CHAPTER X

ADMINISTRATIVE CONTROL ON
LOCAL GOVERNANCE BY THE STATE

The existing local government laws drastically reduce the power of direct control over local governance by the higher governmental bodies. The Central and State governments can issue general guidelines regarding national and state policies of public governance, which cannot meddle in day to day affairs or individual decisions of local government authorities.

The State government can cancel resolutions of the local government only through a process and in consultation with the local government ombudsman or appellate tribunal according to the subject matter of the resolution.

A local body can be dissolved directly by the State government, only if it fails to perform its functions because majority of its members have resigned or disqualified, or if it fails to pass the budget according to law. In all other cases a due process has to be employed, and the ombudsman has to be consulted before dissolution takes place. This unique feature of inter-institutional relationship does not exist even in the present centre-state relations.

10.1 Inter-governmental Transfers

The usage inter-governmental transfer with respect to local governance have multi-fold meaning and connotation, such as transfer or sharing of grants, taxes, public financing instruments in inter-governmental relations etc. Another meaning is the transfer of functions and corresponding functionaries to the different tiers of local governments. Yet another connotation is the transfer of institutions to the corresponding levels of local government. Here we can see the essential need in revenue resources and expenditure responsibilities, due to inter-jurisdictional imbalances in taxable capacity and expenditure goals. Regarding human resources and institutional capability also there is grave imbalance existing in local governance sector.
In Kerala, with the intergovernmental transfer system, the goal is to usher the decentralized governance and local democracy that works towards greater efficiency and equity. Here efficiency means capability to respond to the needs and priorities of the local people. Equity means taking care of poor, backward, deprived people and places. Guidelines, criteria or conditionalities are provided or prescribed by the Centre or State governments in order to control or regulate grass root level institutions in financial matters. Up to a certain extent the grant system affected or slackened the revenue efforts and reduced the tax and non-tax income of the local governing institutions in the State.

Intergovernmental transfer shall be treated as an exercise to fill up vertical gaps and to reduce horizontal imbalance, relating to this objectives, processes, performance, and the shared responsibilities of each government within the federal setup. Most of the revenue resources are under the direct control of the state or central government even today. The power to appoint, manage, dispose the functionaries are still in the hands of the State government. Local governments are functioning only as the executive arms or instrumentality of the State. They have only little functional control over the officials or bureaucracy. The dual control ends in another type of dichotomy.

In a fully decentralized regime, things are to be viewed in a different perspective because along with finance, functions and functionaries must be devolved or provided. This needs a scientific function-finance-functionary mapping in the state.

In the case of service sector institutions the functional differentiation is rather clear and sharp, but in productive sectors it is difficult to clearly earmark functions separately for each tier. Regarding the infrastructure and management of public institutions, precise and possible attempt was made in Kerala, to define the functional area of different local government tiers. The natural functional areas of such institutions and sectors, get marked only through practical experiences.

There is a clear recognition of role-range for local governments such as an agent, advisor, manager, partner, actor, organiser, promoter and consumer, with an objective to reduce the agency role. In this respect, the mandatory role, general functions and sector-wise responsibility are classified and entrusted with the local government authorities.
10.2 Functional Supremacy

Elected President / Chairman / Mayor of the concerned local government has been declared as the executive head of the local authority. Senior officials or head of institutions of various transferred departments brought under the control of the local government authorities have been declared as ex-officio secretaries for the concerned sector. The local governments have full administrative control over the staff including powers of disciplinary action over its own staff as well as transferred staff. Certain code of conduct is prescribed by the law to ensure healthy relationship between elected and official functionaries. Polite behaviour and respect for elected authorities and protection of freedom of the civil servant to function freely and fearlessly are envisaged by the law.

Apart from mere creatures of law, the local governments are entitled to legal space in all legislations having something to do with their functions, thus becoming the third tier of government below the Central and State governments.

Transfer of staff to local government is a very difficult task. There would be a lot of resistance from employees and by politicians to move on to control by the elected bodies in the lower level. Uncertainty of service conditions, fear of salary payment, fear of whimsical political treatment, loss of service aspirations, ego problems etc. may cause such resistance.

In Kerala these issues are handled in a salient manner like:

i. The principle of work and worker going together was enunciated and it enabled the government to transfer institutions and officers along with staff to the local governments.

ii. Surplus staff both professional and ministerial in development departments at state, regional, and district level are transferred to local governments.

iii. Cadre staff strength is not disturbed and hence service aspirations are not prevented and inter institutional movement is protected.

iv. Full managerial part disciplinary power is vested with local government so as to assign work, give directions, impose minor penalties on all staff including transferred functionaries. In case of non-gazetted officials,
resort to suspension from service whenever warranted is provided with the local government laws for the time being.

v. Salaries and other emoluments are paid by the government. Recruitment and appointment is through the Public Service Commission. Transfer norms are formulated and imposed by the State Government.

vi. Dual control is carried out through the government department so as to implement the departmental functions through such functionaries.

vii. Information technology enabled service delivery mechanism has been introduced through evolved software applications for local governance. Citizen friendly public governance process is established through these systems.

viii. Local government ombudsman and tribunal system has been used to reduce conflict of interest in governance process.

The objective of decentralized administration is to enhance the quality of governance and ensure better quality services, better state-society relations through participatory governance. Decentralized governance cannot be and should not be seen independent of the fostering and substantial support by the State.

It shall be the vehicle to recapture the rights of the people from the steel-frame and red-tape of bureaucracy. To create institutions of local self-governance, substantial measures on to the shoulders of the local self-governments. Unless and until, the priorities and pattern of local governments are actually reinforced in favour of greater population, development and welfare of the state will stand to suffer.

The Central and State government projects along with the local projects have continued to increase the work load of local authorities. The local governments cannot function with their increased manifold work load, without corresponding increase in staff strength and staff capability. The staff pattern of local government shall be designed under their new dispensation with new rational and efficiency. Redeployment of functionaries must be expedited.

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The Kerala service rules originally designed and enforced for a centralized governance system shall be actually reoriented to suit decentralized governance. Comprehensive, functional, integrated and converged functional manual shall be prepared and imposed in this respect. The proposed service manual shall be made operational and functional in everyday use. Individual based, institution based, and department based service delivery components shall be included in the recommended manuals.

Spatial planning on the basis of cadastral mapping and resources mapping with a watershed orientation shall be ensured in infrastructure development activities administration. Absolute and fine-tuned road connectivity mapping and energy audit mapping also shall be utilized for further service quality assurance in local government institutions. Geographical Information System (GIS) and similar technology devices may be effectively used for this purpose.

Reasonable service quality goal shall be ensured through human power management, redeployment, and restructuring. Effective and scientific work study shall be conducted in a time bound manner. Front office and in office linkage is to be ensured in order to maintain affirmed service quality standards and bench marking.