two amendments have for the first time given constitutional status to the Panchayati Raj Institutions in rural India and to the municipalities and municipal corporations in urban India. At the moment, most of the political parties, especially the regional ones, which have succeeded in playing a decisive role in the current governance system, derive their power from the PRIs. Therefore, with the advent of a wider PRI framework, significant changes are taking place in the administrative structure of the entire federal Indian government. In addition, the neglected sections, i.e. women and rural marginalized sections, emerged strongly in terms of leadership gaining political strength and speaking in governance.

2.6 Self-Assessment Questions

- a) Discuss in details the characteristics of local self-government during British rule in India
- b) Write an analytical note on the evolution of local self-Government in postcolonial South Asia.
- c) Discuss in details the growth of local self-government in India with reference to various committees in India since independence.

2.7 Suggested Readings

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Approach to the Panchayati Raj System in West Bengal: Left Front and Trinamool Congress Government

Contents

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3.4.1 Summing Up

3.5 Self-Assessment Questions

3.6 Suggested Readings

3.1 Objectives

The primary objective of this unit is to familiarise the students with the system of rural Local-Self Government in West Bengal. The institutional structure and functions of the Panchayati Raj Institutions has become subject to lots of changes due to the political regime's change in the state. This unit deals with how two different governments of West Bengal worked for strengthening democratic functioning of the Panchayats. It would also focus on the changes of Panchayati Raj system before and after 73rd amendment act in West Bengal. Discussion on the Panchayati Raj system in the Left Front regime and after 2011 in the TMC regime would help the students to gather knowledge of ground reality of rural Local-Self Government. A related objective is to judge the effectiveness of the Panchayati Raj institutions in terms of its efficacy and effectiveness for rural

development in an effort to understand the nature of progress in moving towards political decentralization through PRIs. In sum, after studying this unit students will be able:

- To understand how Left Front regime and TMC regime differ in the case of conducting Panchayati Raj Institutions.
- To understand the ideological preferences of Left Front and TMC Governments for rural Local-Self Government in West Bengal.
- To critically assess the process of the Left Front and Trinamool Congress Government for strengthening democratic functioning of the Panchayats.

3.2 Introduction

In a vast agrarian country, like India, some healthy institution is necessary to work for administrative, economic and social development to the people living in widespread villages. Panchayat Raj provided a system of self-governance at the village level or grass-roots level — have been declared as the vehicles of socio-economic transformation in rural India. The word ‘Panchayat’ is now used to mean a meeting of people for rural administrative, developmental and judicial purposes. To meet the social necessities, the birth of such institution was therefore spontaneous. However, in course of time, lots of changes have taken place in this institution. It is a complex unit of Local Self Government consisted of the popular representatives and exercising the function or co-ordination and possessing a degree of autonomy. The institution of Panchayati Raj has been the main pillar of rural social structure from the ancient period.

Mahatma Gandhi advocated Panchayati Raj as the foundation of India's political system, as a decentralized form of government in which each village would be responsible for its own affairs. The term for such a vision was Gram Swaraj ("village self-governance"). Instead, India developed a highly centralized form of government. The Panchayati Raj system was formalized in 1992, by the 73rd amendment to the Indian Constitution, following a study conducted by a number of Indian committees on various ways of implementing more decentralized administration. However, there are significant differences between the traditional Panchayati Raj system, which was envisioned by Gandhi, and the system formalized in India in 1992. In India, the Panchayati Raj now functions as a system of governance in which gram panchayats are the basic units of local administration. The system has three levels: Gram Panchayat (village level), Mandal Parishad or Block Samiti or Panchayat Samiti (block level), and Zila Parishad (district level). It was formalized in 1992 by the 73rd amendment to the Indian Constitution (Debaditya, n.d.). West Bengal is one of the forerunners in installing a 3-tier Panchayati Raj System (PRI) for rural local governance in India. The present generation Panchayats in the state started its journey in 1978 i.e., 15 years ahead of the 73rd Amendment of the Constitution of India. Ever since their inception, the state has demonstrated strong commitment to rural decentralisation by ensuring regular elections to PRIs, entrusting them with increasing responsibility of implementing various rural development programmes and making the development bureaucracy part of PRIs. The state also ensured adequate representation of the socially backward classes – Scheduled Castes (SC), Scheduled Tribes (ST) and women in PRIs for their involvement in the process of socio-economic development.

3.3 Panchayati Raj System and the Left Front Government in West Bengal

The Panchayati system under the rule of Left Front Government has two different phases, namely, first phase from 1977 to 1993 means before the enactment of 73rd Constitutional Amendment Act; and the post amendment phase. In the following section the two different phases Panchayati Raj under Left Front would be discussed.

3.3.1 Panchayati Raj Institutions under the regime of the Left-Front Government from 1977 to 1993

In 1977, the Left Front (LF), a combine of leftist parties led by the Communist Party of India (Marxist) (known as the CPI-M) came to power on the promise of vigorous agrarian and political reform. Its agrarian reform program involved forceful implementation of existing tenancy laws that gave security of tenure and a legally stipulated minimum crop-share to tenants (Operation Barga), and distributing landholdings above the legally permitted limits from landowners to small and marginal farmers as well as the landless rural poor in terms of its achievement on both these counts it is by far the leading state in the country (Ghatak, 2002, p. 46). Its political reform program consisted of empowering the three-tiered panchayat system with a Gram Panchayat (Village Council) for a cluster of villages at the bottom, a Panchayat Samiti covering the area of a block, and a Zilla parishad for the district. (Mookherjee, 2007, p. 207). In west Bengal, Gram Panchayat having a population numbering about ten thousand has become convenient units for local self government. Moreover the Panchayat Samitis which are at the block level have proved to be viable and convenient units.

The legal framework for the second generation of Panchayats was established through passing of the West Bengal Panchayat Act, 1973. The Act provided for establishment of three tier Panchayats. Thus, Gram Panchayat (GP) was to be constituted for a cluster of villages; Panchayat Samiti (PS) was to be constituted at Block level and Zilla Parishad (ZP) was to be constituted at the District level. The main features related to the legal framework of the Act were:-

- i) Members will be elected directly for each tier from respective constituencies.
- ii) Candidates may contest election with their party symbol.
- iii) The members will elect their Chairperson and Vice Chair-Persons for each Panchayat– to be called Pradhan and Upa Pradhan for the GP; Sabhapati and Saha Sabhapati for the PS and Sabhadhipati and Saha Sabhadhipati for the ZP.
- iv) Vertical division of power was made by assigning different duties and responsibilities to different tiers of Panchayats.
- v) Within each tier responsibility was divided among various Standing Committees (for ZP and PS) and Upa-Samitis (for GP) to deal with different subjects.
- vi) There has to be election after every five years.

vii) Direct accountability to the people at the Gram Sansad level for ensuring their participation in functioning of the Gram Panchayat.

However, West Bengal has a three-tier Panchayat system under Left Front rule since 1977. On June 4, 1978, after 14 years, direct elections were held to elect 56,000 representatives for 15 Zilla Parishads, 324 Panchayat Samitis and 3,242 Gram Panchayats under the West Bengal Panchayat Act, 1973. According to the provisions of the 1973 Act, Panchayats will have their normal terms of four years. It is to the credit of the Left Front government that Panchayat elections are being held regularly since 1978 (Acharya, 1993).

Democratic decentralisation through Panchayats as a means to usher in a new social order for the socio-economic transformation of the rural community of West Bengal has been accepted by the Left Front government as a state policy. Promode Dasgupta, the first chairman of the Left Front, stated, "it is a struggle for establishing the rights of poor peasants, agricultural labourers, village craftsmen, etc, against the vested interest and. exploiting classes in the villages". He further observed that through panchayat elections, power will be decentralised and with the organised force of the village poor and middle class Left unity can only carry out the task of establishing the power of poor curbing the power of the administrative officers in the village (Acharya, 1993).

Under the rule of Left Front from 1977 the provision and maintenance of all local public goods and implementation of most local public projects were handed over to formally elected village councils (Gram Panchayats). Previously these functions were discharged by bureaucrats working under state and central governments, a system that received widespread criticism as in corrupt. There is much evidence that the poor functioning of local public services in India relates to the centralized and non participatory nature of their management. However, there is little scope for citizens to voice their demands and criticisms in the formal institutional structures while education, health and poverty alleviation programmes take up a fair share of the budgets of the central and the state governments, a rather small fraction of the benefits trickles down to the intended beneficiaries because of corruption at various levels of the government (Ghatak, 2002, p. 45).

Left Front conducted panchayat system of West Bengal stands in sharp contrast with the other states in India and together with land reform it has been credited for playing an important role in the impressive economic turnaround of the state since the mid 1980s (Swaminathan, 1998, p. 2597). While a handful of other Indian states periodically experimented with decentralization prior to the 1990s, it is only since the passage of the seventy-third and seventy-fourth constitutional amendments in 1993 that the rest of India has systematically begun to implement such a system. The West Bengal decentralization experiment thus predated the all India experiment and is frequently hailed as an instance of successful implementation of decentralization that other Indian states would do well to emulate (Mookherjee, 2007, p. 203). It is the first and only major state which has had timely panchayat elections on a party basis regularly every five years since 1978, a year after the Left Front government was elected to power in the state. Election to the three tier Panchayats was conducted based on the new Act in the year 1978 only and elections are being held regularly after every five years. The Left Front government in West Bengal has not postponed or rescheduled panchayat elections even when electoral compulsions dictated. Two noteworthy features of these elections, as brought out by the NIRD (National Institute of Rural Development) study, were that there was a high degree of political perception among the rural voters with no influence of caste in the socio-economic

matrix and for the first time there emerged a new, youthful, literate, rural leadership in West Bengal. The political background for the above welcome change was to be attributed to the promises made by Left Front government for substantial devolution of powers and resources to the local bodies, and the large-scale enthusiasm created among the villagers due to the participation of political parties (Mathew, 1995, p. 19). There was campaign to fight vested interests represented by jotedars and mahajans. An aspect of democratic participation in local election, documented in Kirsten Westergaard's study of West Bengal (1986), was that a sizable proportion of the elected representation was the first important step towards increasing the control over the Panchayats on the part of the disadvantaged groups such as poor peasants, sharecroppers and landless labourers (Mathew, 1995, p. 21).

Since 1978, the lowest tier, the Gram Panchayat (GP) became very powerful body, wielding effective control over substantial resources and political power. This village council was headed by a 'pradhan' (chief) and an 'upa pradhan' ('deputy chief) elected from amongst themselves by the gram panchayat members. These elections were held every five years on a mandatory basis, starting with 1978. In West Bengal, since most villages are small, a gram panchayat generally consists of more than one village. There is one more level that has emerged below the gram panchayat level, namely the gram sansad or rural ward. Each gram sansad elects a member to the gram panchayat. Of particular note is the political will of the Left government to devolve significant responsibilities to the Panchayats, reducing the near monopoly power of bureaucratic departments in the previous regime. Above the village council, there was the Panchayat Samiti (PS) at the block level. Each Panchayati Samiti covered, on an average, about 115 villages and a rural population of about 1,65,736, of whom 1,01,387 were eligible voters. An elected sabhapati or (president) heads the PS. During the Left rule, the once all-powerful bureaucrat at this level, the block development officer (BDO), was became an executive officer to the Panchayat Samiti. This provided a direct linkage of the panchayats with the administration. It also allowed a popularly elected body to exercise some control over the administration (Ghatak, 2002, p. 46). And at the highest level, there was a Zilla Parishad (ZP), one for each district. In 1993, there were 16 ZPs with 656 elected members. The head of the ZP, the sabhadhipati enjoyed the rank of a minister of the state government (Ghatak, 2002, p. 46).

Hence, the salient features of panchayati raj in West Bengal under Left Front rule were that members of all the three tiers were elected directly. The idea of direct election of chairpersons of different tiers did not find favour in West Bengal. By including chairpersons of the lower tiers as members of the higher tiers, an organic link was established between the three tiers. The MLAs and MPs were involved with the system as members of the Panchayat Samiti or Zilla Parishad, but they were not entitled to hold executive positions. Many of the State Government employees were given dual role by giving them responsibilities for working for the Panchayats in their ex-officio capacities. The most important of which is to make the DM the Executive Officer of the ZP and the BDO the Executive Officer of the PS.

Since 1978, in the performances of panchayati institutions in West Bengal it was found that there emerged a new generation of leadership in rural West Bengal but the class and caste background of the new leadership may not have changed much. There developed a new institutional structure, decentralised in form but still dominated by the middle and rich peasants. The agricultural labourers and poor peasants, though not in proportion, have their representatives in the new structure but their

participation in the decision- making process is still a far cry. It may be true that the power of government officials has been curbed considerably. In fact, 'sabhadipathies' of zilla parishads now wield the supreme power in the district. The sabhadipathi, like the chief minister, governs over all the affairs of development and administration in the district. The district collector plays generally, if not a subordinate, a secondary role. Similarly, the sabhadipathi of the panchayat samiti has overall control over the affairs of the block. It is interesting to note that almost all the sabhadipathies belong to the upper strata of rural society with a bhadrakalok back- ground. A few of the sabhadipathies of panchayat samitis may be from the lower castes but not necessarily from lower classes. In a system of so-called democratic centralism it is the party secretary who holds the ultimate authority, though there may be a few exceptions. And a party secretary with a labouring background is unusual. The overall domination of the privileged classes over the decentralised power structure as a result remains without being seriously challenged. At the Gram Panchayat level there may be quite a number of members and pradhans from poor and lower middle peasants. However, this could not bring about any radical change at the grass- roots-level leadership. It is difficult to prove that the decentralisation of the power structure through the introduction of Panchayati Raj could achieve the goal of empowerment of the labouring people and establishment of the hegemony of the labouring classes over the village society (Acharya, 1993).

3.3.2 Panchayati Raj Institutions under the regime of the Left-Front Government from 1993 to 2011

The institutional structure of Panchayat in West Bengal existing from 1978 had been formalised through the 73rd Constitutional Amendment Act in 1992. The Amendment took effect from the 24th April 1993 and the same provides for the basic institutional framework of the Panchayats, i.e. three tier systems, in the country state which was already successfully implemented by the Left Government in West Bengal since 1978 immediately after came into power. The panchayati system boosted up by this Act in West Bengal.

The Article 243B (1), introduced through the 73rd Amendment provides that “There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part”, which makes it mandatory to constitute Panchayats in every state (excluding certain area and provisions relating to Panchayats at the district level does not apply to the hill areas of the District of Darjeeling for which Darjeeling Gorkha Hill Council exists). However, every State has to pass its own law on composition of Panchayats, representation to those bodies, system of election as well as how those bodies will function. The Constitution also provides for reservation of seats for the Scheduled Castes and the Scheduled Tribes in proportion to their share of population in the Panchayat area and rotation of the seats allotted for the reserved categories within the Panchayat area. However, in West Bengal, provision for reservation of the OBCs has been made through subsequent Amendment of the W.B. Panchayat Act.

It has also provided that not less than one third of all the seats are to be reserved for the women and there should be rotation of seats allotted to the women. In West Bengal, provision for reservation for the women has since been raised to 50% through subsequent Amendment of the W.B. Panchayat Act, which has been made effective from 4.2.2011. The posts of Chairpersons in all the three tiers are also to be similarly reserved for the SC, ST and the women (In West Bengal the post

of Vice Chairperson was reserved. Also along with extending reservation in the posts to the OBCs, reservation of women in the posts of Chairpersons and Vice Chairpersons has been increased to 50% in all cases through one subsequent amendment of the Panchayat Act which has been made effective from 4.2.2011). The 73rd Amendment also provides the provision for establishment of the State Election Commission on which the power of superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the Panchayats shall vest (243K) and the constitution of the State Finance Commission (243-I) every five years for recommending sharing of the revenue of the state between the state government and the local government (both Panchayats & Municipalities) as well as distribution of the share of Panchayats among different tiers; the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats and measures to be taken for improving financial position of the Panchayats. The amendment also deepened the democracy in the country by providing elected local institutions with a given structure and thereby making avenues for the people to actively participate in their own development. This has helped social and political empowerment of the people, particularly those from the disadvantaged sections through reservations. In the country as a whole there are around 2.4 lakh Panchayats and 2.8 million elected representatives, over 30% of whom are women, 19% are SC and 12% are ST. However, actual functioning of those bodies depends on enablement as well as empowerment of those bodies in respective states (Roy, n.d.).

