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Editorial

The importance of local governments, being the government nearer to the people, is increasing day by day. The local governments, inter-alia, is entrusted with multi-faceted functions that ranges from civic services to disaster management. Of course the functional domain varies from country to country and region to region; but what is relevant is political decentralisation. The vibrancy of local governments depends on the active participation of local population at the grass roots level. Political decentralization ensures stronger voice for citizens and provides greater power for locally-elected officials, often through more pluralistic decision making. The platform like Village Assembly provides opportunity to every citizen to influence the formulation and implementation of projects for local economic development. This issue of the Kila Journal of Local Governance (KJLG) will be a good piece of reading material as it covers wide array of topics viz. Grama Sabha, Practice of democracy, role of local governments in social developments and disaster management and service delivery. It also includes articles on asset management, revenue dues etc. apart from a retrospect. Journal also provides two book reviews.

Hope these will enrich the readers on local governance and development.

Chief Editor

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Grama Sabha as a Platform for Deliberate Democracy: Architecture in India

In the entire scheme of local governance, the Gram Sabha occupies a central place as it is the lifeline to connect the individual villager to participate in local decision-making processes. This also provides an opportunity to empower the PRIs and to dovetail the felt-needs, of both individual and of the tier in general. The present paper attempts to examine how Gram Sabha has been designed in terms of definition, periodicity, procedures, quorum, functions, roles and responsibilities in the State Acts; in conformity with the 73rd Constitutional Amendment in India. The paper is limited to reference materials available of Indian States and four Union Territories.

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1. Introduction

Democracy is considered as one of the best forms of governance, which promotes justice, equality, liberty and fraternity. To get the best results from this form of governance, the need for deepening democracy is vital. Deepening of democracy is a continuous process and involves constant mobilisation of people for participation in governance and development. India moved towards deepening of democracy to achieve social justice and local economic development through 73rd and 74th Amendments to the Indian Constitution. One of the platform envisaged in the Constitution for deepening democracy is Gram Sabha. Despite the deliberate attempts, the vibrancy of Gram Sabha as a platform for democracy is not a pronounced one; as encountered by the authors. In this context, this paper attempts to elicit the de jure aspects of Gram Sabha in the various States' Acts in India.

2. Gram Sabha in the State Acts

The study of provisions regarding Grama Sabha in the States' Acts reveals that there are variations across States with respect to definition, constituency, periodicity of meetings, etc.

2.1. Definition

Part IX of the 73rd Amendment of Indian Constitution, 1992 begins with a broad definition of Gram Sabha. Article 243-B of the Constitution defines Gram Sabha as “a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of the Panchayat at the village level”. (GoI, 1992). In conformity, States also have defined Gram Sabha more or less the same, though there are variations across the States. The membership of the Gram Sabha from State to State ranges from 250 to 5,000.

There is variation in the nomenclatures as well as. In Assam, Gram Sabha is called Gaon Sabha; in Jammu and Kashmir, it is called Halqa Sabha/ Majlis. In Odisha, micro organisations called Palli Sabha is formed. (GoO, 1964). In Chandigarh, the Gram Sabha is locally called as 'Aam Jilas'. In Kerala, due to the large size of villages Ward wise Gram Sabha are organised and Ayalsabha (Neighbourhood Council) has to be constituted for every cluster of 50-100 families in a ward before the Gram Sabha. (GoK, 2013). These are not bypassing the Gram Sabhas but are considered as supplementary platforms to strengthen citizen's participation.

The States' Acts is consistent on who the members are of the Gram Sabha. In Andhra Pradesh, Assam, Gujarat, Haryana, Jammu and Kashmir, Kerala, Madhya Pradesh, Maharashtra, Punjab, Uttar Pradesh, West Bengal; Gram Sabha is composed of all the voters on the electoral roll. In Bihar, Karnataka, Orissa, and Rajasthan all adults residing in the area of the Gram Sabha are considered to be its members. In Manipur – a person can be member only if he is a citizen of India; with sound mind and stands so declared by a competent court; should not be disqualified by law from voting relating to corrupt practices and other offences in connection with election to State Legislature. (GoM, 1994).

2.2. Constituency

The boundary of Gram Sabha varies between Acts. The enlargement of area might also affect the participation in Gram Sabha and bestowing their responsibilities. A few States use the term 'every village', 'group' of villages, or islands or hamlets within the Gram Panchayat; while a few are defined constituency based on the size of population. The Himachal Pradesh's Act, for instance, provides to establish a Gram Sabha by the boundary of the area based on the size of population. In Andhra Pradesh and Karnataka, the Gram Sabha boundary has been defined in relation to revenue village.

2.3. Periodicity of Gram Sabha Meetings

With an effort to improve the transparency of Local Self Governments (LSGs), the State Acts requires Gram Sabhas to be held at regular intervals, between four to six times a year or as and when necessary. Most of the States' Acts emphasise on the minimum number of Gram Sabha meetings in a year for which the term 'at least' is used. A few States follow fixed dates for Grama Sabha meetings.

Andhra Pradesh, Rajasthan, Karnataka, Arunachal Pradesh, Jammu & Kashmir, Daman & Diu, Odisha, West Bengal, Andaman & Nicobar Islands conducts Grama Sabha meetings atleast twice, in a year. In the States' Acts of Maharashtra, Assam, Madhya Pradesh, Kerala, Gujarat and Himachal Pradesh, it is specified that Gram Sabhas are to be held at least four times a year.

Andhra Pradesh meets on April 14 and on October 3. (IRMA, 2008). In Odisha, Grama Sasan is to be held once in February and then in June. West Bengal, holds an annual meeting in the month of May and a half-yearly meeting in the month of November every year. In the Union Territory, Andaman & Nicobar Islands, general meetings are held once in the month of October or November and then in April or May.

Madhya Pradesh meetings are held on January 26 (Republic Day), April 14, August 20 (birthday of Rajiv Gandhi) and October 2. Later the fixed days were changed to fixed weeks. In Assam, Bihar, Chhattisgarh, Pondicherry, the Sabhas meet with a period of three months' interval on fixed dates as January 26, May 1, August 15 and October 2. In Jharkhand, meetings are held with three months' interval, provided on a demand in writing being made by one-third members of the Gram Sabha. Goa, convene four ordinary meetings of the Gram Sabha on any Sunday in the months of January, April, July and October. And in addition, special meetings of the Gram Sabha have to be convened by the Sarpanch on January 26, August 15, October 2, and December 19; every year. In Himachal Pradesh, the date of the meeting is fixed for the first Sunday of January, April, July and October.

For some of the States, Gram Sabha is linked to harvest seasons. Punjab and Chandigarh hold two annual general meetings, one in the month of December after the harvest of the Sauni Crop and the other in the month of June after the harvest of the Hari Crop on a date fixed by the Sarpanch. Uttar Pradesh holds two meetings in each year, one soon after harvest of the Kharif Crop and the other soon after harvest of the Rabi Crop. Lakshadweep holds at least twice a year, before and after the harvest of the crop.

2.4. Quorum for Gram Sabha

Quorum, to some extent, can bring participation and representation but it varies across States. The quorum required for the meetings of the Gram Sabha in Arunachal Pradesh, Goa, Jharkhand, Madhya Pradesh, Manipur, Sikkim, Chhattisgarh, Lakshadweep, and Andaman-Nicobar is one-tenth of its total membership. Whereas in Assam, the quorum of Gaon Sabha shall be one-tenth of the total members or one hundred number of voters of the village/villages whichever is less. In Karnataka, it is not less than one tenth of the total number of members of the Ward Sabha or twenty members, whichever is less. In Orissa, the quorum of the Gram Sabha is fixed as one tenth of the members of the Grama Sasan.

The quorum for women has been stated only by a few States using terms like 'must be', 'at least' or 'not less than'. In Chhattisgarh, of the one tenth quorums fixed, one third must be women. In Karnataka, not less than thirty percent of the voters attending the Ward Sabha shall be women. In Jharkhand and Madhya Pradesh, out of the one tenth of the total members, at least one third shall be women. In Rajasthan, women are represented in proportion to their population in the Ward / Gram Sabha.

For any meeting of the Gram Sabha in Uttar Pradesh and Punjab, one-fifth of the total number of its members shall form a quorum. In Uttarakhand, the quorum for Gram Sabha meetings is 20% of total voters. In Himachal Pradesh, the prescribed quorum is modified from one-fifth to one third of its total membership. In Karnataka and Rajasthan, the persons belonging to the Scheduled Castes and Scheduled Tribes are to be represented in proportion to their population in the Gram Sabha.

2.5. Convening a Gram Sabha

The procedures to be followed are described well in most of the States' Acts. Every meeting of Gram Sabha shall be presided over by the President/ Mukhiya/ Sarpanch of the concerned Gram Panchayat and in his/her absence by a member of the Gram Panchayat to be chosen from amongst the members of the Panchayat. While in most of the Acts, the concerned Ward Member has to convene the Gram Sabha. In Assam, the Secretary of the Gaon Panchayat has to hold the meeting. Most of the Acts has specified that a notice of the meeting has to be pasted in the Office of the Gram Panchayat and the same shall be brought to the notice of the public by the beat of drums or by any other means of publicity as prescribed. The proceedings of the Gram Sabha meeting are to be prepared by the concerned Panchayat Secretary and issued under the signature of the President of Gram Panchayat. In Kerala, it is the responsibility of the Plan Co-ordinator to write the minutes of the meetings. (GoK, 2012).

In Bihar (GoB, 2006), Haryana (GoH, 1994), Himachal Pradesh (GoHP, 1994), and Goa (GoG, 1994), one or more Vigilance Committee(s) are to be formed by the Gram Sabha from the members outside the Panchayat to supervise the Gram Panchayat works, schemes, and other activities relating to that village and to put up reports related to them in its meeting. Every Gram Sabha in Jharkhand, in order to discharge its functions and duties, has to constitute eight Standing Committees. In Karnataka, the Gram Sabha can constitute sub-committees consisting of not less than ten members of whom not less than half have to be women, for in-depth discussion on issues and programmes for effective implementation of decisions of the Gram Sabha.

Under the Maharashtra Act, before every regular meeting of the Gram Sabha, it is mandatory to call a meeting of the women members of the Gram Sabha. (GoM, 2014). The proceedings of the meetings will be invariably brought before every regular meeting of the Gram Sabha by the Sarpanch. The Gram Sabha will consider

the recommendations made in the meeting of the women members, and the Panchayat shall ensure the implementation of such recommendations; if not the reason has to be recorded.

In Himachal Pradesh, every member of the Gram Panchayat, in respect of his ward, has to prepare agenda items in consultation with the Sabha members of the ward and submit it to the Pradhan and the Secretary at least thirty days prior to the date of meeting of the Gram Sabha. The Secretary has to compile the agenda items received and shall circulate the same, in the manner as may be prescribed, along with the notice of meeting.

2.6. Powers, Functions, and Rights of the Gram Sabha

The Local Governments have a critical role in developing plans to address the needs of the citizens and implement them. This can improve the service delivery if done through building horizontal and vertical alliances between different stakeholders. Article 243A of the Constitution introduced by the 73rd Amendment and which is concerned with this institution says that “A Gram Sabha may exercise such powers and perform such functions at the village level as the legislature of a State may, by law provide”.

Though the Constitution makes no provision in respect of the functions and powers of the Gram Sabha, the States' Acts have given Gram Sabha a marginal role with a set of powers, responsibilities, functions, and rights. Gram Sabha can work either directly, as regulatory and supervisory body of Gram Panchayat. Only a few Acts suggest giving due consideration to the recommendations and suggestions of the Gram Sabha. Therefore, mostly Gram Sabha is limited to only a recommendatory body, entitled to make recommendations and suggestions to the Gram Panchayat and the latter is to give “due consideration” if required. Gram Sabha is also authorised to issue utilisation certificate about the funds spent on the implementation of the plans, projects and programmes of the Gram Panchayat.

Matters for consideration by the Gram Sabha as per the State Acts vary across States, though there are a few common or similar matters being considered by many of them. These may be classified as Budget, Annual Statement of Accounts, Annual Administrative Reports, Taxation and Plan / activities. There are States which have detailed list of such functions, roles, and responsibilities whereas a few of them have given them broadly. Almost all the States have to submit before the Gram Sabha, the annual statement of accounts, audit statement, and the report.

Only Haryana, Karnataka, and Rajasthan stipulate the submission of income and expenditure of the financial year to the Gram Sabha. The power to approve village plans and budget is given to Gram Sabha only in Odisha, Chhattisgarh, Punjab, Rajasthan, Jharkhand, and Tamil Nadu.

Jharkhand is the only State where the Act states that every Gram Sabha may establish a fund known as Gram Kosh (Village Fund) consisting of Grain Fund, Labour Fund, Commodity Fund, and Cash Fund. Donations, incentive amounts and other incomes can be deposited in Gram Kosh.

2.7. Nature of Responsibilities to Gram Sabha

Gram Sabha is a platform with assigned functions by the State legislation with different nature. The functions as envisaged in the various State Acts are compiled and grouped based on the nature of the functions as below.

2.7.1. Platform for Information Gathering and Sharing

- Generate proposals and determine the priority of schemes and development programmes. Suggest the location of streetlights, street or community water taps, public wells, public sanitation units, irrigation facilities and such other public amenity schemes.
- Identify the child labourers and to take remedial actions, if required.
- Identify the deficiencies in the water supply, street lighting, and similar public service arrangements.
- Identify the eligible persons from the area for beneficiary-oriented schemes on the basis of criteria fixed and prepare list of eligible beneficiaries.
- Render assistance in the collection and compilation of details required to formulate development plans.
- Render assistance to effectively implement the development schemes.
- Make available details regarding the services to be rendered and the activities proposed to be done by the officials concerned.

2.7.2. Platform for Resource Mobilisation

- Mobilise voluntary labour and contributions in cash and kind for development work and supervise such development works through volunteer teams.

- Make efforts to ensure that the members of Sabha pay taxes.

2.7.3. Platform for Ensuring Rights

- Know the rationale behind every decision taken by the Panchayat.
- Know the follow up action taken on the decisions of the Gram Sabha and the reasons for not implementing any of the decisions.
- Seek clarifications from the Sarpanch and Panches of the Gram Panchayat about any particular activity, scheme, income and expenditure.
- Know from the Officers of the Gram Panchayat as to the services they will render and the works they propose to do.
- Know from the Gram Panchayat on the follow up action taken on the decisions.
- Know the detailed estimates of works proposed to be implemented.

