LOCAL GOVERNMENT: PANCHAYATI RAJ & MUNICIPALITIES – State List

• PANCHAYATI RAJ – RURAL SELF GOVT

• EVOLUTION


– BALWANT RAI MEHTA COMMITTEE recommended: democratic decentralization

✓ 3-tire Panchayat system [organically linked]
✓ planning & developmental activities
✓ district collector – chair of zilla parishad
✓ adequate resources
• 1959- Rajasthan – 1st to implement
• Study team & committees (1960 - 1976): 13
• 1976- Committee on Community Development & Panchayat Raj – Daya Choubey

1977- GOI: ASHOK MEHTA COMMITTEE

Recommendation

✓ 2-tier
✓ zilla parishad executive body
✓ official participation of political parties
✓ compulsory powers of taxation
✓ regular social audit
✓ elections within 6 months
✓ voluntary agencies
✓ reservation for SCs & STs
✓ constitutional recognition
• 1985 – Planning Commission: GVK Rao, conclusion: Bureaucratization of development administration

Recommendation

✓ Zilla Parishad to be pivot of democratic decentralization
✓ decentralized district planning
✓ post of District Development Commissioner

Note: 1984, Hanumantha Rao – stressed the role of Dt. Collector
1986, GoI: L M Singhvi for Revitalisation of Panchayats

Recommendation

 ✓ Constitutional recognition
 ✓ Free and fair elections
 ✓ Establishment of Nyaya Panchayats
 ✓ Financial resources
 ✓ Judicial tribunals for election controversies

Constitutional Status for Panchayats

Rajiv Gandhi – V.P. Singh – Narasimha Rao

Source: Laxmikanth
• 73rd Amendment Act, 1992, CiF in 1993

SIGNIFICANCE

- Added a Part-IX to constitution
- Articles: 243 to 243O
- 11th Schedule [243 G]
- Practical shape to Art. 40
- Justiciable part
SALIENT FEATURES

- Gram Sabha – All registered voters
- 3-tier but, state not exceeding 20 Lakh
- Members directly elected in all levels
- Reservation of seats for SCs STs [in proportion to population] & Women [1/3\(^{rd}\) ] but backward = state
- 5 year term if dissolution within 6 months
- 21 years
- State Election Commission [Governor appointed but removal like high court judge i.e. by President on the recommendation of Parliament]
- Power for planning economic development & social justice
- 29 matters in the 11\(^{th}\) schedule
- Finance Commission [Governor]
- For UTs President may direct
- Exempted States & Areas - J&K, NL, ME, MI and Scheduled areas – Parliament may extend – 1996 Act

CCE-PDPU  http://www.pdpu.ac.in/  VenkataKrishnan  Source: Laxmikanth
11\textsuperscript{th} Schedule items - H. work

Compulsory Provisions of 73\textsuperscript{rd} 1992A. Act

- Gram Sabha - Art.243 A
- 3 tier
- Direct elections of members at 3 levels
- Indirect to Chairperson at intermediate & Zilla
- 21 years
- Reservation - Art.243D
- 5 years term & within 6 months elections
- State Election Commission - Art.243K
- State Finance Commission - Art.243I

Source: Laxmikanth
Voluntary Provisions of 73rd 1992 A. Act
✓ Representation to MPs, MLAs & MLCs
✓ Reservation for backward classes
✓ Making Panchayat as autonomous bodies – by financial powers, power to plan

Panchayats Extension to the Scheduled Areas Act, 1996

Part IX not applicable to 5th Schedule areas-Nine states having such areas-Parliament extended through this Act- to evolve a suitable administrative frame work consistent with traditional practices.
Some important features PESA

✓ Reservation to Tribes – one-half of seats (50%)
✓ All level chairperson seats for STs
✓ State may nominate (not exceed 1/10th) STs having no representation in intermediate or district level
✓ For land acquisition consultation required with Gram Sabha or appropriate level but implementation coordination state level
✓ Prior recommendation of Gram Sabha or appropriate level mandatory for exploitation of minor minerals
• 83rd A. Act – 2000 ARP to dispense SCs reservation
Urban Local Government – 74th C. A. Act, 1992

