

KILA Journal of Local Governance
(Bi-annual)
Vol.3, No.1
January-June 2016



Kerala Institute of Local Administration

Mulamkunnathukavu P.O., Thrissur – 680581

Phone: 0487-2207000 (Office), 0487-2201312 (Director), 2201062 (Fax)

e-mail: mail@kilaonline.org

Website: www.kilaonline.org



KILA Journal of Local Governance

ISSN : 2319-930X

Vol.3, No.1

January-June 2016

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The principle of subsidiarity when followed in letter and spirit, strengthens the process of decentralization. It is seen that in many areas powers are shared and exercised concurrently, among various tiers of government. This sometimes lead to overlapping and duplication. Here is the need for proper activity mapping. At higher level, the role of the National, State, and Local Governments should be differentiated by legislation or constitutional amendment, in order to get clarity on the functions, functionaries, and finances that have been devolved at the local level. As far as possible, nationally determined service delivery standards shall take in to account the principle of subsidiarity when they are being drawn up and should involve consultation with Local Self Governments. There, still exists a variety of Centrally Sponsored Schemes. Many of them are in social sectors. The MGNREGS, SSA, RMSA, NRHM and IWMP channel funds for employment, sectoral development, and basic services. The design of these programmes and procedures prescribed for implementation and the structures developed for monitoring must ensure the centrality of Local Self Government Institutions as most of them relate to the functions enlisted in the Eleventh and Twelfth Schedule.

Chief Editor

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Beyond Voting: Decentralisation and Social Accountability

Decentralisation, in its broader sense of devolution, is aimed to generally ensure accountability to citizens. However, elections are a blunt means of accountability, as it does not by itself alone, enable citizens to participate effectively or to hold public servants accountable on a day to day basis. Social accountability mechanisms have the potential to trigger greater participation and enable accountability measures to operate. However robust social accountability demands enmeshing with formal means of upward accountability as well, which in turn requires sustained collaboration between State and non-State actors. Ethical frameworks also play significant role in strengthening accountability practices and are an essential ingredient of effective and responsive decentralised governance.

T.R. Raghunandan (IAS Rtd.)*

* Director, Avantika Foundation, Bangalore, Karnataka & Advisor, Accountability Initiative, email: trraghu2014@gmail.com, Phone: 09845749988.

1. Accountability to Citizens

Decentralisation is the process of redistributing or dispersing functions, powers, people or things away from a central location or authority. However, the word can and does mean different things to different people. To a politician, it may be a way of diffusing social and political tensions and ensuring local, cultural, and political autonomy. For a bureaucrat, it may mean a way to make government more responsive and service delivery more efficient. Typically 'decentralization' is considered a wider term, which encompasses three distinct strategies, namely, delegation, deconcentration, and devolution. 'Devolution' has a much deeper connotation than 'delegation' or 'deconcentration'. It means that powers and authority are endowed by a higher level of government to another level of government at a lower level, through statute. In devolution, accountability is largely to citizens, but there can also be modes of accountability to higher levels, in devolution.

Accountability is as slippery a term as Decentralisation, vulnerable to being used to mean many things. Lindberg describes the historical evolution of 'Accountability', and lays down a typology of what the term might ideally mean. (Lindberg, 2009). He asserts that the need for accountability is best captured in Bentham's principle – *'The more strictly we are watched, the better we behave'*. He draws attention to Nietzsche's observation, that we give an account only when it is requested, and only when that request is backed up by power. Therefore, fundamentally, accountability is closely associated with authority. Lindberg observes that only actors with some discretion to make authoritative decisions can be the object of accountability relationships. That in turn points toward the need for an identifiable locus of authority, as argued by J.S. Mill, that *'responsibility is null and void when nobody knows who is responsible. ... there must be one person who receives the whole praise of what is well done, the whole blame of what is ill'*. Lindberg concludes by highlighting Locke's insight, that accountability is possible only when the governed are separated from the governed.

With these insights providing the backdrop, Lindberg succinctly describes the following defining characteristics of all types of accountability. He states that for an accountability relationship to function there must be (a) An agent or institution who is to give an account (A for agent), (b) an area, responsibilities, or domain subject to accountability (D for domain), (c) an agent or institution to whom A is to give account (P for principal), (d) the right of P to require A to inform and explain/justify decisions with regard to D; and (e) the

right of P to sanction A if A fails to inform and/or explain/justify decisions with regard to D.

2. Social Accountability

Lindberg classifies different forms of accountability on the basis of three characteristics, namely, (a) whether the accountability holder is internal or external to the one being held to account, (b) the degree of control that the principal exerts on the power holder, and (c) the spatial direction of the accountability relationship, whether upward or downward. Using these three dimensions, he describes the types of accountability as given in Box 1.

Box 1: Types of Accountability

Source of control	Strength of control	Vertical		Horizontal
		Upward	Downward	
Internal	High	Business	Bureaucratic	Audit
	Low	Client-Patron	Patron-Client	Peer professional
External	High	Representative	Fiscal	Legal
	Low	Societal	Political	Reputational

From Box 1, let us further explore the issue of political accountability, because that is vitally linked to decentralisation as well. Public accountability, namely, the need of the state to be accountable to citizens for their actions, is of two kinds, namely, horizontal accountability, where state institutions act as checks and balances on each other, and vertical accountability, where mechanisms are put in place to enable citizens to demand accountability from the government. The most obvious means of vertical political accountability is the electoral process. However, elections are considered ‘a blunt instrument’ as they ‘do not enable citizens to state their preferences regarding specific issues, participate effectively in public decision making or hold public officials accountable for particular decisions and behaviour’. (Ahmad.R, 2008). That insight leads us into a consideration of what Social Accountability might be. Therefore, from a broader definition of accountability, a narrower concept of Social Accountability can be derived.

Social Accountability refers to forms of accountability that are typically organised by civil society. Malena, Foster and Singh, terms Social Accountability as the ‘*broad range of actions and mechanisms (beyond voting) that citizens, communities, civil society organizations (CSOs) and independent media can use to hold public officials and servants accountable.*’ (Malena.C et al, 2004). However, the authors

also points out that ‘*Social accountability*’ is not a kind of accountability, but a means of extracting accountability. It naturally follows that in order to be effective, social accountability arrangements have to provide for forums where the government can hear citizens, gain a better understanding of their concerns, and tailor their services better to ensure inclusion of the poorest and most marginalised. Malena and Singh tease out the types of social accountability into traditional citizen or civil society-led actions such as public demonstrations, protests, advocacy campaigns, investigative journalism, public interest law suits and emerging new generation approaches, such as participatory data collection and analysis, participatory public policy-making, participatory budgeting, public expenditure tracking and citizen monitoring and evaluation of public service delivery.

3. Making Public Servants Answerable

The key in implementation of all the strategies of Social Accountability is their enforceability. Social accountability may lead to informal mechanisms of reward or sanction such as creating public pressure, for example, through (positive or negative) press releases, media coverage, public displays of support or protest or meetings between citizens and public officials, petitions, etc. They may also appeal to formal means of sanction or enforcement to effect change, such as presenting evidence to a corruption control agency, appealing to a public ombudsman or filing legal claim through the court system. However, the contexts in which social accountability approaches are strategized, designed and implemented can vary widely. Some of the factors that impact the design of social accountability approaches relate to the communities concerned - their numbers, location, sense of community, isolation, internal social hierarchies, gender relations, political history and vigour of democratic practice. Ideally, social mobilization is best driven by civil society, which stands at arms’ length from the government and in particular, does not draw any funding from it. This will ensure that there is a separation between the activities of raising voice on the one hand and service provision and supply on the other. Yet, one rarely comes across these ideal circumstances in the real world.

The most difficult circumstances in which social accountability approaches are designed and implemented, when countries emerge from prolonged conflict. The situation is exacerbated, if the societies concerned have a history of discriminatory socially sanctioned practices, which have resulted in certain sections of the community being socially excluded or whose opportunities are

restricted, based on class, caste, religious, ethnic and/or gender distinctions. In such cases, the impetus for social accountability measures will need to be provided by the government, in spite of the possibility that as it is also the progenitor of service delivery and democratic governance, there would be a tendency to limit the extent to which such accountability practices are allowed to flower.

Another difficulty in implementing an effective social accountability strategy is that bureaucrats, politicians, and civil society might have differing immediate priorities. Even more dangerous is when some actors might want to subvert social accountability processes, even as they participate in them. Social accountability, if successful, can change power structures radically and there might be many who only mouth the rhetoric of social change without really desiring that it should happen. In such circumstances, special care should be taken to ensure that covert agendas do not weaken or blunt social accountability efforts.

4. Ethical Accountability Framework

Implementing a robust social accountability framework is a costly and time consuming process, dependent upon the vigorous activity and high morale of a large number of stakeholders. Properly oriented staff within the government and non-government sector need to work together to ensure that social accountability framework goals are achieved. That in turn requires coordinated and cooperative activity of sensitive trainers and government managers, providing a steady and sufficient flow of funds. This is to ensure sensitive and timely training and organization and execution of social mobilization strategies. The most thoughtful of social accountability strategies can fail due to insufficient funding or if the governments at all levels cannot respond effectively to demands for accountability catalyzed through social mobilisation.

Those involved in implementing social accountability strategies can tend to get dispirited. Results take time, while disappointments are more readily apparent. They are also under pressure to perform from impatient governments, people and donor organizations, anxious to see tangible results. Furthermore, particularly in the initial stages, citizen-government engagement can be combative as citizens' voice becomes more strident and government institutions take time to adjust to new habits of being responsive, sometimes inadequately, due to lack of capacities or the persistence of old habits of indifference. Tensions can spill over, not only between bureaucrats and people, but between people and political leaders and representatives as well, as the latter's authority is also challenged. Ensuring that the goals of social accountability

strategies are achieved often depends upon the existence and persistence of messiahs amongst the bureaucracy and political executive, deeply committed to these. Successful social accountability strategies where there have both been widespread grassroots activity and sympathetic and effective government response have invariably been possible due to the leadership provided by empathetic and dynamic ministers and bureaucrats.

If these challenges are negotiated without communication between the key stakeholders, the end result can be the settling into place of harmonious engagements that involve citizens in decision-making and management of services. This can be a significant and sustainable driver of change for service improvement.

The final question would be on the role that an ethical framework can play, in establishing, strengthening, and sustaining a good accountability system. Whether governance is decentralized or otherwise, the main question is enhancing ethical culture so as to find the right answer to the question: *What is the right thing to do?* In the public service system, good ethics are concretised through strong rules, strong culture, strong scrutiny, and strong enforcement. One can immediately see congruence between what comprises a strong ethical framework and a strong accountability framework.

Building a strong ethical framework requires an understanding and adherence to some key values. First, comes integrity and impartiality. This would mean that public officials accept and value their duty to provide objective, independent, apolitical and impartial advice, show respect towards all employees, clients and the general public, acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest. It also requires an unwavering committed to honest, fair and respectful engagement with the community. Second, comes the idea of promoting Public Good. This means that public servants and entities accept and value their duty to be responsive to both the requirements of government and to the public interest, to engage the community in developing and effecting official public sector priorities, policies and decisions, to manage public resources effectively, efficiently, and economically and seek to achieve excellence in service delivery. Third comes the commitment to the system of Government. This would mean a commitment to uphold the system that is created through laws and operate within the framework of responsibility to government and the community. Fourth comes the commitment to accountability and transparency.

Public servants not only need to act responsibly so that their actions and decisions can be explained, but also need to be open and candid so that their actions and decisions can be easily understood.

Maintaining an ethical approach to the execution of public responsibilities would need constant effort on the part of public officials, to recognise ethical dilemmas, risks and breaches. After asking oneself, *'What is the right thing to do'*, one has to constantly ask oneself, *'Am I doing the right thing?'* This in turn requires introspection all the time. One will need to ask; *Is this the right thing to do? How would the public view this? How will this impact those affected? How would you feel, if this was done to you? Does this demonstrate ethical leadership?*

Typically, the natural and simplest way to be ethical (and accountable) would be to apply the law. One must comply with all reasonable and lawful work instructions, whether or not one personally agrees with a given policy direction. But sometimes, the law itself may be wrong. In such circumstances, one will first need to ask the question whether the issue is how the law has been interpreted, or lies with the law itself. If the latter is the case, then one will need to raise the need for policy change or legislative amendment. One can refuse directions that are unreasonable or unlawful, but it is always better to discuss your concerns with someone you respect and seek advice before taking this step.

5. Conclusion

In conclusion, an effective accountability system cannot be implemented mechanically, or in parts. There has to be an enmeshing between upward, formal forms of accountability, with more contemporary and people driven social accountability mechanisms. In addition, unless there is a critical mass of actors who comply to a strong ethical framework, accountability mechanisms may settle down to a low level equilibrium of mechanical processes to be followed thoughtlessly, without any regard as to whether they are improving the quality of governance.

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Gandhi Gram Swaraj Art Gallery

Focusing on Gandhi Gram Swaraj, the Art Gallery set up in KILA attracts people from far and wide. It is first of its kind in India, spreading Gandhiji's messages on Grama Swaraj through splendid paintings.



Elite Capture in Decentralised System: Case of Local Governments in Odisha

Reservation in the Panchayati Raj Institutions (PRIs) through the 73rd Amendment Act has provided for the representation of disadvantaged sections, which otherwise remained excluded from rural power structure and were not adequately represented in institutions of power. While on one hand it created opportunities for disadvantaged sections to acquire formal positions of power and thereby exercise authority, on the other, it also enabled the rural elite to consolidate their power by controlling and influencing these institutions. In this context, the present study aims to examine the role of rural elites in influencing the functioning of the Panchayats, and to understand the process of elite capture of local governance.

Dr.Pratyusna Patnaik*

* Assistant Professor, Centre for Panchayati Raj [CPR], National Institute of Rural Development & Panchayati Raj [NIRD&PR], Rajendranagar, Hyderabad, Telangana, email:pratyusna@yahoo.com, Phone: 07660008222

1. Introduction

The enactment of 73rd Constitutional Amendment Act (CAA), 1993 occupies a significant position in the history of democratic decentralisation in India, owing to its commitment to the devolution of power to the grassroots, and to the policies of affirmative action. The CAA ensures reservation of institutional positions for disadvantaged sections of society, such as Scheduled Castes (SCs), Scheduled Tribes (STs), Backward Class Citizens (BCCs) and Women. They otherwise remained excluded from rural power structure and were not adequately represented in institutions of power. Several empirical studies bear testimony to the fact that mere numerical representation of disadvantaged sections through reservation of seats has not emerged as a successful strategy in converting the incumbents of PRIs – belonging to the disadvantaged sections – into persons of power and influence. (Inbanathan, 1999; Pasayat and Barik, 1998; Lieten, 1996; Ghosh, 2000).

Notwithstanding the potential of democratic decentralisation to empower the disadvantaged sections through affirmative action policies, the role of local rural elites in influencing the functioning of the Panchayats, and elite capture of democratic local governance have emerged as serious bottlenecks to the process of decentralisation (Bardhan and Mookherjee, 2000). This paper is an outcome of a study carried out in Dhenkanal district of Odisha, aimed to examine the role of rural elites in influencing the functioning of the Panchayats, and to understand the process of elite capture of local governance.

