CHAPTER 1: INTRODUCTION.
CHAPTER – I
INTRODUCTION

1.1: Democracy: An Overview:

Democracy has its own expressions, which it does in a variety of ways, and the most common way is it being a political concept, which can be described in terms of methods or techniques of government. Formulae such as government of, by, and for the people, the sovereignty of the people universal suffrage, popular and responsible government and others are often used for the description of democracy. But in spite of these rich and colourful collections of formulae, anyone attempting to define democracy has an almost impossible task. The reason for this lies in the fact that the validity of all fundamental concepts normally involved in such definitions has been seriously challenged by the various historical conditions in which democracy has been realised. The idea that ordinary people should be entitled to say in the decisions that affect their lives is one that has emerged as an aspiration in many different historical societies. It achieved a classical institutional form in Athens in the 5th and 4th Century BC. From the early 5th Century onwards, when prosperity qualifications for public office were removed, each Athenian citizen had an equal right to take part in the Assembly on the laws and policies of the community and also to share in their administration through jury. Service and membership of the administrative council were recruited in rotation by lottery (Donald, 1991: 43). The example of this first working democracy has been a reference point and source of inspiration to democrats ever since. The fact that it coincided with a period of Athenian economic and
naval supremacy and with an enormous flourishing of creative arts and philosophical enquiry, put paid to the idea that giving ordinary people a say in their affairs would produce either a society of drab uniformity or irresponsible government, as the critics of democracy have often asserted. Nevertheless, democracy is a way of life and self-government is undoubtedly an essential feature of democracy. Alexis de Tocqueville, (2001:12) amongst others, lays particular stress on this. In the peoples’ interest and participation in the life of their community, in their wish and capacity to conduct their own affairs he sees not only the spring but also the main guarantee of democracy. On this point, he goes so far as to distinguish between self-government and good government i.e. government carried on by an enlightened group in the best interest of the people. A democratic reform or democratic action in general, has to be brought about not only with the assent of the people but by their hand (Reeve, 1873: 203).

Now this is perceptibly factual, however it entails a few credentials. In order to put together their societal structure ‘by their hand’ the affiliates of a set have to hold substantial familiarity in, and know-how of public administration. There is also the requirement of setting up definite establishments, which permit them to contribute in the building of their society. Over and above these, they also need a definite ‘frame of mind’, that is concrete understanding, approaches, biases and values mutually shared by them all, or a sizeable majority. It should be apparent that a country which has no reasonable elections or universal adult suffrage, or where voted politicians do not hold sway over the non-elected state administrator or where there are no assured rights of organisation, gathering or free expression, cannot be reckoned as democratic. In some of
these quarters there subsists documented international principles to wait on as our reference points for example in respect of the protection of civil and political rights or the integrity of election proceedings, which have been developed over many years by international organisations and non-governmental organisations in their supervision of procedures in specific countries. In other locales principles are much less strapping and less unanimous. In yet others, nation states will have a assortment of customs and traditions, none of which are more perceptibly democratic than others, in comparison to their electoral arrangements, their head of government. (President or Prime Minister), their legal systems and so on and so forth. Appreciating democracy is about considering the genuine multiplicity of independent exercises as well as what is critical and fundamental to it.

In the Post-Cold War era, democracy has become a universal belief worldwide. The worth of any kind of government may be assessed either by accomplishments and effectiveness with which it carry out its appropriate intentions or by the effect, which it engender on its citizens and the degree of contentment and self-assurance that they feel toward it. Those who consider that democracy is the finest and most flourishing variety of government make a case that it alone affords the responsibility of those who govern to those who are administered and marks in a policy designed for the welfare of all classes of population. They maintain that elected representatives, subject to popular control are more likely to be capable and dependable. The rights and interests of all are best defended if all have a voice in governance and furthering their interests. From this standpoint they argue that egalitarian government is likely to indemnify a greater degree of efficiency and to endorse a higher degree of universal welfare than any other form. However, the strongest opinion in support of
democracy rest upon its assessment in developing and stirring the masses of the people, in exciting their awareness in public affairs and fortifying their allegiance and conviction in a government in which they play a vigorous role. Democracy thus serves as a schooling ground for citizenship; it reinforces attachment and devotion for our nations; this system of government relatively diminishes the jeopardy of restlessness and revolutions, as it is manifest with the disintegration of the Soviet Russia and the collapse of the socialist regime in many other countries around the globe.

This frame of mind, the life style or even the democratic attitude that we refer to is fundamentally composed of specified mechanisms of functional democracy. There are four main components or building blocks of a functional democracy. These are i) free and fair elections, ii) open and accountable government, iii) civil and political rights, and iv) a democratic or civil society. This structure can be represented diagrammatically as democratic pyramid in which each cog is necessary to the whole.

i) Free and Fair Election Process:

Competitive elections are the main provision whereby elected representatives are caused to be answerable and subject to popular restrain. They also comprise an essential arena for certifying political equality among citizens, both in access to elected public office and in the importance of their votes. The decisive factor of free and fair elections incorporate in the first place the electoral system, i.e. the regulations governing which offices are electable, who may contest for them, when elections are to be held, who may vote, how constituencies are to be marked, how votes are to be aggregated to declare the winners and so on.
Second is the electoral procedure, i.e. how individual elections are managed in practice, right from the initial registration of electors, through the canvassing to the counting of ballots, to guarantee that the law is applied stringently and without prejudice and that there is no unprofessional conduct to toss the end result into suspect.

ii) Amenable and Answerable Government:

In a democracy, the answerability of the government to the community is on one side of a lawful responsibility to the judiciary for the observance of the law by all public officials (the rule of law); on the other side, a political accountability to Parliament and the commune for the endorsement of government procedure and activities. This conscientiousness depends upon the independence of the judiciary in their authority to shield the constitution, to establish culpability and to penalise misdemeanour and of parliament, in its supremacy of legislation, assessment and inspection of government. Besides being answerable, democratic government should also be receptive, both through official requirements of dialogue and through its candidness to the manifestation of public opinion in its various consultations.

iii) Municipal and Political Rights:

Civic and political privileges accommodate those freedoms of articulation, organisation, association and so on – which are indispensable positions for individuals to act politically, whether in the context of self-organisation contained by civil society or to pressurise the Government. Even though these rights are appropriately guaranteed to people as a part of human rights but in the broad spectrum their worth lies in terms of collective performance: combining with others for common goals and
objectives, campaigning, manipulating public opinion etc. It is thus erroneous to see individual rights as essentially antithetical to group rights and collective rationale, or to the procedure of shared decision-making and their widespread control, for which they make up rather the crucial institution.

iv) Self-governing or Civil Society:

The design of a civil society designates that democracy requires community alliance of various kinds that are structured there or thereabouts separately or freely of the State. Only in this way can the clout and sway of the State be restricted, can public opinion be expressed from underneath rather than administered and handled from the top and can humanity attain the self-confidence to defy capricious regime. The code that such relations ought not only be autonomous but also from within democracy exemplify the proposal that democratic system at the point of the State will only be feebly entrenched if the remainder of the society is governed on repressive outlines. If populace are inured to totalitarianism in the family unit, in the school and in the religious establishments, and if they have no understanding and familiarity of self-organisation or co-determination in the place of work, in the locality and in the altruistic associations, they are not likely to be energetic citizens or sense any responsibility for the situation of their society taken as a whole.

Given the ironies of democracy, opponents of democracy have been plentiful, not only, in the earlier periods but also in contemporary years, as a consequence of concrete occurrences with the results of democratic administration. Unquestionably, it cannot be fabricated that democracy today is without hitches. Democracy confronts substantial challenges from
ethnic, religious mayhems and other dissensions; from unemployment and economic collapse and social disturbances, from the loss of authority to global institutions and processes; reduction of state sovereignty; from an extensive insecurity among the people of powerlessness over their own subsistence. Despite these and myriads of other impediments there is nevertheless gargantuan anticipation and excitement for the victory of democracy in the humankind. Democracy can obtain a foremost encouragement at the grassroots level. Having an arrangement of elected local government is central to the strength of a democratic orderliness for numerous rationales such as:

i) It significantly swell the prospects for taking part in decision-making and the number of those persons occupied in it.

ii) Since, it is locally founded, it is much more sensitive to the specificities of local requirements and state of affairs than nationwide governments can be.

iii) It permits small-scale experimentation in strategy which if flourishes can be imitated in different spaces.

iv) It affords a springboard for politicians for taking up national accountability and facilitates a political centre for parties and conclusively.

v) By restraining the intensity of clout at the dispense of the national government, it appends a spatial facet to the constitutional division of authority.

Each of these explanations on its own is momentous, taken together, they add up to an unanswerable and a formidable defence for elected local government.
However, in modern nation-states there are dominant forces at work, which promote the intensification of political decision-making. There is compulsion from finance department hunting for the control of by and large the whole of community expenditure as a crucial mechanism of national financial administration. There is the disinclination of state policies to allow political challengers at local level to barricade or water down central policy proposals. Then there are the optimisms of the community at large, who is a progressively more mobile society becoming prejudiced of significant differences in the standards of services from one neighbourhood to the next. Equality of residency means impartiality in the standards of services, if this can be realized by considerable relocation of resources between different locales as well as by national law, then this to a large extent contains the autonomy of local governments and with it the extent of local electoral options. There is no easy solution to these challenging essentials, or one that is unanimously relevant. However, since the most potent force today comes from the way of centralisation, it is because of the welfare of local government and locality that most rise in need of defence. At a minimum, this might require a clear division of functions between centre and locality that is understandable to the body of voters; considerable powers and resources to carry out these tasks according to local needs and state of affairs, albeit within the structure of national policy; sufficient mechanisms of answerability to the local electorate, that the central government should not meddle in the judgment of local authorities; and that if required this should be made obligatory through a constitutional judiciary. At the end of the day, however, useful associations between centre and locality exist it all would depend upon collaboration and a mutual acknowledgment of each other’s realm, rather than restricted legalism. If commonplace people see feasibility in
democracy, because it gives the impression to have no consequence to their daily lives and the circumstances in which they subsist, they will not do anything to endorse it. If the choices they are presented at elections make no variation to them because politicians are deficient in the ability or the motivation to transform anything in the course citizens have voted for, if the fundamental civil and political rights are not adequately guaranteed to facilitate people to coordinate and build up advocacy on public concerns without apprehension; and above all, if citizens have no power to impinge on their circumstances at the most local level of their place of work and the locality, then democracy has become an meaningless case, a fashion without any essence. The challenge facing democrats far and wide today is how to fortify the core within the outline, how to make the main beliefs of popular rule and political parity more institutionally real, whether it be in the democratisation of a formerly dictatorial administration or in the revitalisation and intensification of democracies that have been recognised firmly.

1.2: Decentralisation:

Decentralisation in its plain connotation refers to the shifting of fiscal, political and administrative responsibilities from higher to lower levels of government. It is an act in which a government at the centre formally cedes powers to actors and institutions at lower levels in a political administrative and territorial chain of command. Thus, the essence of decentralisation is the entrustment of decision-making roles. The fundamental belief of decentralisation is the fact that circumstances, predicaments and the people are not everywhere the same. Centralisation on the other hand means the concentration of influence and decision making power at the top echelons of the Government.
Decentralisation should be cautiously distinguished from delegation which entail relocation of explicit powers by the central authority to the local authority but central authority hold on to itself not only the power of supervision and controlling the local authority relating to functions delegated to them but also to rescind at any time the capacity delegated. Where there is decentralisation, the central authority is altogether dissociated from of those powers shifted to the local entities. Thus, decentralisation fashions autonomous administrative constituents where as delegation generates only subordinate units, which act as the representatives of the central authority.

The two predispositions of centralisation and decentralisation move along almost analogous in every modern government. No government can be organised completely on the basis of either of the propensities to the elimination of the other. There are spheres of administration in every government where it is only centralisation that can make the regime well organised and competent but in certain other fields, the democratic temperament of the federation cannot be preserved unless a strategy of decentralisation is followed.

