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FUNCTIONING OF LOCAL SELF GOVERNMENT IN RUSSIA AND INDIA
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In late August 1995, Yeltsin approved a new law on local self-government. Theoretically it marked a major advance in the democratization of local politics. The debate over the law was influenced by the Council of Europe’s Charter on Local Government, and the text was amended to take into account Western standards (Sakwa, 1996: 227). The constitutional right to devise local government bodies was confirmed, thus surrendering the principle of uniformity, as was a degree of control over local resources and taxation. Relations between local legislatures and executive authorities were clearly defined, as were the functions of the local authorities, including ensuring the implementation of laws and social policy. Municipal charters were to be adopted by local assemblies, but these were to conform to the broad rights allowed by the regional authorities over local government. This legislation mandated the formation of local government that would have wide-ranging powers, including tax and budgetary authority, control over municipal property and the right to make decisions that were binding on all organizations and factories that were located within its territory (White S., Pravda etc 1997: 260).

Regions themselves, as earlier established by the constitution, were to adopt their own charters. Local elections were held within six months of the adoption of the law, but as usual they were postponed. While regional agencies were jealous of the powers granted to local government, the latter also faced encroachments on their prerogatives by federal institutions (Sakwa, 1996: 227).

There was considerable opposition to the law, particularly by the group that had the most to lose oblast governors and republic presidents. During September 1995, just as the new law on self-management was passed, eleven chief Administrators sent request that their territories be exempted from the law. Anatolli Sobchak, a leading democrat and at the time mayor of St. Petersburg, predicted that the law will bring nothing but chaos to the country. Yeltsin himself back-tracked and issued a decree postponing the elections a step that the state Duma successfully denounced as unconstitutional (Danielien, 2002: 95).
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THE REGIONAL LOCAL GOVERNMENT SYSTEM UNDER YELTSIN

During the 1990s, regionalism was essentially a reaction to the weakness of the Centralised state. This was an attempt to offset the power vacuum at the center with initiatives at the periphery and in order to stabilize the situation in the respective territories. From the outset, a prominent feature was the efforts of regional elites to control the resources within their territories and their demands to be able to make autonomous economic policy decisions on the basis of regional and local interests (Mendras M, 1999: 295-296). This was the basis for the regions aspiration to greater political autonomy and further federalization of the relationships between centre and regions. This form of regionalism upholds Russia to survive the difficult years of crisis (Vladimir Gelman, 2002: 501-503).

However, the stability created under Yeltsin was stability in namesake only. In the long term Yeltsin’s regional system would inevitably be incompatible with requirements for further progress towards modernization. The regional elites that came to power after 1991 built up and consolidated political and economic structures on the basis of a traditional view of sovereignty (Mendras, M., 1999: 295-296).

Accordingly regional and local politicians were running economic policies which may have strengthened their positions within the region, but took little account of the longer-term interests of the region (Perovic J., 2002: 2-3). The shortcomings of the form of regionalism seen under Yeltsin were highlighted by crisis of August 1998. Up to that time, the regional political actors shared up their power by means of alliances formed with the powerful state corporations, and with oligarchs. Most of the natural resources were owned by the regions, where they were located, and resource extraction and processing issues came under the authority of regional institutions. The resource rich regions of Russia in particular were in a position to exert a relatively strong influence on the corporations operating in their areas. However, ongoing mismanagement and corruption by regional authorities made the regions less and less attractive entities for domestic and international investors. In many cases, capital flight from the regions was the direct consequence. The August 1998 crisis led eventually to the bankruptcy of many regions, which were now completely unable to meet the payment obligations to their creditors, the major economic and financial groups (Jeromin Perovic, 2002: 4).
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The economic inefficiency of this regional system on 89 relatively autonomous entities was known before the arrival of Putin. Projects for the harmonization of the legal and economic structure and the amalgamation of the regions into larger units were discussed particularly during the term in office of Yevegenii Primakov as Prime Minister from September 1998 to May 1999 (Jeromin Perovic, 2002: 5). However, all attempts made during the Yeltsin period to change the regional system by measures implemented on a top down basis were unsuccessful. During 1990s there were also some moves towards the formation of regions by a “bottom up” approach, i.e., initiated from a sub-national level focusing on building horizontal links across borders. During the 1990s outside observers often expressed the view that the eight Inter-regional Associations for Economic Cooperation created from the beginning of 1990 could be a source of momentum towards a federal re-organization of Russia. However, the capacity of these associations to form coalitions proved to be very low. This can be attributed to the fact that the new, post-1991 Russia lacked not only a tradition of regional co-operation, but also the structures, which would have allowed it to take place. Instead of setting up social structures, the regional leaders used the associations primarily to safeguard their individual interests, vis-à-vis the Federal Centre (Jeromin Perovic, 2002: 5-6).

In addition to the above interregional associations, as the most obvious form of interregional cooperation, the later 1990’s also saw increased efforts by regions to form bilateral agreements with other entities both within and beyond federal boundaries. The most active player in this context was the city of Moscow. By the beginning of 1999, Moscow not only had permanent commercial representation in most federal entities, but had also forged official economic partnership with ten CIS states Lithuania, Crimea, Transdniestr and 15 major Russian cities (Fish, M S., 1998: 212-220). By the end of the 1990s, efforts to ensure the survival of their regions through international contacts had possibly become the principal strategy of regional and local leaders. International links between sub-national entities and outside world had been established in an enormous variety of forms. In addition to contacts between federal entities and foreign states, and territorial organizations there was a clear trend towards the formation of links also at the level of local self-government structures and co-operation arrangements between the interregional associations and international
partners (M. Steven Fish, 1998: 219). International co-operation has become a strategy of vital importance for border regions of Russia in particular.

During 1990s there was also increased activity in this context among Russian municipalities and boroughs. By the end of the decade there were approximately 40 associations on municipal grouping, some of which were actively involved in the implementation of federal regional policy, particularly on local self-governament issues. Regarded as one of the best known and most influential of these entities is the "Association of Russian Cities", which was established in later years of the Yeltsin period and comprises around 100 cities (mainly capitals of federal entities and important industrial centers). To that however, these municipal associations have played only a relatively modest part in the country's political life. Even the larger groupings like the 'Association of Russian Cities' have often failed to have any substantive influence on national politics because of the difficulty in reconciling the disparate interests of the many different members (Kirkow P., 1997: 48-49). While political and administrative calculations played a large part in the regional formation concepts originating at the centre, it was primarily economic forces, which drove the formation of horizontal networks at sub-national level. These trends were only just beginning at the end of the 1990s and were far from having exhausted their potential.

THE PRESENT STATUS & FUNCTION OF LOCAL SELF-GOVERNMENT

Under the Presidentship of Vladimir Putin a package of legislation (three bills) were submitted to the state Duma. as second part of the regional system reform.

1. Altering the principles of Federation Council and prohibition of the leaders of the subjects of the federation and the regional district council to hold office in the Federation council;
2. Introduction of a mechanism for dismissing the heads of regions and dissolving legislative assemblies.
3. Give regional leaders the right to dismiss local (smaller than city and raion) authorities.

Regarding the laws on the Fédération Council, since January 1996, the heads of regions and regional parliaments were automatically chosen as representatives for the Federation council. In respect to this, Putin gave a speech on television on May 17, 2002:
Today, the governor and heads of the republics serve as heads of regional Parliament and concurrently act as legislators by serving as a representative of the Federation council. This destroys the principle of separation of power (Nakai T, 2001:41).

The president believes that people should concentrate on the specific problems facing their territories. He submitted a draft bill 'the Fundamental reform of the Federation council bill' to the state Duma relating to above.

Once the law was enacted, the sub-unit leaders were be deprived of the opportunity to meet and participate in national politics and special privileges guaranteed by the Russian constitution offered to the members of the upper and lower houses that protect them from being arrested. For this reason, laws on the Federation council encountered some resistance from the Federation council itself (Nakai T, 2001: 41).

The second draft bill in the package that President Putin submitted on May 19, 2000, along with draft laws on the Federation council, and the draft law on dismissing regional authorities, were amendments and supplements to the 'general principles of the state power of legislative and executive branches of subjects of federation. The President can essentially impeach regional authorities (Governor) under the draft law on dismissing governors-

1. In case of the subunit leaders or the regional assembly issues decrees or legal acts that contravene the Federal Constitutional law, and the regional assembly fails to fix or annul the law within the given time frame;
2. If the subunit leaders on the regional assembly fails to issue an act stating to change or annul the law within the given time frame of the Presidential order.
3. In case the subunit leader on the regional assembly issues decree or legal acts containing issues that Russian constitutional courts or the regional court of law finds in contradiction of the Russian constitution.
4. In case the subunit leader or the regional assembly applies for legal acts containing issues against the Russian constitutional court of law which finds it in contradiction with the constitution.

