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## LOCAL SELF GOVERNMENT: ISSUES AND CHALLENGES

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### ABSTRACT

India is a democratic country home to 138 crore people. With the said data, we can easily determine that India is vast in terms of both population and surface area. Due to its vastness, it became difficult for the Central government to function and make decisions that were beneficial for all citizens of India. It was important to build a governmental organization that could govern various parts of the country in a more personalized manner to fulfill its true needs and to reach even the smallest of the territories of the nation for better governance. The whole idea behind the formation of local self-government was to distribute the duties of the state and to reduce the burden of the central government in a way to execute various measures and govern a particular territory effectively and efficiently in all parts of the country. However, with this also came certain problems. Even though there are various benefits to local self-government, we came across problems such as scarcity of finance as there were more problems and less funds to eliminate them, less delegation of power which led to corruption, less accountability and many more. It was found necessary to understand those challenges in detail because local self-government plays a significant role to promote democratic thoughts which gives a sense of equality and liberty among people. Therefore, this article discusses in detail the various challenges and issues of the same by referring to second hand data available. Further, we shall also discuss certain measures that can help in correcting them.

**Keywords:** Local-self Government, Governmental organization, challenges, problems, issues.

## INTRODUCTION

India is a federal nation, therefore there is a three-tier system of government that exist. A Central or Union Government sits at the very top, followed by a State Government in the middle and Local Government at the bottom. The Central and State Government are the first two tiers of the Government, and Local Government is the third. In India, local government plays a crucial role in administration and governance.

In India, towns and villages are two separate things. They have various requirements and issues that must be addressed. Housing availability is one of the primary needs of towns whereas the main focus in the village must be on improving agriculture, irrigation systems, animal husbandry, cottage industries etc. Some other factors that must be considered include transportation, communications, water supply, sanitary conditions, building community centres, slum clearance and so on.

There is no distinction between local government and local self-governance. The phrase "local self-government" actually originated under colonial control and has since lost its relevance in light of the establishment of a more or less autonomous administration by local residents through their chosen representatives. The sub-regional level of government is known as local self-government. This government is essentially in charge of "*local*" services such as the provision of drinking water, local streets, local markets, providing sanitation services, etc. Despite being on a small scale, these duties are crucial for the governance of the local area and achieve its ultimate goal of development. Further, The term "*government*" refers to a public body or public authority. A government may be formed territorially with a national level government as the central, a state or regional level government in the middle, and a multitude of local governmental units performing a variety of significant local functions at the subregional level on the basis of statutory decentralisation.<sup>1</sup>

Progressively, it has become clear that local government must be acknowledged as, (a) a grassroots democracy system that significantly contributes to the success of the national democracy; and (b) a mechanism for delivering services for the convenience and welfare of the local population as well as for carrying out development and planning duties.

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<sup>1</sup> Dr. Annapurna Nanda, *Urban Local Government In India: Challenges and Prospects*, Anudhyan: An International Journal of Social Sciences (AIJSS)

Local government has therefore gained an increasing relevance in the political and administrative structure of India since the adoption of a new constitution that upholds the ideas of democracy and the welfare state.

### **73<sup>RD</sup> & 74<sup>TH</sup> AMENDMENTS OF THE CONSTITUTION**

The 73rd and 74th constitutional amendments adopted in 1992 give recognition and protection to rural and urban local government respectively. Before diving into the issues and challenges faced by local self-government, it is important to briefly understand both the amendments of the Indian Constitution.<sup>2</sup>

- **73rd and 74th** Constitutional Amendments were passed by Parliament in **December, 1992** and came into effect in **1993**.
- Through these amendments local self-governance was introduced in rural and urban India.
- The Acts came into force as the Constitution (73rd Amendment) Act, 1992 on April 24, 1993 and the Constitution (74th Amendment) Act, 1992 on June 1, 1993.
- These amendments added two new parts to the Constitution, namely, 73rd Amendment added Part IX titled “The Panchayats” and 74th Amendment added Part IXA titled “The Municipalities”.
- The Local bodies–‘Panchayats’ and ‘Municipalities’ came under Part IX and IXA of the Constitution after 43 years of India becoming a republic.