- 8 types
  - Municipal Corporation
  - Municipality
  - Notified Area Committee
  - Town Area Committee
  - Cantonment Board
  - Township
  - Port Trust
  - Special Purpose Agency

- Central level a subject of
  - Ministry of Urban Development
  - Ministry of Defence
  - Ministry of Home Affairs for UTs
• Evolution

✓ 1687-88 – 1st Municipal Corporation – Madras

✓ 1726 – Bombay & Calcutta

✓ 1870 – Mayo’s resolution on financial decentralisation

✓ 1882 – Rippon’s resolution – Magna Carta of local self government

✓ 1907/09 – Hobhouse commission on decentralisation

✓ 1919 – Dyarchy – transferred subject

✓ 1924 – Cantonment Act

✓ 1935 – local self-government a provincial subject

Source: Laxmikanth
• Committees & Commission: H. Work
• 74th C. A. Act, 1992
• Part IX –A Art 243 P to 243 ZG
• 18 functional items

**Salient Features of the Act**

3 types of Municipalities in every state

✓ A Nagar Panchayat- area in transition
✓ Municipal Council – Small Urban Area
✓ Municipal Corporation – Large Urban Area
✓ Members - direct election
✓ Wards - territorial constituencies
✓ Chairperson – State provide the manner of election
✓ Wards Committee – 3 lakhs or more Population
✓ Reservation of seats for SCs STs [in proportion to population] & Women [1/3rd] but backward = state
✓ 5 year term if dissolution within 6 months
✓ 21 years
✓ State Election Commission [Governor appointed but removal like high court judge i.e. by President on the recommendation of Parliament]
✓ Power for planning economic development & social justice
✓ 18 matters in the 12th schedule
✓ Finance Commission [Governor]
✓ For UTs President may direct
✓ Exempted Areas – Scheduled areas...
District Planning Committee – 4/5th members elected by members of Panchayats and Municipalities in proportion to rural to urban population - to consolidate the plans prepared by Panchayats and Municipalities in the district

Metro Planning Committee – 2/3rd members elected by members of Municipalities and chairpersons of Panchayats in proportion to respective populations
✓ **Municipal Corporation**
Established by state legislation and for UT Parliament
3 Authorities:
- Council – deliberative & legislative wing – elected and nominated
  - Mayor (ornamental post) not executive powers
- Standing Committees (function based) – facilitate Council working
- Commissioner – CEA

✓ **Municipality:** Towns & Smaller Cities
Municipal Chairperson/President – enjoys executive powers

✓ **Notified Area Committee**
For a fast developing town, established by state govt notification, entirely nominated body (neither elected nor statutory)

✓ **Town Area Committee**
For small town
Semi-municipal authority with limited functions
Created by state by an Act
Wholly/Partly elected or Wholly/Partly nominated
✓ Cantonment Board

Act of 2006 (Act of 1924 Repealed)

Under MoD

62 Cantonments

Partly elected [5 years] & partly nominated [as long in that station]

Ex-officio President – Commanding Officer of the station

Vice-president – elected by elected members

Executive officer – appointed by President of India
✓ Township
Established by the large public enterprises
Appointed administrator – NO elected members

✓ Port Trust
Created by an Act of Parliament
To manage & protect ports & Civic Amenities
Chairperson – Official
Both elected & nominated

✓ Special Purpose Agency/ Functional Local Bodies
States set up to perform specific functions (Housing, Water, Electricity, Pollution…)- NOT subordinate to local municipal bodies - Gandhinagar Urban Development Authority
Municipal Personnel

✓ Separate – each local body - Non-transferable
✓ Unified Personnel System – state Gov. – transferable between local bodies
✓ Integrated – no difference between local civil service and state civil service

Various Institutes for training – H.WORK

Nur-ud-din Ahmed - Municipality
Central Council of Local Government

- Set up in 1954 under Art 263 by an order of the President
- From 1958 ONLY urban local Gov.
- Advisory Body
- Chairman – Union Minister of Urban...

Census definition of Urban areas
(a) all places with a Municipality, Corporation or Cantonment or Notified Town Area
(b) all other places which satisfied the following criteria:
   (i) a minimum population of 5,000.
   (ii) at least 75% of the male working population was non-agricultural.
   (iii) a density of population of at least 400 sq. Km. (i.e. 1000 per sq. Mile)