



Local self Government in India and provision under Indian constitution an analysis.

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I. Introduction:

Local self government plays a significant role in bringing governance to the doorstep of the common man and implementing programs tailored to local needs, thereby ensuring a vibrant democratic process at the grassroots level. Local Self Government is the management of local affairs by such local bodies who have been elected by the local people. The local self-Government includes both rural and urban government. It is the main and ground level democratic system and third level of the administration. There are 2 types of local government in operation – panchayats in rural areas and Municipalities in urban areas. Local self government essentially gives communities the freedom to govern themselves. This is facilitated by locally elected bodies that make decisions on public affairs, with the core objective of ensuring better governance at the grassroots level. Such bodies may vary in structure, ranging from councils to panchayats, and their powers can cover a variety of areas.

Panchayati Raj Institution (PRI) is a system of rural local self-government I was constitutional through the 73rd Constitutional Amendment Act, 1992 to build democracy at the grass roots level and was entrusted with the task of rural development in the country. This act has added a new Part-IX our Constitution of India. This part is entitled as 'The Panchayats' and consists of provisions from Articles 243 to 243O. The act has also added a new Eleventh Schedule to the Constitution. This schedule contains 29 functional items of the panchayats. It deals with Article 243-G. In its present form and structure PRI has completed 31 years of existence. The intense of this system political power should be decentralize and strengthen democracy at the grass root level area of rural and urban ares.

Urban Local Governments were established with the purpose of democratic decentralization in cities. There are eight types of urban local governments in India - Municipal Corporation, Municipality, Notified Area Committee, Town Area Committee, Cantonment Board, township, port trust, and special purpose agency. At the Central level the subject of 'urban local government' is dealt with by the following three Ministries. The Ministry of Urban Development was created as a separate ministry in 1985 (now Ministry of Housing and Urban Affairs). Ministry of Defense in the case of cantonment boards. Ministry of Home Affairs in the case of Union Territories. The 74th Amendment Act pertaining to urban local government was passed during the regime of Ex Prime Minister P.V. Narsimha Rao's government in 1992. It came into force on 1st June 1993. Added Part IX -A and consists of provisions from articles 243-P to 243-ZG. Added 12th Schedule to the Constitution. It contains 18 functional items of Municipalities and deals with Article 243 W.

Features of 73rd and 74th Constitutional Amendment.

. Creation of a three-tier Panchayati Raj Structure at the Zilla, Block and Village levels; Almost all posts, at all levels to be filled by direct elections; Minimum age for contesting elections to the Panchayati Raj institutions be twenty one years; The post of Chairman at the Zilla and Block levels should be filled by indirect election; There should be reservation of seats for Scheduled Castes / Scheduled Tribes in Panchayats, in proportion to their population, and for women in Panchayats up to one-third seats; State Election Commission to be set up in each State to conduct elections to Panchayati Raj institutions; The tenure of Panchayati Raj institutions is five years, if dissolved earlier, fresh elections to be held within six months; A State Finance Commission is set up in each State every five years. Giving voting rights to members of the Central and State legislatures in these bodies; Providing reservation for backward classes and The Panchayati Raj institutions

should be given financial powers in relation to taxes, levy fees etc. and efforts shall be made to make Panchayats autonomous bodies.

74th Amendment Act under Constitution nagar panchayats, municipal councils and municipal corporations in small, big and very big urban areas respectively; Reservation of seats in urban local bodies for Scheduled Castes / Scheduled Tribes roughly in proportion to their population; Reservation of seats for women up to one-third seats some states are their own reservation policy up to 50 percent particularly women. The State Election Commission, constituted in order to conduct elections in the Panchayati raj bodies (see 73rd Amendment) will also conduct elections to the urban local self governing bodies; The State Finance Commission, constituted to deal with financial affairs of the panchayati raj bodies also looks into the financial affairs of the local urban self governing bodies. Tenure of urban local self-governing bodies is fixed at five years and in case of earlier dissolution fresh elections are held within six months. Giving voting rights to members of the Union and State Legislatures in these bodies. Providing reservation for backward classes, Giving financial powers in relation to taxes, duties, tolls and fees, etc; Making the municipal bodies autonomous and devolution of powers to these bodies to perform some or all of the functions enumerated in the Twelfth Schedule added to the Constitution through this Act and/or to prepare plans for economic development.

Challenges of local self Government:

Fund crunch: LSGs need to manage their finances so that outside funds in the form of grants and assistance are needed the least. That was the motto of the 73rd and 74th Constitutional Amendments. The resource is thus to be generated. Sources of fund generation need to be tapped in time so that revenue from those sources may be generated. the fund crunch may go away. But it may be noticed that the LSGs very much neglect this area. A good number of officials function in such a manner that assessment of fresh cases gets either delayed or not commenced.

Unplanned urbanization

Urban development that was planned in 1950 is naturally far deficient compared with the needed development in 2023. So it can be termed unplanned now. Vision documents not prepared initially may be the cause. The audit on this front needs to check the available vision documents to suggest certain issues that need to be covered. With a heavily rising population, the government finds difficulty tackling unemployment. At the village level, no adequate provision of work is there for which people are being forced to migrate to cities. So there should be constant, flexible planning to avert such issues to the best possible extent.

Excessive state control

States are to take steps to organise village panchayats or urban bodies and endow them with such powers and authorities as may be necessary to enable them to function as units of self-government. States are therefore mandated to transfer all controls to the LSGs. An audit in such matters is to see the way the administration is affected. In planning, organising, directing, staffing, co-ordinating, reporting and budgeting, audit has its own say. It is only government machinery that can address the cause. In any case, balanced control should be there—no excess or no less.

Multiplicity of agencies

Multiple agencies are working under LSG. Drainage, sewerage and sanitation are the agencies to work together for the effective functioning of the LSG. These three are there to perform in a manner to combat the health hazards of the people. Any deficiency with any agency affects the other. Similarly the finance wing is linked with taxation covering assessment, tax demand realization etc.

Substandard personnel

LSGs are manned by substandard people who are mostly computer illiterate. In the present context, it is almost impossible to do work without a computer and these computer illiterates who were there in regular service can't just be fired out. That is the greatest hurdle.

Low level of people's participation

LSGs can function satisfactorily with people's participation and that is the requirement. But due to a lack of awareness or illiteracy, people fear participating. We can take a small example. Under the flagship programme of MGNREGA, job holders get paid by direct bank transfer (DBT).

Lack of conceptual clarity

It is a sorry state of affairs in many offices under LSGs that officers posted there lack conceptual clarity. An audit may find that in the execution of a work, the estimated cost and quantity of items tally with the execution pie to pie, even with the same record in the measurement book. An audit of the check may not find a

single line objection. But the fact is that such works are just executed on paper and the entire fund has been misappropriated.

II. Conclusion:

The government should not utilize the services of the LSG personnel for purposes other than those for which they are meant. To use the personnel in an election or enumeration, much of the manpower is there without any LSG function. This very much affects the management of the LSGs.

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