2.7.4. Platform for Promotions and Awareness Building

- Formulate schemes to impart awareness on matters of public interest like cleanliness, environmental protection, pollution control and to give protection against social evils like corruption, illicit and clandestine transactions.
- Promote programme of adult education.
- Promote harmony and unity among various groups of people and to arrange cultural festivals and to organise arts and sports festivals to develop goodwill among the people.

2.7.5. Platform to Support

- Assist the activities of Parent-Teacher Associations of the Schools.
- Assist the activities of Public Health Centres, especially in disease prevention and family welfare and to create arrangements to quickly report the incidence of epidemics and natural calamities.
- Assist and co-operate with the employees of the Gram Panchayat in sanitation arrangements and render voluntary service in the removal of garbage.

2.7.6. Platform to Examine and Scrutinise

- Discuss and suggest appropriate action with regard to reports of the Vigilance Committee.
- Verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies.
- Monitor and render assistance to the beneficiary committees engaged in the developmental activities.

3. Observations and Conclusion

To conclude, Gram Sabha as the pillar of the Panchayat Raj system is the only formal institution which enables direct democracy. In fact, the Constitutional mandate of the States to statutorily entrust Gram Sabha with powers has been not been fulfilled by all the States. But recognising it as a constitutional entity in the local development segment is significant. Though different attributes given to Gram Sabha by the States, the Government of India declared 1999/2000 as the 'Year of Gram Sabha' was a motivating driver to scale up process of deliberate democracy. The States have the freedom to frame the details of the Gram Sabha, though the Constitution gives a broad framework on the Gram Sabha. The core of Gram Sabha is the voters of the village. They have a set of responsibilities of different nature. However, their scope for in-depth deliberations is limited.

Although villages are defined differently according to the habitation, they are vested with very minimum executive powers. Most of the Acts of States/ Union Territories have not clearly spelt the powers, functions, and responsibilities of Gram Sabha.

Further to the provisions in these Acts, a few States have gone ahead with more levels of participation, below or above the Gram Sabha. These micro platforms, do not bypass the Gram Sabha as the latter is the mandatory as per the Constitution and State Acts. These additional platforms are there to strengthen participation.

There is consistent use of traditional unisex generic terms or male-gendered pronouns to refer persons for instance 'he/his/him'. Only Arunachal Pradesh and Madhya Pradesh use the term 'Chairperson'. This means that the pronouns used throughout, indicates the 'specified' gender was male. The gender specific terms make women feel excluded and develop a feeling of male domination. (Scott, 2013).

One of the enabling provisions for participation could be the quorum of Gram Sabha. Though it does not consider the quality or nature of this participation, by stipulating the quorum, it makes it mandatory for the Panchayat to ensure a minimum level of attendance. In many States, the Act itself stipulates this quorum in Gram Sabha; whereas in a few States, the Act does not mention this. Probably it is stipulated in the rules or executive orders. However, provision of quorum in the Act itself is definitely more enabling than an executive order.

Though in cases where percentage has been mentioned, there is also the provision of minimum number. Whether this is enabling or disabling participation is dependent on the overall size of the Gram Sabha in terms of its membership. Within the overall stipulation of the quorum, four States have stipulated that one third of the participation should be of women, to ensure the presence of women in economic development and social justice.

In order to accelerate the emergence of Gram Sabha to whom the PRIs are accountable, it might be essential to spell out the powers and functions of Gram Sabha in great detail - articulating their role as planners, decision makers, and auditors. (GoI, 1997-2002). This will help to establish the space for civic engagement in governance. Awareness on the role and responsibility of a citizen on Gram Sabha has to be disseminated to the people in different ways like campaign, training, folk songs, school curriculum, etc.

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eg. (Santhosh.K.P., 2006)
- have a complete and accurate bibliography, placed at the end of the text in the following order.

Author, year: title of the paper, publisher and place.

Eg. Argyris.G. 1997: Personality and Organisation, Haper and Row, New York.

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Practices of Democracy in Local Governments in Rural Bangladesh

Local government is ideally considered to be the significant breeding grounds for democracy. Bangladesh is continuously struggling to make herself a democratically developed nation since its inception as an independent State. But several political ups and downs, introduction of one party system, military rules, and irresponsible competition of political parties to capture power have placed the democratic journey of the country at stake. A paradigm shift in the political system took place in Bangladesh in 2015 with the decision of the Cabinet to hold local polls on partisan basis. The century old practice of non-party poll of local bodies has been changed to a first-ever partisan poll that brought major challenges for political parties of Bangladesh. The paper attempts to discover the dilemma of practices of democracy at the local government bodies of Bangladesh.

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1. Introduction

Democratization is a popular theme of the modern world. It is being widely accepted as a symbol of good governance as well as an indicator of the promotion of human development leading to sustainable development. Indeed, a democracy works when all people including the most marginalized ones participate in the process of governance, have capability to ask questions and seek accountability. For Third World countries, it is an indispensable pre-condition for sustainable development. According to Lord Bryce, “the best school for democracy and the best guarantee for its success is the practice of Local Self Government”. (Bryce Lord, 1950). It is generally recognized that the local institutions constitute the school for democracy. Success of democracy largely depends on the successful working of Local Governments (LGs). National democracy will be success only when the LGs will function successfully and effectively. It can be said that without a sound system of democracy at the base levels, democracy and form of Government cannot have firm roots at the apex. LGs helps people understand democratic spirit and values, the art of managing things for themselves and ultimately the democratic way of life. Bangladesh is a newly independent unitary State; it achieved her independence in 1971 through a nine month long liberation struggle.

LGs are an integral part of the Central government of Bangladesh. Despite its long existence, LGs in Bangladesh are confronted with some chronic problems. As a result, the units have failed to grow as viable institution to render democratic education properly to the people living in local levels in Bangladesh. Union Parishad (UP), lowest tier of the LGs is a major component that plays a crucial role to strengthen democracy and to gain sustainable development of the rural community. UP is considered to be the significant breeding grounds for democracy. Bangladesh is continuously struggling to make herself a democratic developed nation since its inception as an independent State. But several political ups and downs, introduction of one party system, military rules, and irresponsible competition between political parties to capture power have placed the democratic journey of the country at stake. The political problems that Bangladesh is suffering is not rooted in the constitution, rather it is totally political. Even, such political culture has jeopardized the journey towards democratization efforts within the local government structure of Bangladesh. A paradigm shift in the political system took place in Bangladesh on October 12, 2015 with the decision of the Cabinet to hold local polls on partisan

basis. The century old practice of non-party poll of local bodies has been changed to a first-ever partisan poll that brought major challenges for political parties of Bangladesh.

The paper attempts to examine the current status of democratization of UP and suggest possible way forward to make UP democratic as to ensure sustainable development for rural community in Bangladesh.

2. Enunciating Evolution of Local Government in Bangladesh

Bangladesh has the longest tradition of LGs. The existing LGs of Bangladesh has come to the present form through a gradual process of evolution. The roots of LGs can be traced to as far back as the British rule in the Indian subcontinent. The introduction of LGs in the country had all along been an idea from the Chowkidari Panchayat Act of 1871. (Matthai John, 1915). Lord Ripon for the first time had taken initiative for the introduction of LGs in the history of British India. As part of his initiative, he issued a resolution on LGs. The aim of the resolution was to develop these bodies in order to provide opportunities for training the people in the art of self-government. Since then, there were a number of acts taken by the British government for the development of LGs in the Indian subcontinent. The Bengal Local Self Government Act III of 1885 to 1919, the Bengal Village Self Government Act V of 1919 to 1947 was among them. (Thomson Edward and Gannatt G I., 1966). After the independence of Pakistan in 1947, the structure of LGs remained the same till 1956. The system of LGs changed radically with the introduction of the Basic Democracies¹ (BD) by president Ayub Khan in 1959.

Under Basic Democracies system, a four tier system of LGs was introduced in East Pakistan (Newman K J., 1968). After the emergence of independent Bangladesh in 1971, BD, the system of LSG as existed during Pakistan, was dissolved by a presidential order (order no.7) in 1972 (Faizullah Md., 1987). Another order from the President changed the name and structure of Union Panchayat and it was named as the Union Parishad. At the end of Mujib Regime, military administration had brought few structural and functional changes of LGs bodies through two military government ordinances. During Ershad Regime, few changes/ couple of changes were made into the existing structure of LG bodies. By presidential orders, Thana administration and Upazila were introduced respectively in 1982 and in 1983.

Local Government (Union Parishad) ordinance had also brought a considerable change into the composition and functions of Union Parishad. As per that ordinance, UP consisted of one elected chairman, nine elected female members. Each UP was divided into three wards. Three members were elected from a single ward. At last, Local Government (UP) Act 1997 provided an opportunity for the female members to be elected directly by the local electors. As per these Acts, UP is divided into nine wards. Now a single person is elected from a single ward.

3. How does Democracy work at the Union Parishad?

Over the past three decades the developing world has seen increasing devolution of political and economic power to local governments. Decentralization is considered an important element of participatory democracy and, along with privatization and deregulation, represents a substantial reduction in the authority of national governments over economic policy. It is manifest that, Central government have allocated some degree of authority to LGs but a comprehensive set of indicators that must also take account of institutions for decision-making and politics at this level is lacking. LGs institutions are the significant unit, for the promotion of democracy. They are committed to assist the people for learning democratic values in many respects.

Union Parishad (UP), the lowest tier of the LGs of Bangladesh provides the rural people opportunities to taste the fruit of freedom and participation. The people generally are more interested in the participation in UP bodies. They can directly participate in the local bodies in large scale. UP also work as a training complex of the national leaders. Ernest observes, “UP offers many excellent opportunities for the training of the men and women who may later lead the country in bigger affairs of the national and world politics”. (Ernest Short, 1951). Success of democracy largely depends on the successful functioning of UP. While addressing the first National Conference of Local Governments, Nehru, the late Prime Minister of India said, “Local Government is and must be the basis of true system of democracy. The democracy may not succeed until it is built on the foundation from below. (Rahman Md. Moksuder, 2000)”.

LGs are educative both for the electors and the elected. Educative value largely depends upon the spirit of the local self governing institutions. Political education is the major part of LGs. If LGs do not work democratically, the Central government can never be democratic. Democracy at the centre can work in a better way only if there is a corresponding system of democracy at the local

level. No national democracy will have sound footing without grass root democracy. Discussing about the importance of LGs in democracy, C.D.H Cole has opined that democracy is nothing unless it means, in the last resort, letting the people have their own way, not only in the mass, by means of an aggregate vote in a nation-wide scale, but also in their lesser groups and societies of which the great societies are made up (Cole G DH., 1947). So, practice of democracy is the part and parcel of LGs of any State. LG is an integral part of the central government in Bangladesh. LGs contributes to the strengthening of democratic culture in number of ways. The stability, performance and structural continuity of LGs are mostly dependent upon the policy and stability of the government at the centre.

Despite the long existence of LGs in Bangladesh, till today it is confronted with some chronic problems. As a result, it could not play effective role to promote democracy. The government's decision to turn Union Parishad elections as party-based is thus a very recent phenomenon in the history of local governments in Bangladesh. The government claimed to make the local government elections more participatory by introduction of party-based elections. We notice two schools of thought on this issue. According to the conservative school of thought, though it is a little too early to conclude on the party-based electoral system of Union Parishads, the developments centering round the ongoing Union Parishad elections are sending wrong messages. The volume of violence, the complaints of nomination business as well as corruption in the electoral system will be terrible. As the Union Parishad elections were held on a non-partisan basis in the past, many neutral and locally popular people had opportunities to be elected. This time, however, such people felt rather shy in many cases. Moreover, infiltration of money in the nomination process has turned out to be a real shame. Dedicated and honest politicians have also fallen behind in the race of courting favors from the influential ones. The wisdom behind the party-based model of Union Parishad elections is thus being questioned heatedly. According to the liberal school of thought, it has opened up an opportunity for the local people to be mindful in selecting their local leaders as well as engaging in the development process at grassroots level. On the other hand, such party line local government election enables elected representatives to apprehend maximum benefit from the political government. On the top, political party in power could implement their pro-people programme at the local level with all out assistance of elected representatives of the local government.

As local bodies for development of local people as well as localities, there should be genuine room for local government representatives for carrying out local development works with the allotted money and resources from the government exchequer. The scenario is, however, bound to turn grim if they have to remain more worried about dividends on their heavy investments during the electoral process. There also remains the danger that backlash and retaliation of election-time violence and casualties might occur and recur to mar the future of the otherwise peaceful local government body, the Union Parishad. Moreover, these constraints regarding LGs impinge upon the success of democracy in Bangladesh. The historical account of LGs of Bangladesh shows that the successive governments felt obliged to establish some kind of the local government structure in order to mobilize support of the rural communities in their favor through providing a little bit of welfare measures. Hence, LGs could not function properly to provide opportunities for the people irrespective of party affiliation to participate in the development activities of it.

The colonial pattern of administration in LGs is characterized by elitist and alienated nature. Administrative officials working at different levels are mainly bureaucratic in orientation and alienated from the people. Therefore, people cannot take part in different activities of LGs properly/ actively in Bangladesh. The most serious obstacle in the way of democratic education by LGs remains the weakness of its socio-economic base. The non-egalitarian economic structure tends to control the local bodies by pro-partied class. They often tend to suit their class interest and purposes. As a result, LGs cannot render proper services to the people at local level. Beside, general people do not dare to work with LGs for the presence of local elite. Factional attitude of the people is responsible for the less effectiveness of LGs in Bangladesh. In rural Bangladesh, there are bitter experiences regarding factional politics that jeopardizes the successful working of LGs. It remains as a major impediment of proper popular participation in local level elections. Such attitude pushes the loser candidates and their supporters in a conflicting situation in post local election. As a result, they do not intend to cooperate with the winner candidates and for that the very functioning of elected council remains problematic. Politico-administrative contradictions often disrupt the very functioning of LGs.