This reform reflects Putin’s intentions to create a mechanism to force regional authorities to comply with federal law, in view of the ‘dictatorship of law’ and ‘vertical line of power’ and to dismiss the subunit leaders who issue directives, or
decisions that contravene federal constitutional laws (Perovic J, 2002: 14). Since the executive and legislatures became elected, there had been no clear mechanism for Russian President to remove the regional authorities that refuse to comply with Federal law (Perovic J, 2002:14). As predicted, many regional leaders showed concern and strong opposition for the draft bill allowing the Russian President to dismiss regional leaders and disband local Parliaments but the bill was passed by the state Duma with overwhelming votes on June 30, 2000. With the establishment of this law, President Putin unquestionably has gained large power over regional relations.

The third of bill package that Putin submitted to the state Duma is an amendment and supplement to the general principle of the regional administration in the Russian Federation. The enactment of this draft bill indicates that the federal assembly or the President has the authority to dismiss the regional assembly and suspend the local self government heads (smaller than cities and raions) duly only after the court have found two or more violations (Nakai T, 2001: 41). The enactment of these bills reinforces Putin’s ‘Vertical Line of Power’ policy in three levels for federal agencies, with central government at the top.

**Federal Reforms: The Swing of the Pendulum**

Putin’s policy of rejection of direct elections for executive heads of Russia’s regions provoked widespread criticism. This is considered as one more step by the Kremlin towards the destruction of democratic institution in the country. At the same time the switch to appointing rather than electing governors was the logical consequence of the policy of centralization which began in 2000 (Ross and Campbell, 2009:2). This policy was a reaction against the poorly managed process of decentralization in Russia during 1990s.

Decentralisation in Russia during 1990s was anything but the result of a considered policy from the federal centre which was more a side effect of the transformational processes that in Russia were accompanied by sharp inter-elite conflict, a severe and sustained economic collapse and a serious weakening of state capacity. In this context the centre-regional relations in Russia in 1991-98 may be identified with the following trends:
1. A range of powers in the field of institutional regulation, including the ability to pass regional legislations, some of which would contradict federal norms and in some regions, systematically avoid implementing federal legislations;

2. Administrative resources, including not only independent formation of regional and local institutions of government, but also regional influence on the appointment of heads of federal agencies, including law and order bodies such as prosecutors office and police, and in a number of case their de-facto subordination to regional political-financial groups;

3. Economic resources, including rights to property, were to a significant extent placed under the control of the regional administrations which thus gained a right of veto in Russian economic policy;

4. The loss of the centre’s levers of influence over regional political processes, which increasingly developed exclusively under the influence of the configuration of regional elites (Ross and Campbell, 2009:3).

The economic crisis of August 1998 demonstrated how significant centre-regional relations were for the development of the country, and this created a demand for re-centralization on the part of federal elite. The demand was to be fully satisfied in contrast to the seven years of decentralization from 1991 to 1998; the following seven years up to 2005 were to be no less radical in the direction of centralization. The main results of this process were -

- Re-centralisation of institutional regulation, including a series of federal laws that substantially curtailed the powers of the regions, in parallel with a revision of regional legislation directed from the centre;

- Administrative recentralization, as a result of which territorial branches of federal agencies were removed from sub-ordination to the regions and control over them passed to the centre or to the federal districts, which also had the task of political and administrative oversight over regional and local government on behalf of the centre;

- Recentralization of economic resources, leading to a weakening of the control over the regional economy previously exercised by regional elites, now more dependent on Russia-wide financial-industrial groups which functioned as conduits for federal power in the regions, as well as an
increased concentration of financial resources in the hand of the centre due to the reduction of budget funds under regional and local control. If at the end of the 1990s Russia had been the most decentralized federation in the world, then in the mid-2000s it occupied an average position among federal states in terms of the level of the fiscal decentralization;

- Equalization of the political status of the regions in relation to the centre and to each other, due to the abolition of bilateral agreements and an almost complete end to the practice of giving exclusive rights to particular regions (Stoner Weiss, 2005:8, 49);
- A sharp decline in the role of the regional elites in Russia-wide political processes against the backdrop of a substantial increase in federal influence over regional political processes, attained not only through administrative intervention by the centre, but also institutional changes in the configuration of regional elites and transformation of regional political regimes.

Conflict between Local Government and Regional Government

Almost all local governments in Russia are subservient to the regional authority where subjects of the federation (regions or republics) operate within quadrant (Lankina T, 2004:275). It would be wrong to imply that patrimonialism was more prevalent at regional level than at federal or local level. However, the more a regional authority inclined towards patrimonialism (especially of the absolutist type) the more local authorities were likely to be under pressure. As one senior federal official commented: ‘if the subjects of the federation had the power, there would be no local self government at all’ (Comment by Federal official, December 2001).

There were regions such as Vologda and Tambov where the regional administrations were supportive of local autonomy, but there were many others where local autonomy was kept to the absolute minimum. Larger cities, typically regional capitals were as a rule caught in a zero sum struggle for power and resources against regional heads, exacerbated by the lack of clarity between local and regional (and federal) jurisdictions.

The struggle for supremacy between mayors and governors has in many ways been analogous to the power struggle between regions and the federal centre. There is a
fundamental difference, however. Although the federal centre has often targeted
individual regional heads, centre-regional tensions have tended to be manifested and
mediated through collective institutions such as the upper house of the Russian
Parliament, the Federal Council (especially prior to 2001 when regional heads were
still ex-officio members of that body). Even in the late Yeltsin period, when special
agreements with individual regions were the federal authorities' preferred method of
dealing with conflict, and according to some the most effective, it could be said that it
was the collective bargaining power of the regions as a whole that kept the federal
authorities on the defensive (Ross and Campbell, 2009:274).

Local regional tensions, by contrast, has tended to manifest itself through
individualized conflict between governors and mayors, with usually only the regional
capital involved; the pattern of the Russian urbanization is such that in most regions
there is only one city substantial enough to challenge or resist the regional authority
(15 May 2005, Putin’s Interview). Conflict between municipalities and the state thus
tends to be on a one-to-one basis, involving the state at regional rather than federal
level, and doesn’t directly involve federation-wide collective institutions such as the
Congress of Municipalities or the Union of Russian Cities (Ross and Campbell,
2009:274). Although the congress of Municipalities was closely involved in the
process of developing Law-131, the lack of a tradition of federal lobbying of
municipal interests was to put the municipal point of view at a disadvantage when it
came to passing the draft law through the federal council, and regional interests began
to make their presence felt.

**Federal, Regional and Local Relations: Vertical or Triangle!**

The notion of deploying local authorities as a political counter weight against
the regions dates back to the nineteenth century councils (Zemstvos): seen as part of
a system of 'constrained autocracy' (Petro N.,1995:153) and as a natural consequence
of Russian adversarial political culture and geographical expanse. Local self
government has the potential to become a powerful third tier, something fostered by
the central authorities as a way of undermining the trend towards the regionalization
of Russia (Sakwa R.,2003: 250-251).

The drive for greater local self government has rarely been supported with any
sustained commitment from the federal centre, due to the lack of a sufficiently strong
pro-local government group at the federal level, where there are also groups which are wholly unsympathetic to local autonomy. The Yeltsin administration did attempt to revive the strategy, particularly through the ‘localist’ local self government law of 1995, but the abolition of local council in 1993, in the wake of the clash with parliament sapped the ability of local government (even once reconstituted) to fulfill this role (Evans and Gel’man, 2004:85). The idea of local government as a ‘second front’ in the struggle between the centre and the governors was considered, but the speed with which Putin was able to establish the seven federal districts to oversee and coordinate the regions was seen to reduce the necessity of this second front. Early in his first term it appeared that Putin supported this strategy, but even at that stage (in 2000) he seriously considered doing the reverse, allowing mayors to be appointed by governors in exchange for concessions from the governors. This was the bargain that was implicit in Putin’s statement:

‘If the head of the territory can be dismissed by the country’s President under certain circumstances, he should have a similar right in regard to authorities subordinate to him... This is not just a right thing to do, but simply necessary in order to restore the functional vertical structure of executive power in this country ... It would mean we are living in one strong country, one single state called Russia’ (Kahn J.,2002: 267).