Successful endeavours have been made in England and in France both having a government of a centralised disposition to patch up centralisation with decentralisation. In the United Kingdom, the regulation of legislative centralisation has been associated with organisational decentralisation and in France organisational centralisation with legislative decentralisation. This is discussed in details elsewhere.
In India the two tendencies do not only exist but have been functional to the very working of the Government. The need for the prompt economic development of the country and also the requirement for energetic defence make it crucial to have a sturdy central authority. But the insist for regional autonomy carrying it to the extent of Panchayati Raj demonstrates the propensity towards decentralisation in India.

1.2.1: Democratic Decentralisation:

Political or democratic decentralisation is said to have occurred when powers and resources are transferred to authorities representative of and downwardly accountable to local populations. It is a process of devolving the functions and resources of the state from the centre to the elected representatives at the lower levels so as to facilitate greater direct participation by the citizens in governance. The critical principle overriding the devolution of functions and resources should be that of subsidiarity: what can be done best at a particular level should be done at that level and not at higher levels. All that can be optimally done at the lowest level should be held in reserve to that level. Only the outstanding should be conceded to the higher levels. A functional decentralisation has the potential to modify the institutional infrastructure for local natural resource management and, in certain cases, craft an institutional basis for more accepted and participatory management and usage of natural and other freely available resources.

Theorists concur that the efficiency and equity benefits of decentralisation turn up from the presence of democratic practices that hearten local authorities to serve the needs and desires of their constituents. Accordingly, democratic decentralisation is its most effective form. Ribot
(2002: 4) believes that “The underlying logic of decentralization is that democratic local institutions can better discern and are more likely to respond to local needs and aspirations because they have better access to information due to their close proximity and are more easily held accountable to local populations. Downward accountability of local authorities—accountability to local populations—is the central mechanism in this formula.” In brief, effective decentralisation is defined by an inclusive local process under local authorities empowered with discretionary decisions over resources that are relevant to local people. It is an institutionalised form of community participation. It is local democracy (Blair 2000).

1.2.2: Administrative Decentralisation:

Administrative decentralisation may well be territorial and functional. Territorial decentralisation refers to a process of spreading of administrative units and delegation of power to them. The establishment of area administration like the district, the sub division and endowing them with self-governing power contained by the approved confines are excellent examples of territorial or geographical decentralisation which is primarily founded on a certain rapport between the upper and the subordinate constituents of government. All issues that are local in their prevalence are to be worked out by the local authority. The central authority may hang on to some power of supervision and control but the decision-making ability involving a regional dilemma ought to be with the local authority. Such decentralisation by proliferating the centres of administration will make it potential for a bigger number of citizens to play a part in the dealings of the State.
Functional decentralisation entail the relocation of certain decision-making subjects to specialised and certified organisation like universities, bar association, medical councils etc. Interest entities like diverse businesses and vocations are more proficient to demand their own criterion of credentials and professional demeanour and as such these should be given the control to legislate upon their own realm.

Need for decentralisation:

The basic notion depending on which democratic decentralisation is insisted upon is that greater participation in local political affairs will improve the quality and reach of government services, particularly the ones aimed at improving the lives of poor and politically marginal groups in society (de Souza, 2000). For the advocates of democratic decentralisation, a central challenge of improving the delivery of public services becomes one of ‘crafting’ (Ostrom, 1990) institutions, which can maximise participation in political life. In the context of poverty reduction, access to numerous resources and profits that governments make available are connected with arrangements of authority that empower poor and vulnerable assemblages in society.

Despite the continuation of regional, cultural and other diversities among various countries, the universal roles that the Governments crave to execute in the generally backward and poverty-ridden vicinities are:

- To make provisions of public services, such as universal education and healthcare.
To make provisions of dividable property, such as irrigation, agricultural extension and credit.

To decide and implement laws regulating strategic economic inputs, such as land, labour and capital.

To recognise and protect rights that allow for organisation, association and entitlement in the eyes of the government.

These are not easy tasks as these necessitate systems of governance, which ensure that public resources are being delivered efficiently and effectively (Johnson and Start, 2001).

1.2.5: Advantages of decentralisation

Studies of decentralisation have shown that devolution of authority can enhance systems of local governance in a number of ways.

First, the establishment and empowerment of local resource user groups (delegation or privatisation) can improve the ways in which local people manage and use natural resources, thereby improving the resource base on which poor people are often disproportionately dependent (Ostrom, 1990). Such arguments are generally made in relation to the provision of local public goods, such as common pool resources or local credit organisations (Agrawal and Gibson, 1999).

Second, and related to this collaboration between public agencies and local resource users can produce ‘synergistic’ outcomes (Evans, 1996a; 1996b; Ostrom, 1996), in which citizens and civil servants cooperate to provide goods that would be unobtainable were they acting alone. Classic examples of this would include joint forest management
Third, and the most important one is the democratisation and empowerment of local administrative bodies can enhance participation in decision-making fora, particularly among groups that have traditionally been marginalised by local political processes (Blair, 2000; Crook and Sverrisson, 2001; Crook and Manor, 1998). Studies from Africa, Asia and Latin America have shown that the introduction of elections, systems of transparency and rights of association can empower poor people, enhancing their ability to participate in local decision making and encouraging them to hold public officials to account (Blair, 2000; Crook and Manor, 1998; Crook and Sverrisson, 2001; Drèze and Sen, 1996; Manor, 1999; Rondinelli et al., 1989). As Blair (2000: 25) points out, 'increased representation offers significant benefits in it.' Framed in this way, participation in local, democratically elected bodies can lead to improvements in self-identity and worth, which can help to break down customs of inequality and discrimination (cf. Robinson, 1988). Second, membership of local administrative bodies can provide important skills (e.g. bookkeeping, leadership, etc.) that can be transferred to other walks of life.

In support of his plea for decentralisation, Professor Harold J Laski (1940: 9) asserts "the scale of the modern State requires a large measure of decentralisation if it is to do its work in a creative way." The degree and reach of deeds of a progressive state have burgeoned to such a colossal amount that it is neither probable nor advantageous for the central governments to look after every facets of administration and legislation.
Niggardliness in the issue of diffusion of clout and sway where such thinning out is crucial leads to the predictable consequences of setback, ineptitude and corruption in the accomplishment of governmental tasks causing enormous hassles to the people.

To steer clear of the ills of unwarranted centralisation of power and to make sure smooth running of the governmental structure, Prof Laski (op cit) puts forward three arguments in support of decentralisation.

In the first place, he says that in a centralised state, real power exist in the ruling elite who determine all for the common populace develops a callous attitude towards common problems. And the common citizens having no assign in the decision-making powers become gradually indifferent. The dearth of popular participation in decision-making indicates non-attendance of popular collaboration. The compliance of the people, under such centralised arrangement can never be natural and hence can never be beneficial. Decentralisation by dispersal of power over an extensive territory connects a large number of individuals with decision making under the decentralised procedure. It is not only mandatory for the people to carry out the will of others but they are also offered a significant part in the practice of power and hence they become more involved in the outcome.

Secondly, decentralisation put together an environment for improvement by providing possibility for trialing in different areas of governmental functions. In the absence of inflexible regime of uniformity, an attribute of the centralised arrangement, decentralisation makes for multiplicity and innovation making certain unbroken progress.
Lastly, a modern state is challenged with an assortment of tribulations, which necessitate timely and proficient negotiation. But one solitary legislature and a lone executive at the pinnacle have neither the time nor the competency to treat effectively these complex predicaments. Hence comes up the utmost need for decentralisation, which makes it possible to manage with the large sum and variety of concerns. The regional authority not only to relieve the central authority of excessive pressure of work but also to provide popular freedom, popular participation and popular control, must tackle regional issues. In a word, democratic ideal can best be realised through the apparatus of decentralisation.

1.2.6: Disadvantages of decentralisation:

However, experience illustrates that the regular conviction that improving involvement through decentralisation will essentially lead to improvements in people’s welfare is not wholly accurate. A recurring theme that emerges from a sizeable body of literature is the relatively weak correlation that exists between democratic decentralisation and poverty reduction (Blair, 2000; World Bank, 2000a). Despite great advance at devolving power to local, democratically elected bodies, decentralisation in Colombia, Brazil and the Philippines appears to have achieved little in the way of reducing poverty or improving regional disparities (Crook and Sverrisson, 2001: 37–39). Manor’s conclusions (1999: 106–108) about experiences in Bolivia, Karnataka and Bangladesh are equally pessimistic.

In one respect, this reflects the difficulty of establishing a clear and rigorous link between changes in governance and improvements in well being (Rahman, 2001). Crook and Sverrisson’s (2001: 52) cross-country
comparison concludes, “The notion that there is a predictable or general link between decentralisation of government and the development of more ‘pro-poor’ policies or poverty-alleviating outcomes clearly lacks any convincing evidence. Those who advocate decentralisation on these grounds, at least, should be more cautious, which is not to say that there are not other important benefits, particularly in the field of participation and empowerment.”

Even the most flourishing forms of democratic decentralisation have been unable to sweep away economic and political inequalities, both within and among regions. This, in part, highlights the problem of raising public revenue in areas, in which economic surplus (and therefore taxable revenue) is typically poor.

Decentralisation can also pose new problems of co-ordination and planning. As the Kerala experience has shown (Ghatak and Ghatak, 2002), too much devolution can lead to major duplications of effort and gaps among different government agencies. Without adequate training and support, the devolution of large sums of money can also over-burden local bodies whose members lack the resources and expertise to spend large and complex budgets.

Finally, there is a problem of power capture by the local elites. This has been highlighted in many empirical studies (Blair, 2000; Crook and Sverrisson, 2001; Drèze and Sen, 1996; Manor, 1999; Moore and Putzel, 1999). These studies have pointed out, that one of the dangers of devolving authority is that it simply empowers local elites resulting in enhancing miseries of existing poverty and inequality. In fact, it is still not clear whether mere introduction of democratic principles could neutralize the
effect of the historical and cultural factors that perpetuate political inequality. (Moore and Putzel, 1999). It underlines the necessity to take cognisance of the power of elites in rural areas before introducing decentralisation in the rural areas.

Saxena and Farrington (2003) highlight a number of ways in which poor accountability and bad governance can undermine the interests of poor and marginal groups in society:

- First, rent seeking behaviour on the part of the police, government officials, etc. can deprive the poor of resources they would ideally receive were the corruption is not taking place.

- Second, absenteeism, corruption and other forms of poor performance mean that the government is spending social welfare resources, which yield no benefits.

- Third, the widespread perception of corruption promotes feelings of distrust towards government, thereby undermining the potential for collaboration between the state and civil society organisations.

- Finally, a culture of corruption emerges within the public sector, encouraging official’s further rent seeking behaviour and poor accountability.

Thus, a strong system of accountability ingrained in a clear division of responsibilities is an absolutely indispensable ingredient of
decentralisation. Unless it is put in place, decentralisation is pointless. Only this could provide a more equitable distribution of state-provided resources, which can be directed towards poor and defenceless groups.

1.3: Patterns of Decentralised Structures in Different Countries:

Most countries around the globe have constitutional arrangements designed at decentralising and devolving government responsibilities at the local level. The calculated purpose, which democratic decentralisation serves is to expand legitimacy, transparency, and accountability within the political organization of the countries.

Decentralisation in the Western countries normally takes place aligned with the backdrop of an extended period of centralisation. This warrants the rendering of equivalence in administrative measures throughout the local levels. Thus, decentralisation fundamentally follows centralisation. Successful endeavours have been made in France and in England, both having governments of centralised disposition to amalgamate centralisation with decentralisation. In England, the tenet of legislative centralisation has been correlated with administrative decentralisation and in France administrative centralisation with legislative decentralisation.