However, like all other states governments of India in West Bengal the Left Front Government also conducted the panchayati institutions by following and implementing all the provisions mentioned in the 73rd Amendment Act since 1993. Under Left Front rule, West Bengal followed a development path distinct from the rest of India. Though economic growth in terms of growth of the State Domestic Product (SDP) was modest during the years 1977 to 2011, it was a period characterised by land reform, decentralisation of political and financial power through the panchayat system, and high rates of agricultural growth in the State. As a result of the pro-poor policies implemented by the Left Front Government, West Bengal was characterised by low economic inequality with respect to land ownership and consumption expenditure during the period of Left Rule (Bakshi, 2011).

The total number of GP, PS and ZP in the state as on the year 2011 are shown below district-wise:

Name of Districts	No of Sub-divisions	No. of Blocks	No. of PSs	No. of GPs	No. of Gram Sansads
Cooch Behar	5	12	12	128	1346
Jalpaiguri	3	13	13	146	1681
Darjeeling HC	3	8	—	112	1041
Siliguri MP	1	4	4	22	358
Uttar Dinajpur	2	9	9	98	950
Dakshin Dinajpur	2	8	8	65	781
Malda	2	15	15	146	1468
Murshidabad	5	26	26	254	3056

Nadia	4	17	17	187	2142
N. 24-Parganas	5	22	22	200	2603
S. 24-Parganas	5	29	29	312	3590
Howrah	2	14	14	157	1797
Hooghly	4	18	18	207	2320
Paschim Medinipur	4	29	29	290	3086
Purba Medinipur	4	25	25	223	2535
Bankura	3	22	22	190	1896
Purulia	3	20	20	170	1635
Burdwan	6	31	31	277	3172
Birbhum	3	19	19	167	1610
Total	66	341	333	3,351	37,067

Source: M. N. Roy (n.d.) Rural Local Governance in West Bengal

3.3.3 Summing Up

- The institution of Panchayati Raj has been the main pillar of rural social structure from the ancient period in India.
- The birth of Panchayati Raj Institutions institution was a spontaneous process in India as well as in West Bengal.
- The Panchayati Raj system was formalized in 1992, by the 73rd amendment to the Indian Constitution.
- In West Bengal PRI was installed 3-tier Panchayati Raj System (PRI) in 1978.
- In Left Front regime in West Bengal PRI has two different phases, a) from 1977 to 1993 and b) the phase after the enactment of 73rd Constitutional Amendment Act.
- Power was distributed vertically in different tiers of Panchayats in the first phase of Left rule in W.B.
- Elected members enjoyed more power and autonomy in Panchayat than the bureaucrats which was a previous trend in India (before 1977).
- A new generation of leadership was coming up in rural Bengal but the class and caste background of the new leadership was not changed much.
- After the 73rd Amendment Act West Bengal govt reserved seats for SC/ST/OBC & Women's and the class and caste background of the new leadership has changed after that.

3.4 Panchayati Raj Institutions under the Regime of the Trinamool Congress Government since 2011

After the regime change in 2011 and the consolidation of the Trinamool Congress (TMC) as the ruling party a new style of governance introduced in West Bengal that focused on quick decision-

making emerged, accompanied by an ideological political vacuum. With the Communist Party of India (CPI-M) reduced to a powerless organization, debates on policy and corruption issues were fast receding from public domain in the State. Under the Left Front Government from 2005 to 2011 the DFID (Department For International Development, The Govt. dept of UK) funded project, ‘Strengthening Rural Decentralisation’ (SRD) that operated in the State. The new populist regime ruled through creation of certain political symbols and discourses that have set in motion several systemic changes in the development sectors in West Bengal. World Bank funded project ‘Institutional Strengthening of Gram Panchayats’ (ISGP), launched in September 2010 and implemented through the Panchayat and Rural Development Department (PRDD). The timing of the ISGP project more or less coincided with the change in political regime in the State and the credit support from the World Bank was welcomed by the newly formed State government reeling under debt. The policy-prescriptions of this project aimed to ensure effectiveness of the public service delivery mechanism by institutional strengthening of local self-governments, reflecting the wider ‘good governance’ agenda of the World Bank. After the 35 years long-term development policy by the Left Front Government for rural areas, the rural development policy of the new State government, led by the Trinamool Congress (TMC), become a matter of substantial public interest.

Preparing a proper plan for the local government unit at the lowest level was considered a fundamental component of institutional strengthening in both the SRD and ISGP projects, but the planning process underwent major changes from SRD to ISGP. During ISGP, the PRDD (Panchayat and Rural Development Department) instructed the GPs to prepare *Upa-Samiti* (Standing Committee) based GP plans rather than *Gram Sansad* based GP plans. *Upa-Samities* promote horizontal decentralisation of power among the elected members of the GP, while the GUS (Provision was made for constitution of Gram Unnayan Samiti through amendment of the Panchayat Act in the year 2003 for strengthening the process of decentralization. The GUS is like an Executive Committee of the Gram Sansad and should comprise of elected member or members to the Gram Panchayat from the Gram Sansad, the opposition candidate(s) obtaining second highest vote in the election to the GP, three representatives of NGOs/CBOs, three representatives of active SHGs with at least two members from women led SHGs, one serving or retired Government employee, one serving or retired teacher (all being voters of the area i.e. members of the Gram Sansad), and another 10 members or 1% of the total number of members of Gram Sansad, whichever is higher. The functions of the GUS is to help and assist the Gram Sansad in the preparation of its perspective plan for five years and annual plan as a part of the same, for achieving the economic development and social justice, mobilization of revenue from the Gram Sansad area etc. In order that the entire population, irrespective of their political identity or orientation, can work together the GUS is to be constituted based on consensus between the elected and the opposition member and there should be fair representation from all the categories of people living in that area) led *Gram Sansad* based plans had the potential for ‘deepening democracy’ by creating vertical linkages and scope for more direct participation of the common people in the planning process through the GUS. Though the participatory space for the community had been withdrawn earlier by making the GUS non-functional, the omission of the *Gram Sansad* as the tier of the planning process was the *first node* where the direct participation were denied access to the decision-making processes of the state by altering the planning guideline for the panchayati raj institution at the local level (Dasgupta, 2020).

The second node was the tightening of the planning process under ISGP in adherence to the time-frame stipulated by the West Bengal Panchayat Act. The GUS led planning under SRD was a lengthy process with a vision to use the participatory planning exercise as an empowering tool for the masses, rather than a tool to ensure enhanced institutional efficiency of the GP as an institution. Under ISGP, the aspect of people's participation was totally done away with in practice, though this was a predictable consequence of curbing the powers of the GUS. Instead of the time-intensive resource maps and handwritten plan documents prepared by involving the local community, the GP officials were expected to produce a computerised plan-document aided by planning software under the ISGP project. Though this was a faster, easier and efficient process that eased the work-load of the GP employees to a large extent, by their (GP employees) own admission, its accuracy could be called into question when it came to identification of schemes at the village level. In the absence of the GUS, the GP was entirely dependent on the statutory *Gram Sansad* meetings twice a year for scheme identification and on the lone elected GP member from the concerned area for prioritisation of scheme implementation. Irregularity and frequent adjournment of the *Gram Sansad* meetings resulted in increased dependence of the GP on the sole elected representative of the area, the fallout of which is concentration of political power in the local elites once again. This process has effectively served to push-out the direct stakeholders from the decision-making process altogether by reducing the points of contact between the state and the citizens, and backtracking from the strategy of fixing priorities through democratic strategies (Dasgupta, 2020).

Armed with technical knowledge introduced under the aegis of the ISGP project, institutional mechanisms within the *Gram Panchayat* (GP) were passing through a transitional phase. For instance, the earlier culture of manual reporting or maintenance of accounts by the GPs were being converted into online versions, that could apparently generate reports for the public domain. The higher-level administrators and the GP officials were of the opinion that this has brought in the element of transparency into the system and many seemed to find such innovative technical tools useful from the institutional perspective of identifying gaps and interventions in the developmental processes (Dasgupta, 2020).

Consequently, this transition changed the political dynamics within the PRI system of the state. The earlier Left regime seemed to treat the PRI institution as an extension of the party-office through which it could advance its own agenda of spreading the party-hegemony. Priorities for different schemes were fixed in the CPI (M) party offices, making the GP officials less accountable for the GP level decisions on scheme implementation. This trend began to shift slightly with the launching of the SRD programme, and the GP becoming a hub of trainings, meetings and other activities. Being regularly informed of the SRD project activities, the local political elites gradually loosened their grip over the GP, possibly voluntarily to an extent. Under the TMC rule, the technical innovations and official procedures introduced under the aegis of the ISGP project further loosened their grip over the GP as an institution at the local level. The new processes allowed the GP officials more autonomy in the internal institutional dynamics of the GP, who were then in a position to influence the local political classes. Equipped with in-depth knowledge on the rules and regulations governing the GP administration, as well as the technological knowhow, an expert GP staff could emerge as a decisive factor in the concerned GP under the present system.

This de-politicized and mechanical approach to 'institution building' under the ISGP project stands in direct contrast to the participatory approach of SRD that involved collaborations with local

political leaders, elected representatives, GUS members and the community members in general. This also provided the political workers of the earlier regime with more scope and exposure to capacity building exercises at various formal and informal spaces resulting in development of their political capabilities. Such a system is totally non-existent within the party-organization of the current TMC regime resulting in ignorance among the current political classes about the day-to-day institutional functioning of the PRI system. This lack of exposure, reinforced by the shrinking democratic spaces and the present technocratic modus operandi at the local level, are making the political classes increasingly dependent on the administrative machinery for implementation of schemes or allocation of resources. Good governance measures that are instrumentally strong can thus push back political capacities of the masses (Dasgupta, 2020).

The Trinamool Congress Government shifts responsibility of delivering public services from the elected public officials to the bureaucrats who were being mobilised on a war footing to promote development, and were made directly responsible to the Chief Minister's Office. At the state level, the Chairperson of the Fourth State Finance Commission authenticated the proposition that breaking the party hegemony of the previous Left regime had been a conscious policy decision on the part of the TMC government by increasing the decision-making power of the bureaucrats at various tiers of administration, and making power more centralized. The rationale of the Commission was that transfer of power from the local leaders to the bureaucrats might actually benefit the common people since a bureaucrat, in the absence of any local interest, can work neutrally. The Commission, therefore, in an advisory capacity to the government, fully endorsed this policy decision of empowering the bureaucracy rather than the people's representatives. This was absolute validation of the argument put forward by the current political regime, that had been rolled out through certain concrete steps since it assumed power in 2011 (Dasgupta, 2020).

The Government Orders issued to constitute Development and Monitoring Committees at various levels of administration only with bureaucrats was such an attempt to cripple the LF controlled PRI institutions by stripping their elected representatives of all executive powers and deactivating these institutions in effect for the remaining length of their terms. Possibly, this had an effect on the political culture at the grassroots. The absence of a forum like the GUS at the village-level that connected the *Gram Panchayat* with the rural masses, has created a vacuum making the GP solely dependent on the elected GP member and his team to serve as this crucial link. This situation is reminiscent of the 'Gram Committee' that was constituted on party lines, comprising of party cadres and supporters before the GUS came into being. In effect, this has really meant rolling back the wheels to the pre-1977 era. There is also a rising trend of open factionalism among the current political regime led by the TMC, that might also be seen as an offshoot of a vacuum at the village level, engendering an atmosphere of distrust at the grassroots. Factionalism and the lack of political education among the elected representatives of the ruling TMC are also seen by the local political class as a factor helping this tilt in the in favour of bureaucracy. Till date, the top brass of TMC seem to be indifferent to these issues, thus sending out a signal that the current rulers intend to prioritize the administrative machinery as a governance mechanism rather than the political organization (Dasgupta, 2020).

The TMC governance model on the other hand, opted for enhancement of technological expertise and enforcement of authoritative rules with the use of bureaucracy at the cost of engaging with the social forces and designing interventions to break the hegemonies of existing power-holders.

The World Bank funded ISGP project reinforced this centralized model of technocratic governance by the application of its policy prescriptions reflecting its ‘good governance’ agenda within the local governance structures in West Bengal. This in effect, is serving to gradually transform the normative values like democracy and participation that these institutions were meant to stand for, and converting them into vehicles for propagating the neo-liberal vision of ‘sound development management’ (Dasgupta, 2020).

3.4.1 Summing Up

- In TMC regime Panchayate gets more attention to focused on quick decision-making.
- World Bank funded programme ISGP was welcomed by the TMC government.
- Some power of Gram Sansad has been decreased for speedy decision making in the TMC regime.
- TMC government adopted a model to enhancement of technological expertise and enforcement of authoritative rules with the use of bureaucracy.
- Proper people’s participation became little problematic in new regime.

3.5 Self-Assessment Questions

- a) Discuss the basic difference between West Bengal Panchayat Act, 1973 with 73rd Amendment Act.
- b) What were the drawbacks West Bengal Panchayat Act, 1973 & 1978?
- c) Write down the basic difference between the first phase of West Bengal Panchayat system with the second phase in Left front regime?
- d) What is the main difference between Left Front and TMC regime regarding Panchayati Raj system in West Bengal?

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Rural politics in West Bengal – Emerging trend and the social background of the Panchayat leaders in West Bengal

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4.5 Emerging trend and the social background of the panchayat leaders in West Bengal

4.6 Self-Assessment Questions

4.7 Suggested Readings

4.1 Objectives

The foremost objective it is to discuss the Rural Politics in West Bengal and the Emerging trend and the social background of the panchayat leaders in West Bengal. The topic will introduce us various Constitutional Amendments that shapes the framework of Local Government and the Rural Politics in India with specific references of West Bengal.

After going through this unit, you will be able to:

- ❖ Gain the importance of studying Rural Politics in West Bengal.
- ❖ Trace back the past Constitutional Amendments, Commissions which some how might remain unnoticed for many of us.

Gather a great knowledge regarding the panchayat system, framework and nevertheless the backgrounds of the leaders whom we caste vote for.

4.2 Introduction

The topic implies the concept of Decentralization which led us all aware about know the essence of Rural Politics and the emergence of the Local leadership, socio-economic background of the panchayat leaders is the topic that acts as x factor of this unit. The Local Self Government was formed to ease the load from the state and to form a small zone that would be easier to govern. The Rural Politics in West Bengal has an interesting history that can be correlated with that of India which our country. The points mentioned above will act as a base of the unit in addition to background of the Panchayat leaders.

4.3 Evolution of Panchayati Raj in India (with reference to various committees)

Mahatma Gandhi said “True Democracy could not be worked by some persons sitting at the top. It had to be worked from below by the people of every village”. According to Article 40 “The state shall endow such powers and responsibilities to the Panchayats so as to make them institutions of Self- Government”. The system of Local Self Government in India took place through the formation and effort of four major Committees from the year 1957 to 1986. To understand the Evolution of the Panchayati Raj in India, we must understand the recommendations of this committees.

Balwant Rai Mehta Committee (1957)

The notable recommendations are:

- The association of people’s elected representatives for effective rural development.
- Establishment of a three- tier Panchayati Raj system Gram panchayat at village level (Direct election), Panchayat Samiti at the block level and Zila Parishad at the district level (indirect election).
- District collectors to be the Chairman of the Zila Parishad.

By 1960s, Gram Panchayats covered 90% of the Rural population in the country. Out of 4974 Panchayat Samities were formed in 4033 blocks. Out of 399 districts in existence, 262 Zila parishes were also Constituted with varying degrees of actual power. The objective of the Panchayats that was the democratic decentralization through the effective participation of locals with the help of well- planned programs. Even the then Prime Minister of India Pandit Jawaharlal Nehru defended the panchayat system by saying “authority and power must be given to the people in the villages let us give power to the panchayat”.

Ashok Mehta Committee (1977-1978)

The significance recommendations are:

- The three tier system should be replaced with a two tier system: Zila Parishad (district level) and the Mandal Panchayat (a group of villages)
- District level as the first level of supervision after the state level

- Zila Parishad should be executive body and responsible for planning at the district level
- The institutions (Zila Parishad and the mandal Panchayat) to have compulsory taxation power to mobilize their own financial resources.

GVK Rao Committee (1985)

The significant recommendations are:

- Zila Parishad to be the most important body in the theme of Democratic decentralization. Zila Parishad to be the principal body to manage the development programs at the district level.
- The District and the lower levels of the Panchayati Raj system to be assigned with specific planning implementation and the monitoring of the rural development Programs.
- Post of District Development Commissioner to be created. He will be the chief executive officer of the Zila Parishad.
- Elections to be the levels of the Panchayati Raj system should be held regularly.

