



LOCAL SELF GOVERNANCE

(PANCHAYATS & MUNICIPALITIES)

SIGNIFICANCE

- Bedrock of democracy
- Direct democracy
- More capable form of govt
- More economical level of government

SIGNIFICANCE

- Reduce burden of higher levels of governance
- Sensitizes local bureaucracy to local needs
- Effective local self governance makes decentralization a reality
- Better position to recognise and tap local talent and resources

Previous Year Question

Q. The fundamental object of Panchayati Raj system is to ensure which among the following

1. People's participation in development
2. Political accountability
3. Democratic decentralization
4. Financial mobilization

Select the correct answer using the code given below. (2015)

- | | |
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| (a) 1, 2 and 3 only | (b) 2 and 4 only |
| (c) 1 and 3 only | (d) 1, 2, 3 and 4 |

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Constitutional Provisions

- DPSP Art 40: Organisation of village panchayats 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.
- Schedule VII: State List – Entry 5

Panchayats

Part IX - Art 243 to 2430

Evolution of Panchayati Raj

- Community Development Programme
- Balwant Rai Mehta Committee (1957)
- Ashok Mehta Committee (1977-1978)
- G V K Rao Committee (1985)
- Gadgil Committee (1988)

73rd Amendment Act'92

- 3-tier system with 4 institutions was set up.
- Art 243 to 243O (added a new XIth Schedule which contains 29 functional items)

Mandatory Provisions

- Provides for a three-tier system of Panchayati raj in every state.
- All the members of panchayats at the village, intermediate and district levels shall be elected directly by the people.
- Reservation of seats for SC & ST in every panchayat & reservation of not less than one-third of the total number of seats for women.

Mandatory Provisions

- 5-year term of office to the panchayat at every level (min. age to contest - 21 years)
- State Election Commissioner to be appointed by the Governor & removal like HC judge.
- Governor shall constitute a Finance Commission after every 5 years to review the financial position of the Panchayats.

Previous Year Question

Q. If a Panchayat is dissolved, elections are to be held within (2009)

(a) 1 month

(b) 3 months

(c) 6 months

(d) 1 year

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Mandatory Provisions (Flexibility in Implementation)

Art 243G

Art 243H

243G - Powers, authority and responsibilities of Panchayats

Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to—

- (a) the preparation of plans for economic development and social justice;
- (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

Schedule XI

- Agriculture, including agricultural extension.
- Land improvement, implementation of land reforms, land consolidation and soil conservation.
- Minor irrigation, water management and watershed development.
- Animal husbandry, dairying and poultry.
- Fisheries.
- Small scale industries, including food processing industries.
- Rural housing.
- Drinking water.
- Education, including primary and secondary schools.
- Women and child development.
- Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.

243H - Powers to impose taxes by, and Funds of, the Panchayats

The Legislature of a State may, by law

- (a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law.

Optional Provisions

- Giving representation to MPs & MLAs.
- Providing reservation of seats (both members and chairpersons) for backward classes in panchayats at any level.
- Devolution of powers and responsibilities upon panchayats to prepare plans for economic development and social justice; and to perform some or all of the 29 functions in XIth Schedule.
- Granting financial powers to the panchayats, that is, authorizing them to levy, collect and appropriate taxes, duties, tolls and fees.

Previous Year Question

Q. Consider the following statements:

1. The minimum age prescribed for any person to be a member of Panchayat is 25 years.
2. A Panchayat reconstituted after premature dissolution continues only for the remainder period.

Which of the statements given above is/are correct? (2016)

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| (a) 1 only | (b) 2 only |
| (c) Both 1 and 2 | (d) Neither 1 nor 2 |

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Q. Which one of the following authorities makes recommendation to the Governor of a State as to the principles for determining the taxes and duties which may be appropriated by the Panchayats in that particular State? (2010)

- (a) District Planning Committees
- (b) State Finance Commission
- (c) Finance Ministry of that State
- (d) Panchayati Raj Ministry of that State

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Fundamental problems of PRIs

- The absence of adequate political & bureaucratic will and vision.
- Narrow context of improving Service Delivery.
- Persistent efforts to postponement of elections.