Moreover, local people cannot provide any sort of inputs in decision making process for their welfare. Since the very beginning of its evolution, the units are being used by both the party in power and

the opposition for their narrow political ends. Besides, the national political activities in different ways are foisted upon the grassroots level units. As a result, people at local level divide in political line and they do not get lesion of cooperation and coexistence unlike the national politics prevailing in Bangladesh. Patron-client relationship is also responsible for the less effective role of UP in democratic development. In Rural Bangladesh patron decides the will of political participation of the client and such trends keeps the vast majority portion apolitical at the local level. Education is one of the major components of political participation. Unfortunately, despite having 46 years of existence of Bangladesh as an independent country her majority people are illiterate. Among them, most of the people living in the local areas have no idea about the significance of UP in strengthening democracy. The major challenges of political parties would now be to organise themselves with their dedicated supporters steering the wheel of the party at the grassroots level. As of now, almost all parties are centrally governed, and some are pocket-based political parties with media coverage only, with no units and supporters at the grassroots level. In the backdrop of such a condition of UP system to strengthen democracy in Bangladesh, there are some positive outlooks observed. These are mentioned below:

Regular basis election; Women direct representation; Increasing the rate of people's participation in local elections; Increasing the tendency of the people to participate in different level of development activities of UP; Increasing the rate of literacy; Expansion of the activities of NGOs and their pro vital role to socio-economic development of women at local level; Expansion of the mass and electronic media at the grass roots level; Space for the people in order to have access to information at rural Bangladesh; Tele-center for the rural community and introduction of community radio, Initiation of UP based budget formulation; and Activation of village court as alternative dispute resolution option to empower UP.

4. Conclusion

People's outlook in our country is fatalistic and their consciousness about their way of political life is very limited, the reason why there is no alternative to the spread of education. Education is the way of political awareness. Democratization enables UP to achieve sustainable development and hence, our civil society, media, NGOs must be more active in making the education a social movement and make the people aware of it. The working of grass-root democracy in Bangladesh is facing numerous challenges from many

sides'. i.e. legal inadequacies, lack of funds, functions, functionaries and capacity, adverse socio- economic environment, vested political interests and lack of political will. On the basis of Indian experience we may conclude that the following measures may be useful in making the institutions of grass- root democracy more effective and vibrant.

Commitment to decentralization as a political value and the consequent political will to establish it. Institutions of self-government should have recognized as an agency for the preparation and implementation of the development programs of the government in consultation and discussion with different stakeholders within government entities. Any agency set- up by the Central or State government for rural development should work under the supervision and control of institution of local self-government. A legal instrument for decentralization must have adequate and well-defined provisions for devolution of power. A devolved function must have required administrative and financial authority. The scope of the intervention and control of State government must be minimum and well-defined. Power of dissolution of lower level as well as to seek its accountability must be vested in the higher-level institution of decentralized governance, not in the government, in order to ensure peer-group accountability. Grass-root institutions should be empowered to raise their on resources by widening their revenue base as also through other ways. Grass- root institutions should have their own staff to carry out their work. They must be able to engage professionals and consultants for speedy development. Decentralized units must have clear working instructions about how to exercise powers devolved to them. Role of village assembly must be strengthened so that it may effectively work as village legislature - a forum for discussion of village problems and plans as also for seeking accountability from Panchayat (the village executives).

There is enough scope for reformations in local body's governance in addition to delegation of power and devolution of authorities and modernization in the governance of local urban bodies. The financial management system is very weak and traditional, human resource management is poor, and collection of tax and revenue and assessment of holdings taxes et cetera demand major re-hauling to establish efficient governance. Government should have gone for these reformations prior to taking major changes in the election system. However, the onus of the implementation of this government decisions lies with the Bangladesh Election

Commission with the active support of general administration to make the election just and fair. It also depends on political parties to accept the change and justify their existence at the grassroots level without being a party of few to be focused on media only.

Sustainable Development is the dream shared by vast humanity throughout the world. To make the development really meaningful, empowering and sustainable, 'bottom – up' approach of development, involving people directly in the making and implementation of decisions is the need of the hour. This necessitates the decentralization of democracy to the lowest level. Bangladesh has embarked on this great experiment through the introduction of Union Parishad. True, there are problems at the moment. But the path of great goals is never smooth. Let us take the lessons from the problems and overcome them with greater conviction and commitment.

Note

- ¹ Basic Democracies: a short-lived local government system introduced during the Ayub regime in the 1960s. General Ayub Khan, President of Pakistan, introduced the concept of basic democracy under the Basic Democracies Order, 1959 having made an attempt to initiate a grass-root level democratic system. Of course, most of the political parties of East Pakistan had different ideas about his scheme and considered it a bid to usurp power in the hands of Ayub Khan and other vested groups. The system of Basic Democracies was initially a five-tier arrangement. They were: (i) union councils (rural areas), town and union committees (urban areas); (ii) thana councils (East Pakistan), tehsil councils (West Pakistan); (iii) district councils; (iv) divisional councils; (v) provincial development advisory council.

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Role of Local Governments in Social Development: A Study on Union Parishads in Bangladesh

This paper attempts to analyze in brief the concept of social development and the role of local government, particularly Union Parishad (UP) in this regard. It is apparent that social development focuses on the need to “put people first” in development processes. Poverty is more than low income – it is also about vulnerability, exclusion, unaccountable institutions, powerlessness, and exposure to violence. In a developing country like Bangladesh, where about 80% people live in rural area, people are confronted with various social threats that endanger their social development. Union Parishad is the only representative body of the Central government which plays a vital role to take the advancement of social development forward in rural Bangladesh. Unfortunately, despite having a lengthy and continued existence, the Union Parishad is confronted with some chronic problems till today which has resulted in the ineffectiveness of UP to promote social development.

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1. Introduction

Social Development promotes social inclusion of the poor and vulnerable by empowering people, building cohesive and resilient societies, and making institutions accessible and accountable to citizens. Development is governed by many factors that influence the results of developmental efforts. There must be a motive that drives the social change and essential preconditions for that change to occur. The motive must be powerful enough to overcome obstructions that impede that change from occurring. Development also requires resources such as capital, technology, and supporting infrastructure. Development is the result of society's capacity to organize resources to meet challenges and opportunities.

Bangladesh is a developing country in the Third world. It is an agro-based country. About 80% people live in the rural area and almost all are engaged in agricultural activities. People living in the village are more or less affected with some contingencies like unemployment, employment injury, sickness, disability, widowhood, old age, death of the principal bread earner of the family, natural disasters as well. Such problems are very complex and it is difficult to cope with problems only by voluntary and humanitarian values of the people. (Mohammad Tarikul, 2016).

We have been observing number of limits with regard to the role of local government in the context of rural Bangladesh. For example, in rural Bangladesh civic activism particularly greater citizen involvement in public policies and decisions is not viable till date. Presence of clubs or associations is visible but not extending any constructive and tangible contribution for the welfare of the society. Besides, inter-group cohesion and trust building are the vital perspectives local community has been taking forward. Social development is one of the devices to prevent individual from falling into the depth of poverty, misery, vulnerability and disaster and help him or her in times of emergences in rural area. The paper aims to understand the scope of local government in social development by the way of revisiting the role of Union Parishad (UP). The paper has been accomplished based on content analysis and therefore, number of literatures relevant to the subject matter have been reviewed and consulted.

2. Social Development: Concept and Meaning

Social development is about putting people at the centre of development. This means a commitment that development

processes need to benefit people, particularly but not only the poor, but also a recognition that people, and the way they interact in groups and society, and the norms that facilitates such interaction, shape development processes. While the role of formal institutions and policies has become central to the development debate, the role of informal social institutions has received less attention. (Jacobs, Garry and Asokan, 1999). Debates on growth and poverty reduction have paid relatively little attention to the impact of, for example, norms of cooperation in villages and neighborhoods, community oversight in the management of projects, or non-discrimination against women and minorities in education and health. Social development thus implies the change in social institutions. Progress towards an inclusive society, for example, implies that individuals treat each other (more) fairly in their daily lives, whether in the family, workplace, or in public office. Social cohesion is enhanced when peaceful and safe environment within neighborhoods and communities are created. Social accountability exists to the extent that citizens' voices are expressed, and heard by the authorities (United Nations Development Programme, 1994). Formal institutional reform – for example, the provision of legally enshrined rights, better law enforcement, or more participatory governance – are part of the process by which institutional change is achieved, changing the way people relate to people is an equally important part of this.

During the last five centuries this process has picked up in speed and intensity, and during the last five decades has witnessed a marked surge in acceleration. The Indices of Social Development focus on measuring the informal social institutions, how they compare across countries, and how these changes over time. It does this by using existing databases, around the world, and combining these to find the best possible match with our definition of social development. (Muktasam, 2007). Through an on-going process of expert discussion, and review of existing databases, we have organized the Catalogs of Social Development into five groupings:

Civic activism refers to the social norms, organisations, and practices which facilitate greater citizen involvement in public policies and decisions. These include use of media, access to civic associations, and involvement in activities such as nonviolent demonstration or petition.

Clubs and associations uses data on levels of engagement in local community groups, time spent socialising in voluntary associations,

and membership of developmental organisations, to identify the extent to which people are part of social networks and potentially supported by community ties.

Inter-group cohesion refers to relations of cooperation and respect between groups in a society; where this cooperation breaks down, there is the potential for conflict and acts of terror and riots.

Interpersonal safety and trust measures the level of trust and confidence between individuals that do not know each other personally, specifically with regard to the likelihood of criminal violence and other forms of trust violation, and combines this with measures of rates of violence.

Gender equality estimates the extent of discrimination against women, whether in the labour market, education, healthcare, or in the home.

3. Social Development in Rural Bangladesh: Revisiting the Role of Union Parishad

Social Development is the role of Union Parishad (UP). This section deals with the role of UP in Agriculture Development, Education, Health Development and Justice and Social Security

3.1. Agriculture Development: Role of UP

As we know, rural development in Bangladesh has been equal to agricultural development in a broader sense, and agricultural sector remains as an important part of the Bangladesh rural development. The experiences also highlight that rural development is also equal to poverty alleviation. In agricultural development and poverty alleviation programs, the Bangladesh government provides financial assistance in various forms. Rural development programs have also been implemented through community organizations with various levels of formality and activities. The existing agricultural extension organizations in all sectors are also found to be less effective. Farmers mostly work with agri-business sectors especially, with the input industries that offer chemicals such as fertilizers, pesticides, insecticides and herbicides.. It is found that lowest tier of local government Union Parishad does not perform well to support rural development programs. (Kamal, 1992). Rural development has been characterized by ineffective community groups establishment, top-down process, neglecting community participation, mostly focus on financial support with limited capacity building activities, lack of interagency coordination, project-based approach and lack of commitment, unrealistic targets, and lack of law enforcement in

program implementation. As a result, most rural development programs failed and are discontinued (NILG, 2009). Community participation as a whole towards rural development process seems less as politicization of local government prevents them to participate in the development process.

3.2. Education: Role of UP

With regard to the role of UP in patronizing clubs and associations in rural Bangladesh, we are aware about 80 percent people live in rural Bangladesh, so there is no alternative but to equip them with education for the development of nation. Union Parishad has the responsibility to encourage the people to send their child to school. Moreover, it has the authority to look after and assist the governing body of the local educational institutes for ensuring quality education. Employment opportunities are the part of social assistance. Union Parishad plays a major role to create job opportunities directly or indirectly for the rural unemployed and seasonal unemployed people. Over population is the ultimate product of unemployment. Bangladesh is in fact an over populated country. The growth rate of population is much higher in rural areas than that of urban areas in Bangladesh. UP shoulders the responsibility to reduce the growth rate of population by building social awareness as well as looking after the family planning work in this regard. Poverty is a chronic problem in rural Bangladesh. Poverty alleviation is one of the most important forms of social assistance that can be provided. To alleviate poverty, there is no alternative but the development of the different sectors in rural area. UP has the responsibility to conduct a survey for the identification of vulnerable people to assist the Central government in this process.

3.3. Justice and Social Security: Role of UP

UP has very vital role in inter-group cohesion in rural Bangladesh. For example, rural Police institutions under Union Parishad are a useful adjunct to constitute a link of Thana officers with villages through the hajira (attendance) system of rural police in the Thana. Modern Community Policing functions where all elements in a community, both official and unofficial, conceive of the common good and combine to produce social climate and an environment conducive to good order and happiness of all those living within it. The aim of a modern Community Policing should be based on consent and understanding of common good, the creation of a community of neighborhood free from fear and uncontrolled

delinquency and politics and crime control would be its primary aim (Mohammad; 2014). In respecting the dignity of the individuals, nobody should be regarded as unworthy of its concern. Rural Bangladesh has set a good example of communal security through co-existence of people having different religious background in peaceful and harmonious manner. The present government has revived the constitution of 1972 resulting re-establishment of secularism as the State principle. The term secularism refers to the governmental practice of indifference towards religion. Secular politics attempt to prevent religious philosophies or bodies from influencing governmental policies. The Constitution of Bangladesh prohibits discrimination against members of a particular religion, race, caste, sex or place of birth.

UP's role in interpersonal safety and trust has essence for many reasons in the context of rural Bangladesh. The formal justice system in Bangladesh is under tremendous pressure with much workload and inadequate number of officials and staff to dispose the cases. (Fazlul, 1998). As a result, the case backlogs add up to the existing pending cases and at present it stands on about half a million cases. It creates a negative impact for the rural poor and vulnerable group of people who cannot afford the expenses of cases and do not have clear understanding of how to get access to justice in the upper courts on some issues that could be easily resolved at the local level (Bashir & Mohammad, 2013). The Ministry of Local Government Division (LGD), UNDP and the European Commission jointly have undertaken a programme titled 'Activating Village Courts in Bangladesh' to providing support to the justice system through this project in 500 selected Union Parishads (UP) of the country in 2010. It also intends to develop capacity of the village court members, elected representatives and support staff.