In the event the Duma agreed with the proposal on condition that it should be the President and not regional heads that would have the power to sack mayors. This was unacceptable to the federal council (upper house of regional representatives) and the proposal was dropped.

The ‘TRIANGLE’ under strain

The problem of the ‘triangle’ or balance of power view of federal-regional-local relations is that it comes under the pressure in the run-up to federal elections, when the loyalty and support of regional heads comes at a premium. In early 2002 the rhetoric was very strongly in favour of local government as a constitutional principle that was being denied by the substantial proportion of subjects of federation (Kozak D., Speech 22 April 2002).

However, by the autumn of 2002, there were signs of strain in this alliance. On a number of issues the Kozak commission appeared to have different views but some of
those in have previously supported the reform wholeheartedly. By June 2003, when Vladimir Putin attended the annual conference of the congress of Municipalities, there was no disguising the discontent of municipal leader including leaders of the congress and the project of building up local government as a counterweight to regional government seemed to have fallen into at best a reserve option.

**Intergovernmental setting and the territorial Structure of Local self Government**

*Local self government a self standing (non-standing?) Level*

The USSR law on local self government on 05th April 1990 highlighted, an unprecedented move, to break away from the Soviet doctrine of the ‘unity of the state’ and to recognize local self government as a self standing political and administrative level within the state’s inter-organisational setting. In Article-12 the 1993 Constitution gave conspicuous expression of the notion that, in the subsequently much quoted formulation, the organ of local self government are not part of the organization of state organs (Ross and Campbell, 2009:228). In article- 14.5 of the 1995 Federal Law this provision was literally adopted and the stipulation was added that the conduct of local self government functions by state authorities was not permitted. On the one hand, the cities and their representatives hailed Article- 12 of the federal constitution as legitimating local self government and its autonomy and placing local self government within the ‘non state’ and ‘societal’ spheres. On the other hand, the concept was criticized by some as ushering in an artificial distinction between two power channels and as conjuring up the risk of the state becoming ungovernable. From 1995 up to 2003 Federal Laws have literally adopted this constitutional provision and emphatically added that the conduct of local self government functions by state authorities was not admissible but the current legislation (2003) upholds the bold claim that local self government as not part of the state administration (Ross and Campbell, 2009:230).

**Territorial Organisation**

In the legislative debate about the 1995 Federal law, the territorial structure of local self government was one of the most controversial issues. Whilst an influential group of deputies advocated that a full-fledged two tier local self government structure be legally prescribed, President Yeltsin pushed for local self government to be established only on the settlement level, while the districts were to continue to be
units of state administration. The final version of the 1995 law showed the ambivalence of a (dilatory) compromise in which the detailed regulation of the territorial structure was left to the regions (Evans and Gel'man 2004:113).

This process of territorial and functional restructuring under the imprint of regional legislation resulted in a significant reduction of the number of local self government units. Their number fell, countrywide, to 12,000 by 1998 as compared to 28,000 in 1990. There were a number of reasons for this collapse. First, in thousands of towns and villages there were no elected local governments, as in half of all regions the single tier district type of local self government was introduced that barred lower level municipalities from creating local self government. Second, in regions with the single tier settlement type of local self government, an increasing number of towns and villages decided, for lack of administrative and financial resources, to merge with others to form larger local self government units. Finally in view of their administrative and financial plight single-tier settlement-based local authorities decided to dissolve themselves and to pass their functions on to the district administration (Ross and Campbell, 2009:231-2).

In view of the extreme heterogeneity of the territorial, organizational, and functional local self government structures across regions, and because of Putin’s aims to territorially and organizationally streamline and ‘unify’ local level structures, there by making them more amenable to central level guidance and control, the territorial and functional reforms of local self government is a key aspect of the 2003 Federal Law (Ross and Campbell, 2009:231-2).

The legislative territorial and organizational schemes hinges on three types of local self government (LSG) units, and on certain organizational criteria to be applied throughout the federation:

- Lower level municipalities, either rural municipalities or urban municipalities are to be established as lower level LSG units, whereby in all settlements with a total of at least 1000 inhabitants such as LSG units must be formed. In view of the fact that since the mid-1990s elected local authorities at town and village levels had disappeared in
half of the regions due to the establishment of single tier districts, the 2003 Federal Law makes it obligatory for these regions to install a two-tier LSG system with elected LSG authorities.

- At the upper level municipal districts are to be formed as a (two-tier) local authority, the territory of which comprises the lower level rural and urban municipalities and is often identical with the former administrative districts (raiony).

- Moreover at the upper level, in urban and metropolitan contexts city districts are to be established as (single-tier) elected local authorities, who combine district and municipality functions. The status of city districts has in most cases been granted to be regional capitals and similarly large (industrial) cities.

- Standing in remarkable contrast to its basic thrust to pre-empt and curb the legislative powers of the regions within the constitutional concept of 'shared legislative powers' the 2003 Federal Law puts the regions explicitly in charge of implementing these massive territorial, organizational and functional reforms (Article-85.1)

In setting a legislative schedule with binding deadlines for the various steps and the components of territorial and organizational reforms, the 2003 federal law gave the regions 'extraordinary' powers during the initial 'founding' period to suspend the 'ordinary' legal provisions (for instance the rights of the local population to create local boundaries by referendum). In the meantime (as of 1 October 2006) a total of 1757 legislative acts have been passed by regional assemblies to restructure the LSG levels and units under the mandate of Article-85 of the 2003 Federal Law, resulting in: 19,904 rural settlements, 1,745 city settlements, both constituting the lower level of two-tier of LSG structure, 1,801 municipal districts which make up the upper level of the two-tier LSG system, and 522 city districts which are the (single-tier) local authorities in urban/ big city/ metropolitan areas (Gelman, 2007:37).

FUNCTIONAL MODEL OF LOCAL SELF GOVERNMENT

Dating back to the RSFSR the law of 1991, Russia's local self government system has been characterized by the 'dual function model' according to which,
besides being responsible for ‘question of local importance’ in their own right, the
local authorities can be put in charge of carrying out tasks ‘delegated’ to them by the
state.

**Genuine Local Government Tasks**

In accordance with 1995 Federal Law, the 2003 Federal Law puts forward a
differentiated concept and understanding of questions of local importance. On the one
hand, it puts forward a general definition of ‘question of local importance’ which
largely corresponds with what is understood in European countries as the general
competence clause (Article-3 European Charter). On the other hand, it spells out lists
of specific tasks assigned to the three types of LSG. The mix of these two principles
in the 2003 legislation has given rise to legal controversies since the enumeration
approach has been criticized for making the assignment of task ‘inflexible’ and for
obscuring the scope of ‘question of local importance’ as a self standing source of task
definition (Ross and Campbell, 2009:233).

The list of ‘competencies’ spelt out in the 2003 Federal Law show a significant
conceptual advance with some differentiation which is made particularly between the
tasks ascribed within two tier structure; to the lower level LSG units (settlements), on
the other hand, and to the upper LSG units (municipal districts), on the other, with
latter being assigned tasks that go beyond the borders of the ‘settlements’.

**Delegated Tasks**

In an important organizational innovation and shift, the 2003 federal law has
linked the prescription of the Federation-wide two-tier LSG system to the provision
that only the upper LSG units, that is the (two-tier) municipal districts and (single-
tier) city/metropolitan districts, carry out carry out ‘delegated (state) tasks’.

**Statesization Through the Delegation of Function**

The local self government matters are the responsibility of the elected
councils. In exercising them the local authorities stand under the legal review of state
authorities as a ‘mild’ form of state control. Article-12 of the Federal Constitution
which declares local self government not to be ‘part of state’ would express the
‘separationist’ idea. By contrast, with regard to ‘delegated’ (state) tasks the elected
local councils have no or minimal influence, while their conduct lies with the local administration and executive. Since it is categorically stipulated in Article-132.2 of the Federal Constitution that the implementation of delegated tasks (takes place) under the control of the state and as local administration, in the conduct of 'delegated' tasks, is significantly tied into and integrated with the state administration, one can see this as an integrationist model with a tendency to 'statesize' the local authorities.

