INTRODUCTION

Decentralization of democratic power is a measure to increase peoples’ participation in governance process, to improve service delivery system under the government, reorganize development and welfare programme of the society with direct intervention of individual citizen and their basic collectives. Whereas the problems of centralized governance and the related institutional system still continue, concentration of power of policymaking, planning, implementation, evaluation and reforms at the higher levels of governance have not been changed after the introduction of 73rd and 74th constitutional amendments. Hence it is essential and relevant to conduct a critical study on the existing local government system.

The theoretical framework of democratic decentralization has originated from the earliest socio-political life of human being, but which declined and deteriorated owing to the establishment of nation-state system and executive mechanism under such a statehood character. The main object of the study is to evolve a structural and practical resolution and to establish a functional administrative system in local government institutions.

The concept of decentralization is to empower the general public in the governance process. The theory applied here is that the decision-making power has to be with the people themselves and not of the political or bureaucratic functionaries. Gram swaraj was the ideal concept in this regard.

Whereas the conceptual base was not practicalized even under the proposed constitutional amendment and State legislation did not effectuate local self-governance owing to different reasons like,

- Framework legislation at the Centre and detailed law-making by States has watered down the basic concept of decentralization itself.
- The lackadaisical attitude in implementation of the Schedule of the proposed subjects which are to be entrusted to local self-government institutions resulted in torpedoing the will of the legislature.
• Dual control over political and official functionaries as well as the power vested with States and Centre in administrative policymaking and financial devolution are restricted the reforms.

• Rule of law measures deal with administrative, executive, welfare, social security and allied functions transferred to local governments really limit their role as ‘government’ due to the absence of policymaking and judicial powers.

• Much more political and administrative initiatives are essential to evolve an ideal system of decentralized governance in India.

The present study will help to evolve such an integrated and comprehensive system of administration at the grass root level.

**Literature review**

Local self-governance presents higher concern in the socio-political-economic and administrative sectors in the historic evolution of the nation. The arch domain of different kings, the dichotomy under rule of colonial administration, and post-independence period, after the introduction of the Constitution, the local governance mechanism requires much consideration from rulers and public.

The indigenous platform of local people, the legal framework of governmental administration, the constitutional tool for participatory and decentralized democracy, the legislative and administrative restructuring for grass root level governance, the good governance measures for service delivery system etc. attained much attention for the last two decades in India.

A historical literature survey, a scenario analysis, and an opinion collection with respect to the ideological and idealistic aspects of local self-governance has helped to conceive more realistic perspective in local governance system.

The studies and recommendations of various Committees and Commissions in this regard at national and State level also provide an arena of awareness on local governance. Brief examination of the efforts by the then Central and State governments to nurture local governance institutions has guided to evolve a clear view in this regard.

The policy measures, political decisiveness, executive motives, merits and demerits of systematic approaches, the instrumentalities like laws, rules, orders,
guidelines, schedules, manuals etc. and other such intrinsic and extrinsic, social and institutional elements have been considered for generating a futuristic outlook in this regard.

Normative and doctrinal study with limited extent of empirical study in corresponding areas have been utilized to generate as much information and to evolve adequate inferences. Repeated consultation with experts in field with considerable experiences in local governance also is to be utilized as part of the study.

The present study is confined to administrative aspects so as to evolve suggestions in order to propose a convergence and integration in local governance, rural development and decentralized development initiatives under local government mechanism.

The existing system, its strength, weakness, opportunities and threat have been considered as part of the study. In the light of available materials and information certain solid conclusions are evolved as part of the study.

Objectives of the study

i. To present a scenario analysis of the local governance system in Kerala.

ii. To examine the proposed legislation and executive measures to identify gaps in the local governance system.

iii. To suggest thorough legal and policy reforms to realize the aim of decentralization of democratic powers.

iv. To suggest institutional reorganization so as to establish real, functional and acceptable structure for decentralized administrative system in the State of Kerala.

Democratic decentralization is defined as the transfer of power from the centre of public administration at the State or regional level by public and units at a lower level of bureaucratic tier and elected bodies at the same level or a lower level⁴.

⁴ Mark Robinson, *A Decade of Panchayat Raj Reforms, the Challenges of Democratic Decentralization in India*, pp. 10-30
Decentralization and local governance in India in no means exhaust the subject of local governance either as an empirical conception of local realities or as a satisfactory analytical perspective on the subject

i. Decentralization as mandated by the constitutional amendments and enacted in to laws by the states.

ii. The achievement of an adequately robust form of decentralization remains a project beset with as many difficulties, both institutional as well as social and political

iii. There are enormous regional variations in the way in which decentralization has been designed and implemented and a comparison between, say, Kerala and Haryana right, to a first time observer of Indian decentralization can suggest that the States belongs to two different countries.

iv. The constitutional amendment is silent in the question of relationship between the three tiers and the lack of coordination between them tends to weaken the structure as a whole.

v. The relationship of the local governments with the district administration and with line departments is also not dealt by the Amendment Act and hence it is silent about that subject matter.

The content, the conception, the legislation, the enforcement as a whole, with respect to decentralization in India, has been treated as a State subject matter, and hence the vertical and horizontal transfer of powers, functions, and responsibilities has not been realized in India. Higher amount of centralization happened during the last seventy years. The union became rather unitary and the provinces became more weak due to such policy conversions.

Centralized governance had become substantially discredited in the post-cold-war world, with the collapse of the erstwhile socialist states on the one hand and the weilding down of welfare state approaches on the other. The failures that have observed are not altogether due to inherited social inequalities, many of them can be attributed to an absence of the required reform in law or of a clear reworking of the relationship between the local elected institutions and administrative structures.

