

# PATNA WOMEN'S COLLEGE



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# DECENTRALISATION

PANCHAYATI RAJ

&

MUNICIPALITIES



# Democratic Decentralisation

- Basic tenet of National Policy ever since India attained Independence
- A prime mechanism through which Democracy becomes truly representative and responsive
- Associates people with local administration through popularly elected bodies
- Enhances transparency accountability and responsiveness ensuring good governance
- Both an end and means in itself
- Most significant theme in development discourse both as a planning and strategy of bringing about reforms and changes in democracies

# The Concept of Democratic Decentralisation

- Transfer of planning decision-making legislative judicial administrative authority from higher level of government to a lower level
- Widens the area of people's participation authority and autonomy
- Envisages association of more and more people with government at all levels; National Regional and Local
- It may take the form of:
  - Deconcentration
  - Delegation
  - Devolution
  - Privatization

## Significance of Democratic Decentralisation

- Closer contact between government officials and local people is possible
- Better penetration of national policies to areas remote from national capital
- It can cut Red-tapism
- It will ensure greater representation of political religious ethnic and tribal groups in development decision making that would lead to greater equity in allocation of resources
- It will ensure better coordination

## Significance of Democratic Decentralisation

- Capacity of local institutions and their managerial and technical skills will develop
- It will lead to more flexible innovative and creative administration
- It will institutionalize the participation of the citizens and exchange of information
- Local people can execute monitor and evaluate better than the central agencies
- Increased political stability will be ensured by increasing the participation of the local people in decision making

# A BRIEF HISTORY



EXISTENCE OF SELF-GOVERNING VILLAGE COMMUNITIES ACROSS SUB-CONTINENT THAT OVER MILLENIA SERVED AS MAIN INTERFACE BETWEEN PREDOMINANTLY AGRARIAN VILLAGE ECONOMIES AND THE RULING SOCIETY.



CUSTOM AND TRADITIONS ELEVATED THESE COUNCILS OR ASSEMBLIES CALLED "SABHAS" TO A POSITION OF CONSIDERABLE AUTHORITY



"PANCHAYAT" (AN ASSEMBLY OF 5 RESPECTED ELDERS) BECAME PIVOT OF ADMINISTRATION, FOCUS OF SOCIAL SOLIDARITY AND PRINCIPAL FORUM FOR DISPENSATION OF JUSTICE AND RESOLUTION OF LOCAL DISPUTES.



CHARACTERISTICS OF VILLAGE PANCHAYATS REMAINED UNCHANGED DURING MEDIEVAL AND MUGHAL PERIODS.

### Local Governments in BRITISH INDIA

- 1687: Municipal corporation of Madras constituted, on the British model of a town council , with power to levy taxes and deliver services, comprising of nominated members.
- 1870: Revival of transditional village panchayat system in Bengal.
- 1882: Ripon Resolution, providing for rural local boards with two-thirds of membership to be composed of elected, non-official representatives and presided over by a non-official Chairperson.

### The Indian Freedom Movement and local governments

- 1909: Royal Comission on Decentralisation recognises importance of Panchayats in the governance of India
- 1919: Government of India Act 1919, brings in system of 'dyarchy', and transfers self government to the domain of Indian Ministers in the provinces.
- 1935-39: Provincial Autonomy under the Government of India Act, 1935 results in popularly elected governments in Provinces, who in turn enacted legislation for further democratization of local self-governments.



## Decentralisation and poverty reduction

Although there is of course great variation among cultures, countries and regions, we can identify a number of roles that governments typically play in poor and predominantly rural areas:

- one is the provision of public goods, such as universal education and healthcare;
- a second is the provision of divisible goods, such as irrigation, agricultural extension and credit;
- a third is the determination and enforcement of laws regulating key economic inputs, such as land, labour and capital;
- a fourth and critical element is the recognition and protection of rights allowing for organisation, association and entitlement in the eyes of the state.

