CHAPTER IV

HIGH POWER COMMITTEES ON
LOCAL SELF GOVERNMENT
AND REFORMS IN
ADMINISTRATIVE DECENTRALIZATION

Democratic decentralization means return of decision-making power to the people. The government should divest itself completely of certain duties and responsibilities and devolve them to a body which will have the entire charge, of all development work within its jurisdiction, reserving to itself only the functions of guidance, supervision and higher planning. But till today the power centres of the governance had never attempted to give up their strong hold in democracy.

4.1 Balwant Rai Mehta Committee

The committee on plan projects opined that at the block level, an elected self-governing institution should be set up with jurisdiction co-existensive with a development block. But after 73rd constitutional amendment and State legislation on Panchayati Raj the interim level of local government body has no such self-governance function apart from certain delegated duties vested with them.149

Though the Report suggested that panchayat samiti should be constituted by indirect election from the village panchayats, the present system of panchayat samiti in Kerala and many of the other States are elected by the people.

The functions of the panchayat samiti should cover development of agriculture in all aspects, improvement of cattle, promotion of local industries, public health, welfare work, administration of primary schools and collection and maintenance of statistics. It should also act as agent of State government in executing special schemes

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149 The Report of the Study of Community Projects and National Extension Services, Committee on Plan Projects, Govt. of India, New Delhi (1957). para 2.12
of development entrusted to it. Other functions should be transferred to the panchayat samitis only when they have started functioning as efficient democratic institutions.\textsuperscript{150}

Different sources of income have been assigned to local government institutions\textsuperscript{151}. Though certain power to tax collection and finance mobilization were provided with local governments, the ultimate control was maintained by the higher levels of the government. The State government should confer adequate grants-in-aid conditionally or unconditionally or on a matching basis, with due regard to economically backward areas. All Central and State funds spent in a block area should invariably be assigned to panchayat samiti to be spent by it directly or indirectly excepting when the samiti recommends direct assistance to an institution. The technical officers of the samiti should be under technical control of the corresponding district level officers, but under the administrative and operational control of panchayat’s chief administrative officer. The annual budget of the samiti should be approved by the zila parishad.

The committee suggested that a certain amount of control should inevitably be retained by the government, e.g. the power of superseding a panchayat samiti in public interest.\textsuperscript{152} Main resources of income of panchayat are property or house tax, tax on markets and vehicles, octroi or terminal tax, conservancy tax, water and lighting rate, income from cattle ponds, grants from the panchayat samiti and fee charged from the registration of animals sold, etc. The village panchayats should be used as the agency for the collection of land revenue and be paid a commission. For this purpose the panchayat may be graded on the basis of their performance in the administrative and development field, and only those which satisfy a certain basic minimum efficiency be invested with the power.

The village panchayats should be entitled to receive from panchayat samiti a statutorily prescribed share, up to three-fourths of the net land revenue assigned to the latter. Local resources now raised by the village panchayats and spent on the

\textsuperscript{150} Ibid at para 2.19-20
\textsuperscript{151} Percentage of land revenue, cess on land revenue, professional tax, duty on transfer of immovable property, rent or profit from property or building, from fairs, ferries, markets etc., share of vehicle tax, public contributions, grants of Central and State governments, loans etc. are the prescribed income sources of LSG’s as per the constitution and law of local government.
\textsuperscript{152} Ibid at para 2.21
maintenance of watch and ward staff should, in future, be used for development purposes.

The budget of the village panchayat will be subject to scrutiny and approval of the panchayat samiti, chief officer of which will exercise the same power in regard to the village panchayat as the collector will in regard to the panchayat samiti. No village panchayat should, however, be superseded except by the State government who will do so only on the recommendation of the zila parishad. Hence the vertical and horizontal autonomy of local authorities was questioned in the suggested system of local governance.

The compulsory duties of the village panchayats include water supply, sanitation, lighting, maintenance of roads, land management, collection and maintenance of records and other statistics and the welfare of backward classes. It will also act as an agent of panchayat samiti in executing any scheme entrusted to it. Before 1994, for a period of four decades the panchayati raj and nagarapalika institutions continued as mere executive instrumentalities of the State.

The judicial panchayat may have much larger jurisdiction than even a gram sewak's circle, and out of the panel suggested by village panchayats the sub-divisional or district magistrate may select persons to form judicial panchayats. Even today, such a gram nyayalaya mechanism had not come to a reality under the decentralization of power process.\(^{153}\)

To ensure necessary coordination between the panchayat samitis, a zila parishad should be constituted consisting of the presidents of the samitis, MLAs and MPs representing the area and the district level officers. The collector will be its chairman and one of his officers will act as secretary.

If this experiment of democratic decentralization is to yield maximum results, it is necessary that all the three tiers of the scheme, viz. village panchayat, panchayat samiti and zila parishad should be started at the same time and operated simultaneously in the whole district.

\(^{153}\) Ibid at para 2.36
The constitution of the panchayat should be purely on an elective basis with the provision for co-option of two women members and one member each from the Scheduled Castes and Scheduled Tribes. No other special groups need be given representation. Persons elected or aspiring to be elected to local bodies should be provided with some training in administrative matters so that they are equipped with a certain minimum of knowledge of this machinery which is growing more and more complex. Hence, it may be specifically accorded that those States which have taken much pain in this awareness creation, the goals of decentralization availed in a satisfactory pitch.

Some of the States consider it advisable to develop power to a local body at the district level. While the block is the optimum unit for the purpose, similar devolution to a district body may take place instead provided that,

a) Such a district body is fully empowered by statute on the same lines as the panchayat samiti, though on a correspondingly larger scale;
b) The appropriate funds, powers of taxation, requisite field staff, and supervisory staff at the district headquarters are made available on the same lines as for the panchayat samiti;
c) In the blocks selected for development programme, panchayat samitis are constituted as agents of the district body to carry out development activities proposed for that area by the district body, and all funds meant to be spent in the block are to be transferred to the panchayat samitis;
d) The district body operate directly only in nonpanchayat samiti areas or in matters of inter-block and district level activities and institutions; and
e) If feasible, similar arrangements may also be worked out in the alternative to devolve power to a body with a sub-division of the district for its jurisdiction.

Unfortunately, none of these recommendations were implemented for a number of years in the country.

Co-ordination between the Centre and States

In subjects assigned to the States, the activities of the Central Government should be confined to assisting the State governments with finances, coordinating

154 Ibid at para 2.47
research at the highest level, advanced training, organization and control of such inter-
state institutions as the States cannot themselves establish, and to evolve, in consultation
with the States, a common national policy consonant with the various Five Year Plans. Where the Central Government desires to introduce any new scheme on a country-wide
basis, it would be correct to advise States only on broad lines of the scheme and allow
them to work it out with necessary modifications. The Central Government has never
succeeded to maintain such self-control in the introduction of Centrally Sponsored
Schemes (CSS) and in devolution of their fund. The Centre is confined even today with
control over the funds and functional under rural development and panchayat raj even
after 1994.

Administrative pattern: Co-ordination with the State

The financial implications of increasing the number of local government
officials should be limited by pooling the staff working in the different fields of
development and assigning their duties and functions to the local functionaries within
his reduced charge. All field workers at a level below the block in the departments of
Agriculture, Harijan and Tribal Welfare etc. should be merged with the local
government functionaries, the additional cost of scheme being shared between the States
and the Centre on a mutually-agreed basis. A closer link should be established between
the rural development officials and village panchayat immediately. As development
secretary of the village panchayat, the Village Extension Officer should submit progress
reports to the village panchayat at the time of each monthly meeting and the latter
should forward its comments to the Block Development Officer (BDO).

In the interest of effective coordination the district collector should invariably
consult members of his team at the district level at the time of recording his annual
observations on the work of the BDO. At the block level, the staffing of the
government departments and that of the local bodies should not overlap functionally.

The staff dealing with the works programme relating to irrigation, housing and
communications etc. borne on the community development budget should be treated as
net addition to the cadres of the Irrigation and Public Works Departments (PWD) which
can then redistribute their jurisdictions in units of complete blocks. Substantial transfer
of the functionaries never happened in the history of local government. But the
redeployment was only in proposal and the dual control over the executives continues in the sphere of local government.

In certain States the revenue officer, known as tehsildar or mamlatdar is Block Development Officer. This arrangement seems to have serious drawbacks, viz. the block is too large, the officer gets over-worked and the officers as recruited at present may be unsuitable for development work. These defects should be rectified if the two functions are to be combined in one functionary. At the district level, the collector should be the captain of the team of officers of all development departments for securing necessary coordination and cooperation. Since then the revenue administration department was never marked or associated with the local government systems even in States like Kerala.

Wherever the collector is not empowered to make annual assessment of the work of the departmental officers in regard to their cooperation with other departments, their speed in work, their dealings with the people and their reputation for integrity, should be invested with such powers. The collector should be provided with a whole time additional officer to relieve him of general administrative duties so that he can himself, as far as possible, function and be designated as the district development officer. The actual distribution of work should be left to the collector. In all matters requiring coordinated action by more than one department, the collector should receive copies of all important communications. The collector should also be asked to forward his comments on the annual report of each district development department and will, no doubt, utilize the material for the compilation of the annual administration report of the district on community development. The functions and responsibilities of the Collector as the member secretary of the District Planning Committee (DPC) were not properly performed owing to lack of effective coordination and smooth correlation within the administrative system.

Public participation in local development planning and community works should be organized through statutory representative bodies which should also take over the maintenance of the works not to be ascertained in a better fashion as it was anticipated by Balwant Rai and others. Working groups constituted at the local government level, beneficiary committees at the project level, monitoring committee for plan
implementations etc. are such opportunities for better participation in local developments.

4.2 Ashok Mehta Committee

Approach and recommendations of the committee on Panchayati Raj Institutions are visible from the following statement.

“We are departing from the conventional mode of presenting our views, suggestions and recommendations in the form of an itemized summary because our main endeavour throughout has been to lay down a new approach towards the panchayati raj institutions - not in the usual point-by-point way but rather in concentrical circles, as they interact and depend on one another. The formulation of structures, functions and the utilization of financial, administrative and human resources of panchayati raj institutions should, in our opinion, be determined on the emerging functional necessity of management of rural development. In our Report, we have attached importance to the direction rather than specifics on certain items usually done and hitherto highlighted in various cognate reports. The institutional, structural and functional specifics of panchayati raj would, in our opinion, vary over time as well as space; we can do no more than indicate the spectrum of possibilities while the various State Governments would have to work out the actual details keeping in view their changing requirements. Whatever be the variations, they have to be round the crucial theme of linking institutions of democratic decentralization with socially motivated economic development155.

The dissociation of the growing complex programme of development with panchayat raj institutions which were considered inadequate, and incapable to utilize the bureaucracy to be attuned to execute planning and implementation, several internal deficiency in the functioning of panchayat raj institutions and above all, the lack of clarity about the concept grass root level democratic governance itself have weakened the entire system of local governance in the country.

Part of the disappointment arose from the syndrome that they have not been assigned significant functions and tried continuously and with zest. The development

155 The report of the Committee on Panchayat Raj Institutions, Department of Rural Development, Ministry of Agriculture, Govt. of India, New Delhi (1978), pp 175-202.
programmes were not channeled through them. Some of the comments like the emergence of oligarchic tendencies are inherent in the social milieu, and some others are common to other tiers of the polity also. Panchayati raj institutions should not be singled out for these comments. It has many achievements to its credit in introducing a process of democratic seed-drilling in the Indian soil, in breaking the gulf between the bureaucratic elite and the people and in generating a new leadership not merely relatively young in age but pro-social change in outlook.\textsuperscript{156}

Even after two decades of panchayat raj and nagarapalika legislation, the situation has not changed. Autonomy of local governments, funds, functions, functionaries and their transfer to local governments, role of elected and official personnels, delegation of powers etc. are not yet in par with the concept of decentralization. The establishment of democratic bodies below the State level is an imperative from the political and socio-developmental perspectives. Democratic institutions with periodic elections at all levels will provide a forum for the assertion of their strength in large number by the weaker sections. With the people and political parties having adequate opportunities to exercise power at various levels, national energy in political recrimination will yield to constructive competition and mutual co-operation in developmental activities among political parties\textsuperscript{157}. But it is not realized till today in the Indian polity.

As pointed by the Ashok Mehta Committee\textsuperscript{158} panchayati raj democracy in the national and state level, is both an end and means. As an end, it is an inevitable extension of democracy, as a means to be responsible for discharging obligations entrusted to it by the national and State governments in spheres not yet transferred to its exclusive jurisdiction. Hence in both end and means local self-government should contribute to the philosophy as well as practice of rich, rewarding life in rural and urban society.

Ashok Mehta Committee made recommendation to transfer substantial quantum of powers from the State governments to local bodies, is bound to have concern with the existing scheme of distribution of powers between the Union and the States, which would require a detailed but separate consideration. In order to achieve requisite status

\textsuperscript{156} Ibid at para.3
\textsuperscript{157} Ibid at para 4
\textsuperscript{158} Ibid at para.5
as well as continued functioning, the Committee agreed that some provision in the Constitution deserve careful consideration by the Government of India.

The Committee came to the conclusion, on account of growth of the span, spatial scatter and the complexities of the development activities, as also significant changes in the strategies, the context of institution-building in rural India has undergone a change since the submission of the Report of Balvantray Mehta Study Team (1957).

According to the findings of Ashok Mehta team, the institutional, structural and functional contours of panchayati raj had to be in conformity not only with the accelerating pace of development but also with its strategies and policies. New structures of development administration or local level development management will have to take into account the functional necessities of the on-going development thrust. Panchayati raj Institutions in the coming decades should, therefore, be equipped to undertake democratic development management under conditions of rapid changes, continuous growth and sustained innovations in all spheres of rural life. This logical and reasonable resolution is applicable to the practical measures of both rural and urban local bodies.

It is only a philosophical perspective. How it may be realized under the constitutional frame-work of federal set up is the problem. Apart from the constitutional and substantial policy the State governments should realize the social costs of administering expanding development programmes from a distance or only through governmental machinery. When they delegate responsibilities for implementation to lower levels, they can concentrate on refinement of strategies and higher-level policy-making in the management of challenges of development administration in areas such as rural land structural deficiencies, agricultural modernization, rural industrialization, credit universalization and planning for fuller utilization of natural resources.

Regarding the structures, composition and election, the institutional design for panchayati raj and nagarapalika should take into account the functional necessity of propelling the on-going developmental thrusts, built upon the intricacies at the

159 Supra note in 149
appropriate levels and transmit the impulse to people through location-specific involvement.

The emerging scenario of dynamics of development necessitates technical expertise of a high order be made available at levels below the State to sustain the momentum of rural and urban development, which, in many cases, have been already administratively decentralized at the district level. The inescapable compulsion, therefore, is that the district should be the first point of decentralization, under popular supervision, below the State level. Equal, equitable and sustainable development, distribution of goals and benefits of development, the strategic role and status of district level administration so as to co-ordinate rural and urban local bodies etc. are relevant considerations in this regard.

Below the district level, the balance between technological requirements and possibilities for meaningful participation by the people in development management may, in our view, be best achieved, by grouping a number of villages to constitute mandal panchayats. These would not only ensure economic viability, but also enable the people's representatives to exercise democratic supervision over large number of micro projects which are to be implemented at local levels in the coming years. Most of these projects are not entirely village-based and would require a span of technology beyond the capacity of village panchayat. The attention to the family-based programme, often covering as many as four hundred families, needs larger unit to tackle them than at present. Such a mandal panchayat (village panchayats in Kerala) would cover a population of 15,000 to 20,000 and would also facilitate the forging of necessary linkages with schemes for development of focal points and growth centers and would ensure efficient management of the growing rural-urban linkages. Role-clarity of interim level panchayat (block panchayat in Kerala), structure and constitution of such institutions, horizontal linkage with urban local bodies etc. also are to be treated as larger issues of local self-governance.

From the experience, preference is for two tiers, a district-level zilla parishad and a mandal panchayat, people are conscious of the fact that two other tiers are already in existence and it may take time for the suggested institutional design to take shape and become fully operational. The block-level panchayat samitis, where they exist now, would be converted into non-statutory executive committees of zilla parishads and when
the mandal panchayats become active, most of their functions would be taken up by
mandal panchayats. As a transitional structure, the block may, therefore, continue as per
the convenience of the States keeping in view their requirements and the stage of
development. At the village level, the people would be involved in mandal panchayats
through village committees which would look after the municipal functions and related
welfare activities. Till mandal panchayats are constituted, a federation of existing
village panchayats may be desirable. Hence it become expeditious that there shall be
zonal bureaucratic set up and grama sabha level democratic institution for better
participation and utilization of decentralized governance.

On the composition of different tiers of panchayat raj institutions the Committee
had suggested only a broad pattern. They made it clear that whatever may be the
structural arrangements, the directly elected elements must preponderate over the others
at all levels. Scheduled Castes and Scheduled Tribes should get their representation on
the basis of population in the election process. Chairpersons of village and district level
panchayats should be elected directly, but the mandal panchayat chairperson should be
elected directly or indirectly. Election may be conducted simultaneously for all those
tiers160.

The zilla parishad (district level administration and governance body as in the
case of district council in Kerala)161 would function through a number of committees,
the more important ones being constituted for agriculture, education, small industries,
finance and public works. The composition of all the committees should be on the basis
of proportional representation so as to ensure representation to all sections and shades of
opinion. A committee of the chairmen of these committees will function as the standing
committee of the zilla parishad. There will be a committee on social justice in zilla
parishad as well as at other levels also.

A suitable committee for dealing with the problems of educational staff like
transfers to be comprised of members of zilla parishad, a representative of the State
Government and the district education officer with a view to bringing in evenness and
method in transfer and postings. As per the provisions of the law related to district
planning committee (DPC), all members of the zilla parishad and M.L.A's., M.L.Cs. and

160 Ibid at para 14
161 The District Councils are established in State of Kerala according to the District Council Act of 1989
M.Ps. from the concerned district shall constitute the planning committee at the district level for plan formulation and periodic review.

Regarding the structures of local bodies, the committee opined that it would have to be necessarily modified in case of areas with predominant tribal population or in hilly or desert area. The tahsils/blocks where strong traditional tribal organizations are functioning would be allowed to look after their social functions. They made it clear that the structures established by the Constitution in such places need not be disturbed\textsuperscript{162}. Such a liberal outlook was present in the proposed constitutional amendment in 1989\textsuperscript{163}. Whereas in the present system of local governance such a freedom of local democracy was not accepted.

To ensure equitable representation and participation of marginalized people, seats may be reserved for Scheduled Castes/Scheduled Tribes on a population basis in the mandal panchayat. A committee with all women members of the panchayat represented on it would also ensure that decisions are made by women themselves on priorities and choices in welfare and development programmes specifically for women and children. The sanctity and logic of such a homogenetic group for women may cause sectarian nature of function at certain occasions.