LM SINGHVI COMMITTEE (1986)

The important recommendations made by them are as follows:

- The committee recommended that the Panchayati Raj system should be constitutionally recognized. It also recommended constitutional provisions to recognize free and fair elections for Panchayati Raj systems.
- The committee recommended reorganization of villages to make the gram panchayat more viable.
- It recommended that village panchayats should have more finances for their activities.
- Judicial tribunals to be set up in each state to adjudicate matters relating to the elections to the Panchayati Raj Institutions and other matters relating to their functioning.

Due to the sustained effort of the Civil Society organizations, intellectuals and progressive political leaders, the Parliament passed two amendments to the constitution, the 73rd constitutional amendment for rural local bodies (Panchayats) and the 74th constitutional amendment for urban local bodies (municipalities) making the “institutions of self- government”.

4.4 Evolution of rural politics (Panchayati Raj in West Bengal)

A formal system of local governance, though a very weak one was introduced in the country during the British period. The panchayat system of West Bengal which was put in place in its correct form in the year 1978, it was the role model for the Panchayati system introduced in the country through amendment of the constitution. The existing system of panchayat in the state has evolved over the years through several amendments of the relevant acts as well as adopting various reforms in improving governance at the local level.

4.4.1 Introduction of the formal system of local governance in the British period

The formal system of local self-government was introduced during the British era in both rural and the urban area for the Imperial interests. The first step of this was when chaukidary Act was imposed in 1870 and chaukidary panchayats was formed. The DM (District Magistrate) could nominate village to chaukidari panchayat for taking the responsibility of collecting tax from chaukidari chakran and to pay the chaukidars. Lord Mayo, the then Governor General of India. Passed a resolution for introducing local government in India. The act enlisted the formation of District board (District level) and local board for (sub divisional level) and union committee at the level of cluster of villages. The Bengal village Self-Government Act was passed in 1919 to develop Self-Government in the village level. The District Board remained same but Local Board abolished. Union Committee and Chaukidari Panchayat was merged to form Union Board which worked like at present panchayat and were given a set of important functions like at present Panchayat and were given a set of important functions like Taxation and fundings. The Commissioner of the division had the power to Dissolve the Union Board, if Union Board was not competent to perform. The District Magistrate or the District Board may issue an order in writing to suspend execute the order to dissolve the union board. Thus, the Union Board had little democratic control.

4.4.2 Panchayat system after independence

There was no initiative to form Panchayat after the Independence. The importance was given in community development which was launched on 2nd October 1952. Community Development blocks were established (Now it stands the Block Development offices). To access effectiveness of community development, in 1957 Mr. Balwant Rai Mehta committee was formed. It suggested that without the involvement of local people the programme will not be successful considering the recommendation different states came up with appropriate acts, as the local Governance is a state subject. The west Bengal Panchayat Act was passed in 1957 for establishing panchayats in the state. The recommendation of this was to form 4 tier bodies. The earlier Union board was split into Gram panchayat and Anchal parishad. In 1963 West Bengal Zila Parishad Act was passed to replace the district board Zila Parishad and provided constitution to move Anchal parishad at the block level. The act did not turn up well due to political regions and administrative unrest. Ultimately, all representatives of 15 Zila Parishad and 315 Anchal Parishad were removed in the year 1969 and administrators were engaged. All those local bodies remained under the administrators till election was held in the year 1978.

4.4.3 The Second-generation panchayats

The legal framework for the second generation of Panchayats was established through passing of the West Bengal Panchayat act 1973. The act provided for establishment of three tier Panchayats. Thus, Gram Panchayat was to constituted for a cluster of villages. Panchayat semiti was constituted at block

level and Zila Parishad at the district level. However, election to the three tier Panchayats was conducted based on the new act in the year 1978 only and elections are being held regularly after five years. Many of the State Government employees were given dual role by giving them responsibilities for working for the Panchayats in their ex-officio capacities. The most important of which is to make the DM the Executive officer and the BDO the executive officer of the panchayat samiti.

4.4.4 Summing Up

The topic that is being discussed in the vast one, it has a rich and prolific history. India has a deep relation with rural areas and that was the reason the Britishers wanted to establish Panchayat, though it was the weak one but the root was as early as that then slowly the panchayat system came into motion. The system strongly held its position after Independence, rather after the recommendations of Mr. Balwant Rai Mehta committee in 1957, the West Bengal panchayat Act was passed in 1957 for establishing Panchayat in the state. This was the moment which shaped the rural politics of West Bengal and gradually through different acts and committees the checks and balances of the system were maintained. Notably the year of 1963 when West Bengal Zila Parishad Act was passed. The main turn out in 1973 was when the legal framework for the second generation of Panchayat was established through passing of the West Bengal Panchayat Act. They introduced the three-tier system of Gram Panchayat, Panchayat Samiti and Zila Parishad which still prevails working successfully. According to Mahatma Gandhi "The voice of the people may be said to be God's voice, the voice of the panchayat".

4.5 Emerging trend and the social background of the panchayat leaders in West Bengal

There is a wide trend regarding the social background of the panchayat leaders in West Bengal. It is a dynamic topic and it can be understood in a better sense by the people who stay in rural areas or in panchayats. They can correlate the essence of this topic. There have been a drastic change in the participation of poor peasants and agriculture labourers and therefore Scheduled Caste and the Scheduled Tribe have much more come to the forefront. Under the seventh schedule of the Indian Constitution panchayat and local government is the state subject. Some seats in Gram Panchayat result for SC ST and women. Article 243D, clause (3) of the constitution, ensures women's involvement in Panchayati Raj Institutions by requiring a 1/3rd reservation for women out of the total number of seats to be filled by direct election and the number of offices of panchayat chairperson. Though acts and legislations and every legal procedure maintained, participation of women is absent as candidates in Panchayat elections. Unlike the SC ST population, the landless and near landless occupation groups, women have not increased in visibility in the panchayat leadership. The revitalization of the Panchayat system was one of the initiatives taken by the left front government in West Bengal after it was voted into office in the year of 1977. Panchayats after 1977 were mainly dominated by the landlord class people, but this trend was gradually decreasing

from that time. Although corruption may persist but SC ST and the marginal farmers were greatly benefited by the bank loans, of the loan amount for the agriculture sector of the lead Bank at the time, nearly a Greater portion went to SC ST alone as on December 1987.

In 1987-88 the panchayat in West Bengal had direct spending authority of over Rs 320 crore and gradually it increased and went up to Rs 700 crore. Now also the panchayat bodies are controlled by the landlords and the rich and powerful people of the area and the village elders wanted to maintain the old established ideologies and economic order. Although it can be told that the replacement of male Brahmin landlords by female scheduled castes agricultural labourers does not automatically change the class goal of the institutions. The weakening of class hierarchy was an ultimate change in bringing leadership from different socio-economic background. The political background was dominated by Communist Party of India (Marxist) CPM and an interesting fact is that in 1988, of the 127 CPI (M) Gram Panchayat candidates only 47 had been standing in either 1978 or 1983 of the 1983 members eight had moved onto the higher Panchayat samiti level and five members reappeared as either forward block or CPI candidates after being dropped by the CPI(M). In 1983 four of the ex pradhans after being outside by CPI turned to the forward block. This was taken from a district data. The backgrounds of Panchayat leaders after Independence or rather after the CPM take over were larger given on the X factor of elections and it is still now dominating West Bengal. The leaders are chosen on the basis of their age, background that suits the area and not the education. There were a rapid increase in young leaders now also, we can say that since fifty years the leaders are chosen on the basis of their age. The illiterate are also more than 30 %. There is a little participation of women in the electoral process, they are barely standing for elections and rather many of the population barely gets time to cast their vote. There is a trend in every election that the voter turnout is barely seventy %. The positive sign is that the weaker sections of the society are getting the chance to represent, the weaker castes and tribes are participating and Imperialistic old-fashioned elites are sidelining themselves and there is a mingle of balance where every section of society is getting opportunity to represent in West Bengal.

4.6 Self-Assessment Questions

- What do you mean by the word “Decentralization”- with special references to local self-government?
- What is the tier system followed in West Bengal for rural areas? Elaborate the Acts and Amendments that are linked with tier system?
- Describe the recommendations of Mr. Balwant Rai Mehta Committee.
- In which year did West Bengal panchayat Act was passed? What are the key resolutions of this act.
- What are “The Second-generation Panchayats”?
- Discuss the backgrounds of leaders after Independence, Has the participation of Women increased?

4.7 Suggested Readings

- Introduction to the Constitution of India- Durga Das Basu.
- Indian Polity- M. Laxmikanth
- Rural Politics in India- Dayabati Roy
- Panchayati Raj as the basis of Indian Polity- Dharmapal.

Accountability of the PRIs: People's participation in Panchayat with special reference to West Bengal

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5.1 Objectives

Accountability is a key concept that relates to the expectations, responsibilities, and consequences of the actions and decisions of public officials and agencies. In analyzing government/public accountability demands, one must focus on the responsibility of government actors to their citizens, and in particular, poor people. In this unit, we shall learn about the accountability mechanism for

Panchayati Raj Institutions, and the significance of people's participation in making Panchayati Raj Institutions accountable to people.

5.2 Introduction

In independent India, the western culture of parliamentary democracy at the central and state level was initially followed with no involvement of local decentralised self-governments. The concept of local decentralized self-governance was largely overlooked. The framers of the Indian constitution harbored reservations about rejuvenating traditional panchayats in rural areas. They expressed concerns that villages were ill-equipped for self-rule due to widespread ignorance, deprivation, and exploitation.

After much debate, village panchayats found a place in Article 40 of the Directive Principles of State in the constitution. This article outlined that the state should take measures to establish village panchayats and grant them the necessary powers and authority. Despite Mahatma Gandhi's strong advocacy for village self-rule, known as Grama Swaraj, panchayat institutions were positioned in the non-justifiable section of the constitution. States were granted discretion to manage panchayats as they saw fit, resulting in disparities in the implementation of the Panchayati Raj system across different states.

Some states, notably Rajasthan, Andhra Pradesh, Karnataka, Kerala, and West Bengal, made significant strides in promoting the panchayat system. However, progress was hindered in many states due to political instability. In 1977, the Ashok Mehta Committee's recommendations spurred a degree of democratic decentralization through Panchayati Raj Institutions (PRIs) in states like West Bengal, Karnataka, and Andhra Pradesh. Nevertheless, local institutions struggled to evolve in the face of political volatility. As the 1980s witnessed poor progress in poverty reduction and bleak implementation of rural development programmes, the necessity of the panchayat system, decentralised planning and inclusive growth was realised by the planners. It became increasingly clear that village-level self-governance, with participatory planning, held the key to uplifting rural society and achieving comprehensive development.

The turning point arrived in the 1990s, as the rural economy and society faced challenges in the era of liberalization. The compelling need for decentralization through panchayats became evident. The 73rd Constitution Amendment Act, effective from April 24, 1993, conferred constitutional status upon the panchayat system. This amendment also reshaped the nation's federal structure by establishing PRIs as the third tier of government, positioned below the central and state governments.

5.3 Panchayati Raj Institutions

5.3.1 Tiers of Panchayati Raj Institutions

Panchayati Raj, meaning "Rule by Panchayats," is the system of local self-governance in India. The 3-tier Panchayati Raj Institutions (PRI) was established to ensure effective and participatory democracy at the grassroots level. The PRI system is made up of three tiers of local government

bodies: Gram Panchayats (village-level), Panchayat Samitis (block-level), and Zilla Parishads (district-level).

- Gram Panchayats are the lowest level of the PRI system and are responsible for providing basic services to the people living in the village. These services include sanitation, health, education, water supply, and maintenance of community assets. Gram Panchayats are headed by a Sarpanch (village head) who is elected by the members of the Panchayat.
- Panchayat Samitis are the next level of the PRI system and are responsible for overseeing the development work of a group of Gram Panchayats within a block or taluka. Panchayat Samitis are headed by a Chairperson who is elected by the members of the Panchayat Samiti.
- Zilla Parishads are the highest level of the PRI system and are responsible for overseeing the development work of a district. Zilla Parishads are headed by a Zilla Parishad Chairperson who is elected by the members of the Zilla Parishad.

The PRI system has played a crucial role in empowering rural communities and providing them with a platform to raise their voice, demand their rights, and participate in decision-making.

5.3.2 Panchayati Raj System in West Bengal

The Panchayati Raj system in West Bengal has gone through several changes and transformations. The introduction of modern form of Panchayati Raj in West Bengal can be traced back to the year 1978 when the Left Front government passed the West Bengal Panchayat Act. The act aimed to decentralize power and promote local self-governance in rural areas. The act created a three-tier system of Panchayati Raj institutions, consisting of Gram Panchayats at the village level, Panchayat Samitis at the block level, and Zilla Parishads at the district level. In the initial years, the Panchayati Raj system in West Bengal faced several challenges, including inadequate financial resources and lack of administrative support. However, the system gradually gained momentum and became an essential part of the state's political and administrative structure.

In the early 1990s, the Panchayati Raj system in West Bengal underwent a significant transformation with the introduction of the 73rd Constitutional Amendment Act. The act aimed to strengthen the Panchayati Raj system across the country and gave constitutional recognition to the system. The act mandated the reservation of seats for women and scheduled castes and tribes in Panchayati Raj institutions, and it also made it mandatory for states to devolve funds and functions to the local bodies.

The implementation of the 73rd Constitutional Amendment Act had a significant impact on the Panchayati Raj system in West Bengal. The state government passed the West Bengal Panchayat (Amendment) Act in 1994, which made several changes to the existing Panchayati Raj system. The act increased the number of reserved seats for women and scheduled castes and tribes, and it also gave more financial and administrative powers to the local bodies. Over the years, the Panchayati Raj system in West Bengal has continued to evolve and expand. The state government has taken several initiatives to strengthen the system, including the decentralized planning at Gram Panchayat level, computerization of and accounting system at all levels of PRIs, training and

capacity building of elected members and employees for all levels of PRIs, introduction of online portals for the registration of grievances and complaints, and funding support for building rural infrastructure, and implementation of e-governance initiatives. The PRI system has been successful in ensuring that basic services are provided to people living in rural areas. It has also helped in promoting transparency and accountability in the implementation of various government schemes and programs.

5.4 Accountability

Accountability can be defined as ‘the obligation of power-holders to be held responsible or take responsibility for their actions’. ‘Power-holders’ refers to those who hold political, financial or other forms of power, and includes government officials, private corporations, international financial institutions and civil society organizations. The accountability in a democratic system is a consequence of the implicit ‘social compact’ between citizens and their delegated representatives and agents. All states possess mechanisms for promoting or ensuring the accountability of public servants. Systems that are internal to the state are often referred to as “horizontal” mechanisms of accountability. These include-

- (i) Political mechanisms; for example, constitutional constraints, separation of powers, and legislative investigative commissions.
- (ii) Fiscal mechanisms; for example, formal systems of auditing and financial accounting.
- (iii) Administrative mechanisms; for example, hierarchical reporting, codes of conduct, public service rules , and;
- (iv) Legal mechanisms; for example, corruption control agencies, ombudsmen and the judiciary.

Horizontal accountability requires that public officials use various institutions of accountability to report “sideways” to other state officials.

By contrast, there are some mechanisms which are referred to as “external” or “vertical” or ‘social’ mechanisms of accountability. A useful definition of vertical accountability is “an approach toward building accountability that relies on civic engagement, i.e., in which it is ordinary citizens and/or civil society organizations who participate directly or indirectly in holding government actors responsible for their actions”. Vertical or social mechanisms of accountability can be initiated and supported by the state, citizens, or both, but very often they are demand-driven and operate from the bottom up.

An important “vertical” mechanism of accountability is the election. Election is a powerful method to champion government accountability. But even if citizens are fully and accurately informed about the views and actions of every political candidate, the exercise in democracy remains incomplete on some levels. The process lacks outlets where citizens can truly express their preferences regarding specific issues to assert accountability in relation to public actors and institutions.

As a result, new mechanisms of accountability has emerged which use participatory data collection and analytical tools, combined with enhanced space for citizen/civil society engagement

with the state. These new generation accountability mechanisms emphasize solid evidence base and direct interaction with government counterparts. Participatory budgeting, public expenditure tracking, social audit, & citizen report cards are examples of such accountability mechanism.