Based on central-local relations the local system of the world has broadly been classified into three categories namely, the American type where the local authorities are almost completely autonomous, the Continental type existing in France and other continental countries where the local authorities are subject to stringent central monitoring and
regulation and the English type which occupies a middle point between the former two classification.

1.3.1: The English Local Government:

The English system of local government, which has been the result of a long, mostly unplanned, evolution, had its culmination in the Local Government Act of 1933 which earmarks five key areas of local government namely the country, the borough, the urban district, the rural district and the parish. London has separate government of its own. The central government controls the local government through the methods of — (i) law making (ii) judicial action (iii) issuing Orders (iv) grant-in-aid (v) stopping grants.

In England the role played by the central government can be associated to that of a superior collaborator rather than that of a chief in a joint mission leading to the well-being and affluence of the people. It essentially advises, inspects, regulates, gives or withholds approval without superseding or dissolving the local establishments.

1.3.2: The French System:

Traditionally, decision-making in France was highly centralised, with each of the departments in France headed by a prefect appointed by the central government. In 1982, the national government passed legislation to decentralise authority by giving a wide range of administrative and fiscal powers to the local elected officials. In March 1986, regional councils were directly elected for the first time. In France, there are three main tiers of local administration: the commune, the departments and the region. These are both districts in which
administrative decisions made at national level are carried out and local authorities with powers of their own.

The commune is the lowest tier of the French administrative hierarchy. Like the department and region, the commune has a deliberative or decision-making body (the municipal council) and an executive (the Mayor), elected by the municipal council. As the commune's chief executive, the Mayor carries out the decisions of the municipal council.

The Mayor has two hats, since he or she is both the commune's elected authority and the state's representative in it. Mayoral acts are unilateral administrative acts, generally orders, whose legality is subject to a control by the courts when they are issued by the Mayor as the commune's chief executive and to the approval of the Prefect to whom the Mayor is subordinate when acting in the capacity of the state's representative. The Mayor not being subordinate to the Prefect in the formers' capacity as the commune's chief executive and both the functions of the commune's executive chief and state's representative at the commune being well defined and distinct, the communes enjoy autonomy within their jurisdiction, yet the dual role of the mayor itself serves as an inherent central check in the exercise of the executive and decision making powers of the commune executive head. Thus, check valves are put in place in the agency of the judiciary and the dual role of the mayor. The Departments too have their deliberative and elective general council headed by a chairman who is the executive authority. The Centre has its agent in the departments in the post of the Prefect. The regions also have their own decision making elected regional council.
There is a clear distinction between the spheres of competence of the different tiers. Different levels of administration have different duties, and shared responsibility is common (for instance, in the field of education, communes run public elementary schools, while départements run public junior high schools and régions run public high schools, but only for the building and upkeep of buildings; curricula and teaching personnel are supplied by the national Ministry of Education.) Some degree of ex-post facto monitoring of local government action is necessary in order to reconcile the fact that the authorities are self-governing with the need for coordinated action within a unitary state and ensure that the principle of equality of all citizens does not override the general interests of the nation as a whole. Decentralisation is serving to make sure that tasks are carried out at the most proper level of responsibility in all areas of public life, so bringing greater democracy to the country's administration and management.

1.3.3: The Swiss local government

In Switzerland, each of the cantons have their Grand Council, elected by the electorate of the cantons, that perform as the legislature of the cantons but the legislative authority of which are restricted by the utilisation of referendum and initiative in cantonal issues. There are Administrative Councils elected by the voters of the cantons that act as the cantonal executive. In four of the smaller cantons, direct democracy is in actual practice in so far as these cantons are administered by a General Assembly of all the adult male citizens that in turn elects a small council to administer and execute the guidelines of the Assembly. The cantons contain towns, citizens and villages, all called Communes with the bigger
ones having an elective municipal council while in the smaller ones the work of the local government is handled by town meetings.

1.3.4: The Japanese local self-government:

Japan's system of local self-government is founded on two major standards. First, it grants the right to set up autonomous local public organisations that are, to a certain extent, autonomous of the national government. Second, it incorporates the objective of "citizens' self-government," by which inhabitants of these local areas involve in and handle, to varying degrees, activities of the local public entities. Japan's system of local self-government originates in the pre-World War II period, primarily from the concept of autonomous local entities. After the war, the concept of citizens' self-government was incorporated to a greater extent.

Japan's fundamental principles of local self-government are set forth in the Local Autonomy Law (Chiho Jichi Ho), which gives specific legal validity to the principle of local autonomy as insured by chapter VIII of the Constitution of Japan. The Local Autonomy Law specifies the types and organisational framework of local public entities, as well as guidelines for their administration. It also specifies the basic relationships between these local entities and the central government. As of February 2004, Japan's local governments numbered as follows: 547 villages (mura), 1,942 towns (machı or cho), 23 special wards (tokubetsuku), 681 cities (shi), and 47 prefectures (comprising 1 to [Tokyo To], 1 do [Hokkaido], 2 fu [Osaka Fu and Kyoto Fu], and 43 ken).

As stated in the Local Autonomy Law, prefectures are administratively headed by governors (chiji), while cities, towns, and
villages are headed by mayors (cho). These officials represent the local governments in their external dealings and serve in an executive position vis-à-vis the elected local assemblies, the forums for discussion of local issues. Governors and mayors are elected for four-year terms by direct popular vote and are responsible to the local citizenry.

Local assemblies are composed of members elected by local voters. Among the functions of these assemblies are establishing or abolishing local ordinances, determining local government budgets, and approving settlements of accounts. They also check work undertaken by local bodies on their own initiative or when delegated to do so by organs of the central government. Likewise, they request audits by local government audit commissions and have a say in the selection of important local officials (vice governors, deputy mayors, etc.). Their work is carried out largely by standing committees (jonin tinkai).

As organs for dialogue and decision-making, the local assemblies, along with the executive organs focus on the offices of the governors and mayors, are the most significant components of local government. However, it has been pointed out that the autonomous inventiveness and actions of these assemblies are likely to be insufficient, as the majority of schemes they consider are in fact primarily drawn up and offered by the office of the governor or mayor.

The citizens directly elect the heads of local governments. This exist in contrast to the indirect way in which the prime minister is chosen, namely, through votes cast by members of the Diet. The local assemblies, which are deliberative and decision-making organs, and the local government heads, who are, so to speak, the executive organs, are both
chosen by local citizens and have a sort of parallel standing. The establishment of this democratic pattern is meant to contribute to the realization of appropriate self-government through the mutual checks that the assemblies and heads of local governments exercise on one another.

1.3.5: Local Administration China:

In China, the theory of democratic centralism is pursued in respect to relation between central and local units of government. Local bodies are elective and accountable organisations. They are answerable and report to state administrative bodies at the next higher level. Local Peoples’ Congresses at various levels are local organs of state supremacy. Their initiative and activity are combined with the experience and supervision of the Central body. They can also adopt resolutions in conformity with the Constitution. The Peoples’ Congress at the next lower level elects deputies to the Congresses for a certain term and they also have the power of recall. At the grass root level the elective Resident’s Committee (urban) and Villagers’ Committee act as mass organisation of self government concerned with their respective areas.

1.3.6: Municipal Administration In Russia

Soviet Russia was characterised by town Soviets, which were the Russian prototypes of Indian Municipal Committee and in addition to exercising the typical municipal functions, they also regulated the total political and economic life of the entire local commune. The Soviets also managed and watched over all the organs and establishments of the government functioning within their neighbourhood, and would articulate the discontent of the local community with any of them whenever required.
They acted in the twin capability of the state’s representative and the representative bodies of the local commune.

1.3.7: Local Authority in The United States:

The position in the United States is relatively substantial and there is more or less comprehensive local self-government. The States in the United States have the right to sustain a structure of local government and an arrangement of state and local taxation within their specific jurisdiction. Each municipality in the United States is a democracy, a republic contained in a republic. The power of the superior executive of the state government over the affairs of the local bodies has been constitutionally abridged to the bare minimum. If local authorities go beyond or misuse the powers vested in them by law there is the regular approach of remedy through judiciary.

1.3.8: Local government in Asia and the Pacific: A comparative analysis of fifteen countries

All countries have long indigenous histories of local governance, although not necessarily institutional forms of local government. Occupation by colonial powers in Asia and the Pacific left legacies of centralised administrative rule. Even in those not colonised, present local systems have been influenced by the colonial powers in the region. Local government in Thailand, for example, was based on models derived from Germany, the United Kingdom of Great Britain and Northern Ireland, and France and at a later date from the United States of America.
Issues for Local Self-Government

Structural and Institutional Arrangements:

Issues of finance, administration, legislation and central-local relations provide the structural and institutional frameworks within which local self-government is played out. These can either facilitate its operations or impede it.

Finance:

The ability to control their finances must be a mark of local self-government. Of the countries examined here, New Zealand comes closest under the terms of its new financial management legislation. For the rest there are varying degrees of dependency on central allocation and control of financial resources.

For some countries there are simply not enough financial resources to provide their communities with anything beyond the basest essentials. The bulk of expenditure by Fijian local government, for example, is spent on maintenance with few funds available for new work or major reconstruction. Present financial resources seem to be barely keeping the system alive. While local government in Bangladesh may have power for local determination, it lacks the financial resources. Similarly, Philippine local government has considerable administrative autonomy, but central government retains control of the "purse strings". Central governments can delegate as much as they like, but it is meaningless without commensurate financial resources. Malaysian local governments, on the one hand, have considerable discretion, but on the other hand, it is little more than rhetoric.
as they have insufficient funds to do anything even when they have the discretion.

Other countries, while still not having an abundance of funds, are able to provide higher-level services. Australian councils are moving from the early pioneering days of providing basic infrastructure to providing higher levels of service. This ability to provide higher levels of services has been matched with demands for greater flexibility and discretion to choose what services to provide. In New Zealand and Australia it has also been matched by greater requirements for accountability of both revenue and expenditure.

Involvement of central governments in the collection and subsequent distribution of revenue varies, as do the motives. In China the central government is expanding the financial capacity of local authorities. Even though they have this increased capacity their budgets still need approval from higher levels of government. Indonesian experience suggests that central governments collect those taxes that are easiest, leaving local government with the most difficult.

In what appears to be an interesting twist, the Kyrgyzstan state administrative unit prepares a budget that is referred to the local council for approval. Once approved, state administration implements the budget. This suggests a higher level of government administers a budget approved at a lower level.

Administration:

Several reports discuss the separation of powers between the local council (political/legislative arm) and the local administration (executive
The separation can take two forms: (a) where the locally elected council is required to appoint a general manager who in turn engages an administrative staff and council is prohibited from interference (e.g. Australia) or (b) where the general manager/commissioner (or equivalent) is an officer of the central civil service with responsibilities to higher levels of government (e.g. the separation of the deliberative and executive wings of the municipal corporations in India).

Some countries have vertically integrated civil services. Indonesia is an extreme case where the recruitment, appointment, dismissal, suspension, salary, pension, half-pay and other matters concerning legal status of a provincial and local public servant is done in line with the directives laid down by the Minister of Home Affairs. Vertical integration can provide stability and career paths for local government personnel but it can also lead almost axiomatically to central control. There are instances, such as in India's corporation cities, where the commissioner has stronger allegiances to higher government than to local legislative arm of council. In contrast Australia has deregulated its public sector labour markets, especially in local government, to allow greater movement of staff in and out of the public and private sectors and within different levels of the public sector.

Legislation:

Local government in all countries operates from a legislative base determined by higher legislatures. In some case this is the central government, in others it is the state legislature (parliament) that determines the powers, authorities, duties and functions of local government. What is evident from the country reports are considerable expectations of
comprehensive reform on one hand, but reluctance of central government to effect significant change, on the other hand.