The gram sabha has an important role in activating the democratic process at grass-roots and deserves genuine encouragement. The proposed village committees would have the special obligation to organize two gram sabha meetings every year to explain to people what programmes the mandal panchayats are executing in their area and to channelize the people's feedback to the mandal panchayat.

Ashok Mehta Committee suggested for transfer of judicial powers to the local government institutions. However, they proposed to establish gram nyayalaya or nyaya panchayats at grassroots. The working of nyaya panchayat has shown mixed results, in most cases they remained inactive. The administration of justice on a decentralized basis has its merits but the functioning of the existing nyaya panchayats has not been able to elicit popular satisfaction. Such a mechanism was conceived by the Karnataka legislation during 1983. Whereas that provision was not incorporated in the 73\textsuperscript{rd} and 74\textsuperscript{th} constitutional amendments.

\textsuperscript{162} See schedule VI Constitution of India (1950)
\textsuperscript{163} The 64\textsuperscript{th} Constitutional (Amendment) Bill (1989)
There was a recommendation from Ashok Mehta Committee that panchayati raj elections should be conducted by the Chief Election Officer of the State in consultation with the Chief Election Commissioner. But this was rejected by the Parliament itself as and when proposed by the 64th constitutional amendment because of the highly centralized nature of the proposal.

**Functions of local self-government**

The Ashok Mehta team pointed out that functions devolved upon panchayati raj institutions being highly location-specific, exhaustive list of functions, in an all-India perspective, will not have much operational relevance. Local priorities in all development programmes vary from region to region and it is, therefore, necessary that States and Union Territories should have adequate scope for evolving their own list of functional priorities\(^{164}\).

Their basic approach with regard to decentralization was that of spectrum of functions and tiers; development being a dynamic process, functions could not remain static. Periodic adjustments would, therefore, have to be made in the functions devolved upon panchayati raj institutions to suit the changing requirements. But this does not mean that decentralization may be viewed as a political charity or administrative concession. The functional agenda of panchayati raj institutions would be inescapably determined by the unfolding logic of dynamics of development; in the interests of effective implementation State governments would have no choice but to decentralize adequate powers and functions and provide proportionate financial resources at the relevant local levels.

Keeping in view the foregoing approach, the Ashok Mehta Committee opined that all the development functions relating to a district which were now being discharged by the State government would have to be placed under the zilla parishads. Some of the functions which can be so decentralized include: agriculture and allied sectors, health, education, communications, rural industries, marketing, welfare of backward classes, family welfare, etc. Even under these heads certain parts may have to be with the State governments. Thus, functions such as agricultural research, college and university education, medium irrigation projects and other similar items involving

\(^{164}\) Ibid. at para 26
complications or cutting across district boundaries may not be transferred to zilla parishads. The recommendation helped us to bring out a role clarity regarding local self-government but was not so important up to 1994.

Under the new envisaged scheme, the decentralization would commence with the district as the first point and further movement below will take place depending upon the situation in each State. Broadly, the zilla parishad will handle all the decentralized State programmes and plan them at the district level. The mandal panchayat will handle the implementation work. Even today such delegation based as functional decentralization has not been materialized anywhere in India including Kerala.

The entrustment of development functions to panchayati raj institutions would remain incomplete unless all such institutions are vested with the authority to take their own decisions and plan according to their own requirements. Planning would, therefore, be an important function to be discharged by zilla parishads. Whereas the district planning committee in the existing format without any secretarial or ministerial support will not be worthful. Bureaucratic apathy to autonomy of local self-government institutions also causes much hardship in this regard.

The functions of the mandal panchayats would have to be viewed from a new angle. They would be responsible for implementation of schemes and projects assigned by zilla parishad. These would be many. They would have to play a promotional role in activating community action, build up organization and project formulation. They would continue to perform the functions conventionally assigned to them under various statutes. They would have increasing role to play in the sphere of municipal and welfare functions. The administrative, executive development and regulative functions entrusted to local bodies shall comprehensively cause to increase of LSG responsiveness and responsibility.

Ashok Mehta team categorically pointed out that elaboration of an omnibus list of mandal panchayat functions has no relevance unless there is genuine decentralization accompanied by corresponding resources. The foregoing classification of the mandal panchayat functions would, indeed, facilitate the process of decentralization by helping the task of identification of areas in which further decentralization may take place. What is, therefore, needed at the mandal panchayat is purposive work allocation and transfer
of money component along with the functions assigned to them for implementation. This would not only introduce clarity into the expenditure pattern, as also help the State-level heads of departments in specifying operational procedures for execution of various plan projects. In general, mandal panchayats have to administer, coordinate, and provide institutional supervision to on-going field level projects.\footnote{Ibid. at para 33}

In view of the fast moving developments and transitions, the regulatory functions may continue to be vested in the Collector but such regulatory functions which are germane to implementation of various development programmes should be assigned to the appropriate tier of panchayati raj. Further, the revenue department should be reoriented to encourage and facilitate the working of panchayati raj institutions. Distinct and separate non-co-operative performance of revenue and administrative functions resulted in higher rate of hardship to the general public, elected functionaries and officials. Duplication of work, dual institutional mechanism and other such practical complexities arose due to the existing revenue and administrative department system.

Hence, the devolution of regulatory functions upon the panchayati raj institutions may be reviewed in due course of time when the zilla parishads have been properly established and are in a position to make and implement their own plans with the quantum of resources available or placed at their disposal. Thus the mandal panchayats would have to be suitably integrated with growth centres. They would have to take the necessary decisions concerning marketing, input supplies, credit and servicing and welfare requirements in association with other organizations in this regard. In due course of time the mandal panchayats will have to be the base-level organization for project implementation and as such they would not only take over the functions of the block, but higher level technical expertise will be made available at lower levels, Some of the block-level functions would have to be moved upwards as only the district-level body would be competent to discharge them. Vertical and horizontal integration, institutional, departmental convergence, scheme and project-wise inclusiveness etc. shall be maintained and promoted among local government and higher level government mechanism.
On administration of the local bodies, the Committee proposed a basic approach to remoulding of the administrative organization of panchayati raj institutions such as administration must drape well with the body politic and fit its contours. With the decentralization of the functions of the State governments, all the concerned district-level officials would have to be placed under the zilla parishads and lower tiers. A separate development administration functioning on a decentralized basis would, thus, develop along with a composite zilla parishad secretariat. The constitution of elective organization to supervise and direct development programmes would certainly upset the existing administrative routines but the various problems of personnel management and personal adjustments should not be allowed to stand in the way of this change over; the administrative apparatus would have to adapt itself to this fundamental change166.

The previous experience provides many pointers to tackle the problems relating to promotions, protection of pay and other emoluments and maintaining uniformity in service conditions. The committee cited that staff of gazetted rank in Class I and Class II should continue to remain on the cadres of the State government while the Class III and Class IV should be fully handed over to the panchayati raj institutions. There should be adequate provision for inter-changeability between the State level officers and Class I and Class II working under the zilla parishads. The recruitment of the zilla parishad staff may be done by independent of state and district-level boards. All developmental staff with the zilla parishad should be placed under an officer to be designated as the chief executive officer of zilla parishad. The officer will achieve horizontal coordination vis-a-vis the other district heads who will be secretaries of the respective subject committees of the zilla parishad with chief executive officer being an invitee to the committees' sittings.

Regarding decision making systems under local governance, zilla parishad will be responsible for policy formulation supported by any specific decisions taken by its committees, but the main responsibility for the entire implementation work should be that of the chief executive officer. The development executive should be of a sufficiently high rank; a person who has successfully served a district for a period of not less than three years should, therefore be appointed as chief executive officer167.

166 Ibid. at chapter VIII, para 3.1 and 3.2
167 Ibid. at chapter VIII, para 5.1-3
Whereas it was evident from the history of local governance in the country that some transitional, mainly personnel, problems involved in division and transfer of entire district staff into State and District cadres are inevitable. Even after the decentralization of district-level functions to panchayati raj institutions, the State government would continue to maintain some district-level staff for the execution of its schemes but the extent of dualism of staff would be restricted to State functions which would be determined at the time of decentralizing the powers to the zilla parishad.

Regarding revenue and magisterial matters, the Collector would continue to exercise the regulatory, revenue and other functions assigned by the State government. He would also organize and help the conduct of 'social audit'. The role of the Collector may have to be reviewed later when some of the regulatory functions of the State are sought to be transferred to the zilla parishad. Till today the district revenue functions are not transferred to and district authorities are not integrated with the local government mechanism in concept or practice. Much conflicts and complexities are amounted and confined owing to this disassociation in local governance.

The Committee clearly pointed out that mandal panchayat would be handling the developmental as also municipal and welfare functions. It would, therefore, be possible for them to have a full-time panchayat executive officer, instead of part-time assistant. The salary and emoluments should be appropriate to attract sufficiently qualified personnel. There is considerable staff of different development departments at the field level: in due course, the staff (e.g. such officials as the agricultural extension officer, the veterinary stockmen, the fisheries extension assistant, commercial crop extension workers, small industries promotion staff and the health sub-centre staff etc.) should move to the mandal panchayat level168.

Ashok Mehta team had considered managerial aspects of the bureaucratic system under local government during that period. As far as technical inputs are concerned, the line-hierarchy will not be broken. The staff in the zilla parishad will be under the control of their superiors for technical matters giving scope for technical line control but they would be under the chief executive officer for administrative control. The confidential character rolls of the district level technical staff written by the chief executive officer will, therefore, be countersigned by the concerned head of department.

168 Ibid. at chapter VIII, para 10.1
The confidential character rolls of the chief executive officer, written by the chairman, could be countersigned by the commissioner of the division.

On account of increase in the volume of development work and their growing complexity, the Committee opined that it would be necessary to constantly study the developmental requirements and mould the structures and functions of State-level departments looking after panchayati raj institutions. The comment by committee of the role and function of the local government ministry in the State and Union levels was very much relevant. There should be a Minister for panchayati raj whose main tasks would be as follows:

a) Enactment of Panchayati Raj legislation;
b) Elections to Panchayati Raj Institutions;
c) Training of elected office bearers and executive officers and administration of all training centres meant for the panchayati raj system as a whole;
d) Promotion of Audit of Panchayati Raj Accounts;
e) Review of Panchayati Raj activities for report to the State Legislature; and
f) Promotion of camp training of elected members of Panchayati Raj.

Routine administrative work, a strengthened directorate of panchayati raj and a secretariat department under a development commissioner would be necessary but all the development departments would have to play a role in the successful working of panchayati raj institutions\(^{169}\). The panchayati raj statutes should be so formed to facilitate the transfer of full powers. The responsibility of the council of Ministers in the state level is particularly significant will be looking after the entire performance of panchayati raj institutions. The State governments should also arrange for periodical independent evaluation of the work of panchayati raj institutions including education and health institutions. The Government of India have the special obligation to strengthen the progress of democratic decentralization and development management in the local level and to oversee that panchayati raj institutions are not bypassed in developmental activities. But these positive and stimulating roles are not practical even today.

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\(^{169}\) Ibid in chapter VIII para 13.2-4, para 12
4.3 G. V. K Rao Committee

Different State governments including West Bengal, Karnataka, Madhya Pradesh etc. initiated to implement certain suggestions of Ashok Mehta Committee. But they have not attained their goals owing to adequate legislative and political support. Once again another attempt was made in this respect by the Union government in 1985. Past experience clearly indicates that bureaucracy alone cannot be assigned with the responsibility to achieve economic development and social justice. While the objectives of removal of poverty, as laid down in the Seventh Plan, must be adhered to, local initiative must be encouraged and detailed strategy worked out by local people. It is, therefore, essential to involve the people and their representatives effectively in drawing up programmes of rural development and implementation. Panchayati raj institutions have to be activised and given all the support needed so that they can become effective organizations to handle people's problems. Elections to these bodies should be held regularly. It is also necessary to encourage voluntary agencies, with informed idealism, operating in rural areas, in every possible way.\(^{170}\)

For the first time in history a planning institution was proposed at the lower level as part of policy making by local government institutions. The district should be the basic unit for policy planning and programme implementation. The zilla parishad should, therefore, become the principal body for management of all development programmes which may be handled at that level.\(^{171}\) Panchayati raj institutions at the district level and below should be assigned important role in respect of planning, implementation and monitoring of rural development programmes. Some of the planning functions at State level may have to be transferred to district level for effective decentralized district planning.

Role of a powerful elected political administrator at district level was recognised by the Committee. Scope and relevance of more participatory bodies and smaller units with higher rate of public involvement in developmental administration was accepted by the Committee. The President of the zilla parishad may be directly elected for a term co-terminus with the zilla parishad, or for one year each on the Mayoral pattern. The

\(^{170}\) See Report of the Committee on Administrative Arrangement for Rural Development and Poverty Alleviation Programmes, Department of Rural Development, Ministry of Agriculture, Govt. of India, New Delhi (1985)

\(^{171}\) Ibid see summary of recommendations.
work of the zilla parishad should be done by a number of sub-committees, elected on
the basis of the proportional representation so that participatory democracy could be
developed and encouraged\(^{172}\).

Regarding financial allocations and distribution of funds the Committee
suggested budgetary prescription at local government level. In this connection, the
Committee recommended the introduction of the concept of district budget. It is
desirable that it is brought into being as quickly as possible.

Department based programmes such as, compartmentalized activities,
fragmentized fund distribution etc. create much restraints and constraints in
decentralized development. The proliferation of development agencies and
departmentalization and fragmentation of function should cease. But Rao Committee
has no conclusive answer in this respect. State governments also had little interests in
fund allocation to lower levels.

For effective decentralized governance, adequate functionaries must be present
at local body level. Apart from continuous debate on this no fruitful effort was made
for restructuring or redistributing officials till that time. The district level officers of the
various functional/line departments will continue to handle the work relating to their
respective areas. However, the schemes and programmes being implemented by them
should form an integral part of the district development plan. There is also an urgent
need for rationalizing the deployment of functionaries at the district level and below.
Considering the task to be assigned to various levels of administrative set up at the
district level and below the State governments may have to work out the staff pattern.
In some cases there may not be significant augmentation of the strength; the
requirements will be met by redeployment of the staff after necessary
reorientation/training. Wherever additional staff requirement is involved, the State
governments may send the proposals to the Centre.

Rao Committee considered the matter of strengthening and training of official
and political functionaries in local bodies. Hence they have suggested for extending the
existed training mechanism. A refresher / orientation training may be organized for the
different functionaries engaged in rural development programme. For this purpose,

\(^{172}\) Ibid.
additional training facilities be created wherever necessary and the full cost thereof may be borne by the Centre.

Integration in rural development programmes

Rao Committee had functioned and evolved their recommendations through different group efforts. The first group was constituted to consider the existing organization set up for on-going rural development and poverty alleviation programmes and to identify structural overlaps and constraints so as to suggest new set up for planning and implementation of the programmes. The working group was led by Prof. K. N. Raj, Dr. M. L. Santhanam and Dr. V. L. Prasad. It was felt that the lack of integration between rural development planning and anti-poverty programmes, as well as among various anti-poverty programmes themselves is a serious problem as it has created a good amount of confusion in the planning. A suggestion was made that the planning function for the district level should be done on the basis of a set of objective norms. It was suggested that as the intervention of politicians prevails at the State as well as at the district level, and as bureaucrats who are not objective in their planning decisions, planning should be strictly done by a well prepared formula which is prepared by experts and finalised only after the discussions in the State Legislative Assembly. Planning at all the levels - district, block and village-should be done strictly on the basis of such a formula. If little money is left with local authorities, it should be used for filling infrastructural and other gaps. Also, a need was felt for exchange of information and interaction among various state governments. It was felt that the National Development Council should take up this clearing house role effectively173.

Structure and constitution of panchayati raj institutions

Regarding the structure, organization, constitution, functions and powers, there was no uniformity among the decentralized government system of different States. Considering the diverse experiences of States regarding panchayati raj institutions, it was felt that no uniform set of recommendations can be made in this respect. Some States (a few) did not have panchayati raj institutions, and some others did not have happy experiences with them. In Gujarat and Maharashtra, for example, the panchayati raj setup exists and it appears to be functioning well as the panchayats are helping

173 Ibid See Working Group Reports
agricultural and related development. However, there the panchayats do not represent the interests of the poor and, therefore, should not be involved in planning and implementation of development programmes in a direct fashion. On the other hand, a few States do have elected panchayats who are in a position to undertake development activities for the poor. These panchayats should be involved in district and lower level planning in those States. It is, however, not desirable to keep elected bodies out of the planning process altogether even in the States where panchayats are not doing well. It was suggested that in these States plans should be prepared by experts on the basis of objective norms and it should be put to the panchayats for their consideration. They should be allowed to make modifications if they could justify them174.

**Administrative and organizational changes**

Expected changes in decentralized governance cannot be evolved through structural changes alone. Attitudinal reform was also essential. Administrative improvement cannot be brought about merely by increasing the strength of the staff, but it will come only if the staff is prepared to undertake programmes to fulfil the social objectives of plans. Improvement in the quality and the morale of the staff is essential in this context.

1. Some suggestions were made to improve the performance of the staff in anti-poverty programmes. The first suggestion was regarding better follow-up and better monitoring of programmes. Poverty cannot be removed by one shot only, continuous follow-up is necessary. The second suggestion was regarding development journalism. It was felt that this kind of journalism may improve the monitoring from outside the government.

2. There is an urgent need to strengthen the staff of development administration at all levels in terms of quality as well as in terms of number. It was suggested that as VLWs at present are over-burdened, their number (both territorial and functional VLWs) should be fixed with respect to the population covered by them. Women should also be properly represented in the total strength of VLWs.

3. There is a need to improve the professional expertise, including planning expertise of development administration. It was suggested that number of extension officers in agriculture, animal husbandry, forestry, industries, irrigation, energy, etc. should be raised and the strength of junior engineers

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174 Ibid.
should also improve. It should be seen that the professionals sent to rural
development departments are really competent and are not transferred to these
departments as a punishment.

4. In this context, a suggestion was made that the involvement of professionals
from outside the government should be allowed as enough expertise is not
always available within the government.

5. In order to improve the performance of the staff it is necessary to avoid frequent
transfers. An officer should be allowed to remain in an office for at least a few
years (norms should be fixed about this) so that he is able to produce some
result. It should be noted that all these changes do not necessarily mean a big
increase in the staff. Sometimes it may mean cutting down the staff also.

6. To improve the performance of the development administration, it was felt that
there was a need to improve the data-base at the district level. A view was
expressed that it was possible to generate enough data through some efforts even
today. However, some others feel that there were some important gaps in the
available data which needed to be filled in. These gaps were identified as data
regarding details of water table and water potential, unemployment and poverty,
and inflows and out-flows of human beings (migration) and of commodities are
not available. In this context, it was suggested that there was a need to redesign
the NSS sampling so as to make the data on unemployment and poverty
available at the district level. The need for improving the accuracy of data was
also pointed out by some.