2. Elites, Rural Power Structure and Decentralisation

2.1. The Concept of Elite

Etymologically, the term ‘elite’ is derived from the Latin term ‘*eligere*’, which means to choose or select. The term ‘elite’ was used for the first time during the fourteenth century AD in the French language in the military arena, which meant ‘a choice of persons’. Further, it was used to describe commodities of particular excellence, which was later extended to refer to superior social groups such as prestigious military units or the higher ranks of nobility (Bottomore, 1993). Most of the scholarly works on the concept of elite concerned themselves with the problem of political power. For Laswell, ‘... political elite comprise the power holders of a body politic. The power holders include the leadership and social formations from which the leaders typically come, and to which

accountability is maintained, during a given period' (Lasswelle *al.*, 1952; cited in Bottomore, 1993: 6).

2.2. Rural Elites in the Context of Local Governments

In rural India, caste plays a vital role in determining the access to and exercise of power. In many Indian villages a particular caste possesses much of the power resources, such as high prestige, high ritual status, most of the land and other economic assets. A caste enjoying all or most of these resources has a decisive dominance (Srinivas, 1955, 1959, 1987; Mitra, 1980; Pathy, 1999). In rural Odisha, certain castes namely, *Brahmana*, *Karana* and *Khandayat*, the ritually higher castes, hold most of the sources of power mentioned above and thus, occupy dominant positions. Apart from their higher status in the caste hierarchy, certain other factors, such as outside political links, significant landholdings in the village and access to western education and government services have enhanced their power in socio-economic and political spheres of the village (Mitra, 1980; Lerche, 1993; Pathy, 1999). Besides a higher position in the caste hierarchy and possession of economic resources, access to politics facilitates an individual or a group to dominate in the rural power structure. The introduction of institutions of local government, such as, Panchayats has made the power structure more dynamic in rural societies.

Pasayat and Barik's (1998) study of Panchayats in Orissa indicated that Gram Panchayat representatives from disadvantaged groups have remained subordinate to the dominant caste members. In the case of another State, Karnataka, Inbanathan (2000), states that being representatives in the Panchayats and actually participating in the Panchayat activities are separate things and may not be always seen together. According to him, the reservation of seats has, no doubt, provided representation to weaker sections in Panchayati Raj Institutions, but the system of reservation and rotation of seats also facilitates the further dominance of local elites in the functioning of Panchayats. Two structures of power are, thus, found within the Panchayats. One is the formal structure, related to institutionalised positions and the authority and functions that are clearly established. The other is the informal power structure, which refers to the ability of individuals or groups to exert influence by virtue of their personality, access to resources and ability to reward or punish.

3. Elite Capture in Gram Panchayats: Empirical Findings

3.1. Socio-economic Profile of the Elites

In order to analyze the role of rural elites in influencing the functioning of the Panchayats, information was sought regarding the social and economic background of the elites. All the 40 elites, identified from eight Panchayats, were male and belonged to Hindu religion. Majority of them (55%) were in the age group of 31 – 50. More than half (57.5%) of the elites were from the upper caste category of society. The OBCs, who are mostly the service castes in the traditional *jajmani* system, constitute slightly more than one-third (37.5%) of the total number of elites identified. The observations in this study made it clear that even though the middle castes are assuming leadership positions in rural Odisha, and constitute the maximum number in the PRIs, yet, they have not been successful in eliminating the traditional dominance of upper castes in rural societies. It was further observed that the lower castes of the society, i.e. the Scheduled Castes and also the Scheduled Tribes did not have any substantial presence in the elite positions of the village communities studied. It may be that the economic dependence of the lower and middle caste groups upon higher caste groups, coupled with their socio-economic backwardness deprived them from assuming positions in elite groups of the rural societies.

The information pertaining to size of landholdings of elites revealed that almost all the elites came from households possessing a significant amount of agricultural land. It was observed that 40 per cent of the elites interviewed possessed land between 10 to 20 acres and that some of the elites even possessed more than 20 acres of land. While the caste status of the elites was correlated with their landholding size, it was observed that the higher the caste status of the elite, the larger the land they possessed. Only elites from upper castes possessed land exceeding 20 acres, whereas none of the OBC elites possess more than 15 acres of land. Thus, caste position along with larger landholdings has helped the upper stratum of society to assume leadership roles, and thereby be among the elites in rural Orissa.

All the elites were literate; six of them fell into the graduate and above education category. One-fifth (20%) of the elites had education up to the intermediate level, and the remaining (45%) had education up to high school. From among the 40 elites, there were only two respondents who had post graduate degree, who belonged

to the *Khandayat* caste. The data revealed that high level of literacy was related to the elite position in rural society. However, it cannot be said that education is a determinant for elite position. Education works in conjunction with other factors like caste, economic position and occupational status to ensure someone with a position in the elite group of rural Odisha. Most of the elites interviewed (57.5%) had agriculture as their main occupation. Some of them also had other attractive occupations, such as, contractorship and business. A few of them had also taken up politics as their full time occupation.

3.2. The Basis of Acquiring an Elite Position

An inherited higher status is definitely an important resource, which the elites used to consolidate their position. However, only ascribed status may not lead one to have the status of an elite. Two opposing cases can be cited here from the present empirical research to justify such a claim. Out of the 40 elite, mention is being made here of an elite who was from the *Khandayat* caste, which is a dominant caste in the village and also in Odisha. Belonging to a landlord family of the locality and having links with royal authority in the past, he was able to enhance his dominance in the village. He even carried a title *Dala-Behera*, conferred on his family by the royal authority in the past. The villagers used to consult him in matters of disputes in the past and his decisions were widely accepted in the locality. This kind of inherited traditional position helped him to become elite in the village and also in the Panchayat. Juxtaposed to this, we found another case in which the elite comes from the *Karana* Caste (another dominant caste in Odisha), whose family also enjoys a higher social status and possesses maximum amount of landholding in the concerned village. Other older members of his family are also actively engaged in Panchayat politics and have outside political connections.

Though both the elites come from traditionally dominant families, the latter has been successful in enhancing his dominance by moving beyond the inherited resources. While the former clings to his aristocracy and strongly believes in the caste hierarchy and maintains a distance from castes that are lower in hierarchy, the latter mingles with them. Such a difference in the attitude has resulted in widening the scope of dominance of the latter. It shows that even though both the elites have resources at their disposal, their scope of domination has been different.

Besides one's ascribed status in rural society, acquisition of external political linkages has been an important resource base

for achieving dominance. Elites are of the opinion that such political contact helps them in carrying out developmental work in their locality, which also increases their position in the society. This again helps in working out benefits for the local people, who hardly have any political contacts outside the village. Such political contact not only helps the local elites, it also helps the higher political leaders of the area. Since the elites are popular leaders in the locality, they, in turn act as vote-banks for higher political leaders.

3.3. Elites' Influence in the Panchayats

In all the eight Panchayats studied, elites influenced the functioning of Panchayat activities. While in some cases they influenced the decision-making process directly, in most of the cases they did it indirectly by getting their candidates elected to the Panchayats. Campaigning (by the elites) for the candidates, which means asking the villagers to vote for the concerned candidate, was found to be the main way to help the candidates getting elected, followed by introducing them to higher political leaders outside the village. In some cases, the elites either arranged or invested money from their own pockets in order to get their candidates elected to the Panchayats as representatives

Further, in most of the constituencies reserved for the disadvantaged groups (SC, ST and Women), the candidates have not contested of their own accord, but were picked by the elites to act as their proxies in the Panchayats. The candidates from Scheduled Tribe and Scheduled Caste categories were either landless or had minimal amount of land, and worked as wage labourers. Low socio-economic status, having less land, limited political experience, exposure and education among the disadvantaged representatives had resulted in their subservient position to the elites. The following case depicts the overall socio-economic relationship between elites and representatives, which also has a significant bearing upon their political interactions. Out of the 40 elites, we describe here the case of one elite member from Nagiapasi Panchayat. This person was from the *Karana* caste, and possessed land of more than 20 acres. His forefathers were the *Zamindars* of the village and the family had an active political history.

While the elites directly picked candidates from the disadvantaged groups and wanted them to remain under their control, candidates from unreserved constituencies also often needed the help of the elites, since it was easier to win elections with their help, as they have a wider support base in rural societies. This further

strengthened the elites' position in the Panchayats. The elites, who helped candidates in getting elected to the Panchayats, influenced the Panchayat functioning by expecting several obligations from them. It was through these candidates/representatives that they carried out their decisions indirectly in the Panchayats. Supporting in village affairs, remaining under the control and working for the interests of the elites were found to be the major obligations that the elites demanded from the representatives. While some of the elites aspired to strengthen their traditional superiority by establishing their proxies in the Panchayats, and thereby enlarging their sphere of dominance, others also expected the representatives to work for their future political career. Besides, elites also had a significant influence in the selection of beneficiaries under various government schemes.

3.4. Perceptions of Elites' on Affirmative Action and Representation

The elites differed in their opinions with respect to whether they supported or opposed the current policies of reservation for weaker sections. It was observed that most of the elites, especially the traditional ones who have gained elite status by means of ascribed status, were opposed to the reservation of seats to the Panchayats. They opposed the reservation policy as they thought the SC, ST and women candidates did not have the right kind of education, training, exposure, experience and attitude to serve the public and work for the betterment of the Panchayat. Some of the recently established elites, who built up their position by means of their organisational capability, active involvement in village politics and contacts outside the political party leaders, gave a positive opinion in support of the affirmative action policies.

The elites of our study did not consider the reservation process as something, which was affecting their position in rural society or affecting their future political career. Even some of the traditional elites, coming from an aristocratic background, who opposed the whole idea of reservation to Panchayats, did not consider it as something which reduced their importance in the village socio-political arena. They were of the opinion that they still continue to enjoy the position, which they had obtained by virtue of their birth, organisational capability, education, experience and awareness. Similarly, the emerging, politically active elites tried to take advantage of the system, and brought the representatives under their control, and thereby enjoy more political clout in rural politics.

The elites, by and large, were not against public participation. But by participation they mostly intended informing people about the decisions, which were already taken.

4. Conclusion

It can be concluded from the study that the numerical preponderance of Scheduled Tribes and Castes in the Panchayats has not been successful in affecting the position of the elites as important persons in the rural social structure. It has, instead, made their position stronger in rural politics. Elites, who were earlier able to maintain their position by dominating the village politics and decision-making process, now perceive political contact outside the village as the most important resource to retain their position. During the course of research, we observed that those who failed in this endeavour became politically defunct, though they are still considered as respected persons in the villages. Several elites who built up their positions by their own efforts also developed political contacts and maintained active involvement in Panchayat politics in order to retain dominance and also compromised with one's ritual status.

Representatives along with the elites constituted the locale, which determined village politics. While the representatives held formal positions and legitimate authority to exercise power, the elites had control over the representatives and hence dominated in the Panchayats. The representatives consulted the elites before taking any decisions in the Panchayats. Often the elites themselves attended the Panchayat meetings and gave their opinions. In the case of women representatives, who came from Scheduled Tribes and Castes, it was their husbands who were in the hands of local elites and through them (husbands') the elites controlled the representatives' decision-making power. Though the representatives formed a part of the 'rural power structure' by virtue of their being elected to the formal positions in the Panchayats, the elites became the *de facto* heads of the Panchayats, limiting the powers and authority of representatives and retained their dominance in the rural power structure. The findings of this study corroborates with similar other studies investigating the elites' influence in decentralized local governments. Bryld (2001), for instance, from his study of Panchayats in Karnataka too mentions that devolution of power to local villages, in many ways, proved to be an official legitimization of the rural elites.

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KILA Library

KILA library has a collection of over 10,000 books and over 200 journals, focused on KILA's thrust areas. The collection of books and periodicals of the Library is focused on the themes of Panchayati Raj, local governance, participatory planning, poverty alleviation, rural development, urban development and management. It has full-fledged information centre on local governance, with state of the art facilities like computer and Internet. With this purpose, a new library complex has been constructed. As part of computerization of Library, KILA installed KOHA software in the Library.



Panchayati Raj Institutions: Financial Inclusion and Convergence

Pradhan Mantri Jan-Dhan Yojana (PMJDY) was announced as a National Mission on Financial Inclusion encompassing an integrated approach to bring about comprehensive financial inclusion of all the households in the country. This was viewed with some skepticism due to unresolved technological issues like poor connectivity in the rural areas. This paper analyses the comprehensive Financial Inclusion programme, besides evaluating the various strategies which can be both suitable in terms of making the local self government bodies to play stronger role in extending the benefits of financial inclusion to people and also usher in an era that is more inclusive and socially transformative.

Dr. Biswajit Mohapatra*

* Assistant Professor, North-Eastern Hill University, Shillong, Meghalaya. email: biswajitm1@gmail.com, Phone: +91 9436334734

1. Introduction

India is one of the most well known country besides being the largest democracy also has a very vibrant system of local self government, i.e., Panchayati Raj System in its glorious post independence history till date. This system of local self-government as a form of public administration has gained the requisite legal status in our Constitution and the assigned responsibilities under the Constitution (Seventy-third Amendment) Act, 1992. This equipped the LSGs for preparation of plans for economic development and social justice as well as the implementation of schemes for economic development and social justice, inter alia, in relation to the matters listed in the Eleventh Schedule. But the goal of attainment economic empowerment of the rural masses has proved to be difficult yet, in the absence of adequate flow of credit to Agriculture and Allied sector, particularly to Fishery and Animal Resource development projects. This is due to absence of banks and other microfinance institutions, which could advance some credits by of loan to them to take up certain entrepreneurial activities and can become self sufficient. At the time when the Ministry of Finance has launched the Comprehensive Financial Inclusion Programme since August 28, 2014, to provide each household with banking services, it has become a matter of great importance that local authorities, like PRIs also get involved in the implementation of this scheme. As by doing so, they can bring the benefits of financial inclusion to their local stakeholders by properly targeting them to be engaged in various entrepreneurial activities. They can also contribute effectively towards reduction of embedded poverty by ushering in socio economic development in the countryside.

2. Financial Inclusion

Financial inclusion or inclusive financing as a policy approach is aimed at the delivery of financial services at quite affordable costs to the disadvantaged sections and the low-income segments in the society, to tackle the reported problem of financial exclusion where those services are either absent or not made affordable. The term “financial inclusion” has gained importance since the early 2000s, a result of findings about financial exclusion and its direct correlation to poverty. The United Nations defines the goals of financial inclusion as follows (*AusAID*, 2010):

- i) access at a reasonable cost for all households to a full range of financial services, including savings or deposit services, payment and transfer services, credit and insurance;
- ii) sound and safe institutions governed by clear regulation and industry performance standards;
- iii) financial and institutional sustainability, to ensure continuity and certainty of investment; and competition to ensure choice and affordability for clients.

In the words of the Former United Nations Secretary-General Kofi Annan, “The stark reality is that most poor people in the world still lack access to sustainable financial services, whether it is savings, credit or insurance. The great challenge before us is to address the constraints that exclude people from full participation in the financial sector. Together, we can and must build inclusive financial sectors that help people improve their lives.” (UN-DESA, 2006). During the IMF-World Bank 2013 Spring Meetings, on 24 April 2013, while commenting upon the progress in financial inclusion, Alfred Hannig, Executive Director, Alliance for Financial Inclusion (AFI) said “Financial inclusion is no longer a fringe subject. It is now recognized as an important part of the mainstream thinking on economic development based on country leadership”(AFI, 2013). Regrettably about 2.5 billion working-age adults globally have no access to the types of formal financial services delivered by regulated financial institutions. It is the adults who are in need of the services being extended by the rapidly booming formal financial sector in the recent years. (Muzigiti & Schmidt, 2013). It is of great importance that as banking services are in the nature of public good; the availability of such banking and payment services to the entire population in area without discrimination is emphasized as the prime objective of financial inclusion public policy in the modern day times.