5.4.1 Theories of Accountability

There are different theories of accountability that try to explain the nature, purpose, and effects of accountability in various contexts and situations. Some of the theories of accountability are:

- a) Agency theory: This theory assumes that there is a principal-agent relationship, where the principal delegates some tasks or authority to the agent, who acts on behalf of the principal. The principal expects the agent to act in the best interest of the principal, but the agent may have different or conflicting interests. Therefore, the principal needs to monitor and control the agent's behavior and performance, and provide incentives or sanctions to align their interests
- b) Stakeholder theory: This theory assumes that there are multiple stakeholders who have an interest or stake in an organization or an issue. The stakeholders may have different or conflicting expectations, values, and goals. Therefore, the organization or the issue holder needs to balance and satisfy the diverse and dynamic demands of the stakeholders, and be accountable to them for their actions and outcomes.
- c) Resource dependence theory: This theory assumes that an organization depends on external resources, such as funding, materials, or information, to survive and operate. The external resources are controlled by other organizations or actors, who may have different or conflicting interests. Therefore, the organization needs to manage its dependence on the external resources, and be accountable to the resource providers for its use and management of the resources.
- d) Stewardship theory: This theory assumes that there is a stewardship relationship, where the steward acts on behalf of another party, such as an owner, a beneficiary, or a community. The steward is motivated by intrinsic factors, such as altruism, identification, or commitment, rather than extrinsic factors, such as rewards or sanctions. Therefore, the steward does not need to be monitored or controlled by the other party, but rather needs to be empowered and supported to act in the best interest of the other party.
- e) Public interest theory: This theory assumes that there is a public interest that is shared by all members of a society or a community. The public interest is based on common values, norms, and goals that promote the well-being and welfare of the society or the community. Therefore, public officials or agencies need to act in accordance with the public interest, and be accountable to the public for their actions and outcomes.
- f) Democratic theory: This theory assumes that there is a democratic system that is based on the principles of representation, participation, and deliberation. The democratic system allows citizens to elect their representatives, to engage in public decision-making and policy-making processes, and to exchange views and opinions on public issues. Therefore, public officials or agencies need to respect and respond to the preferences and demands of the citizens, and be accountable to them for their actions and outcomes.

After analyzing the characteristics of accountability and the dynamic interaction between the various actors, Pilon and Brouard (2023) suggested that the theories of accountability can be categorized into groups:

- **Narrow conception theories:** This group include resource dependence, public interest and agency theories. Narrow conception theories see accountability as a functional process (“how”) to meet the imposed requirements (“for what”) of upward principals (“to whom”).
- **Broad conception theories:** This group include stewardship, democratic, and stakeholder theories. Broad conception theories see accountability as a strategic process (“how”) to provide information that is based on felt responsibility (“for what”) to downward stakeholders (“to whom”).

5.4.2 Accountability in context of PRI system

Institutions (PRI) in India are no exception. In the context of the PRI system, accountability refers to the obligation of elected representatives and officials to be answerable for their actions and decisions to the people they represent. There are several rules and mechanisms in place to ensure accountability within the PRI system. These include:

a). **Elections:** Elected representatives at all levels of the PRI system are elected through a democratic process. The people have the power to choose their representatives, and they can hold them accountable by voting them out of office in the next election if they are not satisfied with their performance.

b). **Regular Meetings:** The PRI system has a provision for regular meetings of the Gram Panchayats, Panchayat Samitis, and Zilla Parishads. These meetings are open provide an opportunity for elected representatives to raise their concerns and grievances. Since the elected representatives belong to different political parties, regular meetings act as accountability mechanisms.

c). **Gram Sabha:** The Gram Sabha is a general body of the village residents in which every registered voter has the right to participate. The Gram Sabha serves as a forum for discussing and approving development plans and programs, as well as overseeing the functioning of the PRIs. People participate in the gram sabha, which is the general assembly of all the voters of a gram panchayat area. The gram sabha meets at least twice a year and discusses various issues related to the development and welfare of the village. The gram sabha approves the annual budget and plan of the gram panchayat, reviews its performance and audit reports, and makes suggestions and recommendations to the gram panchayat.

d) **Record-keeping:** The PRI system maintains detailed records of all meetings, decisions, and actions taken by the elected representatives and officials. This record-keeping helps in ensuring transparency and accountability.

e). **Audit:** The accounts of the PRI system are audited regularly to ensure that funds are being used in a proper and accountable manner.

f). **Performance Evaluation:** The initiatives like Rajib Gandhi Panchayat Swashaktikaran Yojona (RGPSY) & Panchayat Empowerment Accountability Incentive Scheme (PEAIS), implemented by Ministry of Panchayati Raj, seeks to empower Panchayats and put in place accountability systems to

make their functioning transparent and efficient. PEAIS, in particular, emphasized the importance of accountability and transparency in local governance. It introduced financial incentives for PRIs that demonstrated good governance practices, such as transparent budgeting, efficient resource utilization, and proper record-keeping.

g). Social Audits: The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and guidelines of various other schemes provide for the conduct of social audits to assess the performance of the PRIs. Social audits are conducted by civil society organizations and are aimed at promoting greater transparency and accountability in the functioning of the PRIs.

5.4.3 Accountability mechanisms for PRIs in West Bengal –

In addition to the mechanisms mentioned above in section 5.5, the West Bengal Panchayats Act, 1973, provides for several accountability mechanisms to ensure transparency and accountability in the functioning of the Panchayati Raj Institutions (PRIs) in the state.

5.4.3.1 Accountability mechanisms for Gram panchayats

Some of the key accountability mechanisms applicable for Gram Panchayats of West Bengal under the act are:

- **Gram Sansad:** People participate in the gram sansad, which is the sub-unit of the gram sabha comprising of one or more constituencies of a gram panchayat. The gram sansad meets at least twice a year and prepares a list of beneficiaries for various schemes and programmes of the government. The gram sansad also identifies the local needs and priorities and submits them to the gram panchayat for inclusion in the annual plan. Gram Sansad also reviews the implementation of various schemes in the respective constituency, and makes suggestions and recommendations to the gram panchayat.
- **Public Disclosure:** The West Bengal Panchayats Act, 1973, mandates that the PRIs should make all their activities and transactions open to the public through Public Information Boards (PIBs) in public places. Govern This ensures that the local community has access to all the relevant information about the functioning of the PRIs.
- **Performance-based Grants (PBG):** The state government provides performance-based grants to the PRIs based on their performance in implementing various programs and schemes. As part of the evaluation exercise, steps taken by PRIs to ensure public disclosure and ensuring transparency are These grants are aimed at promoting greater accountability and transparency in the functioning of the PRIs.
- **Grievance Redressal Mechanism:** Government of West Bengal has issued various guidelines to operationalise grievance redressal mechanisms at Gram Panchayat level to address the grievances of the local community. The system of grievance redressal is based on a participatory approach, where the local community is involved in the process of resolving the grievances. The status of the grievances are also disclosed in specified online portals.

- **Social Audit** – Social audit for all schemes and funds received by Gram Panchayats are mandatory for Gram Panchayats in West Bengal. In other words, social audit is not limited to a particular scheme.
- **Internal Audit** – Apart from the system of audit by Accountant General (AG) of the State, there is an additional system of internal audit of all Gram Panchayat. This is done by a block level officer. Internal audit of Gram Panchayat is another accountability mechanism applicable for Gram Panchayats of West Bengal.

5.4.3.2 Accountability mechanisms for Panchayat Samiti

The Panchayat Samiti (PS), the intermediate level of the Panchayati Raj system in West Bengal, consists of a group of contiguous Gram Panchayats within a block. The Panchayat Samiti is responsible for planning, implementing and monitoring various development schemes and programs at the block level, as well as coordinating with the Zilla Parishad and the Gram Panchayat.

To ensure accountability of the Panchayat Samiti, the West Bengal Panchayat Act, 1973 provides various legal provisions, such as:

- PS is required to maintain proper records, registers and returns of its activities, funds and resources, and submit them to the State Government, the Zilla Parishad and the Auditor appointed by the State Government for audit.
- PS is also required to prepare an annual report of its administration and achievements, and present it to the State Government and the Zilla Parishad.
- PS is subject to the supervision and control of the State Government and the Zilla Parishad, which can issue directions, orders or instructions to the Panchayat Samiti on any matter relating to its administration or functioning.
- The State Government or the Zilla Parishad can also suspend or dissolve the Panchayat Samiti or remove any of its members or office-bearers for misconduct, abuse of power, corruption or failure to perform duties
- The Panchayat Samiti is accountable to the people through their representatives in the Gram Sabha (village assembly). The Gram Sabha can also raise questions, complaints or suggestions to the Panchayat Samiti through Gram Panchayat.
- Block Sansad – Block Sansad is a forum of elected members of Gram Panchayats within the area of the PS and the elected members of the concerned PS.

5.4.3.3 Accountability mechanisms for Zilla Parishad

The Zilla Parishad is the apex body of the Panchayati Raj system at the district level in West Bengal. The West Bengal Panchayats Act, 1973, provides for several accountability mechanisms to ensure transparency and accountability in the functioning of the Zilla Parishad.

- The Zilla Parishad is subject to the oversight of the state government. The state government can conduct periodic reviews of the functioning of the Zilla Parishad and take corrective action, if necessary.

- The plans of Zilla Parishad are approved by Zilla Sansad which is a forum of all Zilla Parishad members, Panchayat Samiti members, and Gram Panchayat Pradhan & Upa-Pradhans. Zilla Parsiad is also required to prepare an annual report of its administration and achievements, and present it to the Zilla Sansad.
- The West Bengal Panchayats Act, 1973 Act also mandates regular General Body meetings by Zilla Parishad & public disclosure by Zilla Parishad.
- Performance-based grants are provided by State Government to promote greater accountability and transparency in the functioning of the Zilla Parishad.

5.5 People's Participation

5.5.1 Concept

People's participation is a term that means different things in different contexts, but generally it refers to the involvement of people in the processes that affect their lives, such as economic, social, cultural, and political activities. People's participation can have various forms and degrees, from direct and complete control to partial or indirect influence. People's participation can also be seen as both a means and an end of human development, as it enables people to access more opportunities, express their preferences and demands, and realize their full potential.

In political science, the scope of the term 'people's participation' includes to the various ways through which citizens can influence or take part in the political processes that affect their lives. People's participation can include activities such as voting, campaigning, protesting, petitioning, contacting public officials, joining political parties or groups, and running for office. People's participation is important for democracy, as it allows people to express their opinions, preferences, and demands, to hold their representatives accountable, and to shape the policies and outcomes of the government. People's participation can also enhance the legitimacy, responsiveness, and effectiveness of the political system.

5.5.2 Forms

There are different types of people's participation, depending on the level and degree of involvement, the form and mode of expression, and the purpose and impact of the activity. Some examples of types of people's participation are:

- **Electoral participation:** This form of participation takes place in the process of selecting representatives through voting in elections. Electoral participation is one of the most common and formal ways of people's participation, as it gives people a direct voice in choosing who will govern them and how. Electoral participation can also include activities such as working on campaigns, donating money to candidates or causes, or standing as candidates.

- **Non-electoral participation:** This form of participation takes place when people participate in the process of influencing or challenging the policies and actions of the government or other actors through non-institutionalized or unconventional means. Non-electoral participation can include activities such as protesting, petitioning, contacting public officials, boycotting, or engaging in civil disobedience. Non-electoral participation can be used to express dissatisfaction, opposition, or support for certain issues or causes, to demand change or reform, or to protect or advance one's rights or interests.
- **Deliberative participation:** This form of participation takes place when people participate in the process of discussing and debating public issues and policies with other citizens or stakeholders. Deliberative participation can include activities such as attending public hearings, consultations, or forums, joining online platforms or networks, or forming citizen juries or assemblies. Deliberative participation can be used to exchange views and opinions, to learn from different perspectives, to reach consensus or compromise, or to generate new ideas or solutions.
- **Associational participation:** This form of participation takes place when people participate in the process of organizing and mobilizing themselves and others around shared interests or goals. Associational participation can include activities such as joining political parties or groups, forming coalitions or movements, or creating civil society organizations or networks. Associational participation can be used to enhance one's collective identity or capacity, to coordinate one's actions or strategies, to amplify one's voice or influence, or to collaborate with other actors.

5.6 Relation between People's Participation and Accountability mechanisms in PRIs

People's participation in the accountability mechanisms is critical to ensure transparency, efficiency, and effectiveness in local governance. People's participation is encouraged to ensure that decisions and actions taken by PRIs align with the needs and expectations of the local community. It empowers citizens to actively engage in the governance process, hold elected representatives accountable, and contribute to the overall development and welfare of their villages and constituencies. This participatory approach is essential for the success of PRIs and the promotion of accountable and transparent local governance.

However, not all of the accountability mechanisms of PRIs outlined above have the scope of the active participation of the people they serve. Probably you have already noticed that accountability mechanisms like regular meetings of the elected members or audit of accounts have little scope of direct participation of citizens. On the other hand, mechanisms like Gram Sabha or social audit offers much broader scope of non-electoral and deliberative participation.

Scope of people's participation also varies depending upon the tier of the PRI. While most of the accountability mechanisms in Gram Panchayat level offer the scope of direct participation of people, the accountability mechanisms at the Panchayat Samiti and Zilla Parishad level primarily rely on

representational participation. For example, citizens' participation and interaction at Gram Samsad and Gram Sabha are more direct and face-to-face. But at the Block Sansad and Zilla Sansad, the participation happens through elected members.

Even for the accountability mechanisms which offer much scope of direct participation, the level of people's participation can vary significantly due to several factors. It has been found that these factors do not exist in silo. Rather the factors are often inter-connected, and a cluster of factors influence people's participation in accountability mechanisms. Let's review some key factors that can explain why people's participation in accountability mechanisms may not be up to the mark:

- Many citizens are not yet fully aware of their rights and responsibilities in the context of PRIs or governance. They do not understand the importance of accountability mechanisms or how to engage with them effectively. Lack of awareness often stems from a lack of education or information dissemination. Low literacy levels limit the ability of citizens to engage effectively with government documents and participate in public meetings. They struggle to understand complex legal jargon or financial reports.
- Language can be a significant barrier to participation, especially in multilingual regions. Government documents are often produced in English language that citizens do not understand, it can discourage their engagement. It becomes challenging for many people to identify the points of anomalies and variances by comparing the reality and the guideline.
- Marginalized and economically disadvantaged communities (including tribals, minorities, women and peoples with disabilities) may face barriers to participation due to poverty, lack of resources, and time constraints. They may prioritize meeting basic needs over participating in Gram Sansad or social audit.
- Many people may feel disconnected from the political process or believe that their participation won't make a difference. This sense of political apathy can discourage engagement in accountability mechanisms. In some areas, fear of reprisal for speaking out against local authorities or exposing corruption can deter individuals from participating in accountability mechanisms.
- A lack of trust in government institutions and officials can undermine people's willingness to engage with accountability mechanisms. If citizens believe that their concerns will not be taken seriously or that the system is inherently corrupt, they may choose not to participate.
- Women may have unique concerns and priorities that sometimes are overlooked in governance. This can lead to disinterest in participating in accountability mechanisms that do not address these issues. On the other hand, there are many households where the social outlook are quite orthodox. Such households have a notion of traditional gender roles which assign men and women different social and political roles. This can result in women being expected to focus on domestic responsibilities while men are encouraged to engage in public affairs. Even electoral participation challenging for women from such households.

5.7 Conclusion

Accountability and people's participation are two closely intertwined and complimentary elements that are essential for better local self-governance. People's participation in local governance processes fosters transparency. When citizens are actively engaged, they demand information about government activities, budgets, and decisions. Accountability mechanisms ensure that this information is made available to the public, holding government officials responsible for providing clear and accessible data. People's participation also serves as a check on government power. When citizens are involved in decision-making, they can question authority, challenge policies, and demand accountability from elected officials. Accountability mechanisms provide the means to investigate and address any wrongdoing or violations of trust by public officials. This creates an effective system of checks and balances. In other words, people's participation and accountability mechanisms create a virtuous cycle in local self-governance. Participation brings citizens into the decision-making process, while accountability ensures that those decisions are made transparently and responsibly. This synergy leads to more effective, inclusive, and responsive local governance that ultimately benefits the citizens.