3.4. Health Development and Union Parishad

Role of UP in equal access to health and other social services is important as most of Bangladesh's poor people depend on government health services to provide treatment. Health is a basic requirement to improve the quality of life. A nation's economic and social development depends on the state of health. A large number of Bangladesh's people, particularly in rural areas, remain with no or little access to health care facilities. The lack of participation in health service is a problem that has many dimensions and complexities. Education has a significant effect on participation in health services and administrative factors could

play a significant role in increasing the people's participation in Bangladesh's health sector. But the present health policy is not people oriented. Union Parishads are one of the most important units of government in providing health security to Bangladesh's rural population. (Salahuddin, Alam and Ali, 1988). Health care is a fundamental human right and ensuring healthcare service is a constitutional obligation of the government. There prevails an inter-linkage between health and poverty that poor people are victim to ill health and people with ill health are more prone to poverty. Any programs of Union Parishad are very significant contributor to health safety and to rural populations. Academics and the policy planners suggest that for health security in rural areas there is no alternative to Union Parishad. Union Parishad has a major responsibility to cope with health related contingencies, but is confronted with some chronic problems to address the issues. As a result, it has failed to show as viable institution to render health security properly.

4. Conclusion

In view of above discussion we thoroughly analyzed, it is evident that Union Parishad faces serious problems in performing their assigned tasks regarding social development programs. Inadequate finance is the most serious problem faced by Union Parishad. The UP implements some major development projects with the annual government grants. The government also permits UP to levy taxes and fees on a limited number of resources. Owing to various factors, UP does not, or is unable to fully exercise its taxation powers and could not initiate social development programme with its own budget. Dependency of the Union Parishad on the national government allows a fair chance to compromise with the decision which enumerates based on top-down approach. Moreover, politicization of the social development works hampers the spirit of local government in many occasions.

The role of social safety net (SSN), dominant component of social security towards helping communities in any geophysical contexts of vulnerability is becoming increasingly important. Efforts must be made to enhance allocation to maintain a healthy social safety net. However, new modalities will have to be sought and developed so that vulnerable women can directly receive the benefits from SSN practices. The current barriers in relation to rather illusionary access to SSN for women, especially for women headed households, should be eliminated with proper planning and implementation of

programmes. To complement State-run programmes, the donor and NGO communities must devise matching plan and programmes, taking special care to the above-mentioned issues. To facilitate inter-agency coordination and monitoring, a gender caucus may be developed and nurtured.

Union Parishad is one of the most important units of the Central government to render social security to the rural people in Bangladesh. Any programs of Union Parishad are very significant contributors to social assistance and social services of the local people living in rural area. Union Parishad has a major responsibility to cope with local contingencies like natural disasters, poverty, old age, widowhood, vulnerabilities, sickness, unemployment, employment injuries, disabilities and so on by providing various aid likes social assistance and social services. Additional pro social security programs should be incorporated with the existing functional responsibilities of UP. Cooperation between NGOs and UP is a must in this respect. NGOs play an effective role to provide social assistance and social services to the vulnerable groups in rural Bangladesh. NGOs are very operational in this regard. NGOs and UP can jointly shoulder the responsibilities for the deliberation of social development program for the rural people.

Apart from the concerned authorities of the government of Bangladesh and Civil Society Organizations; international actors should provide advice on legislation, electoral systems and best practices that can advance participation of the vulnerable group in the political process. They can extend support to establish cross-party cooperation among vulnerable groups for their political participation. Civil society actors should lobby to ensure issues of special concern to vulnerable groups for protection of their rights in social development.

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Local Governments in Disaster Management: Experiences from the Grassroots

This paper highlights the significance of Local Governments (LGs) in disaster management. Being the government closer to the people and by virtue of its sheer mandate for local leadership, LGs have a greater responsibility to take all possible efforts to forecast, prepare, and meet any eventualities that disrupt the normal functioning of lives and livelihood. Local knowledge about the resources, facilities and support systems, and the alternative options are crucial in disaster management. Rather, LGs are in a better position to understand the social vulnerability of the disasters, and to address its differential impacts on children, women, differently abled, the sick and the elderly. Local Government is the most important political institution to realise 'community based disaster preparedness' by ensuring active involvement of elected members, officials at the local level, and community members.

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1. Introduction

Disaster results in a serious disruption of the functioning of the society, causing widespread human, material or environmental losses which often exceed the ability of the affected society to cope with it, using its own resources. Disaster influences the socio-economic, political and cultural aspects of the affected area. India has been traditionally vulnerable to natural disasters like floods, droughts, earthquakes, landslides and cyclones, on account of its geo-agro-climatic zones. The National Policy on Disaster Management highlighted that 58.6 per cent of the landmass is prone to earthquakes of moderate to very high intensity; over 40 million hectares (12 per cent of land) is prone to floods and river erosion; of the 7,516 k.m. long coastline, close to 5,700 k.m. is prone to cyclones and tsunamis; 68 per cent of the cultivable area is vulnerable to drought, and hilly areas are at risk from landslides and avalanches. (GoI., 2009).

Setting up of the High Powered Committee on Disaster Management was made in August 1999 with the vision of 'Disaster-free India', along with the National Disaster Response Plan, was the first important initiative in India to take a look at all kinds of disasters in the country in a holistic manner. This paper analyses the specific role and functions of Local Governments in different phases of Disaster Management. viz: pre-disaster, during disaster, and post-disaster. Also, an attempt to portray the disaster profile and level of preparedness in the selected Gram Panchayats (GP) of Kerala has been made here. It also advocates the need for a policy initiative with central role for Local Governments.

2. Significance of Local Governments in Disaster Management

High Powered Committee on Disaster Management reported that 'Local Governments Institutions (LGIs) can be effective instruments in tackling disaster through early warning system. ...these institutions are in a better position to undertake relevant tasks than the State and Central Governments due to their proximity to the communities'. (NCDM, 2001).

Regarding the role and functions of LGIs, it is noted that, training of its officers and employees for disaster management; maintenance of the resources for use in the event of any threatening disaster situation; laying down standards and specifications in construction projects for prevention of disasters and mitigation; etc. be undertaken. (GoI, 2005).

Government of India (2009), through the National Policy on Disaster Management, indicated that LSGIs will ensure capacity building of their officers and employees for managing disasters, carry out relief, rehabilitation and reconstruction activities in the affected areas and will prepare Disaster Management Plans'. These LSGIs will play a significant role in the entire process, particularly in response and rescue operations, relief and rehabilitation, awareness generation and disaster preparedness, restoration of livelihood options and co-ordination with NGOs and civil society.

3. Role of Local Governments in Disaster Management

The role of Local Governments (LGs) in the pre-disaster phase is significant, as they are in a better position to analyse the hazard, risk, vulnerability and capacity effectively, which is imperative in disaster preparedness and risk reduction. Being close to the people and bestowed with the mandate for local leadership in its functional area, the Local Government has a greater responsibility to take all possible efforts to forecast, prepare and meet any such eventualities.

It is noted that 'Local Governments are in a better position to understand the social vulnerability of the natural and human-made disasters. They are expected to address differential impacts of disasters on different sections of the society, with special reference to women, children, sick, elderly and the differently abled'. (Gireesan.K, 2011). They are expected to formulate a Village Disaster Management Plan, which is an essential component for disaster preparedness and risk reduction and that needs to be revised at specific intervals highlighting changes in the context. During this phase, 'Local Government is expected to function as a Leader, through mapping of resources and facilities, formulation of a plan and constitution of a team with defined functions and responsibilities'. (ibid., 2013). However, interactions made by the primary author with the stakeholders from different parts of the country revealed that the measures adopted towards the disaster preparedness and risk reduction are far below expectation.

During disasters, people look up to the Local Government for addressing their basic needs, concerns and issues. Being the closest government, it is likely that the affected persons will approach the Local Government for their basic services and other requirements. Local Government is expected to gear up its activities to take all possible steps to monitor the situation and ensure that forward and backward communication is established at the earliest. 'Local Governments are expected to gather and verify that the

information furnished is correct and complete to enable them to seek and receive necessary support from the District Administration and other agencies. In this phase, the Local Government is expected to perform as a Co-ordinator and Communicator'. (ibid.). Interactions with the different stakeholders indicated that the LGIs across the country could play only a very limited role in this phase. During disasters, it is reported that many Local Governments did not even open a control room and wherever it was initiated, many of them did not have the facilities for communication and stand-by power supply. And no proper recording of the communication (both inward and outward) was noted. All these show that there was no sign of any significant role played by the LGIs during the disaster phase.

It is noted that Local Governments have an important role to perform in the rescue, relief, rehabilitation and reconstruction activities during the post-disaster phase. In this phase, 'it is expected to function as Provider, Co-ordinator and Facilitator. It has a primary function as a Provider of various basic services and facilities, followed by special services depending upon the local context. In addition, its role is visualised as a Co-ordinator as co-ordination of various activities in the field cannot be successfully carried out without the active involvement of Local Governments. Being the government institution at the grass root level, Local Government is expected to take the role of a Facilitator also, as they are notified as the nodal point for distribution of food and other basic services'. (ibid.). Interactions with the elected members, officials and citizens revealed that the Local Governments played an important role during the disaster phase. They took special efforts to provide drinking water, food, clothes, medicines and other basic services. Construction of temporary shelters, running community kitchen, organising medical camps, arranging mobile medical facilities, etc. were some of the important activities carried out by the Local Governments during this phase.

It is noted that the Local Governments did not have the adequate administrative, functional and financial autonomy to conceive the requisite initiatives and interventions to function during the different phases of disaster management. It is noted that they were able to provide the services with the limited resources and facilities at their disposal, but could not take up any long-term projects without the required support from Government Departments and other agencies. Many Local Governments have not made any process documentation of the disaster situation and could not scientifically

project their requirements to the Government and other funding agencies.

4. Experiences from the Field

A brief analysis of the disaster profile, status of various institutions in the area and the disaster preparedness in two disaster-prone areas (Maruthonkara Gram Panchayat and Kavilumpara Gram Panchayat) of Kunnummal Block, Kozhikode District, Kerala has been made in this section.

Maruthonkara GP covers a geographical area of 29.63 km² and is divided into 14 wards. As per Census 2011, the GP has a population of 23,487 that includes 12,181 females and 11,306 males. Agriculture is the main livelihood option for most of the people in the area. The terrain here is a combination of plain areas, 90 degree slope and average slope areas. The uniqueness of land, heavy rain and landslides continue to create havoc in the region at regular intervals, especially during the rainy seasons. The topographical features of such land steads are very ideal towards setting up of cash crop plantations like rubber, cashew, cardamom, pepper, etc. It is noted that the shift brought up in the topography, farming practices, construction of houses and other infrastructure in the area may not be done very scientifically, which also may have contributed to the disaster profile of the region.

The major disasters in the Maruthonkara GP area resulted in loss of life, severe economic loss and destruction/ damage of property. It was noted that on 18th September 2016, six young persons drowned in the Pashukkadav section of Kadanthra river where torrential down pour in the region (that affected certain hilly regions of Wayanad District also) resulted in sudden gush of flash floods. Nine members of a group of youngsters in the age group of 18-25 years, all natives of Kozhikode District, were washed away on that fateful date, out of which three were rescued by the local community.

As a pre-disaster initiative, Maruthonkara GP constituted a Core Committee for Disaster Management (DM) consisting of the elected members of the GP, representatives from different political parties, officials of the GP and other Govt. Departments, selected youth from the area, etc. It was known that the Committee had few sittings to discuss the precautionary steps before the monsoon and organised number of awareness programmes in the area.

It is noted that during the disaster situations in the past, the GP took steps to mobilise people for rescue and relief measures in the

affected area. It gave an alert to the residents living near the Kadanthra river and also shifted some vulnerable families to safer locations. The Core Committee for DM co-ordinated the rescue, relief and rehabilitation activities in the area with the support of the youth and political party workers. Immediately on occurrence of the disaster, the GP took necessary steps to communicate to the Block / District Administration and NDRF.

During the post-disaster phase, the GP constructed a shelter for rehabilitation of affected families. It has also taken the initiatives of providing psychological support to the affected families, on a case-by-case basis.

Kavilumpara is one of the biggest GPs in Kozhikode district. The GP has a mixed topographical pattern which includes high land, mid land and plain regions where several parts of the area lie at 1,500-3,500 feet above the mean sea level. The GP includes sizeable reserve forest cover also.

Several minor and major landslides and flash floods occurred in the area because of the ecological sensitivity, as the GP form part of the Western Ghats. The severest disaster reported in the area is the land slide on 8th October 1984 that resulted in loss of three human lives, in addition to death of several domestic animals. The landslide in the area affected sizeable agricultural crops, non-use of the farm area for a longer period, damage to movable and immovable property of the people.

Based on the interactions with the elected members of Kavilumpara GP, officials and other stakeholders of the area, it was known that no significant activity was carried out by Kavilumpara GP during the disaster situations. And, no record relevant from the disaster history, profile, situations and activities could be located in the GP.

The experiences came to light from the field visits through Maruthonkara and Kavilumpara Gram Panchayats of Kunnummel Block, Kozhikode District showed that there is a serious gap of documentation about the disaster profile, disaster history, status of resources (natural, physical, human, and financial) in the area from the disaster perspective, absence of capacity building programmes for different stakeholders, etc. It also highlights the pro-active role to be taken up by the Local Government Institutions in this context, towards strengthening the DM system at the local level.

5. Need for a Policy Initiative

The National Policy for Disaster Preparedness and Management viewed that 'the primary responsibility for disaster risk management rests with the citizens and the Government plays a supportive role. The main thrust of this policy is to make disaster management an integral part of the development process'. (GoI, 2009). While analysing the policy, it is noted that Local Governments, prone to natural and human-induced hazards, should take disaster risk management into consideration when developing their annual work plans and budgets.

Disaster preparedness needs concerted efforts of various stakeholders, which includes elected members of Local Governments, officials, functionaries of youth organisations, community members, etc. 'Towards functioning effectively and efficiently during disasters, Local Governments must have the following: an organisational set up, a specific disaster management plan and capacity building of its stakeholders'. (Gireesan.K, 2011). The organisational set up must include representatives from all major stakeholders. It must have a disaster management plan with the details of resources, facilities and equipment for any rapid action, and the roles, responsibilities and functions of various stakeholders must be clearly delineated.

