

Chapter Eight

LOCAL

GOVERNMENTS

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1. WHY LOCAL GOVERNMENTS?

Definition: Local governments refer to the grassroots level of government that operates at the local or community level within a country's administrative hierarchy. These governments are responsible for addressing the immediate needs and concerns of local residents within their jurisdiction.

Explanation: Local governments are essential because they bring governance closer to the people. They are best suited to understand and respond to the unique challenges and requirements of a specific area. By decentralizing power and decision-making, local governments empower communities to participate in their own development. They play a crucial

role in delivering essential services such as education, healthcare, sanitation, and infrastructure to citizens.

Example: Municipal corporations, panchayats, and village councils are examples of local governments in India. These bodies manage local affairs, collect taxes, plan and execute development projects, and represent the interests of the community at the grassroots level.

Relevant Article: Article 243 of the Indian Constitution deals with the organization of Panchayats, providing the constitutional framework for local governments in India.

2. GROWTH OF LOCAL GOVERNMENT IN INDIA

Definition: The growth of local government in India refers to the historical development and evolution of decentralized governance structures, including the expansion of local government institutions and their increasing roles and responsibilities.

Explanation: Local government in India has grown significantly over the years. Initially, it was limited in scope and authority, but with time, the government recognized the importance of decentralization. The growth of local government is marked by constitutional amendments, such as the 73rd and 74th Amendments, which devolved powers to Panchayats and

Municipalities. This growth reflects a commitment to grassroots democracy, participatory governance, and the principle of subsidiarity.

Example: The 73rd and 74th Amendments in 1992 marked a watershed moment in the growth of local government in India. These amendments provided constitutional recognition and autonomy to Panchayats and Municipalities, enhancing their role in local development and governance.

Relevant Article: The relevant articles are Article 243A to Article 243ZG, which outline the provisions related to Panchayats and Municipalities after the 73rd and 74th Amendments.

3. Local Governments in Independent India

Definition: Local governments in independent India refer to the decentralized governing bodies established after India gained independence from British colonial rule in 1947. These governments operate at the grassroots level and are responsible for local administration and development.

Explanation: Following independence, India recognized the importance of grassroots democracy and local governance. Various committees and commissions recommended the establishment of Panchayati Raj and urban local bodies. As a result, local governments, including Panchayats and Municipalities, were established to promote participatory democracy and ensure efficient delivery of services to citizens at the local level.

Example: The establishment of Gram Panchayats, Panchayat Samitis, and Zila Parishads in rural areas and Municipal Corporations, Municipal Councils, and Municipal Committees in urban areas are examples of local governments in independent India.

Relevant Article: Articles 243A to 243ZG and Articles 243H to 243ZT of the Indian Constitution provide the legal framework for local governments in independent India.

4. 73rd and 74th Constitution Amendment Acts

Definition: The 73rd and 74th Constitution Amendment Acts, passed in 1992, are legislative amendments to the Indian Constitution aimed at decentralizing power and strengthening local self-governance in rural and urban areas, respectively.

Explanation: These amendment acts provided constitutional status to Panchayats (rural local bodies) and Municipalities (urban local bodies) in India. They devolved political, administrative, and financial powers to these local governments, empowering them to manage local affairs, plan for development, and provide essential services. The amendments aimed to enhance grassroots democracy and promote community participation in decision-making.

Example: The 73rd and 74th Amendments introduced several key provisions, including reservations for women in local bodies, the

establishment of State Election Commissions, and the formation of State Finance Commissions to ensure financial autonomy for local governments.

Relevant Article: Article 243G of the Indian Constitution, introduced by the 73rd Amendment, mandates the setting up of State Finance Commissions to recommend financial arrangements for Panchayats.

5. Article 243G

Definition: Article 243G is a provision in the Indian Constitution that deals with the establishment and composition of State Finance Commissions. These commissions play a crucial role in recommending financial arrangements for Panchayats in the respective states.