5.8 Self – Assessment Questions

- 1) What are the fundamental theories of accountability, and how do they apply to governance systems like PRIs?
- 2) What are the key accountability mechanisms in place to ensure transparency and responsibility of Gram Panchayats of West Bengal?
- 3) Write a note on mechanisms put in place to ensure accountability of Panchayat Samiti and Zilla Parishad. Comment on the nature of these mechanism.
- 4) How does people's participation relate to accountability mechanisms? What are the factors that influence people's participation in accountability mechanisms within the PRIs of West Bengal?
- 5) Write short notes on:
 - a) Panchayat Election of as an accountability mechanism.
 - b) Forms of peoples' participation

5.9 Suggested Readings

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**Urbanization in India – a historical outline;
Classification of Urban Government: Structure and
functions – Politics of People’s Participation in Urban
Government**

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6.9 Suggested Readings

6.1 Objectives

The chapter focuses on the concept of Urbanization in India. After studying this unit, you should be able to:

- Explain the concept of urbanization
- Describe the historical process of urbanization in India
- Understand the role of British Raj in the growth of urbanization in India
- Various constitutional initiatives for Urbanization in India
- Explain the composition, structure, powers and functions of Urban local government in India

6.2 Introduction

Urbanization can be defined as the relative concentration of population in urban areas (the towns and cities of a given territory). A city, in fact, represent the convergence of a variety of features: high density of population, implying comparative scarcity of land for agricultural and other pursuits; differentiation within the population in terms of their occupations; presence of monumental structures, including ritual structures; political, strategic and commercial importance suggested by the fortification of a site, intended to protect it from possible attacks. Some of these features, when they are found at a site, are characterizes as urban. It is necessary to remember that in societies or cultures where urban centre were present there also existed heterogeneity and inequalities. It is universally recognized that cities were points of convergence of different ethnic groups, different communities and of their cultures. Such a convergence of diverse groups and ideologies led to the emergence of cultures and worldviews different from those of rural settlements.

Compared to rural settlements urban centers have a larger population, higher population density and greater social heterogeneity. Important members of the urban community engage in activities that are not directly related to food production. These activities consist of social, cultural, industrial, commercial, religious, artistic, educational, military, political or administrative functions. Such diverse activities require people having different kinds of skills. This leads to increasing degrees of specialization. Craftsmanship and trading are distinct but interdependent activities. Similarly, personnel of administration and political control might be connected to each other.

People of complementary professions tend to stay close to each other since it makes for more efficient transactions. Such cluster leads to increased density of population. Individuals performing economic, religious and political roles need each other to survive. But their ties are defined not by kinship but by mutual utility.

The factors responsible for urbanization varied from time to time. In the pre-historic period urbanization was synonym to the origin and rise of civilization thus can be termed as a cultural process. From historical periods to the British regime, urbanization was related to the rise and fall of kingdoms, dynasties and empires; thus a political process. In modern times, urbanization is perceived as a process which is closely related to economic development and industrialization; thus an economic process. In India, after independence, far reaching changes have been brought about for Municipal Government through the Seventy-fourth (74th) Constitutional Amendment Act, 1992. The Constitution of India now gives mainly three kinds of institutions to Urban Local Self-Government. In this chapter, we will study in details about various constitutional provisions, its composition, structure, power and functions of Urban Local Government.

6.3 Urbanization in India

Here we will discuss the different period of the emergence of urbanization in India, starting from ancient time till modern time. In order to better understand we have classified this historical outline, we have classified this part into three main periods.

6.3.1 The early period

The archaeological findings from several parts of Indian sub-continent tend to suggest that the urban growth in India is as old as the history of her civilization. While considering the early growth of cities and the development of urban areas in undivided India, one can trace their beginnings to about 5,500 years backwards. Around 2500 B.C. the cities of Mohenjo-Daro and Harappa (since 1947 in Pakistan) were established in the Valley of Indus River. Archaeologists and historians have pointed out that around 2000 B.C. urbanization in the Harappa culture exhibited signs of high development in brick technology, geometry, agriculture and irrigation practices.

Another important phase of urbanization is said to have begun somewhere around 600 B.C. in India culminating in the formation of early historical cities. During the ancient and medieval periods of Indian history, the kings established various capital regions which developed into towns. For example, Patliputra (now Patna) and Vaishali developed as towns during the Magadh rule around B.C. 300. Kanauj was the capital town of Harshavardhana in Uttar Pradesh in A.D. 700. Mohammad Tughlaq is noted for shifting his capital from Delhi to Daulatabad (Devagiri) in the southern region in A.D. 1300.

6.3.2 The British period

The British had a negative impact on the Indian urban morphology as the pre-British cities were on decline as they were hardly interested in the traditional industries of India. Moreover, introduction of railways resulted in the diversion of trade routes into different channels as every railway station became a point of export of materials for its hinterland, thus depriving earlier trade centers of their monopoly. Whatever the reason may, it can be said that India's urban landscape went through a transformation during the 150 years of the British rule.

The main features of this period include:

a) The creation of the three metropolitan port cities which emerged as the leading colonial cities of the world. All the older cities which were prominent in the Mughal period were reduced to small towns. These three cities became the leading administrative, commercial and industrial cities. The entire cultural landscape of these cities was of British taste which was of a sharp contrast to the urban designs of the Mughal period.

b) The creation of hill stations in the Himalayan foothills and in South India along with the introduction of tea and coffee plantations which resulted in the emergence of number of smaller settlements with distinct urban characteristics. Between 1815 and 1870 over 80 hill stations were developed in four different regions of the country to serve the four metropolitan cities of Delhi, Calcutta, Bombay and Madras. These were – Shimla - Mussorie – Nainital near Delhi; Darjeeling – Shillong near Calcutta; Mahabaleshwar near Bombay and the Nilgiri – Kodaikanal area near Madras. The plantation settlements were another significant feature as although they were not large in size they had distinct urban features because of processing plants, residences of workers and associated commercial establishments.

c) The modification of the existing urban landscape through the introduction of civil lines and cantonments. These modifications were most noticed in the administrative centers of the British like the provincial capitals, the district headquarters and the Tehsil level urban administrative town. The 'civil lines' was a new addition which was made of administrative centers, courts and the residences of the officers. Cantonments were fewer in number; built exclusively for the British officers and the army men. These modifications segregated the city and the gap between rural and urban increased manifold.

d) The introduction of the railways and the modern industry which led to the development of new industrial townships like Jamshedpur, Asansol and Dhanbad. The introduction of railways had an indirect influence on urbanization. Though, it led to the emergence of the metropolitan cities as the primary focus, it even brought unplanned urbanization as the city started growing in an unplanned manner towards the railway station. Industrial development as such during this period was very modest. Most of the industries were concentrated near the metropolitan cities with exceptions like Jamshedpur which emerged as towns after the establishment of Iron and steel plant.

e) The improvements in urban amenities and administration during the British rule were one of the major benefits that cities experienced during this time. The facilities like piped water supply, street lighting, domestic electrification, sewerage system, shopping areas,

green spaces in the form of parks and playing grounds were roped in; though these were restricted to the civil lines and the cantonment areas. Most of the cities were deprived of these facilities. Municipal bodies were set up in number of cities in 1881 but again these were found only in areas where British population was residing. This again brought segregation within the cities.

The above account clearly depicts that cities became the primary focus during the British period. Even the centers of education were established in the form of schools, colleges and universities. As a result an urban elite emerged which was soaked in westernization. This led to the widening of gap between the rural and the urban which continues to plague the social and political system of India even today.

6.3.3 post-independence period

The process of urbanization in India is not at all different from other developing countries of the world; it is also characterized with uneven pattern of development of small towns and big cities within the system. Growth of Urban Population in India Urban population in India quadrupled in four decades from 62 million in 1951 to 217 million in 1991 and 285 million in 2001. It touched a height of million at the turn of the century. The annual increment to urban population over the last five decades has been, on an average, 3.8 million. Urban population in the country is, at present, almost twice the combined urban population of France, Germany and United Kingdom. No other country in the world, except China, has urban system larger than in India. The fast pace of urbanization has imposed increasing pressures on the level of services in urban centers. Consequently, positive role of urbanization has been overshadowed by deterioration in the physical environment and quality of life in urban areas. The level of urbanization has increased from 17.3 percent in 1951 to 25.7 percent in 1991 and further to 27.8 percent in 2001. The simple average increase in the level of urbanization in the fifty-year period has been about 2 percent per decade. The increase in urbanization level was more than double in the last 25 (7 percent) compared to that in the first 25 years of this period (3 per cent).

According to the 2011 Census, the urban population grew to 377 million showing a growth rate of 2.76% per annum during 2001- 2011. The level of urbanization in the country as a whole increased from 27.7% in 2001 to 31.1% in 2011 – an increase of 3.3 percentage points during 2001-2011 compared to an increase of 2.1 percentage points during 1991-2001. It may be noted that the Indian economy has grown from about 6% per annum during the 1990s to about 8% during the first decade of the 2000s. This clearly reflects the power of economic growth in bringing about faster urbanization during 2001-2011. Thus in recent years urbanization in India has acted more as an economic process than a social or political one.

The institutions of urban local government originated and developed in modern India during the period of British rule. The first municipal corporation in India was set up at Madras, followed by in Mumbai and Calcutta in 1726. Later, Lord Mayo's resolution of 1870 on financial decentralization visualized the development of local self- government institutions. Lord Rippon's resolution of 1882 has been hailed as the 'Magna Carta' of local self-government. The government of India act introduced scheme of local self- government which became a transferred subject under the charge of a responsible Indian minister. Followed by cantonments act of 1924 and then through the Government of India act of 1935, local self-government was declared a provincial subject.

6.4 Classification and details of Urban Government

The term urban local government in India signifies the governance of an urban area by the people through their elected representatives. Far reaching changes have been brought about for Municipal Government through the Seventy-fourth (74th) Constitutional Amendment Act, 1992. This amendment has added part IX-A to the constitution of India. The Constitution of India now gives three kinds of institutions of Urban Local Self- Government.

6.4.1 Composition

All the members of a municipality shall be elected directly by the people of the municipal area. For this purpose, each municipal area shall be divided into territorial constituencies to be known as wards. The state legislature may provide the manner of election of the chairperson of a municipality. It may also provide for the representation for the representation of the following persons in a municipalities.

- i) Persons having special knowledge or experience in municipal administration without the right to vote in the meetings of municipalities
- ii) The members of Lok Sabha and state legislative assemblies representing constituencies which comprise wholly or partly the Municipal Area.
- iii) The members of the Rajyasabha and the state legislative council registered as electors within the municipal area.
- iv) The chairpersons of committees (other than wards committees).

6.4.2 Ward Committees

There shall be constituted a wards committee, consisting of one or more wards, within the territorial area of a municipality having population of three lakhs or more. The state legislature may make provision with respect to the composition and the territorial area of a wards committee and the manner in which the seats in a wards committee shall be filled. It may also make any provision for the constitution of committees, in addition, to the wards committees. (Article 243-S).

6.4.3 Reservation of seats

Empowerment of weaker sections of society and women is one of the substantive provisions of the Constitution Amendment. The act provides for the reservation of seats for the scheduled castes and the scheduled tribes in every municipality in proportion of their population to the total population in the municipal area. Further, it provides for the reservation of not less than one- third of the total number of seats for women (including the number of seats reserved for women belonging to the SCs and STs). It may also make provisions related to the reservation of seats to women for the offices of chairpersons.

6.4.4 Terms

The act provides for a five- year term of office for every municipality. However, it can be dissolved before the completion of its term. Further, a fresh election shall be completed before the expiry of a period of six months from the date of its dissolution (Article 243-U).

6.4.5 Disqualifications

A person shall be disqualified for being chosen as or for being a member of the municipality if he is so disqualified under any law made by the state legislature (Article 243-V).

6.4.6 State Election Commission

To keep the municipal elections out of the direct control of the State Government, and to ensure free and fair elections to the municipal bodies, the Constitution Amendment has provided for an independent State Election Commission (also for Panchayat elections), consisting of an Election Commissioner to be appointed through the Governor. The superintendence, direction, and control of the preparation of electoral rolls and the conduct of all elections to the municipalities shall be vested in the state election commission (Article- 243-ZA).

6.4.7 District Planning Committee

Every state shall constitute at the district level, a District Planning committee to consolidate of the plans prepared by panchayats and municipalities in the district, and to prepare a draft development plan for the district as a whole. The state legislature may make provision with respect to its composition, manner of election, functions, etc.

6.4.8 Metropolitan Planning Committee

Every metropolitan area shall have a Metropolitan Planning committee to prepare a draft development plan. Metropolitan area means an area having a population of 10 lakhs or more, comprised of one or more districts and consisting of two or more municipalities or panchayats or other contiguous areas. The state legislature may make with respect to the composition, the representations, functions and the manner of election of such committees.

6.5 Structure

Far reaching changes have been brought about for Municipal Government through the Seventy-fourth (74th) Constitutional Amendment Act, 1992. This amendment has added part IX-A to the constitution of India. The Constitution of India now gives three kinds of institutions of Urban Local Self-Government. It entitled as “the municipalities” and consists of provisions from articles 243-P to 243-ZG. In addition, the new act has added “Twelfth schedule” to the constitution. It contains 18 functional items of municipalities and deals with Article 243-W.

The act provides for the constitution of the following three types of municipalities in every state.

- (i) The Municipal Corporation for a large urban area.
- (ii) A Municipal Council for a small urban area.
- (iii) A Nagar Panchayat or Notified Area Committee for a transitional area, that is, an area in transition from a rural area to an urban area.

There is a total of eight types of urban local bodies created in India for the administration of urban areas, some of which are maintained and controlled by central government. At the central level, the subject of urban local government is dealt with by the following three ministries:

- (i) Ministry of Urban Development created as a separate ministry in 1985.
- (ii) Ministry of Defence in the case of Cantonment Boards.
- (iii) Ministry of Home Affairs in the case of Union Territories

These eight types of urban local bodies are: Municipal Corporation, Municipality, Notified Area Committee, Town Area Committee, Cantonment Board, Township, Port Trust, and Special Purpose Agency.

6.5.1 Municipal Corporation

Municipal Corporation is constituted for governing an area which is composed of more than 5 Lakhs population. It has both elected and nominated (ex-officio) members. Municipal corporations are created for the administration of big cities like Delhi, Mumbai, Kolkata, Hyderabad, Bangalore and others. They are established in the states by the acts of the concerned state legislatures, and in the union territories by the acts of the parliament of India. There may be one common act for the municipal for three Municipal Corporation or a separate act for each municipal corporation.

The municipal corporation has three authorities, namely, the Corporation council, the standing committees and the commissioner.

The Corporation Council consists of the councilors directly elected by the people, as well as a few nominated persons having knowledge or experience of Municipal Administration. It is headed by a Mayor. The Mayor elected through the members of the Corporation from amongst themselves is the first citizen of the city and presides over the meetings of the city Corporation which is the deliberative and legislative wing of the corporation. Normally, the Mayors are ceremonial Heads without any executive authority. He is assisted by a Deputy Mayor and elected in majority of the states for a one-year renewable term.

The Standing Committees are created to facilitate the working of the corporation which is too large in size. They deal with public works, education, health, taxation, finance and so on.

The Municipal Commissioner is responsible for the implementation of the decisions taken by the council and its standing committees. Thus, he is the chief executive authority of the corporation. He is appointed by the state government and is generally a member of the IAS. The Commissioner exercises wide functions in administrative and financial areas. He participates in the meetings of the Corporations and Committees and answers the questions raised through the Councilors. He acts as a link flanked by the Government and Corporation. He has wide power of appointment and discipline as also supervision and control over the personnel. He also exercises financial discretionary and emergency power.

6.5.2 Municipality

The Municipalities are established for the administration of towns and smaller cities. Like the corporations, they are also set up in the states by the act of the concerned state legislatures and in the Union Territories by the acts of Parliament of India. Every State in the country has enacted legislation for the constitution of the Municipalities in the State specifying their functions, structure, resource and their role in civic administration. Urban areas having towns with population ranging from above 50,000 to 500,000 are governed through elected municipal bodies recognized as Municipal Councils. They are known by various other names like Municipal Council, Municipal committee, municipal board, Borough Municipality, City Municipality and others. Like a Municipal Corporation, a Municipality also has three authorities, namely the Council, The Standing Committees and the Chief Executive Officer.

The Council is the deliberative and legislative wing of the municipality. The Council is headed by a president or chairman. He is assisted by a Vice-president or vice-chairman. Apart from presiding over the meetings of the council, he enjoys executive powers. The membership of Municipalities consists of two categories of Councilors, viz., directly elected Councilors and nominated ones. The number of elected Councilors varies according to the size of the population of the territorial area of the Municipal Corporation, Municipal Council or Municipal Committee. In the case of nominated Councilors, the State law needed to specify the circumstances and procedures for nomination of such representatives. The nominated members contain the Member of the House of People (Lok Sabha) that of the Legislative Assembly of the State representing constituencies, which are wholly or partly under the Municipal Area; Member of the Council of the States (Rajya Sabha) and of the Legislative Council of the State who are registered as electors within the municipal area; Chairpersons of committees of the municipal authorities and persons having special knowledge or experience in municipal administration but do not have the right to vote in the meetings of the Council.

The standing committees are created to facilitate the working of the council. They deal with public works, taxation, health, finance and so on. The Chief Executive Officer/ Chief Municipal Officer are responsible for day-to-day general administration of the municipality. He is appointed by the state government.