All of these, it is worth emphasizing, are problematic in the sense that they require systems of governance which ensure that public resources are being delivered efficiently and effectively (Johnson and Start, 2001). Indeed, it is the misallocation or 'corruption' of these services that often justifies the strongest calls for public sector reform (e.g. the World Bank, 2000d; the Economist, 2001)

## What makes local institutions accountable?

we consider three broad conditions under which local institutions can be made more accountable to poor and politically marginal groups:

- an active citizenry, whose participation in broad areas of political life, such as voting, campaigning, attending meetings, running for office, lobbying representatives, etc., serves to counter balance the arbitrary use of power;
- fiscal and political support from higher level authorities within government;
- the existence of competitive political parties whose legitimacy depends at least in part on the ability to support the needs of the poor.

## MILESTONES IN INDIAN DECENTRALISATION

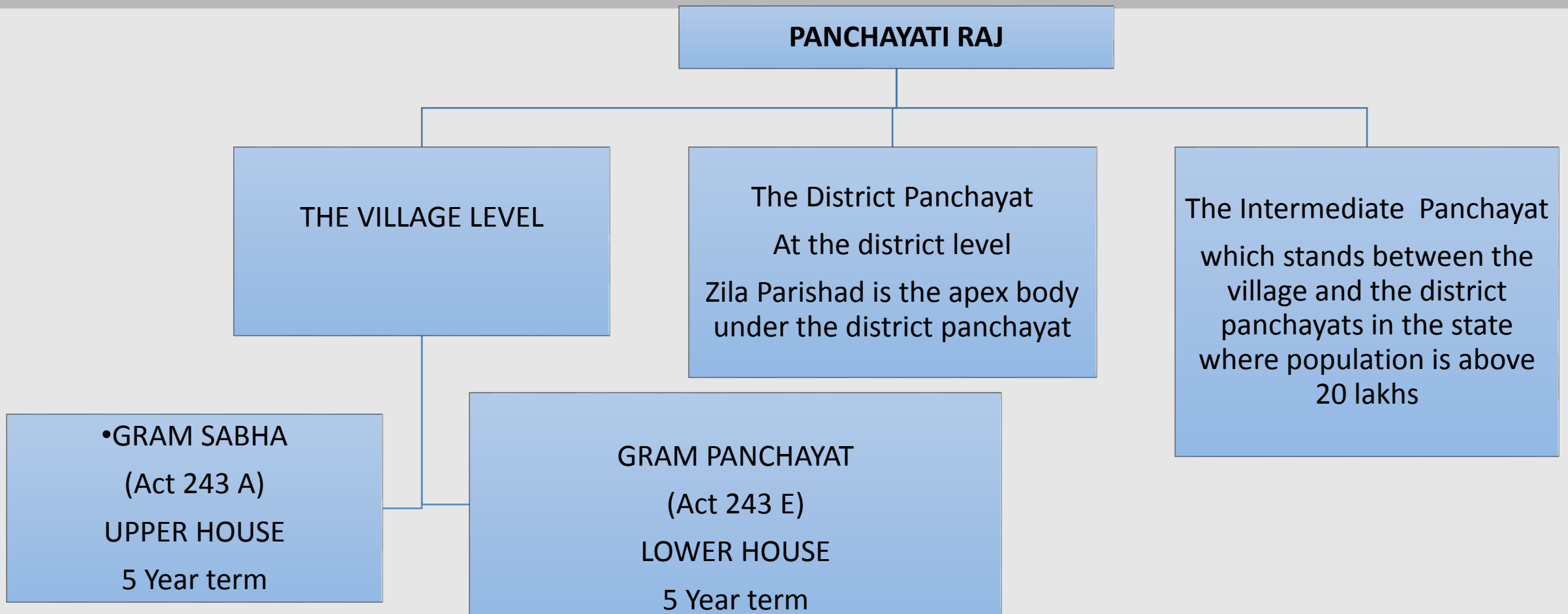
- 1882 The Resolution on Local Self-Government.
- 1907 The Royal Commission on Decentralisation.
- 1948 Constitutional debates between Gandhi and Ambedkar on Gram Swaraj, 'self-rule'.
- 1957 Balwantrai Mehta Commission – an early attempt to implement the Panchayat structure at district and block (Samithi) levels.
- 1963 K. Santhanam Committee – recommended limited revenue raising powers for Panchayats and the establishment of State Panchayati Raj Finance Corporations.
- 1978 Asoka Mehta Committee – appointed to address the weaknesses of PRIs, concluded that a resistant bureaucracy, lack of political will, ambiguity about the role of PRIs, and élite capture had undermined previous attempts at decentralisation
- 1985 G.V.K. Rao Committee – appointed to address weaknesses of PRIs, recommended that the block development office (BDO) should assume broad powers for planning, implementing and monitoring rural development programmes.
- 1986 L.M. Singvhi Committee – recommended that local self-government should be constitutionally enshrined, and that the Gram Sabha (the village assembly) should be the base of decentralised democracy in India.
- 1993 The 73rd Amendment to the Indian Constitution – PRIs at district, block and village levels are granted Constitutional status. The Gram Sabha is recognised as a formal democratic body at the village level. The 74th Amendment, granting Constitutional status to municipal bodies, is passed soon after.
- 1996 The Adivasi Act – Powers of self-government are extended to tribal communities living in 'Fifth Schedule' areas.