Fundamental problems of PRIs

- Social environment in rural India is not conducive for grass root democracy.
- 5 year rotational policy.
- Problem of proxy candidates.

Fundamental problems of PRIs

- Creamy layer has benefited more.
- Violent backlash against assertive Dalits.
- Restrictive qualification is imposed by several States.

Fundamental problems of PRIs

- Corruption in PRIs.
- Continuance of parallel agencies & parallel programs
- Increasing criminality and rampant use of money and muscle power local elections.

Fundamental problems of PRIs

- Domination of senior political leaders in local bodies.
- Organisational structure of panchayats is inadequate.
- Very poor devolution of 3 Fs

Impact on Women

Challenges

2nd ARC Recommendations

- The word 'may' in Art 243 G should be replaced with the word 'shall'.
- Avoid making local legislators as members of local bodies.
- Utilisation of LCs
- Appointment of SECs.

2nd ARC Recommendations

- GoI should draft a framework for laying down the broad principles of devolution of funds.
- Enhancing capacity building of PRI functionaries
- SFC report and ATRs must be submitted within 6 months
- Winding up of parallel programmes & bodies.

MUNICIPALITIES

Part IXA (Art 243P – Art 243ZB)

74th Amendment Act'92

- It also added Schedule XII (containing 18 functional items)
- Provisions w.r.t. Municipalities are analogous to Panchayats.

Categories of Municipalities

- Municipal Corporation (larger urban area)
- Municipal Council (smaller urban area)
- Nagar Panchayat (transitional area)

Bodies under Part IX

- Bodies for self-governance
- Bodies for grass-root planning
 - ❑ District planning Committee
 - ❑ Metropolitan Planning Committee

District Planning Committee

- Members – 4/5th members elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district.
- Purpose - Prepare a draft development plan for the district as a whole.

Metropolitan Planning Committee

- Members – 2/3rd members elected by, and from amongst, the elected members Municipalities & Chairpersons of Panchayats in the district.
- Purpose - Prepare a draft development plan for the district as a whole.

Previous Year Question

Q. Consider the following statements:

In India, a Metropolitan Planning Committee

1. is constituted under the provisions of the Constitution of India.
2. prepares the draft development plans for metropolitan area.
3. has the sole responsibility for implementing Government sponsored schemes in the metropolitan area.

Which of the statements given above is/are correct? (2011)

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Previous Year Question

Q. The Constitution (Seventy-Third Amendment) Act, 1992, which aims at promoting the Panchayati Raj Institutions in the country, provides for which of the following?

1. Constitution of District Planning Committees.
2. State Election Commissions to conduct all panchayat elections.
3. Establishment of State Finance Commissions.

Select the correct answer using the codes given below: (2011)

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Patterns of Municipal Administration

Bombay Pattern

Patterns of Municipal Administration

Howrah Pattern

Problems of Urban Administration

- Unplanned & haphazard urbanisation
- Massive corruption in Municipal bodies
- Excessive government control and poor delegation of 3Fs
- Inadequate capacity building of local body functionaries

Problems of Urban Administration

- Absence of urban way of life
- Lack of quality leadership at city level
- Politically the focus is still on rural areas.
- Existence of parallel bodies

2nd ARC recommendations

- Set up 2nd National Commission on Urbanisation.
- Give representation to non-resident stakeholders in local governance.
- Undertake comprehensive property tax reforms.
- Ceiling on Professional Tax under article 276 should be revised periodically.

2nd ARC recommendations

- Enhance fines for civic offenses.
- Municipalities should be encouraged to access capital market through instruments such as bonds.
- Encourage bigger municipalities to run Municipal Enterprises example bus services.

Types of Urban Local Govts.

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