Explanation: Article 243G mandates that every state in India shall constitute a State Finance Commission every five years to review and recommend the principles governing:

- The distribution of net proceeds of taxes between the state government and Panchayats.
- The determination of grants-in-aid to Panchayats from the state's consolidated fund.
- The measures needed to improve the financial position of Panchayats.

This article ensures that Panchayats have access to adequate financial resources to carry out their functions effectively.

Example: State Finance Commissions have been constituted in various states following the recommendations of the 73rd and 74th Amendments to the Indian Constitution. These commissions have played a crucial role in allocating funds to Panchayats and Municipalities for local development.

Relevant Article: Article 243G of the Indian Constitution.

6. State Election Commissioners

Definition: State Election Commissioners (SECs) are constitutional authorities responsible for the conduct and supervision of elections to Panchayats and Municipalities within their respective states.

Explanation: The 73rd and 74th Amendments to the Indian Constitution mandated the establishment of SECs in every state to ensure free and fair elections at the local level. SECs are responsible for preparing electoral rolls, announcing election schedules, conducting elections, and resolving disputes related to local body elections. They play a crucial role in upholding the principles of democracy and local self-governance.

Example: In states like Maharashtra, Andhra Pradesh, and Karnataka, SECs have been appointed to oversee the conduct of elections to Panchayats and Municipalities. They ensure that elections are conducted impartially and in accordance with the law.

Relevant Article: The provisions related to State Election Commissions are found in Articles 243K and 243ZA of the Indian Constitution.

7. IMPLEMENTATION OF 73RD AND 74TH AMENDMENTS

Definition: Implementation of the 73rd and 74th Amendments refers to the process of incorporating the constitutional changes introduced by these amendments into the functioning of local governments in India.

Explanation: After the 73rd and 74th Amendments were passed in 1992, states had to adapt their legal and administrative frameworks to align with the new constitutional provisions. This involved conducting elections for Panchayats and Municipalities, establishing State Election Commissions, and defining the functions, powers, and responsibilities of local governments. Implementation also included devolving financial resources and administrative authority to these bodies.

Example: The implementation of these amendments varied from state to state. Some states made swift progress in devolving powers to Panchayats and Municipalities, while others faced challenges in fully implementing the provisions.

Relevant Articles: Articles 243A to 243ZT, which encompass the provisions of the 73rd and 74th Amendments, were implemented across India to strengthen local self-governance.

1. Constitution of India visualised village panchayats as units of self-government.

Think over the situation described in the following statements and explain how do

these situations strengthen or weaken the panchayats in becoming units of self-government.

a. Government of a State has allowed a big company to establish a huge steel plant. Many villages would be adversely affected by the steel plant. Gram Sabha of one of the affected villages passed a resolution that before establishing any big industries in the region, village people must be consulted and their grievances should be redressed.

b. The government has decided that 20 % of all its expenditure would be done through the panchayats.

c. A village panchayat kept on demanding funds for a building for village school, the government officials turned down their proposal saying that funds are allocated for certain other schemes and cannot be spent otherwise.

d. The government divided a village Dungarpur into two and made a part of village Jamuna and Sohana. Now village Dungarpur has ceased to exist in government's books.

e. A village panchayat observed that water sources of their region are depleting fast. They decided to mobilise village youth to do some voluntary work and revive the old village ponds and wells.

Answer

a. **Strengthening Panchayats:** The resolution passed by the Gram Sabha of the affected village to consult people and address grievances before establishing big industries strengthens the panchayats' role in self-government. It empowers the local community to have a say in decisions that directly affect them. This

demonstrates local participation and decision-making, which are essential components of self-governance.

b. **Strengthening Panchayats:** The government's decision to allocate 20% of its expenditure through panchayats strengthens their role in self-government. This allocation of funds allows panchayats to have financial autonomy and the ability to plan and execute development projects according to local needs and priorities.