Formulation of Village Disaster Management Plan (VDMP) is an important component in implementing Community Based Disaster Management in any area, as it is expected to empower the community to deal with disasters on their own with necessary preparedness. 'The development of disaster management plan at the village level aims at building the capacity and resilience of the community to equip them with skills so that management of various hazards becomes a way of life for them. The framework of VDMP is built around four pillars: Development of Village Disaster Management Plan; Formation of disaster management committees and teams; Conduct of mock drills; and, Generating awareness through different mediums'. (Walia.A & Guleria.S, 2012). VDMP includes the list of activities the village is expected to follow to prevent loss of life, livelihoods and property in the event of a disaster. It identifies several steps in advance, with special reference to the action to be taken by the community members so that each individual knows what to do on receipt of a warning message or in the event of disaster.

6. Conclusion

The paper examines the role and functions of Local Governments on Disaster Management. The field visits through two disaster-prone GPs of Kerala showed the absence of a comprehensive approach, lack of a pro-active mechanism, less thrust on capacity building programmes for major stakeholders, etc. The micro level approach enabled to highlight the need for taking up a situational analysis at the local level from a disaster perspective towards developing appropriate VDMP, incorporating all the stakeholders. Local Government is the most important political institution to realise community based disaster preparedness by ensuring active involvement of elected members of Local Governments, officials at the local levels, members of youth organisations, and other stakeholders. Local Government can analyse the hazard, risk, vulnerability and capacity effectively and there is a need to formulate a VDMP. During the exercise of formulation of a policy, the requisite thrust must be given towards ensuring the ownership of the local leadership and involvement of community members in the whole process. Formulation of a policy on disaster preparedness and risk reduction with a central role for Local Governments will add traction to the several initiatives towards realising sustainable governance.

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Effective Management of Building Assets in Kerala: Need for Enhancing 'Own Source of Revenue' by Local Governments

The enactment of the Kerala Panchayat Raj Act 1994 realized the constitutional goal of establishing genuine 'institutions of local self government' mandated by the 73rd Constitutional Amendment Act (CAA). Kerala moved ahead in ensuring decentralization with the goal of strengthening participatory democracy, planning for economic development and imparting social justice. But in order to make the Local Governments (LGs) more efficient, effective and objective oriented, they have to manage their assets well and prevent resource hemorrhages. Poor management of assets is one of the major issues faced by LGs. LGs do have financial problem for maintenance of these assets, even though one third of the State plan resources are transferred to LGs. In this context, mobilization of own fund is imperative for their financial autonomy. This article aims to evaluate, how the Panchayats are managing its building assets and how much they are contributing to their 'own source of revenue' (OSR), from a lifecycle perspective. Case study method is used for the study, and three Panchayats from various districts are selected as samples.

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1. Introduction

The protection of public assets is one of the mandatory functions of Panchayat as per Kerala Panchayat Raj Act 1994. Traditionally, Grama Panchayats (GPs) have vast array of building assets. (Kumar and Paul, 2016). It includes Panchayat office, library, nursery schools, community halls, public comfort stations, bus stands, markets cum shopping complexes etc. Apart from these assets, the Government transferred many other institutions as part of the devolution of power bringing larger number of buildings under the control of GPs. These include Schools, Health Institutions, Post metric Hostels, Veterinary Hospitals, Krishi Bhavan, Anganawadies, etc. The Panchayats are not able to maintain most of these assets properly due to lack of enough financial resources and management skills. This inefficiency proved costly to the State and to the people, the real beneficiaries of these community assets. (Nair, Gopikuttan and Sreedharan, 2011). This article advocates a lifecycle approach as goal of building asset management to meet a required level of service in the most cost-effective way during all stages of an asset's life –creation, operation, maintenance and disposal. This lifecycle approach is central to asset management and takes the total cost of an asset throughout its life into account.

2. Building Asset Management: Lifecycle Approach

The concepts of asset management through lifecycle approach are becoming increasingly recognized among local governments in developing countries. It is realized that stronger asset management programs help GPs to achieve many objectives. Kerala Panchayat Raj Act 1994, states that the Panchayat is duty bound to meet its strategic objectives – economic development and social justice. In pursuit of achieving these goals and delivering its administrative and developmental responsibilities, the LGs procured large volume of buildings both traditionally and transferred. Lifecycle approach is an integrated approach to optimizing the lifecycle of a 'building' assets beginning at design, creation, maintenance and decommissioning. This approach enables the LGs to effectively manage its building assets, achieve optimum performance and full potential. Creation of building assets involves sizeable investment and hence requires project-specific plans to be prepared for timely completion of projects for deriving optimal intended benefits. (Robert, 2000). Building assets intended to be acquired or created by LGs should commensurate with the immediate and long-term requirements. As far as the sample Panchayats are concerned, most of the demand for construction of new buildings came from

the transferred institutions such as schools, hospitals etc. Other demands included providing better services through proper maintenance. Convergence of schemes and various sources of funds were attempted in the construction of all types of buildings. Besides own funds and plan grants, support from other tiers of GPs like block and district Panchayats, Central and State government grants and local area development funds of MLAs (MLA-LAD) and MPs (MP-LAD) were utilised for construction purpose.

Operation of building means the activities that consume resources to ensure the levels of service are met properly, for example, meeting 'running costs' and consumables. These are day-to-day operational activities that have no effect on asset condition, but are necessary to physically keep the asset appropriately utilised and operational. Typical operational activities include electricity, cleaning, security etc. Asset inspections, asset data collection and condition assessment are included in operations costs. The maintenance of building assets could be classified into two, ordinary and special maintenance. Ordinary maintenance comprise items of works such as petty maintenances to walls, floors, doors, windows and roof as well as painting, etc., which are of recurring nature. It is intended to preserve the structure in good condition. The maintenance grant shall be based on the standard estimate for ordinary maintenances. (SFC, 2011). Items of ordinary maintenance such as painting are to be taken at regular intervals, say a year. However, provision for such items should be included in the standard estimate and proportionate amount shall be included as annual cost. The maintenance cost also includes maintenance grant for water supply, sanitary installations, etc. The Panchayat Secretary shall ensure that the maintenances are taking place as per the Annual Maintenance Plan (AMP).

As per the recommendations of the Fourth State Finance Commission, maintenance fund is divided into two categories: (a) for the maintenance of roads; (b) for maintenance of non-road assets. (SFC, 2011). The goal behind this decision is to compel Panchayats to spend more fund for the maintenance of its building assets. Three sample Panchayats namely Kanjiramkulam in Thiruvananthapuram district, Kadaplamattom in Kottayam district and Kuttikkol in Kasargod district are selected as samples for our study. Among our sample Panchayats, Kanjiramkulam utilized Rs. 96.29 lakh for non-road maintenance during 2012-17. Similarly, Kadaplamattom Panchayat has utilised 90.39 lakh and Kuttikkol utilized Rs.81.03 lakh during this period (AFS of GPs 2017).

Immovable assets like buildings are acquired for providing civic services and are not intended for disposal. Once such assets become unserviceable and are no longer capable of yielding further services, they have to be disposed of without delay to fetch maximum resale value and to save the cost of maintenance. The study noticed that the LGs test checked did not have any system of review and disposal of unserviceable equipment. Disposal includes any activity associated with disposal of a decommissioned asset including sale and demolition. The study found only one building was identified for disposal among the sample Panchayats test checked, i.e., building belonged to animal husbandry department in Kanjiramkulam Grama Panchayat. However, the Panchayat is yet to receive consent from animal husbandry department for the disposal of this building showing the absence of proper co-ordination between these two government departments.

3. Commercial Buildings in Sample Panchayats

Public buildings are meant for a specific purpose and for the exclusive use of the institutions concerned. Demand for community halls, market cum shopping complex, bus stand and others came from the Grama Sabha. The nature and type of public buildings constructed and the agency of construction were not substantially different in the sample Panchayats. Shopping complex, community hall, markets, etc. are providing valuable service to the public as well as in generating income. Compared to the market rate, the buildings owned by LGs are, however, getting lower income as rent. Panchayat reserves 10 per cent of each item of the shop rooms, bunks, stalls, etc, granted on rent or lease upon license for persons belonging to SC/ST and three per cent to the physically handicapped, and the same shall be granted by openly inviting applications from such categories alone. The study selected shopping complex in all sample Panchayat, as sample building for detailed evaluation.

The study evaluated all the three sample buildings, i.e., shopping complexes through field visits, verification of records and informal interview with Panchayat officials and beneficiaries.

[i] Shopping Complex, Kanjiramkulam

The market cum shopping complex in Kanjiramkulam town, which was established in 1994. It is a major market that provides services to the people not only in Kanjiramkulam, but also in nearby Panchayats. The shopping complex includes 40 stalls and one hall with a plinth area of 269 sq.mtr. and a hall with a plinth area of 90

sq.mtr. Nearly 110 families find their livelihood from this market and an average of 800 people visit daily for buying essential goods like, provisional items, fish, meat, fruits and vegetables, etc. The building and open area is maintained in poor condition. There is no proper drainage and waste management system in this market, even though the Panchayat is getting more than Rs. 8.75 lakh as market fee yearly, apart from the rent income from the shopping complex. Neither serious maintenance works were done for the last 10 years, nor were periodic reviews of rent agreements made. Hence the current rent is far below the present market rate. The Panchayat is losing more than Rs. 1 lakh per month from this account, assessed from a market rate perspective. Another important finding of the study is an open building inside the market, which has not been functioning since its construction. The building has a plinth area of 10 sq.mtr constructed with Rs. 5,00,000 from MP-LAD. This building is not feasible for the local vendors, especially women who are used to sitting on ground in small wooden chairs with a height of maximum one foot, whereas the foundation of this building is constructed with a height of three feet, which does not match the culture of local community. Absence of consultation with the local vendors before the building was constructed led to its non-use. This need to be changed, the MLAs and MPs must discuss with elected representatives and beneficiaries before implementing such schemes.

[ii] Shopping Complex, Kadaplamattom

The Panchayat office cum shopping complex in Kadaplamattom Panchayat is maintained well, compared to other two Panchayats. The shopping complex with the plinth area of 160 sq.mtr is in good condition, and requires only planned maintenance. There are six shops functioning including a Post Office and Akshaya Centre. However, here too the income generated from these buildings is very low, compared to the market rate. It is recommended to renew the rent agreement as early as possible, so that the Panchayat can get more revenue.

[iii] Bus Stand cum Shopping Complex, Kuttikkol

The bus stand cum shopping complex at Benthudukka in Kuttikkol Panchayat is maintained in an average condition, it needs significant maintenance. This shopping complex is the largest among sample Panchayats with plinth area of 927 sq.mtr, 20 shops are function in this complex which include a Beverages corporation outlet. Kuttikkol is the only one Panchayat which implement proper

rent agreement system, so obviously they are getting more revenue compared to other sample Panchayats. Timely renewal of rent agreement is imperative for 'OSR' mobilization, which will significantly enhance the financial autonomy of the Panchayats.

4. Own Source of Revenue (OSR)

Availability of adequate 'Own Source of Revenue' (OSR) makes the LGs autonomous and strong. The 'Own fund' of the LGs is mainly classified into two – Tax revenue and Non-Tax revenue. Non-tax revenue constitutes 51 percent of the total own collected revenue of Grama Panchayats (Vijayanand, 2009). This is an important source that can be enhanced considerably.

It could be seen from the Annual Financial Statements (AFS) of sample GP that during the twelfth plan period, the Kanjiramkulam Panchayat generated Rs.1.87crores, Kadplamattom Panchayat Rs. 1.23 crore and Kuttikkol Rs.1.95 crores as own fund. In all the Panchayats rent from shopping complex, community halls, markets etc constituted an important item among the non-tax revenue sources.

Kanjiramkulam Panchayat earned only Rs. 8,63,923 as rent during 2012-17 even though they had 40 rooms ((269 sq.mtr) in the heart of Kanjiramkulam town. This is very low compared to other two Panchayats. The rental income of Kuttikkol Panchayat was Rs. 27,25,456 from 20 rooms (375 sq.mtr) during this plan period – the highest rental income among the sample Panchayats. Kadaplamattom Panchayat rented 12 rooms (160 sq.mtr) and one community hall (90 sq.mtr), and earned Rs. 12,51,498 during 2012-17. Kuttikkol Panchayat generated the highest rental income among sample Panchayats. Unlike other Panchayats, the Panchayat committee of Kuttikkol is empowered to hike an amount of 10 percent of the rent annually. Based on this decision, the Panchayat sends notice to all its tenants to renew the rent agreement with a 10 per cent increment. The tenants have to submit an application form mentioning that they agree with the new rent or other terms fixed by the Panchayat committee for renewal. The rent agreement could be renewed only if the tenants have cleared all the dues, if there be any. Tenants, who are not willing to continue with the new rent or terms will have to vacate the rooms within 30days from the date of notice they received and their agreement will not be renewed. It is significant to note that all the 20 tenants agreed with this decision of Panchayat for the last 10 years. This shows the sound methodology adopted by the Panchayat in collecting rent due to the GPs, eventually filling their coffers and ensuring financial autonomy for maintenance of assets.

Kadaplamattam Panchayat is making only a five per cent annual increment, the collection of rent is dismal as they are not strict with the delinquent tenants, who fail to pay the dues. Collection of rent at Kanjiramkulam is at a very low level. Interestingly, they have not increased the rent for the last twelve years! It shows that the autonomous power granted under the PRA 1994 to the GPs in the administration of all assets, except transferred institutions, was effectively put into use only by Kuttikol Panchayat.

5. Conclusion

The timely maintenance of own and transferred buildings are one of the major challenges faced by the GPs. As of now the Government of Kerala does not have a clear policy for renewal of buildings to prevent their deterioration in terms of quality and consequent breakdown of buildings. In the sample Panchayats, periodical verification of buildings were not undertaken to ensure that they are maintained properly. Numerous buildings were constructed under MP-LAD/MLA-LAD. But unfortunately it did not ascertain the user requirement before construction. As a result, basic requirements were not provided due to which they were either remaining idle or functioning improperly thereby blocking scarce resources. Markets and commercial complexes are delivering good service to the local people by facilitating sale and purchase of agriculture products in their own village. All sample Panchayats had shopping complex and market buildings in the prime locations, as part of their own fund mobilisation. The study found that the revenue generation from these buildings is very low compared to the market rate. It is recommended to enforce timely renewal of the rent agreement or annual increase system in all commercial buildings owned by Panchayats.