3. Financial Inclusion – The Indian Reality

In India, the issue of Financial Inclusion came to be accorded its due importance with the The Reserve Bank of India (RBI) setting up the Khan Commission in the year of 2004 to look into financial inclusion and incorporation of its recommendations into the RBI’s mid-term review of the policy (2005–06). In the same report, the RBI exhorted the banks to make available a basic “no-frills” banking account with a view to achieving a greater financial inclusion. In keeping with such a policy of achieving financial inclusion, for the

first time in 2005, K.C. Chakraborty, the then Chairman of Indian Bank introduced in Mangalam, the first village in India where all households were provided banking facilities with the purpose of providing both easy access and easy credit. (Chakraborty, 2006).

Subsequently in January 2006, when the Reserve Bank allowed the various commercial banks to utilize the services of Non-Governmental Organizations (NGOs) and Self Help Groups (SHGs), various micro-finance institutions and other civil society organizations as intermediaries for providing financial and banking services. These intermediaries are to be used as business facilitators or business correspondents by commercial banks. The RBI further insisted with the commercial banks in different regions to start a (hundred percentage) financial inclusion campaign on a pilot basis. (Starfin India: 2006) Following the success of the campaign, Puducherry, Himachal Pradesh and Kerala were able to achieve hundred percentage financial inclusion in all their districts. The Vision 2020 of Reserve Bank of India envisages opening up nearly 600 million new customers' accounts and for servicing them through a multitude of channels by leveraging on the emerging IT. (Thorat, 2008).

Recently the issue of comprehensive financial inclusion again has got highlighted and entered into our lexicon with Prime Minister Narendra Modi mentioning about it during speech on the occasion of India's Independence Day on 15 August 2014. The formal launch of this scheme, Pradhan Mantri Jan Dhan Yojana on 28 August 2014 is with the aim of providing 'universal access to banking facilities' to the targeted sections in our society. (PIB, GOI, 2014). In the run up to the formal launch of this scheme, the Prime Minister in his personal mail to CEOs of all banks, has underlined the necessity of over 7.5 crore (75 million) households and to open their accounts by 26th January 2015, declaring that a bank account for each household need to be accorded a "national priority" (ET, 2014). The excitement about the desired benefits of the scheme can be guessed from the fact that on the inauguration day of the scheme, 1.5 Crore (15 million) bank accounts were opened. (*ibid.*).

4. Reviewing the Past

When we march down our memory lane, one can see that in our country, the issue of financial inclusion has often been combined with aggressive micro credit policies in the past. The perceived goals could not be achieved as they did not have the backing of any

kind of appropriate regulations nor followed up after consumer awareness. As a result of which, the people who availed of the benefits of these micro credit policies, got drawn into over-indebtedness and even to the extent of taking away their own lives (NPR, 2010). Further the lending institutions also witnessed a sharp drop in the repayment rates, when politicians in one of our largest states asked borrowers not to repay their loans, which very much threatened the very existence of the microcredit industry, which then had become worth Rupees Four Billion a year industry (Polgreen and Bajaj, 2010). Some commentators even went as far as comparing this crisis to the mortgage lending crisis in the US (*ibid.*). Since then, the emphasis got shifted so as to treat segregate micro-credit as only one aspect of the larger issue of financial inclusion and to strictly having the appropriate regulatory and educational policy framework in place, This has also appeared to be a formidable challenge for all the development practitioners given our stark reality of illiteracy, low income, lack of adequate savings and also lack of bank branches in the rural areas besides weak legal and financial structure. It is for these reasons that achieving the goal of financial inclusion in many States has been elusive so far.

5. Local Government – Present Role

“In the recent years the Local self Government has been playing a vital role as these local bodies not only provide services to the communities but also act as an instrument of democratic self government”(Mohapatra, 2013). “Besides the local self government has become an essential part of the national government structure. This level of local government is now recognized by the people as they are close to the citizens and involve them in the decision making process”(*ibid.*) . “On the basis of 73rd and 74th Amendments Acts of the Constitution, The Panchayati Raj and the Municipality Act came into effect on the 23rd of April and 30th of May 1994 respectively. As a result, the powers were decentralized, the responsibilities and projects of the Government were transferred to the local self-government on 2nd October, 1995. (*ibid.*)” “In the present days of globalised economy, the fast economic growth in India while contributing towards the development of our society also has led to calls for empowerment, strengthening and modernization of our local governance system as well as true empowerment of the people who were hitherto known as the poor”. (*ibid.*).

“These institutions now have not only been empowered to function as institutions of self-government they are now entrusted with the responsibilities of implementing the various Central or State government-sponsored schemes of community development and undertake direct delivery programmes for the benefit of the poor as the rationale behind these local bodies has been to develop them as powerful institutions of economic development in the light of Articles 243G and 243W vest powers in the State Legislatures to endow Panchayats and Municipalities with such powers and authority to function as institutions of self-government”. (*op.cit.*,2013). “Consequently the various Panchayats and Municipalities are now responsible for preparation of plans and their execution for economic development and social justice with regard to 29 subjects listed in the Eleventh Schedule and 18 subjects in the Twelfth Schedule of the Constitution respectively as our Constitution has envisaged a three-fold role for local bodies’, viz., i) as institutions of self-government, ii) as institutions for planning their economic development and ensuring social justice, iii) as agents of Central and State governments in implementation of schemes for economic development and social justice as may be entrusted to them”. (*op.cit.*,2013).

In a recent move, the Union Ministry of Finance has accorded permission for the use of Gram Panchayat buildings, and other such public structures for providing banking services in rural areas as a part of the financial inclusion drive across the country (Business Standard, 2012). As a follow up to the government’s proposal for starting ultra-small branches in selective locations, the government is also reported to have asked the different banks for providing a more diverse set of financial services including insurance and pension products, in addition to regular banking services (*ibid.*). It is also being said that with the Union and various State Governments having directed the commercial banks operating in the State to cover these Panchayats under Comprehensive Financial Inclusion Programme, starting with Govt. of Odisha (New Indian Express, 2014). Though several Gram Panchayats (GPs) still out of banking coverage, are soon going to have functional bank branches in the near future, yet their being located in the premises of Panchayats buildings, is a dangerous trend as the Panchayats are now not only overburdened with more responsibilities but are also facing a resource crisis and the government’s financial assistance has not been proportionate to

their respective responsibilities, will now have to shrink more in terms of space, which will hamper their functioning.

6. Challenges and Strategies for Financial Inclusion

Nowadays, the financial inclusion has come to be seen as much more than the mere opening of bank branches in unbanked areas to take formal financial services across the length and breadth of the country (Narasimhan, 2014). In the light of critical reports as to how the public subsidies are being either misused or not reaching the targeted sections of our population, the government is emphasizing on direct transfers using the rapidly expanding IT. For this, the beneficiary requires to have at least one bank account. This will lead to opening up of more branches to cater to the new set of customers but also a burgeoning size of new account holders, which has the possibility of overcrowding the empty spaces within the branch itself, which may threaten the very operation branches but also because of often slow technology adaptation by our banking channels.

In the words of the RBI Governor Raghuram Rajan, “Simplicity and reliability in financial inclusion in India, though not a cure all, can be a way of liberating the poor from dependence on indifferently delivered public services and from venal politicians.” Further, “in order to draw in the poor, the products should address their needs - a safe place to save, a reliable way to send and receive money, a quick way to borrow in times of need or to escape the clutches of the money lender, easy to understand life and health insurance and an avenue to engage in savings for the old age (*op.cit.*,: 2014). In both rural and urban areas, where 44 per cent and 33 per cent households still do not have a bank account and out of the total 24.67 crore households in the country, when 10.19 crore do not have access to banking services, the government’s latest plan of action, as envisaged in the Comprehensive Financial Inclusion Plan (CFIP) or Sampoorn Vittiya Samaveshan, the expressed hopes of extending coverage of basic financial services to all excluded households certainly require a lot of restructuring of functions for various local institutions and also other organizations in their vicinity.

Although the process adopted to achieve the Comprehensive Financial Inclusion Plan (CFIP) is simple, the schemes offered in this regard will need explanation. It is necessary that the government while carrying out suitable awareness campaign

among the financially excluded also endow the PRIs with adequate resources, so as to bring all their constituents under this CFIP but also is able to channelize in collaborating with the Banks, the required credit facility for ushering in prosperity to the villages by kick starting entrepreneurial activities. Since the State governments' support will be crucial in the achievement of this goal, the Union Government will need to maintain very friendly relations with them in keeping with the spirit of true federalism but also assist them with necessary wherewithal to involve the PRIs both in the direction of citizens' education and also citizens' involvement in the fight against poverty and economic backwardness in the existing rural and urban areas. If the PRIs are active in their respective areas in terms of their functioning, as people would have increased trust in them, they would soon feel encouraged to play a very constructive role both in nation building and also towards establishing a stronger national identity. This enhanced respect for the country's governance system, starting from the lower level to the top, will bring in not only more financial inclusiveness but also above all economic prosperity to far flung areas making everyone feel proud and determined to be devoted towards achievement of the larger goal, i.e., unity in the face of any adversity, which is the best bulwark against any kind of undesirable activity aimed our society.

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Child-Friendly Local Governance: Concepts and Methodology

As per UN Convention on the Rights of the Child, there are four rights for children viz: survival, development, protection and participation. Local Governments can be powerful tools for realising the rights of children. If, designed properly, democratic decentralisation is the best means for localising UNCRC. Child Friendly Local Governance (CFLG) is generally considered as a strategic frame for child rights realisation at local level. The suggested methodology as well as the approach of CFLG shall be specific and proper so as to enable the local governments to be child friendly. This paper is proposing proposes a methodology for CFLG based on Kerala experience.

Dr.Peter M.Raj*
Dr.Akila R**
Dr.K.R.Antony***
M.G.Kalidasan****

* Associate Professor, Chair-Child Resource Centre (CRC), KILA, Kerala, email: rajkila@gmail.com; Phone : 09447821048

** Planning Monitoring & Evaluation Specialist, UNICEF office for Tamil Nadu and Kerala. email: aradhakrishnan@unicef.org

*** Independent Public Health Expert Kerala, email: krantony53@gmail.com

**** Independent Expert Kerala, email: mgkdas@gmail.com

1. Child Friendly Local Governance

The realisation of various rights of children as spelt out by United Nation's Convention on the Rights of the Child (UNCRC) demands improved local governance. This is to mean adoption of an integrated and cross-sectoral approach to the development, implementation and evaluation of policies, laws, and budgets affecting children and improved participation of children and different layers of duty bearers in the governance decisions affecting children.

Protecting the rights of the children and ensuring them to access all necessary entitlements and facilities have always been the duty of the society. The UNCRC defines "child" as any human being below the age of eighteen years." (UN, 1989). Children's rights are human rights specifically adapted to the children because they take into account his/her fragility, specificities and age-appropriate needs. In 1992, India became signatory to the UNCRC, thereby committing to the international declaration of child rights and to the realisation of those rights for all children in India. UNCRC has much implication for India being a country having largest child population. (UNICEF, 2011). Realisation of various rights of children depends on how a country like India having diversity develops localised action plan. If designed properly, local governance democratic decentralisation is the best system for localising UNCRC.

Child-Friendly Local Governance (CFLG) may be considered as a strategic frame to provide overall guidance to the Government in realising and mainstreaming the rights of children into the local government system, structure, policies and process. It also seeks to empower children to influence decisions about them by the respective level of Governments, express their opinion on governance and to freely participate in play and social activities. It understands the needs of children in a rights based frame¹.

2. CFLG- Scope in the Context of Kerala

Although Kerala has achieved considerable progress in human development, children in Kerala still face several development challenges commonly known as second generation issues like substance abuse, cyber-crime, poor low mental health leading to high suicide rate, child sex abuse, marital break down, life style diseases, female foeticide, adolescent anemia, child labour among inter-state migrant workers etc. These critical issues call for collective and inter-sectoral interventions that have the common commitment of local governance for children.

Strengthening of local governments, by means of devolving fund, functions and functionaries is found to be one of the effective ways of decentralisation. And such experiments are being made all over the world. Kerala, the southernmost Indian State has successfully experimented democratic decentralisation and people's participation in local planning. Local governance in Kerala, due to its design, is capable of promoting effective child rights realization. Local Governments have several mechanisms for child-centric planning such as Grama Sabha (Village Assembly), Children's Grama Sabha, Working Group on Child Development, Jagrata Samiti for the protection of women and children from atrocities. Local Governments can guarantee comprehensive services for children including nutritional support, scholarship and stipend for children with special needs, management of child care institutions like Anganwadis (pre-schools), schools, health centers, hostels, special school for differently abled children etc. Similarly the core child development officials like District Social Welfare Officers, ICDS Programme Officers, Child Development Project Officers, ICDS² Supervisors, Anganwadi (day care centres for children) workers etc., are working under local governments.

Local Governments have special fund for children such as mandatory allocation of fund for nutrition, mandatory allocation of fund (5%) including for children with special needs, special fund under Asraya (destitute rehabilitation) programme including for management of BUDS School, mandatory allocation of fund (10%) as part of Women Component Plan³ including for girl children of 0-18 years etc. Local Governments can also create and maintain institutions for children like schools, pre-schools and hospitals. They can also spend money for creating and maintaining public space for children like children's library, children's parks, children's play grounds, adolescent's forums etc. All these possibilities promote local governments of Kerala for effective child rights realisation. Accordingly, an average Grama Panchayat (Village Local Government) having a population of 25000 people population (approximately 9000 child population) having and two crore plan fund can earmark about forty lakhs for the development and welfare of its child population.

3. Implementing CFLG-Methodology

CFLG is about localising UNCRC. Once the local governance frame for child rights realisation is finalized, how to operationalise the same is the next question. Child Resource Centre at KILA, supported by UNICEF, has proposed a unique methodology for

implementing CFLG based on its engagement with local governments of Kerala over the years. The overall approach suggested is in tune with child rights perspectives as perceived in UNCRC. The crux of this approach is the recognition that the services rendered to children are not welfare measures or favours given to them, rather the rights entitled to them. The perspectives enshrined in Life-cycle approach⁴ is also adequately integrated into this framework. Thus the methodology offers local governments with an opportunity to view and ensure development, which is comprehensive and sustainable for children. This also highlights the special role of local governments in meeting the targets, as specified in Sustainable Development Goals⁵, which are largely favourable for children., specified in Sustainable Development Goals.

4. Guidance for CFLG

The methodology also underlines that for any development initiative, learning from experience matters. While making efforts for CFLG, the Local Governments need to be guided with the existing norms, standards and practices set at international, national, state and local level in the matters related to the core areas of action like infrastructure for children, services for children, public space for children and governance mechanism for children. The CFLG Guidance Note facilitates Local Governments to standardize their performance in the identified action points.(KILA, 2016 a).

5. Operationalising CFLG -A Logical Framework

Fixing the major domains for intervention, identifying strategies, developing action points to operationalise the strategies and finalise the indicators to check progress of activities are the major components in CFLG log frame. The CFLG Operational Manual developed by KILA vividly explains these. (KILA 2016 b).

5.1. CFLG Domain

Domains are major intervention themes identified to ensure child friendliness. The selected domains can help to ensure the right of children in that cluster of rights. The domains should ideally be selected based on the existing child rights issues of the locality. For example, the major domains that are suggested to ensure child's right to survival is reversing the declining child sex ratio, quality service to pregnant and lactating women, immunization, vitamin A supplementation and deworming, safe drinking water, toilet and hygiene, reducing neo-natal mortality, infant mortality, under five mortality etc. (KILA, 2016 b). Similarly the seven major domains

that are suggested to ensure child's right to protection are safeguarding the rights of children as per law, prevention of child abuse in all settings, safe and protective school zones, safe adolescent phase, prevention of child marriages, supportive and caring family environment and disability reduction and disable friendliness. (*ibid*).