6.5.2.1 Ward Committee

Ward Committees give population participation in the urban governance and bring the municipal governance closer to the people. In this regard, Article 243 gives for the constitution of Ward Committees in all Municipalities, which have a population of 3 lakhs. It gives that two or more wards could be combined for the purpose of constituting a Ward Committee. The composition, territorial jurisdiction and the manner in which the seats to Ward Committees have to be filled, has been left to the hands of State Legislature. The Ward Committees are to be composed of members of the Municipal Council representing the Wards within the jurisdiction and one of the elected representatives from within the wards is to be appointed as its Chairperson.

6.5.2.2 Borough Committee

Another significant characteristic of the new Act is the provision for a second tier administration in the form of Borough Committees. The design is moved through the desire to make local administrative units that would be easily accessible to the citizens for their day-to-day necessities.

6.5.3 Notified Area Committee

Notified Area Committee is also called a Nagar Panchayat, is a transitional area, that is, an area in transition from a rural area to an urban area. It may be specified by public notification for this purpose with regard to some factors such as, population of the area, density of population, revenue generated for local administration, percentage of employment in non- agricultural activities, economic importance. A notified area committee is created for the administration of two types of areas-a first developing town due to industrialization, and a town which does not yet fulfill all the conditions necessary for the constitution of a municipality, but which otherwise is considered important by the state government. Since, it is established by a notification in the government gazette, it called as Notified Area Committee. Its powers are almost equivalent to those of a Municipality. But unlike the municipality, it is an entirely nominated body, that is, all the members of a Notified Area Committee including the chairman are nominated by the state government. Thus, it is neither an elected body nor a statutory body.

6.5.4 Town Area Committee

A town area committee is set up for the administration of a small town. It is semi- Municipal authority and is entrusted with a limited number of civic functions like drainage, roads, street lighting conservancy. It is created by separate act of a legislature. It may be wholly elected or

wholly nominated by the state government, or partly elected and partly nominated.

6.5.5 Cantonment Board

A cantonment board is established for municipal administration for civilian population in the cantonment area. It is a delimited area where the military forces and troops are permanently stationed. It works under the administrative control of the Defence Ministry of the Central government. A cantonment board consists of partly elected and partly nominated members. The elected members hold office for a term of three years while the nominated members (i.e. ex-officio members) continue so long as they hold the office in that station. The military officer commanding the station is the ex-officio president of the board and presides over its meetings. The vice-president of the board is elected by the elected members from amongst themselves for a term of three years. The executive officer of the cantonment board is appointed by the President of India.

6.5.6 Township

This type of urban government is established by the large public enterprises to provide civic amenities to its staff and workers who live in the housing colonies built near the plants. The enterprise appoints town administrator to look after the administration of the township. He is assisted by some engineers and other technical and non-technical staff.

6.5.7 Port Trust

The port trusts are established in the port areas like Mumbai, Chennai, and Kolkata and so on. It is created by an act of Parliament. It consists of both elected and nominated members. Its chairman is an official. Its civic functions are more or less similar to those of a municipality.

6.5.8 Special Purpose Agency

In addition to all these bodies, the state governments have set up certain agencies to undertake designated activities or specific functions which may sometimes belong to the domain of local government or sometimes independently as an autonomous institution.

6.6 Powers and functions

The state legislature may endow the municipalities with such powers and authority as may be necessary to enable them as institutions of self-government. Such a scheme may contain provisions for the devolution of powers and responsibilities upon municipalities at the appropriate level with respect to (i) the preparation of plans for the economic development and social justice, (ii) the implementation of schemes for economic development and social justice as may be entrusted to them, including those in relation to the 18 matters listed in the Twelfth Schedule (Article 243-W).

These schemes are:

1. Urban planning including town planning.
2. Regulation of land use and construction of buildings.
3. Planning for economic and social development.
4. Roads and Bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and up gradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds, cremation, cremation grounds and electric crematoriums.
15. Cattle ponds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.

The state legislature may (i) authorize a municipality to levy, collect and appropriate taxes, duties, tolls and fees; (ii) assign to a municipality taxes, duties, tolls and fees levied and collected by state government; (iii) provide for making grants-in-aid to the municipalities from the consolidated fund of the state; and (iv) provide for constitution of funds for crediting all moneys of the municipalities. (Article 243-X).

The state legislature may also make provisions with respect to the maintenance of accounts by municipalities and the auditing (Article 243Z) of such accounts. The Finance Commission (Article 243-Y) which is constituted for the panchayat, shall also, for every five years, review the financial

position of municipalities and make recommendation to the governor.

The President of India may direct that the provisions of this act shall apply to any union territory (Article 243- ZB) subject to such exceptions and modifications as he may specify. The act does not apply to the scheduled area and tribal areas referred in article 244 of the Indian constitution (Article 243-ZC). It shall also not affect the functions and powers of the Darjeeling gorkha hill council of the West Bengal.

6.7 Summing Up

In this unit, we have defined urbanization and taken a historical perspective to understand its patterns and growth in India. We have discussed about its constitutional power, structure and composition of urban local government. It is expected that by 2030, more than 50 percent of India's population is expected to live in urban areas. We have discussed the 74th constitutional amendment which is a major landmark in Indian history. Various measures have been taken to regulate and to ensure efficient administration in urban areas. However, it is also true that, poverty, unemployment and under employment among the rural immigrants, beggary, thefts, burglaries and other social evils are on rampage. Therefore, it is very essential to increase the efficiency and by maintaining its transparency and accountability will surely make this body to tackle in a better way all the problems facing the Urban local government.

6.8 Self-Assessment Questions

- a) Explain the main features of Urbanization and how it is distinct from rural area?
- b) What are the main root causes of urbanization in India?
- c) Describe the major constitutional composition and structures of the urban local government with special reference to 74th amendment, 1992?
- d) Discuss the main power and functions of Urban Local Government?
- e) What are the major criticisms of 74th constitutional amendment?
- f) Does increasing nature of population create problems to urban local government? If yes, then how can these issues be resolved?

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Municipal Personnel – Relations between State Government and Municipality; Ward Committee – composition, role, and functions

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7.5 Summing Up

7.6 Self-Assessment Questions

7.7 Suggested Readings

7.1 Objectives

The chapter focuses on the Municipal Personnel in India. After studying this unit, you should be able to:

- Understand the relationship between State Government and Municipality.

- Understand the structure of Integrated Personnel system in India.
- Explain the Composition, Power and Functions of Ward Committees.
- Analyze various reforms suggested by some Committees in the structure of Ward Committee.

7.2 Introduction

Local Government or Local Self-Government is the Government of a locality States in India is comparatively large, both in area and population. The six largest States together cover almost 61 per cent of the area of the country. In such large States, there are wide variations in the socio-economic and geographical characteristics of each region. This underlines the need for a local stage in the administrative set-up. On the one hand, policy formulation and coordination can be better achieved at a stage intermediate flanked by the District and the State Government; on the other, the State Government being comparatively remote from the locale of policy implementation, cannot assess local troubles in their proper perspective. It is in these circumstances that the services of senior and experienced administrators are needed at an intermediate stage, flanked by the policy formulation stage at the State Headquarters and the implementing stage in the district.

Local Self-Government has three significant characteristics: It is elected through the people of the local area; it has the power to levy taxes and other fees, like any other government; and its functions and activities are clearly laid down in law so that within the scheme of legislation local self-government enjoys a degree of autonomy. Therefore, the Local Self- Government is a statutorily constituted democratic Government with a degree of autonomy exercising jurisdiction over a limited geographical area. The Local Self-Government in a liberal democracy mark for decentralization of power. So, it is measured as a means of enriching and deepening democracy through extending freedom of action to several localities. It was the view of John Stuart Mill that Local Government makes circumstances for popular participation in governance, and in this procedure the system has great educative value for good citizenship in a country.

There are two common forms of Local Self-Government that is Urban Local Self Government and Rural Local Self-Government. We have Panchayati Raj Institution in the rural areas. According to the 74th Constitutional Amendment, the Urban Local Self- Government has been classified into three kinds; these are Municipal Corporations in larger urban areas, Municipal Councils in urban settlements, and Nagar Panchayats in transitional areas, which are neither fully urban nor fully rural. In addition, it gives for decentralization of municipal administration through constituting Ward Committees in territorial areas of such municipalities, which have more than three- lakh population.

7.3 Relations between State Government and Municipality

The 74th amendment of the constitution created entrenched relationship between state and Municipality or urban local government. It has created a system whereby there are involvement of authorities sent by state government and the elected authorities for the Municipality. Here we will first discuss the composition of Municipal authorities in general and then , will try to understand the relationship between state and local authorities or in other words, the participation of state personnel in the functioning of Municipality.

7.3.1 Composition of Municipal Authorities

The Municipal authorities are to be constituted of:

- The elected representatives who are to be elected from the dissimilar electoral wards;
- The members of the house of the people and the legislative assembly of the state representing constituencies, which are wholly or partly under the municipal area;
- The members of the council of states, and the state legislative council who are registered as electors within the municipal area; chairpersons of the committees of the municipal authorities; and persons having special knowledge or experience in municipal administration (without right to vote).

7.3.2 Integrated Personnel system in State and Municipality

Now we will look into the participation of state personnel in the functioning of urban local government or Municipality.

The local government units have generally three types of personnel.

There is integrated service which means that the personnel of the state government and the local government form part of the same service, and transfers are possible not only between local government units, but also to the departments of state government, for example, a member of the Indian Administrative Service is appointed as Commissioner of Delhi Corporation, or a Provincial Civil Service officer may be appointed to be an executive officer of a big municipality in U.P. or an I.A.S. or P.C.S. office may be appointed as Secretary of a Panchayat Samiti. Any of these officers can be transferred back to the parent department of the state.

Another system is called unified system. A unified system is one in which all the local government in the state, combine and create a common personnel system. The statewide services are constituted by the state government and the employees are transferable between local governments within the state. Generally, the recruitment of this category of services is done through the state Public Service Commission. This system applies to upper category of personnel such as executive officers,

engineers; water works superintendents and so forth.

Then there is the separate personnel system in which each local government appoints and administers personnel who are not automatically transferable to another jurisdiction. Further, in some states the higher appointments in local bodies are made through the state Public Service Commission, or they require approval of the state government. The examples of such posts are municipal engineers and executive officers. The lower category of staff is recruited by the urban as well as rural local bodies which have full administrative and disciplinary powers over them. However, there is no local authority which has adopted a single type of personnel system to the total exclusion of other types.

But the most widely prevalent system at the local level is the separate personnel system. It is only in the states of Gujarat and Punjab that a separate development service cadre has been constituted. In all other states, officers are drawn on deputation from various other departments for a period of 3- 5 years, after which they are sent back to their parent department. The subordinate and ministerial staff also, viz., village level workers, panchayat extension officers and clerical staff, belong to the State Panchayati Raj Department. Other subordinate staff like agriculture extension officers, animal husbandry extension officers, cooperative extension officers, progress extension officers, junior engineers and accountants is also drawn from the respective departments on deputation. The State Government sanctions these posts on the basis of the workload but almost the same strength has existed for many years. Due to increased workload, whenever additional staff is demanded, the state asks them to create and pay from their own resources.

7.3.3 Advantages and Disadvantages of Integrated Personnel Systems

These three personnel systems have sure separate advantages as well as disadvantages. The chief merit of the Integrated Service System is that there is no distinction flanked by State and local services. So, Municipalities can draw upon the services of appropriate officers from the State Government. As they belong to the State cadres, these officers feel that they are independent of the local body and do not develop any identity with the Municipality. Under the Unified System there is scope for specialization in municipal offices as recruitment is made specifically for the local bodies, they are transferable from Municipality to Municipality. So, they gain experience.

There are four reasons as to why State should exercise control. **Firstly**, the State Governments makes local bodies. **Secondly**, as part of the State, there is a need for homogeneous development of all the areas which can be ensured through the State. **Thirdly**, personnel with technical skills and experience required which can be easily provided through the State. **Finally**, the State Government provides financial assistance to local bodies, which implies control to ensure that the money is properly utilized. Whatever is the rationale, the major objective is control and supervision through the State.

On the other hand, this integrated system is criticized on the ground that municipals has less the control over the officers working under it because of the transferring nature of its personnel by the state. The separate Personnel System, viewed from the point of view of autonomy of local bodies is an ideal. In this system, Municipality can exercise total control over the officers. Under this system there is no scope for divided loyalties which strengthened the identity flanked by officers and the Municipality.

The Municipal Acts usually prescribe the source of recruitment of several categories of personnel. The State Governments are not only creating cadres of municipal services but are also laying down the service circumstances. In the urban local bodies, there are two dissimilar categories of officials.

Firstly, the administrative component consists of the Commissioner, Officers, and general administrative staff. **Second** category is the technical official like Engineers, Health Officers, Town Planners, Finance Officers, etc. Depending upon the categorization of Municipality, its resource base and the necessities, the number as well as the stage of specialization of officers is determined. To support the administrative and technical officers, there is a large body of operational staff like sanitary inspectors, tax inspectors, assistants, conservancy staff, etc. Local bodies are unable to attract competent people because of the poor resource base. The officials coming on deputation from other State stage Departments consider it a punishment rather than a pleasure. Another problem is that of relations flanked by administrative officials and the Chairman and the Councilors. Unless cordial relationship exists flanked by them, the civil administration will suffer badly.

There is a feeling in the country that the stronghold of the State Government over the local bodies is too extensive, which cuts at the roots of the local autonomy. Two arguments are advanced in this connection. Firstly, the resource base of the local bodies is shrinking and State Governments have been doing valuable little. Secondly, the power of super session and dissolution are being indiscriminately used against local bodies.

7.3.4 Area of Autonomy between Municipality and State government

Nevertheless, to keep the municipal elections out of the direct control of the State Government, and to ensure free and fair elections to the municipal bodies, the Constitution Amendment has provided for an independent State Election Commission (also for Panchayat elections), consisting of an Election Commissioner to be appointed through the Governor.

The Constitution mentions in Art 243W- a the Municipalities with such power and authority as may be necessary to enable them to function as institution of self-government and such law may contain provision for the devolution of powers and responsibilities upon municipalities with respect to:

- The preparation of plans for economic development and social justice;
- The performance of functions and the implementation of schemes as may be entrusted to them in the 12th schedule.

The Constitution thus empowers the Municipalities to function as institution of self government in respect to preparation of plans for economic development and performance of functions which are eighteen in numbers mentioned in the twelfth schedule of the Constitution. These two areas of autonomous functions of the municipalities are subjected to the legislative control of the state government over the urban local governments has not been relaxed. The urban local government thus still functions under the strict supervision and control of the state government.

Apart from the direct participation of state personnel in the municipality, the 74th constitutional amendment has established the relationship between state and municipality in some other ways as well. The Municipal Authorities get their income primarily from their own sources, that is, the tax and non-tax sources, which have been assigned through the State Government and are mentioned in the Municipal Statutes. A municipal council can statutorily impose the taxes, as follows: Tax on structures and lands, which besides a general tax also comprise rates on water, lighting, fire service, etc; Tax on structures payable beside with the application for sanction of the structure plan; Tax on professions, trades, vehicles (other than motor vehicles), animals; Tolls on roads and ferries. Non-tax sources contain: Rents on land and houses; Sale proceeds of land and other products of land; Fees from educational institutions; License fees; Fines for violating municipal through-laws and other fines and fees, and Receipts from slaughter houses.

In addition, there are provisions for shared revenues, grant-in-aid and loans from the Government and financial institutions, besides tax and non-tax sources. They also receive financial assistance from the Government in conditions of devolution (13 per cent), entertainment tax (5 per cent), surcharge on stamp duty (9 per cent) and grants, loans and receipt from others (12 per cent). There are some variations from State to State.

The mainly significant characteristic of the Seventy-Fourth Constitutional Amendment, in financial sphere, is the creation of Finance Commission through the State Government once in every five years. The State Finance Commission is to create recommendations concerning the principles to govern sharing of the State taxes, fees etc. flanked by the State Government and the Municipalities; and also its sharing in the middle of the Municipalities. The commission has also to suggest the principles for the determination of taxes and fees to be assigned to them and the grant-in-aid to be given to the municipal authorities out of the consolidated fund of the State. It also has the mandate to suggest ways and means of improving the financial position of the municipal authorities. The other significant dimension is constitutional recognition of micro-stage planning coordinated through the District Planning Committee. Plans prepared are to be forwarded through the Chairperson of the Planning Committee to the State Government. Likewise, Metropolitan Planning Committees are to be set up in the metropolitan areas on which the municipal authorities are to be represented.