Role and functions of panchayati raj bodies and their relationship with other
administrative set up was highly relevant to analyze this aspect. Yet another working
group of experts was constituted in the leadership of Dr. M. L Dantewala. Quite a few
State governments adopted the panchayati raj system with minor variations. But only
two or three States achieved some degree of success in the process of decentralization
both in planning and administration. Gradually however, many States have abandoned
the system and those which still adhered to the idea of decentralization deflated the
importance of panchayati raj organization and substituted it with bodies having
representation of state leadership and the district level bureaucracy. The decline in the
status and authority in the panchayati raj system was attributed to reluctance of the

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175 Ibid.
political leadership at state level to share power with district leadership. The latter was viewed as a rival focus of power which would compete with the former in future elections. It was also mentioned that the district bureaucracy was also not reconciled to serve under the control and direction of the zilla parishad leadership. Of late, there appears to be a revival of the idea of decentralization. This is probably a consequence of the experience gained from a large number of rural development and poverty alleviation programmes.  

During that period, most of the States have considered local bodies as instrument to deal with local people. States were not ready to pool funds or functions to local governments. Only two states, Karnataka and West Bengal, appear to have put their full faith in devolution of planning authority on the panchayati raj system. A study of what has been put through in West Bengal since 1978 and what is intended in the Karnataka Bill, expected to receive the President's assent in the near future, reveals the following basis features:

1. In both States, the chairman of the zilla parishad is from amongst the directly elected members.
2. In Karnataka, there will eventually be only one-tier below the district, viz the mandal panchayat. In West Bengal, there are two tiers: the panchayat samitis at the block level and the gram panchayats.

The working group was of the view that decentralized planning bodies (zilla parishads) should have enough freedom to plan according to their perception of local development potential as well as constraints.  

There are two other parameters within which they will have to work. These are,

1. In an unequal society sharply divided in terms of access to assets/skills, direct election will be greatly influenced by money power and we may get a so called representative leadership with doubtful commitment to poverty alleviation and elimination of exploitation of the poor. Under such a situation, some instruments / arrangements may be necessary to safeguard and protect the interest of the poor.

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176 Ibid. See Report of Working Group II
177 Ibid
2. An autonomous planning body (like the zilla parishad) may be tempted to prepare plans much beyond the availability of financial resources which are mostly derived from 'outside' sources, i.e. not raised by own efforts. Such extravagant demands when not satisfied would provide a cause for conflict. Likewise, such a planning body may not like to adhere to certain accepted rational priorities. If a large number of district planning bodies ignore these priorities, the cumulative state plan may turn out to be highly divergent from the one which is in the interest of the state as a whole. Hence, such of the autonomous district planning bodies will have to work within the broad sectoral allocations determined at the State level.

i) Each State should have an inter-district council, analogous to the inter-state council contemplated in article 263 of the Constitution, which should serve as a forum for discussion of inter-district as well as State-district problems and for evolving State-wide consensus on basic policies and priorities, especially in respect of problems of the poor and of weaker sections generally.

ii) Each district should have an ombudsman to whom individual citizens, or groups, can approach for redress of grievance arising out of alleged maladministration by the zilla parishad. A provision for this effect should be included in the panchayati raj legislation of each state. The possibility of the collector being empowered as ombudsman, where he is not a functionary of the zilla parishad (as in West Bengal), could be explored.

iii) Panchayati raj institutions below the level of zilla parishad will be different in different States, the inter-face between these and development staff below the level of district heads will need to be worked out State by State, keeping in mind the principle of accountability to the people's representatives.

Apart from few concerted efforts made by certain States there was no momentum in local governance agenda in India. For a long period of time, lack of constitutional mandate, weaker political perspective, non-trustworthy attitude of opinion makers, resistance from bureaucracy, less enthusiasm from community organizations etc. caused such a situation.
4.4 L. M. Singhvi Committee

Once again, the Government of India came out with the constitution and appointment of another expert body to investigate and submit suggestions on democratic decentralization. Hence the committee in the chairmanship of L.M. Singhvi was established for the said purpose. The said committee was entrusted to examine Integrated Vision of Democracy, Ascent and Ennui of Panchayati Raj Momentum, Causes of Decline, An Approach to Conceptualization, Need for Constitutional Protection, Party Politics and Panchayati Raj, Nyaya Panchayats, A Plea for Integrated Administrative Structures etc.

The concept of panchayats was a part of the philosophy of Purna Swaraj and Gram Swaraj. Mahatma Gandhi and Jawaharlal Nehru breathed into those concepts and inexorable and practical patriotic impetus during the era of struggle for independence. Indeed, at the time of our Constitution, the concept of village panchayats was not a remote and hoary historical concept. It was a part of the legacy of India's struggle for freedom and its quest for its own traditions and identity178.

Singhvi Committee was of the view that it has been a fundamental error to regard panchayati raj institutions primarily as tools for administrative programmes and development projects. That error had the effect, in greater or lesser measure, of devaluing and downgrading the role of these institutions as units of self-government and relegating them to a secondary position, harming and hampering both democracy and development.

Singhvi Committee pointed out that initially democracy and development seemed to march hand in hand. There was climate of optimism and resurgence, but within a few years of the inauguration of the new era, panchayati raj institutions began to sag, stagnate and decline.

The potential of panchayati raj institutions as centres of people's power aroused apprehensions and a jealous hostility all around. Elected representatives in Parliament and State legislatures saw with dismay their inevitable dependence on panchayati raj

functionaries with whom they were not quite willing to share power. There was public
apathy and indifference and a perceptible weakening of political will to support these
institutions on a priority basis. There was chronic insufficiency of resources at the
disposal of these institutions. Most of the institutions had to function in a hand to mouth
predicament in a state of perpetual neglect and humiliated impoverishment. The
bureaucracy was becoming alienated after the initial phase and had begun to resort to
systematic by-passing of these institutions. Programme after programme was launched
without involving panchayati raj institutions in them. These programmes have become
close preserves of bureaucracy undermining and frustrating the panchayati raj
institutions as units of self-government. Facilities for training were meagre. Research
and reform inputs were negligible. Political factionalism and certain public
disenchantment with these institutions weakened them further and these institutions
failed to nourish themselves from the reservoir of people's power because grama sabha
as a basic institution did not become a living and pulsating reality. Corruption began to
creep in. What is worse, elections to panchayati raj institutions were not held for years
together. Elected sarpanches and panches and other panchayati raj functionaries were
suspended and panchayati raj institutional were superseded frequently and
indiscriminately.

Unfortunately, the elected political elite as well as the entrenched bureaucracy
saw in the emerging leadership of panchayati raj institutions a competing cadre with
whom they were not particularly anxious to socialise or cooperate. The State
governments which were primarily responsible for nurturing these institutions began to
look askance at them. Not surprisingly, these institutions also suffered from benign
neglect at the national level, although occasional expressions of concern were not
lacking. These expressions, however, proved to be cries in the wilderness.

This Committee was of the view that panchayati raj institutions declined because
of lack of conceptual clarity, absence of political will and denial of national priority,
lack of continuous process of research, evaluation, feedback and correction at these
institutions.

The quantitative and geographical expanse of panchayati raj institutions
throughout the country is not necessarily an asset, unless steps are taken to change the
orientation. These institutions can be turned to good account but there are Augean
stables which cannot be cleansed except by turning the waters of the river Alpheas through them. The concept of grassroot democracy for its own sake and the concept of development as an integral part of self-government can be durable inputs of catalysis and catharsis to make panchayati raj institutions fully effective and credible.

**An approach to conceptualization**

To realize local self-governance system in India, an absolute reconceptualization is essential. Here Singhvi Committee conceptualized the panchayati raj institution as basic units of self-government. The Committee took villages and grama sabha as republican base of democratic nation. The Committee considered the grama sabha the embodiment of direct democracy.

The Committee opined that the concept of panchayati raj institutions must draw inspiration from quintessential concept of gram swaraj. That is the explicit mandate and background of article 40 of the Constitution. The Committee was of the view that the concept of village panchayats as units of self-government is central and integral to the constitutional mandate and is vital in terms of the living rural reality. The villages may be reorganized and many of them may in the process be grouped and enlarged in order to make for more viable village panchayats and enlarged villages should continue to be primary and homogenous units of self-government with a measure of direct democracy.

The demographic size of the area is no doubt relevant to the effective transfer of technology, organization of services in respect of health, education, agricultural and industrial sectors and other welfare activities. Rationalization of territorial limits and demographic size is a highly desirable goal in the on-going process of democratic self-government, technology transfer and economic development. Village reorganization on the basis of relevant criteria which should take into account factors of identity, continuity, contiguity, homogeneity, communications and techno-economic, demographic and cultural factors. There is a case for larger and more viable village units. The task of delimitation of reorganized villages should be performed preferably by a commission in each State under the mandate of a legislation on the basis of clearly enunciated criteria, the application of which would have to be carefully balanced in the light of public representations and popular proclivities. However, there must be caution against the concept of large federal mandal units with numerous hinterland village as basic units of self-government. Even though federated mandals may appear to be
administratively more efficient from a planning point of view, they will be democratically less self-sufficient and less self-reliant.

The panchayati raj institutions should be organized as part of the process of democratic decentralization for building up the institutional edifice from the grassroots upwards and not as gift of devolutionary process. The panchayati raj institutions have to be viewed as institutions of self-government which would naturally facilitate participation of people in the process of planning and development flowing from and as a part of the concept of self-government. Development planning should be democratic planning. The bureaucratic structures and devolutionary strategies cannot achieve people's participation in a meaningful manner.

The operational dynamics of panchayati raj should be directed to achieve community and social mobilization, transcending the barriers of caste, religion, sex and disparities of wealth and surmounting social disabilities and disadvantages. The panchayati raj institutions should become vehicles for homogenization, secularization and socialization of national ethos. This has to be a conscious process through specific programmes and by an effective utilization of media of mass communications.

**Need for constitutional protection**

During the initial decades of independence it may be a reality to abstain from such a constitutional mandate, it became essential in the later period to incorporate constitutional provisions regarding local governance. Most of the committees and commissions in this respect have pointed out that message. Hence Singhvi Committee envisaged and recommended that local self-government should be constitutionally recognized, protected and preserved by the inclusion of a new chapter in the Constitution. Local self-government and more particularly, panchayati raj institutions, should be constitutionally proclaimed as the third tier of government. The broad framework and content of constitutional amendments which were drafted several years ago in 1974-75 by a committee under the Chairmanship of Dr. L.M. Singhvi may be taken as starting point. The Committee was of the view that a separate chapter should be added to the Constitution so as to make identity and integrity of the panchayati raj institutions reasonably and substantially inviolate.
The peculiar phenomenon of elections to panchayati raj bodies not being held for years after the expiry of their statutory terms in most States adequate remedial mechanism has to be prescribed by the Constitution itself or by corresponding legislation. The magnitude of delay in holding elections was shocking as well as staggering in many cases. Without the renewal of mandate, the panchayati raj institutions became empty shells or mere wire pulling mechanisms. An electoral mandate is evidently the life breath of a democratic institution. To deprive the panchayati raj institutions of that life breath was to suffocate and asphyxiate them.

The elections to panchayati raj bodies should be held promptly at the end of the specified term. A constitutional provision should be made to ensure regular, free and fair elections for panchayati raj bodies and the task should be entrusted to the Election Commission of India operating through State Commissions or similar apparatus. No panchayati raj institution should be allowed to remain superseded for more than six months. These elections should be held on the basis of the electoral rolls prepared for the Lok Sabha and the State Assemblies.

In order to avoid apprehensions and charges of political bias or interference, it would favourably consider recommendation for a panchayati raj judicial tribunal to be constituted in each State to adjudicate controversies in relation to elections, suspensions, supersessions, dissolutions and other matters relating to the working of panchayati raj institutions and its elected personnel.

The ways and means should be found to ensure the availability of adequate financial resources for panchayati raj institutions to function effectively. The institutions of local self-government have often been reluctant to raise revenue resources through taxing powers. A pattern of compulsory and optional levies and a list of subjects in respect of which powers to levy taxes and fee may be entrusted to panchayati raj institutions with a provision that for a given period, the State governments shall levy and collect on behalf of panchayati raj institutions and shall disburse to them, on the basis of the recommendation of Finance Commission in each State. The Finance Commission appointed by the Union Government should make an adequate earmarked provision for panchayati raj institutions. The resources budgeted for various rural development and poverty alleviation programmes should be routed through panchayati raj institutions which would as a result gain in authority and effectiveness.
Party politics and panchayati raj

Political parties do perform pivotal role in the democratic governance system. The Union and State level election process was established on the basis of party politics and partisanship of elected members in the houses as well as cabinets, whereas in local government institutions with direct democratic involvement of general public such predominance of political affiliation and affinity may cause some hardship. L. M. Singhvi Committee was of the view that it was neither practicable nor desirable to injunct the participation of individuals associated with political parties in panchayati raj institutions by law. If a consensus was not reached and if elections are held, it does not decisively change the situation merely to provide by law that no party symbols will be allotted in the elections, so long as parties in fact remain active in the electoral process. Indeed there was something to be said in such a situation to allow the cleansing symbolisis of open electoral competition and contest which is otherwise a part of national politics. The Committee felt that the role of political parties or self-denying self-restraint by political parties in that respect has to be evolved by a consensus among the political parties rather than making it a subject matter of legislative prohibition. The issue was thrashed out by the Prime Minister who in the National Development Council and in consultation with leaders of different political parties.

Nyaya panchayats

Policy formulation and legislative functions are not transferred to the local bodies even today in India. Similarly judicial functions and powers are not provided to local bodies. Some sort of experimentation in this regard was made by the Karnataka State through its 1983 nyaya panchayat legislation. The institutions of nyaya panchayats are valuable aid to the development of social habits of self-government and rule of law. Nyaya panchayats should be entrusted with functions of mediation and conciliation in addition to adjudication. The Singhvi Committee suggested that there may be a nyaya panchayat for a cluster of villages constituted by election or appointed from a special panel to be prepared for the purpose. In addition, each party to the dispute may be permitted to choose a nyaya panch from a panel to be presided by a professional judge as in the case of arbitration proceedings. Alternatively they may be elected by a consensus in primary panchayat units so far as possible. It was suggested that appropriate qualification and training may also be prescribed and permanent staff
for keeping records and for service of notices and summons should be appointed. The full implications and ramifications of the recent recommendations of the Law Commission in respect of another variant of local judiciary are in the form of gram nyayalayas.

A plea for integrated administrative structures

Another area of consideration was administrative system, institutional mechanism, performance assurance and evaluation of the local governance at the lower tier of the State. The administrative structures for planning and development should be dynamic and independent and should at the same time be integrated with institutions of local self-government losing their dynamism and independence. The principal technical and administrative officers of various specialized departments along with their line formations should be part of the organizational and administrative structure of the zilla parishad. The district development commissioner would be the chief executive officer of zilla parishad. The district development commissioner should be entrusted with the task of assisting in coordinating the planning and implementation activities of various departments, agencies and institutions at the district level. Officers of high caliber, proven competence and sympathy for panchayati raj institutions should be detailed to function as panchayati raj officials. The Singhvi Committee recommended that every official in the administration should be made to work in panchayati raj and rural development setting so as to sensitize public administration to the problems of rural India. It was emphasized that the administrative structures should not be top-heavy and the administrative personnel should be made aware of the importance of panchayati raj institutions and their accountability to them generally. Their strong view was substantial training, research and public education inputs should be provided to strengthen the panchayati raj institutions and the performance capabilities of those who are called upon to function as voters, elected representatives, administrative officials and voluntary workers in relation to panchayati raj institutions. Voluntary institutions should be given the pride of place in providing these inputs. It would be the most productive and profitable investment in democratic institution building. On the ground of detailed consultations and interaction the Singhvi Committee agreed to prepare model legislation within the framework of the proposed new chapter in the Constitution. It should be prepared with sufficient scope for appropriate local adaptations. The National and State level local self-government institutes, and centres for training at the
district level, should be established and entrusted with training, evaluation and research responsibilities particularly in relation to panchayati raj and urban local institutions. The institutes and centers should also be a clearing house of information relating to local self-government and should monitor and report developments in that field. They were of the view that the proposed National Institute of Local Self-Government should, in respect of its research and evaluation functions, utilize universities, research bodies and voluntary organizations such as All India Panchayats Parishad which should have a consultative nexus with it and which would be an invaluable resource for dissemination of information as well as for proper motivation.

As on examination, more committees and commissions can be identified and appraised in this sector. The 1989 law on panchayat raj was formulated upon such informations, whereas that was rejected by the parliament due to technical reasons, which may defeat the cardinal objective of such a law making. Subsequently those drawbacks were remedied for an interim period only. Visible changes were happened only after four decades of our constitution and the local governance system within the country.

4.5 V. Ramachandran Committee Report

After three decades from the first Administrative Committee Report (ARC Report) which introduced a proposal for District Administration System in Kerala, as part of decentralization of democratic power, no effective measures were taken for the same. Whereas in 1987 the then State Government has resolved to initiate practical steps to introduce district administration system in the State. As a result, the government has appointed a high power committee in this respect in the chairmanship of V. Ramachandran, IAS.

It is a truism that it is difficult to get the right political decision taken to devolve powers to local governments. But, it is not often realized that the political decision gets delayed, mostly, not due to the lack of political will to part with power but due to lack of clear understanding of what decentralization is all about resulting in a fear of the unknown. Moreover, even where the political decision has been taken, the process of devolution of powers has often been stalled due to plain ignorance about “doing”

decentralization, that is, absence of capability to envision the process and inability to structure the step by step procedure. In a sense, administering decentralization is far more complex and uncertain, demanding greater commitment and wisdom, than taking the decision to decentralize administration.

Even after the constitutional amendment mandating a local government system and decentralized planning for local development, one gets a feeling that the progress is slow indicating absence of vision of what to do and how to do.

When dealing with the subject of democratic decentralization, one is not writing on a clean slate. The subject has been under discussion for long, five Bills were moved in the Legislative Assembly form 1959 onwards and two of them were considered in detail. The Kerala District Administration Act was finally passed in 1979 and received the President’s assent on May 18, 1980. When steps were taken for implementation of the Act immediately thereafter, some difficulties were faced and major reservations were also expressed by a number of persons on the powers and functions entrusted to the district councils under that Act. Opinion on the subject ranges from one end of the spectrum to the other – from those who do not see the need for any democratic decentralization to those who would like full-fledged ‘district governments’ to be established.

There is no doubt that without changes in the political and administrative culture, democratic decentralization will not take place. For it to succeed, changes are also necessary in the local bodies’ culture as well as in the general culture of dependence of the people on government for everything.