5.2. Strategies

Under each of the domain there will be five to ten optional strategies for the local government to follow. For example, the local governments in Kerala have visible role in the management of school education. Accordingly schools can emerge as effective platforms to ensure child protection. Hence ensuring attendance of all children up to 18 years in school, awareness generation against child marriage etc. could be some of the suggestive strategies to address child marriage. (*ibid*).

5.3. Action Points

The strategies are to be operationalized by different activities. The action points on the strategy are as follows: 'Ensuring attendance of all children up to 18 years in schooling, encouraging a minimum of 85% annual attendance by each student in school, discouraging seasonal migration and related school absenteeism, expanding coverage of sponsorship programme for financially needy students including children of BPL families, SC/ST and children of coastal areas, making a list of children living in homes/hostels for poor and children living in distress and facilitate their school attendance, conducting life skill education programmes in schools where prevalence of drop outs are high, tracking the students who are absent from schools - by means of telephone calls, SMS and house visits by class teacher / school counselor, organizing special/remedial coaching for scholastically backward students, conducting drop out reduction activities etc. (KILA, 2016 b). The action points are a reminder for the Local Governments to standardise their performance with a special focus in the following areas.

- Systems for children like Grama Sabha, children's Grama Sabha, Working Group on child development, adolescent clubs, etc.
- Institutions for Children like Anganwadi centers, schools, primary health centers, special homes for children etc
- Governance mechanism like Anganwadi monitoring committees, Parent Teacher Associations (PTAs), hospital management committees as per standards.

- Forums for public space and public participation like play grounds; parks, library, clubs etc.
- Quality of services meant for children that are spread across different sectors like health, education, nutrition, water, sanitation, social welfare etc.
- Legal safety nets meant for children⁶

5.4. Indicators

Any results must be clearly measurable through a set of indicators. For example, the suggested indicators to assess the effectiveness of awareness programmes on school zone legislations to shop keepers, teachers, students and PTAs as part of ensuring Substance Free School Zone could be :

- i. Number of safe school zone violation reported and action taken by LSGs, and
- ii. Number of joint meetings held with shop keepers. (KILA, 2016b)

5.5. Guidance for CFLG

For any development initiative, learning from experience matters a lot. While making efforts for CFLG, the Local Governments need to be guided on the matters related to the core areas of action like infrastructure for children, services for children, public space for children and governance mechanism for children. For the sake of easy handling, a Guidance Note is also prepared as reference material. The local governments may refer it as ready reckoner. The Guidance Note has drawn lessons from existing standards and protocols proposed by State and National Governments as well as the good practices already followed by some of local governments of Kerala.

5.6. Key Milestones for Local Governments

It is expected that any Local Government attempting to implement CFLG would primarily agree to have a:

- Concise vision document for children specifying short term, mid-term and long term goals.
- Children's data profile or status report with cross-sectoral interventions for improvement.
- Comprehensive local development plan for children with annual budgets for children, prepared in consultation with children.

- Child-centric interventions and special measures for the vulnerable and deprived.
- Child-budget analysis and social audits by children to promote quantitative and qualitative improvements.
- Child friendly Policy having a vision statement, policy declaration, situation analysis, statement of time bound action plan with set target indicators and monitoring mechanism.

6. Conclusion

Kerala is a unique case of successful decentralization in India and CFLG is also being widely accepted by Local Governments for practical application suitable to the local realities. It may not be too long before for Local Governments to come forward and declare themselves as Child Friendly Local Governments, making use of the guidelines explained in this paper. A silver lining for countries and States with lower stages of decentralization and devolution is to follow the available demonstrated CFLG models. However, each county or sState has to put in place necessary systems and structures for child rights realization as explained in the case of Kerala.

Notes

1. As per UNCRRC, there are four rights for children viz: survival, development, protection and participation. Right to Survival means that every child enjoys full access to all the basic essential conditions that are needed to be born and to live life to its full potential. Development rights include children's right to education, play, leisure, cultural activities, and access to information, and freedom of thought, conscience and religion. Right to protection is an entitlement of children to be safeguarded against all sorts of abuse, violence and dangers in any situation in the family, schools, establishments, community and public space. Right to Participation is an entitlement that the children have in any decisions made for and on behalf of them, affecting them in family, schools, community, and governance or in any other settings.
2. ICDS (Integrated Child Development Scheme) Supervisor is the government official entrusted with the responsibility of implementing programmes related to women and children in the local governments of Kerala.
3. Women Component Plan (WCP) is the special component plan of the Local Governments of Kerala meant to meet strategic gender needs. Every local government of Kerala is mandated to earmark a minimum of 10% of total plan fund for this.
4. Life cycle approach is the approach to develop children into able and healthy persons by ensuring the care necessary for each development stage of children from conception to maturity.
5. At the United Nations Sustainable Development Summit on 25 September 2015, world leaders adopted the 2030 Agenda for Sustainable Development, which includes a set of 17 Sustainable Development Goals (SDGs) with 169 targets to end poverty, fight inequality and injustice, and tackle climate change by 2030. Several of these goals and targets have large bearing for children.
6. For example, Government of India has enacted Protection of Children from Sexual Offences (POCSO) Act in 2015.

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Women Representatives in Local Governments: Issues and Challenges

Political Participation and grass roots democracy have been strengthened considerably by the 73rd and 74th Constitutional Amendments that have paved way for new democratic institutions for local governance. This in turn has given opportunity for women to participate effectively in the local administration. The Indian Government raised a proposal to amend Article 243(D) for reservation up to 50% for women in all tiers of the Panchayati Raj Institutions. The Panchayati Raj system, being a State subject, makes it the prerogative of States, where the quota for women is less than 50%, to formulate their own rules to implement the provision once it is made part of the Constitution. It considered as a milestone in the process of women political empowerment. An elected woman representative needs the requisite social space in order to effect and experience the changes that she desires. The involvement of women in the development process is not merely a matter of equality but a necessity too. This paper aims to explain the support system and performance level of women representatives. This study has also analysed various issues faced by them.

Raheena.P.A*

* Research Scholar, Dept.of Sociology, St.Teresa's College, Ernakulam, Kerala, email: rahi.tsr@gmail.com, Phone: 9745150464

1. Introduction

Indian constitution provides reservation of seats and posts of 'Chairperson' for women in all grassroots level democratic institutions by 73rd and 74th Amendments. This is a historic step of far reaching implications and significant repercussions on the political process in rural India. Women's enhanced participation in governance is viewed as the key to redress gender inequalities in societies. Women's historic exclusion from political structures and processes is the result of multiple structural, functional and personal factors that vary in different social contexts across countries. The gender role ideology is used as an ideological tool by patriarchy to place women within the private arena of home as mothers and wives and men in the public sphere.

Gender quotas emerged as a global fast track strategy to redress the historic exclusion of women from the formal arena of politics. Over the last half of the 20th century many countries have instituted gender quotas either voluntarily or through legislation. The gender quota is marred with discursive controversy. There is a clear consensus in literature that gender quota is an effective tool in addressing women's exclusion and ensuring their presence in formal structure of politics. The gender gap in politics cannot be redressed simply by bringing more women in the system. It is also a policy and outcome issue, which cannot be addressed unless supportive mechanisms are put in place and provided with an enabling environment to work effectively (Reema, 2008). When women enter politics through gender quotas, they are unable to transform the sexual politics in the State institutions.

Political participation will help to strengthen women's faith in the political process which is otherwise dominated by men. Women's visible presence in representative political roles is important symbolically; it signifies women's equal political status and capabilities with men and encourages other women and girls to believe this could be a realistic aspiration for them.

2. Public-Private Domain Theory

Vicky Randall (1987) observes ideologically to justify women's exclusion from public politics while women's actual confinement to narrow domestic areas has been major break upon effective political participation. Public private convention has masked the crucial interdependence of these spheres. Not only is women's private roles limited but largely defined their public contribution but public policies have confirmed their private obligations.

Swetha (2008) in her work on “Situating Indian Women” argues that no political party wants the risk of fielding a ‘housewife’ who is neither seasoned nor mentally prepared for a hectic political life. In comparison to men the “win ability” factor is very much low in case of women candidates. It is commonly believed that women generally do not succeed in winning a seat except when they carry the banner of same popular male figure.

The Indian government has raised a proposal for reservation of women in all tiers of Panchayati Raj institutions from 33 to at least 50%. (The Hindu, August 28, 2009). This is a good move to erase traditional gender, caste, class roles and hierarchy. The ability of women representatives to mobilise within their parties and their willingness to challenge party hierarchies is an important determinant in which extent women will be effectively represented. Individual women often find it difficult to develop the confidence and political base from which to push for gender equality platforms. Inequitable division of labour within households and cultural attitudes about gender roles further subjugate women and serve to limit their representation in public life. Women representatives in Panchayati Raj system need very good training and support from the officials, family and community. This is so that they can perform their roles without facing much operational constraints. Women’s political empowerment and equal representation in all decision-making institutions are critical inputs in their struggle for freedom from subjugation. It is important that the quantitative rise in representation of women in local governance should transform into qualitative changes in their socio-political empowerment (Ravindranath Kadam, 2012). This paper deals with the socio-economic and political background, changing role, problems faced and status of women representatives of Grama Panchayat. This study descriptively focussed on women representatives in different Grama Panchayats under Cherpu block.

3. Socio-Economic and Political Profile

This study find out mean age of the respondents is 39.9. Manikyamaba (1996) in her study in Andhra Pradesh revealed also that the extent of participation of the young and the middle age is generally more than that of old age. Seven out of ten completed S.S.L.C education. More than sixty percent among them had no prior political experience. A considerable proportion was coming from non-political family background. A great majority were from nuclear family set-up. More than three fourths of them were from middle-class families. Nine out of ten expressed that their husbands

are the strongest support for their political activities. While ten percent revealed that their children were not cooperating and encouraging them to perform their role as representatives, more than three fourth opined that their children gave immense support to them..

4. Role Performance and Support System

Role performance is the actual behaviour of a person who occupies status. For women representatives' triple roles have to be preformed such as productive, reproductive and community management. This is not an easy task to manage. To perform their roles they must need support from their family, community, political party leaders, and officials. They have to face role conflict and conflict within certain role. Support system is a network of personal or professional contacts available to a person or organisation for practical or moral support when needed .In this study, most of the women were home makers before they came to power politics. More than seventy percent opined that they have high satisfaction in the performance of household duties. There is a positive relation between family support and performance of multiple roles. Family support leads to high level satisfaction in performing their role as household and political member.

Support from co-workers is very essential in this field. Most of the women were first time entrants in politics and had no prior affiliation with political parties. In this study, one third agreed that they got high cooperation from their colleagues. But rest of them opined that they have to face non-cooperation from their co-members. Great majority respondents expressed the view that society showed high acceptance to their entry into governance and they received this change with a positive attitude. Six out of ten members had prior experience in working with Kudumbasree system and half of them agreed that this helped them in the performance of their present political role.

Education in its general sense is a form of learning in which the knowledge, skills and habits of a group of people are transferred from one generation to the next through teaching, training or research. It influences various aspects social life. Role satisfaction is the degree to which there is agreement between people's roles and other aspects of their personal and social lives.

In this study, more than half percent (56%) opined that the women members have 'power within' but they are sometimes lacking confidence due to low education. Education helps to boost-up the

self confidence of women representatives to take new responsibilities and face challenges.

Due to several technical and administrative reasons many of them face hindrances in implementation of developmental activities. A representative has lots of social and political responsibilities. They have to manage various complicated matters related to their position. A great majority of them revealed that training by KILA is very much effective to the representatives especially who entered local government for first time and had no prior political experience. Three fourths of them received sufficient training and most of them have understood the rules and regulations related to local self governance. Near to three fourths among them spent a major part of time in Panchayats and at other times they were busy indulging in developmental issues in their respective wards.

A little more than three fourth of respondents depended on news papers for information. Most of them were not interested in social media networks.

5. Issues and Challenges

A political person must go through various challenges which they can overcome only with their own strengths. In this study more than thirty five percent of the respondents revealed that they felt discrimination especially in major decision making process. Thirty percent opined that lack of experience and awareness in political activities is another challenge to their participation. Six out of them agreed that they had communication problems at the early stage of their political entry. Nearly two thirds of them expressed that the honorarium is not sufficient to carry out some of their duties which are critical / urgent in nature. Financial assistance is a necessary ingredient for the self esteem and independent functioning of women elected representatives.

More than half percent do not have interest to continue in this position as local representative. Half percent among them faced the problem of role conflict and sometimes they were in between fire and frying pan. Two out of ten did not have any personal interest and ten percent opined that they were mentally disturbed after becoming a political member.

Devaki Jain and Sujaya (2004) in their work revealed that the elected women representatives carried a double and triple burden of responsibilities which greatly added to their stress.

Family is the most motivating force for women in political arena. Maintaining balance between the family and community management is something very crucial. Especially women have to perform many household duties which cannot be replaced by another person. So existence in the politics is a big matter of question to many of them. Farzana Bari (2005) in her study reported that with their primary roles as mothers and wives and competing domestic responsibilities and care work, women are left with little time to participate in politics.

A considerable proportion of women do not wish to re-contest in the coming elections because the members who were coming from nuclear family set up were worried about their family and they wish to give more time and attention to their family. More than forty percent of the respondents revealed that this representation improved their self confidence and assertive behaviour to face challenges. Three out of ten expressed that this helped them to establish good relations with different sections of public. More than three fourths realised that their social qualities developed through political participation. More than half percent (53%) have the opinion that reservation brought equality in the system to a large extent. But others refuted this.

6. Suggestions

As more women are entering to the governing bodies, it is important for all institutions (State, family and community) to respond to women's specific needs related to education, gender roles, division of labour etc. To build capacities and to address these issues, necessary methods should be included in Panchayath trainings. If women participate actively and effectively, they can contribute a lot to the all-round development of their regions. They must be provided with better education facilities and training at all levels. Efforts must be made to bring about a thorough transformation in their attitude and mindset. Only then the process of women empowerment through political representation becomes meaningful and realistic. Basic training is given to them for performing their duties as representatives but it is not possible to reach all aspects of governance in a short span of time especially those who are completely new and unaware about this system. Honorarium of Panchayat members is very low but at the same time they have more or equal responsibilities as MLA and MP's. Kerala has taken a great step in the right direction in women's representation, but it needs further conscious interventions to ensure the quality of their representation.

7. Conclusion

Women's participation feminises politics rather than be a part of men's stream. Gandhi was one person who played an important role in promoting participation of women in the political process. He wanted women to cleanse politics and not get involved in the power game. The 73rd Amendment was introduced as a strategy to empower women by giving them opportunity to participate in the decision making process at grass roots level. The involvement of women in the development process was being looked upon as a matter of not merely equality but a necessity too. Contrary to fears that elected women would be rubber-stamping leaders; the success stories that have arisen from PRI are impressive.

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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.

The facilities of the SAS include the AC Classrooms, Canteen, Guest House having 24 AC double occupancy rooms and four Suite rooms, WiFi connectivity and Library.