THE POLITICAL INSTITUTION AND PROCEDURES OF LOCAL SELF GOVERNMENT

Dating back to the 1991 legislation the political rights of the local citizens have been given key importance. From the beginning, besides electoral rights, other participatory forms of direct democracy have been highlighted. Accordingly, the Federal Constitution of 1993 assigns local democracy a high constitutional rank and constitution goes on to spell out that local self government is exercised by the citizens through referendums, elections and other forms of direct expression of its will, through elected and other organs of local self governments (Article-130.2). Falling in line with these sweeping democratic proclamations, the 1995 and 2003 Federal Laws have both gone to great lengths to codify the democratic rights of the citizens (Ross and Campbell. 2009:235). Still in the current reality the practical exercise of these democratic local citizen rights often falls woefully behind such legal prescriptions in Russia's local politics.

LOCAL COUNCILS AND ITS RESPONSIBILITIES

In the 1991 legislation an all but paradigmatic change was effected in the arrangement of functions and powers between the elected local council and local executive position holders. The local elected council is seen as the supreme local representative organ that essentially acts as a deliberative, rule-setting and scrutinizing body while the administrative function is assigned to a local administration directed by the head of administration.

According to Article 35.10 of the 2003 law the elected council possesses remarkably broad powers. The council can determine a broad spectrum of questions, in an array of matters which are wider than in most (West) European countries. In addition to this decision making powers the local council is assigned the pivotal function to exercise
control over the discharge, by organs of local self government and its position holders, of their local level responsibilities (Ross and Campbell, 2009:236).

RUSSIA’S CRISIS AND LOCAL GOVERNMENT

The weakness of the post-Soviet Russian state has had various consequences. These factors have also affected policy toward local government. The vertical dimension of the decline of state capacity is exhibited in the federal authorities' lack of control over regional institution-building process (Armen Danielian, 2002: 96). The practical implication of that decline was the ongoing rationalization of the reform of local government, which has resulted in great variation in the degree of autonomy which has been permitted for local governments and in the degree of autonomy which has been attained at the local level (Gel'man V., 2002: 501-03). The lack of strategy by the central government for state building on the regional and local levels has led to unlikely outcomes for local government in some regions (stonen-weiss K., 1999: 87-90)

Russia's economic crisis has been still another factor that has exerted an unfavorable influence on the effort to achieve local autonomy (Stephen A., 2000: 133-40). The severe economic slump has had complex and far-reaching implications for local politics. First, the budget crisis of the national government led to the chronic under financing of the principal municipal expenditures. If foreign debt was the major immediate problem for the national government, for local governments the most pressing problems resulting from the growth of their debt consisted of major interruptions in the supply of electricity, natural gas, and water to local citizens and enterprises due to under payment for such utilities. Primorskii Krai, where the budget crisis resulted in frequent lack of heating in many cities and towns in the middle of the winter, furnished the best-known example of that problem, but the problem is not confined to that region. Second, since the early 1990s, the national government of Russia has sought to shift responsibility for social benefits to the regional and local governments (Stephen A., 2000: 141-144).

In combination with the trend toward municipal ownership of the social assets of privatized enterprises, the dumping of social obligations by the national government
has further deepened the crisis of local budgets. Third, under existing regulations and practices, the potential for local governments to finance their operations through reliance on their own sources of taxation is highly limited. Although federal law declares that the expenditures of local governments should be covered by their own revenue sources, that statement is nothing more than wishful thinking. About 75 per cent of the spending of local governments in Russia consists of subsidies for municipal housing, social security, education, and public health, in sharp contrast, with the budget of local governments in western countries and also in distinction with the budget of the Zemstvos of the late Tsarist period (Gill Chenko L., 3rd April 2000).

According to some estimates, among the local governments in Russia over 75 per cent cannot maintain their budgets without financial support from the federal or regional governments and thus find them financially subordinated to higher levels of authority. The majority of localities in that category are small towns, villages and rural districts, (Gill Chenko L, 3rd April 2000) which have no prospects for financial autonomy at least in the short term perspective. Only a small minority of city and district governments have sufficient financial resources to claim local autonomy. Most localities which have adequate tax revenues are either big cities (mainly regional capitals) or single enterprises towns with profitable enterprise. The latter cases are rare, though, in those success stories of local governments municipal authorities face attempts by the owners or managers of the enterprises within their territory to impose their control over decisions making. However, the relative well being of those towns depends primarily on current economic circumstances. The problems resulting from such economic dependency by local government are typical for most of the industrial towns of Russia.

In the course of the 1990s only large cities showed some signs of local autonomy and stimulated some hope for the emergence of local democracy. It is not surprising that the politics of larger cities produces multiple conflicts between regional and local authorities. Those conflicts are rooted in causes deeper than the contests of personalities between mayors and governors. Regional-local relations reflected fundamental controversies in center-periphery relations, even though on a smaller territorial scale. While big cities and their metropolitan areas served as centers of political, economic, and social modernization, the surrounding areas of most regions...
Since the spatial structure of most of Russia's regions is mono-centric, the cleavage between the regional capital and the rest of the region became evident.

According to the commonly accepted view, the centre-periphery relationship is the key factor of processes of political modernization. The role of centre periphery relations in Post-Soviet politics is undeniable. On the one hand, center-periphery cleavage was the major determinant of voting in national elections in Russia from 1989 to 2000, on the other hand, the dynamics of center-periphery relations were recognized as an explanatory variable in a comparative study of regime transitions in Russia's regions, which presented an attempt to analyze the causes of the success or failure of regional democratization. The dynamics of center-periphery relations also played a role in the emergence or failure of local autonomy and local democracy in Russia's cities (Evans A B., 2000: 118-124).

The large cities of Russia (mainly the regional centers) play a crucial role in the country's adaptation to the process of globalization. They fulfill a mediating and civilizing mission, pulling the less developed periphery up to a more contemporary level of development. That mission could not be carried out by the large cities unless they acquired political autonomy from the peripheries. However, the performance of that function would become more difficult if not impossible in conditions of the political dependence of the centers on the peripheries, which would lead to the forced redistribution of economic resources in favour of small towns and rural areas.

The very existence of elements worse for the autonomy of the major cities, because such competition provides strong incentives for incumbents to cultivate electoral loyalty among voters in rural areas and small towns, which constitute the territorial bases of parties of power, (Evans A B., 2000: 118-124) both national and regional. Therefore, the innovative potential of cities as centres of modernization is being dissipated through redistributive practices, reducing the larger cities to the level of the peripheries. Thus the unfavorable initial conditions of reforms in local government in Post-Soviet Russia have been reinforced by the unfavorable outcomes of the triple transition. Limited and inconsistent democratization, ineffective marketisation and the formation of weak state have contributed to the crisis of local government. The level
of autonomy and local democracy in Russia is low. But that conclusion may lead us to ask whether weak and undemocratic local government is a permanent feature of Russian politics, or recent problems are only the temporary hardships of protracted transition process.

PROSPECTS OF DEMOCRATIZATION IN THE REGIONS

Vladimir Putin’s initiatives like an increasing pluralization of actors increase the prospects of democratization, in many regions. Power is still largely controlled by Governors and the quasi-authoritarian style of rule by Yeltsin still prevails in some areas.

First, in spite of the low level of administrative efficiency of the federal districts, and the limited respect in which they are held, it appears that the presidential representatives and the various local institutions in the regions now have a significantly higher profile than before. Whereas representatives of the Federation in the regions carried little political authority under Yeltsin, often actually being directly dependent on the regional authorities, they are now much more visible and above all more independent actors in the regional political landscape.

Second, the institutions of local self-government could also free themselves to some extent from the tight grasp of the authorities of the federal entity. Even though under the constitution, local self-government authorities are explicitly not subordinate to the regional authorities; the regional structures have always been at pains to ensure that local self-government is implemented as they see fit. This still applies today, to the extent that in many regions the heads of local government departments are appointed by regional authorities, and entirely dependent on the regional budget for funding (Gelman V., 2002: 501-503). During the first year of his term of office Putin took a cautious line on the issue of local self-government.

The situation of local self-government became the subject of intensive debate at the time of Putin’s monthly meeting with the seven Presidential representatives, where Putin urged them to start campaigns in their districts to strengthen this institution, which had previously been neglected. According to Sergei Kirienko, the Presidential representative in the Volga federal district, this institution included the formulation and implementation of clear legal principles setting out the rights and competencies of
local self-government vis-à-vis other state government levels, the development of legal principles with a view to promoting the independence of local self-government from regional authorities, and ultimately the increased involvement of these institutions in regional strategic planning within the regional districts. Kirienko himself sees the strengthening of local self-government as an important instrument for the continuing democratization in Russia.