While there have been strong centralizing trends during the last 50 years as explained in the study, it is also true that state level political leaders recognize the need for some decentralization when they receive petitions from the people on all manner of subjects and when it is found that the people have to approach a minister at the state level to get even a small matter attended to. Senior officers also bemoan the fact that they have to spend most of their time dealing with minor matters, which should be attended to at local levels and they do not have sufficient time to devote to more important questions of policy and management. It would appear that contradictory pulls have been at work on decision-makers and that the centralizing pulls have won so far.
With the progress of development and increasing complexity of administration and rapid growth in the responsibilities of government, the need for decentralization has become urgent. Assuming that there is the necessary political will for decentralization, a major structural reform of this magnitude cannot be implemented successfully without a major reform and reorganization in the services. Every State Government employee is now a component of a vertical organization from the State to the panchayat level. A substantial number of the category of employees will have to be brought under the district council and they will have to work together under it. Their conditions of service and status as government servants will, no doubt, be protected, but since even very minor changes are resisted, the resolution of matters relating to the services in the context of democratic centralization will call for a higher degree of political will and courage than is demanded by the process of decentralization itself. Unless, it is forthcoming, the ship of decentralization may well founder on the rock of service problems.

**An overseeing on Evolution of Decentralization**

Traditionally, panchayats were self-governing units in the country exercising overall control over the life of the people of the village. They were not democratic in the modern sense and considered mainly of elders of different castes. There were also panchayats for each caste which enforced the caste rules and code of conduct and awarded punishment if in case of transgression of such rules and norms. The panchayats and the people of the village did not, of course have any voice in the overall governance of the territory or the region. When king and rulers changed and imposed their rule on the people, the village and panchayat continued as basic unchanging units looking after a major part of their social and economic life.

Several of the earlier of powers of the panchayats had been taken away and they have brought under the control of supervising officers severely restricting the rights of the people. During independence struggle, Mahatma Gandhi stressed on the village as the basic rule of India with full-fledged panchayat system.

The Gandhian constitution of free India, drawn up under the imprimatur of Mahatma Gandhi and which envisaged the five-tier system stated as follows:
“The higher panchayats will tender sound advice, give expert guidance and information, supervise and coordinate the activities of the village panchayats with a view to increasing the efficiency of the administration and public services. But it will be the basic units that would dictate to the centre and not vice versa. In fact, the whole system will be turned upside down – the village shall become the real and moving unit of administration.”180

However, even when the popular Governments came to power in British India following Government of India Act, 1935, the basic structure of the laws regarding panchayats, municipal and local boards was not changed. The problem was one of reconciling the requirements of modern government and development with the Gandhian concept. These problems in varying forms remain even today.

Soon after independence, the All India Congress Committee in a resolution stated that the congress objectives observed as follows:

“Political independence having been achieved, the Congress must address itself to the next given task, namely, the establishment of real democracy in the country and a society based on social justice and equality. This can be realized when democracy extends from the political to the social and economic sphere. Democracy in the modern age necessitates planned central direction as well as decentralization of political and economic powers, in so far as this is compatible with the safety of the State, with efficient production and the cultural progress of the community as a whole. The smallest territorial unit (the village) should be able to exercise effective control over the corporate life by means of popularly elected panchayat.181”

The question of the role to be assigned to panchayats was obviously a subject for discussion while drawing up the Constitution of India. The first drafts of the Constitution did not make any reference to panchayats at all. Dr. Ambedkar, one of the principal draftsmen of the Constitution applauded the fact that the draft Constitution had “discarded” the village which he damned as “nothing but a sink of localism, a den of ignorance and narrow-mindedness.” Gandhiji on the other hand observed: “it is

180 Malaviya A. D, Village Panchayats in India, All India Congress Committee New Delhi (1956) p. 249
181 All India Congress Committee Resolution, November 1947
certainly an omission calling for immediate attention, if our Independence is to reflect the people’s voice. The greater the powers of panchayats, the better for the people.”\textsuperscript{182}

Finally, the Constituent Assembly included the following provision in the Directive Principles of State Policy:

“The State shall take steps to organize village panchayats and endow such powers and authority as may be necessary to enable them to function as units of self-government\textsuperscript{183}.

The only other mention of Local Government Institutions in our Constitution is in List II (State List) of the seventh schedule, listing the fields of legislative and executive jurisdiction of states. This entry reads as follows:

Local government that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration\textsuperscript{184}.

The local government institutions are thus creatures of the state legislatures and their existence and functions depend on the decisions that state governments and legislatures take from time to time. Several proposals have been made over the years for making substantive provisions in the Constitution regarding a local government structure in the states and ensuring timely elections to local government institutions.

**Decentralization in other parts of India, a bird’s eye view**

As part of the planned development programme and co-operative movement in independent India, it was suggested that the district administration should be re-organized in order to provide for, among other things, linking up in relation to all development work of local self-government institutions with the administrative structure of the state governments. It was pointed out that so long as local government institutions were not conceived as part of the same organic constitutional and administrative frame-work, the structure of democratic government provided by the constitution at the centre in the states would remain incomplete.

\textsuperscript{182} Harijan, December 21, 1947  
\textsuperscript{183} art. 40 of the Constitution of India, 1950  
\textsuperscript{184} Item 2 List II, Schedule 7 of the Constitution of India, 1950
The Grow More Food Enquiry Committee made several recommendations for increased food production, organizationally, it stressed the need for an integrated structure for rural development and recommended the establishment of a development block for 100-120 villages (the small traditional Indian villages) under the charge of a Block Development Officer, assisted by technical officers in agriculture, animal husbandry, co-operation and engineering and with village level workers at the rate of one for 50-10 villages. The Committee made recommendations for an integrated structure at the district level also, under the chairmanship of the Collector. These recommendations were given concrete shape with the launching of the community development programme, which was implemented through the National Extension Service and covered the entire country within a few years. The Development Block was created as the basic unit for integrated rural planning and development comprising agriculture and allied activities, education, health, social welfare, communications, supplementary employment etc. with special emphasis on self-help and public participation. A schematic budget was indicated. There was common staffing pattern and the programme was meant to be executed in three stages.

The planned development programme emphasized that the proposed democratic structure in the districts should satisfy two essential conditions. “In first place, the functions of the popular body should include, if necessary, by stages determined in advance the entire general administration and development of the area other than such functions as law and order, administration of justice and certain functions pertaining to revenue administration.

The second condition was that for small areas within the district or the sub division such as development blocks or the taluks, sub committees of the popular bodies should be assigned with clear functions in the implementation of local programmes.”

From 1959, for a period of five to six years, the panchayat raj institutions started in many states as mentioned above, functioned with varying degrees of powers, functions, autonomy, and efficiency. The Intensive Agricultural District Programme (IADP) had already been started in 1960 in selected districts involving vertical control of agricultural staff at the field level. The Intensive Agricultural Area Programme (IAAP) and the High Yielding Varieties Programme (HYVP) were started in 1965. As

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185 See Second Five Year Plan document, 1956
pointed out by G. V. K Rao Committee, these developments had two simultaneous results:

a. The community development programme itself lost much of its earlier cohesive force and yielded to what may be called a conscious disintegration which was accompanied by falling budgets and the takeover of the much of the staff by the respective line agencies; and

b. Even though the intensive efforts in agriculture led to the Green Revolution, the benefits of this remained largely confined to the larger farmers and areas which were better placed to receive the benefits of the HYV technology package186.

The Committee recommended a two-tier system, with the district as the first point for decentralization below the State level. Below the district level, it recommended that development management could be best achieved by grouping a number of villages to constitute mandal panchayats. It recognized the existence of other tiers at the block (taluk) level and village level in some States and suggested gradual conversion to a two tier system in such States.

**Efforts in Kerala for Democratic Decentralization**

The Government gave top priority to administrative reforms and constituted a Committee on August 15, 1957 headed by E. M. S. Namboodiripad, the then Chief Minister, for examining the working of the administrative machinery, assessing its adequacy and suggesting measures for improving its efficiency. The terms of reference of the Committee, inter alia, covered the following:

"(iv) to suggest measures for decentralization of powers at various levels with a view to expeditious despatch of government business;

(v) to suggest methods for democratization of the organs of Government at various levels with a view to effective participation of local self-governing institutions or other representative bodies in the administration187;"

In its report submitted on July 26, 1958, the Committee recommended the strengthening of panchayats in the State as viable and basic unit of administration and

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186 The report of the Committee to review the Administrative Arrangements for Rural Development and Poverty Alleviation. Department of Rural Development, Ministry of Agriculture, Govt. of India (1985)

187 First Administrative Reforms Committee in the State of Kerala appointed on 15th August 1957.
development at village level, including the collection of land revenue as agents of the
government. Above the Panchayat, the Committee recommended the reconstitution of
taluks and blocks in such a way that revenue and development functions could be
combined at the level of the taluk in one office. An Advisory Council formed by
indirect election and replacing all ad hoc committees was suggested to be formed at the
reconstituted taluk level. As regards the district level, there were two views in the
committee and both were set out in the Report. One view was that with the
strengthening of the Panchayats, which would be relatively large-sized in the State, it
was enough to have a district council with the Collector as the Chairman and which
would function as an advisory and co-ordinating agency in matters of development. The
other view was that a district council with executive functions should be constituted by
direct election with a non-official President and non-official Vice President. All the
district officers of development departments would be members of the council without
the power to vote. The Collector was not to be a member but was to be kept informed
the progress of work from time to time. It was suggested that the implementation of the
reform might be undertaken in three stages as follows:-

"First Stage – The District Councils should function as the agents of Government in
respect of all development work – both social service and production – exclusively
pertaining to their sphere and generally direct coordinate, supervise and review the
activities of the official and non-official agencies in the district in this regard.

Second Stage – They will take over and assume full control and responsibility over the
social services branch of development, continuing to function as in the first stage in
regard to other items of development work,

Third Stage – They will assume full authority over development work in the district
except the very important schemes which may be specifically retained in Government's
direct control and function as full-fledged local self-governing units for their area."

Following the recommendations of the Administrative Reforms Committee, a
Kerala Panchayat Bill was introduced on December 9, 1958. Later, the Kerala District
Councils Bill was introduced on April 16, 1959 by the then Chief Minister. The basic

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principles of the propose legislation were listed as follows in the Statement of Objects and Reasons:-

"(a) A District Council will be set up for each revenue district;

(b) The District Councils will consist of members representing the municipalities elected from among the councils, members elected on the basis of adult franchise from non-municipal areas and official members comprising officers of Government connected with the planning and execution of development schemes in the district who will not have the power to vote or move any resolution;

(c) There will be reservation of seats for Scheduled Castes and Scheduled Tribes;

(d) The number of non-official members of the District Council range from 15 to 30 according to population; and

(e) The term of office of the District Council will be the same as the Panchayats, namely, five years189.

The functions of the District Council were to cover development matters, to be progressively changed from agency functions to full-fledged executive functions in three stages, as recommended by the Administrative Reforms Committee.

Whereas neither the Panchayat Bill, 1958 nor the District Councils Bill, 1959 could, however, be enacted into law as the Legislative Assembly was dissolved on July 31, 1959.

During 1960 and 1961, when Pattom A. Thanu Pillai was Chief Minister, the Kerala Panchayat Act, 1960, the Kerala Municipalities Act, 1960 and the Kerala Municipal Corporation Act, 1961 were enacted unifying the existing laws in the Malabar and Travancore-Cochin regions of the State and enlarging the functions and financial resources of the local bodies. As regards the Kerala Panchayat Act, the Statement of Objects and Reasons of the Bill observed as follows:-

"The proposal is that the panchayat should be the only organization at the village level between Government and the people and that they should be the media through

189 See Statement of Objects and Reasons, the Kerala District Councils Bill introduced on 16th April 1959
which the villagers come into contact with the Government. In other words nothing that takes place within the panchayat area should be done without the panchayats being associated with it.

Provision has been made for entrustment to the panchayat the functions now attended to by the village officers excepting the judicial functions exercised by certain village headmen in the Malabar area. Where the functions are entrusted to the panchayats the village staff would form part of the panchayat establishment. The Village Officer would be responsible for the collection of panchayat revenue and land revenue and the village assistants for the maintenance of land records and cultivation accounts.

It is also proposed that panchayats should be entrusted with the responsibility of control and supervision of elementary schools and of medical, public health work and for the development of agriculture animal husbandry and cottage industries. The staff now employed at the panchayat level of the Government for these purposes will work under the control and supervision of the panchayats. The extent to which the panchayats and Government officers may exercise control - administrative, technical and disciplinary - over such staff will be clearly defined in the rules to be prescribed190.

In accordance with the Objects and Reasons the Kerala Panchayat Act as finally passed contained an impressive list of duties and functions191. The Act also provided that the Government could authorise the Panchayats to exercise other functions such as collection of land revenue, maintenance of survey and village records, collection of village statistics, supervision and control over Government primary schools, medical, public health, child welfare, maternity institutions and execution of community development work including improvement of agriculture, animal husbandry, communication and village industries192. Over the years, however, while the panchayats could exercise most of their compulsory duties, only very few, if any of the development functions were given to them and none of the responsibilities contemplated in Section 58 of the Act were entrusted to them by any of the Governments. In fact, by the amendments to the Kerala Panchayat Act as per the Fourth Schedule of the Kerala District Administration Act, 1979, the development functions of

190 See the Statement of Objects and Reason, the Kerala Panchayat Act, 1960
191 See Section 57 of the Kerala Panchayat Act, 1960.
192 See Section 58 of the Kerala Panchayat Act, 1960
the panchayats are restricted by bringing them under the supervision and control of the
district councils. That amendment also removes from the provisions of the Kerala
Panchayat Act\textsuperscript{193}, the specific mention of collection of revenue and other revenue
functions\textsuperscript{194}.

In February 1964, during the ministry headed by R. Sankar a "Kerala Panchayat
Union Councils and Zilla Parishad Bill" was introduced in the Legislative Assembly.
The scheme of this Bill was on the lines of the recommendations of the Balvantray
Mehta study team and the Panchayati Raj set up introduced in States like Madras (Tamil
Nadu) and Rajasthan. The block was to be the basic unit of planning and development
in the State with an elected Panchayat Union Council with sufficient authority to carry
out the development tasks assigned to the blocks. At the district level an advisory zilla
parishad was proposed with the Collector as the Chairman and with non-official and
official members. The Chairmen of the Panchayat Union Councils were to be members
of the zilla parishad. The parishad would also advise the Government on matters
relating to local authorities. The bill could not, however, be proceeded with as the
Government fell within a few months.

The Administrative Reorganization and the Economy Committee headed by M. K.
Vellodi, which was appointed during the President's Rule in 1965, generally endorsed
the provisions of the 1964 bill with some suggestions and modifications regarding the
details of control, finance, etc. The Committee also observed that associated
membership for the members of the Legislative Assembly in an executive body like
taluk samithi "is likely to inhibit growth of local leadership\textsuperscript{195}.
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After a prolonged spell of President's Rule in the State, a ministry again headed by
E. M. S. Namboodiripad was formed in March 1967. The Kerala Panchayati Raj Bill,
1967 was introduced in the Legislative Assembly in August 1967. The Bill
contemplated essentially a two-tier system- panchayats at the basic level and at the
district level, zilla parishads with executive functions and some sources of revenue and
with some powers of supervision and control over the panchayats. The functions of the
zilla parishad contemplated in the bill were all developmental and were an elaboration

\textsuperscript{193} Ibid
\textsuperscript{194} See detailed discussion on the Fourth Schedule of the Kerala District Administration Act, 1979, in Part
II of the Report.
\textsuperscript{195} Report of the Administrative Reorganization and Economy Committee, Government of Kerala (1965-
of the provisions in the 1959 bill. The bill was considered in detail by a select committee which took evidence in a number of places within the State and also conducted a study tour of Maharashtra, Rajasthan and Andhra Pradesh with a view to learn how the concept of panchayati raj system was worked out and implemented in those States. The Select Committee submitted its report in August, 1968 and recommended substantial changes in the Bill. The Act itself was recommended to be called "the Kerala Local Government Act". Major modifications were made in the functions and powers of zilla parishad to be called district councils.

After the new Government under the Chief Ministership of C. Achutha Menon took charge in October, 1970, the "Kerala District Administration Bill. 1971" was introduced in the Legislative Assembly. The general structure of the bill was the same as that recommended by the select committee on the earlier bill in 1968. There was a greater elaboration of some of the provisions. In particular, a number of schedules were added to the bill providing for entrustment of Government's powers to district councils in 24 different enactments. The amendments were in the nature of an omnibus provision in each of the Acts, giving powers to the Government to delegate its powers, other than the general rule making powers, to the district councils. This bill also lapsed before it could be enacted into law.

A 'Kerala District Administration Bill' was again introduced in the Legislative Assembly on August 1, 1978 when A. K. Antony was Chief Minister. The structure of this bill was also the same as the 1971 bill, but the second schedule specifically listing such items as police administration, prisons administration, etc. was removed and the functions under 'administration of land revenue' were also restricted. The number of Acts with a general provision for delegation of Government's powers to district councils included in the schedules was increased to 30.

The Kerala District Administration Bill, 1978 as reported by the Select Committee and as finally passed by the Legislature in 1979 received the assent of the President on May 18, 1980 by which time a new Government under the Chief Ministership of E. K.

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196 Report of the Select Committee on the Kerala Panchayati Raj Bill, 1967 and the Bill as reported by the Committee. Government of Kerala 1969
Nayanar had come to power. The Kerala District Administration Act, 1979 (Act 7 of 1980) was published on May 27, 1980\(^{197}\).

The next Government under the Chief Ministership of K. Karunakaran came to power in May 1982 and it took some time to consider the implications of the Act. It was generally felt that certain amendments to the Act were inevitable before its implementation could be taken up. In 1984, it was decided that a Committee under the Chairmanship of the then Minister for Local Administration would consider the lines on which amendments to the Act had to be made\(^{198}\). The Government also decided that pending the amendment to the Kerala District Administration Act, 1979, preliminary steps will be taken during a period of two years, to transfer to the district level, through constitution of working groups, the sanctioning of district-level schemes and works and to bring about a greater degree of administrative co-ordination at the district and lower levels with emphasis on location-specific and area-specific development, so that it would be easier for the district councils, when formed to take up such items of work. Accordingly, the Government had issued a series of orders to bring about greater co-ordination of the implementation of development schemes in the district and had also delegated the function of preparation of schemes under the Special Component Plan to the district level. The Committee constituted for suggesting amendments to the Kerala District Administration Act did not, however, make any headway and no report was presented.

Following the general elections in March 1987, a new Government again headed by E. K. Nayar came to power. The coalition of parties had stated in its election manifesto that the District Administration Act would be implemented. Apparently in the light of the various reservations that have been expressed from time to time regarding the provisions in the Act and in the light of the general opinion that the Act would have to be amended before it could be implemented, the Government have asked the V. Ramachandran Committee to advise on the measures to be taken for decentralization at the district and lower levels.