Land Asset Management in Local Governments: A Study on Selected Panchayats in Kerala

Prudent land asset management is a vital responsibility of a Panchayat to assure that the land in possession is put to optimum utilisation for the socio-economic development of the people. The carrying capacity of land is under stress due to land degradation. The Governments are formulating multiple policies and programmes to regulate the exploitation of different forms of land. Sustainable management of land resources necessitates policies and planning based on a good knowledge of the extent and nature of these land resources, how land has been allocated for use, and how land will respond to these uses. In order to assess the existing land asset management practices in Grama Panchayats (GPs) in Kerala, field studies were conducted by taking three GPs- Kanjiramkulam from Thiruvananthapuram district, Kadaplamattom from Kottayam district and Kuttikol from Kasargod district. Sample plots from each Panchayat were selected for detailed study that included verification of records and site inspection. Major aspects of land asset management of a Panchayat were included in the asset register, custody of title deeds, protection from encroachment; and land use plan. This article encapsulates the findings of our study.

Dr. Girish Kumar R.*
Dr. Relfi Paul **

* Director, K.N Raj Centre for Economics, Mahatma Gandhi University, Kottayam, Kerala -686 560, e-mail: girishramkumar@yahoo.com, Phone : 9447090000.

** Research Assistant, Gulati Institute of Finance and Taxation (GIFT), Thiruvananthapuram, Kerala - 695 017, e-mail: relfipaul@gmail.com, Phone :9911013374.

1. Introduction

Land, the mother asset of all physical assets, is the platform on which human activities take place. Land and land resources refer to “a delineable area of the earth’s terrestrial surface, encompassing all attributes of the biosphere immediately above or below this surface, including those of the near-surface, climate, the soil and terrain forms, the surface hydrology, the near-surface sedimentary layers and associated groundwater and geo-hydrological reserve, the plant and animal populations, the human settlement pattern and physical results of past and present human activity” (Latham, 1997). A coherent ‘land paradigm’ premised on a sound understanding of various land-related rights, restrictions and responsibilities facilitate prudent decision making and an integrated approach to land-use management. The Governments are gradually formulating multiple policies and programmes to regulate the exploitation of different forms of land. Thus, sustainable management of land resources necessitates policies and planning based on a good knowledge of the extent and nature of these land resources, how land has been allocated for use, and how land will respond to these uses. In general, these instruments are to do with conservation, prevention, protection, restoration, and mitigation (Karis, A., 2013).

Land, being a State subject, falls under the legislative and administrative jurisdiction of the States. The Seventh Schedule of the Constitution of India states that land including assessment and collection of revenue, maintenance of land records, land management and alienation of revenue, etc. fall under the purview of the State governments. With a total land area of 38,86,287 hectares, Kerala has only 1.18% of India’s landmass. Out of the total area of land, Kerala’s net sown area is only 52.57%, forest 27.83%, land for non-agricultural use 10.78%, cultivable waste land 2.6%, still-water 2.6%, and others 3.62% (Government of Kerala, 2016). Having the second-highest population density among all the Indian States with significant population pressure on scarce land resources, land in Kerala is an asset with very high value (State Finance Commission, 2011). The implementation of Land Reforms Act, which Kerala pioneered in 1961, saw the equitable distribution of land among its populace. Given that land is the major asset owned by rural households, Panchayats are more successful in delivering public services in places where land reforms have been more effective and land distribution is relatively more even. (Rao and Raghunandan, 2011). Therefore, from the policy perspective, land

reform is an important complementary policy to decentralisation and effective public service delivery at grassroots level in Kerala.

2. Land Asset Management in Panchayats

The land management of a Panchayat covers maintenance of a comprehensive database, custody of records, protection from encroachment, and effective utilisation. The Kerala Panchayat Raj Act 1994, Sec.178 states that for introducing any public facility or for providing any service, Panchayat may acquire any land with the prior approval of the Government (Issac, 2000). This acquisition of land should be made in accordance with the Land Acquisition Act. A Panchayat, before acquiring any land, needs to comply with the following conditions, namely:

- (a) Suitability certificate to the effect that the proposed land is suitable for the proposed purpose shall be obtained from the Deputy Director of Panchayats/Assistant Development Commissioner/District Collector in the case of Village/Block/District Panchayats, respectively;
- (b) If the proposed property is for educational purpose, permission from the Deputy Director of Education shall be obtained; and
- (c) Permission from the District Medical Officer shall be obtained in the case of Hospitals, Dispensaries, etc.

The lands possessed by Grama Panchayat are categorised as: a) Own lands of Panchayat acquired through land acquisition proceedings, direct purchase or free surrender, or those assigned by the Government; *Puramboke* lands vested in the Panchayat under Sections 169 and 218 of the Panchayat Raj Act; and b) lands transferred along with the institutions as part of decentralisation of powers.

The own land assets created by the Local Self-Governments (LSGs) include Panchayat office premises, bus stand, markets, etc. The process of decentralisation enabled the government to transfer assets to the LSGs along with institutions. These institutions included schools, hospitals, krishi bhavan, agriculture farms, etc. However, the “Government has not taken any serious steps for the identification of the nature and location and for the valuation of assets of the transferred institutions. Some of the transferred assets had not been incorporated in the asset registers of the LSGs and formal transfer in the revenue records had not been made... the assets transferred had not been valued so far” (Comptroller and Auditor General, 2014).

Field studies were conducted in three Grama Panchayats (GPs) to assess land asset management in GPs. One GP each from three geographical regions – lowland , midland and highland – was selected for the study. Thus, field studies were held in Kanjiramkulam from Thiruvananthapuram district, Kadaplamattom from Kottayam district and Kuttikol from Kasargod district, respectively. Sample plots from each Panchayat were selected for detailed study that included verification of records and site inspection. Four aspects of land asset management of a Panchayat were included in the study, as follows:

- a) Asset register;
- b) Custody of title deeds;
- c) Protection from encroachment; and
- d) Land use plan.

Support of a comprehensive database is critical for the effective and successful operation of land asset. The asset register provides information like land description, location, area, date of acquisition/transferred, value at the time of acquisition, survey details, details of buildings, trees and other items located in the plot (Oommen, M A., 2007). As per the asset register, the Panchayat office cum shopping complex is located in land in Kadaplamattom GP with an extent of 61.34 Ares. Upon physical verification of this asset, it was found that there are only 8 Ares. land available. As the land was acquired nearly three decades ago, it was difficult for the officials and elected representatives to test the veracity of the entry in the register. Since there is no possibility for encroachment of this land, it is inferred that an error due to over sight might have crept into the asset register during its preparation. The preparation of the database in digital form had been completed using ‘sachithra’ software developed by Information Kerala Mission (IKM); but in none of the Panchayats, the information of assets furnished provides comprehensive coverage with correct information as envisaged. This continues to cripple the decision maker’s options to take right decisions using the information stored.

The Panchayat has to provide the value of the land as fixed asset in the balance sheet. The field studies indicate that LSGs seldom take this responsibility seriously. Kadaplamattom and Kuttikkol Panchayats did not assess the value properly. Neither did they make entries updating the value of available land in their balance sheet, periodically. The actual land value of Kanjiramkulam GP is three hundred times higher than the value entered in the balance sheet,

making the asset registers maintained less comprehensive and deficient. It is imperative to maintain database with accurate information of the land that is under the ownership of an LSG and should be periodically updated and validated.

Ownership in the context of many Panchayats having improper or absent title deeds is of paramount importance (Nair, Gopikuttan and Sreedharan, 2011). Accordingly, for safeguarding the asset, there should be a custodian user of the asset, and Panchayat secretary is the custodian of all assets owned by a particular Panchayat. In fact, the Government has issued a direction on August 2008, to constitute a Committee headed by the President of the Panchayat with elected representatives and officials as members for periodical verification of assets. (Controller and Auditor General, 2014). However, the study found that none of the Panchayats test-checked did possess the title deeds of lands acquired by or transferred to them. For instance, the hospital project of Kanjiramkulam Panchayat for expanding the *marma hospital* could not be implemented due to stiff resistance lodged by animal husbandry department. The project, which was approved by the government, was in fact inaugurated. Government has also sanctioned one crore rupees for the project. The said property was said to be transferred to the Panchayat in 1995, which is contested by the animal husbandry department. Interestingly, none has title deed/ documentary evidence to buttress its claim. And the project is yet to take-off. Similarly, another sample asset taken for study was the land that housed the bus stand at Kanjiramkulam junction - a major connectivity hub, which connects to Kovalam, Poovar, Balaramapuram and Neyyattinkara. As per the record, it had an extent of 1 Are 20 sqm land under village survey number 124/13. There is no separation between the said Panchayat land and PWD road. The stories in rest of the Panchayats are no different. Many assets did not even have survey documents including plan and sketch of the land. The need to obtain missing records including title deeds and survey documents from the departments concerned should be prioritised necessitating the government to initiate digitalising of all these documents and making them available to the public.

The third schedule of Kerala Panchayat Raj Act makes protection of public lands against encroachment a mandatory function of a Panchayat (Govt. of Kerala, 1994). During the study, only one major encroachment was identified, which is in Kuttikkol Panchayat. An extent of 16 Are and 19 sqm land owned by the Panchayat near fire station was found not to be under its possession. Upon physical

verification of the assets cited in the Panchayat's asset register, the survey team found that the Panchayat is not in possession of the said land. This plot is encroached by a person whose land is adjoined to the Panchayat property. The encroachers blocked the pathway to this property with bricks and stones. As of now the Panchayat did not have any plan to ensure the ownership and possession of the land, making government initiatives imperative. Neither the officials nor the elected representatives are aware of it, with critics attributing this lackadaisical approach of authorities to local political pressure. There are findings of misuse of land by anti-social elements for liquor consumption and dumping wastage. This is because of the absence of security and proper fencing.

Proficient land management is a vital part of a Panchayat to assure that the land in possession is put to optimum utilisation for the socio-economic development of the local people (Rao and Raghunandan, 2011). The carrying capacity of land is under stress due to land degradation. Land-use planning allows us to better and more effectively manage available land resources. It helps create certainty for where, when and how development can take place. Preparation of a separate land use plan for Panchayat has its own importance because of growing population and limited land resource.

3. Conclusion

The asset registers maintained by sample Panchayats were not exhaustive and was deficient in many aspects. Annual verification of land was not done in any of the sample GPs where land assets were checked. As a result of this, the GPs could not ensure whether all the land accounted for in the Assets Register were physically available and vice versa. GPs were not in possession of the title deeds of lands acquired or transferred to them. Hence, an immediate mapping of existing assets followed by a physical verification and digitisation is called for the protection of land. Efficient land management is an important responsibility of a Panchayat to assure that the land in possession is put to best operation. None of the GPs test-checked had a land-use plan to utilise their land commensurate with the immediate and long-term requirements. Periodical verification of land was not being done to ensure that the land was protected properly from encroachments. The Government directions to verify land assets periodically are yet to be completed. This leads to undervaluation of the assets owned by the Panchayats. A worrying aspect is the proliferations of build operate and transfer (BoT) agreements in Panchayats, eventually

enabling the land mafia to get leasehold of Panchayat land at a very low price.

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Financial Devolution to Local Governments: With Reference to Kerala

Financial allocation from Central Government and State Government continues to be a major source of revenue for Local Governments (LGs) in Kerala. The amount of allocation is increasing but the proportional or percentage allocation to LGs from the total Government allocation is decreasing from year to year. Kerala Government financial aid is less than promised percentage of 30-40 percentage of total Plan fund. Self reliance of LGs depends upon own sources of revenue. But own sources of revenue of LGs continue to be at the bottom level in most of the States. Kerala has always been far ahead of her counterparts in the country in the arena of own revenue mobilization. Expenditure and responsibilities of LGs in Kerala have been increasing. Comprehensive approach is required to increase own revenue generation of LGs in Kerala. Centre Government as well as State Government should come forward to transfer higher percentage of allocation to LGs.

Dr. Pratheep.C*

* Secretary, Gandhi Media Foundation, Thiruvananthapuram, Kerala, email:cpratheep@yahoo.com, Phone: 0944696811.

1. Introduction

Local Self Government Institutions (LSGIs) have been playing a very important role in the social, economical, cultural, and political development of India for a long period of time. With the implementation of the 73rd amendment to the Constitution of India and conformity Acts in the States, LSGIs have become the most influential tier in the federal set up of India. Kerala played a significant role by devolving functions, functionaries, and funds. Fiscal decentralization efforts in Kerala are widely accepted as the best practice in India. The local governments in Kerala had relatively larger revenue sources at their disposal and own revenue mobilisation was one of the highest. The Panchayats enjoyed better fiscal autonomy. The own source of revenue - tax and non-tax, plan and non-plan funds from State Government, and funds from Central Governments are the important sources of revenues of the LSGIs in Kerala. More than twenty years have been elapsed after the 73rd amendment to Indian Constitution. Hence it is ripe to evaluate the devolution of finance from Centre and State Governments to the Panchayats in India.

2. Union Finance Commission (UFC) Allocation to LSGIs in Kerala

The principle of subsidiary requires the upper tiers of Governments to devolve revenue to sub-national governments. The Central Government of India channels revenue to the third tier through the awards of the Union Finance Commission, Centrally Sponsored Schemes (CSSs), Special Central Assistance, etc.

Union Finance Commission (UFC) is providing funds to the Panchayati Raj Institutions. The allocation was Rs.182 Crores by 10th UFC, Rs.300 Crores by 11th UFC, Rs.985 Crores by 12th UFC, Rs.1950 Crores by 13th UFC, and 4017 Crores in 14th UFC (Govt. of India, 1994 to 2014). But the comparative proportion of assistance is decreasing from 10th UFC onwards. (Pratheep.C, 2015).

Fourteenth UFC recommended the total size of the grant to be Rs. 2,87,436 crores for the period 2015-20, constituting an assistance of Rs. 488 per capita per annum at an aggregate level. Of this, the grant recommended to Panchayats is Rs. 2,00, 292.20 crores and that to Municipalities is Rs. 87,143.80 crores. The grant assessed by for each State for each year is fixed. The Commission recommended grants in two parts - a basic grant and a performance grant for duly constituted Gram Panchayats and Municipalities. In the case of Gram Panchayats, 90 per cent of the grant will be the

basic grant and 10 per cent will be the performance grant. In the case of Municipalities, the division between basic and performance grant will be on an 80:20 basis. To be eligible for performance grants, the Gram Panchayats will have to submit audited annual accounts that relate to a year not earlier than two years, proceeding the year in which the Gram Panchayat seeks to claim the performance grant. It will also have to show an increase in the own revenues of the local body over the preceding year, as reflected in the audited accounts.

3. State Finance Commission (SFC) in Kerala

To ensure the autonomy of LSGIs, the 73rd Constitutional Amendment (1992) has made it mandatory for each State to constitute a State Finance Commission (SFC). In the scheme of fiscal decentralization, the SFC has a major role to perform. If the SFCs follow the procedures adopted by the UFCs for transfer of resources from the Centre to the States, their reports would contain an estimation and analysis of the finances of the State Government as well as the LSGIs at the pre and post transfer stages, along with a quantification of the revenues that could be generated additionally by the LSGIs; through the measures recommended therein. The gaps that may still remain would then constitute the basis for the measures to be recommended by the UFC. While estimating the resource gap, the SFCs should follow a normative approach in the assessment of revenues and expenditure, rather than making forecasts based on historical trends.

In 1994, the First Kerala State Finance Commission was formed, which submitted its report in 1996. The Commission took an integrated view of finances in both Urban and Rural LSGIs. SFC-I tried to collect and put together data on different aspects of LSGIs finances and succeeded in providing a holistic picture.