1. The establishment of a three-tier PRI structure, with elected bodies at village, block and district levels (States with populations less than 2 million are not required to introduce block-level Panchayats);
2. The recognition that the Gram Sabha constitutes a deliberative body at the village level;
3. Direct elections to five year terms for all members at all levels;
4. One-third of all seats are reserved for women; reservations for SCs and STs proportional to their populations;
5. Reservations for chairpersons of the Panchayats – Sarpanches – following the same guidelines;
6. State legislatures may provide reservations for other backward groups;
7. A State Election Commission (SEC) will be created to supervise, organise and oversee Panchayat elections at all levels;
8. A State Finance Commission (SFC) will be established to review and revise the financial position of the Panchayats on five-year intervals, and to make recommendations to the State government about the distribution of Panchayat funds.

# The 73<sup>rd</sup> AMMENDMENT: MAJOR PROVISIONS

# PANCHAYATI RAJ

Act 243 B of part 'IX' of the constitution envisages a three tier system of PANCHAYAT



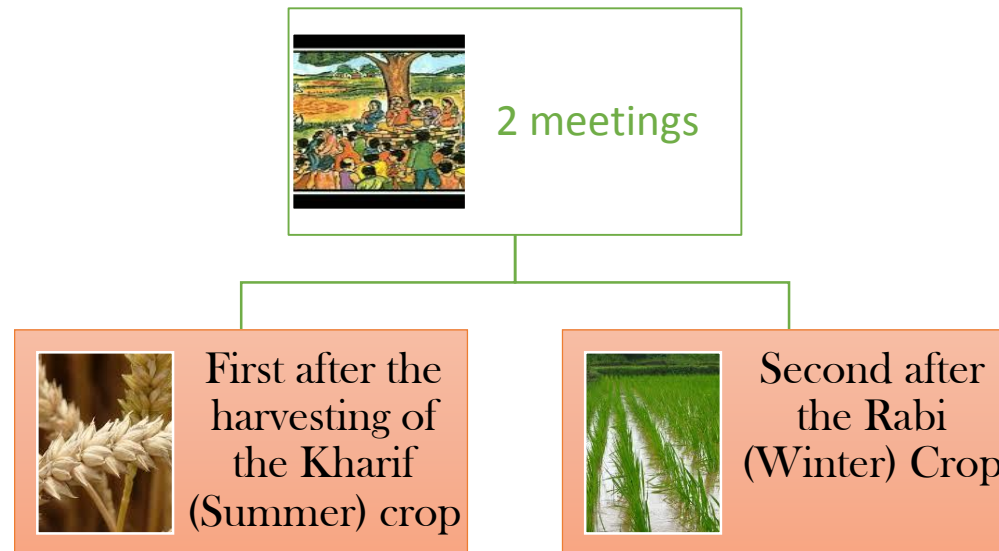
**PANCHAYATI RAJ** was constitutionalised through the 73<sup>rd</sup> Amendment Act of 1992.

RAJASTHAN (Nagaur district) was the first state to establish the institution of PANCHAYATI RAJ.