Central-local relations

Local government systems in all countries have different histories but their similarity in the end is marked. They all must relate to higher levels of government, either state or provincial level, or to national governments. The higher levels, by and large, dominate relations. Central control over local government is characterized by financial control, in some cases, appointment of senior staff and local politicians, determination of powers and functions of local authorities and strained relations between the levels of government.

An analysis of some of the constitutional systems of the world brings us to the fact that local government in all countries operates from a legislative base determined by higher legislatures. In some cases, this is the central government; in others it is the state legislature (parliament) that determines the powers, authorities, duties and functions of local government. Local governments are not entirely autonomous and independent. They exist within the overall framework of a state's constitution and laws, much as the American states or that of Great Britain.

In thinking about local government, perhaps the key question is: to who are local governments accountable? In some countries, local governments are really local administrations, and local officials are accountable to some higher authority. In such countries, revenue collection tends to be centralized, central authorities often audit local expenditures, and sometimes there is even some kind of appointed governor who
oversees the activities of local officials. In certain others as in the United States, however, local officials are primarily accountable to their local citizens. Local communities raise the bulk of their own revenues, the centralized audit function is extremely limited, and state departments of community affairs exist merely to provide services to local governments, not to oversee their operations.

However diverse be the essence of the constitutional systems of countries, constitutional or statutory provisions have been laid down and reformed to provide for democratic decentralisation in one form or the other. The principles of the constitutions, the regional and local experiences and conditions etc. go a long way in shaping the provisions and actual functioning of local governments.

1.4: History of Democratic Decentralisation in India:

There is scope to believe that India had a well-maintained municipal administration system since the days of Indus valley civilisation [3000BC–2500BC (Majumdar, 1998: 29). The planning of the town unearthed in Mohenjodaro reveals the nature of administration of the township. The roads were varying in width from 9 feet to 34 feet but nowhere these were encroached upon. Well-planned public wells and lampposts at definite intervals bore the sign of system of effective administrative (Fairservis, 1971: 254). Several thousand years after the Indus Valley, during the pre-Aryan period or the pre-Vedic period we find common people participating in the in political deliberations and decision-making in India. Rig Veda speaks about two basic political organisations or assemblies namely “Sabha” and “Samity”. Of these two, as per the Vedic rendering “Samiti” appears to be an institution of general public where they assemble on
particular dates and deliberate on important matters. Majumder (1998: 46) opines “most probably the Samiti which mainly dealt with the political business, included the common people... the larger number of passages which refer to them leave no doubt that they wielded great power and authority in administration and worked as great checks to the exercise of arbitrary power by the king.” The capital city of the State and larger towns had separate organisations of their own for purposes of municipal government. In Rig Veda, mention is made of purapati. Manu described him as the Superintendent of all affairs, elevated in rank, formidable in position, resembling a planet, among stars (Majumder, 1968: 249).

The next important account that we come across about nagar palika administration is the account of Greek Ambassador Megasthenes who was stationed in the Court of Mauryan king Chandragupta. The account was related to Pataliputra - the greatest city of that time. The account reveals that a Commission of thirty members administered the city. They were divided into six Boards and of five members each. The members of the first board looked after everything to the industrial arts. Those of the second looked after the comforts of the foreigners residing in the city. The third recorded the birth and deaths while the fourth superintended trade and commerce. The fifth supervised manufactured articles while the sixth collected one tenth of the prices of the articles sold. Apart from these the Commission as a whole was also responsible for general administration of the city.

During the Mauryan rule, there was a developed form of local administration. Kautilya’s Arthasashtra reveals that the Kingdom was divided into several districts and each district into a number of villages.
There was a district officer called Sthanika and a village accountant named Gopa. In each village there was a village head either nominated by the King or elected by the people of the village. The headman was assisted by an assembly of villagers in all matters relating to the village and maintenance of peace and order. Similarly, in city administration, the city was divided into several wards and each wards into several groups of households. The superior officer in charge of the city was called Nagaraka or city Superintendent. Corresponding to the village assembly there was the Municipal Corporation in the city (Kosambi, 1964).

During Gupta period there was an elaborate arrangement for local administration. The kingdom was divided into Bhuktis, Vishayas, Mandalis, Bhogas and Gramas roughly corresponding to the modern division of district, subdivisions, thanas and villages. All these divisions had their respective officers and system of administration.

Summarising the general nature of local government in South India during fourth century AD and 13th century AD, Majumder (1998) writes, "the village corporation practically exercised all the powers of a State within its narrow sphere of activity and was looked upon as an integral part of the Constitution." Being a custodian of all village properties, it could transact common properties for the well-being of the village and also impose taxes on specific items. The Supreme Governing body of all the village corporations was called Assembly (Sabha or Mahasabha). It had the power to exercise full authority in all matters concerning the villages. The number of men composing the Assembly varied from region to region so also the constitution. The Assembly had around 10 committees, which looked after different branches of village affairs.
In pre-British India, there were village Panchayats consisting of elders of prominent households in a village (whether family of original clearers of the land for cultivation or family of superior caste that was granted the village by a political patron). These Panchayats were empowered to adjudicate civil disputes of residents related to rights in land and also administer criminal justice. They also performed regulatory functions related to village commons (grazing lands, woods and water bodies). Responsibility for payment of tithes and taxes was, strictly speaking, not their concern; the revenue systems introduced since the times of Sher Shah Suri took care of these. They did, nevertheless, have some say by way of counselling the village residents on matters related to allegiance owed to different political masters like zamindars/subedars/riyasats and so on. The British Raj eliminated the role of Panchayats as institutions administering justice. Legislation in 1860 such as the Indian Penal Code (IPC), Criminal Procedure Code (Cr.P.C.), Contract Act etc., along with Baden-Powell’s schema for land revenue settlements supplanted the customary/traditional law. Collectorates and courts usurped powers of village Panchayats to establish the rule of law.

When village Panchayats were re-legislated to life in India as ‘local bodies’, their character had been transformed. These legislations were not prompted by any regard for customary law or traditional wisdom that might express it-self as the general will of the people. They were considered necessary as agencies for development of the rational-legal institutions of representative government.
## IMPORTANT INDIAN EVENTS ON DECENTRALISATION OF POWER

<table>
<thead>
<tr>
<th>Year</th>
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<tbody>
<tr>
<td>1882</td>
<td>The Resolution on Local Self-Government.</td>
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<td>1907</td>
<td>The Royal Commission on Decentralisation.</td>
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<tr>
<td>1957</td>
<td>1957 Balwantrai Mehta Commission – An early attempt to implement the <em>Panchayat</em> structure at district and block (<em>Samiti</em>) levels</td>
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<tr>
<td>1963</td>
<td>K. Santhanam Committee – Recommended limited revenue raising powers for <em>Panchayats</em> and the establishment of State <em>Panchayati Raj</em> Finance Corporations.</td>
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<td>1978</td>
<td>Asoka Mehta Committee – Appointed to address the weaknesses of Panchayati Raj Institutions, concluded that a resistant bureaucracy, lack of political will, ambiguity about the role of Panchayati Raj Institutions, and elite capture had undermined previous attempts at decentralisation, recommending that the District serve as the administrative unit in the Panchayati Raj Institutions structure. Based on these recommendations, Karnataka, Andhra Pradesh and West Bengal passed new legislations to strengthen Panchayati Raj Institutions.</td>
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<tr>
<td>1985</td>
<td>G.V.K. Rao Committee – Appointed to address weaknesses of Panchayati Raj Institutions, recommended that the block development office (BDO) should assume broad powers for planning, implementing and monitoring rural development programmes.</td>
</tr>
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<td>1986</td>
<td>L.M. Singvhi Committee – Recommended that local self-government should be constitutionally enshrined, and that the <em>Gram Sabha</em> (the village assembly) should be the base of decentralized democracy in India.</td>
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<td>1993</td>
<td>The 73rd Amendment to the Indian Constitution – Panchayati Raj Institutions at district, block and village levels are granted Constitutional status. The <em>Gram Sabha</em> is recognised as a formal democratic body at the village level. The 74th Amendment, granting Constitutional status to municipal bodies, is passed soon after.</td>
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<tr>
<td>1996</td>
<td>The Adivasi Act – Powers of self-government are extended to tribal communities living in ‘Fifth Schedule’ areas.</td>
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The history of modern Local self-government in India may be divided into five distinct periods. The first ends with the issue of the well-known resolution of Lord Ripon in 1882. The second ends with the initiation of Diarchy in the provinces in 1919. The third ends with the commencement of provincial Autonomy in 1937. The fourth period ends with the framing of the Constitution of India in 1947. The final period was set in motion in 1952 after the Indian constitution came into force in 1950. During this period momentous alterations highlighting rural development have taken place. The legislators, the politicians as well as the bureaucrats had glorified "Democratic Decentralisation". As a consequence municipal government has been utterly neglected and the growth of urban life is relatively slow in India.

1.4.1: The system of local administration in India

If one seeks to comprehend the starting point of the modern or present day decentralised governing configuration in India, i.e. the Panchayati Raj System in India, one has to look back upon the last decades of the 19th century especially the 1870s and 80s. The idea of Panchayat was discovered in the Bengal Presidency under the Bengal Choukidari Act of 1870. A system of policing was set up at the charge of which was support out of the levies and taxed enforced by the local Panchayat consisting entirely of nominated members. It was the Mayo's Resolution of 1870 that initiated a dialogue on local institutions by attempting to enlarge their powers and responsibilities. The passage of Marquees of Ripon's (popularly known as Lord Ripon) Resolution on local governments in 1882 for the first time paved the way for local boards, consisting predominating of elected members. C.E. H. Hobhouse,
Chairman of the Royal Commission on decentralisation in 1907, viewed that the local governance should emanate from the village level rather than the districts. During the British colonial period in India, Panchayats were limited to the male members only. As a matter of fact, it would be interesting to mention here that the Franchise Committee set up by the then British Government left the question of women’s franchise in India to Provincial Legislatures by arguing that it involves local sensitivity and culture. Women were however not even made eligible under the Act for appointment as members of the legislative Councils. The village level Panchayats were units of local governance and administration since the dawn of British regime but the colonial Government governed them. In fact, the various concessions at the lowest level, that the regime provided e.g. the Bengal Municipal Act (1884), the Bengal Local Self Government Act (1885), the Bengal Village Self Government Act etc were all earmarked to checkmate the champions of Indian nationalism who pushed for local autonomy.

A highly centralised imperial rule was gradually decentralised at the level of the provinces with the Government of India Act 1919 and the Government of India Act 1935. Under the Government of India Act 1919, as a sequel to the Montague-Chelmsford reforms, local self-governance was made a part of the transferred subject via the newly elected scheme of Diarchy introduced in the provinces. This meant that certain Departments were for the first time put in charge of the elected ministers responsible to the legislature and the remaining departments were kept in charge of government officials, the members of the governor’s Executive Council. The Government of India Act 1935 for the first time introduced a federal form of Government and conferred ‘provincial autonomy’ on the provinces.
subject to certain safeguards. The first evidence of the idea of a three tier Panchayat Raj system comes from Dr D.P. Mishra, the then Minister for local self-government under the Government of India Act 1935 in central Provinces and Beraer. In order to rejuvenate and invigorate the system of local self-governance, he suggested a three-tier structure of local government with the district as the focal point. Through the recommendations of successive Commissions right up to the Government of India Act 1935, minor modifications were effected in the composition and functions of local governments. They operated at village level and district level and were composed of elected and nominated members and were responsible for municipal functions as well as for primary education, roads and minor irrigation. However due to restricted suffrage based primarily on status privilege and property holding, the local bodies functioned merely as adjuncts of colonial rule linking the central administration to local interests. This process of decentralisation of powers from the central government to the provincial governments was deliberately pursued during British India Rule for a variety of reasons such as administrative convenience, political pressure generated by the national freedom struggle and the need for political accommodation of the elite and the intelligentsia.