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South Asia School of Local Governance (SAS)

South Asia School of Local Governance (SAS) is established in KILA with the objective of conducting regular programmes for the capacity building of local governments in South Asia. Programmes for countries in South Asia are conducted on demand basis.

The short term programmes for national and international participants are conducted, by applying participatory methodology. The sessions are interactive in nature and field visit is integral part of every programme.

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Recovery of Revenue Dues to Urban Local Bodies: Dialectical Nuances In Kerala Model

The public policy behind the Constitutional scheme of decentralisation is to provide a better local government with the State powers like law making, execution of laws, collection of taxes, fees, fines, charges etc. The scheme therefore accentuate on the peoples participation in the democratic process and the inclusive governance. Whilst the 74th Constitutional Amendment mooted a complete paradigm shift from State centred administration to local people centred administration the shift is in the midst of real objective due to the non-parting with powers and taken aback of powers by the State. The present exposition analyse the nuances of the recovery of dues to urban local bodies across legislations to narrate the right perspective through the dialectical reasoning.

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1. Introduction

The local government system having the functions divided into mandatory, general and sector-wise functions considerably depend on the own fund, State share and Central share in the implementation of the said functions. The economic efficiency and discipline are an integral part which in result materialise the aspirations of local democracy. Before the introduction of 73rd and 74th Amendment to the Indian Constitution, the taxing power was within the exclusive domain of Central and State Governments. By the introduction of local government system, the taxation power was transferred to the local bodies and also made provisions for revenue sharing from the State Government by virtue of Article 243-X of the Constitution of India. The Kerala Municipal Act of 1960 (herein after referred as Act of 1960) and The Kerala Municipal Act of 1994 (herein after referred as Act of 1994) made provisions for taxation and collection of revenues. The present article is an attempt to expose the limits in procedural part of the collection of revenues. Even though the application level are different in the legislations ranging from Municipal Act of 1960 to Revenue Recovery Act of 1968, the article put its major premise on the constituent power exercised, that is the executive power.

2. Recovery of Revenue Dues under the Kerala Municipal Act of 1960

The erstwhile Act of 1960 occupied the field of municipal administration prior to the introduction of 74th Amendment to the Constitution of India. The unique feature of the Act of 1960 comparing to the Act of 1994 in terms of recovery of revenue dues is that the enabling provision as well as the elaborate procedure and manner of recovery was provided there in the Act itself. The Section 386 of the Act of 1960 made the substantial provision for the recovery of revenue dues to a municipal local administration, which says that, all costs, damages, penalties, compensation, charges, fees (other than school fees), expenses, rents (not being rents for lands and buildings demised by the municipal council), contributions and other sums which under this Act or any other law or rules or bye-laws made there under or under any contract in respect of water supply or drainage made in accordance with this Act, the rules or bye-laws are due by any person to the council, may, if there is no special provision in this Act for their recovery be demanded by bill as provided in the rules in Schedule II and recovered in the manner provided therein. (Kerala Municipal Act, 1960, Schedule II).

2.1. Procedure for Recovery

Section 150 of the Act of 1960 says that, the rules and tables embodied in Schedule II shall be read as part of this Chapter [Chapter VI-Taxation and Finance]. The Schedule II, Taxation and Finance Rules (herein after referred as Taxation Rules) are the procedural part of the Act of 1960 which have operated in the field of recovery of revenue dues. (ibid).

2.1.1 Demand Notice

Rule 31(1) of the Taxation Rules says that, where any tax due from any person is not paid on or before the due date, the Commissioner (presently municipal secretary) shall, before proceeding to enforce the provisions of Rule 32, serve upon a notice of demand of tax requiring him to pay the tax together with a demand notice fee of fifty paise and the cost of service of the notice, if sent by registered post, within fifteen days from the service of notice. The content of demand notice is provided under Rule 31(2) of the Taxation Rules. (ibid.).

2.1.2 Recover by Distraint under Warrant and Sale of the Movable Property

Rule 32 of the Taxation Rules empowers the Commissioner to recover the amount due by distraint under his warrant and sale of the movable property of the defaulter subject to Section 60 (Property liable to attachment and sale in execution of decree) of Code of Civil Procedure of 1908. The Rule further empowers the Commissioner to prosecute the defaulter before a Magistrate. The Rule further envisages the council to invoke the civil court jurisdiction for recovering tax due. Rule 33 to 40 further laid down the procedure for execution of warrant, prosecution of the defaulter and imposing of fine etc. (Op. cit.).

3. Recovery of Revenue Dues under the Kerala Municipal Act of 1994

The Act of 1960 was repealed by the introduction of Act of 1994 subsequent to the 74th Amendment to the Constitution of India w.e.f. 01.06.1993. Section 538 of Kerala Municipal Act of 1994 says that, all costs, damages, penalties, compensation, charges, fees (other than school fees), expenses, rents, contributions and other sums which under this Act or any other law or rules or bye-laws made there under or under any contract made in accordance with the provisions of this Act, the rules or bye-laws there under are

due by any person to the Municipality may, in the absence of any specific provisions in this Act for their recovery, be demanded by bill as provided in the rules and be recovered in the manner provided therein. Section 538 is an enabling provision empowering the Municipality to recover the due amount by bill as provided in the rules and also the manner/procedure for recovery. Therefore it is pertinent to look into the Rule 19 of Kerala Municipality (Property tax, Service Charge, Surcharge thereon) Rules, 2011 which says that if any person default in the payment of property tax after the receipt of demand notice Secretary shall take recourse to distraint, prosecution, civil suit.

Being the position as said above, the Revenue Recovery Act, 1968 (herein after referred as RR Act) was made applicable to the recovery of amounts due from any person to the Local Self Government Institutions by virtue of Section 71 of RR Act by S.R.O 368/2005 (w.e.f. 16.04.2005). Therefore from 2005 onwards the procedure for recovery applicable is the revenue recovery procedure in the RR Act. The application of RR Act was made clear by virtue of Section 538A which was introduced by the Act 30 of 2009 w.e.f. 7-10-2009. The provision says that, All sums due by any person to the Municipality or to be recovered by the Municipality and allied charges or the expenses incurred, under the development scheme, shall be recovered as if arrears of revenue due on land, under the provisions of the Kerala Revenue Recovery Act, 1968 (15 of 1968), for the time being in force, without prejudice to any other manner of recovery.

4. Legal Analysis

The erstwhile Act of 1960 was a good example of decentralisation with respect to the recovery of dues to the urban local bodies. The Schedule II of the Act of 1960 laid down fair, just and reasonable procedure for the recovery of money empowering the Municipal Commissioner (municipal secretary) with Taxation and Finance Rules (Rule 31 to 40). The rule provided for a 15 days demand notice, recovery by distraint under a warrant, sale of the movable property of the defaulter, prosecution of the defaulter, etc.

The introduction of Act of 1994 repealing the Act of 1960 ceased the operation of the Municipal Finance and Taxation Rules. Albeit there is no specific procedure alike to the Municipal Finance and Taxation Rules provided in the Act of 1994, the Section 575 of the Act of 1994 (repeal and savings) by virtue of a non obstante clause

saved the Municipal Finance and Taxation Rules. The Section 575 (2) says that, any appointment, rules, including rules in the Schedules to the repealed Acts, bye-laws, regulations or forms made, notifications, notice, order, scheme or direction issued, tax fee or fine or other penalty, imposed, licence, permission or exemption granted under the repealed enactments and in force at such commencement shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force as if made, issued, imposed or granted as the case may be by the corresponding Municipalities under the provisions of this Act until superseded, amended or modified by any appointment, rules, bye-laws or regulations, notifications, notice, order, scheme, direction, tax, fee, fine or other penalty, licence, permission or exemption, made, issued, imposed or granted as the case may be under this Act.

The Municipal Finance and Taxation Rules therefore operated until the introduction of S.R.O 368/2005 (w.e.f. 16.04.2005) where the RR Act was made applicable to the recovery of amounts due from any person to the Local Self Government Institutions by virtue of Section 71 of RR Act. A conjoint reading of the application of RR Act, enabling provisions Sections 538, 538A of Act of 1994 and Rule 19 of Kerala Municipality (Property tax, Service Charge, Surcharge thereon) Rules, 2011 makes it clear that the recovery of revenue dues is through the RR Act along with other legal process like prosecution and civil suit.

5. Kerala Municipal Act of 1960 and Revenue Recovery Act of 1968: A Comparative Perspective

The recovery of dues under the RR Act is to a great extent similar to Taxation and Finance Rules. The RR Act lay down the procedure like demand notice by an authorised officer, attachment and sale, warrant etc. On a comparison it is evident that recovery as provided in the Schedule II of the Act of 1960 and RR Act is similar in letter and spirit. The only shift happened is to the officers authorised to do the recovery. Municipal Commissioner/Secretary in the Act of 1960 and “authorised officer/District Collector” in the RR Act along with the power to issue warrant for arrest of defaulter.

6. Conclusion

To conclude, the present treatise summarise the dialectical nuances of decentralised power of revenue recovery that existed during the regime of the Act of 1960 and the paradigm shift happened by the introduction of Act of 1994. Though the Act of

1994 was initially silent as to the procedure for recovery of revenue dues, by the extension of RR Act to urban local bodies as discussed above and by the introduction of Section 538A of the Act of 1994 the procedure for recovery of revenue dues again reverted to the exclusive domain of centralised power (authorised officer under the RR Act is the District Collector). The Act of 1960 provided with a simple procedure of recovery of revenue dues which can be initiated by Municipal Commissioner (Municipal Secretary). The demand notice, distraint and sale of movable property also fall within the jurisdiction of Local Body. RR Act entrust the power of recovery of revenue dues to district administration, which in turn is an antithesis to the principles of subsidiarity. The principles of decentralisation as envisaged in the Constitution of India in its letter and spirit can only be achieved by a system which can stand independently in terms of planning, execution and management of financial resources including the power to collect and recover revenue due to the local government.

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Role of Decentralised Governance in Public Service Delivery to Urban Poor: With Special Reference to JnNURM

The efficiency in decentralised governance has profound influence in improving the standard of living of urban poor. Public service delivery targeted at the improvement of urban poor cannot be made possible without the active, systematic and timely involvement of decentralised governance mechanism. In this context, the present study highlights the necessity of decentralised governance mechanism for ensuring better performance in the provision of basic services to the urban poor and this is done through the assessment of the progress of JnNURM (Jawaharlal Nehru National Urban Renewal Mission) in Kerala and pointing out the discrepancies involved in its implementation. The study thus extends its scope to analyse the role of decentralised governance in improving the standard of living of urban poor.

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1. Introduction

Decentralised governance is the cornerstone of Indian democracy and has played a vital role in deepening the roots of democracy through its participatory framework. Local self government has in fact explored the broad realms for effective governance and thereby strives to ensure inclusive development. A well functioning decentralised governance mechanism, which is competent enough to provide quality public services with citizen centric focus and fiscal prudence is indispensable for comprehensive development. It is this recognition, which made policy makers employ decentralised governance as an important participant for channelizing the needed services to the citizens. Unfortunately, the implementation lag pertaining to public service delivery and corrupt practices inherent in the system wreck havoc to the smooth conduct of public service delivery mechanism. (The Hindu, 22 March 2012). This detrimental effect of delayed delivering of needed services affects more the socially and economically vulnerable sections of society than the privileged class. This paper thus primarily intends to analyse the role of decentralised governance in public service delivery to urban poor, with special reference to Jawaharlal Nehru National Urban Renewal Mission (JnNURM).

2. A Brief Outline of JnNURM

JnNURM is the single largest initiative ever launched in the country to address the issues of urban infrastructure and basic services to the urban poor. The Mission was planned to be implemented over a period of 7 years (2005 -2012). JnNURM comprises of two broad segments (1) sub mission on infrastructure and Governance and (2) Sub mission on Basic service to urban poor; covering 63 identified mega, metro, capital and cities of heritage and historical importance. The Basic Services to Urban Poor (BSUP) and Integrated Housing and Slum Development Programme (IHSDP) aim at integrated provision of the following basic amenities and services to the urban poor and slum dwellers such as; Security of tenure at affordable prices, Improved housing, Water supply, Sanitation, Education, Health, Social security. (www.mhupa.gov.in).

3. Objectives of JnNURM

- i. Focused attention to integrated development of basic services to the urban poor. Security of tenure at affordable price, improved housing, water supply and sanitation.

- ii. Convergence of services in fields of education, health and social security.
- iii. As far as possible providing housing near the place of occupation of the urban poor.
- iv. Effective linkage between asset creation and asset management to ensure efficiency.
- v. Scaling up delivery of civic amenities and provision of utilities with emphasis on universal access to urban poor.
- vi. Ensuring adequate investment of funds to fulfill deficiencies in the basic services to the urban poor. (www.mhupa.gov.in).

4. JnNURM in Kerala

From Kerala, Thiruvananthapuram Municipal Corporation and Kochi Municipal Corporation are selected under JnNURM. The funding pattern for these cities are as follows: For Thiruvananthapuram Corporation 80 percent is the Central government share, 10 percent is Kerala government share and 10 percent is the share of urban local body. For Kochi Corporation, 50 percent is central government share, 30 percent is Kerala government share and 20 percent is share of urban local body (ULB). (CAG, 2015).

In Kerala, the Kerala Sustainable Urban Development Project (KSUDP) is the State Level Nodal Agency (SLNA) for JnNURM. Project Corporations have also been established for both Thiruvananthapuram and Kochi to provide implementation support. For water supply and sewerage projects, the Kerala Water Authority has also established dedicated Project implementation Units in both the cities on the basis of the tripartite agreement entered with the Municipal Corporations and State Government for implementation of Water Supply and Sewerage Projects. A State Level Technical Advisory Group (S-TAG) and City Level Technical Advisory Groups (C-TAGs) provide technical support and assistance under JnNURM. (CAG, 2015).

5. JnNURM and Public Service Delivery to Urban Poor

The important sub mission of JnNURM is the provision of Basic Services to the Urban Poor (BSUP) and it aimed at providing basic services and related civic amenities to the urban poor so as to ensure integrated development. Though the mission was initially targeted for 7 years ranging from 2005-2006 to 2011-2012 later it was extended up to March 2015. (CAG, 2015).