### **Salient Features of the amendments-<sup>3</sup>**

- Basic units of democratic system-Gram Sabhas (villages) and Ward Committees (Municipalities) comprising all the adult members registered as voters.
- Three-tier system of panchayats at village, intermediate block/taluk/mandal and district levels except in States with population is below 20 lakhs (Article 243B).

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<sup>2</sup> <https://www.civildaily.com/news/opportunity-to-strengthen-the-73rd-and-74th-amendment/>

<sup>3</sup> <https://nios.ac.in/media/documents/srsec317newE/317EL16.pdf>

- Seats at all levels to be filled by direct elections [Article 243C (2)].
- Seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) and chairpersons of the Panchayats at all levels also shall be reserved for SCs and STs in proportion to their population.
- One-third of the total number of seats to be reserved for women. One-third of the seats reserved for SCs and STs also reserved for women. One-third offices of chairpersons at all levels reserved for women (Article 243D)
- Uniform five-year term and elections to constitute new bodies to be completed before the expiry of the term. In the event of dissolution, elections compulsorily within six months (Article 243E).

Currently, many states do not have legislative councils. The local bodies serve as the third tier of government following the adoption of the 73rd and 74th Constitutional Amendments. According to the Commission, this third tier of government should have a say in how state legislatures pass laws. The current Legislative Councils may be reconstituted as a council for local governments in addition to creating Legislative Councils (where none exist).<sup>4</sup>

The newly bestowed constitutional status has elevated the common people's aspirations and expectations of "their" government while simultaneously enhancing the dignity and sense of responsibility of local self-government and its officials.

## **ISSUES AND CHALLENGES FACED BY LOCAL SELF GOVERNMENT**

The essential foundation of our democracy is local self-government. Local self-governments' constitutional status gives their operations additional weight. However, there are some serious issues and challenges faced by local self-government in India.

Major problems and challenges faced by local government are as follows-

### **I. LACK OF FUNDS-**

Scarcity of money and financial resources are one of the most common issues faced by local

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<sup>4</sup> Government of India, October 2007, *Second Administrative Reforms Commission 6<sup>th</sup> report*.

self-government. Their source of money is low in comparison to what they do. Taxes of all kinds are among their primary sources of income. However, the majority of taxes that generate revenue are charged by the federal and state governments, and the taxes that urban entities collect are insufficient to pay for the costs of the services that they offer.

Due to inadequate funding, local authorities are unable to meet their requirements and execute their functions leading to problems such as- Insufficient drainage system, insufficient water supply, unplanned colonies and expanding slums, the risk of wandering cattle on the streets has increased, roadways are not adequately maintained, and risky constructions are permitted despite the clear risk to the area's inhabitants.

In general, their revenue sources are insufficient for the jobs they perform. The local governments' tax revenues fall short of what is required to pay for the services rendered. The elected members of these bodies have the authority to enact new taxes, but they are reluctant to do so out of concern for their voters and the general public. The staff, which is frequently underpaid, engages in dishonest and immoral activities such as corruption, which results in revenue loss. Failure to collect taxes frequently results in the accumulation of arrears totalling millions of rupees. As a result, many local organisations are in danger of going bankrupt.<sup>5</sup>

## **II. LACK OF CLEAR SEPARATION OF POWERS AND FUNCTIONS AMONG LOCAL BODIES-**

People in India frequently feel let down and frustrated when trying to access public services and basic civic amenities. The majority of them are so accustomed and used to dealing with water, energy, and sanitation issues that they believe it is pointless to seek to metropolitan authorities for any solutions. Such problem arises due to lack of separation of powers among governmental bodies.

The creation of single purpose agencies has drawn a lot of criticism. These are subject to bureaucrats' influence, which goes against the fundamental tenet of democracy. Examples include the state transportation corporation, the water supply department, and the state electricity board. These organisations work directly under governmental control at state level and are not answerable to the local government. As a result, the authority and status of local bodies are diminished.