**Mahatma Gandhi and Local-Self Government:**

According to Mahatma Gandhi, the father of the nation, the technique of non-violent democracy is decentralisation. Violence logically leads to centralisation; the essence of non-violence is decentralisation. Gandhiji had always advocated such decentralisation of economic and political power in the form of more or less self-sufficient and self-
governing village communities, which he considered as models of non-violent organisation. Gandhi contended:

Every village has to become a self-sufficient republic. This does not require brave resolutions. It requires brave, corporate, intelligent work. I have not pictured a poverty-stricken India containing ignorant millions. I have pictured to myself an India continually progressing along the lines best suited to her genius. I do not, however, picture it as a third-class or even a first-class copy of the dying civilisation of the West. If my dream is fulfilled, and every one of the seven lakhs of villages becomes a well-living republic in which there are no illiterates, in which no one is idle for want of work, in which everyone is usefully occupied and has nourishing food, well-ventilated dwellings, and sufficient Khadi for covering the body, and in which all the villagers know and observe the laws of hygiene and sanitation. There is nothing inherently impossible in the picture drawn here. To model such a village may be the work of a lifetime. Any lover of true democracy and village life can take up a village, treat it as his world and sole work, and he will find good results.


Gandhiji however did not mean that the ancient Indian village republics should be revived exactly in the old form; that is neither possible nor desirable. Necessary changes would have to be introduced in view of modern changed needs and circumstances. Moreover the old rural communities were not free from all shortcomings. It must however be
conceded that these village communities contained within them the terms of an ideal economic and political organisation maximum in the forum of decentralisation of well knit and co-ordinated village communities with their positive and direct democracy, non violent cottage economy and human contacts. "That State will be the best," declares Gandhiji "which is governed the least."

The design of a new structure of constitutional government for independent India merit to be seen in the historical context, predominantly by taking into account the objective political circumstances existing then. In fact, political essentials escalating out of the national movement historically as well as the immediate imperatives of partition of India influenced the pattern of Government built-in in the constitution of India. On the one hand, the framers found the federal scheme appropriate for India; on the other hand, partition created a fear of centrifugal elements in the embryonic nation. All through freedom struggle, the nationalist leaders envisioned an accurately federal system with operative decentralisation. However, partition of India as an add-on of the end of imperial regime, and extensive hostility and bloodshed consequential from it leading to the fatality of a million people and permanent exodus of over 10 million people across the newly formed boundaries drastically transformed the state of affairs. The framers of the constitution promptly concluded that harmony and integrity of the remnants of India were supreme and amity and order must be preserved at any cost. As a result, they decided on a highly centralised quasi-federal shape of the state with strong unitary characteristics. The cataclysmic incidents surrounding partition had also forced them to err on the side of caution and they chose to persist with the time tested colonial mechanisms of governance. Many scholars have
pointed out that there is about 80 percent congruence between the Government of India Act 1935 an Act of British Parliament that shaped the governance structure of India during the colonial era, and the Indian Constitution of 1950.

The second segment of the debate in post-independence India was staged on the floor of the Constituent Assembly. There were very fascinating and impressive deliberations in the Constituent Assembly vis-à-vis position of local government in the State structure of independent India, the Gandhi- Ambedkar exchange being the most celebrated one. The roots of some current dialogues could be traced back to them. Panchayati Raj was an important constituent of Mahatma Gandhi’s dream of future India in which economic and political ability would be decentralised and each village would be self-reliant economically. Dr Bhim Rao Ambedkar however had a different view of the Indian rural society. He argued in the Constituent Assembly that the Indian social structure at the village level was hierchical, domineering and unfeeling to change. In his view, it would be perilous to give power to the Panchayats as he thought that would mean giving powers to the prevailing rural power structure, which would work to the detriment of the dalits and the rural poor. Two divergent views about decentralisation have thus emerged in the Constituent Assembly: a visionary standpoint of decentralisation and realistic view of decentralisation.

However, the architects of the Indian Constitution (the Constituent Assembly) sidestepped the strong national emotion as well as the Gandhian ideal of a system of Governance from below (Gramya Swaraj) and instead of mainstreaming local self-governance, it was shelved into the
non-justifiable Part-IV of the Constitution of India known as the Directive
Principles of State Policy. Even during the freedom struggle itself, many
national thinkers had come to regard the country’s village Panchayats as
nascent republics. Gandhi himself not only referred to their revitalisation
but also was in favour of putting together a constitutional structure on such
an edifice. It appears that he was dismayed to notice that there was
whatsoever “no mention or direction about village Panchayats and
decentralisation in the foreshadowed constitution. It is certainly an
omission calling for immediate attention if our independence is to reflect
the people’s voice. The greater the power of the Panchayats, the better for
the people.” The provision as noted above was put under Article 40 of the
Constitution of India and it reads, “The State shall take steps to organise
village Panchayats and endow them with such powers and authority as
may be necessary to enable them to function as units of local self-

The idea gained further impetus when the First Five Year Plan was
introduced in 1951. On 2nd October 1952 Community Development
Projects in some elected localities of various states were launched that
were manned by a staff trained in the sphere of annuity development work
and that was entrusted with the work of executing the rural development
plan with the help of locally maintained popular bodies. The Second Five
Year Plan introduced in 1956 projected to cover up the whole of the
countryside with National Extension Service Blocks through the
institutions of Block Development Committees manned by Block/Development Officers, Assistant Development Officers, village level
workers in addition to the nominated representatives of the village
Panchayats of that area and some other popular organisations like co-operative societies.

All these arrangements proved disappointing. Hence, the Government of India appointed a committee under the Chairmanship of Balwantrai Mehta in 1956 to study the whole crisis and recommend ways and means for put into operation the scheme of Panchayati Raj on some uniform lines throughout the country. On January 1958 the National Development Council endorsed the recommendations of the Balwantrai Mehta Committee.

Undoubtedly the Committee was challenged with the predicament of how to lay down some uniform lines of Panchayati Raj in view of the vast size and varying socio-political and economic conditions current in different parts of the country. It was thus properly visualised by the Mehta Committee and wisely endorsed by the National Development Council to take into view the broad patterns of the scheme without sticking to the scheme and idea of a rigid uniformity that would have made their job not only monotonous but unfeasible as well. As a result, the Government of India did not insist that every State should follow the same blueprint. It emphasised some underlying principles of Panchayati Raj as follows:

i) There should be a three-tier structure of local self-government from the village to the district with village at the bottom and the district at the top with its intermediary link of institutions all organically related to one another.

(a) Village Panchayats

(b) Panchayat Samities
ii) There should be a genuine transfer of power and responsibility to these institutions of local self-government.

iii) Adequate resources should be relocated to these bodies to enable them to discharge these responsibilities.

iv) All programmes of socio-economic development formulated through the network of planning should be channelled through these institutions.

v) The new arrangement should be tried and encouraged to facilitate the work of making further devolution and dispersal of power responsibilities in future.

With the coming into office of a non-congress Party government at the Centre for the first time, another committee Chaired by Asoka Mehta (1977) was set up to examine the local government issue. This committee made some far-reaching suggestions, which included a central legislation to make the succession of local governments through regular elections mandatory treating these as political entities and hence encouraging party based elections. This along with West Bengal experience, seemed to have emerged the political imagination resulting to a string of consultations with district level administrators and existing local government leaders and recommendations of the two earlier committees viz Balwantrai Mehta Committee (1957) and Ashok Mehta Committee (1977), the GVK Rao Committee (1985) was set up to look into the ways and means of revitalise the Panchayati Raj Institutions. It suggested that the Panchayat Samiti and Gram / Mandal Panchayat should have a sub-committee consisting mainly of women members for considering and implementing programmes and schemes for welfare of women and children, including adult education. The two important suggestions that this committee provided were: a) that
the district should be the basic unit of planning and b) that there should be a system of regular elections for the Panchayats.

Next in line was the L.M. Singhvi Committee (1986), formed for revitalisation of Panchayati Raj Institutions for democracy and development argued for devolving of more economic powers and resources to the Panchayati Raj Institutions as one that need to play a pivotal role in the democratic success of the nation. It viewed the Panchayati Raj Institutions as the basic unit of self-government and the base for the democratic and republican operations of the nation. The committee was strongly of the view that considerable training; research and public education inputs should be provided to strengthen the Panchayati Raj Institutions and the performance and capabilities of those who are called upon to function as voters, elected representatives, administrative officials and voluntary workers in relation to Panchayati Raj Institutions. It recommended further that national and state level local self government institutions and centres for training at the districts level should be formed and empowered to train and evaluate particularly in relation to Panchayati Raj Institutions and Urban Local Bodies.

The Ministry of Personnel, Public Grievances and Pension, Government of India, held a dozen conferences of district magistrates and collectors, between December 1987 and July 1988 at several locations on the broad theme of Responsive Administration. The various suggestions of the first five conferences were put together as a report, which argued for people’s participation status of elected bodies at the local level, for augmenting the latter’s powers and responsibilities and financial resources. It is nevertheless interesting to note that none of the conferences or the
reports of these personnel had recognised women as a special component either for purposes of reservation or financial allocation. No specific issue of development was viewed as one that could involve women in their majority or as being covered under women’s issues. Obviously the sensitivity to women as contributing equal portion of the population or as a majority among the poor and weaker sections of the rural areas is totally absent at the administrative level.

The decade of 1980’s was one that saw a movement and a general consensus building up towards reservation of seats for women for not less than 33 percent. In 1988, however Prime Minister Rajiv Gandhi took personal initiative to introduce constitutional amendment to provide statutory guarantee to rural and urban local self-governing bodies. His initiative, however seen as an attempt to establish direct links with the Panchayati Raj Institutions by passing State Governments was not entirely without basis. As he tried to rush through the legislation, it naturally faced protests and eventually fell through. But before the much required corrective via the 73rd Constitution Amendment Act, came another Bill in 1989 which had been tabled before the Indian parliament, known as the 64th Amendment Bill seeking as nearly as may be up to 30 percent seats in favour of women in the membership of Panchayats at all the three levels, including in the seats provided for Scheduled Castes and Scheduled Tribes out of the total seats. However it did not provide for reservation among Chairpersons. It is important to mention here that after the 64th Amendment Bill fell and before the 73rd Constitution Amendment Bill passed, several States initiated some corrections in their Panchayati system, and those were in order to bring reservation for women as if in sheer anticipation of the 73rd Constitution Amendment Act. The most
crucial difference between the 73rd Constitution Amendment Act and the earlier 64th Amendment Bill was the fact that there was no provision for reservation of the seats of Chairpersons in the 64th while the 73rd contained it. However when Prime Minister P.V. Narasimha Rao revived the proposal in 1992 and succeeded in building consensus over the legislation, the 73rd (Panchayati Raj) and 74th (Municipality) Constitutional Amendments were passed by the Parliament and incorporated into Part IX and Part X of the Constitution respectively.