5 Niraja Gopal Jayal, Amit Prakash, Pradeep K. Sharma (Ed), Local Governance in India, Decentralization and Beyond, Oxford University Press (2007), pp. 1-3
6 Ibid at p. 5
The picture is complex and requires an understanding of the interpretations of old and new institutions, of the changing rules of engagement between citizens and state of politics and society on the one hand, and law and administrative structures on the other⁷.

The content of democratic decentralization and local self-governance can be summarized as

i. Political decentralization – Hierarchy and Structure
ii. Fiscal decentralization – Resources and Revenue Expenditures
iii. Functional decentralization – Functions and Functionaries
iv. Administrative decentralization – Computerization, capacitization
v. Social decentralization – Audit, Accounts, Transparency

Some forms of village self-governments seem to have in India from the earliest times in which people grouped themselves into settled communities. Features of this polity were the panchayat or committees of representative elders which administered village affairs either on its own responsibility or as headman’s advisory capacity. Besides the general panchayat there were caste panchayats dealing with the questions concerning their own caste only, but these are outside the scope of this survey and study.

We need not idealize the old indigenous panchayat or picture it as a farsighted body which superseded even vigorously, dispensed justice wisely and untiringly supervised the moral wrong in all its dealings⁸.

There is no local authority who has legal power to preserve a right of way, or prevent a nuisance, not a scavenger or a conservator cannot be employed, not erect or set up or lighted, not a dispensary or a school established or maintained by means of local taxation⁹.

Whereas the constitutional mandate and legal measures at present provide rather better options on local self-governance in the country. The policy decisions and administrative functions in this regard shall be examined with a critical mind set.

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⁷ Ibid at p.5
⁸ J. G Drummond ICS (rtd), Panchayat Raj in India, Humphry Miford, Oxford University Press (1937), p. 5
⁹ Carstairs, Local Government of Bengal, Macmillan (1904), p. 12
Hypothesis of the study

“Seventy years of democratic governance has achieved substantially in many fields at the macro level but these macro achievements have not altered the life or livelihood of the people at the micro level. New arrangements to meet challenges in the rural and grass root level societies which are the backbone of the country is essential. Local governance system involving people in every stage of the governance, administration, development and welfare measures are not in par with the expected equity, equality, opportunity and social justice at its outset.”

The present study is conceived as a means to check the dynamics of decentralization, to test the contradiction of centralization and decentralization to review the existing administrative arrangements for rural planning development, to examine the multiple system of control and supervision of the administrative mechanism, the role conflicts among the different functionaries in local governance etc.

Limitation

There are certain limitations to the study such as non-availability of authoritative case law, authentic version of legal research works and secondary data in the concerned field. Hence the researcher has been compelled to depend upon individual / personal observations, field study and empirical analysis.

Methodology

a. Literature Review – The study has been mainly based on the available secondary sources such as reports, policy documents, legislative contents etc.
b. Scenario Analysis – Delphi method in futurist science has been utilised for the purpose so as to evolve a consensus opinion in conflicting matters.
c. Questionnaire method has been used to collect the views and comments of the related population in respective areas of the study especially with direct stakeholders of local self-governance.
d. Brain storming and focus group discussions have been utilised to collect a comprehensive perspective in respective subject matters.
Analysis and discussions

The available information are analysed critically without any prejudice and with an impartial sensitivity which is aimed and attempted to evolve an integrated, converged and comprehensive resolution applicable in this regard.

Chapterization

The present report consists of four consecutive parts with total seventeen chapters including the conclusion and suggestions. The conceptual aspects of local self-government, historic evolution of democratic decentralization in India forms the first and second chapters respectively. On the basis of literature availed by the researcher, a comparative overview of local government mechanism in different countries is incorporated in the third chapter as an eye opener. A detailed description regarding local government system in India with concerted effort for that is also included in this chapter. A number of committees empowered by the central and the state governments from time to time have rendered their recommendations and suggestions for building up local government system in the country. Hence, an elaborated description on such committee reports is included as the next chapter.

Part II of the report is absolutely earmarked for a legislative overview on local government institutions. As part of that the salient features of different constitutional framework legislations has been enumerated in chapter V. The state level laws on panchayat raj and municipalities are also summarized as the continuing chapters VI and VII with larger relevance for the administrative matters of local self-government institutions. Following this, to satisfy the thirst of readers, an interstate comparative statement on the praxis of decentralized governance process in different states of India in detail.

On the hardened basis of above stated literature review, an empirical analysis part is included in this report with a content of nature and extend of delegation, administrative control on local governance, control of delegation by hierarchical institutions, correlative interface of different tiers of local government, constitutional authorities in connection with local governance, institutional capacity building of decentralized democratic authorities, allied and transferred institutions along with
respective legislation, participatory economic development through local governance are brief incorporations of the respective chapters IX to XVI.

The last part exclusively contains the conclusions and suggestions based on the study. The evolved suggestions have been arranged in a highly transparent and adaptable manner at the end of the study. The present study has been used by the researcher to make an academic overhauling of the local government system in Kerala, with respect to experiences and practices in the other constituent States in India and proposed reasonable measures to reorganize and restructuring of the administrative system under local government institutions at respective levels with clear and unambiguous commitment to democratic decentralization. To achieve the goal, real decentralization is essential in our perspective and practices. For easy accessibility to the contents, three appendices and three annexures are also enclosed in the report.