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<sup>5</sup> <https://idronline.org/idr-explains-local-government-in-india/>

### **III. FUNCTIONAL CHALLENGES DUE TO UNDERQUALIFIED STAFF-**

Local government secretariats are severely understaffed and underqualified, making it impossible for them to give the elected body the necessary assistance and support. The need for adequate training of the staff has not received due emphasis. Several vacancies are not filled for years, corruption, favoritism and nepotism are rampant. Also, Local governments must compete with businesses in the private sector, which typically have greater funding and can pay their employees better. Businesses also frequently provide more flexible schedule choices, such as telework, which has gained popularity since the pandemic. This has made it challenging for groups that don't adapt to the changes to recruit for local government positions. Therefore, through hiring of new employees and training of current employees, their capacities must be further enhanced.

### **IV. LACK OF COORDINATION-**

Policies are poorly implemented due to poor coordination between the centre, state, and several departments at the local level. State government representatives frequently place restrictions on the ability of local organisations to carry out their mandate. Such lack of coordination results in ineffective administration and poor governance at grass root level.

### **V. CORRUPTION-**

Corruption, favouritism, and nepotism are all too common in these organisations. When it comes to the majority of the bodies, the state government has the authority to impose discipline, and the urban body has very little control over its employees.

### **VI. GENDER DISCRIMINATION-**

Even though women have obtained political representation, their husbands hold real and ultimate power in areas such as participation in elections etc. "The Sarpanch Pati," of the locality deprives the women of the house of any major advances. Despite holding a place in politics, women still do not receive the respect they deserve due to caste and gender discrimination. Their ability to perform is further limited by widespread of ignorance and illiteracy.

## VII. IRREGULAR AND POSTPONEMENT OF ELECTIONS-

Local body elections have been continuously delayed for an unstipulated amount of time because even after a local body's term has ended, new elections are not announced and the same body is given extensions. The state government believes that dealing with bureaucracy rather than council officials who were chosen by the general public is safer and simpler. In order to guarantee the regularity of elections, the 74th Amendment to the Constitution has set forth stringent requirements in this area.<sup>6</sup>

## VIII. EXCESSIVE CONTROL BY STATE-

Another problem faced by local governments is the State Government's undue influence over its local bodies. The state government exercises legislative, administrative, and judicial control to ensure proper discharge of its duties. This turns out to be more of an disadvantage than a benefit because, instead of offering direction and support through the control mechanism, the control turns out to be unfavourable and limits how these bodies can function. The state government no longer has the authority to replace or suspend the municipal body as prescribed in the Constitution's 74th Amendment Act. There is essentially no remaining autonomy in the functions of local government. Furthermore, the state government's relationship with the urban bodies would inevitably deteriorate if control became overbearing.

## CONCLUSION

In India the panchayat is the most traditional institution at the village level. At the local level, panchayats have been the main institutions of democracy. They were granted constitutional status by the 73rd amendment. The Panchayati raj institutions are currently responsible for rural development. However, even though the creation of local governmental bodies has successfully achieved political decentralisation, the real transfer of tasks, resources, and personnel to these institutions is still lacking. This weakens the system and prevents it from operating properly. Furthermore, high turnover makes it difficult for local governments to offer citizens high-quality services. As a result, public organisations must think about various strategies to encourage talented individuals to join their workforce. This can be done by

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<sup>6</sup> Vijay Kumar Sarabu, August 2021, *Empowering And Strengthening Of Local Governments -Issues And Challenges*, In book: *State Administration in India - Emerging Issues and Challenges* (pp.147-159) Publisher: Kalpaz Publications

offering attractive local government incentive and similar benefits. Furthermore, social evils and discriminatory behaviour is prevalent in small towns and villages. Such unjust behaviour should not be promoted at such level. The participation of formerly marginalised groups including women, backward classes, scheduled castes, scheduled tribes, and backward classes is very important as it will strengthen the grassroots institutions much more.

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