Especially since 1991, India has been home to several reforms. The magnitude of it has been at such an unprecedented scale and that already an argument of over dose has started gaining momentum amongst its detractors. Nevertheless, the proponents are of the view that the “second generation reforms” must be initiated and taken to their logical conclusion irrespective of the fact that a nebulous realignment of forces can already be noticed. This new strategy, which is explicitly pro-globalisation, has had a twin fold impact on the discourse on governance and development. The new discourse favours a rapid roll back of then Indian State from a position of virtual omnipresence and omnipotence to one where it should conduct itself as a facilitator in the process of development only. This roll back would necessarily allow its logical corollary of the devolution of powers to the units of local self-government at the rural (Panchayat) and urban (Nagarpalika) level. It is at this grass roots level that the elected representatives shall execute upon the nature and type of development that suits local aspirations. The enactment of the 73rd and 74th Constitution Amendment Acts 1992 must be seen in this light.
The provisions inserted by the 73rd and 74th Constitution Amendments Acts 1992 have rightly left room for incorporating local traditions and practices in the functioning of the local bodies. But it is important to look into the provisions that provide the basis for relationship between the State government and the local government. It is the State Legislation that would subject to the provisions of the Constitutions determine powers authority and responsibilities of the Panchayats (Art 243 G) and the Municipalities (Art 243W). The financial resources of the local bodies have also been left to be worked out by the State legislation. Despite the provision for Finance Commission every five years to review the financial position and distribution of resources (Art 243 I and Art 243 Y), the distribution and allocation of financial resources is likely to remain a thorny issue between the two sets of governments. Clearly, these two sets of provisions leave a crucial initiative to the State government and to some extent make the local bodies dependent and vulnerable vis-à-vis the respective states. The perception of the majority of the political leadership in the Indian States has yet to change. Since it is wary of a possibility of challenge emerging from the grassroots it concedes a division of its authority reluctantly and only under pressure. The constitutional amendments unfortunately have not been able to make it mandatory for the states to constitute new local bodies within a stipulated time frame. Over a decade since the amendments were introduced some states have yet to bring forth proper legislation. Even in States where new local self Government dispensation has been installed, their progress has been delayed. Yet it would be too premature and hasty to conclude that it has been a futile exercise to give constitutional protection to the local self-governments. For the real impact of this revolutionary measure would be known a generation or two later.
1.5: Situation in Assam

The concept of local government in Assam is not new. We find references about local administration in the old kingdom of Kamrup in the history. Epigraphically records show that the grants given by the different Kamrupa kings right from the Naraka was actually the authority given to the Grantee to rule the local areas. During Ahom rule also we find references about local administration run by Barphukans and Barpatra Goahians.

During the Ahom period the local administration was constituted to solve local problems with some experienced, elder representatives of the people in the rural areas. The Ahom history speaks about the existence of popular assemblies like “mels” “Barmel” was the above of local administration. “Raijmel” was held to discuss about the problems of the people. Since the time of Sankaradeva, the founder of Vaisnavism” and the architect of Assamese society the “Namgharas” and “Satras” had played a significant role as the agent of local self-institution. Robinson in his descriptive Account of Assam (Robinson, 1841) wrote “Criminal and civil duties were performed by the Councils of the Assamese gentry, under the name of Panchayats of which there were two or three in each division of the province.” Appeals lie from the Court of a Panchayat to the next superior court and finally to the Court of the Commissioner. Reporting on Assam in 1853, A. J..Moffatt Mills expressed his desire “to reconstitute village communities to rise up gradually to an influential class of men as middlemen between the Rayats and the Government to do away with constant interference in village concerns which now overwhelm the Collectors.” This example is an indication of British policy of the day.
towards the Panchayat. In 1879, the Assam Local Rates Regulation was enacted for the purpose of levying local rates for local purposes. In 1881 the Government of India proposed certain reforms for local boards. The Government of Assam opposed the proposals on the plea that the province being backward. In 1882, Lord Ripon took the most famous and popular resolution on local self-government. Administrative efficiency could come after first generating popular initiative at the local level. The Ripon Resolution is a five essay on local-self-government containing directives for maintaining and extending a wide network of local boards in every district, taking care that jurisdictional area of every local board was enough so that both knowledge and local interest on the part of the people could be secured. The Assam Local Self-Government Act 1915 provided for the establishment of the village Panchayat system for the first time on a formal and legal basis. It also provided for an elective non-official majority in the Panchayat and for election of non-officials as Chairperson and vice-person. In 1926, another Act was passed. The functions of the village authority under the Act of 1926 were listed as water supply, medical relief and sanitation. But in its operative aspect, the Act of 1926 had also proved to be failure.

After the Independence, the first legislation on rural local government that came into existence in Assam was the rural Panchayat Act 1948. The Act contemplated the division of rural Assam into rural Panchayat areas each consisting of a number of villages and each village having a primary Panchayat which would have an executive body. It was expected to bring about all round development. But only 422 rural Panchayats were established by 1959. Out of the target of 742, consisting of primary Panchayats. The existing system of rural Panchayats slowly
was plagued by defects and so the then government in 1953 appointed a committee to examine the functioning of the Panchayats. The committee in its suggestions forwarded that the Panchayats should be established all throughout the State over a period of next two years and by then the total number of Primary Panchayats in a Panchayat area might be five to fifteen. But in spite of these recommendations being drafted as a Bill and introduced in the legislature in 1955, nothing became of them. In 1959, the rural Panchayat Act of 1948 was repealed and another fresh attempt was made to reorganise the rural local self-governing institutions in Assam as a result of which the Panchayat Act was enacted. This enactment brought into existence a three-tier Panchayati system, which however could not be worked out properly as the three-tier system consisting of Gaon Panchayat, Anchalik Panchayat and Mahakuma/Zilla Parishad had failed to function effectively. Repealing the Assam Panchayat Act of 1959, in the year 1972 a new Assam Panchayati Raj Act was enacted which established a two-tier system consisting of the Gaon Panchayat at the village level and Mahakuma Parishad at the sub divisional level. The same Act was further amended in 1978.

Another Act, the Assam Panchayat Raj Act 1986 was passed "to amend and consolidate the laws relating to the Assam Panchayati Raj Act 1972" (Assam Act I of 1973). With a view to enabling the Panchayati Raj Institutions to function more effectively as units of local self-government this Act of 1986 had brought back and reintroduced a three tier Panchayat system with the Gaon Panchayat at the village level and Anchalik Panchayat at the block level and Mahakuma Parishad at the sub divisional level and was made effective from November 2nd 1991. In view of the Constitution (73rd Amendment) Act 1992, the Governor of Assam arranged...
for bringing about the necessary changes in the existing municipal laws by promulgating to that effect on 18th February 1994 an ordinance which became an Act the Assam Panchayat Act 1994 in the month of April and that had become effective from May 5th 1995. Like the previous legislation this Act also kept the three-tier Panchayati system intact but substituted Mahakuma Parishad with Zilla Parishad and brought about some other changes in the Panchayati system of the State.

1.6: The problem:

Since 1980s, more and more developing countries have adopted decentralised forms of governance. There is no standard model of decentralisation; it varies from country to country. It depends greatly on the original objectives and design as well as institutional arrangements and implementation. This underlines the necessity of sustained political will to implement an effective decentralisation agenda. In India the objectives of decentralisation have been realized after the enactment of Constitution 73rd and 74th Constitution Amendment Acts 1992. Today analysing the power, structure and functioning of the local government in the rural areas gauge the effectiveness of decentralisation. The reason of this is quite simple – it is because of the fact that 65 percent of the country’s populace live in rural areas. However, analysis shows that better and effective local government is equally essential for the urban community life. Transfer of power to the rural masses through Panchayati Raj Institutions happens to be a remarkable endeavour of the Government. Today, policy makers are becoming more and more concerned about the rural development. Researches and analysis have been carried out so as to find a solution to the continuing poverty in the rural areas. It is in these counts that the local government in rural areas is gaining tremendous importance.
But this enthusiasm is not seen in the context of urban local government while the growth of urban localities continuing unabated. In India total urban population has increased from 17.29 percent in 1951 to 25.71 percent in 1991. This is also true in case of Assam. The State is steadily growing more urban during the post independence period. In 1901, there were only 12 towns; these were Guwahati, Dibrugarh, Silchar, Nagaon, Jorhat, Dhubri, Tezpur, Karimganj, Barpeta, Sibsagar, Golaghat, and Goalpara but 50 years later, in 1951, numbers of towns have doubled. Between 1951 and 1991 there were 363 percent growth in towns - from 24 to 125 towns (Census, 2001). Today Guwahati is the main urban centre of Northeast India and its growth and development can be traced back to the mid eighteenth century since then Guwahati is expanding. At the close of the 18th Century, when the Ahom monarchy was on the decline, the importance of Guwahati was gradually fading away. "Hamilton found it in 1808 as 'very poor place'. Mc Koch considered it to be the most unhealthy station in Assam" (Barpujari, 1992; 337). But despite this entire unhealthy ness, after the cession of the Ahom kingdom to the British, Captain Jenkins was forced to make Guwahati the headquarters of the province. In 1836, the British established a town improvement committee in Guwahati and actually from this period the growth of modern Guwahati did start. It is important to note that, this time the area covered by the town was only 6.5 square kilometres with eight wards and it was confined to the South bank only. The North bank that was an integral part of the town during Ahom period was left out of the town limits mainly due to transport and communication problem. In 1874, Assam was brought under Chief Commissionership and the capital of the province shifted to Shillong. However, Guwahati continued to be the headquarter of Commissioner and Judge of Assam valley districts. During the later part of 19th century and
early part of the 20th Century, large-scale developmental activities were going on around the city. Establishment of Cotton College and Earl Law College, establishment of a terminus of Assam Bengal Railway which was later extended to link Calcutta were to name a few. Thus, Guwahati had become the trade centre and gateway to the Northeast.

In 1878, the Government of Assam adopted the Bengal Municipal Act 1876, which provided for urban local bodies of four classes. Accordingly, Guwahati was constituted into a first class municipality. Between 1878 and 1956, the shape of urban local Governments in Assam was changed three time first by adoption of the Bengal Municipal Act 1884 in 1887; second by the enactment of 1923 Act and third by the enactment of Assam Municipal Act 1956. Guwahati continued to be a municipality till 1969 when it was upgraded to a Municipal Corporation with the enactment of Guwahati Municipal Corporation Act.

The proposed study is mainly concerned with the analysis of the system of local administration in Guwahati and its functioning. The city was constituted a Municipal Corporation in the year 1971 after the first election. The study would analyse the legal status of the Corporation in the light of Constitution 74th Amendment Act 1992 and how far it succeeded it fulfilling the constitutional objectives of democratic decentralisation. Thus the problem will be analysed in terms of "Democratic Decentralisation: A Study of Guwahati Municipal Corporation with Special Reference to 12th Schedule of the Constitution of India (74th Amendment)"
1.7: Objectives of the study:

The basic objective of the present study is to investigate into the following aspects:

1. The form of decentralisation that exists in the country. This has been examined in historical perspective.

2. How the decentralisation is designed. Whether it is closer to the people and is capable of improving governance? Whether it is capable of balancing responsibilities with accountability and resources.

3. To study if there is any difference between formal arrangements for decentralization and is actually happening in the State.

4. Whether the distribution of power as envisaged in the GMC Act conforms to the provisions of 12th schedule of the Constitution?

5. To assess how far political and economic decentralization have been succeeded in case of Guwahati Municipal Corporation.

6. To examine specifically the nature of financial autonomy enjoyed by the GMC after the 74th Amendment Act.

7. To examine the nature and the quality of women’s participation in actual processes of decision-making in the GMC and how far it succeeded in empowering women.

8. In the light of the 74th amendment what is the popular reaction of the Guwahatians to the goals of democratic decentralisation and people’s participation.

1.8: Scope of the study

The Gauhati Municipal Corporation has been under the super secession spanner of the Government of Assam for many years. Years of
utter neglect have taken a massive toll on the corporation system of this premier city of North East India in terms of administration and financially it is in a pathetic condition. Given this state of affairs it is but natural for the citizenry of Guwahati to lose all hopes in it. But the 74th Constitution Amendment Act, 1992 has come forward with a lot of promise for the city government of Guwahati. The need is immense sincerity and political will on part of the Government of Assam in the implementation of the provisions of the Act taking along all the partners to the scheme of development- the private sector, the civil society.

1.9: Review of Literature:

In the succeeding discussion an attempt has been made to trace the trend of literatures on the democratic decentralisation with special reference to local self-government in India. It seems that, while there have been a lot of empirical studies on various issues related to the status of local self government in India, there has been little or no such empirical study reported from the Northeast India. Although, the term Northeast India obviously refers to the geographical location of the region, but the specific character of the Northeast, however extends beyond its physical features; it has its own distinctiveness also in respect of its population component and cultural patterns. As stated earlier, there is dearth of studies in this aspect in the region. No concrete effort could be visible either from the political point of view or from sociological point of view to make a study on the topic.