However, there are at least two indications to suggest that the situation of local self-government has already improved over the previous position. First, from the beginning of his term of office, Putin has clearly identified himself as a defender of the interests of Russia's politically and economically important cities. This is a point of considerable importance, in many large cities and their mayors have long been struggling against having their decisions made for them by the political leadership of the regional centers. Putin's position in this issue could lead to these conflicts being resolved in favour of the cities and an extension of their autonomy (Perovic, 2002:14)

Secondly, the institution of local self-government has also benefited from the trend towards harmonization of the legal environment and a stronger emphasis on constitutional and federal law. In this context, a recent court decision could become a national landmark judgment. This is the ruling of the Russian supreme court of March 30, 2001 stating that the 125 local chairpersons of the districts of Moscow city must be elected in future, rather than being appointed directly by the Mayor of the city (Danielian, 2002:96)

This development is generally in line with the globalization trend, and increased integration of Russia into global structures and relationships is also likely to promote democratization trends in Russia. However, the continuation of the democratization process can ultimately only be guaranteed if it is actively supported by the Kremlin (Perovic, 2002:14).

Strengthening the regional Parliament, creating a judicial system not dependent on political considerations, providing funding support for the structures of local self-government, promoting the development of small and medium sized business, activating the presence of political parties, are techniques which could be used to restrict the power of the regional executive and combat the associated negative effects of regionalism.
FUNCTIONING OF LOCAL SELF GOVERNMENT IN INDIA

In the world today, local government may be said to be a part of the four-tier system of government. At the apex is the supra national agency like United Nations which is purely voluntary in character and which lays down a code of conduct and behaviour in regard to relation between the sovereign members. This agency does not interfere in the internal affairs of its members and its actions can't infringe member's sovereign rights. The second tier comprises individual national government's functioning in accordance with their national constitutions with their national borders. The constituent units which are called states or provinces form the third tier. The fourth and bottom tier is the local government which until 1993 was created by national and state enactments and functioned with a limited jurisdiction (Maheswari, 1996: 3).

Since April 1993, local government in India, both rural and urban has become constitutionalised, in the sense that it is enshrined in the constitution of India like the two upper levels of government. In 1992 the Parliament passed the 73rd and 74th constitutional amendment bills which came into force on 24th April 1993. In India local government is the third stratum of government, the first two being the central and the state government.

The local government jurisdiction is limited to a specific area and its functions relate to the provision of civic amenities to the population living within its jurisdiction. It has no legislative powers. Its power to raise the finances is defined in the constitutional amendment bill (Maheswari, 1996:3). A local government functions within the provisions of the statute which has created it. Under certain circumstances, the state government can suspend or dissolve a local government. But fresh elections must be held within six months.

STRUCTURE AND FUNCTIONING OF URBAN LOCAL GOVERNMENT IN INDIA

In India for the administration of urban areas several types of municipal bodies are created for the towns and cities, depending on their size and population, industrial and other importance etc. These bodies are

a) Municipal Corporation
b) Municipal Council/committee/Municipality
c) Notified area Committee
d) Town Area Committee
e) Township
f) Cantonment Board, Special Purpose Agency/ Authority

These local bodies do not exist in all the states and union territories strictly in order of hierarchy.

MUNICIPAL CORPORATION

Municipal Corporations are set up only in big cities. The 74th Amendment Act provides that the areas for different types of urban bodies would be specified by Governor of the state, taking into account the population, density of the population therein, revenue generated by the local body, percentage of employment in non-agricultural activities and other factors (Mukhopadhyay, 1985:91). A municipal corporation has a statutory status as it is created by an act on the state legislature or of the parliament in case of a union territory. The Municipal Corporation is a popular body that provides representation to local people. Most of its members are directly elected on the basis of adult franchise. It does not have a sovereign status or inherent powers. It exercises only those functions which are allotted to it by the state government. An important feature of a corporation is that there is a statutory separation of a legislative wing and executive wing (Pal M., 2008:189). The council of a corporation is headed by the Mayor and its standing committees constitute the legislative or deliberative wing which takes decisions. Collectively the council headed by the Mayor, the standing committees and the Municipal Commissioner make up the corporation.

The Council of the corporation consists of councilors who function for a period of five years. The composition of the municipal bodies has also undergone a change after the constitution 74th Amendment Act (G.O.I, 74th Amendment). It lays down that all the seats shall be filled by direct elections for which the municipal area would be divided into wards. Each seat shall represent a ward in the municipality. Apart from the seats filled by the direct elections, some seats may be filled by the nominations of persons having special knowledge or experience of municipal administration but such members would not enjoy any voting right. Besides the members of Parliament, the members of state legislature will also be voting members in the municipality. The act
also gives regarding the reservations of seats for SC/ST, women and backward classes. The proportion of seats to be reserved for SC/ST to the total number of seats shall be the same as the proportion of the population of SC/ST in the municipal area to the total population of that area. Not less than one third of the total number of seats reserved for SC/ST shall be reserved for women belonging to SC/ST. Not less than one third of the total seats in the municipal body will be reserved for women. (This is inclusive of the seats to be reserved for women belonging to SC/ST). An optional provision for state legislature is that it can make reservations for backward classes also. The state law is also expected to provide for adequate representations of SC/ST and women in relation to the office of Chairperson of the municipality (G O I, 74th Amendment Act).

Presently the Chairperson in a corporation is the Mayor, who is supported by Deputy Mayor. The Mayor is elected in most of the states generally for a one year renewable term. He can be removed from his office by a no confidence motion of the council. He is the first citizen of the city but is not the real executive. The mayor presides over the meeting of the council. In some states he is authorized to constitute committees, make an appointment to a lower grade position, supervise and inspect the working of various units and represent the corporation on national and social occasions. As the size of the corporation is generally large several committees are set up to facilitate its working. The committees such as those dealing with finance, public works etc., are almost common to all corporations. More committees can be set up as per the felt needs of the corporation (Dutta A., 1984: 108).

The Municipal Commissioner is the chief executive officer of the corporation. He is the apex of the municipal hierarchy and is the key officer controlling the administrative machinery of the corporation. He is appointed by the state government. In the case of union territory, the central government makes the appointment. Generally, officers belonging to Indian Administrative service are appointed to the post, though at the state level, even a state service officer may be appointed. Since the Municipal Commissioner is the pivot of municipal administration, he performs varied tasks. He executes or implements the decisions of the council and its committees (NIRD, 2001, VOL-1). All municipal records are in his custody; he prepares the
budget estimates, makes appointments to certain categories of posts and can enter into contracts not exceeding Rs 25,000 on behalf of the corporation.

FUNCTIONS

The traditional civic functions of municipalities are being performed by municipal bodies. However the 74th constitutional amendment lays down that municipalities would go beyond the mere provisions of civic amenities. Now they are expected to play a crucial role in the formulation of plans for local development and the implementation of development projects and programmes including those specially designed for urban poverty alleviation. An illustrative list of functions that may be entrusted to the municipalities has been incorporated as the Twelfth Schedule of the Constitution. A state legislature would be free to select from this list or add to the list while stipulating the functions to be performed by municipalities.

The list of functions that has been laid down in the Twelfth Schedule is as follows:

1. Urban planning including town planning.
2. Regulation of land use and construction of building.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation, conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of environment and promotion of ecological aspects.
9. Safeguarding the interest of weaker sections of society, including the handicapped and the mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playground.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremation grounds and electric crematoriums.
15. Cattle ponds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities, including street lighting, parking lots, bus-stops and public conveniences.
18. Regulation of slaughter house and tanneries.

The above catalogue of functions applies to all municipal authorities (Government of India, Ministry of urban Development Power to people; Nagar Palika Act, 1993).

MUNICIPAL COUNCIL.

Municipal council is a statutory body created by an act of state legislature and criteria for setting it up vary from state to state. Broadly those are: population, size, sources of income, industrial/commercial future, and prospects of the city. Even within a state, the criteria may differ. A city which is industrially advanced may have a municipality despite its low population. The size of the municipality is determined by the state government, (Dutta, 1984: 108) but the minimum number of councilors should be five. The size increases with the increase of population. Their tenure under the constitution 74th Amendment act, 1992 is five years.

A municipal council consists of elected, co-opted and associate members. For the elected seats, election are held on the basis of adult suffrage and secret ballot and for which purpose, the city is divided into wards. Seats are reserved for SC/ST, women and backward classes. Nominated members and members with voting rights are the same as for the municipal corporation. The councilors can be removed by the municipal council, by the citizens of the ward or by the state government. In order to lesson the work load of the council, several sub committees are set up such as the word committee to manage the affairs of the ward and the committees dealing with subjects like buildings, vehicles, works, finance, lease etc.