\*on 2<sup>nd</sup> October 1959 by Pt. J L NEHRU.

## GRAM SABHA

The GRAM SABHA has at least 2 meetings in a year



## TENURE OF THE GRAM PANCHAYAT:

- According to Art. 243 E- Every Panchayat should have a 5 year term
- In the event of dissolution election would be compulsorily held within 6 months
- The reconstituted Panchayat would serve for the remaining period of 5 year term

- ❖ The Pradhan can convene a special meeting of the Sabha if he likes
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- ❖ The quorum of the meeting is  $1/5^{\text{th}}$  of the total membership
- ❖ The meeting will have to be adjourned for want of quorum

## FUNCTIONS OF GRAM SABHA:

- FUNCTIONS OF GRAM SABHA:
- Consider new taxes
- Consider new taxes
- If the Gram Sabha Pradhan (PRESIDENT) or the vice-president are not working properly, they can be removed by  $2/3^{\text{rd}}$  member of the GRAM SABHA pass a resolution. \*on special majority 14 days by notice

## GRAM PANCHAYAT

- The members are elected by the Gram Sabha.
- The Pradhan and the vice-pradhan are the ex-officio member of the Gram Panchayat

## MEETINGS OF GRAM PANCHAYAT

- The Gram Panchayat usually meets once a month
- The meeting is presided over by the Sarpanch
- All decisions are taken by majority vote (2/3<sup>rd</sup> member)
- In the event of a tie, the Sarpanch has the CASTING VOTE

## DISTRICT PANCHAYATI RAJ / ZILA PARISHAD

- TERM- 5 years
- The Zila Parishad supervises the activities of the Panchayat Samities and the Gram Panchayat.
- The Zila Parishad examines and approves the budget of the Panchayat Samities.



# IMPORTANT NOTES

- All the seats in a panchayat are filled by direct election
- The CHAIRPERSON of each Panchayat is elected according to the law passed by the state
- Seats are reserved in the Panchayat for Scheduled Castes & Scheduled Tribes in proportion to their population  
\*\*\*\*out of the reserve seats, 1/3<sup>rd</sup> are reserved for women belonging to the S.Cs & S.Ts
- 1/3<sup>rd</sup> of the total seats to be filled by direct election are reserved for women. \*BIHAR is the 1<sup>st</sup> state to give 50% reservation to women followed by M.P. and UTTARAKHAND
- Every Panchayat can continue for 5 years from the date of it's first meeting
- It can be dissolved earlier in accordance with the state laws.
- All persons above 21 years of age are qualified to be a member of the state legislature qualified as a member of a panchayat.
- Every 5 years, the state appoints a FINANCE COMMISSIONER to review the financial position of the Panchayats and make recommendations.
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# MUNICIPALITIES

Art 243P – Art  
243ZG

- It emerged as the 74<sup>th</sup> constitutional Amendment Act of 1992 and came into force on 1<sup>st</sup> June 1993
- This act contains Part IX-A of the constitution of India.
- The Act of Municipality added the 12<sup>th</sup> schedule to the constitution
- It contains 18 functional items of the municipalities and deals with Art 243.

## 3 types of Municipalities

For URBAN AREA

**MUNICIPAL CORPORATION**

-For a large urban area

**NAGAR PANCHAYAT**

-For a transitional area, that is to say an area in transition from rural to urban