Decentralization means that the process of centralization will be reversed and that which is centralized will also be made over to lower levels to a certain extent.

\(^{197}\) Vide Notification No. 9154/Leg-C2/79/Law dated 27th May, 1980 in Kerala Gazette Extraordinary No.XXV/362 of the same date
\(^{198}\) Vide G.O. (Rt.) I317/84/LA&SW dated April 7, 1984
Centralization means greater concentration of powers and "functions at higher levels and withdrawal of the same from lower levels to a greater or lesser degree. During the last 50 years, centralization has consistently won over decentralization. How did this happen? That is the other part of the story. The political and bureaucratic mind set compelled us to continue with centralized governance system. To establish real democracy at the grass root level, instead of decentralization, genuine attempt for decentralization is essential.

At the minimum, common policies, priorities and targets have to be set and different units have to take note of them and act in the direction of their achievement. When planning is undertaken, as in our country, for development along the socialistic path with direct involvement of Government in many development and welfare matters and with public management of important segments of economic activity including a major part of the financial system, the degree of centralization becomes greater unless conscious steps to counterbalance it are taken. Even today the governmental activities envisaged and enforced under the centralized modus operandi due to economic and resources control in the hands of the higher level governments.

Development implies technological change and modern technology, at least until very recently, has been a strong centralizing force. Tasks which could be done entirely at the local levels when technology was simple become the responsibilities of larger organizations when technology became complex. Such functions, as 'lighting' and 'water supply' which could be handled entirely at local levels several decades ago became the responsibilities of larger organizations when electricity is to be supplied through a grid system from far away power stations and when large storage reservoirs have to be built for water. Nowadays, even 'garbage disposal' has become a complex task involving use of mechanical equipment, re-cycling and other processes. In such a situation, local units cannot be responsible for an entire 'subject'. They can perform only certain functions under each 'subject' appropriate to their level. It is important that they discharge such functions so that decisions are taken at the place and by the persons where and by whom the incidence of such action is directly felt. The tragedy is that even such functions were not assigned to them by the larger organizations. The nature, limit, ambit of functions, responsibilities and powers of each tier is not mentioned in the schedule of the Constitution or the concerned legislature. Hence there was no bonafide attempt to transfer any such powers or functions to local government institutions.
Most of the statutes and memoranda creating the Boards, Authorities and other organizations scrupulously avoid any mention of Local Government institutions and their responsibilities in these fields. 'Village Industries' is a subject invariably listed as one of the responsibilities of panchayati raj institutions. But, ironically, it was almost the first subject to be handed over to a National Commission as early as in 1953. There are State Boards in each State formed under a statute. The Acts creating these Boards make no mention of the role of panchayati raj institutions in the promotion of Village Industries. 'Water Supply' is also a commonly seen item in the lists of functions of panchayati raj institutions but the Laws creating Water Boards or Authorities do not assign any role to these institutions. The Kerala Act on Water Authority, for example, stipulates that even the existing systems under Local Governments will be taken over by the Authority by a particular date and that the powers of focal bodies regarding water supply will be treated as having been extinguished with such transfer. 'Construction and maintenance of field ‘channels' is an eminently suitable candidate for local attention but the Law on Command Area Development Authority makes no mention of any possible role for Local Government institutions. 'Housing' is a decentralized activity, but Housing Boards and Slum Improvement Boards have taken over even the existing powers of local institutions and even small schemes in the remote areas of a State are implemented by the vertical organizations of such Boards. The older Acts like those on Electricity provided for permitting local authorities to take up certain functions like distribution, but as a matter of policy the Electricity Boards and State Governments have not extended this to new authorities and the effort has always been to take away the function from the existing ones.

From the point of view of efforts at democratic decentralization, the result is that while 'subjects' were listed as vested in Panchayati Raj institutions in many cases, the actual powers, funds and the manpower were with an Authority, Board, Corporation or Society and not with the local Government. Restraints, controls and management were vested with the State and Central Governments. After 1990, considerable number of non-governmental and community based organizations also came to the picture as stakeholders.

The centralization trends have been pronounced in the field of access to resources. The revenue sources of local Governments are very few. They have hardly any access to capital resources. Since savings are centralized and loans are made available on a
project basis by specialized national level institutions (IDBI, NABARD, HUDCO, nationalized banks etc.) and the Central and State Governments are themselves severely constrained for resources, local Government institutions have to be content with small change. In many countries, capital outlay by local Governments is a substantial part of public capital outlay. Here, it is less than one per cent. Without functions, funds and functionaries, the decentralization became mere promise and propaganda of the rulers.

Though not connected with centralization, it has to be noted that in a democratic society, co-operatives have an important role to play. Many activities are organized on co-operative lines from the Village to the State and even National levels. One can cite the examples of several agricultural products - currently, a co-operative structure is being established in the State for coconut. Milk production and marketing have been successfully organized on co-operative lines. The relationship between Panchayati Raj institutions and co-operatives has always been a grey area. Even after five decades of local governance in Kerala, the co-operative institutions are not in par or in tune with the decentralization of democratic governance.

The omnibus nature of the amendments is open to the criticism of excessive delegation on grounds of being inappropriate (detailed study of the Acts shows that several powers should not be delegated) or insufficiently defined (the discretionary powers vested in the executive is vast in as much as either nothing may be done or everything could be done). Elected representatives do not have any executive, legislative or policy making powers than the status of an instrumentality of apparatus of the higher level governments.

In some cases, it is not the government's powers that are to be transferred to the district councils, but the powers of statutory authorities/boards. More enactments have to be amended if the listed functions like 'Rural water supply', 'Construction of field channels and field bothies', 'Village industries' are to be exercised by the district councils. Dual control and the dichotomy of functions, functionaries and funds created considerable blocks on the local governance process in the country.

It will be clear from the few examples that have been cited that both the list of 'matters and subjects' and the instrumentality for the entrustment of powers in statutory items should be reviewed carefully. This is done in Part II along with other provisions of the Act. It is necessary to reorganize the non-statutory functions and to be much more
specific regarding functions covered by statutes, keeping in view their appropriateness in each case, the present stage of development and the interests of laying a firm foundation for a major structural reform.

Paradoxically, the very conceptual generosity of the Kerala District Administration Act, the long list of 'matters and subjects' and the omnibus nature of the amendments to thirty Acts in the Schedules seem to have led to an operational paralysis, arising out of fears that they could lead to a 'withering away' of the state government and chaos all round. Such fears were clearly misplaced as many of the powers could not be exercised without parallel action on a wide front. Also, the Act gives the government powers to interfere with and stay any resolution, proceedings or act of the district council on the ground of examining its regularity or legality199.

The result is that a believer in democratization feels like the weak and thirsty man to whom a tank of water is shown at distance but whose legs are tied for fear that he would get drowned. He is unable to take a single step and gets perched and weaker while all that he needs are a few glasses of water and his legs to be untied so that he could pick up strength, walk up to the tank and enjoy it instead of getting drowned in it200.

**A local Government Structure for the State**

When discussing democratic decentralization, reference is usually made only to panchayati raj institutions by which are meant the District Councils (zilla parishads) taluk or block samithis, mandal panchayats and village panchayats. Urban local bodies like municipal corporations and municipal councils are generally left out. In a modern development setting involving urbanization, it is necessary to take note of the entire local Government structure below the State level and there is no reason why urban local government units should be left out of reckoning. It is through the establishment of a composite local government201 structure that democratic decentralization from the State to the district and lower levels can be brought about. It is necessary to decide upon and

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199 See Sections 68 and 74 of the Kerala District Administrative Act of 1979
201 The term "local authorities" is frequently used, both in statutes and in common parlance, to refer to these bodies. All LGIs are local authorities, but all local authorities are not LGIs [vide Section 3 (31) of the General Clauses Act, 1897]. LGIs form an important and distinct group of local authorities and is to better to use the term 'local government' to denote them.
establish such a structure, in order to delegate powers and functions to different units in a rational and complementary way.

We have three well-established local government institutions (LGIs) in the State of Kerala - panchayats, municipalities and municipal corporations. There was also a township committee like Guruvayur and Cantonment Towns like Kannur. In the context of democratic decentralization the establishment of a District Council at a district level and a taluk samithi between the panchayat and district levels have been under consideration. There is general agreement about the need for a body at the district level, even though there may be wide differences about the nature and range of its functions from those who would like it to be purely advisory and monitoring body for development matters to those who would like it to be virtually a "district government" dealing with all subjects coming within the jurisdiction of the State Government at the district level. As regards the taluk samithi, the question has been raised by many whether such samithis are necessary in a State in which the districts are by now small and the panchayats are big (equal to the mandal panchayats in other States). Even the Kerala District Administration Act, 1979, visualises the taluk samithi only as a nominal body.

The efforts made in the country as well as in Kerala State towards democratic decentralization to the district and lower levels, during the last thirty years, were surveyed in detailed manner. In the light of the difficulties faced in making the powers and functions entrusted to district councils and panchayat samithies operational, an approach to the method of conferring powers on such bodies and entrusting functions to them was suggested. The various provisions of the Kerala District Administration Act, 1979 and its 33 schedules were examined in detail. Apart from amendments to several sections of the Act, a thorough revision of the schedules has been made. The First Schedule dealing with powers and functions of the district, council has been redrawn and detailed amendments proposed to 24 subject-matter enactments, so as to enable the district councils to exercise the powers and functions coming within the purview of those enactments.

One of the important matters to be considered under "administrative arrangements" is that relating to services. The enormity of the problems that may be faced while dealing with service issues was hinted. It was stated therein: A substantial
number of the State Government employees will have to be brought under the district council and they will have to work together under it. Their conditions of service and status as Government servants will, no doubt, be protected, but since even minor changes are resisted, the resolution of matters relating to the services in the context of democratic decentralization will call for a higher degree of political will and courage than is demanded by the process of decentralization itself. Unless it is forthcoming, the ship of decentralization may well founder on the rock of service problems. In making recommendations regarding services in implementation of such reforms, the sensitive nature of the issue and its potential for stalling the entire process has been kept in mind.

In case some of the recommendations are not accepted or some changes are made, the administrative arrangements will have to be suitably modified in accordance with such changes.

The sections of the Kerala District Administration Act as proposed to be amended, relevant to an understanding of the matters covered and the revised in it.

**Administrative arrangements at the State level**

V. Ramachandran Committee suggested that early decision should be taken regarding a composite local government structure in the State in order to decentralize powers to the district and lower levels. A Kerala Local Government (Structure and General Provisions) Act has been suggested to be enacted, laying down the structure of local government in the State and comprising general provisions regarding a common election body, electoral system, Appointment of finance commission, powers of the Commissioner for Local simultaneously with the amendments to the Kerala District Administration (KDA) Act.

- Special cell in Local Administration Department of the Secretariat may be formed.
- Post of Commissioner for Economic Development Additional Chief Secretary is to be revived.
- Co-ordination Committee is to be formed.
- Cabinet Committee on Decentralization may be constituted with Chief Minister as Chairman.
- Commissioner of Local Government is to be appointed.
• Arrangements for introduction of District Planning are to be made.
• A State Finance commission is to be appointed.
• Training for decentralization is to be given for the elected, non-elected, and social functionaries concerned with local governance.
• Financial provision in state budget is to be stipulated.
• Examiner for Local Fund Accounts Organization has to be appointed.
• Detailed policy directive has to be issued with respect to thorough decentralized governance in the State.

The role of Head of Departments

Heads of Departments and District Collectors have raised questions regarding the role of the former in respect of matters transferred to District Councils, their relationship to the officers and staff who will be placed at the disposal of the District Councils and their responsibility for the implementation of the programmes. This is an important matter that has to be clarified to all concerned.

The Officers and staff transferred to the District Council will function entirely under the supervision and administrative control of the District Council. The council will have full powers to grant administrative approval for all the schemes, works and programmes coming within its purview. The departmental officers placed at the disposal of the district council will have powers of technical approval up to a limit. The Head of the Departments, and the Officers delegated on his behalf, will also have powers to give directions on all technical aspects of the work to be done by the District Council and its Officers. It has also been suggested that a specific provision may be included in the Act empowering Government to authorize officers (it is the Head of the Department and Circle Officers who are meant by this) to periodically inspect development schemes and works and give guidance, assistance and advice to the District Council. The officers so authorized are required to forward to the Secretary to the Council a report on the inspection with their observations, suggestions and pointing out any irregularities that might have been noticed.

Briefly stated, what is envisaged is that the District Council shall be responsible for administrative approval and implementation in respect of all matters coming within its purview subject to the technical control and guidance of the concerned technical
department of the Government. In this scheme of things, the Head of the Department and Circle Officers will have to devote more attention to technical aspects of their work than they are able to do at present, burdened as they are with an enormous volume of administrative work, including work on personnel matters. Each Head of the Department will function as a nodal technical agency advising government on the one hand and monitoring and guiding the work of the District Councils on the other. He will have to assess the trends as they emerge and advise on policies, measures and programmes in time, to counteract negative aspects and encourage the positive ones. He will have to appraise and evaluate the projects and programmes proposed for -technical approval as well as prepare State wise projects to be posed for external or national institutional assistance – an area in which a great deal remains to be done. He will also have to devote attention to training arid orientation programmes for constant upgradation of the skills of the technical personnel of his department. Last, but not least, he will have to work out the needs of the department for applied research and liaise effectively with Universities and Science and Technology institutions.

The performance of these duties will call for a gradual restructuring of the office of the head of the department, from an organisation designed to deal with a vast bureaucracy and its day to day problems and, with implementation of schemes of all sizes to one dealing with the State-wide schemes and more important technical aspects of the work of the department.

**District Planning and District Development Programme**

Institutional arrangements have to be made to ensure that the schemes and programmes involving public expenditure – those to be included in the Annual and Five Year Plans, are approved in time.

**Spatial Planning**

For the preparation of regional plans and their implementation, district councils will require the services of an inter-disciplinary professional team.

Recommendations made by V. Ramachandran Committee consists clear mandate for planning process in grass root level.
i. The spatial planning unit in each district may be under a Town Planner (Executive Engineer's rank). For this purpose the posts in Trichur and Palghat may be upgraded from Junior Town Planner to Town Planner and two new district offices may be created for Kasaragod and Wayanad districts.

ii. At Thiruvananthapuram, Ernakulam and Kozhikode a regional office with a small complement of staff may be formed separately, each under a Senior Town Planner. The Regional Offices will form part of the department of Town Planning and function under the Chief Town Planner and will be responsible for the technical supervision of the working of the district units.

iii. The Town Planner in charge of district unit will be the District Spatial Planning Officer. He along with the complement of staff under him may be placed at the disposal of the District Councils. He will be an Ex-Officio Joint Secretary to the Council.

iv. It is seen from the existing staff strength of district units that the distribution is uneven. Staff once created for a specific purpose seems to continue in the same district even after years. A re-distribution of the available staff among the 14 districts may be done on a rational basis in consultation with the Chief Town Planner and the necessary minimum additional staff may be sanctioned to the new offices.

Agriculture and Land Development

Agricultural extension and development and land development are among the more important functions to be performed by district councils.

Recommendations in this regard are stated as follows:

i. The Principal Agricultural Officer and the entire complement of officers and staff of the Agriculture and Soil Conservation wings in a district, may be placed at the disposal of the District Council.

ii. The Principal Agricultural Officer may be re-designated as Executive Officer. (Agriculture and Land Development).

iii. A Soil Testing Laboratory each may be established

iv. The various agricultural farms and nurseries may continue to be under the respective district units.
v. As a result of the recent reorganization, there is a full complement of officers and staff down to the panchayat level.

Irrigation

The main functions of District Councils under "irrigation" will relate to the construction, maintenance and repair of minor irrigation works and the implementation of field channels and bothies on behalf of Command Area Development Authorities. Renovation and maintenance of tanks, providing necessary bunds and outlets, will also be an important function.

Recommendations of the Committee can be summarized as given below:

1. In view of the impending functional bifurcation of the Public Works Department, into 'Irrigation' and 'Roads and Buildings' branches, four more minor irrigation divisions may be created so that each district will have one division to deal with all irrigation matters to be handled by and through the District Council.

Co-operation and Credit

The District Councils will be playing mainly a catalytic role in the field of co-operation.

Recommendations of the Committee on Co-operatives in nutshell opined that considering the nature of work to be done in this field by the District Councils, it is not necessary to transfer any staff of the Co-operative Department to the Councils. As already stated, the work of co-ordinating the credit requirements will be done by the district planning unit and that unit may deal with co-operative credit also.

Animal Husbandry and Dairying

In the field of animal husbandry, district councils will be responsible for the management of Government Veterinary Services in the districts including management of hospitals, dispensaries and diagnostic clinical laboratories and breeding farms.

Recommendations of the Committee can be enlisted as follows:
i. As in the case of Agriculture Department, the entire staff in the districts may be placed at the disposal of the respective district council each under the leadership of a District Animal Husbandry Officer (already in position in each district). He will be an Ex-officio Joint Secretary to the Council. The Deputy Director working under him may be re-designated as "Animal Husbandry Officer."

ii. The three veterinary stores may function under the Director of Animal Husbandry. Until alternative arrangements are made in course of time, the districts may indent for and obtain supplies from these stores, except to the extent that the district units and institutions are authorized to make purchases on their own.

iii. The following institutions and programmes may be retained directly under the control of the Director of; Animal Husbandry (all other institutions being transferred to the District Councils):

a. Institute of Animal Health and Veterinary Biologicals, Palode (Trivandrum)
b. Chief Disease Investigation Laboratory, Palode (Trivandrum).
c. Livestock Management Training Centres, Kodappanakunnu (Trivandrum) and Mundayad (Cannanore).
d. Central Hatchery Complex, Chengannoor (Alleppey),
e. Livestock and Marine Products Inspecting Laboratory, Cochin
f. Avian Disease Diagnostic Laboratory, Thiruvalla (Pathanamthitta).
g. Programme for Systematic Control of Livestock Diseases of National Importance (Trivandrum).
h. Special Livestock Breeding Programme (Trivandrum).
i. Kinder Pest Eradication Project (Palghat).
j. Cattle Sterility Scheme, Alwaye (Ernakulam).
k. Animal Diseases Surveillance Scheme (Trivandrum).

iv. As regards Dairy Development, one district office may be formed

Fisheries

In the field of 'fisheries', the important functions of the District Councils will relate to the management of traditional landing centres and welfare institutions for fishermen as well as the development and maintenance of infrastructure in fisheries villages and of inland fisheries and internal fish markets. Fish Farmers Development
Agencies, wherever they exist, will also be merged with the District Councils. The Councils will also be responsible for the implementation of welfare schemes for fishermen as entrusted by the Kerala Fishermen's Welfare Fund Board. The registration of fishing vessels under the Kerala Marine Fishing Regulation Act will also be done by the officers working under the District Councils.