c. **Weakening Panchayats:** Government officials turning down the village panchayat's request for school building funds weakens the panchayats in becoming units of self-government. It indicates a lack of financial independence and the inability to make decisions about local development projects. Panchayats should have the authority to allocate funds according to local requirements.

d. **Weakening Panchayats:** The government's decision to divide a village and eliminate it from its records weakens the panchayats as units of self-government. This change diminishes the territorial jurisdiction of the panchayat, reducing its ability to represent and serve the entire community effectively.

e. **Strengthening Panchayats:** The initiative taken by the village panchayat to mobilize youth for voluntary work on water sources revitalization strengthens the panchayats in their self-government role. It demonstrates their commitment to addressing local issues and their proactive approach to solving problems, reflecting the essence of local self-governance.

2. Suppose you are entrusted to evolve a local government plan of a State, what powers would you endow to the village panchayats to function as units of self-

government? Mention any five powers and the justification in two lines for each of them for giving those powers.

Answer

If entrusted to evolve a local government plan for a State, I would endow village panchayats with the following powers, along with justifications for each:

1. **Fiscal Autonomy:** Village panchayats should have the authority to collect and manage local taxes and revenues.
 - **Justification:** Fiscal autonomy enables panchayats to fund local development projects and services efficiently, reducing dependence on higher authorities.
2. **Local Planning and Budgeting:** Panchayats should be responsible for formulating local development plans and budgets.
 - **Justification:** Local planning and budgeting ensure that projects align with community needs and priorities, promoting effective governance.
3. **Resource Allocation:** The power to allocate resources and funds for various local projects and services should rest with the panchayats.
 - **Justification:** Resource allocation by panchayats allows for targeted investments in essential areas, fostering equitable development.
4. **Decision-Making on Local Issues:** Panchayats should have jurisdiction over local matters such as land use, sanitation, and infrastructure development.

- **Justification:** Local decision-making empowers communities to address issues specific to their region, enhancing participatory governance.
5. **Conflict Resolution:** Panchayats should be authorized to mediate and resolve disputes at the local level.
- **Justification:** Local conflict resolution ensures speedy and culturally sensitive solutions, promoting harmony within the community.

These powers would empower village panchayats to effectively function as units of self-government, fostering local democracy and development.

3. What are the provisions for the reservations for the socially disadvantaged groups as per the 73rd amendment? Explain how these provisions have changed the profile of the leadership at the village level.

Answer

The provisions for reservations for socially disadvantaged groups, as per the 73rd Amendment to the Indian Constitution, have significantly changed the profile of leadership at the village level. These provisions are as follows:

1. **Reserved Seats:** The amendment mandates that seats in panchayats (both at the rural and urban levels) are reserved for Scheduled Castes (SCs), Scheduled Tribes (STs), and women in proportion to their population in the local area.
2. **Rotation of Reserved Seats:** To ensure broader representation, the reserved seats are rotated in every election cycle.

3. **Women's Reservation:** At least one-third of the total seats are reserved for women in all tiers of panchayats.
4. **Chairperson's Position:** In many States, the position of the panchayat president (sarpanch) is reserved for either SCs or STs on a rotation basis.
5. **Participation of Weaker Sections:** The amendment aims to ensure that the weaker sections of society, particularly SCs, STs, and women, have a greater say in local governance.

These provisions have changed the profile of leadership at the village level in several ways:

- **Inclusivity:** The reservation policy has increased the participation of socially disadvantaged groups in the decision-making process, making local governance more inclusive.
- **Empowerment of Women:** Women's reservation has led to the emergence of female leaders in panchayats, empowering women and addressing gender disparities.
- **Diverse Representation:** Reserved seats ensure that leaders from diverse backgrounds represent the community, reflecting the pluralistic nature of Indian society.
- **Social Justice:** These provisions promote social justice by addressing historical injustices and promoting equitable development.

- **Enhanced Accountability:** Leaders from marginalized backgrounds are more likely to prioritize the needs of their communities, leading to better governance and accountability.