While comparing the system in 12 Indian States, he raises the following concerns:

- Village *Panchayats* have been delegated functions ‘without adequate administrative, financial and technical support,’ (1999: 158);

- With the exception of Kerala and West Bengal, *Panchayats* lack discretionary powers over spending and staff; there is insufficient clarity and differentiation of functions among *Panchayats* and other levels of government;

- States reserve the right to assign or withdraw functions to and from the *Panchayats* by ‘executive fiat,’ (1999: 159);

- *Panchayats* at all levels have inadequate powers of taxation;

- *Panchayats* lack autonomous budgeting powers.

He classifies *Panchayat* finances into four categories: (a) own resources; (b) assigned revenues; (c) grants; and (d) loans. These can include a number of existing and potential sources of revenue such as taxes on land revenue, land, buildings, animals, and boats; fees and user charges collected from the allocation of grazing rights, fishing rights, etc.; assignment of existing State taxes to local bodies; tax sharing with State governments; central government grants provided on the basis of the Central Finance Commission (CFC) and the Planning Commission.

Similarly, Vyasulu (2000) finds that State governments have devolved little finances and fiscal powers to the *Panchayats*. Instead, many have established ‘parallel bodies’ as a channel for development funding. Self-help groups (SHGs) connected to the *Janmabhoomi* programme in Andhra Pradesh and the Rajiv Gandhi Watershed ‘Missions’ in Madhya Pradesh are two illustrations of this trend (Section 4).
De Souza (2000) in his essay “Decentralisation, Democratisation, Finances, and the Constitution: Reflections Based on Local Reality,” identifies five particular ways in which the States have retained control over the Panchayats: i) Through the application of law; i.e. rules or executive decisions which undermine or over-ride the autonomy of local institutions; ii) Through the removal, dismissal and assessment of local functionaries, whose ultimate accountability rests with the State government, not the Panchayats; iii) through the cancellation of decisions or withholding of approval for Panchayat activities; iv) through administrative means; i.e. the inspection of records, review of annual reports, etc.; v) through the control of fiscal powers and resources.

Discussing the financial constraints of the Panchayats and local bodies Jha (2000) in his “Fiscal Decentralization in India: Strengths, Limitations and Prospects for Panchayati Raj Institutions,” argues, that one of the most important ambiguities (and therefore weaknesses) relating to the functioning of the Panchayats is that of revenue generation: The decisions as to which taxes, duties, tolls and fees should be assigned to local bodies and which should be shared by the State with them are with the State legislatures. Consequently, while expenditure responsibilities of local bodies are likely to be extensively enhanced, there is no law to ensure a corresponding assignment of taxes or shares to match the additional responsibilities. Moreover, while the amendments did lead to the setting up of State Finance Commissions (SFCs) for improvement of fiscal scene at the local level, most SFCs chose to leave unchanged the existing tax powers of local bodies.
Mukarji (1999) in his essay entitled "The Third Stratum" has concluded that the prospects for self-government in India are greatly constrained by the political structures under which Panchayats are required to operate within India’s federal system. "More telling than anyshortcoming of the (73rd and 74th) Amendments is the all-pervasive mindset amongst the ruling elites that the natural mode of governing the country is through governments at the union and state levels only, as originally conceived by the founding fathers, and any attempt to insert a third stratum below the states would be fraught with unpredictable perils for the polity". The support for this view comes from the fact that the Constitution describes India as a Union of States, that its federal scheme divides powers between the union and the states, and that the union-states duality runs through its entire content ...the 73rd and 74th Amendments make no consequential change in the pre-existing two-layered scheme of government outlined in the Constitution.

Robert Wade (1985) in his essay ‘The Market for Public Office: Why the Indian State is not Better at Development,” analyses the drawbacks of the Indian public office system with special reference to Andhra Pradesh gives some idea of the ways in which elected officials and (non-IAS) line bureaucrats can interact to extract rent from various forms of government intervention in the Indian State of Andhra Pradesh. Wade’s principal assertion is that the actions of public officials are motivated less by Weberian concepts of service and duty than they are by a ‘market for, public office’ created by a relatively closed and hierarchical civil service, operating within a system of popular democracy and limited economic opportunity. He writes “ We assume a representative political system where elected politicians can be thrown out of office by voters, and where
voters expect politicians to secure them favours or avoid penalties from the bureaucracy." Wade's account is noteworthy both because it highlights the ways in which public resources can be skimmed out of the political system but also because it illustrates the types of factors that would prevent a more transparent and accountable system from taking root in rural areas. Towards the end of the article, he reflects on the 'structural features of Indian society (which) predispose the administrative and political system to a high level of corruption.'

Crook and Manor (1998) in their book "Democracy and Decentralisation in South Asia and West Africa" argue that decentralisation "has helped to counteract the types of top-down processes that have traditionally sheltered public officials from scrutiny and accountability in India. In their account of a 'typical' forest department before decentralisation: A forestry officer in a sub-district, for example, would decide what sorts of projects should be implemented and (often) where they should be located. He would then inform the generalist development officer in charge of the sub-district who seldom disagreed, and they would inform the generalist deputy commissioner at the district level. These proposals would be discussed at a monthly district-level meeting of these officers with legislators, but the latter were so sketchily informed that they tended to approve anything as long as their constituencies got a reasonable share of resources. This allowed most line ministry officials an untroubled life. Reflecting on the decentralisation process in the southern State of Karnataka, they argue that 'bureaucrats at all levels were made considerably more accountable to elected politicians than they had ever been before,' (Crook and Manor, 1998: 45). This, in turn, reflected the fact that: i) mandal (sub-district) councillors were far
more vigilant in demanding and monitoring a wider distribution of public resources; ii) coordination among different line ministry departments improved with the elected Zilla Parishad presidents in an executive role; iii) the power and authority of the Chief Secretary and others were challenged by more politically active councillors.

Heller (1998), in a comparative analysis of the degree of democracy in different states in India with special reference to Kerala, argues that the structure and patterns of interest representation mediate the relationship between civil society and democracy. Many of the unique state-society synergies in Kerala have been facilitated by such engagement driven by lower class mobilisation. The People's Campaign, instead of taking civic culture as historically determined and given, actively seeks to nurture a civic culture that would promote the grassroots democratic institutions. A radical transformation of the development culture of the state is a necessary prerequisite for successful participatory decentralisation. It also requires basic attitude changes towards the development process among all the key players involved: the elected representatives, officials, experts, and the people at large.

Isabelle Milbert in her analysis of process of decentralisation “Decentralisation in India: Bringing Democracy back to the Cities (Institut Universitaire d ’Etudes du Développement - IUED, Geneva (Switzerland) found that human resources and training are badly needed even in the exercise of the traditional functions of local bodies, while there is still little thought given on the knowledge, skills and attitudinal implications of new areas of functional decentralisation, such as job opportunities and employment creation, public-private partnership and public support to
enterprise creation, involvement of non-governmental organizations (NGOs), environmental management, gender issues...

Yet, while criticisms against bureaucrats and elected municipal councillors are widespread in India just as in other Asian countries (denouncing corruption, inefficiency, nepotism), the original point in Indian cities is that there is still trust in the capacity of urban institutions to reform themselves and to favour the dynamism of local action groups. A number of moves taken by a few cities, in order to reform their internal organisation, and the efforts, at the central level, to give a new lustre to the cities' managers, may have some positive consequences in the coming years: yet all our informants have been unanimous on the fact that it is now much too early, so soon after the Constitutional and State reforms, to come to a conclusion on this subject as well as on the second weakness, that is the financial component of decentralisation.

Each State defines its own fiscal policy and, in practice, financial transfers as well as municipal taxes are still dramatically insufficient in comparison with the amount of tasks and responsibilities conferred to the local bodies. The only really profitable local tax, octroi, has been suppressed on the grounds that it was obsolete and endangering goods circulation. Property tax, which is always a municipal tax, is quite underestimated (50% to 60% of the property value) not very flexible and difficult to actualise. Most other local taxes have very weak returns, and the municipalities' budgets seldom weigh more than a few dollars per person and per year. As a whole, municipal taxes represent 3.8% of Central Government's fiscal revenues and 8.2% of States fiscal revenues. Some cities, like Ahmedabad or Surat, have tried some innovations in
order to secure a flow of funds enabling them to reach their objectives in infrastructure and urban environment. One can expect that, in the coming years, contrasting situations are going to develop in Indian local governments: some will manage to successfully fight corruption, to ensure an improvement of urban services and therefore to be trusted by the population as well as by the industrialists, while other cities will be increasingly confronted to a deep environmental and fiscal crisis.

1.10: The Location: Guwahati

Historically, Guwahati has been an ancient city traversed by the Grand River Brahmaputra. The name Guwahati brings to mind the chequered histories of primeval entities of Kamrup and Pragjyotishpur from which it is said that the name of the capital of the State of Assam – Dispur has been derived. The modern city of Guwahati has stood spectator throughout ages to the rise and fall of reign, of clans, of kingdoms and people who had laid the foundation of a great culture centring this place of the distant past. In the days of yore the present ‘Guwahati’ was known as ‘Pragjyotishpur’, which literally means the city of eastern astrology although according to some historians like Gait, different interpretations are not lacking. Whatever may be the versions, the fact remains that ‘Pragjyotishpur’ was the hub of solar cult and astronomical culture. According to Kalika Purana, the first calculation of stars was made at Pragjyotishpur. The Kalika Purana refers to the ancient knoll of Chitrachal, the present Navagraha knoll, to be the seat of nine planetary powers. Mention has been made of celebrated kings and emperors of Kamrup like Narakasura, Bhagadatta, and Kumar Bhaskar Varman in copperplates and also in the Epics i.e. Ramayana and Mahabharata.
Kalidasa in his *Raghuvsamsa* relates the transduality a
Pragjyotishpur or Kamrup (as both these names are given by the poet) during his great digvijaya or military expeditions and how the powerful kings of the country hurried to meet him (Neog, 1975: 66-75). Much of the accurate information about the political and cultural life of people of Assam would have been lost into oblivion had it not been for the indefatigable efforts and erudite works of some historians like Dr. Surjya Kumar Bhuyan and other historians of repute. After the dawdling decay and the plodding collapse of the Brahmapala dynasty about 12\textsuperscript{th} century, history went amiss, we are left groping in absolute obscurity about the destiny of Pragjyotishpur. But a single inscription on a huge boulder known as *Kanai-Barashi-buwa-sil* in the Rajaduar area of North Guwahati bears an explicit reference of the overwhelm and annihilation of an army of Turushk (Turkish or Muslim) soldiers in Kamrup on 13\textsuperscript{th} day of *Chaitra* of Saka era 1127 (Sharma: 1981: 226). This is probably a reference to the defeat that Muhammad-bin-Bakhtiar, a Khilji prince met in this country during his expedition to Tibet.