Recommendations made by the Committee shows that in order to attend to the work assigned to District Councils, the 10 coastal districts, the complement of staff under Deputy Director of Fisheries consisting of Extension Officers/Assistant Extension Officers/Fishery Development Officers and Inspector of Fisheries along with their subordinate staff may be placed at the disposal of the District Councils.

**Social Forestry**

In the field of forestry, the responsibility of District Councils will cover the social forestry programmes including mobilization of public participation and of participation of educational institutions and voluntary agencies. In the forest department, there is already a complement of staff under an Assistant Conservator of Forests in each district to deal with Social Forestry Programmes including those coming under NREP and RLEG.

Recommendations of the Committee can be confined as the entire complement of staff in each district for social forestry (including those deployed for NREP, World Bank Project, RLEG) under an Assistant Conservator of Forests, may be placed at the disposal of the District Council.

**Rural Development**

The District Rural Development Agencies will be merged with the District Councils and the Councils will, therefore, be responsible for the preparation and implementation of local area development programmes as well as the IRDP, NREP and RLEG. The councils will also be responsible for the promotion of rural energy programmes.

Recommendations in this regard consist of the following measures.
i. The entire staff of the District Rural Development Agencies, the Community Development Blocks and the staff working in the Collectorate as mentioned above may be placed at the disposal of the District Councils.

ii. The Project Officer of DRDA who will be transferred to the District Council may be re-designated as the Executive Officer (Rural Development). He will be an Ex-officio Joint Secretary to the Council.

**Household and Small scale Industries**

In the field of industries, apart from the management of Government industrial estates, the main function of the District Council will be to promote household, cooperative and private small-scale industries including improvement schemes for handicrafts, handloom, coir and village and cottage industries.

Recommendations of the Committee can be enumerated as follows

i. The question naturally arises whether the entire staff of the (District Industrial Centre) DIC as well as those working in the field should be transferred to the District Council. The general pattern followed in this report in assigning staff to district councils is to keep the staff dealing with co-operatives with the departments concerned. This is based on the principle that the registration and statutory control of Co-operatives should be with the technical department of Government and that other organizations like local governments should be engaged in promotion and assistance (as part of development activities). In the Industries Department, those dealing with regulation are themselves dealing; with assistance etc., and this creates problems in allocation of staff. For the present, it seems' adequate to transfer one post of Deputy Director from the District Industries Centre as Executive Officer (Industries) and Ex-officio Deputy Secretary to the District Council along with a small complement of ministerial staff. The field level staff in charge of Industrial Estates and the Assistant Director of Industries and Industries Extension Officers at the block level may also be transferred to the District Councils.

ii. The District Industries Centre itself as well as the senior and junior Co-operative Inspectors in the field may continue to be with the department for the time being.
Roads and Inland Waterways

The District Councils will be responsible for the construction and maintenance of 'other district roads', which amount to a total of about 8650 Kilometres in all the 14 Districts. As regards inland waterways, they will be responsible for the construction, maintenance and management of such stretches of waterways as may be notified by the Government.

Recommendations of the Committee in this regard can be mentioned as follows:

i. Out of the 40 divisions, taking into account the quantum of work to be retained with the department and the work to be transferred to District Councils, 28 divisions may be transferred to the District Councils—two each in a District. The balance 12 divisions will remain with the Public Works Department as its roads, buildings and special bridges divisions.

ii. The 28 divisions to be placed under the District Council will have to deal with the construction and maintenance of other roads in the districts, the construction and maintenance of all buildings coming under the purview of the District Councils and the construction of local works on behalf of the local bodies.

Education

In the field of 'education', in addition to working as Local Education Authority, the main function of the District Council will be the management of all Government pre-primary, primary and high schools in the district.

Recommendations of V. Ramachandran Committee team can be enumerated as:

i. There are 11 District Adult Education Officers in the State each with a small complement of staff. They are in the grade of District Educational Officers. Three more posts may be created for the districts of Pathanamthitta, Wayanad and Kasaragod along with staff as in other districts. All these 14 Officers and their staff may be transferred to the District Councils

ii. The District Adult Education Officer so transferred to the District Council will be the Executive Officer (Education) and Ex-Officio Deputy Secretary
to the Council and will attend to all items of work relating to 'education' under the District Council.

Public Health and Medical Services

The District Councils will be responsible for the public health activities in the Districts as well as the management of district-level hospitals, dispensaries and other medical institutions. They will also be responsible for the family welfare programmes and for the promotion campaigns against drugs, alcoholism and smoking, as well as for improvement of environmental conditions.

Recommendations of the Committee in this regard is to be summarized as:

i. In the Department of Health Services, all the institutions in the districts except the Medical College Hospitals, Mental Hospitals, Leprosy Hospitals Sanatoria, Tuberculosis Sanatoria and State level Public Health Laboratories may be transferred to the District Councils for management;

ii. The District Medical Officer of Health, the entire staff working in the District Office as well as the staff working in the institutions to be transferred under (i) above be placed at the disposal of the District Councils;

iii. The medical stores in the district may continue to get the supply as arranged by the Director of Health Services. The extent to which powers may be delegated to the District Council for the purchase of medicines may studied in detail and an early decision taken;

iv. In the Department of Indigenous Medicine, all the institutions in the districts except the hospitals attached to the Ayurveda Colleges may be transferred to the concerned District Councils. The Ayurveda Colleges and Hospitals attached to them and the Post Graduate Research Centre in Ayurveda will remain with the Department. The Department will also deal directly with all grant-in-aid institutions

Housing

The extent of involvement of District Councils in housing activities will depend on the schemes that are prepared and got approved by the State Government and the financial institutions.
Recommendations stated by the Committee is that for the time being, creation of a Housing Division or appointment of staff is not suggested here. With the preparation of schemes and their approval by the State Government/ Financial Institutions and the tapering off of the actual construction works by the Housing Board, a mutual arrangement for deputation of staff may be worked out by the Government in consultation with the Housing Board and District Council concerned.

Scheduled Castes, Scheduled Tribes Welfare and Development

After making a detailed analysis, V. Ramachandran Committee has suggested that

i. All the institutions in the district under the Departments of Scheduled Castes Development and Scheduled Tribes Development may be transferred to the District Councils concerned.

ii. The Project Officers of ITDPs and the Tribal Development Officers along with the staff in their offices and in the field as well as in the institutions in the districts may be transferred to the District Councils concerned.

iii. Since the implementation of welfare programmes and management of institutions will be done from the District level and one of the subjects of decentralization is to bring about co-ordination at the district and field levels, once the institutions are transferred to the District Councils, the most appropriate arrangement for management of individual centres has to be decided upon. Management of some of the institutions could be transferred to the concerned divisions. The various centres run by the two Departments need to be upgraded, especially the Production and Industrial Training Centres. Some of the obsolete ones may have to be closed down and new ones started in their place. It is suggested that a group may be constituted under the Chairmanship of the Secretary to Government for SCST Development and with the DSCD and DSTD and the District Collector concerned as members.

Social Welfare and Social Reform Activities

The District Councils will have a wide range of functions in the field of Social Welfare and Social Reform. Apart from the management of Government Social Welfare Institutions, they will be responsible for the formulation and implementation of
programmes for the welfare and development of women and children including the Integral Child Development Scheme. They will also be sanctioning and distributing all social welfare pensions and allowances and grants-in-aids to non-governmental institutions. They will also be responsible for organizing campaign for social reform.

Recommendations related to social welfare and social reforms can be enlisted as follows:

i. The District Social Welfare Officers along with their office and field staff in the Districts as well as the staff in the various institutions in the Districts may be transferred to the district councils concerned.

ii. The District Probation Officers will continue to be with the Department of Social Welfare as powers under the Juvenile Justice Act are not being given to the District Councils.

iii. A composite unit has to be formed under each District Council for the sanctioning and distribution of all welfare pensions and allowances. The intention is the while the required certificates of eligibility etc., continue to be with the concerned departments of the Government (where they are not being transferred to the District Councils like Revenue, Labour and Employment Departments) or by the concerned division of the District Council (like Social Welfare and and Divisions). The sanctioning and distribution will be done by a single unit at the District level in order to avoid overlap, duplication etc. Even though this is a social welfare function, this unit is perhaps more appropriately located in the Finance and Accounts Division. If the recommendation to entrust the function to District Councils is accepted, it is suggested that the Expenditure Commission, which is studying the subject from the point of view of economy, may be requested to suggest the staff necessary as well as the methods to be followed. It is expected that the entire staff necessary for this purpose can be found by redeployment.

Local Resource Mobilization

For all the above activities in effective manner, economic resources and its earmarking is a very relevant factor. The District Councils will be responsible for the mobilization of local resources, for enlisting people's participation and contribution.
These have to be organized through the entire field machinery of the District Councils especially those dealing with rural development and other development programmes. No separate organization is suggested for this purpose under the District Councils. Central assistance and scheme based funding, state plan and non-plan allocations, share of taxes as per statutory provisions, own funds including revenue and non-revenue income, assets accrued from movables and immovables etc. can be scientifically distributed to this local government institutions for enhancing their resource base.

4.6 S. B. Sen Committee Report

After the enforcement of 73rd and 74th constitutional amendment and the State legislation on Panchayat and Municipal administration in the State, the Government of Kerala attempted to ascertain the mode of decentralized governance in Kerala through the Sen Committee.

The Committee on Decentralization of Powers (CDP) submitted its interim report in August 1996. In a sense, that report contains the nucleus of the entire report. It encapsulated the vision of the Committee\(^{202}\). The basic principles were laid down in the interim report and to a large extent this final report is an expansion and elaboration of the ideas contained in germinal form in the initial report.

The Committee on Decentralization of powers adopted a rigorous methodology in identifying various issues concerning decentralization and suggesting measures to tone up the Local Self-Government Institutions (LSGI,s in the State. As mentioned earlier, while preparing the final report the Committee was guided by the basic principles laid down in its interim report which was also the inception report, In order to identify the issues the Committee has detailed discussions with all the concerned groups. It interacted closely with senior officials of the Government departments concerned with decentralization including the State Planning Board. It met the representatives of all the major organizations of Government employees, both gazetted and non-gazetted. It had separate intense exchange of views with individual heads of department accompanied by their senior staff. These meetings focused on the issues relating to functions transferred, powers given and the staff re-deployed from related

\(^{202}\) The Committee on Decentralization of Powers (CDP) Government of Kerala (1996)
departments and explored the possibilities of further decentralization. It also helped in identifying changes in laws and procedures with reference to individual departments.

The Committee has attempted to bring about a restructuring of the Kerala Panchayat Raj Act, the Kerala Municipality Act and the allied Acts besides making appropriate recommendations to strengthen the LSGIs with adequate staff support. In making these recommendations, the Committee has been guided by vision of an effective local self-government capable of providing good governance at the local level with the full participation of the people. In order to realize this vision, the Committee has focused on certain critical areas.

**People's participation**

The corner stone of decentralized democratic governance is people's participation anywhere in the world and notably in Kerala. Mobilization and not even consultation is participation. Genuine participation consists of dialogue and partnership leading to full involvement in decision making in the allocation and utilization of resources meant for collective good. That constitutes genuine participation. Thus it is a people centred view of local self-government that the Committee has taken. The citizen is seen on the center stage; it is his voice that has to be listened to; it is his choice that has to be accepted and it is his interest that has to be preserved. The Committee has endeavoured to fashion the legislative framework, which embodies this vision. People's institutions like gram sabhas, ward sabhas and ward committees have been considerably strengthened. They are being given definite functions, powers and responsibilities. Besides these, special purpose vehicles of people's participation in the form of beneficiary committees and social audit groups are to be created. In order to ensure people's participation there has to be an enabling environment. Thus the right of information is incorporated as a prominent feature in the Act and rules governing LSGIs. The Committee believes that accountability to the people is best ensured through transparency. Transparent administration enables people to achieve an on-line monitoring of the administrative process. Citizen's charter is being recommended as an important instrument to formulate the local bodies' concern for the people in the form of assured quality of services. In participatory governance patronage has no place. This can be ensured only through a due and fair process protected by well-published criteria of eligibility and prioritization and transparent selection.
Even when a general enabling environment exists for people's participation, it is possible that certain groups get excluded due to their backwardness and powerlessness. In order to achieve the constitutional objective of social justice, it is necessary to empower such excluded groups. In Kerala the Scheduled Tribes belong to this category. It has been recommended that groups of Scheduled Tribe hamlets would constitute sub-committee of grama sabhas enjoying all the powers of the grama sabha for the purpose of tribal development. Similarly special measures have been suggested to ensure that funds earmarked for SCs and STs under Special Component Plan and Tribal Sub Plan are not diverted for other purposes. Any such diversion would be deemed to be mis-utilization of local body funds inviting punitive action of recovery of funds thus mis-utilized.

The Committee has recommended that there be an enabling provision to create participatory community structures to enable the poor to have a say in development matters like neighbourhood groups, ward level and local body level organizations.

**Towards institutionalizing Local Self Governments**

The Constitution envisages the functioning of Panchayat Raj and Nagarapalika (municipal) bodies as institutions of local self-government. The Committee on Decentralization of Powers strongly feels that every effort should be made to attain the goal set by the Constitution. Therefore the Committee has recommended that the powers, functions and responsibilities be redefined more clearly so that the sphere of activity of each local body is fairly clear. It has suggested amendments to the third, fourth and fifth schedules accordingly. For the local self-government to function, it has to be relatively free of interference and executive control from above. In order to protect the autonomy of the local bodies, the Committee has reduced the scope of Government interference in their day today affairs. The resolutions can be cancelled only in extraordinary circumstances. Similarly the dissolution of local bodies has also to be resorted to only as a last step and that too after following the due process and getting the opinion of an independent authority in the form of Ombudsman. Even the appellate functions in respect of statutory matters need be removed from the governmental setup and made the responsibility of independent quasi-judicial authorities.

Local self-government implies control over its staff and the power to utilize staff transferred to it according to the division of responsibilities to be decided by the local
bodies, of course in accordance with the expertise and qualifications of the staff. The Committee has recommended that the power to allocate work should be given to the LSGIs. This would mean that they can have an integrated staff set up not divided by artificial departmental barriers. The division of work would be more functional rather than departmental. This flexibility can be achieved without compromising the legitimate interest in terms of status and promotion prospects of the staff transferred. While the LSGIs would have full control over the staff transferred to them the original parent cadres would remain un-described for some time to come.

A kind of delayering is required to protect the autonomy of the LSGIs by removing superfluous committees and bodies which run parallel to them. Thus the Development Authorities, Metropolitan Planning Committees and High Level Committee are recommended to be abolished. In tune with this recommendation, the Committee recommends that whenever certain structures are to be created to carryout functions which are not restricted to the boundaries of one local body, Government may have recourse to joint committees. This would enable special functions to be carried out without reducing the power of the LSGIs.

**New Checks and Balances**

The Committee feels that with the reduced role of Government a new system of checks and balances has to emerge with accent on control from below. In order to ensure fairness in decisions, propriety in expenditure, legality in actions and legitimacy in policy, these new checks and balances will have to be in place. Of course social audit both formal, through groups of professionals and independent persons of eminence, and informal through Grama Sabhas, WardSabhas/Committees, community structures and people's committees, is expected to be the main deterrent against possible waywardness in performance of duties of the LSGIs. The rights of people's groups coupled with the duties of LSGIs in maintaining transparency and providing information would provide a powerful check on the LSGIs. At the same time the audit system needs to be strengthened. Here what is important is the quality and regularity of audit which means that mere adding to the number of auditors would not be sufficient. A thorough overhaul of the existing system is required. In the preliminary report itself, the Committee had suggested strengthening of audit. An Audit Commission as autonomous as the Public Service Commission could be set up. The Commission could be headed by expert
members and should have the independent authority to decide on the type and manner of audit. Till such time the Audit Commission is set up and gains experience, it is essential to entrust the audit of at least the Municipal Corporations and District Panchayats with the Comptroller and Auditor General. This is necessary as the system should not afford to face any slip up during the transitional period as it is likely to affect the very credibility of the system.

For quite some time to come in addition to conventional audit the local bodies need a corrective on-line system of audit which can double up as a monitoring mechanism as well. It is with this objective that the performance audit units are being set up to cover the different LSGIs.

The Committee supports the view that more and more of self-regulation should be introduced with Government laying down the broad parameters. The due process and proper procedure have to be prescribed clearly and any mal-administration needs be controlled not by Government but by an independent system. This would foster autonomy and self-responsibility among the LSGIs.

New Institutions

As decentralized governance becomes a reality, some of the existing institutions need be strengthened and new institutions created. As mentioned earlier, institutions of people's participation like Grama Sabha/Ward Sabha would need to get strengthened considerably. Also the State Election Commission would have to be given more powers particularly in delimitation of constituencies, reservation of constituencies and offices of President and in disqualification of members. This reinforcement of the State Election Commission would go a long way in ensuring the independence of the electoral process from the executive arm of the Government. Among the new institutions which become inevitable are the Appellate Tribunal and the Ombudsman. The Tribunal is intended to dispense justice quickly without tedious delays seen in the courts and with higher credibility than the Governmental hierarchy. Such Tribunals can deal with most of the appeals against the decisions of the LSGIs in exercise of their statutory regulatory powers. Similarly in matters concerning mal-administration, particularly corruption and nepotism the Ombudsman system could be an effective and acceptable remedial mechanism. What is needed is an Ombudsman system with more powers than is traditionally assigned. Instead of just pointing out deficiencies and reporting about them
it has been suggested that corrective measures and punitive action should also be taken up by Ombudsman. Of course the effectiveness and credibility of the system would depend on the selection of the best person for the purpose recognized by one and all for their integrity, merit and capacity for impartial functioning.

**Development Orientation**

Traditionally, local authorities in Kerala as in most parts of the world have been concerned with activities which could be termed more welfarist than developmental. Importance was always given to provision of civic amenities and in rendering other social services. But now with the Constitution laying down the twin objectives of the Local Self Government system as promotion of economic development and social justice, the legislation needs to reflect these new perspectives. Therefore the Committee has suggested several changes which would reflect a development orientation. Thus the schedules listing the powers and functions have been completely restructured. As the different local bodies are seen not as hierarchy but as distinct spheres in overall governance it is necessary to apportion developmental functions to the various LSGIs to make the best use to their comparative advantages. Even within the developmental functions transferred to a particular level of LSGIs there should be a range of functions from a mandatory sole-responsibility item to an agency function on behalf of the Government. Thus the Committee has attempted to give a greater role clarity to the LSGI in the discharge of their developmental functions.