73rd Amendment has played a crucial role in transforming the leadership landscape at the village level, promoting social inclusion, and advancing grassroots democracy.

4. What were the main differences between the local governments before 73rd amendment and after that amendment?

Answer

The 73rd Amendment to the Indian Constitution brought about significant changes in local governments, introducing several key differences before and after the amendment:

Before the 73rd Amendment:

1. **Lack of Constitutional Status:** Local governments, such as panchayats and municipalities, did not have a constitutional status. They were governed by state laws that could be changed at the discretion of state governments.
2. **Limited Powers:** The powers and functions of local governments were limited and often subject to interference from state governments. They had little autonomy in decision-making.
3. **Inadequate Representation:** There was often inadequate representation of marginalized and disadvantaged groups like Scheduled Castes (SCs), Scheduled Tribes (STs), and women in local government bodies.

4. **Lack of Accountability:** Due to limited financial resources and dependence on state governments, local bodies faced challenges in delivering services efficiently, which affected their accountability.

After the 73rd Amendment:

1. **Constitutional Status:** The amendment provided constitutional status to panchayats, ensuring their existence and powers are protected by the Constitution.
2. **Decentralization of Powers:** Local governments gained significant powers and functions related to planning, implementation, and decision-making in various local matters.
3. **Reservation for Marginalized Groups:** The amendment mandated the reservation of seats for SCs, STs, and women in panchayats, ensuring their representation and participation in local governance.
4. **Direct Elections:** The amendment introduced direct elections for panchayat members, including the sarpanch, making the electoral process more democratic and representative.
5. **Financial Autonomy:** Local governments received financial resources directly from the state governments and were authorized to collect certain taxes, enhancing their financial autonomy.
6. **Empowerment of Women:** At least one-third of the seats were reserved for women in panchayats, promoting gender equality and women's participation in decision-making.

7. Regular Elections: Regular elections are held for panchayats, ensuring democratic representation and leadership changes at the local level.

5. Read the following conversation. Write in two hundred words your opinion about the issues raised in this conversation.

Alok: Our Constitution guarantees equality between men and women.

Reservations in local bodies for women ensure their equal share in power. Neha:

But it is not enough that women should be in positions of power. It is necessary

that the budget of local bodies should have separate provision for women. Jayesh: I

don't like this reservations business. A local body must take care of all people in the village and that would automatically take care of women and their interests.

Answer

The conversation presented here highlights important issues related to gender equality, representation, and governance in the context of local bodies in India. Each participant's viewpoint reflects a different aspect of the complex debate surrounding these issues.

Alok rightly emphasizes the importance of gender equality as guaranteed by the Indian Constitution. He supports reservations for women in local bodies, a measure aimed at addressing historical gender imbalances in positions of power. This viewpoint acknowledges that representation is a crucial first step towards empowering women at the grassroots level.

Neha adds a critical dimension to the discussion by highlighting the need for more than just representation. She argues that it's not enough for women to hold positions in local bodies; there should also be a specific budget allocation to

address women's unique needs and challenges. This perspective underlines the importance of women's participation and leadership in local governance but also recognizes the necessity of dedicated resources for gender-related issues.

On the other hand, Jayesh expresses skepticism about the reservation system, advocating for a more inclusive approach. He argues that local bodies should prioritize the welfare of all community members, and by doing so, the interests of women would naturally be addressed. While his perspective seeks to promote a holistic approach to governance, it must also consider historical biases and structural inequalities that have marginalized women in the past.

In my opinion, this conversation underscores the multifaceted nature of gender equality and representation in local governance. Reservations for women are essential to address historical imbalances and provide opportunities for women to participate in decision-making. However, it is equally important to ensure that these positions translate into meaningful changes for women by allocating resources and implementing policies that specifically address their needs.

Additionally, an inclusive approach to governance is commendable, but it should be complemented by proactive measures to uplift marginalized groups, including women, and ensure their voices are heard in the decision-making process.