The municipal council elects, from among its members, a President for a period of five years. He can be removed by the council as well as by the state government. The council also elects one or two Vice-presidents who are also removable by council itself. The president plays a pivotal role in municipal administration and enjoys the real deliberative and executive powers (Bhatt & Kolhar, 2004: 1934-35). He presides over the meeting of the council, guides the deliberations and gets the decision implemented. He is the administrative head of all the officers of the municipality, is the custodian of municipal records, approves all financial matters before they are placed in the council and social occasions. He enjoys special extraordinary powers, under which he can order the immediate execution or suspension of any work. The
state government also appoints an executive officer in the municipal council for the conduct of general administrative work. He exercises general control and supervision over the municipal office, can transfer clerical employees, prepares municipal budget, keeps an eye on expenditure, is responsible for the collection of taxes and fees and takes measures for recovering municipal areas and dues. He can be removed by the councilor or by the state government. The function of municipal council is broadly similar to those of a municipal corporation (Bhatt & Kolhar, 2004: 1934-35).

**NOTIFIED AREA COMMITTEE (NAC)**

The Notified Area Committee is set up for an area which doesn’t yet fulfill all the conditions necessary for the constitution of a municipality but which the state government otherwise considers important. Generally it is created in an area which is fast developing and where new industries are being set up. It is not created by statute but by a notification by a government gazette and hence the name ‘notified area’. The state government constitutes a committee called Notified Area Committee to administer this area. All the members of the committee are nominating by the state government and there are no elected members. Its chairman is also appointed by the state government. The criteria for establishing the committee differ from state to state. As all the members of the NAC are appointed by the government, it is clearly a violation of the democratic principle (G.O.I, 74th Amendment)

**TOWN AREA COMMITTEE (TAC)**

It is a semi-municipal authority, constituted for small towns. Such committees exist in several states, but Uttar Pradesh has the largest number of such committees. The town Area Committee is constituted and governed by an act of the state legislature and its composition and functions are specified in it. Its membership differs from state to state. The committee may be partly elected, partly nominated or wholly elected or wholly nominated. The committee is assigned a limited number of functions, such as street lighting, drainage, roads, conservancy etc. The district Collector in some states has been given control and powers of surveillance over a TAC (G.O.I, 74th Amendment). Following the recommendations of the Rural Urban relationship Committee (1996) that the smaller TACs merged with the Panchayati Raj bodies, lately, Madhya Pradesh and Haryana have merged the TACs with Panchayati Raj institutions.
TOWNSHIP

Several large sized public enterprises have been set up in India. A few examples are: steel plant at Rourkela, Bhilai and Jamshedpur. Near the plants, housing colonies have been built for the staff and workers. Since these industries are the source of employment, people from urban and rural areas are drawn to them and resultantly small townships evolve around them. These townships are administered by the municipal corporation or council appoints a Town Administrator, who is assisted by a few engineers and technicians (G.O.I, 74th Amendment).

CANTONMENT BOARD

This form of local government is a British legacy. Cantonment Boards were first set up under the Cantonment Act 1924. While all other institutions of urban governance are administered by state government, these are the only bodies which are centrally administered by the Defence Ministry (G.O.I, 74th Amendment). When a military station is established in an area, the military personnel move in and, to provide them with facilities of everyday life, a sizeable civilian population also joins the developing area. The board performs obligatory functions such as lighting, streets, drainage, cleaning of streets, markets, planting of trees, supply of waters etc. Some of the discretionary functions are: construction of public works and wells, provision of public transport, census etc.

PANCHAYATIRAJ: STRUCTURE AND FUNCTION OF RURAL LOCAL GOVERNMENT

If we analyze the structure and function of rural local government or local self government in India we have to give more stress on the function of four major institutions like Gram Sabha, Gram Panchayat, Panchayat Samiti and Zilla Parishad because these institutions are constitutionallyised after 73rd amendment act.

GRAM SABHA

The Balwant Rai Mehta Committee report which envisaged a three tier structure at local level, made no formal mention of gramsabha. Despite the omission, the gramsabha exists as a statutory body in almost all states except Kerala and Tamilnadu. In States like Bihar, Orissa and Rajasthan all the adult resident of a village or a group of villages are its members (Mathur, 1991:41). In others, it consists of all the voters in the area, i.e. persons whose names appear on the electoral roles for the
state legislative assembly. It is thus a body consisting of the people themselves rather than their representatives. The membership of the gramsabha ranges from 250- 5000. It generally meets twice a year.

The gramsabha elects from among its members an executive committee which generally known as Panchayat. Besides it elects the sarpanch and deputy sarpanch of village panchayat. The sarpanch presides over the meetings of the gramsabha. Before it, are placed the budget, plans and programmes, audit reports and progress reports relating to the activities undertaken by the panchayat.

Although the gramsabha has been functioning in most of the states, it has failed to register a positive impact on the life of villagers. The Sadiq-ali committee pointed several weaknesses in its functioning in 1964. These included; its meeting were not publicized, meeting were held in unplanned manner and sometimes when the farmer is at his busiest at his harvesting season, low level of attendance particularly of women indicated that the villagers were themselves not very keen on this institution, very often, the sarpanch avoided calling a meeting for fear of being questioned, a measure part of the meeting time was spent on discussing the activities of panchayat and very little time left for hearing the complaints of the villagers. The gram sabha lacked secretarial assistance, the illiteracy of villagers made them helpless, spectators during the proceeding of gram-sabha meetings (Mathur, 1991:40).

The Giridharilal Vyas committee reporting in 1973 had given certain suggestion to overcome some of the problems; providing statutory recognition to gramsabha, making it compulsory for the sarpanch to attend its meeting. The 73rd amendment to the constitution seeks to rectify the existing lacuna in the gramsabha. Most importantly, it gives a constitutional status to this grassroot institution. Under the new provisions, two meeting of the sabha must be called compulsorily and, in case it is not done the post of sarpanch will be declared vacant. Now the constitution fixes corum for meeting of the gramsabha at 1/10th of the total members. The panchayat secretary will be the secretary to the sabha as well. The budget and the programme of panchayat will now be framed, keeping in view the suggestions of the sabha. All the public problems of the village will be discussed in the sabha and if need be, explanations of these can be demanded from the sarpanch (Maheswari, 1972:92). The beneficiaries of
the various government welfare programmes would continue to be identified in the meeting of the sabha. Besides it would assist the panchayat of its area in the execution of various rural development skills.

GRAM PANCHAYAT

The panchayat is the executive committee of the gramsabha. A panchayat generally caters to a population of about 2000, thus there could be one panchayat for a village or a group of small sized villages. The administrative reforms commission has recommended that, as a general rule there should be a panchayat for each village (Srivastava, 2002:3190-2). These recommendations, however are yet to be implemented by the states. Considering that it would involve massive financial resources and administrative adjustments, its chances of being implemented are remote.

The tenure of Panchayats until recently ranged from 3-5 years but the 73rd amendment fixes its tenure uniformly at 5 years. The members of the panchayat are called Pancha and in most of the states they are elected by gramsabha by secret ballots. For purposes of election, the entire gramsabha area is divided into wards, with each ward electing one panch. The membership varies between 5 and 31. The 73rd amendment fixes the age limit for contesting these elections at 21 years in place of the earlier limit of 25 years. It has been laid down that each state will set its own independent state election commission for holding panchayat elections (Srivastava, 2002:3190-2). The commissioner of this commission will be appointed by the governor of the state. If the panchayat is dissolved before the fixed term, fresh elections have to be held within a period of six months. Generally in all the states seats are reserved for SC, ST and women. The 73rd amendment states that 1/3 of the panchas in each panchayat would be women. Wards for women would be reserved from which only women candidates can stand for election (G.O.I, 73rd Amendment). The panchayat is expected to meet once in fifteen days.

The presiding officer of the panchayat is known as the sarpanch in most of the states. Below him is the up-sarpanch. Until the constitution was amended recently, there was no single method of appointment of these functionaries. In some states he was directly elected by the gramsabha and in the rest by the panchas from amongst themselves.
Most of the state legislative acts provided for his removal by a majority of 2/3rd members of the panchayat present and voting.