**New Work Culture**

The Committee desires to provide a facilitative environment for a new work culture in the local bodies. Traditionally, there has been a separation of powers of the political executives and the official executives, with policy making being the function of one and the carrying them out, the function of the other. At the level of local bodies there is a mingling of both functions. Of course policy making in the larger sense of the term is not applicable to LSGIs. However in laying down priorities there is always a policy element involved. There is need for professional support in deciding priorities which has to be provided by the officials both at the local level and even from the levels not transferred to the LSGIs. Similarly the elected members have a definite role in implementation. Thus a new work culture is required for the elected members and for the officials and a creative interface is needed.
Elected members would have to spend more time and energy in the running of the LSGIs. Heads of LSGIs have to be full time functionaries. The Committee feels that in due course other functionaries like Chairpersons of Standing Committees too would have to be full-time functionaries. The Committee envisions a non-divisive functioning of the elected members whatever be their political loyalties. Only this will lead to a political development where a consensus emerges based on local opinion and local priorities to sort out local problems. In order to permit this type of functioning the Committee has recommended that every elected member be given a role in the running of the LSGIs by becoming members of the Standing Committee. Similarly the Leader of Opposition would be given special importance by being made the ex-officio head of the Public Accounts and Vigilance Committee-a role akin to the Public Accounts Committee in the Parliament and State Legislatures.

As regards officials it is a new opportunity for by hard work and sincere advice, they can get the professional satisfaction of helping design appropriate projects for the local level and observing the results of the implementation. These officials would have to enrich their knowledge and improve their skills to play their role better. In the long run there would have to be integration of various administrative services, but in the short run it is not fair to meddle with the career prospects of present employees. Therefore while they are under the disciplinary authority of the local bodies during their tenure with them, their cadre conditions would remain undisturbed. Inevitably there will be dual control over the staff. The LSGIs will have administrative control over the staff while the senior officers in the cadre will have more of professional control and can check on the professional performance.

The interface between the official and elected representatives is very critical for the functioning of the local bodies. It has to be based on mutual respect, respect for the representative status of the elected member and respect for the professional qualities of the official. This has to be blended with mutual understanding of the service, role of the elected represent actives and the procedural system to be followed officials. In order to underline the importance of this interface, a code of conduct is recommended to be enshrined in the legislation. This will uphold the power of in dependence and impartial advice of the officials while protecting the decision making authority of the elected members.
New Politics

It is the desire of the Committee that local self-governments would throw up a new political culture marked by co-operation in matters relating to local development. Of course there would be constructive criticism resulting in corrective action but there should be no room for unnecessary conflicts and clashes dividing people and excluding sections of the society from the developmental process.

For the new politics to emerge, it is necessary that the elected members have credibility and capability. The Committee has suggested several new conditions for disqualification. These conditions relating to moral uprightness are quite strict and will include the criminal, corrupt and immoral persons from getting into the local government system.

The Committee has suggested the incorporation of the provisions to prevent political defections in the Kerala Panchayat Raj Act and the Kerala Municipality Act. Also open declaration of assets by every elected member has been recommended.

Resource Mobilization

An important raison d'etre of local government is the capacity to mobilize resources locally and innovatively. As the finance Commission has gone into several aspects of this issue, the Committee has confined itself to certain broad aspects only. It is necessary to underscore the fact that the growing expenditure responsibilities must not be seen independent of revenue-raising responsibilities. The "You-Pay-I-Spend" syndrome should not be allowed. The local bodies need to be enabled to raise user charges and fees besides institutional finance. Similarly Government need only fix the minimum level of taxation, as the upper limit can be determined by the local body in accordance with the willingness to pay of its people for the level of service it is capable of providing. It is also hoped that the emphasis on participation will lead to greater contribution in financial terms by all the participants.

Capacity Building and Nurturing

The capacity of an LSGI depends to a large extent on the staff transferred to that body by the Government. The Kerala Panchayat Raj Act and the Kerala Municipality Act make it mandatory for the Government to assign staff to LSGIs commensurate with
the functions transferred to them. The Committee considers such a rational norm-based transfer is absolutely essential.

It is not merely enough to transfer staff and functions to the LSGIs. Their skills have to be updated and they are to be appropriately equipped to perform the tasks expected of them in the new context. So also the elected representatives need systematic training to improve their managerial capacity. A rigorous training schedule has to be implemented by the Kerala Institute of Local Administration, both in-house and in the field, in association with other institutions like Institute of Management in Government and the State Institute of Rural Development.

While the capacity building process goes on the Government should have a caring and nurturing attitude towards LSGIs. It should play a guiding, advising and correcting role rather than a punitive or retributory role. It is possible that an LSGI may make mistakes in the early stages. There should be enough flexibility to detect the mistakes sufficiently early and correct them rather than allowing them to grow to malignant proportions. At the same time malafide action should be severely dealt with. All this calls for a proactive role on the part of Government through all is related departments. Of course Local Administration Department is the key co-ordinating department in the decentralization process. But in order to enable it to play an effective co-ordinating role it is necessary for the partner departments to take an active interest and play a supporting role. There is a tendency to view functions transferred to LSGIs as functions transferred to the Local Administration Department. This is fallacious. Governmental responsibility now vesting in various departments regarding sectors of development would remain unchanged e.g. Agriculture, Health or Rural Development Department would continue to be responsible for development of agriculture, protection of public health or alleviation of poverty at all the levels of Government right up to the grama sabha. To a large extent, decentralization can succeed only if these departments continue to play their professional roles with commitment and involvement.

The elected office bearers and members of LSGIs have been saddled with tremendous responsibility with the transfer of new functions. They have to work hard to realize the expectations placed on them by the people as well as by the Government. Of course, at the level of the LSGIs it is the moto of service which should be the guiding principle for the members. But since much of their time has to be devoted for affairs
related to the LSGIs, it is only fair that their present honoraria be stepped up. This has to be viewed not as a remuneration but as a token compensation to eke out their own income.

The system also encourages arbitrariness to favour and disfavour individuals. Such complaints are common in tax assessments and in the selection of beneficiaries for subsidized schemes. Most of the LSGIs do not seem to follow the due process in identifying beneficiaries like laying down the criteria for selection, publicizing them, calling for applications, processing the applications with respect to the criteria and making the selection and explaining the rationale of the selection to the public.

Thus there is every need for the system to be opened up to bring administration closer to the people and more acceptable and accountable. In the context of decentralized governance, people need to know how decisions are taken and how responsibilities are discharged and how funds are utilized. Also they need to know about the various alternatives possible and the criteria for deciding the final choice. At the cutting edge level, fairness is something to be see and judged by action and corroborated by documentary evidence. The will help reduce suspicions and fears about the Government and enhance the credibility of the system. A transparent administration would reduce chances of corruption, particularly in a high literate state like Kerala. Certainly, transparency is the best audit; sunlight is the best disinfectant, fresh air is the best tonic and open Government is the best Government. This idea is in keeping with the general trend in participatory development. There is growing attention on standards of performance and service delivery and widespread consultations with and participation of the citizen groups for whom benefits are intended. These are possible only when there is free flow of information about the public agencies. Though the right of public access to information has been well received in political and social activists' levels and it has received judicial backing there is no specific law guaranteeing public access to information. Such legal provisions need to be incorporated in the Panchayat Raj Act.

The Committee recommends that offices and agencies at the LSGIs level should have a regular system of providing public information *su o moto*. This would include information relating to functions and responsibilities, decision making processes, statutory applications, procedures, concessions, services and financial matters. This can
be achieved by proper maintenance of existing records without necessitating creation of new records. In addition to this practically every information at the LSGI level should be available for scrutiny, note taking and providing copies to the public. The Committee believes that ordinarily information giving should be the rule and exceptions should be clearly defined. In the case of LSGIs it would mean that only information relating to health records of individuals, contracts where giving of information before finalizing would either harm or benefit individual interests, formulation of taxation proposals, action affecting enforcement of a regulation etc. need be kept confidential. Wherever there is refusal, the reasons have to be given and there would be a general right of appeal.

Complaint and Grievance Redressal

The Kerala Panchayat Raj Act as hopefully amended based on the recommendations of the Committee on Decentralization of Powers would empower panchayat raj institutions substantially. The power vested with the panchayats, particularly the village panchayat can be classified into two - regulatory power and development power. In the case of exercising regulatory power, it is more a question of fact and question of concerned legal provisions applied in the strict judicial sense in accordance with principles of justice. Examples of such power would be taxation, grant of license, enforcement of building regulations and abatements of nuisance from the public health, public safety or public peace points of view.

The exercise of development power would include running of the office, providing of services, taking up development programmes, selection of beneficiaries, public spending etc. Here there would be more of policy, norms and criteria and greater autonomy at the local level. Here rules and laws have less rigid application but concepts of fair-play, impartiality, prudence and natural justice would come into play.

While grass root level institutions have distinct advantages in planning and implementing development schemes, in providing responsible administration and in securing larger participation of the people in Government particularly in the developmental process, they also face local pressures politically and socially which they cannot ignore easily. The traditional theoretical virtues of public administration like impartiality, neutrality and anonymity are very difficult to realize at the local level. It
has to be recognized that in Kerala all the LSGIs are political institutions and the elected members have a constituency both in the geographical and socio-political sense.

At the same time the elected members have executive authority. Here they are different from the M.Ps and M.L.As. They have the right to take decisions having financial implications besides having the power to authorize expenditure from public funds. In a limited sense, they have the power to decide the level of taxation and they have the larger power of collecting taxes due to them. In addition they have regulatory powers which are of a quasi-judicial character. Thus it is clear that the elected members enjoy tremendous powers in the exercise of which values like impartiality, fairness and propriety have to be adhered to and accountability becomes all the more important.

Therefore new systems have to be created to check the continuance of old tendencies and to foster the positive possibilities of the new institutions. Such systems need to enjoy the full confidence and trust of the public, elected representatives and the officials. At present the Government has the power to cancel resolutions if it is found to be unfair or unjust. As this power has to be delegated to various officials, in practice, it could result in executive control over the elected bodies. In a sharply politically polarized society like Kerala even if the Government exercises its control in a reasonable and just manner it may not be perceived as such by the affected parties. Also Government is physically distant from the ordinary complainant. It would create hardships for the people in distant villages to come to the Government even if its officers have delegated power, for redressal of grievances. And executive control over the elected institutions except in rare cases would be inappropriate. As has been stressed at several places the ultimate objective of the constitutional amendment is to empower the ordinary man and this empowerment would be ineffective if he does not have recourse to an independent system to redress his grievance if any. As the old checks and balance have no relevance new safeguards against any possible excesses or shortcomings of the LSGIs would have to be built up through credible alternative systems. Therefore there is need for quick, effective and accessible institutions for public grievance redressal which are outside both the LSGIs and the Government system.

The need for such systems has been made all the more stronger by the massive devolution of powers and resources to the LSGIs. Most of the institutions of public
service in health, agriculture, animal husbandry, school education, social welfare and practically the entire resources for poverty alleviation and SC/ST development are placed at the disposal of LSGIs. Therefore the committee recommends creation of two sets of institutions to ensure responsible administration and quick redressal of public grievances. Such a set is expected to have a double salutary effect. The autonomy of the LSGIs would be ensured while at the same time arbitrary functioning could be checked and the Government would be spared of many of the routing supervisory activities so that it can concentrate on key areas of policy for effective decentralization.

4.7 M. A Oommen Committee Report

During 2009, in the third phase of democratic decentralization process in the State of Kerala, the government has decided to examine the existing scenario of local governance and for that purpose an envoy in the leadership of Dr. N. A Oommen was appointed for this purpose.\(^\text{203}\)

The Conceptual Framework

Decentralized governance is a process, a meaningful march towards participatory democracy. It has intrinsic value and instrumental importance. It is a value that enhances the quality of citizenship. It is a way or process of building capabilities to participate. Equally important is its instrumental importance for development and freedom. To make democracy effective it should progressively improve. Since the concept of decentralization is variously defined and differently understood, we have to define the concept. Administrative reorganization in the nature of ‘deconcentration’ or ‘delegation’ is sometimes described as decentralization. Deconcentration refers to the transfer of administrative authority from the higher levels of government to the lower ones in order to give more freedom to the latter in delivering services or producing public goods. When a government at the Centre or at a state entrusts the implementation of certain poverty alleviation projects to the panchayats or to some specially constituted bodies, it becomes an instance of ‘delegation’. There may be different degrees of either ‘deconcentration’ or ‘delegation’, but in both cases, the political power to take the ultimate decision does not get transferred. The staple of political power consists in

making value judgments (e.g. what should or should not be done for people) and allocating resources (who should get what, when and how). The agents exercising deconcentrated or delegated power remain accountable to the higher authority and not to people directly, as the authority to take ultimate decisions rests with the former. Although a local government may take up an agency function or functions of a higher government it is not primarily an agent. The agency concept is antithetical to the very idea of self-government.

Administrative reorganizations such as deconcentration or delegation cannot be equated with what is called democratic decentralization, which envisages devolution of political power to the democratically elected local councils. Under such decentralization, the functions or activities are transferred from higher level government to the local level governments and the latter bear full responsibility of the devolved functions or activities. Accordingly for all such transferred functions or activities or institutions, the local governments remain accountable to people. In fact, the intrinsic value of democratic decentralization lies in deepening and enriching the practice of democracy by making government more accessible and responsive to the people. That way the avenues of people’s participation and the possibilities of ensuring transparency and accountability are enhanced. Decentralization is often advocated by many, particularly the international donor agencies, for its unique potentiality for improving the delivery of public services at the local level. But, that is the instrumental value of local democracy. We may define decentralization as the empowerment of the common people through the empowerment of the local governments204.

Autonomy is the essence of empowerment. In the context of empowering and building the capabilities of local governments five aspects are crucial in a federal system.

1. Autonomy with reference to assigned functions - In a federal polity like that of India most local government functions are state – concurrent. It is difficult for a local body to take *suo moto* action even in their functional domain. (The 11th and 12th schedules of the Indian Constitution lose all operational significance here). However, considerable confusion and overlapping can be avoided through

clear activity mapping\textsuperscript{205}. Scope for initiatives and independent action in regard to the assigned activity domain is not constrained.

2. Fiscal decentralization - It is a logical corollary of functional devolution. It refers to the revenue raising powers that match expenditure responsibilities assigned and the arrangements made for efficient vertical and horizontal transfers.

3. Administrative autonomy - The local governments should have adequate administrative and engineering personnel to carry out the financial responsibilities they are mandated to perform. They should enjoy adequate power to manage them. Surely local governments should not to be treated as appendages to any department be they rural department or panchayat or urban affairs or whatever. Here it is important to note that under a federal system of multi-layered governments, autonomy does not mean complete independence. National goals (e.g. poverty reduction) and regional developments need guidance. Even untied grants must be subjected to a clear set of guidelines evolved through a consultative process. A department that wants to control or a local government that waits always for guidance or ‘orders’ from above are enemies of meaningful decentralization. Coalition politics that nurses departmentalism needs to be guarded against.

4. Institutional decentralization - Although the literature on the subject is totally silent on this, it is important that all major institutions that have a direct bearing on the functions devolved must be transferred to the appropriate level of government. In Kerala critical institutions of public service like primary health centres, schools, anganwadis, veterinary institutions, krishi bhavans, hostels for scheduled castes and so on have been transferred to local governments. This enhances the need and compulsion for more devolution of resources, personnel and administrative control. Decentralization is a will full result oriented socio-political and economic intervention into the administrative development and service delivery component of the Government. All efforts towards decentralization can be torpedoed if we create parallel institutions and structures outside the local governments to do the same set of functions. It may also be that

\textsuperscript{205} Kerala which pioneered activity mapping in India has done a commendable feat of preparing a detailed responsibility mapping outlining the role and responsibilities of the grama panchayat, the block panchayat, the district panchayat, the municipality / corporation and the state.
different agencies exert pressure on the same set of institutions for the delivery of almost identical services or programmes. Taking into account practical difficulties, the best that can be done is what the second Round Table Conference of State Panchayati Raj Ministers laid down: “If for reasons of institutional constraints, parallel bodies have been set up or are to be set up, these must be brought into an organic symbiotic relationship with the PRIs at the appropriate level so that PRIs are fully involved with the work of the parallel bodies”.

5. Need based and right based governance - It is another important aspect of public administration. The fifth aspect refers to responsiveness. Decentralization brings government closer to the people spatially and institutionally. Decisions that a local government make should reflect the felt needs of the community. The *raison detre* of the institution of gram sabha/ward sabha is based on this. The creation of effective, accessible and transparent grievance redressal machinery should be an integral part of the local government accountability system. Without addressing the satisfaction of basic amenities of the people there is no scope or relevance for rule of law in a society. So decentralization of governmental functions attains much attention in the existing society.

**The Constitutional Framework**

While it is not our purpose to outline the salient features of 73rd /74th constitutional amendments, here we may spell out some aspects that are crucial to our approach. One, it is important to firmly acknowledge that a multi-tiered third stratum is added to the Indian federal polity. By ensuring quinquennial elections as in the case of the centre and the states, and by giving one third representation to women and population-based representation to the traditionally marginalized communities for the various tiers of local governments one can say that political decentralization is well laid down. Two, accountability to the people is the basic rationale of the two amendments. The acknowledged centrality of the gram sabha (see Article 243 A) is meant to facilitate participatory democracy. It is the vehicle to recapture the rights of the people from the bureaucracy, the proverbial steel-frame. Since the hiatus between those who rule and the ruled has yawned wide even after independence, any step towards empowering the citizen and influencing the material conditions of her living is to be underlined as important. Three, the task of creating institutions of self-government with the
responsibility to plan for ‘economic development and social justice’ (Articles 243G and 243W), local level spatial planning, conservation of natural resources are now left in a substantial measure on to the shoulders of the local governments (Article 243ZD). Four, rural decentralization with a three-tiered structure is the major and vital component of the two amendments. Of these three tiers, gram panchayats should occupy the premier position. In brief the basic objective of the decentralization amendments is to enhance the quality of governance and ensure better state society relationships to promote participatory democracy.

Approach of the Committee

It is clear to anyone who studies the progress of decentralization among the Indian states that the State of Kerala is way ahead of all others. The necessary conditions for decentralized governance are well laid down. In some important sense Kerala faces second generation problems. Also, Kerala has to strengthen the sufficient conditions that will progressively promote participatory democracy at the local level. The challenging task is to provide autonomy to the assigned activities and reverse many of the age-old departmental traditions and create new conventions which are enabling rather than controlling.

Summary and Recommendations

Decentralized governance is a great leap forward in democratic development. Kerala’s decentralized planning was a great experiment. More than a decade has passed since its launching. It is time to evaluate what happened and make mid-course corrections. Our findings and recommendations are summed up in this chapter.

Decentralized governance cannot be and should not be seen independent of the fostering and sustained support by the state. Looking back we feel that the ethos and urgency that characterized the Public Private Co-operation (PPC) in the 1990s must be recaptured.