SFC-II was constituted by the Government of Kerala (GoK) in 1999 and it submitted its report in 2001. The SFC broke three-stream transfer of funds from the State in the form of Plan Fund, Maintenance Fund, and General Purpose Fund. In the case of the latter two funds, it suggested 5.5% and 3.5% respectively of the own tax revenue of the State Government. Thus it moved away from assigned and shared individual taxes to enable the buoyancy of the general tax revenue to benefit the LSGIs.

SFC-III was appointed in 2004 and it submitted its report in 2005. The SFC-III focused on consolidation and stabilization. The Commission made the important decision to opt out of sharing a

certain percentage of own tax revenue of the State Government. Instead the Commission fixed the quantum of devolution under various heads for each LSGI. Thus the umbilical cord between the States own revenue mobilization and LSGI finances was severed. (Govt. of Kerala, 2005).

SFC-IV was constituted in 2009 and the report was submitted in 2011. Major recommendations were: LSGIs be given 3.5% of State's own tax revenue (SOTR) using the t-2 method as General Purpose Fund (GPF). It is also recommended to allocate 2/3rd of the Maintenance Fund for road maintenance and the remaining 1/3rd for non-road maintenance. Allocation of 25% of the proposed plan size in 2011-12 should be as Development Fund to LSGIs and thereafter increased in relation to the Plan size. The Commission has recommended dividing the GPF among GPs, Municipalities, and Corporations in the ratio 75.93:10.02:14.05, after setting apart Rs.125 lakh per District Panchayat (DP) and Rs.15 lakh per Block Panchayat (BP). (Govt. of Kerala, 2011).

SFC-V was constituted in 2014 and submitted its report in 2015. Though the report was submitted to Government, the recommendations are not available.

4. State Government Support to LSGIs

Government of Kerala had been earmarking assigned taxes, shared taxes, and statutory and non statutory grants in aids to the LSGIs up to the implementation of the Second State Finance Commission period. Since the implementation of the awards of Second Finance Commission, the budgetary provisions of grants- in aid to LSGIs has three categories, i.e., General Purpose Fund (GPF), Asset Maintenance Funds - road and non-roads, and Plan Funds (expansion and development). Second Finance Commission advocated three and half percentage of own tax revenue be devolved to LSGIs as GPF or otherwise called traditional functions grants. These grants could be utilized for meeting expenses in the traditional sectors and operating costs of the LSGIs. Maintenance Grants to the tune of 5.5% of the own tax revenue of the State for roads and non roads was also recommended by the Second Finance Commission. Plan grants can also be divided into three, i.e., General Sector, Special Component Plan (SCP) and Tribal Sub Plan (TSP). (Govt. of Kerala , 2011).

Tied and untied funds were given to LSGIs in Kerala up to 2004-05. Instead of assigned taxes, shared taxes and statutory / non statutory grants in aids, three and half percent of own tax revenue of the

State Government as general purpose or traditional functions grant as per the Second State Finance Commission. The grant can be utilized for meeting traditional functions and operating costs of the LSGIs. Maintenance fund is recommended by Second State Finance Commission for maintenance of assets of LSGIs and transferred institutions. The Commission recommended five and half percent of the annual own tax revenue of the State Government to LSGIs to the maintenance of roads and assets. During the period from 2004-05 to 2015-16 total allocation has been increased from Rs.1881 Crores to Rs.7679.4 Crores. Major share (62.5%) of the budgetary allocation is Plan Fund where as maintenance fetched 15.3%, traditional functions got 14.6% and the remaining 7.6% was for maintenance of roads. Kerala Government is providing 9% of the own revenue of the State Government to the LSGIs towards maintenance of roads and non-roads. Cost of maintenance of assets in LSGIs has been increasing year by year. Therefore, the percent of allocation to maintenance of roads and non roads has to be increased to minimum of 15%.

The absolute amount of plan allocation to the LSGIs by the State, over the period, increased. However as a share of the Plan Expenditure of the State, the allocation to LSGIs has declined over the years. (Govt. of Kerala, 2006 to 2014).

Government of Kerala decided in 1997 to devolve at least one third of the State Plan fund to the LSGIs. (Govt. of Kerala, 1999). But statistics of plan devolution shows that plan fund to the LSGIs declined from 31% of 1999-00 to 20.96% in 2010-11. Average from 1996-97 to 2015-16 shows that plan devolution is 25% of the State Plan fund. Plan fund includes Central Finance Commission and External fund including KLGSDP. If we deduct the CFC devolution and external assistance, the plan fund will further reduce to less than 20%. This shows that plan devolution to the LSGIs are getting reduced in Kerala.

5. Own Source Revenue (OSR)

One of the striking features of fiscal decentralization in Kerala is revenue assignments by defining the domain of Own Source Revenue (OSR) of LSGIs. Kerala has always been far ahead of her counterparts in the country in the arena of OSR mobilization. The State topped per Panchayat and per capita revenue mobilization. The fiscal domain of the local governments was well defined as early as the 1960 Act. Many of the taxes that were in the State domain like profession tax and entertainment tax were already a local government tax in Kerala.

As per the study conducted by Centre for Policy Research, New Delhi for the 14th Central Finance Commission in 2014, all India average of own revenue to total revenue is 9.48% where as in Kerala it was 14.38% (CPR, 2014). Per capita revenue of the Grama Panchayats shows there are wide variations in the own revenue efforts and capacity of mobilization. Maharashtra was able to mobilize 32.01% of the total revenue where as Uttarakhand, Uttarpradesh, Tripura and Rajasthan were able to mobilize less than 1% of the total revenue as own revenue. Grama Panchayats in the States like Andhra Pradesh, Goa, Gujarat, Karnataka, Maharashtra and Tamilnadu are mobilizing higher percentage of own revenue than Kerala. Per Capita total revenue of Grama Panchayats show average revenue of Rs.1221 for the period from 2009-10 to 2012-13.

Total per capita revenue of Grama Panchayats is increasing over the years. Fourth State Finance Commission estimated per capita in 2004-05 as 696, in 2005-06 as 795, in 2006-07 as 783, in 2007-08 as 913, in 2008-09 as 1023. (Govt. of Kerala, 2011). Financial data of Grama Panchayats shows that national average revenue of Grama Panchayat is Rs.620, whereas in Kerala it is Rs.1221 i.e., almost double the amount. During the period from 2009-10 to 2013-14, all India average per capita revenue of Grama Panchayats shows that 69.37 percent (60.96 plus 8.41) of the revenue was from Central Government as Central Government sponsored assistance and Central Finance Commission Grant. State Government provided 18.72% (12.31 plus 6.41) and own tax was only 9.49% of the total revenue. This shows that Grama Panchayats are heavily depended upon Central Government and State Governments for their resources. During 1998-99 to 2002-03, average revenue from own tax was Rs. 760.12, non-tax revenue was Rs.637.88, Assignment and Devolution was Rs.6216.01, Grants in Aid was 12735.52, other income was 1509.42 and the total income was Rs.21856.95. This shows that own revenue was 6.38%, assignment and devolution was 28.4%, grants in aid was 58.3% and other income was 7% of the total. Self-reliance of Grama Panchayats depends upon OSR. It is a very dismal fact that OSR continues to be at the bottom level in most of the States. This shows that there is scope and potential to fetch more resources from OSR.

6. Observations and Suggestions

- i. If we deduct the UFC devolution and external assistance including KLGSDP and KSUDP, the Plan Fund would dwindle to less than 20 percent. This shows that plan devolution to the LSGIs are getting reduced in Kerala. As one third of the

functions of the State have been devolved to the third-tier, it is only logical that a minimum of 30% of the total plan expenditure of the State be earmarked to LSGIs.

- ii. The SFCs of Kerala has always taken a comprehensive view of the non-plan expenditure that would emerge from the plan expenditure. Fifth Kerala State Finance Commission may devolve more funds to LSGIs both in plan and non-plan funds. Minimum of 30% of the total plan expenditure of the State has to be earmarked to LSGIs, along with a corresponding increase in Non-Plan devolution to the tune of 15% of the OSR of the State.
- iii. Plan fund includes UFC devolution and External funds, including KLGSDP. UFC awards and External assistance to LSGIs should not form part of the Plan fund and thus should be separate channels of funds for local governments.
- iv. Lion's share of assistance is earmarked to Grama Panchayat (56.10%), Block and District Panchayats are getting around 13%, Municipalities 9.46% and the remaining 7.08% assigned to Corporations. Nevertheless, one third of the LSGIs are facing financial crisis due to non-availability of enough non-plan fund, which is untied. Non-Plan fund allocation has to be increased so as to face the financial crisis.
- v. State Government should provide more funds to LSGIs due to the reduction of CSSs because of the increasing devolution from 32 to 42%.

7. Conclusion

To conclude decentralisation initiatives in Kerala acclaimed as 'Kerala Model of Decentralisation' due to its radical steps on political, administrative, and fiscal decentralization initiatives. The successive Governments since the enactment of Kerala Panchayat Raj 1994 and Kerala Municipality Act 1994 have taken positive approach in strengthening local governance. However, fiscal devolution needs to be enhanced by keeping the initial promise of 30-40% of funds from State exchequer so as to enable the Local Governments to perform the devolved functions effectively. Hope the Fifth State Finance Commission will take up this matter seriously.

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‘Zero File Programme’: Experience of Malappuram Municipality

Malappuram Municipality is one of the best performing Municipalities in Kerala, situated in the northern part of Kerala. Most of the people are earning their livelihood from NRIs, agriculture, and from small commercial activities. Around 200-300 people visit each day, to avail the service of Urban Local Bodies (ULBs). The ULBs have only 30 regular employees on an average and hence they are not in a position to clear the pending files. This results in long pending files, causing inconvenience and hardship to people. ‘Zero File Malappuram’ is an initiative to clear all pending files in a targeted time frame, with the active support of employees. The success of the programme is attributed to the collective action of the Elected Representatives and employees of the Municipality.

Binu Francis*

* Programme Officer (Urban), State Poverty Eradication Mission, Kudumabshree, Kerala, email: binuktde@yahoo.com, Phone : 9447303769.

1. Introduction

The 74th amendment of the Indian Constitution has brought drastic changes in the local administration. In continuation of that, Kerala has enacted Kerala Municipalities Act, 1994, devolving power to the Local Governments. Thus the Urban Local Bodies (ULBs) of Kerala have received mandate regulations in defined areas, service delivery, social security and local economic development. As of now, the ULBs are delivering more than 70 services, ranging from regulatory, welfare and developmental functions. The ULBs is the authority, to register; the starting (birth), the union (marriage), and the end (death) of a human life and also it regulates the entire external activities of a person.

2. Malappuram Municipality: A Brief

Malappuram Municipality, situated in the Malappuram District, is a second grade Municipality in the northern part of Kerala. It was established during 1970. Having an area of 33.61 sq.m., it has a population of 68088; 35112 males and 32976 females. There are 40 Wards, and of this 20 Wards are reserved for women. Since it is an ideal Municipality, the Govt. of Kerala has been selecting Malappuram Municipality for piloting most of its flagship programmes viz., GPS mapping, piloting of Sanketham (software for building plan), city road improvement program etc. Malappuram Municipality is the first ISO certified Municipality in India. Further, it is the first complaint free and pending-file free Municipality in India.

3. Zero File Programme

3.1. The Issue of Pending Files

Since the Municipalities are offering more than 100 functions to its citizens and most of them are related to basic needs, any delay in service will have multitude impacts in the life of citizens. With the 74th amendment to Indian Constitution and subsequent devolution of power in Kerala, the functions of Municipalities have increased many folds. This in turn results in origin of large number of files. The scarcity of staff with adequate capacity adds gravity to the situation. Even if there is abnormal increase in the function of the Municipality, there is no corresponding increase in the number of employees in Municipalities. Further, the absence of adequate physical infrastructure to support the employees to do the work as required by the Government as well as the people also

worsen the situation of service delivery mechanism in Municipalities.

The pending files destroy the creativity and happiness of employees. This may push back, even an efficient employee from the timely completion of work and loosen the responsibility and accountability. If there is no pending file, the employees have to attend to the current files only. Hence, they do not feel burdened and the quality of service rendered in the current files is very high. Further most, the people are happy and satisfied in receiving immediate and quality service from a public authority.

In all Municipalities, there is large number of pending files ranging from 500 to 1000. Many of the employees utilize most of their working time in identifying the old files. Thus, there is inordinate delay in delivery of service, even if there is stipulated period for each service, which in turn leads to piling up of pending files. This in turn leads to poor delivery in service. It was estimated that there were more than 500 pending files in the Malappuram Municipality before the implementation of 'Zero File Programme'. The Municipal Council was of the opinion that, if there is no pending file, the employees can dispose fresh files. Hence, the Council decided to clear all pending files within a specified time and evolved strategies for it. The purpose of the initiative was the timely delivery of service to the public by clearing all pending files. In order to achieve this, the Municipality ensured that there is not a single file (application or petition) which is pending, after its stipulated period.

3.2. The Strategy

Malappuram Municipality has decided to work out a strategy in 2012 to reduce the number of pending files and finally to 'Zero File Pending'. The programme is named as 'Zero File – Malappuram', which implies there is not a single pending file i.e., all applications/petitions/complaints shall be disposed of in time. The priority is given to complete the pending files within a stipulated period, to bring the officers of Municipality onto the track of dealing with the current file. Along with the fast track completion of pending work, the second priority is given to cleanliness and beautification of the office complex. This has created a work environment avoiding all outdated papers, files, covers, unwanted machines, equipments, and furniture from the premises.

The period of the project is - 1.4.2012 to 15.12.2012. The project has three phases as below:

1. Initiation Phase
2. Verification Phase
3. Declaration Phase

1st Phase: Initiation (1st April to 30th September 2012)

In this phase, the employees identified all the pending files and listed the same. It is reported that there were more than 660 pending files in the office. During this period, the Municipality has disposed of all pending files (as claimed by the employees concerned). Further, this has been verified and found correct by the Head of the Departments.

2nd Phase: Verification (1st October to 30th November 2012)

The employees and officers of the Municipality have claimed that there is no pending file at all, but this is only a claim. Hence the Municipality has given opportunity to the public who are the real stakeholders, to see that the claim of the Municipality is correct and right. To ensure this, the Municipality has launched massive campaign and distributed a pamphlet with a prescribed form.

In response to the wide publicity, the Municipality received 49 applications from the public contending that, their application/petition is pending in the Municipality. Municipality has resolved all the issues in the pending files and conducted separate Adalath for the same.

3rd Phase: Declaration (1st December to 15th December 2012)

In the 3rd Phase; again the Municipality has provided opportunity to the public to point out any file, which is pending in the office. To encourage the public in its efforts, to find out or point out a file, which is pending in the office, the Municipality has offered reward to the public to the tune of Rs. 5000/-. This was given wide range of publicity through the print and local visual media.

In order to verify the claim of the Municipality and that of the public in respect of demand for reward, the Municipality has constituted an independent Committee, comprising of local MLA as Chair; District Collector as Convener; District Panchayat President, Chairman of Municipality, journalist both from print and visual media as members.

The Committee has convened its meeting on 15.12.12 at 11 AM, in the Chamber of the District Collector, so as to verify the applications of the public and the claim of the Municipality. It was observed that not a single application has been filed in response to the offer of the Municipality and the Committee viewed accordingly. Further, the Committee has also verified all the Registers of the Municipality, most of them are statutory in nature, and found that the claim of the Municipality is correct. Then the Committee declared the Municipality as File Pending-free Municipality. Thus the goal of 'Zero File Malappuram' was achieved.

4. Impacts

There are remarkable and measurable results, after this programme. This is revealed by the situation before (up to 31/03/12) and after the programme (after 15/12/12).