Historians are not unanimous regarding the spring and derivation of the name of this city ‘Guwahati’. Different inferences have been made and all seem to be very much practicable and good enough. One among them is that Guha, that is Kartikeya, established a market place in this city and so the place came to be known in Sanskrit as ‘*Guha-hatta*’. Another tradition speaks of this place as being associated with the abundance of areca-nut (‘gua’) trees and betel vines that used to provide cooling shelter; this has been substantiated among others in the Raghuvamsa of Kalidasa and primitive inscriptions from Assam and elsewhere. Even Hieun-Tsang has spoken of large number of areca nut and coconut trees in the city. The
mention of the root of the name “Guwahati” from areca nut trees has been also mentioned in a bronze plate of Emperor Balabarman II (875-890 A.D). Nonetheless the name ‘Guwahata’ was securely established during the Ahom regime, it being mentioned in contemporary Muslim records Neog: op cit). Besides in the chronicles of Assam including the Persian sources of as early as the 16th and 17th Centuries A.D. the name is ‘Guahati’ and ‘Gauhata’ in the accounts of the European writers of 19th century A.D. The name of the city came to be spelled in many practices in which the Europeans pronounced it. The name is ‘Gohati’ (Hamilton:), it is also referred to as ‘Goahawtee’ (Wade: Account of Assam), it is again ‘Guwahatty’ (Mills: ), besides ‘Gohati’ (Martin:) and ‘Gowhatti’ (Robinson: cf: Choudhury, ). But at the flag end of the year 1980 it came to be, termed as what we know our city as of today as ‘Guwahati’, till then it was known as ‘Gauhati’, this spelling of the name was made prevalent by Hunter and the celebrated historian E.Gait in 1879 (Hazarika,2002:2)

Guwahati is positioned at 26°12' North Latitude and 91°52' East Longitude. It stands 180’ above the sea level. The mighty Brahmaputra flows in the northern boundary of Guwahati and there are numerous hills surrounding other sides of Guwahati. Originally, Guwahati consisted of areas like Panbazar, Uzanbazar and Fancy Bazar only. As days passed new areas were brought within the boundary lines of Guwahati such as Santipur, Chandmari, Sarania, Fatasil, Ulubari, Rehabari, Bishnupur, Kharguli, Kahilipara etc. The city grew at a rapid pace especially after 1941 with the closing of the Second World War (Deka: 1978:14). Guwahati, as it is today, is characterised by its large metropolitan infrastructure, a million inhabitants, high-rise buildings, cyber cafes, modern markets, large industrial establishments etc.
In all probability, contemporary Guwahati was established during the late 16th century or early 17th century by the Ahom king Swargadeo Rudreswar Singha. Some 50 years prior to 1681, hostile forces had occupied Guwahati not less than eight times and this taking and retaking must have unleashed untold miseries to its inhabitants. So when the Ahom king finally took over, he made quick arrangements to administer Guwahati, and made it the headquarters of Barphukan, the Viceroy. The entrances into the city were well protected by doors or choukis of which there were five on either banks of the river Brahmaputra. Rudra Singha, probably being influenced by the intelligence of the geo-political advantage of the Brahmaputra, concentrated justifiably in the military fortification of the north bank with a view to safely spread his administrative wings from the south bank, with of course, keeping a strong footing in his capital town Sibsagar. This apparently called for the mobilisation of manpower on both the banks, which increased, with the passage of time. While settlements on the north gradually became stagnant, administrative reasons and commercialisation of the south witnessed a movement of the population resulting into the growth of modern Guwahati.

Besides, Guwahati being the only river port opening was for all practical rationale transferred into a headquarter and primary township and became the likely capital of the Ahoms. It is therefore seen that as a seat of Government from the known period of history till the downfall of the Pala dynasty in the 13th century A.D. Guwahati continued as the sub-capital even throughout the long period of Ahom administration in Assam, the geographical locale of this capital city has varied at different times.
The real shove to endorse Guwahati on modern lines came with the advent of the English. From 1826, when Assam was ceded to the British till 1874, when the province was broken up from Bengal, Guwahati had been the headquarter of the province but later it was reallocated to Shillong on the excuse of being unwholesome. Nevertheless Guwahati started to obtain greater consideration for endorsement and development as the headquarters of the Commissioner, the Deputy Commissioner, the Judge of Assam valley districts as well as the ordinary district staff who remained back. Because of high mortality rate in Guwahati, improvement of sewerage and sanitation through the construction of drains and making provisions for supply of water was emphasised at that point of time. A skeletal water supply arrangement was sustained in those days with the collection of the pumped out water of the Brahmaputra in the reservoirs and the tanks in the centre of Guwahati, that was filtered and distributed all over the town with the help of pipes (Hazarika, op cit).

To make possible proper administration of the Brahmaputra valley districts, and being the crucial point of administration of public affairs as the headquarters of the Commissioner Guwahati was sought to develop fast. This desire and requirement called for locating offices and augur the development of communication amenities, which were too pitiable. In the year 1848 a steamer service was started with only two steamers between Guwahati and Kolkatta, later a daily mail service was started touching Dibrugarh and Dhubri via Guwahati. In 1866 a college section was started in the Guwahati Seminary (later Cotton Collegiate School) but was closed down shortly afterwards. During this period a large jail was set up with 297 prisoners capacity along with that a Survey School...
was set up. For revenue administration, land settlement operation was conducted for the first time in 1834-35, when the town of Guwahati was resettled for a term of 15 years. The first dispensary in Assam was started at Guwahati around 1871 with some indoor facilities under a civil surgeon stationed at Guwahati. By 1900, 13942 cases were treated in the dispensary.

Guwahati was constituted a Municipality under Act V (BC) of 1876, in 1878 and Act III (BC) of 18884 was subsequently introduced in 1887. There were, at that time, ten members in the Municipal Committee, six of whom were elected. Till 1900, the Deputy Commissioner always filled the post of the Chairman.

By the outset of the 20th Century Dhubri and Guwahati was linked by steamer services under the aegis of the RSN Company. Meanwhile a rail link was already established between Guwahati and the districts of Upper Assam by the Guwahati branch of the Assam Bengal railways. In 1905, works were initiated for laying railway tracks on the north bank of the Brahmaputra from opposite Pandughat to connect Guwahati with Kolkatta through the Eastern Bengal State Railways.

Guwahati was already linked with the north bank and the south bank of the Brahmaputra by the North Trunk Road and the South Trunk Road respectively and later with Shillong by an all weather motor able road. By 1900 a number of smaller feeder roads connected Guwahati with places like Chaygaon, Palasbari, Sonapur, Barduar, etc, side by side North Guwahati was linked by roads with Naokata, Dumnichowki and Nalbari via Hajo, most of the roads were non-metalled and fair weathered. For the management of public affairs several government departmental offices of
Public Health and Public Works Departments, Posts and Telegraph offices were set up.

In the year 1900 the Curzon Hall (presently the Nabin Chandra Bordoloi Library) came up as a community hall mainly because of the untiring efforts of Manik Chandra Baruah an Assamese gentleman. The first college in Guwahati, the Cotton College was set up as a second grade college in 1901 and incidentally Cotton College also happened to be the first college in the Brahmaputra valley. There were also two high schools in Guwahati. The district police organisation of Kamrup was under one District/Assistant Superintendent of Police who was stationed at Guwahati and there was only one thana and two police outposts.

By the beginning of the 20th century Guwahati had assumed a urban character and was coming up as an important centre for trade and commerce for Lower Assam but industrial activity was almost non-existent and most of the Guwahatians of those days of the yore were engaged in services under the government and in trade and in other trade related occupations. Other activities included priesthood in the large number of temples and ‘Satras’ which dotted the town of Guwahati, mention can be made of other occupational groups like the ‘fishermen’ and the manual labourers of the Public Works Department, railway construction workers etc.

Late Jugal Das in ‘Ranathali’ has described vividly the serene atmosphere of Guwahati that at one time had a large number of lakes and ponds. These were filled up gradually to facilitate the construction of many departments and government offices.
The first newspaper from Guwahati, the ‘Assam News’, a bilingual in English and Assamese, with Hem Chandra Baruah as editor was brought out in 1882 followed by ‘Assam’ but both got discontinued soon after.

Guwahati has slowly but steadily growing to become the nerve centre of the Northeast India. Yet side-by-side it has been distressed by the multifaceted civic problems, as is the plight today.

1.11: Methods of study:

The topic chosen for study requires both historical and empirical analysis. A historical approach is called for to have an understanding about the backdrop for the present-day setting of Guwahati and empiricism is required to appreciate the ground realities of the current arrangement and the civic situation under which Guwahati Municipal Corporation functions. This has involved the collection of data from various sources.

The methodology for this study was determined carefully as the problem has a wider perspective and there was no base line data available on the topic. The study was therefore designed in such a way so that it enables one on the one hand to have an insight into the problem and on the other hand provide base line information to future researchers for a detailed study. Keeping this in mind the areas where the field study was to be conducted and the units from which the information to be collected were decided.

For this purpose I divided my probable informants into three sections:

i) Those from whom the official information is to be collected – they are the officers and staff of Guwahati
ii) Those who would be able to say about the functioning of the Guwahati Municipal Corporation; they are the elected representatives of present and past Corporation.

iii) A section of conscious public, which constitute political leaders, academicians, journalists, social activists etc.

Thus, basically I had three samples to be studied. All these samples were purposive samples and at the first stage it was very difficult to ascertain as to who would actually be able to provide data. This itself was time a consuming study. At the first stage I contacted the Commissioner, Guwahati Municipal Corporation to collect the names of his officers and staff whom I could contact for information. A list of 15 such persons was prepared and contacted each one of them personally and discussed about my requirements. After the personal contact, the number of persons in the list had come down to 11. Similarly, I visited the Commissioner and Secretary, Guwahati Development Department and obtained a list of 7 persons who could be my informants.

For the second category of data, it was not difficult to collect the names of present and past Councillors. But most difficult part was to obtain their present address. In most cases they were not at their old addresses. I interviewed 3 councillors from the present corporation and 12 ex-councillors. They belong to different corporations constituted at different times. The detailed break up is shown in table below.

During the process of acquiring third category of data a list was first prepared of the prominent personalities of Guwahati who are linked to politics, teaching of political science, prominent lawyers and journalists.
Apart from these, I also interviewed as many as 1007 common people covering all the wards belonging to different communities. The detailed characteristics of this sample are presented in Chapter V.

Table: 1.9.1: Break up of the Respondents Interviewed

<table>
<thead>
<tr>
<th>Samples of</th>
<th>Type of Informants</th>
<th>Nos of Informants</th>
<th>Nos of Informants</th>
<th>Nos of Informants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers &amp; Staff</td>
<td>GMC</td>
<td>11</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>GDD</td>
<td>07</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Councillors</td>
<td>Members of 1st Corporation</td>
<td>-</td>
<td>06</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Members of 2nd Corporation</td>
<td>-</td>
<td>06</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>3rd Corporation</td>
<td>-</td>
<td>03</td>
<td>-</td>
</tr>
<tr>
<td>Prominent Personalities &amp; others</td>
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<td>-</td>
<td>-</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Academicians</td>
<td>-</td>
<td>-</td>
<td>16</td>
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<tr>
<td></td>
<td>Advocates</td>
<td>-</td>
<td>-</td>
<td>09</td>
</tr>
<tr>
<td></td>
<td>Journalists</td>
<td>-</td>
<td>-</td>
<td>07</td>
</tr>
<tr>
<td></td>
<td>Others</td>
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<td>-</td>
<td>1007</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>18</td>
<td>15</td>
<td>1053</td>
</tr>
</tbody>
</table>

During the fieldwork, I tried to adopt observation method as well as the interview method in order to produce data in the relevant field.

1.12: Tools for Data Collection

The main tool of the study is a set of partially structured interview schedule cum questionnaire to seek information from the informants considered for the study. The questionnaire was designed in English and for the sake of convenience it was translated into Assamese. Before going to administer it to the respondents it was prelisted. I conducted a trial survey in respect of all three categories of respondents and thereafter necessary modifications were made to the questionnaire in the light of experiences gained in these trial survey.
The questionnaire also contained questions regarding attitudes, perception of the councillors, politicians, journalists and the common people, in connection with their problems in their localities, areas and the role of the Guwahati Municipal Corporation in solving these problems, participation of the respondents in development programmes, working and role of the Guwahati Municipal Corporation and their suggestions regarding improving their employment position.

The secondary sources are both published and unpublished works and all other information available from Government records, etc. Therefore, to have a clear understanding of the problem, a combination of documentary, observational, questionnaire and interview method was adopted for the study.