Service Delivery Improvement

Role of transferred institutions and functionaries in local government process has been already identified but not endorsed. As regards development services like Krishi Bhavan, Veterinary services etc., clear management manuals have been prepared.
by Working Groups after due consultation with not only experts, but also with people’s representatives. We recommend that these manuals should be made operational in everyday use. Therefore we are not addressing the issues of service delivery with reference to these items. More such manuals should be prepared and made operational.

No local body has prepared a cadastral map on which the town planning schemes can be overlaid and read. Even major cities like Thiruvananthapuram, Kochi and Kozhikode are yet to go for Geographical Information System, (GIS) mapping and cadastral mapping. Land maps of the Department of Survey and Land Records are not updated and modernized and are also not matched with GIS mapping. A major malady confronting us today is that although spatial planning is one of the basic responsibilities of the urban and rural local governments they still do not have scientifically prepared land maps.

Front Offices: All Local Governments (LG) notably the Grama Panchayats (GP) should have Front Offices (Information Desks) where copies of the Citizens’ Charter should be made available free to all citizens of the locality. KILA has published excellent guidelines regarding the creation and management of Front Desks and a book on panchayat governance in January 2009. Front desk shall function as a public relation counter, transparency instrument, and opening or queuing point of the institution in between the service holder and the in-office of the local government system.

In brief, once we affirm and underscore the fact that service with reasonable standard and quality to the people is the ultimate goal of governance, we set out the necessary condition for good governance. All others are but sufficient conditions although they are equally important.


The third Administrative Reforms Committee has been constituted at a critical juncture in the administrative history of the State. Two major initiatives have been launched by Government to make administration responsive and effective; one is the impetus given to decentralization, particularly through the People’s Planning Campaign and the other is the decision to carry out administrative reforms in the State. The two

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initiatives are organically linked. Thus the contextual relevance of the Administrative Reforms Committee is very high.

Historically, Kerala has been following a welfare-oriented developmental strategy often described as the Kerala model, which has yielded very good results as seen in its human development indicators. Such a strategy implies effective and efficient delivery of social services through government officials particularly in sectors relating to education, health, social security and food security. This necessitates a heavy dependence on the governmental machinery. In order to make the strategy work, the State has been spending an increasing proportion of its revenue on the salaries of its public servants. Now with the financial crunch faced by government on the one hand and decline in the service ethos of government servants, the growing indifference of the staff and the increasing laxity in supervision on the other, the sustainability of the very development strategy is at risk. In fact serious inadequacies have crept into the reach and quality of the public services. As substantial part of the State revenues is spent on establishment costs, it is imperative that the social return from such expenditure has to improve for which urgent reforms are necessary. We have reached a stage where even to make our past attainments sustainable, basic reforms have to be attempted immediately.

There are certain problems affecting bureaucracy in India, particularly in Kerala. There is a general consensus that a perceptible decline has taken place in the standards of public service. Though several reasons could be attributed to this phenomenon one cannot but pinpoint to the lack of discipline, both imposed from above and flowing from within. The culture of rights and demands probably had some justification in the beginning when Government servants were poorly paid and were victims of whimsical decisions by superior officers. But over the years, it has hardened into a negative behavioural pattern showing unwillingness to take on responsibility, incapacity for professional improvement and propensity for rude behaviour. This problem is compounded by an apathetic attitude on the part of supervisory officers who also act as if they are not accountable and feel that they have not been given the freedom required for being accountable. A general mood of cynicism is apparent.

Though an important recommendation of the first ARC was for recognising merit as the critical factor for promotions, it has been totally ignored in practice. And
in the absence of any meaningful assessment of performance, promotions have become routine related only to age and seniority and this has totally eroded the motivation to perform well. Departmentalism has also proved itself to be a bane of civil service; it has been exacerbated in the context of the coalition political set-up in the State. Vertical hierarchies have sprung up impervious to even suggestions of coordination or convergence. Departments have become compartmentalized to such an extent that rational redeployment of staff is very difficult as terms of service vary considerably from department to department, even for related categories. All these have contributed to the degeneration of administrative systems, rendering the old but well-thought out Tottenham system, weak and ineffectual, with only the outer shell remaining in a cracked form and the kernel having gone musty due to disuse either from willful disregard or sheer ignorance.

Over the years, civil servants have been facing an increasingly severe handicap. In the discharge of his responsibilities he is constrained by extra-constitutional checks on his authority and freedom. And he is held accountable for things beyond his control. In fact responsibility, authority and accountability go together and there has to be a natural balance among the three.

In this context, the perception of the people has been one of cynicism. Afraid of rude treatment, sensitive to callous behaviour and suspicious of corrupt motives, the ordinary man does not feel confident of walking into a government office with the expectation of receiving even the minimum respect due to a human being, let alone getting his work done or his grievance redressed. In such an environment, no wonder, middlemen and agents have thrived paving way for corruption.

All over the world, bureaucracy is under attack from all ideological points of view. The failure of governments to rise to the expectation of the people is now widely accepted. The spirit of the times is for radical administrative reforms. The conservative opinion finds fault with bureaucracy for inefficiency and rent seeking behaviour. It calls for shrinking role to government. Social activists and populist opinion berates bureaucracy for distancing government from the people and for serving its own interest. Neutral opinion of experts in public administration and management also finds fault with archaic procedures and anachronistic practices followed by the bureaucrats and blames it for not adopting modern methods and efficient systems. In the
face of such onslaught from all sides, the credibility of the bureaucratic system is at stake. It is a reform or perish scenario. All over the world, in developed and developing countries, administrative reforms have been introduced in a systematic manner either suo-moto or induced. And Kerala cannot isolate itself from the all-pervasive mood for reform.

At the national level, Government of India has accepted the need for administrative reforms and is making special efforts to introduce reforms at all levels in partnership with the State Governments. A conference of Chief Ministers held in 1996 has resolved to give special importance to administrative reforms in the states.

Of late, Kerala has been showing great commitment in decentralizing administration. It was the firm and clear espousal of democratic decentralization by the first ARC that brought this aspect into the reform agenda of the State. After several abortive and half-hearted attempts at decentralizing power to local bodies, the vision of the first ARC has been realized in spirit only now, after nearly four decades. It required a Constitutional amendment to set off the process. And now the constitutionally mandated decentralization process has been given a big push in the State with the massive devolution of funds and the launching of the People’s Planning Campaign. In fact, Kerala has deliberately chosen a ‘big bang’ approach to decentralization, instead of an evolutionary gradually reformative approach. A lot of functions both regulatory and developmental have been transferred to the local governments along with staff and funds.

This has several implications for the administrative system calling for fundamental reforms. The present system is tailored for a centralized system of governance. It is office and officer – centered and relies on checks and balances based on controls emanating from centralized authorities. Decentralization cannot be effective in such an administrative environment. Hereafter there would be more of functional and less of formal hierarchy, more of professional guidance and less of administrative control, more of horizontal consolidation and less of vertical integration. Government has to become an active facilitator and a vigilant monitor and cease to be a directing and controlling authority. Decentralization brings in a new set of inter-relationships, among officials and elected representatives, among the various tiers of government and among different levels of administrative hierarchy. There is scope
for greater people’s participation. As decentralization ultimately means giving more power to the people, and giving the common man the central place in government, there is need to have more control from below. New systems and institutions need to be set up to ensure proper governance. The Committee on Decentralization of Powers has done considerable work in improving the functioning of local governments. Decentralization creates new domains of governance radically altering existing domains. Contrary to general impression, it is not only the departments, which have transferred functions and powers to the local bodies, which would undergo a change, but the entire system of governance would have to change. Even the regulatory departments have to recognize the local governments and form new relationships. As a lot of development functions have been devolved to the local governments, there will be a natural downsizing of State government as a good portion of developmental staff would have to be hived off and given to the lower tiers. The staff thus given will have to perform new roles working under the guidance and control of elected representatives at every tier of local government and the remaining staff also will have to assume different responsibilities. New opportunities for improving efficiency of staff have thus arisen. All these call for major reforms in the administrative set-up, which have to be looked into by this Committee.

The Administrative Reforms Committee sees a lot of opportunities in this context. There is a felt need for reform and unanimity of opinion on this among political leaders, experts and the ordinary public. And it is heartening to note that the bureaucracy itself had recognized the need to change. In the last decade there have been various innovations in administrative reforms from all over the world. There is much to learn from the best practices, many of which can be adapted to serve the development interests of the State. The rapid strides in information technology made in the last few years, particularly in the use of computers in day-to-day administration, is again a very favourable factor. Information Technology has become very affordable and extremely user-friendly and any further delay in the application to administration would be retrograde.

Thus every effort should be made to utilize this favourable environment and push for radical administrative reforms with a view to making administration serve the interests of the ordinary man.
The Vision of the Committee

The Administrative Reforms Committee has developed a vision of responsive administration and its recommendations would be designed to attain this vision. The salient features of the vision are outlined below.

Government at all levels has to give utmost importance to the citizens, and the common man in particular. The Government has to be responsive to the needs of the ordinary man and has to change the systems for faster satisfaction of his needs. To make Government people-friendly, a lot of demystification is required, and a situation where there is a lot of transparency and where information flows freely is required. There needs to be more opportunities for interaction with the people through formal and informal consultations, so that administration can reach out to the people.

Decentralized governance resulting in the creation of vibrant Local self-governments with clear functional domains, and the power, authority and resources to discharge the assigned functions autonomously, is most conducive for genuine people’s participation. The local self-governments should not only give people the voice, but hand over the power to choice as well to them, in order to enable people to have the development they need and they want grama sabhas and Ward Committees should blossom into dynamic fora of direct, face-to-face democracy. Accordingly, the system of governance at various levels has to be radically restructured to further participatory development.

Administration has to become more efficient for which greater professionalism is called for which can be achieved through constant training and through scientific methods of performance assessment. If merit were given the central place, it would enhance efficiency and bring out the best in public servants. Modern methods of management would improve efficiency; use of modern technology can definitely increase output per unit.

The administration has also to be effective achieving the objectives for which it exists. This calls for role clarity and clear definition of responsibility. Convergence of services is a must to achieve synergy in the delivery of public services. Similarly a higher delegation of administrative and financial powers accompanied by a reduction in
the number of levels in the decision making process would help in making the administrative system more effective.

There is need for greater accountability to the people. This can be best achieved by creation of systems and institutions facilitating people’s participation. There is every need to control arbitrary behaviour in government and define discretion. Corruption, nepotism, wastage and delays are antithetical to a people-centered system of government and need to be combated marshaling all the resources available, administrative, legal, institutional, social and political.

The Committee has vision of a simple and rational administrative system which is understood by all the actors and which is capable of rising up to the expectations of everyone. A good working environment can go a long way in installing pride and satisfaction among public servants in discharging their duties. Contented and motivated public servants can serve the people better.

There is a heavy cost in running government and there has to be a constant assessment of costs and returns. Society has to get the value for the money it spends on administration. A cost-conscious and cost-effective administrative machinery is essential.

In order to attain this vision, one time reform alone would not be sufficient. There has to be a dynamic process with constant refining and redefining.

**The Approach of the Committee**

The Committee envisages a three-stage process in reform. The first stage is to make simple correctives in areas where there are deficiencies, which are prima-facie, evident and which are recognized and accepted by all. Minor changes of procedure, reiteration of some useful decisions of the past, revitalization of certain practices, which have fallen into disuse, designing of simple new systems, all these would be focused on, in the first stage. Recommendations at this level would be mostly in keeping with current policy and within the existing framework. There would be no difficulty in accepting them straightaway. They would be of the kind that allows easy application in areas where significant results could be obtained with minor changes.
At the next stage more fundamental changes in procedures, systems and institutions would be suggested. This may call for policy changes and necessitate restructuring. Such recommendations would involve detailed study, discussions, analysis of various options etc.

In the third stage, changes in the legislative framework where Acts and Rules need to be re-written would be suggested. Of course these three stages need not be there in all areas where recommendations are made and it is not necessary that in all cases they have to be in three stage sequentially; they could be taken up simultaneously in some areas.

As far as decentralization is concerned, the Committee on Decentralization of Powers (popularly known as Sen Committee) has suggested drastic legislative changes. This Committee would focus on concomitant reforms required in the non-decentralized areas of government besides suggesting measures for deepening and expanding the scope of decentralization.

In keeping with the approach adopted by earlier Committees a flexible method would be followed in grouping of recommendations. Where there is commonality, recommendations spanning the various sectors of administration would be given and where there is specificity a sectoral or departmental approach would be followed.

The Committee intends to give its reports in several parts. This would help easy processing and also facilitate valuable feedback to flow to the Committee on practical issues encountered at the time of processing, so that the Committee itself could modify its approach if required. This would enable the Committee to give necessary clarifications and suggestions for implementing the recommendations already made. Thus the Committee would be able to guide initially in implementing some of its recommendations.

The Committee would try to avoid as much as possible terse, general recommendations and would endeavour to give specific ready-to-use recommendations. Though the recommendations would be prepared in consultation with the departments, it does not imply that their consent is obtained. The Committee would decide, based on its judgment, on what is most needed, in consultation with the user groups and in keeping with the overall vision. In each of the part reports there would
be suggestions for monitoring and for presentation of action taken reports at regular intervals. In the early stages the Committee itself would be involved in the monitoring.

**Methodology**

The Committee has followed an essentially interactive process for finalising its recommendations. A series of discussions were held with departments, mainly, to identify problems and possibilities as perceived by the departments, to harness internal expertise, to identify specific issues and peculiar circumstances prevailing in individual departments, and to spur departments to take a new look at things.

These intense discussions have helped create an ambiance for reforms. They have made the department partners and can help the Committee to lead them step by step on the path to reform. Of course, the Committee would modify the departmental perspectives by interaction with citizens groups and analysis of prevalent procedures and practices.

For preparing the interim report the Committee has used the following methods.

The Committee has analyzed the earlier reports of the Administrative Reforms Committees to ensure historical linkages, to know the action taken, to identify pitfalls in implementation and to resurrect unimplemented but relevant recommendations.

The Committee held ice-breaking sessions with Secretaries to Government and Heads of Departments. These discussions helped clarify mutual positions and forge a bond and partnership. These sessions encouraged loud thinking and helped the Committee to identify reform issues.

The Committee has collected various documents relating to reforms in the three areas chosen and analyzed them in detail. This has helped the Committee to ensure the necessary linkages with existing instructions.

The Committee has constituted Task Forces in 73 departments and 5 public sector undertakings. General terms of reference have been circulated to all of them. A general interaction with key members of the Task Forces was held in respect of 18 departments. In these discussions additional department-specific terms of reference were finalized. The Task Forces were asked to report on the areas chosen by
the Committee for the first report. These reports were thereafter discussed with the Task Forces and clarified.

The ARC team conducted its own study of enquiry counters in 12 offices.

**Decentralization and Administrative Reforms**

Kerala Government has embarked on the path of decentralization with a clear vision of what it means and what it intends to achieve. Decentralization is the process of setting up local self-governments with a well-defined area of autonomous functioning. Also it implies transferring power to the people through the local elected representatives who would act as trustees for the people. Thus it implies the empowerment of the ordinary man.

In the Kerala context, the local governments do not constitute a hierarchy. Each type of local body has its own functional domain. Thus there are 1214 local governments in existence in the State. They will be now dealing with almost every developmental matter and every welfare activity having direct interface with the citizens. Grama panchayat and municipal bodies also exercise a substantial portion of regulatory power. Thus direct contact with the people will be more at the local body level. Since they exercise functions and responsibilities hitherto discharged by the Government, there is need for a relationship of trust and understanding between local governments and people.

The recommendations made so far in this report all relate to bettering the services of the State to its people and making it more responsive in its day to day activities. Since a large number of such activities are carried out by the local governments, these recommendations would mutatis-mutandis apply to them also.

The Committee on decentralization of Powers has already recommended incorporating of Citizens’ Charter and Right to Information in the statutes relating to local bodies. These legal provisions need to be translated into practice at the earliest for which the recommendations made in Chapter 2 and 3 would be relevant.

In the new context there could be a large number of public grievances related to the functioning of local bodies that may be brought before the Government. This would lead to a sensitive situation where the Government has to discharge its inherent
obligation to the citizen even while protecting the freedom of local governments. The recommendation of the Committee on decentralization of Powers to set up an Ombudsman type of system for redressal of citizen’s grievances assumes special relevance in this context. It is desirable to have an independent mechanism, which can take care of public grievances concerning local governments. Till such time this recommendation is put into practice, it is necessary to evolve a public grievance redressal system for the government in relation to local bodies.

1) District level Committee - District Collector
   - District Planning Committee expert member
   - Deputy Director of Panchayats
   - Regional Joint Director
   - Assistant Development Commissioner
   - District Examiner of Local Funds

2) State level Committee - Addl. Chief Secretary – Chairperson
   - Secretary (Local Administration)
   - Secretary (Rural Development)
   - Chief Technical Examiner
   - Director of Local Fund Audit

   These Committees could verify facts through any officer they deem appropriate for the purpose and sort out matters with the local governments through advice; but if the grievance cannot be settled through advice and dialogue, the matter has to be referred to Government for statutory remedies.

   To sort out public grievances relating to implementation of public works, technical audit panels may be constituted at the district level and State level consisting of technical experts of outstanding credibility. These panels could look into specific complaints and their reports acted on by the Committees mentioned earlier, following the same procedure.

   The local bodies require a public grievance redressal system in cases where the grievances are directly given to them.
Kerala’s developmental experience shows that the State has invested heavily in providing public services and social welfare. A large part of this investment is towards payment of government servants to provide the services. Therefore, reforms in this sector are particularly crucial in the Kerala context.

**Personal Administration**

Personnel reforms are perhaps the most critical area for administrative reforms in Kerala. In a sense, reforms in matters relating to Government staff and their functioning constitute the critical core of administrative reforms. Reforms in other areas basically revolve round this central point. Personnel reforms, if carried out sincerely, could turn out to be the prime mover in making governance more efficient and responsible. The Administrative Reforms Committee feels that initiatives in this regard would bring adequate returns.

With decentralization becoming a priority, personnel reforms have become a necessity. The capacity of a local body depends largely on the capacity of its staff. In the local government context, averages have no significance; it is the actual performance of a public servant, which matters. As governance is brought closer to people, attention is focused directly on the provider of services.

In spite of the importance of personnel reforms, governments have tended to tread cautiously in this area. Probably, there is fear of organized resistance of government servants. The strong departmental identities in the State have only reinforced the natural inertia of bureaucracy and made it doubly resistant to change from outside and incapable of change from within. Of course, to bring about effective reforms in this area is a tough task but, unless it is carried out with firmness and commitment, it will not yield results. The Committee feels that a positive environment has been created by decentralization, which has had several spin off effects, an important one being the new responsibility placed on public servants. Fortunately, public servants individually and collectively seem to have realized that there is need for fundamental reforms.