

LOCAL GOVERNMENT: PANCHAYATI RAJ & MUNICIPALITIES – State List

- **PANCHAYATI RAJ – RURAL SELF GOVT**
- **EVOLUTION**
 - 1957, GOI: BALWANT RAI MEHTA COMMITTEE – to examine & suggest - Community Development Programme[1952] & National Extension Service [1953]
 - 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**

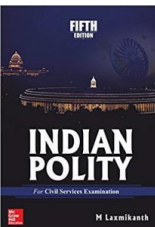
- ✓ **2-tier**
- ✓ **zilla parishad executive body**
- ✓ **official participation of political parties**
- ✓ **compulsory powers of taxation**
- ✓ **regular social audit**
- ✓ **elections within 6 months**
- ✓ **voluntary agencies**
- ✓ **reservation for SCs & STs**
- ✓ **constitutional recognition**

- **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, Gol: 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

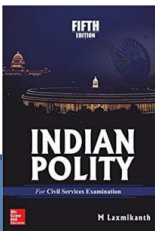
Constitutional Status for Panchayats

~~Rajiv Gandhi – V.P. Singh – Narasimha Rao~~

- **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**



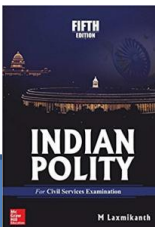
SALIENT FEATURES

- ✓ 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 [1/3rd] 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
- ✓ 29 matters in the 11th 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

- **11th Schedule items- H. work**

Compulsory Provisions of 73rd 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**

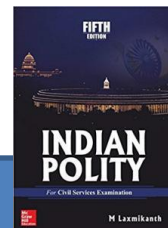


Voluntary Provisions of 73rd 1992 A. Act

- ✓ Representation to MPs, MLAs & MLCs
 - ✓ Reservation for backward classes
- ✓ Making Panchayat as autonomous bodies – by financial powers, power to plan

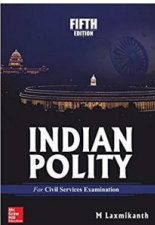
Panchayats Extension to the Scheduled Areas Act, 1996

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.

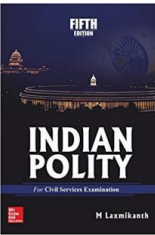


Some important features PESA

- ✓ **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**

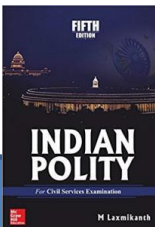
- **Committees & Commission: H. Work**
- **74th C. A. Act, 1992**
- **Part IX –A Art 243 P to 243 ZG**
- **18 functional items**

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

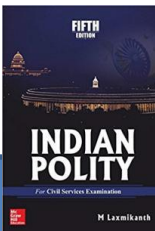
62 Cantonments

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

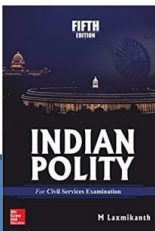
States set up to perform specific functions (Housing, Water, Electricity, Pollution...)- NOT subordinate to local municipal bodies - Gandhinagar Urban Development Authority

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)**