7.4 Ward Committee – composition, Roles and Functions

In this section, we will discuss the composition, role, and functions of Ward committees, financial powers of Ward Committee, and suggested reforms in the structure of Ward committee. But before

that let's discuss why ward level management is required.

7.4.1 Why Ward-level Management

Managing public services at Ward level (vis-à-vis at State or Municipal level) helps reflect the aspirations of the local people, who are direct stakeholders in those projects. If citizens are involved in the decision-making through Wards Committees, then we can achieve participatory democracy at the lowest level of governance. The government provides subsidies to the poor through various schemes. But it is common knowledge that many times the money is siphoned away by the intermediaries. Providing subsidies at the ward level can help in better targeting of subsidies as the councilors know their wards intimately. They are also easily accessible for grievance redressal.

7.4.2 Composition of Ward Committees

It should be mentioned here that, the Legislature of a State may, by law, make provision with respect to-

- (a) The composition and the territorial area of a Wards Committee;
- (b) The manner in which the seats in a Wards Committee shall be filled.

Constitutional provisions –

- (1) In respect of a municipality having population of three lakhs or more, there shall be constituted by the State Government, by order, such number of Wards Committees as may be determined by it, so however, that each Wards Committee shall consist of not less than five wards (Article 243S): Provided that, in constituting Wards Committees, the State Government shall maintain geographical contiguity as far as possible.
- (2) Each Ward Committee shall consist of -
 - (i) The members elected from the wards for which Wards Committee is constituted;
 - (ii) The Executive Officer who shall be the ex-officio member; and
 - (iii) Such other officers of the municipality as the State Government may specify to be ex-officio members of whom one specified officer shall be the Secretary of the Wards Committee: Provided that the ex-officio members shall have the right to speak and participate in the meetings of the Wards Committee but shall not have the right to vote
- (3) The Chairperson of the Wards Committee shall be elected by the elected members thereof from among themselves.

(4) The Chairperson shall cease to hold office if he ceases to be a member of the Wards Committee. Any casual vacancy in the office of the Chairperson shall be filled by election of another Chairperson from among the elected members of the Wards Committee as soon as may be after the occurrence of the vacancy.

(5) The powers and functions of the Wards Committee and the manner of conduct of business at its meetings shall be such as may be prescribed.

Another significant provision of the Constitution Amendment pertains to the municipal authorities, right to exist. It gives a term of five years, to the municipalities and if at all they have to be dissolved because of any irregularity, fresh elections are to be held within six months. This prevents the phenomenon of prolonged super session or years together.

7.4.3 Role and Functions of Ward Committees

The followings are the important role and functions of Ward Committees:-

- a) A ward committee may make recommendations to the ward councilor on any topic affecting its ward, or to the municipal council, the executive committee, or the support committee through the ward councilor.
- b) The municipal council will recognize the ward committee as its consultative body and communication channel on problems affecting the ward.
- c) Representing the community on the compilation and implementation of the Integrated Development Plan;
- d) Ensuring a constructive and harmonious interaction between the municipality and the community;
- e) Attending to all matters that affect and benefit the community;
- f) Acting in the best interest of the community,
- g) And ensuring active participation of the community in the municipality's budgetary process.

7.4.4 Rethinking Finance of the Ward Committee

The Municipal Corporation does not have adequate financial resources due the abolition of Octroi and outdated procedures of assessment of property tax. This has lead to a shortage of funds and the Corporation is unable to pay its contractors. Public services have deteriorated. Ideal Ward Finances Wards should be empowered to raise their own finances through fees and taxes:

- Fees for use of open public spaces as markets

- Fees for parking vehicles in public spaces
- Charges to access parks and other common areas
- Tax on pets
- Tax on advertisements in public spaces
- The wards can also levy a flat per-head charge on the citizens.
- Private utilities providers can pay a flat fee to the ward as tax.

7.4.5 Suggested Reforms in Urban Governance at Nation Level

- Various legal changes need to be brought about in Municipal Acts so as to decentralize powers and responsibility. These changes, as recommended by the National Committee to Review the Working of the Constitution (2000), are as follows:
- In determining the number of Municipal wards and in delineating them, there should be parity in the ratio between a seat and the population and such ratio should be uniform within a State among any category of Municipalities such as Corporations, Municipal Councils and Nagar Panchayats.
- Wards Committees should be mandatory for each of the ward in all Municipal Corporations with a population of three lakhs or more, to comprise of persons chosen by direct election from the territorial area of the Ward. The Chairman of the Committee will be the Councilor elected from the Ward.
- The State laws may determine the number of persons to be so elected but there should be parity, within the city in the ratio between that number and population of a ward.
- State laws may also enable Wards Committees to co-opt such residents of a ward who are knowledgeable and can assist the work of the Committee.
- In all Corporations with a population of six lakhs and more, Zonal Committees at a level between the Wards Committees and the Corporation Council should be formed. State laws may determine the number and area of such Zonal Committees. The Councillors of all the Municipal wards represented in that area shall be members. In addition, one other person from each of the Wards Committees elected by and from amongst the elected members of that Committee shall be a member of the Zonal Committee.
- State laws may determine the manner in which elections to the Ward and Zonal Committees are to be held, their functions and responsibilities and the allocation of funds to carry out the same.

The Ward Committee is a committee comprising of the councillor and the a few residents of that ward. It is designed so to be representative of the people residing in that ward.

Under the current system, Wards Committees are constituted for multiple wards. Since the few members of the Wards Committee represent lakhs of people, the purpose is defeated. Instead, there should be one ward per Ward Committee. This will ensure that there is greater proximity between the citizens and their elected representatives. The councilor can be the Chairman of the Ward Committee and committee members can be elected by the residents of the ward.

It can, also, be suggested in the interest of efficiency that personnel in local government should also be classified into class I, class II, class III and class IV. Class I posts should consist of administrative and technical posts which involve policy formulation, management and control. Class II should consist of posts which deal with administration, control and policy at a lower level. Class III should include inspector and clerks. Class IV should be composed of peons, chowkidars, scavengers and so forth. It is only the first two classes which should be covered under the unified service. The pay and other conditions of service of local government employees should be suitably revised to attract persons with better qualifications and education. This will reduce a great deal graft and corruption which prevails in local bodies, and consequently will improve administrative efficiency.

Apart from these reforms, various critical functions can be carried out at ward level:

1. Management of Public Spaces

This includes the creation of Municipal markets and providing space to hawkers. Spaces can be created to celebrate community functions and festivals. Local parks and vehicle parking space can be managed at ward level too. Slum areas can be effectively managed if local people are involved in the decision making.

2. Public Utility Services Various services can be delivered more effectively, if contracted out at ward level such as:

- a. Water Supply

- b. Electricity Supply

The current privatization efforts have converted government monopolies into private monopolies. The consumer has no choice since the service provider has no competition. There is no incentive to the service provider to improve the services. Contracting out the services to three or four companies introduces competition into the system. If the consumer is unhappy with the supply of electricity from company A, he or she can switch to company B. This improves services and drives prices down. If services are contracted out centrally at the Municipal level, people's choices get limited to those companies that the Municipality awards the contracts to. Smaller companies are unable to bid due to the large scale of the projects. This reduces choice for the consumers. Contracting at the ward level shall attract more companies. It would also provide greater flexibility

in awarding and terminating contracts.

A system of subsidizing can easily be set-up with the private service provider at the ward level. The government can pay a percentage of the billings to the service provider as subsidy for the poor.

- c. Garbage and Drainage
- d. Street lights

Some services like garbage collection and streetlights can be contracted out to private parties and monitored by the residents and the Municipality.

- e. Supervision of public physical infrastructure
 - i. Roads
 - ii. Schools
 - iii. Dispensaries and hospitals

- f. Complaint Management System

If a service provider defaults on its duties, a complaint management system should be set- up at the ward level. This will ensure accountability and faster response time. Currently, complaints are handled centrally by the Municipality.

3. Community Policing

At present, residents of an area have no power to decide the effective use the police force allocated to their area. Bringing the police under the control of Ward Committees can decentralize powers so that decision related to policing can be done by the local residents, rather than a central authority. This will also bring the police closer to the citizens and increase cooperation between the two.

7.5 Summing Up

Three-tier federal system is prevalent in democracies across the world. India does not have any history of multi-tiered government system. The Constitution (Seventy-Fourth Amendment) Act, 1992 brought significant changes to the urban governance structure in India. The Amendment recommended the reforms but delegated crucial legislation to the states. Most states have implemented it poorly due to which, the Municipal Corporation and the Ward Committees are feebly successful, if at all, in granting any power to the ordinary urban citizen. The power of the Ward committees should be increased so as to ensure that there is greater proximity between the citizens and their elected representatives and democratic values inherent in it.

7.6 Self-Assessment Questions

- a) Discuss the relationship between State Government and Municipality?
- b) What are the areas where Municipality enjoys autonomous power from state control?
- c) Briefly discuss the Composition of Municipality?
- d) In what ways, Personnel system in State and Municipality are Integrated?
- e) Briefly points out the major Advantages and Disadvantages of Integrated Personnel System?
- f) Elucidate the Composition, Role and Function of Ward Committee?
- g) Is there any need to give more financial power to Municipality? If yes, Why? If no, Why?
- h) What are the recommendations suggested by the National Committee to Review the Working of the Constitution (2000) for Municipal Administration?

7.7 Suggested Readings

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Election to Local Government: the Constitutional Provision and role of the State Election Commission

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8.1 Objectives

After studying this unit, learners will be able to

- Learn about the 73rd & 74th Constitutional Amendment Act.
- Know about different Constitutional provisions related to Panchayat election and Municipality election.
- Understand the significance of the State Election Commission.
- Know about the structural set-up, powers, role and functions of the State Election Commission.

8.2 Introduction

Local Self-Government is the third stratum of Government, the first two being the Central and the State Governments. The Panchayati Raj is the rural body and the Municipal Bodies, namely, Municipal Corporation, Municipal Council, Municipality, Nagar Palika, Nagar Palika Parishad, are urban body of local self-governments in India. Presently, Rural Self Government i.e., Panchayati Raj system is working in accordance with the 73rd Constitutional Amendment Act and Urban Self Government i.e., Municipal Bodies are working in accordance with the 74th Constitutional Amendment Act. Following the enactment of the 73rd Amendment Act, 1992, almost all the States in India passed legislation in conformity with the provisions of the 73rd Amendment Act. The 73rd Amendment Act aims to provide three tier system in the Local Self Government constituted through elections held regularly every five years. The Act also provides reservation of seats for Scheduled Castes, Scheduled Tribes and Women. Moreover, the Act provides for a State Finance Commission to make recommendations regarding the financial powers of the Panchayats and to constitute District Planning Committee to prepare draft development plan for the district. Provision has also been made to constitute a State Election Commission in every state to supervise, direct and control the regular and smooth elections to Panchayat bodies. The 74th Constitutional Amendment Act, 1992, proposes to constitute a uniform structure of Municipal Corporations, Municipal Councils and Nagar Panchayats in transitional areas. This Act granted the Urban Local Government a constitutional status. The seats in the Municipalities are filled by persons who are elected directly by the people from the territorial constituencies within the municipal area. These territorial constituencies are known as wards. Therefore, the next section would throw light on the constitutional provisions relating to the matter of election to the Local Government of India (Sultana, n.d.).

8.3 The Constitutional Provisions for Elections to Local Government in India

Although, the Panchayati Raj Institutions is an ancient institution in India, it has been observed that these institutions have not been able to acquire the status and dignity of viable and responsive people's

bodies due to a number of reasons including absence of regular elections, prolonged supersession, insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and women, inadequate devolution of powers and lack of financial resources. The 73rd Amendment Act added a new Part relating to Panchayats in the Constitution to provide for among other things, direct elections to all seats in Panchayats at the village and intermediate level, if any, and to the offices of Chairpersons of Panchayats at such levels; reservation of seats for the Scheduled Castes and Scheduled Tribes in proportion to their population for membership of Panchayats and office of Chairpersons in Panchayats at each level; reservation of not less than one-third of the seats for women; fixing tenure of 5 years for Panchayats and holding elections within a period of 6 months in the event of supersession of any Panchayat; powers of State Legislatures to make provisions with respect to elections to Panchayats under the superintendence, direction and control of the chief electoral officer of the State and barring interference by courts in electoral matters relating to Panchayats. Also, the 74th Amendment Act added a new Part relating to urban local bodies in the Constitution and provides some constitutional provisions for similar subjects of the 73rd Amendment Act in the urban local government (Sultana, n.d.).

8.3.1. The Constitutional Provisions Related to Panchayat Election

The 73rd Amendment stipulates for certain compulsory provisions which are obligatory on the part of the State Governments to incorporate in their respective Acts. Some aspects have, however, been left at the discretion of State legislatures to make suitable provisions in their Act. The features of the 73rd Constitution Amendment Act relating to the matter of elections for the Panchayats are given below:

- All levels of Panchayats will consist of persons elected directly from the territorial constituencies in the Panchayat area. The territorial constituencies shall be carved out in such manner that the ratio between the population of each constituency and the number of seats allotted to it should be uniform throughout the Panchayat area as far as practicable.
- All members of the Panchayat whether or not directly elected shall have the right to vote in the meetings of the Panchayats.
- The chairperson of a Panchayat at the intermediate and district level shall be elected from among the directly elected members representing the territorial constituencies.
- Article 243D provides the provision of reservation of seats for SCs/STs in proportion to their population in the Panchayat area and seats may be allotted by rotation. One-third of the total number of seats, both in reserved and unreserved categories shall be apart for women in every Panchayat and seats may be allotted by rotation. The chairperson of each level of Panchayats shall be reserved for SCs/STs in proportion to their population on rotation basis. Similarly, one-third post of chairpersons of each level of Panchayats shall be reserved for women on rotation basis.
- A fixed tenure of five years for Panchayats from the date appointed for its first meeting and the tenure cannot be extended. However, if a Panchayat is dissolved before the expiry of its term, election has to conduct within a period of six months of the dissolution to reconstitute the Panchayat for the remainder of the terms or the term provided the remainder of the period

is not less than six months. The Panchayats shall be constituted before the expiry of its tenure of five years. Amendment of law to dissolve the Panchayats at any level is also prohibited.

- Article 243F provides that a person who has attained twenty one years of age is eligible for contesting the Panchayat election and to be a member of a Panchayat. If a question arises as to whether a member has become subject to any disqualification, the question shall be referred to such authority as the State Legislature may provide by law.
- Article 243K is designed to ensure free and fair elections to the Panchayats. Also, this article provides for the Constitution of a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor. A State Election Commission has to be constituted for the superintendence, direction and control of the Panchayats at all levels. The State Election Commissioner, however, shall be removed in the manner and on the like grounds as a Judge of a High Court.
- As under Article 329, courts shall have no jurisdiction to examine the validity of a law, relating to delimitation of constituencies or the allotments of seats, made under Art. 243K. An election to a Panchayat can be called in question only by an election petition which should be presented to such authority and in such manner as may be prescribed by or under any law made by the State Legislature (Constitutional Provisions, n.d.).

Besides these provisions (mandatory) the State Legislature has been empowered to have legislation in respect of a wide range of subjects, including on such matters as functions of the Panchayats and so on.

8.3.2. The Constitutional Provisions Related to Municipalities Election

The 74th Constitution Amendment Act 1992, relating to Municipalities (Urban local Government) was passed by the parliament in 1992 which was a landmark initiative of the Government of India to strengthen local self-government in cities and towns. The constitutional provisions relating to the election for the municipalities are:

- The members of a municipality would generally be elected by direct election. The Legislature of a State may by law provide for representation in a municipality of (i) persons having special knowledge or experience in municipal administration, (ii) Members of Lok Sabha, State Assembly, Rajya Sabha and Legislative Council, and (iii) the Chairpersons of Committees constituted under Cl. (5) of Art.243S. The Chairperson shall be elected in the manner provided by the Legislature.
- The 74th Amendment Act similar to the 73rd Amendment act provides the provision for appointment for an election commission in each state for conducting local elections to the institutions of urban local government. The State Election Commission appointed under Art. 243K shall have the power of superintendence, direction and control of (i) the preparation of electoral rolls for, and (ii) the conduct of all elections to the Municipalities. State Legislatures have been vested with necessary power to regulate by law all matters relating to elections to Municipalities.
- As in Part IX reservations of seats are to be made in favour of the Scheduled Castes and Scheduled Tribes in every Municipality. Article 243T makes the provisions for the

reservation of seats. Seats are reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality. Not less than one-third of the total number of seats reserved Scheduled Caste are reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality are reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality. The office of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide. All reservations in favour of Scheduled Castes and Tribes shall come to an end with the expiry of the period specified in Art. 334. It is permissible for a State Legislature to make provisions for reservation of seats or offices of Chairpersons in favour of backward classes.