The Panchayats have wide ranging function to performs, some of them are; construction of public well, supply of drinking water, maintenance of streets, rural electrification, sanitation, development of agriculture, promotion of cottage industry, prevention of fires, promotion of cooperatives, help in census operation, promotion in social education, control over offensive trades, maintenance of panchayat property, organizing voluntary labours, distribution of improved seeds and management of public markets (G.O.I, 73rd Amendment). For administrative convenience and discharge of these functions, the committees of the panchayat can also be set up.

Despite the fact that panchayat are an important agency of rural government, they suffer from serious ailments like, the sarpanch have overshadowed the panchayat and arrogated to themselves power that belong to panchayat. Lack of adequate resources comes in the way of effective functioning of these institutions, they do not receive continuous and proper state guidance, whole hearted support from revenue and police authorities has not been forthcoming, whole time secretarial assistance is not available, Pancha do not take adequate interest in the functioning of Panchayats, leaving almost everything to the sarpanch, bitterness created by election crates an unhealthy environment and timely action against defaulters is not taken as a result of which people loose faith in this body (Hooja R.,1994:78). The need therefore is to augment the resources of Panchayats, provide them with adequate and competent secretarial assistance, simplify rules, and take strict action against defaulters. Relieve the sarpanch of handling the accounts and lastly educate the people rigorously about the need to participate in the functioning of Panchayats. In the post 73rd amendment phase the status of panchayat is bound to improve (G.O.I, 73rd Amendment).

PANCHAYAT SAMITI

The Panchayat Samiti represents the intermediate level in the Panchayati Raj system. It functions at the block level. There have been a number of variations of these institutions in various states. Comparable organisations have been Mandal Praja Parishad in Andhra Pradesh, Taluka panchayat in Gujurat, Mandal panchayat in Karnataka. Janpad panchayat in Madhya Pradesh, Panchayat sangha in Tamilnadu,
**Kshetra Samiti** in Jammu and Kashmir and **Anchal Committee** in Arunachal Pradesh.

Until recently the tenure of panchayat Samiti varied from 3-5 years in various states of the country but after 73rd amendment act the tenure of all the Panchayats in all over the country is streamlined to 5 years (India, 2007:497).

Each district is divided into several blocks and each block has one panchayat Samiti. There has not been complete congruence between the territorial areas of revenue and development administration. Such congruence would be ideal for fractionizing the regional administration (Srivastava, 2002:3190-2). It is in this perspective that the administrative reforms commissions had recommended that the area covered by the block should be re-demarcated that the territorial unit of development administration will correspond to *tehsil* in sub-division.

In some states, the block level is most important tier where most of the development programmes were executed. The pattern of the composition of the panchayat samities has differed from state to state though normally its membership has ranged from 15-20 members. It is composed of ex-official members (all sarpanch of the panchayat Samiti area, the member parliaments and member of legislative assembly and SDO of subdivision, co-opted members (representatives of SC/ST, women), associated members like farmer of the area and representatives of cooperative societies and some of the elected members (India, 2007). The BDO has been the secretary, as also the executive officer of the Samiti. He has been functioning with the help of several extension officers (Srivastava, 2002:3190-2).

After the enactment of the 73rd constitutional amendment, the chairman of a panchayat Samiti is called the *Pradhan* in some states. Below him is the *Up-Pradhan*. The Pradhan can be removed from the office by a no-confidence motion of the panchayat Samiti.

The functions of a Panchayat Samiti can be classified into two parts: first functions normally entrusted to Panchayat Samiti which include supply of drinking water, drainage, construction of roads, establishment of primary health centers and primary schools, establishment of youth organisations, encouragement to cultural activities and provision of health services and secondly development functions, which include...
executive of development programmes entrusted to it, distribution of improved seeds and fertilizer, conservation of soil, providing credit for agricultural purposes, providing irrigation facilities, improvement of forests, improvement of cattle and fodder, development of cottage and small scale industries and opening of cooperative societies (Maheswari, ARC: 92). For the efficient discharge of these duties, a Panchayat Samiti can set up functional committees.

Although a Samiti can levy a large number of taxes, the yield from them is woefully meagre. The more lucrative taxes remain with the central and state governments, while even where there is legally competent to do so, the panchayat Samiti are reluctant to levy new taxes for fear of arousing public resentment.

ZILLA PARISHAD

A Zilla Parishad is the apex body in the system of democratic decentralisation. In certain states, it has had its counterparts under different names (Singh, Mishra, 1993: 45-46). For instance, in Assam, it is known as Mahakam Parishad, in Tamil Nadu as the district development council; in Andhra Pradesh, as Zilla Praja Parishad and in Gujarat the district panchayat. It may be noted that some states like Haryana, MP and Orissa had even abolished this institution in PRI set up, but after 73rd constitutional amendment these states again reinstated these institution.

Until recently a Zilla Parishad comprised the residence of all the panchayat samities in the district, all members of the union and state legislature of that area, co-opted Sc/ST members and some associated members such as the chairman of the cooperative bank of the area. As the Zilla Parishad consisted of members, mostly in their ex-officio capacity, they are depended on their substantive tenure. The term of other members varied from 3-5 years however as per the 73rd amendment all the members of the Zilla Parishad are elected directly by the people and its tenure is 5 years (Singh & Mishra, 1993: 45-46).

The salient functions of Zilla Parishad are to examine and approve the budget of panchayat samities, to issue directions to panchayat samities for efficient performance of their duties, to coordinate the development plan prepared by the panchayat samities to advise the state government on all matter relating to the development activities in
Chapter IV

the district to distribute funds allocated by states to the various panchayat samities, to inform divisional commissioner and district collector about irregularities in PRI, to coordinate the work of various panchayat samities and to advise the state government on allocation of work to be made among PRIs (Arora and Goyal, 1995: 296).

The presiding officer of the Zilla Parishad is Zilla Pramukh, also referred to as chairman in some states and Zilla Pradhan in Madhya Pradesh. The members of the Parishad elect him from amongst themselves. He conducts the meeting of the Parishad, inspects the lower tiers of the panchayat raj and submits his reports to the Zilla Parishad. He can be removed by Zilla Parishad by vote of no confidence (Arora and Goyal, 1995: 296).

PROBLEM AREAS

Both Rural and Urban local self governments are affected by a number of limitations and weaknesses. To begin with, the chief malady identified is the domination of the local self government institutions by bureaucracy. Major problem areas are:

SCARCITY OF FINANCIAL RESOURCES

The most serious problem facing by both the self governments are the acute scarcity of finances. Generally their sources of income are inadequate as compared to the functions. Their chief sources of income are varied types of taxes. Most of the incomes generating taxes are levied by the union and the state governments and the taxes collected by the local government bodies are not sufficient to cover the expenses of the services provided. Though they can impose certain new taxes, the elected members of the local bodies hesitate in doing so for the fear of displeasing their electorate (Golandez, 1996: 359). The administrative machinery at the disposal of the local bodies is insufficient and ineffective. The staff which is often underpaid indulges in corrupt a practice which leads to loss of income. Sometimes failure in collecting taxes leads to accumulation of arrears running into crores of rupees. As a result, many urban bodies are on the brink of bankruptcy.

With their low capacity and willingness because of high political cost involved to generate their own resources through taxation, the local bodies, dependency on higher authorities is substantial.
LOW EFFECTIVENESS

Because of inadequate finances, the local bodies have not been able to fulfill their obligatory functions as result they suffer a constant outcry from the public as well as the government (Sachdeva, 1993: 394). The most basic necessity, water is not supplied properly, drainage facility cover the entire city, unplanned colonies and slums develop fast, menace of stray cattle on the roads continues, traffic is hazardous ad roads are nor properly maintained. In short poor sanitation poor hygiene and shortage of basic necessities are the major problems of low effectiveness.

EXCESSIVE STATE CONTROL

The major issue is the excessive state control, exercised by state governments over the local bodies. To ensure proper performance of their functions the state government exercises legislative, administrative, financial and judicial control, this proves to be more a curse than boon, because instead of providing guidance and support through the control mechanism, the control turns out to be negative, restricting the functioning of the local bodies (Singh A K., 2000: 394).

POSTPONEMENT OF ELECTIONS

Elections to the local bodies have suffered constant postponement for indefinite length of time for long after the term of the concerned local bodies has expired, the state government does not announce fresh elections and extensions are granted to the same body. To those bodies which have been superseded, elections are not held within the stipulated period. The state governments’ built in allergy for local elections stems from the reason that they become barometers of the political parties standing with the masses (Oomen, 2006: 93). The state government feels it safer and easier to deals with bureaucracy placed at the helm of the civic administration than with the popularly elected councilors and cooperators.