Ultimately, a balanced approach that combines representation, resource allocation, and holistic governance is crucial to advancing gender equality in local bodies and society as a whole.

6. Read the provisions of the 73rd Amendment. Which of the following concerns does this amendment address?

a. Fear of replacement makes representatives accountable to the people.

- b. The dominant castes and feudal landlords dominate the local bodies.
- c. Rural illiteracy is very high. Illiterate people cannot take decisions about the development of the village.
- d. To be effective the village panchayats need resources and powers to make plans for the village development.

Answer

The 73rd Amendment to the Indian Constitution primarily addresses concerns related to:

b. The dominant castes and feudal landlords dominating local bodies: The amendment introduces reservations for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) in local bodies. This provision aims to empower historically marginalized and disadvantaged groups, ensuring their participation in local governance and preventing the dominance of a few sections of society.

d. To be effective, village panchayats need resources and powers to make plans for village development: The amendment grants constitutional status to Panchayati Raj institutions (PRIs) and empowers them with the authority to prepare plans and implement schemes for economic development and social justice. It also includes provisions for financial resources, devolution of powers, and functions for local bodies, enabling them to address local developmental needs effectively.

While the other concerns mentioned (a and c) are important aspects of local governance, the 73rd Amendment primarily focuses on issues of representation, empowerment, and resource allocation to strengthen local self-governance in rural

areas. It addresses these concerns by promoting inclusivity, decentralization of powers, and adequate resource support for local bodies to undertake development activities effectively.

7. The following are different justifications given in favour of local government.

Give them ranking and explain why you attach greater significance to a particular rationale than the others. According to you, on which of these rationales the decision of the Gram panchayat of Vengaiwasal village was based? How? a.

Government can complete the projects with lesser cost with the involvement of the local community. b. The development plans made by the local people will have greater acceptability than those made by the government officers. c. People know their area, needs problems and priorities. By collective participation they should discuss and take decisions about their life. d. It is difficult for the common people to contact their representatives of the State or the national legislature.

Answer

The rationales in favor of local government can be ranked as follows, based on their significance:

1. People know their area, needs, problems, and priorities. By collective participation, they should discuss and take decisions about their life: This rationale emphasizes the importance of local self-governance as it recognizes that local communities are best equipped to understand and address their unique challenges and aspirations. Involving the people in decision-making ensures ownership and relevance in local development.

2. The development plans made by the local people will have greater acceptability than those made by government officers: This rationale highlights the aspect of community participation and acceptance of locally crafted development plans. It emphasizes that decisions made by the local community are more likely to align with their actual needs and preferences.
3. Government can complete the projects with lesser cost with the involvement of the local community: This rationale emphasizes cost-effectiveness and efficiency in project implementation when local communities are actively engaged in the process. Local involvement can reduce costs and enhance the sustainability of projects.
4. It is difficult for the common people to contact their representatives of the State or the national legislature: While this rationale underscores the importance of accessibility to decision-makers, it is ranked lower because the primary focus should be on empowering local communities for self-governance rather than addressing difficulties in contacting higher-level representatives.

The decision of the Gram Panchayat of Vengaivasal village was likely based on the rationale that "People know their area, needs, problems, and priorities." This is evident in their collective participation in discussing and making decisions about local development. The Gram Panchayat likely recognized the importance of local insights and the community's ability to identify and address their specific issues effectively, aligning with this rationale.

8. Which of the following according to you involve decentralization? Why are other options not sufficient for decentralization?

- a. To hold election of the Gram Panchayat.
- b. Decision by the villagers themselves about what policies and programmes are useful for the village.
- c. Power to call meeting of Gram Sabha.
- d. A Gram Panchayat receiving the report from the Block Development Officer about the progress of a project started by the State government.

Answer

Decentralization involves devolving decision-making authority and administrative responsibilities from higher levels of government to lower levels, particularly to local bodies. Among the options provided:

b. Decision by the villagers themselves about what policies and programs are useful for the village.