- Every Municipality shall continue for five years from the date of its first meeting. But it may be dissolved earlier according to law. Article 243Q further prescribes that before dissolution a reasonable opportunity of being heard must be given to the municipality. Elections to constitute a Municipality shall be completed before the expiry of the period of five years. If the Municipality has been superseded before the expiry of its term, the elections must be completed within six months of its dissolution. A Municipality constituted after its dissolution shall continue only for the remainder of the term. But if the remainder of the period is less than six months it shall not be necessary to hold elections. It has been provided that no amendment of the law in force shall cause dissolution of a Municipality before the expiry of the five years term.
- There is a provision about qualification for contesting Municipal elections, such as Candidate must be a citizen of India; candidate must have attained the age of 21 years; the name has to be registered of the candidate in the Electoral Roll of a ward; candidate is not earlier disqualified for contesting Municipal Corporation elections; candidate not be an employee of any Municipal Corporation in India etc. Article 243V lays down that all persons who are qualified to be chosen to the State legislature shall be qualified for being a member of a Municipality. There is an important difference. Persons who have attained the age of 21 years will be eligible to be a member. While the constitutional requirement is that for election to the State legislature of a State a person must have attained the age of 25 years [Art. 173].
- The courts shall have no jurisdiction to examine the validity of a law, relating to delimitation of constituencies or the allotment of seats made under Art.243ZA. An election to a Municipality can be called in question only by an election petition which should be presented to such authority and in such manner as may be prescribed by or under any law made by the State Legislature (Constitutional Provisions n.d.).

8.3.3. Summing Up

- India has three tiers of Governments viz. The Central, the State Government & the Local Self-Government.
- Local Self-Governments got constitutional recognition by 73rd & 74th Constitutional Amendment Act.
- Panchayats & Municipalities will consist of persons elected directly from the territorial constituencies from the Panchayat/Municipal area.
- The tenure of Panchayats & Municipalities is fixed to five years by the Amendment Acts.
- Seats are being reserved for SCs/STs in proportion to their population in the Panchayat /Municipal area and seats may be allotted by rotation.
- Seats are reserved (50%) for women candidates to the local bodies of government.

8.4 State Election Commission

India being a world's largest democratic country to conduct free, fair and impartial elections becomes the most challenging function. In the Constitution of India Article 324 has a specific provision for an independent Election Commission to conduct elections of the President and Vice President of India; and elections for the Lok Sabha, Rajya Sabha, Vidhan Sabha and Vidhan Parishad. But with the 73rd and 74th Constitutional Amendments act, a provision was added in the Constitution to setup a State Election Commission for the activities related to supervision, direction and control of elections to the local bodies-Panchayats and Municipalities.

Democratic institutional structures of the Government and people's participation in the governing processes ensure the political development of any country. For reconciling people's desires, their enthusiasm, and active participation in governance the institutions local government playing a very crucial role. Democratic needs of the people fulfilled by the institutions of local government and these institutions are act as the channels of people's expression of political consciousness. Even after long time of Independence, due to the absence of adequate and sincere efforts to strengthening the democratic institutions, this has been a serious problem in India. Since the time of independence, very little interests have been showing towards the development of self-governing local bodies by most of the state governments in India. The attempts to widespread arbitrariness in superseding self-governing institutions even regularly elections were not held in many states. After a long gap of 26 years in 1986 election were held in Shimla Municipal Corporation along with 15 towns. Also in Punjab three Municipal Corporations were established in 1977, and for a long period these institutions remained as undemocratic bodies. Hence, there are many such instances we can found in other states too. Due to such situations repeatedly from various parts of the country was arising a demand for free, fair, and regular elections to the local bodies. With the introduction of 73rd and 74th Constitutional Amendment Acts the Constitution provides a specific provision to establish SEC to supervise, direct, and control the elections to the Panchayat and Municipal bodies. Therefore a State Election Commission constituted by the Government for superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the local self

governments. The rules made there under 73rd & 74th Amendment act were:

(i) There shall be a State Election Commission constituted by the Government for superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the local bodies in the State under these Act and the rules made there under. (ii) The Commission shall consist of a State Election Commissioner to be appointed by the Governor. (iii) The conditions of services and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine. These acts provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment. (iv) The Government shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission (Singh, n.d.).

Hence, in the Article 243 ZA with Article 243 K, it has been mentioned that the responsibility of the SEC are to superintendence, direction, control relating to conduct of all elections of Panchayats and Municipalities. Through the Constitutional amendment, the Article 243 U incorporated in the Constitution that provides for fixing the tenure of all local bodies at five years; and if the case of dissolution held before the expiry of five years, then within a period of six months of dissolution the local bodies would go for re-election. This highlights that after the expiry of every five years the role of a SEC is to conduct regular elections and whenever these are required in between for the residue term only.

As per the Constitutional provisions to conducting regular, free, fair and impartial elections to the local bodies in the state, the states passed their own legislations and include the provision for setting up of a State Election Commission. Most of the states are following the provisions of the two amendment acts constituted State Election Commissions, which have been given the functions to conduct impartial elections to Panchayats and Municipalities. In addition, the Commissions determine to what extent people's participation would be consider to establishing linkage between local leadership and government to translate government's policies into action. In the following sections we would focus on the composition, powers, functions and role of the State Election Commission (SEC).

8.4.1. Composition of the State Election Commission

Every State Election Commissions is headed by a State Election Commissioner who is also appointed by the Governor. In most of states the Election Commission is headed by the State Election Commissioner but some state like in Punjab they also appoint a Deputy Election Commissioner. It has been observed that a retired Civil servant or a Retired Judge is appointed as the Election Commissioner in mostly states.

I. State Election Commissioner:

A state government's officer not underneath the age of 55 years, and of the position of Financial Magistrate, or the Principal Secretary to the State Government having service as such for a base time of two years or a serving as a Judge or retired Judge of the High Court appointed as State Election

Commissioner by the Governor of the state. By the legislation of the state, which changes from time to time, no officer, who has achieved such time of superannuation, may be appointed as Election Commissioner by the Governor. But under the State Government the Election Commissioner will not be eligible for any further appointment.

II. Deputy Election Commissioner:

There is also a provision in the 73rd and 74th act, to appoint one or more Deputy Election Commissioners if require to assist the State Election Commissioner in the discharge of his/her duties. Also, to appoints Secretary to the SEC rule is there.

III. Other Election Officers:

(a) District Electoral Officer:

As we know that all states are divided into districts, so for every single district one District Electoral Officer is appointed by the state, who work under the direction and control of the SEC. District Electoral Officer mainly supervises election activities like the preparation, revision and correction of electoral rolls. They also perform other duties assigned by the SEC.

(b) Electoral Registration Officer:

It is the task of the Electoral Registration Officer to prepare, and revise the electoral rolls for each Panchayat or Municipality. For this purpose Electoral Registration Officer can appoint persons for the preparation and revision of the electoral rolls for the Panchayats or Municipalities.

(c) Returning Officer:

SEC appoints Returning Officer at the block level. Generally block development officers are appointed as Returning Officer for a particular block and they are taking care of free and fair election of their block.

(d) Polling Stations and Presiding Officers:

It is the task of the District Electoral Officer to arrange sufficient number of polling stations, distribution centre, and receiving centre for every constituency in district and publishes a list showing the polling stations and the polling areas or groups of voters. Also, District Electoral Officer appoints Presiding Officer for every single polling station and three or four polling officers if require. Polling officers perform the functions as directed by the Presiding Officer (Singh, n.d.).

8.4.2. Power of State Election Commission

The 73rd and 74th amendment act provides certain powers to the State Election Commission in order to perform all the duties, namely power as a civil court and power to make rules.

8.4.2.1. Power as a Civil Court

For an inquiry the State Election Commission performs the role of a Civil Court in the matters of - a.

Summons and enforces the attendance of any person, and examining her/him on oath; **b.** Requires the discovery and production of documents or other material object producible as evidence; **c.** Requisitions of public record or a copy thereof from any court or office; **d.** Receives evidence on affidavits; **e.** For the examination of witness or documents can issue orders (Singh, n.d.).

Besides these SEC also enjoys some other power like- to inquire any privileged person for provide information or proper evidence that may be useful for the subject matter of election. During the time of election SEC is considered as civil court of a state especially if under the section like 175, section 178, section 179, section 180 or 228 of the Indian Penal Code 1860 175, section 178, section 179, section 180 or 228 of the Indian Penal Code 1860 are violated, in these cases the SEC refer the cases for jurisdiction to the Magistrate along with the recorded facts constituting the offence and the statement of the accused.

8.4.2.2. Power to Make Rules

Through the notification in the Official Gazette the State Government after the consultation with the SEC makes some regulations for accomplishing purposes for following matters:

(i) The obligations of the Presiding Officers and Polling Officers. (ii) The checking of electorate with regards to the electoral roll. (iii) The manner in which votes are to be given in the constituency. (iv) The manner to be followed in case of tendering a vote by a person representing herself/himself to be an elector. (v) The way of giving and recording of votes by balloting machines, and the manner as to be observed at polling station wherein such machines might be used. (vi) The security and counting of votes before the declaration of result of election. (vii) The procedure for counting of votes recorded by means of voting machine. (viii) The secure custody of poll boxes, balloting machines, poll papers and different necessary papers for the specific period for which such papers will be preserved; and inspection and production of such papers. (ix) The place, date and time at which claims or objections will be heard; and the way wherein such claims or objections will be heard and disposed of. (x) The final publication of electoral rolls for the constituencies. (xi) Election agents, election costs and so on (Singh, n.d.).

8.4.3. Role and Functions of the State Election Commission

In each and every state for the purpose of conducting free and fair election to the local bodies the SEC has been established. The commission has to deliver a huge quantity of functions and related activities to conduct the elections such as formation of ward or election division; distribution of seats along with preparation of voter list for the local bodies Gram Panchayat, Taluka and District Panchayat/Municipality and Municipal Corporation; selection of boundaries; carrying out general/mid-term/bye-elections, and supervising them. Art.243K is given the authority to SEC for superintendence, direction and control of elections of local bodies. In most of the states the SEC being under taken the following functions:

I. Preparation of Electoral Rolls:

Without the electoral roll it is impossible to conduct elections in Panchayats and Municipalities and the electoral roll is prepared by the SEC. Under the 73rd & 74th amendment act electoral roll must be prepared in the prescribed way and comes in to effects in accordance with the rules of these Act. The electoral rolls may be revised for every constituency before every general election and before every bye-election to fill a casual vacancy.

II. Declaration of Dates for Nominations, etc:

After the notification of the election date the SEC declare- (a) last date for making nominations, which is the seventh day after the date of publication of the first mentioned notification; and in case of public holiday, the next succeeding day, that is, not a public holiday; b) date for the scrutiny of nominations for election; c) last date for the withdrawal of candidature by the candidate; d) date when a poll has to be taken; and e) last date, before which the election is to be completed.

III. Issue of Public Notice:

After the disclosure of a notification, the returning officer issue a public notice regarding coming election for inviting nominations of candidates specifying the place at which the nomination papers can be delivered.

IV. Nomination of Candidates:

Any citizen, if he/she qualified can be nominated as a candidate for election to fill a seat.

V. Publication of List of Contesting Candidates:

After the completion of submission of the nomination paper which submitted by the candidates and withdrawn candidatures, the Returning Officer publish a final list of nominated candidates for the election. Generally the list contains the name of the candidates in alphabetical order and consists of their address too.

VI. Fixing Time for Poll:

SEC doesn't only fix the date of the election it also prescribe the polling hours of the election, which is must not less than eight hours, generally the poll starts at 7am in the morning and end by 5pm in the evening

VII. Adjournment of Poll in Emergencies:

If the presiding officer faces any pressure or obstructions to conduct the election in a particular polling station then he/she has the power to adjournment of poll.

VIII. Counting of Polls:

Counting polls and declares the results of the election are the main task of the SEC. SEC supervises and directs the entire counting procedure with the help of Returning Officers (Singh, n.d.).

8.4.3.1. Election Tribunal

By the State Government in consultation with the SEC for each district or part thereof, an Election Tribunal can be constituted at the District or Sub-Divisional Headquarters to take up election related disputes. An IAS or Class-I/ Group-A Officer of the State Government having adequate administrative, legal or magisterial experience appointed as the Presiding Officer of an Election Tribunal by the State Government. According to two constitutional amendment acts an election to local bodies can be called in question only by an election petition which should be presented to such authority and in such manner as may be prescribed by or under any law made by the State Legislature. In this regard, only the Election Tribunal (ET) has the power to adjudicate upon the Election Petitions and even it entrusted with discretionary power to move the petition in other headquarters for the interest of justice or convenience.

The Election Tribunal to the trial of election petition follows the procedure as nearly as may be the procedure contained in the Code of Civil Procedure, 1908 (Central Act 5 of 1908). ET applies in all respects to the trial of an Election Petition the provisions of the Indian Evidence Act, 1872 (Central Act 1 of 1872).

During the election it has been observed the corrupt practices and electoral offences like bribery, threatens to any candidate or any elector, any interference or attempt to interfere on the part of the candidate or her/his election agent, influence the voter to vote for a specific candidate or refrain from voting for any person on the basis of her/his religion, race, caste, community or language, promote the feeling of enmity or hatred toward particular class or caste or religion or class by the candidate or her/his agent, false statement about the personal character of the candidate, lobbying, booth capturing.

Therefore, through the 73rd & 74th Constitutional Amendment Acts in India grassroots governments have been formalised. To strengthen and protect the grassroots democracy in India a provision to form SEC is incorporated in the Constitution through these acts. The SEC similar to the Central Election commission enjoys the powers and performs the duties and functions to conduct the free and fair election to the local bodies. Hence, the SECs are performing various types of functions and role, which we can categorise as Regulatory, Administrative, and Quasi-Judicial (Singh, n.d.).

Many regulatory roles performed by the SEC like delimitation of wards or territorial constituencies, election symbols, electoral rolls, election expenses, etc. If the SEC become unable to perform such functions properly then it would be impossible to conduct free and fair election in a State. To conduct an election for local bodies the SEC also perform some administrative functions. To complete the huge preparatory work it directs its own staff, co-opt other staffs from other government departments and continuously instruct them to run the election smoothly. As we know that the court has no right to adjudicate the matter of elections of local bodies, so SEC has to perform also some quasi-judicial

functions. To conduct the entire election procedure if any appeal or petition comes to the SEC then the SEC can avail the discretion power to dispose such election petition or appeal.

8.4.4. Challenges of the State Election Commission

- I. **Lack of autonomy in SECs:** Despite the provisions for independence of SECs, they are not functioning as an autonomous institution. For example, in 2008 the then state election commissioner of Maharashtra asserted that he should have the power to hold elections to the offices of mayor, deputy mayor, and sarpanch offices. But the State Assembly got him arrested for the breach of privilege and sent him to jail for two days.
- II. **Lack of Constitutional safeguard for SECs:** The manner of removal of SECs has been flouted by the State governments by alternative methods such as restricting the terms and conditions etc. This is evident in the *Aparmita Prasad Singh vs. State of U.P.* case
- III. **No uniformity of service conditions for SECs:** The Indian Constitution confers the power to determine the service conditions of SEC on the State legislatures, the service conditions are not uniform across the country. Challenges with the State Election Commissions (SC ruling on state election commission: Explained point wise, 2021).

In conclusion, the independence of the State Election Commission is essential to ensure free and fair elections at the grass-root level. So, the State governments have to ensure that to protect the bedrock of democracy.

8.4.5. Summing Up

- In each and every state for the purpose of conducting free and fair election to the local bodies the State Election Commission has been established.
- State Election Commission was setup by the 73rd and 74th Constitutional Amendments act.
- State Election Commissioner is appointed by the Governor of the states.
- Generally, a retired Civil servant or a Retired Judge is appointed as the Election Commissioner in states.
- State Election Commission performs the Regulatory, Administrative, and Quasi-Judicial functions during the elections.

8.5 Self-Assessment Questions

- a) Discuss the constitutional provisions related to Panchayat election.
- b) Discuss the constitutional provisions related to Municipality election.
- c) Discuss the composition and setup of State Election Commission in a state.
- d) What are the major powers of a State Election Commission?
- e) Discuss the role of the State Election Commission.

8.6 Suggested Readings

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