LACK OF PARTICIPATION

Non-participation of the people in the Panchayati Raj institutions despite half a century of experimentation must be a major concern of all those who would like Indian democracy to be strong. This may be because of apathy of the people borne of
out of ignorance and illiteracy or because of institutional drawbacks forcing people to be outside the system. Despite such good measures like reservation of seats for the women and weaker section of the society, people in general continue to be apathetic to PRIs (Oomen, 2006: 93). Yet at the same time the change is apparent. The pattern and structure of local leadership is changing fast. It is of course a hopeful sign but if the participation remains limited to elect representatives and the people in general do not evince any interest in PRIs, the roots of local democracy would remain weak.

INEFFECTIVE LEADERSHIP

Poor local leadership is yet another factor which corroded the credibility of the local bodies. Both urban and local bodies during their lections failed to attract men of caliber as a latter fine a berth in state and union legislature- more prestigious and profitable. Besides the local bodies has no original powers: they are appendages of the state government and their image is solid often charges of corruption and inefficiency. Evils of casteism and communalism are also rampant and all malpractices associated with a general election are present. The system of co-option is also misused. Deserving candidates are rarely co-opted and this weakens the leadership of both the local governments.

BUREAUCRATIZATION OF LOCAL GOVERNANCE

One of the major reasons behind the inadequate participation of the people in Panchayati raj affaires is the unhelpful and over-riding rôle of local bureaucracy. Bureaucracy has been at the helm of affairs during the British era. After independent too, it has been in a commanding position. Its tendency to rule, instead of support, the people continues unabated (Vyasulu, 2004: 65). Even if there are rules, which prohibit them from interfering in the affairs of the Panchayats, they manage to frustrate their efforts by convincing with the elected representatives.

Most of those who are elected to run the PRIs are not very highly educated nor do they have previous background or training. Given the overall atmosphere in which they have to function, they tend to join hands with the bureaucrats at the local level to keep these institutions dormant.
Chapter-IV

Efforts have been in the past in several states to curb the tendency of the bureaucracy to come in the way of efficient functioning of the PRIS. Some good results have been seen at the Zila Parishad level in some states but on the whole of the situation have remained unchanged (Vyasulu, 2004: 65). The reasons are many. The bureaucratic structure is well integrated from top to bottom. It knows how to manipulate and get the work done. The elected bodied are novices, and many of those who get elected are easily lured by the bureaucracy to follow their diktat.

PRADHAN RAJ

As one surveys the villages one finds, people becoming very apathetic to PRIs and often hostile to the elected representatives. Panchayati raj institutions are derisively called Pradhan Raj Institutions. It is the Gram Pradhan who rules, not the people. Earlier, it was the Mukhia appointed by the government who ruled the village; now it is the Sarpanch elected by the people at times with just 25 per cent of total votes pooled who rules. He connives with the local bureaucracy and tends to misuse the fund (Srivastav, 2002: 106)

The meetings of the Gram Sabha are rarely held. Not even Gram Panchayats meet regularly. But the proceedings of the meetings, which are never held, are recorded with signatures or thumb impressions of the people. Who prepares these proceedings? It is the secretary of the village Panchayat. Transparency in the working of the elected representatives is lacking. Right to recall may be one of the solutions to this problem.

MAL-DEVELOPMENT

The nature of developmental activities carried out by the Panchayati raj institutions is often termed as mal-development. It happens because there is no planning at the grassroot level. Even at the district level, planning is a misnomer (Srivastav, 2002:106). It is nothing but a collection of projects proposed by various departments and wetted by higher-level bureaucracy.

The resources allocated to the Panchayats are misused and even embezzled. This happens because of the insensitivity of the elected representatives towards their duties and destructive role of the bureaucracy.
The role of the members of the Parliament and state legislatures is also unhelpful. They tend to belittle the PRIs and often over ride them through various means. The MP and MLA funds have very serious adverse implications for the PRIs. In fact the funds, which ought to have gone to the PRIs, has been diverted to the MPs, MLCs, and MLAs who fix the priorities. Despite all checks and balances, people question the very rationale of this scheme and they vehemently question the basis on which these funds are spent. They appear to serve the MPS, MLCs and MLAs more than the people themselves (Srivastav, 2002: 106).

**CORRUPTION**

Corruption is the bane of Indian society today; the PRIs are no exception to it. It was hoped that people own representatives will act more honestly than bureaucrats. The hopes have however been totally belied. The electoral process is so vitiated that only those who have money and muscle power can even think of contesting, not to say of winning elections. Despite all rules regarding election expenses, money flows like water. Even in Gram Panchayat election, contestants spend thousands of rupees. For Zila Parishad and Panchayat Samiti, the amount rises to Lakhs. Those who win election with money power can't be expected to be honest (Joseph, 2007: 156). They have to recoup the amount they spent, and have to collect more for the next election. Even those who do not spend too much money in local level elections (especially in reserved constituencies) do not have service motive. They consider their position as opportunity to make money. Of course, there are exceptions. Many of the elected representatives are honest and try to serve the people to the best of their ability. But the general trends are really disturbing.

In the short-run we need appropriate training programmes for all the elected representatives of the PRIs to inculcate in them a sense of responsibility towards their electors and towards themselves. We think there is a need to revive Gandhian values in India in a big way. Gandhi is the only leader respected in India. People will follow him if the message is given through genuine persons and reliable channels (Joseph, 2007: 156).
In order to remove the flaws in the working of Panchayats it is suggested that:

- The power to suspend the office bearers of Gram Panchayats may be given to Panchayat Samiti and those of Panchayat Samiti to Zilla Parishad.
- The office bearers of Panchayats may be removed by a prescribed procedure and not in arbitrary manner by the Director, Panchayats.
- DRDAs may be brought under the jurisdiction of Zilla Parishad and block administration under the authority of Panchayat Samiti while doing away with the bureaucratic control.
- The Panchayats be given power to appoint development committees.
- The Panchayats be provided adequate administration and financial powers and it requires an amendment in the 73rd Amendment Act, 1992.
- The taxes and fees levied by the local bodies be distinctly identified and be made a permanent domain of these bodies under the law.
- It should be mandatory on the part of the Gram Panchayats to submit the proceedings of their meetings along with the Gram Sabha to the Panchayat Samiti regularly and well in time.
- The Panchayats may be allowed to recruit its own staff duly paid by the State Government.
- MLAs and MPs are taken out from the composition of Panchayat Samities and Zilla Parishad to make them more autonomous and apolitical.
- A grievance cell is provided in the Act to deal with the day to day complaints at village and block levels.
- Every decision of Gram Panchayat may be approved by the Gram Sabha in writing before its implementation.
- The proceedings of the meetings of Gram Sabha and Gram Panchayats be recorded and proper record be maintained.
- The required structures and institutions are created at the village level for the smooth working of Panchayats.
- The power devolved to the Panchayats so far is made workable.
- A separate cadre of Panchayati Raj service should be created. The posting and transfer of officials recruited for panchayat services should be made with the prior permission of the elected chairpersons.
Chapter-IV

A BRIEF COMPARISON OF FUNCTION OF LOCAL SELF GOVERNMENT BETWEEN RUSSIA & INDIA

The new and landmark laws relating to local self government in Russia are the Federal laws of 1995 and 2003 whereas in India the law which creates ripple in the mind of the people are 73rd and 74th constitutional amendment act 1993. The local self government structure and functional elements of Russia follows the European Charter of local Self Government and especially it follows western European countries like Germany whereas structure and function of local self government in India is indigenous one. Both in Russia and India, urban local governments were given more importance rather than the rural local self government and the later (rural) is considered as the burden upon the centre/province. The principle of uniformity of structure is not prevailing in Russia due to its large size where as India is partially successful in implementing its uniform three tier structure in major of the states. Both the countries have flexibility that each and every province/state can create their own structure of local self government as far as their suitability is concerned.

As far as the relation between regional/provincial powers with the local government is concerned, both countries regional power blocks are jealous of delegating powers to the respective local governments. In Russia President Putin wants recentralization of power for unity of the state whereas in India Prime Minister wants decentralization of power directly to the local self government. The struggle for supremacy between mayors and governors has in many ways been analogous to the power struggle between regions and the federal centre which is prevalent in Russia but in India there is no such kind of struggle.

Although dual functional model is prevailing both in Russia and India still major of the provinces in India is following the three tier structure of local self government (basically in rural local self government). Finally scarcity of financial resources, excessive state control, and lack of people's active participation, corruption and bureaucratization are the major problem areas of both the countries.