BSUP was implemented in Thiruvananthapuram in four phases and in Kochi in three phases. Fundamentally, the BSUP consist of constriction of dwelling units provision of services like sanitation, water supply etc. The detailed project Report (DPR) of Thiruvananthapuram was prepared by Cost Ford and for Kochi, it was prepared by C-Earth Ltd.

Total number of slums in two cities was 760 (in Kochi-411 and in Thiruvananthapuram-355 slums). The scheme was taken for implementation in 30 slums (23 From Thiruvananthapuram and 7 from Kochi). At the Central level the scheme of BSUP was administered by Ministry of Housing and Urban Poverty Alleviation .The State Level Nodal Agency (SLNA) was the Kudubmasree, the State Poverty eradication Mission. (CAG, 2015).

The urban local bodies were entrusted with the responsibility of preparing DPR and were supposed to submit it to SLNA for appraisal. Kudumbasree was supposed to submit the project to State level Steering Committee (SLSC) for getting sanction and seeking assistance from Government of India. The project was sanctioned by Central Sanctioned and Monitoring Committee (CSMC). At the State level, the implementation of BSUP was coordinated by the State level Steering Committee headed by Chief Minister.

6. Implementation of JnNURM'S Sub-Mission of Providing Basic Services to Urban Poor (BSUP) in Kerala

6.1. Discrepancies in the Selection of Beneficiaries

The issued guidelines by the government gives preference to the vulnerable sections of society like members suffering from chronic disease, unwed mother, physically and mentally challenged, landless family etc. The application after prioritising was to be scrutinized by the Community Development Society and the beneficiary was to be approved by Ward Sabha after detailed discussion and further consolidation by ULBs.

The approved DPRs contain 23,631 beneficiaries. The audit report by Comptroller and Audit General noticed that the corporations did not provide benefits to all included in the beneficiary list and also provide assistance to new beneficiaries by deleting most of the beneficiaries in approved list. The reason for this drastic deviation was not properly documented. Kochi Corporation stated that hasty preparation of beneficiary list, non availability of land and non-cooperation of beneficiaries forced them to make changes in the

beneficiary list. But they do not have supplementary documents to support it. (CAG, 2015). It was also found out that the requirements of biometric mapping of identified beneficiaries as per the scheme guidelines were not followed by the two corporations. Thus there is a sheer lack of transparency resulting in neglecting the intended beneficiaries.

Though the main objective of the scheme was integrated development of slums, the main activity undertaken in both corporations under this scheme was construction of dwelling units, construction and modification of flats etc. These dwelling units constructed were not confined to the slums, violating the norms. (CAG, 2015). As per the audit findings, the progress of construction of flats meant exclusively for slum dwellers were 1 percent and 39 percent for Kochi and Thiruvananthapuram respectively. Progress made in other areas pertaining to water supply, other community services, etc remained far from satisfactory.

It has been learnt from mission guidelines that the Central assistance provided under the mission can also be used for financing urban development projects in the PPP (Public Private Partnership Model). The two corporations had not proposed any projects in PPP model except 12 flats constructed in Kochi. (CAG, 2015).

6.2. Low Public Participation and Deficiency in the Preparation of DPR

The JnNURM guidelines insist stakeholder participation i.e. the involvement of communities in the preparation of DPR. It was entrusted with the ULBs (Urban Local Bodies) to ensure civil society group or NGOs to organise, mobilise and ensure the participation of urban poor communities in a participatory planning process. However, in both Kochi and Thiruvananthapuram corporations, there was no evidence to verify whether DPRs were prepared through participatory planning. Thus in the absence of local planning, there were local protest, unwillingness of beneficiaries to pool their land for construction. Many projects proposed were not started and remained incomplete. Reasons cited include; non-availability of land, non cooperation from beneficiaries, delay in getting central assistance, etc. (CAG, 2015).

6.3. Excess Collection of Beneficiary Contribution

The scheme guidelines explicitly stated that the vulnerable groups of Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Communities (OBCs), and physically handicapped need to contribute

only 10 percent of cost as beneficiary contribution. But the audit report found out that both the two corporations collected beneficiary contribution at the rate of 12 percent of project cost as applicable to general category and from the OBC category on the basis of direction given by Kudumbasree. On being asked in audit, the State Level nodal agency replied that State had made changes in beneficiary pattern. (CAG, 2015). However, no government order or instructions to support the alteration made was produced.

6.4. Non- completion of Houses After Receiving Assistance

As per the guidelines, within 6 months of the date of disbursement of the first installment of assistance, individual houses should complete its construction. The guideline further provides that in case of non-completion of the work of houses, then the amount of assistance given to the beneficiary had to be recovered with penal interest of 18 percent. But the audit noticed that 1782 beneficiaries who received assistance during January 2008 to February 2014 had not completed the construction and it explicitly points out the lack of monitoring mechanism existing in the corporations. (CAG, 2015).

6.5. Sale of Houses After Receiving Assistance

As per the guidelines, houses constructed under the assistance of the scheme shall not be transferred or sold for the first seven years. To ensure this, the required documents of the house should be kept under the safe custody of the corporation. But there are instances of beneficiaries selling houses before the stipulated period. The corporation noticed this only when it was pointed in the audit.

6.6. Wasteful Expenditure on the Purchase of Motor Pump Set

DPR for Kalamassery Municipality included a project for providing individual water connections to each household. The Municipality invited quotation for supply of water tanks, rain water harvesting units, motor pump sets etc though these were needed only after completing the laying of pipeline. As a response, an offer to supply pump sets alone was received and Municipality purchased 145 pump sets at a cost of Rs. 2.99 lakhs. Since the work relating to laying of pipelines were not carried out, the motor pumps were not used. The pump sets left unused for more than 5 years has now become obsolete and the corporation suffered a loss of Rs. 2.99 lakhs in this regard.

7. Problems in Public Service Delivery of Decentralised Governance under JnNURM

The biggest problem identified was that of low autonomy and poor capacity of urban local body, while JnNURM and its sub mission explicitly gave the impression of promoting the agenda of decentralised governance and strengthening the 74th amendment and making ULBs central to planning of JnNURM projects. But in practice, JnNURM guidelines equated parastatal organisations with elected ULBs and provided these organisations the JnNURM fund. This marked the continued practice of State government diverting municipal functions and funds to parastatal organisations thereby undermining the capacity and functional autonomy of ULBs. Even though ULBs were not always the recipients of JnNURM funds, they were held accountable for the reforms.

The other main problems include weak financial and technical capacity of Municipal Corporations, failure in empowering the ULBs to augment their financial and technical base, insufficient pool of funds in Kochi through collection of property and taxes, lack of coordination and institutional fragmentation in service delivery.

The low level of public participation, deliberate institutional delays, short sighted perspective, lethargic attitude of ULBs in implementation etc resulted in weak service delivery. With respect to provision of Basic Services to the poor, the internal control system was not at all effective resulting infinite lag in policy implementation.

8. Suggestions

- i. The role of Central government should be more flexible enough to identify local priorities. The one size fit for all approach or the approach of centralised decentralisation need to be changed. It is therefore suggested that norms and standards be set depending on local baselines and capacities.
- ii. Public participation had not taken place in the required level in implementing JnNURM project. For successful completion and further strengthening the decentralised framework, there is an urge to enhance public participation in projects of the type of JnNURM.
- iii. Performance based funding and unbiased mechanism for performance monitoring should be ensured.
- iv. Since land acquisition and related conflicts often creates

trouble in the faster implementation of projects, novel approaches and fair compensation for land acquisition should be ensured.

- v. More transparency in tender allocation has to be made leaving no room for corruption.
- vi. Continuous and systematic monitoring and evaluation of progress of the projects should be done.
- vii. Active and vibrant participation of all parties concerned including the potential beneficiaries should be made.
- viii. There is a need to invite attention of media in reporting the pathetic plight of many broad plans intended to benefit the vulnerable sections of society.

9. Conclusion

Decentralised governance has indeed a lead role to play in ensuring timely and quality enhanced development. It is in fact capable of transforming urban landscapes into the play grounds of prosperity. The vision and systematic planning to deliver quality services are often hindered by the inefficiency of decentralised bodies to rise up as per the requirements. The whole system seems to need a positive shift favouring the systematic implementation of projects especially those which bring positive transformations to the lives of millions of marginalised poor sections. Urban local bodies and Municipal corporations are capable of doing more than what they are now doing and it has become imperative to unleash the full potential of these grass-root institutions to bring about a positive transformation in terms of qualitative service delivery. In order to ensure this, it has become indispensable for effective supervision and continuous monitoring. Let us stand united to ensure that no plans with realistic objective of uplifting the marginalised perish under the negligence and incapability of decentralised governance.

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Rural Local Self Governments in India: A Retrospect

This paper highlights how Panchayats became better self-governing body in post colonial period than colonial period. The paper also reviews the debate on Panchayats in constituent assembly and the role of independent government towards strengthening Village Panchayats. Towards the end of the paper, the 73rd Amendment Act, 1992 and the PESA Act, 1996 also have been critically analysed.

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1. Introduction

Rural areas of India is divided into five categories: (i) non-fifth schedule areas (ii) fifth schedule areas (iii) sixth schedule areas (iv) the states of Meghalaya, Mizoram and Nagaland, and (v) the hill areas of Manipur and the district level Panchayats in the hill areas of Darjeeling of West Bengal. (Govt. of India, 1992). The Seventy-third Constitution Amendment Act (CAA), 1992 has provided constitutional status to the local self governments; the Panchayati Raj Institutions (PRIs) in rural areas. (ibid.). In the beginning, it was extended to the non-fifth schedule areas. The Provisions of the Panchayats (Extension to Scheduled Areas) Act, (PESA) 1996 extended it to the fifth schedule areas. (Govt. of India, 1996). In this way, the 73rd amendment has been extended to the whole of India, except these (iii) (iv) (v) categories areas out of above five categories where various kinds of grassroots local governance structures exist. (MoPR, 2017). The 73rd CAA provides three-tier Panchayats viz., village, intermediate and district Panchayats; and Grama Sabhas (GS) for every Grama Panchayat (GP). (Govt. of India, 1956). In fifth schedule areas, GS has exclusive power in the matter of village than non-fifth schedule areas.

2. Constituent Assembly Debates on Article 31-A of the Draft Constitution

For making constitution of India, on December 1946, constituent assembly of India was constituted. (Mahipal, 2004). On August 29, 1947, drafting committee was constituted to scrutinize and suggest necessary amendment to the drafted constitution of India. (Constitution Assemble Debate, 1946). It had received support as well as criticism. One of the criticisms is in the context of Village Panchayat, which B.R.Ambedkar read out in the constituent assembly. In response to that criticism, he said: I am therefore surprised that those who condemn Provincialism and communalism should come forward as champions of the village. What is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism? I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit (ibid., 1948).

In the new constitution, power was shared between States and Union government but there was nothing regarding local self government. At first Maulana Hasrat Mohani gave notice of an amendment to the Draft Constitution saying that, B.R. Ambedkar

did not mention the Village Panchayat in the Constitution. (ibid). Damodar Swarup Seth was next to support Village Panchayat. Quoting Mahatma Gandhi, he said: “too much centralization of power makes that power totalitarian and takes it towards fascist ideals. The only method of safeguarding against totalitarianism and fascism is that power should be decentralized to the greatest extent” (ibid., 1948). H.V.Kamath agreed to Maulana Hasrat Mohani and Damodar Swarup Seth in connection with Panchayat. He read out to the house a brief description about the polity of India that: “At the height of its evolution and in the great days of Indian civilization we find an admirable political system, efficient in the highest degree and very perfectly combining village and urban self-government with stability and order”. (ibid., 1948). Arun Chandra Guha, K Santhanam, R K Sidhwa and Monomonan Das supported Village Panchayat. (ibid., 1948).

After much debate in the Constituent Assembly over Village Panchayat, Prof. K.T.Shah and H.V.Kamath placed new Articles which were not accepted. Then K. Santhanam placed Article 31-A before the assembly members. He said that after Article 31, 31-A should be added Article 31-A reads: 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. (Constitutional Assembly Debate, Monday, 1948). Dr. B. R. Ambedkar said, “as I said, I accept the amendment. I have nothing more to add”. (ibid.) In this way, new Article 31-A was added in the Draft Constitution of India and now renumbered as Article 40 in the Chapter IV of the Constitution of India.

3. Constitution (73rd Amendment) Act, 1992

After independence, political parties in various States came into power and they enacted Panchayat Act in their States. But in fact, on the ground level nothing was done. (Mahipal, nd). Because Article 40 has been incorporated in part IV 'directive principles of state policy' of the Constitution; so the states were free to make law or not, to get election held or not. (Constitution of India). It was through the 73rd CAA, constitutional status has been provided to Panchayats. (MoPR, 2017).

With the introduction of PRIs after independence, a series of reviews have taken place from time to time to improve their performance. In 1957, under the chairmanship of Balwant Rai Mehta, a committee recommended three-tier systems of Panchayats from

village to the district level viz., Gram, Samiti (intermediate), and Zilla Parishad. (Balwanth Rai Mehta Committee, 1957).. In 1977, Ashok Mehta Committee recommended two-tier system of Panchayati Raj viz., Zilla Parishads at the district level and Mandal Panchayats at village level. (Ashok Mehta Committee, 1978). Then in 1985, the GVK Rao Committee recommended that planning, implementation and monitoring of rural development programmes should be assigned to the Panchayati Raj Institutions at the district level and below and the revival of Panchayati Raj Institutions. (GVK Rao Committee, 1985). In 1986, Dr. L.M. Singhvi Committee recommended that local self government should be constitutionally recognized, protected, and preserved by the inclusion of a new chapter in the Constitution. (LM Singhvi Committee, 1986).

In 1989, 64th Constitutional Amendment Bill was introduced in Lok Sabha by Rajiv Gandhi. This Bill was passed in Lok Sabha, but collapsed in Rajya Sabha. (Institute of Social Science, 2014). On September 16, 1991, ruling Government tabled 73rd Constitutional Amendment Bill in the Parliament. On December 22, 1992 the Bill was passed by Parliament. Therefore the Bill is known “the Constitution (Seventy-third Amendment) Act, 1992”. Article 243-N says, within one year, all the States shall amend its Panchayat acts considering 73rd CAA. Thus all the States amended its Panchayat Acts before April 24, 1994.