This option involves decentralization because it empowers the local villagers to make decisions about policies and programs that directly impact their village. It aligns with the principle of self-governance and local autonomy, which is a key aspect of decentralization.

The other options, however, do not encompass full decentralization:

a. To hold an election of the Gram Panchayat.

While holding elections is a step toward local governance, it does not encompass the full spectrum of decentralization. It only relates to the process of selecting local representatives but does not necessarily guarantee local decision-making authority.

c. Power to call a meeting of Gram Sabha.

This option provides a degree of participation but does not necessarily involve decentralization. Calling a meeting is a procedural aspect, and the real decentralization involves empowering the Gram Sabha with decision-making authority on various local matters.

d. A Gram Panchayat receiving a report from the Block Development Officer about the progress of a project started by the State government.

This option does not involve decentralization as it implies that the Gram Panchayat is receiving reports from a higher-level government officer about a project initiated by the State government. It does not grant local decision-making power or autonomy in shaping policies and programs.

9. A student of Delhi University, Raghavendra Parpanna, wanted to study the role of decentralization in decision making about primary education. He asked some questions to the villagers. These questions are given below. If you were among those villagers, what answer would you give to each of these questions? A meeting of the Gram Sabha is to be called to discuss what steps should be taken to ensure that every child of the village goes to the school.

a. How would you decide the suitable day for the meeting? Think who would be able to attend / not attend the meeting because of your choice.

(i) A day specified by the BDO or the collector

(ii) Day of the village haat

(iii) Sunday

(iv) Naag panchami / Sankranti

b. What is a suitable venue for the meeting? Why?

(i) Venue suggested by the circular of the district collector.

(ii) Religious place in the village.

(iii) Dalit Mohalla.

(iv) Upper caste Tola

(v) Village school

c. In the Gram Sabha meeting firstly a circular sent by the district collector was read. It suggested what steps should be taken to organise an education rally and what should be its route. The meeting did not discuss about the children who never come to school or about girls' education, or the condition of the school building and the timing of the school. No women teacher attended the meeting as it was held on Sunday. What do you think about these proceedings as an instance of people's participation?

d. Imagine your class as the Gram Sabha. Discuss the agenda of the meeting and suggest some steps to realise the goal.

Answer

a. If I were a villager, I would suggest that the meeting be held on a day when the majority of the villagers are likely to attend. In this context, Sunday would be a suitable day as it's a non-working day for many, allowing more people, including working parents, to participate. Choosing a day specified by the BDO or the

collector may not be ideal, as it might not consider the convenience of the villagers.

b. The suitable venue for the meeting should be a neutral and inclusive place that ensures the participation of all community members. In this case, the village school or a community hall could be appropriate choices. Using a religious place or specifying separate areas for different castes or communities (Dalit Mohalla or Upper caste Tola) may not promote inclusivity and equal participation.

c. The proceedings of the Gram Sabha meeting, as described, do not reflect meaningful people's participation. The meeting primarily followed the instructions of the district collector without addressing crucial local education issues, such as children not attending school and girls' education. The absence of women teachers and holding the meeting on a Sunday further limited the diversity and inclusivity of the discussion.

d. In a classroom Gram Sabha meeting, the agenda should focus on comprehensive aspects of primary education, including:

1. **Increasing enrollment:** Discuss strategies to ensure every child, especially girls and those not attending school, enrolls in the village school.
2. **Girls' education:** Develop plans and initiatives to promote girls' education, including creating a safe and supportive environment.
3. **School infrastructure:** Evaluate the condition of the school building and suggest improvements to enhance the learning environment.
4. **School timings:** Consider adjusting school timings to accommodate the needs and routines of the community, ensuring maximum attendance.

5. Involving women teachers: Encourage the active participation of women teachers in decision-making processes related to education.
6. Local initiatives: Discuss community-led programs or rallies to raise awareness about the importance of education.
7. Monitoring and evaluation: Establish mechanisms to track progress and evaluate the effectiveness of implemented strategies.

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