4.1. Pre-Initiative Period

- i. People rush to the office to find out their file and get it disposed.
- ii. The employees are held up with old files.
- iii. The employees waste their valuable time, to locate the old files.
- iv. People get their service, after a long period.
- v. There are complaints regarding over taking of priority.
- vi. Pressure and influence from different corners, to dispose of a particular file belonging to them.
- vii. At least 90 days for correcting birth certificate.
- viii. Allegation and complaints (and chances for bribe) in issuing building permit (at the earliest).
- ix. Employees have vague idea about a file.

4.2. Post - Initiative Period

- i. There is no rush of people, asking their file status.
- ii. There are no files held up.
- iii. No time wastage.
- iv. Immediate service delivery or redressal.
- v. There is no violation of queue and no complaints.
- vi. There is no influence for expediting of a particular file.
- vii. It takes only two to three days to dispose the files.
- viii. The employees have a clear idea regarding each file.

5. Learning

Implementing a program is not a herculean task, but its sustainability is a challenge. Since, the employees are transferable and there are changes in the Elected Representatives after election, keeping pending files as zero is a challenge. It needs constant and consistent effort, in addition to building the system intact.

It is not doing new things, but doing same activities in a new way that is the order of the day. Disposing file is a routine job and hence there is no innovation. But when it is practised in a different way, taking all stakeholders in confidence, it is innovation. The success of this project proved that even a small initiative will reflect in quality delivery which the public have dreamed of.

Prevention and Abating of Nuisance: Paradox in Decentralised Approach

The decentralisation of mighty State functions to the local level has made democracy truly people-centric. The functions so transferred to the local bodies range from regulation to people's planning. The present discourse is focussing on the regulatory aspect of nuisance. Though the functions with regard to the nuisance are decentralised, there exists an overlapping with the centralised approach which addresses the nuisance. The assimilation of divergent approaches and the revamping of the present system are requisite for the smooth functioning of regulatory local body regime.

Toby Thomas*

* Pala Municipal Secretary, Pala, Kerala, email: advtoby@gmail.com, Phone: +91 9496141437.

1. Introduction

The law of nuisance derived from the principle “*sic utere tuo ut alienum non laedas*” which means that ‘use your own property in such a way that it does not harm others.’ Section 3(48) of The General Clauses Act of 1897 defines “public nuisance” shall mean a public nuisance as defined in the Indian Penal Code of 1860. The cross reference further takes the definition of nuisance to IPC as an act or illegal omission which causes any common injury, danger or annoyance, to the people in general who dwell, or occupy property, in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right. The definition of nuisance under Public Health Acts to include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right. (Govt. of Kerala, 1955 (TC Act), Section 2(27); Govt. of Madras, 1939 (Madras Act), Section 3(25)). The Municipal Act define nuisance to include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance, disturbance or harassment to the sense of sight, smell, hearing or to rest or sleep or which is, or may be, dangerous to life or injurious to health or property. (Govt. of Kerala, 1994).

2. Centralised Approach

The centralised approach in prevention and removal of nuisance is provided in the Sections 268, 269, 270, 277, 278 and 291 of Indian Penal Code of 1860 (IPC), Criminal Procedure Code of 1973 (Cr.P.C) and Section 91 of Civil Procedure Code of 1908 (C.P.C) and Sections 4(e), 72, 77 and 120 of Kerala Police Act of 2011 (KPA).

2.1. Criminal Procedure Code of 1973

The Section 133 of Cr.P.C empowers the removal function with District Magistrate or a sub-divisional magistrate or any other executive magistrate empowered in this behalf by the State Government on receiving a report of a police officer or other information and on taking such evidence and considers that,

(a) any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public; or (b) the conduct of any trade or

occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated; or (c) the construction of any building, or, the disposal of any substance, as is likely to occasion configuration or explosion, should be prevented or stopped; or (d) any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary; or (e) any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public; or (f) any dangerous animal should be destroyed, confined or otherwise disposed of, such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree. (Govt. of India, 1973).

2.2. Orders that can be passed under Section 133 Cr.P.C

(i) to remove such obstruction or nuisance; or (ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or (iii) to prevent or stop the construction of such building, or to alter the disposal of such substance; or (iv) to remove, repair or support such building, tent or structure, or to remove or support such trees; or (v) to fence such tank, well or excavation; or (vi) to destroy, confine or dispose of such dangerous animal in the manner provided in the said order. (*Op. cit.*,)

2.3. Procedure in the case of persons failed to show cause

Section 135 of Cr.P.C mandate the person against whom such order is made shall perform, within the time and in the manner specified in the order, the act directed thereby; or appear in accordance with such order and show cause against the same. Section 136 of Cr.P.C attracts the penal consequence under Section 188 of IPC when a person fails to comply with Section 135 Cr.P.C and the order issued by the Magistrate under Section 133 shall be made absolute. (*Op. cit.*,)

2.4. Procedure in the case of person appears to show cause (Section 138)

If the person against whom an order under section 133 is made appears and shows cause against the order, the Magistrate shall take evidence in the matter as in a summons- case and if the Magistrate is satisfied that the order, either as originally made or subject to such modification as he considers necessary, is reasonable and proper, the order shall be made absolute without modification or, as the case may be, with such modification. If the Magistrate is not so satisfied, no further proceedings shall be taken in the case. Section 139 of Cr.P.C further empowers the Magistrate to conduct an enquiry by directing a local investigation (defined under Section 2(h) of Cr.P.C) by such person as he thinks fit. Section 139 Cr.P.C further empowers the Magistrate to summon and examine an expert. Once the orders issued under Section 133 Cr.P.C is made absolute under Section 136 or 138 of Cr.P.C, the consequential disobedience again attract 188 IPC by the operation of Section 141 Cr.P.C. (*Op. cit.*)

2.5. Interim Measures (Section 142 Cr.P.C)

If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person against whom the order was made, as is required to obviate or prevent such danger or injury pending the determination of the matter. Clause (2) In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used; such means as he thinks fit to obviate such danger or to prevent such injury. (*Op. cit.*)

2.6. Prohibiting repeated and continuing nuisance and *exparte* orders

Section 143 Cr.P.C empowers the Magistrate to prohibit repetition or continuance of public nuisance. Section 144 Cr.P.C provide for *exparte* removal of nuisance. The provision says that In cases where, in the opinion of a District Magistrate, a Sub- divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by section 134, direct any person to abstain from a certain act or to take certain order with respect to certain property in his

possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, of an affray. Clause 3 of Section 144 Cr.P.C empowers the Magistrate to issue an order under this section which may be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area. (Govt. of India, 1973).

3. Decentralised Approach

The decentralised approach in the prevention and removing of both public and private nuisance is spread across three statutes, viz., The Travancore-Cochin Public Health Act, 1955 and Madras Public Health Act, 1939 and Kerala Municipality Act of 1994.

3.1. Madras Act and Travancore-Cochin (TC) Act

The instances of nuisances under the Acts are, Offensive trade means by trade in which the substances dealt with are, or are likely to become, a nuisance. [Section 3(28) and Section 2(30) respectively]; Injurious refuse not to be discharged into public drains [Section 35 and Section 33 respectively]; Pollution of water-courses prohibited [Section 36(3) and Section 34 (3) respectively]. Any premises in such a state as to be prejudicial to health or a nuisance [Section 41(1) and Section 39(1) respectively]; Any pond, pool, ditch, gutter, water-course, water-trough, latrine, cesspool, drain or ash pit which is so foul or in such a state as to be prejudicial to health or a nuisance. [Section 41(2) and Section 39(2) respectively]; Any animal kept in such a place or manner as to be prejudicial to health or a Nuisance. [Section 41(3) and Section 39(3) respectively]; Any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance. [Section 41(4) and Section 39(4) respectively]; Any factory not being a factory governed by the provisions of the Factories Act, 1934 (Central Act XXV 1934) or Factories Act of 1948, workshop or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so-crowded while work is carried on as to be prejudicial to the health of those employed therein. [Section 41(5) and Section 39(5) respectively]; Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for

working engines by steam, or in any mill, factory, dye house, brewery, bake-house or gas work, or in any manufacturing or trade process whatsoever. [Section 41(6) and Section 39(6) respectively]; Any chimney sending forth smoke in such quantity as to be a nuisance. [Section 41(7) and Section 39(7) respectively]; Any noise, vibration, dust, cinders, irritating smell or offensive odour produced by a factory, workshop or workplace which is a nuisance to the neighbourhood. [Section 41(8) and Section 39(8) respectively]; Provision regarding house rendered unfit for occupation by reason of nuisances. [Section 46 and Section 44 respectively]; Prohibition of the deposit of rubbish etc. in streets, etc. [Section 51 and Section 49 respectively]. (Govt. of Kerala, 1955, Govt. of Madras, 1939).

3.2. Kerala Municipal Act of 1994

Municipal Act provide for prevention and removal of public nuisance in different forms. They are, Removal of solid waste, rubbish and solid waste accumulated on non- residential premises. (Section 334); Prohibition of improper disposal of carcasses, rubbish and filth.(Section 335);Prohibition of allowing outflow of filth (Section 337); Prohibition of disposal of skin (Section 338); Prohibition of using any cart without cover in the removal of filth etc. (Section 339); Prohibition of throwing rubbish or filth into public places. (Section 340); Prohibition of commission nuisance in public streets etc (Section 341); The employees of the Municipality engaged in rubbish and solid waste management service prohibited from depositing waste at a place other than specified etc. Section (343); Prohibition of obstruction in or over streets (Section 364); Prohibition and regulation of doors, ground floor windows and bars opening outwards. (Section 366); Removal of encroachments. (Section 367); Prohibition of structures or fixtures which cause obstruction in public streets. (Section 369); Prohibition of deposits etc., of things on public street (Section 370); Prohibition of making holes and causing obstruction (Section 375); Clearing of debris of fallen trees etc. by occupiers (Section 378); Power to stop dangerous quarrying (Section 414); Filling in pools, etc., which are sources of nuisance. (Section 417); Regulation or prohibition of certain kinds of cultivations (Section 418); Prohibition or regulation of washing of animals or clothes or fishing or drinking in public water courses, tanks, etc (Section 422); Prohibition of washing by washermen at unauthorised places (Section 424); Prohibition of defiling of water of tanks, etc., whether public or private (Section 425); Fencing of buildings or lands and printing of hedges and trees (section 429); Further powers with reference to insanitary buildings (Section 432); Power to dispose of stray pigs and dogs (Section 438); Abatement of

nuisance from factory, workshop etc (Section 449); Duty of expelling persons suffering from infectious diseases etc., from market and power to expel disturbers. (Section 468); Power to prohibit or regulate the sale of articles in public streets. (Section 470); Disinfection of buildings and articles. (Section 496); Prohibition of transfer of infected articles. (Section 498); Power of Municipality to prohibit use of water likely to spread infection. (Section 499); Secretary may order removal of patients to hospital. (Section 500); Prohibition of infected person carrying on occupation. (Section 501); Prohibition of diseased person entering public conveyance. (Section 502); Power to order closure of places of public entertainment. (Section 504); Minor suffering from dangerous disease not to attend school. (Section 505). (Govt. of Kerala, 1994)

The instances of private nuisance in the Municipal Act are;

Prohibition of keeping filth on premises (Section 336); Stoppage of work endangering human life (396); Precautions in case of dangerous structures. (Section 411); Precautions in case of dangerous trees (Section 412); Precautions in case of dangerous tanks, wells, holes etc. (Section 413); Cleaning of insanitary private tank or well, the water of which is used for drinking etc (Section 419); Removal of filth or noxious or wild vegetation (Section 427); Securing trees adjacent to house or well (Section 428); Lime-washing and cleansing of buildings (Section 431); Buildings unfit for human habitation (Section 433); Abatement of overcrowding in dwelling house or dwelling place (Section 434); Prohibition of keeping of animals so as to cause nuisance or danger (Section 436); Prohibition of nuisance in private market (Section 465). (*ibid*)

4. Centralised and Decentralised Approach: Correlation and the Paradox

While the Centralised approach through the operation of IPC, Cr.P.C and KP Act bases its major premise on penal sanction (sentencing and fine) along with the magisterial and police power, the decentralised approach bases its major premise on penal sanction (fine and sentencing in default of fine), without any magisterial and police powers. The section 550 of the Municipal Act impose a duty on the police officer to assist the Chairperson, the Secretary or any Officer or employee of a Municipality demanding his aid for the exercise of any power vested in them under this Act in or any rule, bye-law or regulation made there under. The main problem with regard to this provision is duty of the police officer is not based on an order/command, which in turn dilute the execution of “urgent case.”When it comes to the Cr.P.C, the invoking of Section 133 is

based on a police report and also the Magistrate can order an investigation under Section 140(1), which in turn makes a mandatory duty on the police to obey the orders/command, which in turn help the execution of “urgent case.” (Cr.P.C).

The real paradox is that in centralised approach, IPC defines five offences connected with public nuisance and Cr.P.C covers six instances of nuisances from clause (a) to (f) of Section 133. The Municipal Act, Madras Act and TC Act jointly and independently cover all the instances of nuisances defined in the centralised approach, resulting in an overlapping of jurisdiction. The decentralised approach also has an additional system where there are provisions for abating private nuisances. Though the centralised approach covers lesser types of nuisances, compared to decentralised approach, they have the powers in terms of Magisterial and police, making it an effective system. (*ibid*).

5. Conclusion

While summing up this paper, it is pertinent to note that the two approaches in abating and removal of nuisance differ in terms of effectiveness. The centralised approach suffuses through the laws like IPC, Cr.P.C, KP Act and C.P.C seems to be more effective comparing to the decentralised approach having Municipal Act, Madras Public Health Act and TC Public Health Act. The reinforcing of decentralised system in the context of nuisance has to be addressed by conferring the magisterial powers on the executive officer for the effective functioning of local bodies. The local bodies can effectively use the magisterial coupled with police power to address the nuisance and also to enforce more than 150 laws connected with local bodies, which essentially need the magisterial jurisdiction and police power.

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LoGNet: An Effective Online Training Management System

LoGNet (Local Government Network) is a Massive Open Online Courses (MOOCs) enabled training management portal of Kerala Institute of Local Administration (KILA). LoGNet has been successfully running and it provides effortless accessibility of services to the participants. LoGNet is a customized MOODLE platform, which facilitates continuous learning process using BLM (Blended Learning Method). This paper discusses various activities used in the platform to enable continuous learning to a massive group depending upon their availability and convenience.

Sreekanth D*

* Research Scholar, Dept. of Computer Science, Bharathiar University, Coimbatore, Tamilnadu, email: sreekanth.dhanapal@gmail.com , Phone: 09995806555.

1. Introduction

LoGNet (Local Government Network) is a tailored version for training management portal by KILA (Kerala Institute of Local Administration). LoGNet was designed by the author, using MOODLE (Modular Object Oriented Dynamic Learning Environment). MOODLE is an OSS (Open Source Software) platform that comes under GPL (General Public License). Every deliberation in MOODLE starts with OSS. OSS refers to the software that is developed, tested or improved through public collaboration with the idea of copying, modifying, and sharing open source code without paying royalties or fees by anyone. As an adapted version of MOODLE, LoGNet is also following the same structure of MOODLE. The server of LoGNet is hoisted in a centralized location. Using the domain address, participants and Managers can access the learning management system. LoGNet is capable for managing the online course or Trainer-led course. The structure of MOODLE is easier for Learners and Managers to navigate and utilize. This will help the Learners to review information that is posted in the system.