-Population of more than 10,000 but less than 20,000

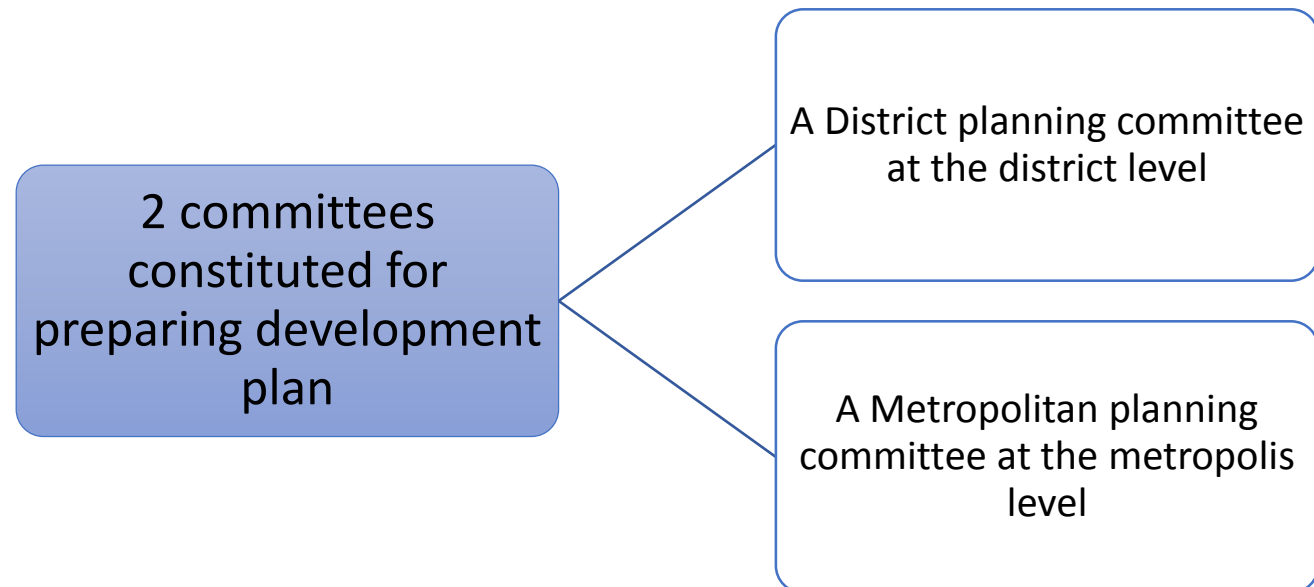
**MUNICIPAL COUNCIL**

-Smaller urban area  
-Population of area- 50,000  
-Density of population- 400 people per sq. km  
-The 75% of employment is non-agricultural

- Art 243-S provides for the constitutions of wards committees consisting of one or more wards, within the territorial area of a Municipality having a population of 3 lakhs or more
- The municipality's members are generally elected by direct election
- Seats reserved for S.C & S.T (as per population)
- Out of the total number of seats, at least 1/3<sup>rd</sup> seats would be reserved for women.
- Person who have attained the age of 21 years will be eligible to be a member.

The Legislature of state can provide for representation in municipalities of:

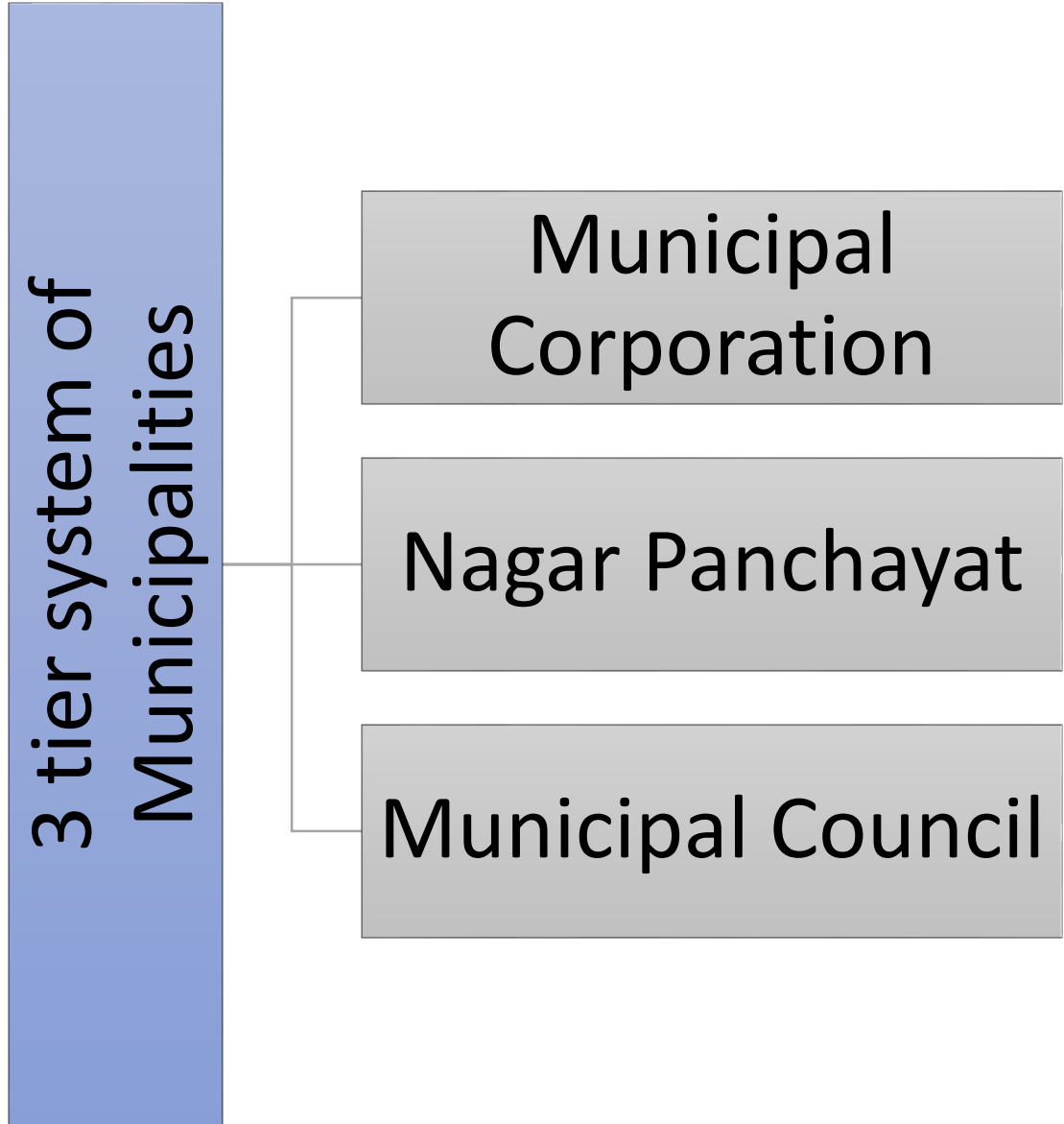
- a) Persons having special knowledge experience in municipal administration
- b) The chair persons of ward committees



# IMPORTANT WORK

- Road transport service
- Supply & electricity
- Planning of social & economy development
- Lighting, watering and cleansing of the public street and public places.
- Scavenging, removal and removal of rubbish
- Environment related work
- Birth and death registration

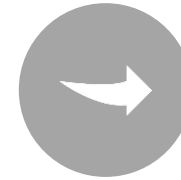
Important points  
(74<sup>th</sup> Amendment)



# IMPORTANT POINTS



1/3<sup>rd</sup> of the total seats to be filled by direct election in every municipality is reserved for women.



Seats are reserved in municipality for S.C & S.T in proportion to their population.



Municipality can continue for 5 years from the date of it's first meeting.



It can be dissolved earlier in accordance with state law



In the event of dissolution election would be compulsorily held within 6 months.



In 2009, Central Govt. said to give 50% reservation to women.

## References and Further Readings

- Chakrabarty Bidyut and Mohit Bhattacharya (ed), 2003, Public Administration : A Reader, Oxford University Press, New Delhi.
- Joshil. R. P. and G.S. Narwani, 2002, Panchayat Raj in India: Emerging Trends Across the states, Rawat Publications, Jaipur, New Delhi.
- Bhattacharya Mohit, 1999, Restructing Public Administration : Essays in Rehabilitation, Jawahar Publishers & Distributors, New Delhi.
- Arora Ramesh K. (ed)., 2001, Management in Government : Concerns and Priorities, Aalekha Publishers, Jaipur.
- The Constitution (Seventy Fourth Amendment) Act, 1992, Government of India, New Delhi.
- The Constitution (Seventy Third Amendment) Act, 1992. Government of India, New Delhi.



## Activities

- Prepare a small note on local self government institutions structure powers and functions of your district
- Examine the implementation of XIth and XIIth Schedules of 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Acts in rural and urban local governments of your state and prepare a report