After passing the Act, most of State government extended it to their whole State. They extended their Panchayat Act to non-fifth schedule areas as well as fifth schedule areas. Here one thing should be remembered that the 73rd CAA could not be extended to fifth schedule areas. For these areas separate provisions are mentioned in the fifth schedule of the Indian Constitution. Therefore it was necessary to pass a separate law to extend the law to the fifth schedule areas.

4. Extension of the 73rd CAA to the Fifth Schedule Areas

On June 10th 1994, under the chairmanship of Mr. Dileep Singh Bhuria, a High Level Committee of select MPs and Experts was constituted by the Ministry of Rural Development (MoRD), GoI, to make recommendations about how the 73rd Amendment could be extended to the Fifth schedule areas. On January 17, 1995, after a long discussion, it submitted report to the MoRD. It reads such

that the 73rd Amendment vested Panchayats powers and authority which empowers Panchayats as institutions of self government. Therefore, it could be extended to the said schedule areas and for this Parliament should pass a new Act which preserve tribes' customary law, social and religious practice; because they have been solving their political-socio-legal affair on the basis of principles, procedures, practices, norms, conventions, traditions, precedents, etc. But in these areas or other areas, traditional organizational structures and leadership has been following. (Lal Moti, 2017).

On December 11, 1996, on the basis of the Bhuria Committee Report, a legislation title, “the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996” was introduced in Rajya Sabha (RS). After passing by RS and Lok Sabha, the Bill received President's assent. (Govt. of India, 1996). It extended Part IX of the Constitution with certain modifications to the Scheduled V areas of 10 States viz. Andhra Pradesh, Telangana, Chattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan. (MoPR, 2017). The Act vested many powers to GS to initiate work. GS has following powers (Govt. of India, 1996):

- To prevent alienation of land in the Scheduled areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe.
- The ownership of minor forest produces.
- To enforce prohibition, or to regulate or restrict the sale and consumption of any intoxicants.
- To exercise control over money lending to the Scheduled Tribes.
- To exercise control over institutions and functionaries in all social sector.
- To control local plans, and resources for such plans including tribal sub-plan.
- Of prior recommendation in granting prospecting license or mining leases for minor minerals as well as for grant of concessions for the exploitation of minor minerals by auction.
- Right to be consulted on matters of land acquisition.
- To issue utilization certificates for government works undertaken in their village.

5. Critical Analysis of 73rd CAA and PESA

Through the 73rd Amendment, a new part IX 'the Panchayat' has been added to the Constitution and the Panchayats have been given constitutional right, it could not become completely local self-government body till today because Panchayats do not have their own power. GSs and Panchayats have not been given such powers and authorities by the CAA which makes them as self-rule institutions. However, through the amendment, eleventh schedule have been added in the constitution in which 29 subjects are listed for giving GSs and Panchayats, but these subjects cannot be exercised by the GS and Panchayats themselves. It was left on sweet will of the legislature of a State. The State will decide how many subjects should be given and how many subjects should not be given to them.

But it cannot be said that there is no benefit of the amendment. Before the amendment, there were many rights which were not given to GSs and Panchayats by the State government but those rights suggested to be given through the amendment. Therefore status of GPs and GSs are made better than earlier. Now many things go in a proper way that was not so earlier. Now, for every Village Panchayat, GS are constituted. Three tiers panchayats viz., village, intermediate and district levels, has been provisioned. At all three levels, post of members, chairpersons seats are reserved for ST and SC. Tenure of Panchayats is fixed for five years and if it dissolves before expiration, State Election Commission will hold election. The State Election Commission shall be appointed by the Governor to conduct election. The Governor of a State shall constitute a Finance Commission to review the financial position of the Panchayat at the expiration of every fifth year.

Through the PESA, there was need to mandatorily endow power in the matters of village to the GSs, but in real it is not so. Sections, sub-sections, clauses, and sub-clauses of the Act at one place endow exclusive power to GS; on the other hand, the same Act in the other places endows power to GP, the State legislature and between GP and GS. In addition to this, the same power at one place is under GS and on the other place under GP. This Act endows equal power to GS and GP to carry out a job/ development projects. This has become complex and murky as which body is actually having the authority is not clear. (Govt of India, 1996). Same is in the

case of planning and management of minor water bodies. (Kandpal, 2017).

Eventually after a critical analysis of the Act, there are two findings: (1) soul of the act is missing because as per the Act, GS is higher authoritative body and GP is subordinate to it. But the Act in many places distributes the power of decision making in subject matters in such a way that it creates visible confusion and opens a space for the back door entry of bureaucracy to interfere and possibly manipulate matters in their desired direction, and (ii) however, legal view suggests that as per the Act, final authority in subject matters of the village rests with GS exclusively though there are some sections where the said power has been equally distributed between GS and GP. But GS being a higher political body can override the decision of the GP as per the Act.

6. Conclusion

After studying the paper, it is very clear that Panchayats have not become self governing body completely till today. However, through 73rd Amendment, Panchayats have been given constitutional right and due to this, Panchayats elections are conducted regularly in every State. In course of making Panchayat as self-governing body, there is need to omit article 40 of Part IV of 'Directive Principles of State Policy' and Panchayat subject from State List of seventh schedule of the Constitution and the Panchayat matter should be added in the Union or Concurrent List of seventh schedule.

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Trajectory of Economics and Development

Dr.J.B. Rajan*

Book Review

Employment, Growth and Development Essays on a Changing World Economy

Edited by Deepak Nayyar

Routledge, First South Asia Edition 2017; pp 260, ₹ 895

In the backdrop of fast changing world economy, the issues on employment have an impact to the growth and development. In this context, the Book by Deepak Nayyar entitled 'Employment, Growth and Development: Essays on a Changing World Economy' is relevant. It is a compendium of ten published articles by the author, schemed into three thematic clusters. The thematic cluster one deals with articles on employment and development; cluster two is on growth and development; and the issues on development, polity, and society is dealt with in cluster three.

The cluster one, containing four chapters, provides a macro economics perspective on employment and development in the context of the world economy. The articles in this part highlights strategic role of employment in development. The state of economies at macro level and the living conditions of people at micro level too are dealt with in this part. The Chapter one analyses the implications of the global financial crisis for developing countries. The Chapter two addresses the fundamental question that why employment matters in development, which generally does not receive the attention it deserves in orthodox macro-economics. The reciprocal interaction between macro-economics and human development in the emerging political context is given in Chapter three. The Chapter four provides the possibilities of MDGs beyond 2015, that is relevant to its successor SDGs.

The cluster two, containing four chapters, highlights the unequal distribution of benefits of growth between countries and within country. The Chapter five narrates the evolution of developing countries by juxtaposing the west and the rest in the world economy. The economic implication on the rise of China, India, Brazil, and South Africa in the world economy is given in Chapter six. The Chapter seven sketches the increasing presence of China and India in the economic development of Africa. In continuation of this, the rise of BRICS for the developing world and global governance is brought out in Chapter eight. In general, this part

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of the book deals with the inclusive development. By bringing the rise of BRICS into the picture, it also dwells into the disciplines of economics and politics.

The cluster three contains only two articles. However it takes the reader beyond the economy to polity and society. The Chapter nine provides a vivid account of globalisation and democracy in a changing world. The author argues that the epoch of globalization has witnessed the spread of political democracy across countries. The need for beyond affirmative action to resolve problems of discrimination and injustice in society is put forth in Chapter ten. Through interdisciplinary approach, this part imparts the advent of global markets and juxtapose it with national government.

In short, this book covers interface of employment with growth and development. Though the essays are apparently on economics, they also sprout into the intersections of economics; viz. macro and development economics, national and international economics, etc. Thus the book is interdisciplinary in nature as it shows interface of economics with history, politics, and sociology too. This book will be a useful literature for the teachers, students, and researchers in the social science discipline; i.e. not only for economics discipline but also for related disciplines. Also the author provides sufficient tips for the policy makers at the national governments, especially in developing countries, to decide upon developmental issues. This book, no doubt, will also forms a snap short on the employment, growth, and development in the fast changing world economy.

*Book Review - Anupama Pradeepan**

Federalism and Local Governments in India

Anil Kumar Vaddiraju

Stadium Press, New Delhi, 2017, ISBN: 9789-93-85046-10-0, pp 232

Dictionary meaning says “Federalism is a system of government in which entities such as states or provinces share power with a national government”. Sharing of power is a multidimensional process taking place in Indian context over a due period of time. From the constitutional mandates to the people at the grassroots level, India has tried for true devolution of power and authority through various revolutionary steps. One among them was constitutionalization of rural and urban local bodies through 73rd and 74th amendment acts. Being an effective political institution, in the midst of emerging trends in varying power equations, federalism, and there by decentralisation is a wide explored arena.

It is in this context, Anil Kumar Vaddiraju , has come up with a thought furnishing analysis of linkage between federalism and multi level governance in India, through his new book titled as, 'Federalism And Local Government in India' .The book tries to focus on the quasi-federal Indian governance system and how it operates in the present social context. Author emphasizes on the treatment of federalism, basically as an arrangement for governance through a multi-tier system. Containing 6 chapters, which are pre-published articles, it is coherently linked in the book, on the ground of federal perspective.

The first unit, “Federalism and the political sociology of decentralisation”, set forth four decentralisation approaches namely 1) Gandhian 2) Liberal constitutionalist 3) Neo- liberal and 4) Policy process approach. Author sheds light on the political and economic sociology of decentralisation which was favourably adopted in each of these approaches . Chapter also depicts the evolutionary path of decentralisation, from Gandhi's idea of 'constructive programme', (poorna swaraj) to World Bank's instrumental view of local democracy and to the flaws in policy processing and implementation of decentralisation in an organizational context. The unit shows, how the socio-political reforms which got interacted with the decentralization process, paved way for enquiry into the social base of politics and thereby governance.

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The 2nd chapter adopts a comparative analysis of political decentralization in the states and undivided Andhra Pradesh and Tamil Nadu, both which varies dramatically in socio-political context from other Indian states and shares notable similarities with each other. Unit gives descriptions on the local government history, the stand taken up by the states during economic reforms, role of PRI's, initiatives of state government in decentralisation process, impact of regional politics in the devolution of power and the ground realities of local governance in both states. While on hand examples are described in case of Andhra Pradesh local governance, author took a wholesome approach for Tamil Nadu, which has more stress on the states instigations on decentralization.

Third chapter enquired and analysed the aftermath of economic reforms in the political decentralisation scenario of four south Indian states, i.e.; Kerala, Karnataka, Andhra Pradesh, and Tamil Nadu through a political science view. The Kerala-Karnataka set was successful in devolving funds to the local bodies to an extent, but in devolution of functionaries both states still lack systematic planning and implementation. On the other hand, Andhra Pradesh and Tamil Nadu witnessed a high focus on economic reforms but less attention on decentralization. The unit is a judicious approach, explaining how local governments are stricken by the political regionalization and the impetus for economic reforms. The author takes a stand that, pursuing economic reforms should be accompanied by decentralization and through popular democratic participation.

The 4th chapter provides interesting insights into the education sector and the role of Panchayats in the states of rural Karnataka and Andhra Pradesh. Education including primary and secondary schools is one among the 29 subjects devolved into Panchayat Raj Institutions under 11th schedule of the constitution. The study reveals that the participation of Grama Panchayats and village education committees has reduced entirely to voluntary effort (page 164) i.e., Grama Panchayat role is defective in nature.

Accountability and transparency are key factors of a good governing body, and local institution being the arteries of local democracy, its effectiveness and efficiency largely rely up on the accountability of the system prevailing. 5th chapter of the book explores the varied aspects of practices that are followed by different south Indian states, such as citizen charter, ombudsman etc. and the need of public participation in making local institutions accountable.

In the final chapter, author has painstakingly taken a wide coverage of administrative decentralization keeping the classical background of public administration, development administration and public management approaches. This is followed by a brief conclusion, which forwards a reminder to union governments, about its crucial role in empowering local governments through systematic devolution of power.

This book is a rich resource, where both federal concept and decentralization is intertwined. The book reveals the fact that there exists a large empty space within the local democratic institutions where the upper level governments can creatively and enormously contribute. It is a strongly recommendable work for internalizing the federal setup and its implications on local government institutions in India.

List of Latest Publications of KILA

M E T K

- *Peoples Plan Campaign and Developmental Mission (March 2017)* ✓
- *13th FYP PPC- Helper for Preparing Status Report- 12 Sectors (February 2017)* ✓
- *Chief Ministers Speech on Peoples Plan Campaign (January 2017)* ✓
- *Sustainable Livelihood Development for the use of Grama Panchayats in Talipparamba Constituency under MLA Programme (January 2017)* ✓
- *SDG Tool Kit - Abridged Version (December 2016)* ✓
- *SDG Tool Kit - Draft for Discussion (December 2016)* ✓
- *Welfare Standing Committee Members of Urban affairs (December 2016)* ✓
- *Alappuzha Municipality- An Overview- Handbook for Field Visit (November 2016)* ✓
- *Nedumbasery Grama Panchayat- An Overview- Handbook for Field Visit (November 2016)* ✓
- *Kumarakom Grama Panchayat- An Overview- Handbook for Field Visit (November 2016)* ✓
- *Thalikkulam- An Overview- Handbook for Field Visit (November 2016)* ✓
- *Mararikulam South- An Overview- Handbook for Field Visit (November 2016)* ✓
- *Helper for SC Development - Training for Scheduled Caste Promoters, Scheduled Caste Development Officers, Grama Panchayat Presidents, SC Working groups Conveners, Chairpersons & Vice –Chairpersons – Volume I & II (November 2016)* ✓
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- *Right to Service of Citizens under kerala Panchayat Act- Revised Edition (October 2016)* ✓
- *DLG_ Participants Handbook (September 2016)* ✓
- *Manual on Finance Management- Procurement GO (RT) No. 2487/2016 LSGD dated 20.08.2016 (August 2016)* ✓
- *Handbook on Tribal Sub Plan (Working Group Members) (July 2016)* ✓

- *Annual Report 2015-16 (July 2016)* ✓
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- *Basin Management Manual for LSGIs (November 2014)* ✓
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