The MOODLE - learning management portal development by an Australian - Martin Dougiamas - facilitates a dynamic learning environment to the Learners through various activities. Using MOODLE as a platform for training management, one can schedule or plan various activities that have to be performed as part of the proposed course curriculum.

2. Why MOODLE?

MOODLE is a highly secured learning management system. Using various advanced data encryption processes, MOODLE data are always well protected and any unauthorized accesses will be denied (<https://docs.moodle.org>]. Any changes or new updates available in the community, the new change can be easily incorporated to the system. MOODLE facilitates need-based customization, which is an attraction to many of the Moodlers and this is one of the main features, which sets MOODLE apart from other learning management systems.

3. Learning Management System

LoGNet is a customized version of MOODLE platform designed as per the requirement of KILA, to conduct a course based on Blended Learning Method (BLM), for improving the efficiency of Local Governments' Officers. (Rajan.J.B, 2015a). The Course is designed in such a way that apart from contact classes, the Learners have to interact daily. (Rajan.J.B, 2015b). As part of daily interactions,

the Learners have to undergo various activities such as submission of daily notes based on reading of assigned portions, weekly tests, reading instructions for the week as per the curriculum proposed, reading materials for the week, monthly tests, etc. (<http://www.learningsolutionsmag.com>).

4. User Management

LoGNet has mainly four types of users.

- Course Creator (Course Director)
- Trainers (Faculties)
- Learners
- Administrator

Course Director can propose new courses. The Courses can be planned as per the design of the curriculum. Course Director can access the status of the course; grades obtained by the participants for various tests, status of assignments proposed such as number of submissions received and list of participants those who have not submitted the assignments, etc. after the commencement of course.

Faculties can schedule various activities in the course. They can evaluate the assignments, upload questions for the tests, review the test results, analyze the grade report, and will also be able to check the course completion status.

Learners will get the facility to access the course contents, read the study materials, attend tests, create notes, submit notes, submit assignments, etc. The participants also have a chance to check their course completions status and grades obtained. Learners report problems, obtain support, receive communications, and even refer updates.

Administrator is the super user of the system, where all the activities can be customized and managed. As the design insists, Administrator can create the course and plan activities as per the curriculum of the proposed course.

5. Learning Activities

Various learning activities can be planned to assure extended learning process in LoGNet. Some of them are given below.

5.1. Quiz

Monthly and weekly tests can be created through LoGNet. As per the curriculum, weekly and monthly tests are planned as an

objective type test. Learners can login to the LoGNet in the allotted time from their respective locations and can participate in the test. The test will be opened only at a specified time based on the instructions provided by the faculty at the time of test creation and won't be available after the closing time. After the allotted time of the test, the system will automatically generate and publish the marks. Participants will get to view their marks and will also be allowed to take a review of the test.

5.2. Assignment

The LoGNet enables Trainers to communicate about the assignments and can collect the completed work digitally. Based on the assignments submitted, it can be graded and can also provide feedback based on individual submissions. Assignments can be submitted in word-processed documents, spread sheets, images or audio and video clips. Assignments can also be submitted by typing the text directly through text editor. Trainers can submit their review comments as documents, with comments or spoken audio feedback. The assignments can be evaluated using a numerical or custom scale.

The course is designed in such a manner that the participants have to assure that they are undergoing a continuous reading on a daily basis. The notes prepared during the reading time should be uploaded to the LoGNet every day. Daily attendance will be provided to the participants based on the assignment submissions.

5.3. Chat

Chat activity in LoGNet enables the real time text-based synchronous deliberations. Chat sessions are saved and can be available for further references or can be restricted as per user rights.

- Chats are essential when personal attention is needed for some of the students.
- Chats are essential to make an overall assessment about the learners' level.
- Helps learners prepare for a test, after seeing the model questions posted by other learners or Trainers.

5.4. Choice

Choice is an activity that helps the Trainers to check the understanding of learners by posting a single question. Choice results can be published after learners have answered, after a certain date. Choice activity can be used for:

- To have a quick poll to envisage about a new topic.
- To have quick evaluation of learners.
- To make learner capable in decision-making.

5.5. Virtual Forum

LoGNet provides a virtual forum to initiate discussions. Many types of forums are available. In standard forums, anyone can start new discussions at any time. Participants can subscribe to the forum and thus they can subscribe to the notifications. Forums have many uses; some of them are as below:

- A space for the participants to get to know each other, in case of any common addressing needed.
- To have a discussion on course contents or reading materials.
- To raise a discussion on issues on the previous sessions.
- Act as a help center.
- For other value added discussions or brain teasers.

6. Learning Resources

6.1. Book

This Resource helps the Trainer to create multiple pages in a book reading format, with units and sub units. Books type resources can hold media files as well as text. (<http://docs.moodle.org>). LoGNet extends the services to the participants by providing the relevant reading materials for every week. It is not necessary to make any further references to the complete the activities proposed for the week. A book type resource is used:

- For displaying reading materials unit wise.
- As a department handbook.
- As a showcase portfolio of participant's contribution.

6.2. File

In this type of Resources, Trainers can provide the file as a course resource. The file can hold supporting files also. The participants should have the necessary supporting files to read the files as such as uploaded one. Files can be used to:

- Share the slides given in the class
- Provide a draft of some activities; for example, writing a manual etc. so that participants can prepare the work based on the structure provided.

6.3. Label

Label is used to improve the efficiency of alignment of a programme. To separate the contents in between other web pages and multimedia contents, we can effectively use Labels. Labels can be used for:

- Splitting long activities into sub sessions.
- Displaying an embedded sound file or video.
- Adding a short description to a course.

6.4. Page

Using the Page, Trainers can create a webpage. Here, the page can hold images, text, sound, video, etc. Page can be used for:

- Displaying summary of the course or terms and conditions.
- Incorporating some videos or sound files with explanations.

6.5. Uniform Resource Locator (URL)

URL enables a Trainer to provide a website link to the participants for the additional references. Anything, which is freely available can be linked through the URL facility. The URL of the webpage can be copied and pasted to enable the link from page.

7. Log Tracking

LoGNet is enabled with recording the logs of all activities by the users. This is an additional security to the system, apart from data encryptions. Any malpractices within the system will be tracked with relevant network details and geographical locations.

8. Mobile Version

MOODLE's mobile versions are available for Android, Windows, and iPhone. It can be easily connected to LoGNet and the learner can enjoy the freedom of learning. The version provides offline facility to access the contents and participants can read the materials at their convenience. One of the other major advantages of mobile version is notification. The learning management system will intimate about the pending works in specified intervals through various notifications and this facility can be used as a reminding mechanism.

9. Data backup and Recovery

LogNet facilitates easy database backup and recovery options. Course backups can be scheduled and in case of any technical

failures to the existing digital gadgets, the backup file can be replaced without much delay. This service enables uninterrupted service delivery to the learning society.

10. Demerits

Some demerits of MOODLE enabled LoGNet are: LoGNet is difficult to integrate with human resource systems. There are some issues in establishing the connection with learner management system. Establishing the system as single point of contact for multiple schools for conducting various courses is one of the other major difficulties.

11. Future Enhancements

As per the latest trend of SMAC (Social Mobile Analytics and Cloud), LoGNet is available as per every trend other than Cloud. (<http://cloudsecurityalliance.org>). Cloud computing will increase the possibility to manage more requests at a time. The only problem in handling the data with Cloud is its security. Security measures should be taken before deploying the server in the Cloud platform.

A certifying authority can be placed as a gatekeeper function and every login can be tracked through this Gatekeeper. (Sreekanth. D, and Gladstoraj S., 2013). The Gatekeeper function also should be hoisted in a Cloud environment to assure the scalability of the application.

12. Conclusion

LoGNet is an interactive dynamic learning management system customized in MOODLE platform to introduce the MOOCs (Massive Open Online Courses) enabled programmes at KILA. LoGNet is capable to assure continuous learning process through scheduling various activities. The methodology of Learning, Unlearning and Relearning can be successfully deployed in an efficient manner through LoGNet.

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List of Latest Publications of KILA

Malayalam English

- | | |
|---|---|
| ➤ <i>Local Developments Models: Alagappanagar Grama Panchayat (March 2016)</i> | ✓ |
| ➤ <i>Local Developments Models: Engandiyoor Grama Panchayat (March 2016)</i> | ✓ |
| ➤ <i>Innovative Sanitation Models: Chalakkudi Municipality (March 2016)</i> | ✓ |
| ➤ <i>Local Developments Models: Mulamkunnathukavu (March 2016)</i> | ✓ |
| ➤ <i>Local Developments Models: Kodakara Grama Panchayat (March 2016)</i> | ✓ |
| ➤ <i>Local Developments Models: Panachery Grama Panchayat (March 2016)</i> | ✓ |
| ➤ <i>Local Developments Models: Mundathikkode Grama Panchayat (March 2016)</i> | ✓ |
| ➤ <i>Local Developments Models: Avatur Grama Panchayat (March 2016)</i> | ✓ |
| ➤ <i>Enhancing Own Source Revenue (OSR): Kumuly Model (March 2016)</i> | ✓ |
| ➤ <i>Institutionalisation of Local Governments in Kerala – Report 1 (March 2016)</i> | ✓ |
| ➤ <i>PESA- Panchayat Extension to the Scheduled Area (February 2016)</i> | ✓ |
| ➤ <i>Finance Management (Handbook for Newly Elected Finance Standing Committee) (Januray 2016)</i> | ✓ |
| ➤ <i>Thinkers Workshop: Decentralisation and Development- Anthology of Absract (Januray 2016)</i> | ✓ |
| ➤ <i>Decentralization in Kerala : An Assessment on Devolution of Functions, Functionaries and Fund (Report Submitted to 5th State Finance Commission (December 2015)</i> | ✓ |
| ➤ <i>Public Administration (Handbook for Newly Elected Representatives of LSGI's) (November 2015)</i> | ✓ |
| ➤ <i>Good Governance (Handbook for Newly Elected Representatives of LSGI's) (November 2015)</i> | ✓ |
| ➤ <i>Total Quality Management (Handbook for Newly Elected Representatives of LSGI's) (November 2015)</i> | ✓ |
| ➤ <i>Local Planning (Handbook for Newly Elected Representatives of LSGI's) (November 2015)</i> | ✓ |
| ➤ <i>Citizen Governance (Handbook for Newly Elected Representatives of LSGI's) (November 2015)</i> | ✓ |

- *Institutions and Services (Handbook for Newly Elected Representatives of LSGI's) (November 2015)* ✓
- *Local Governance and Students (March 2015)* ✓
- *Tribal Sub plan (2015-16) : Edavaka Grama panchayat (March 2015)* ✓
- *Tribal Sub plan (2015-16) : Meenangadi Grama panchayat (March 2015)* ✓
- *Local Developments Models: Meenangadi Grama Panchayat (March 2015)* ✓
- *Local Developments Models: Maneed Grama Panchayat (March 2015)* ✓
- *Development Report of Various Constituencies of Kerala Legislative Assembly (8 volumes) (2014 June 2015 February)* ✓
- *Climate Change and Local Self Government Institutions (December 2014)* ✓
- *Library Management in Local Government Institutions (December 2014)* ✓
- *Birth, Death and Marriage Registration Circular (December 2014)* ✓
- *Climate Change and Local Self Government Institutions (December 2014)* ✓
- *Decentralization, Participatory Planning and Development in Kerala (November 2014)* ✓
- *Basin Management Manual for LSGIs (November 2014)* ✓
- *Deepening Democracy- issue on Gender and Basic Needs (November 2014)* ✓
- *Gandhiji Grama Swaraj , Decentralization: Cnotext &Content- November 2014* ✓
- *Soochika- Helper (User Guide for Soochika Software) (Novemeber 2014)* ✓
- *Local Self Government Institutions and Centrally – State Sponsored Schemes (September 2014)* ✓
- *Grama Kendra/Ward Kendra (August, 2014)* ✓ ✓
- *Local Governance and Students (August,2014)* ✓ ✓
- *Decentralization and Education (August 2014)* ✓
- *Performance Audit : Helper- June 2014* ✓
- *Local Development Models- Alagappanagar Grama Panchayat (June 2014)* ✓
- *Local Development Models- Engandiyoor GramaPanchayat (June 2014)* ✓
- *Innovative Sanitation Models- ChalakkudyMunicipality (June 2014)* ✓

- *Wayanad Perspective Plan: Women Development (March, 2014)* ✓
- *Wayanad Perspective Plan: Development of Old Aged (March, 2014)* ✓
- *Wayanad Perspective Plan: Development of Differently Abled (March, 2014)* ✓
- *12th Five Year Plan - Scheduled Caste Sub Plan : Handbook for the Working Group Members (January 2014)* ✓
- *Fourteenth Finance Commission and Panchayat-Memmorandum (December, 2013)* ✓
- *Nattuparanam (Local Administration) For Idamalakkudy Gramapanchayat (December 2013)* ✓
- *GramaSabha : Water and Sanitation (December 2013)* ✓
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- *Public Administration: Handbook for Clerks in Grama Panchayath (June, 2013)* ✓
- *Becoming Effective Trainers (June, 2013)* ✓
- *Students and Local Governance – Handbook for Higher Secondary School National Service Scheme Volunteers (March, 2013)* ✓ ✓
- *Democratic Decentralisation and Welfare (March, 2013)* ✓
- *Democratic Decentralisation and Public Health (March, 2013)* ✓
- *Perfomance Audit - Helper (March, 2013)* ✓
- *HIV /AIDS Guidelines for the Local Government Institutions (March,2013)* ✓

- *Decentralisation and Public Health : Hand book for the Trainers* (March,2013) ✓
- *Decentralisation and Social Welfare : Handbook for the Trainers* (March, 2013) ✓
- *Democratic Decentralisation and Development: Handbook for the Trainers* (February,2013) ✓
- *Democratic Decentralisation and Development* (February 2013) ✓
- *To Know and Let to Know– Right to Information Act 2005* (November, 2012) ✓
- *Local Self Governments and Centrally Sponsored Schemes* (September,2012) ✓
- *Standing Committee Members of Urban Local Bodies: Handbook* (September,2012) ✓
- *Anthology of Abstracts-International Conference on Democratic Decentralisation and Peoples Participation* (December,2012) ✓
- *Matsya Sabha: Exclusive Assembly of Fisher People* (August, 2012) ✓ ✓
- *12th Five Year Plan-Tribal Sub Plan (2012-2017): Hand book for Oorumoopans (Tribal Chief) and Promoters* (August, 2012) ✓
- *Grama Panchayaths and Building Rules* (July, 2012) ✓
- *Guideline for the Preparation of Development Report and Plan Documents: Handbook for Working Group Members* (July, 2012) ✓
- *Staff of Urban Local Bodies: Trainers Handbook* (June,2012) ✓
- *GramaSabha for Special Categories* (April,2012) ✓
- *Local Governance-Certificate Program for Elected Representatives* (March,2012) ✓
- *Childrens Grama Sabha : Helper* (January,2012) ✓
- *Power to the People* (December,2011) ✓ ✓
- *Innovative Projects: Adat Model* (November, 2011) ✓ ✓
- *Innovative Projects : Nadathara Model* (November, 2011) ✓ ✓
- *Local Governments and Comprehensive Child Development* (July,2011) ✓ ✓

Errata

In Vol.2-No.2 of KJLG (July-Dec. 2015), the address of author Mr. Toby Thomas was erroneously given as Senior Research Fellow, Academy of International Studies, Jamia Millia Islamia, New Delhi; instead of Secretary, Pala Municipality, Kerala. Error caused is deeply regretted.

Editor, KJLG