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Role of Local Bodies in Public Administration

Dr. Achchhan Rathore

Associate Professor, MS College, Bikaner, Rajasthan, India

ABSTRACT: In India, the realization of the importance of local bodies leads to two major constitutional provisions. The 73rd amendment provided a framework so as to formalize gram panchayat, it included Part IX to the Indian Constitution containing articles 243 to 243O. The 74th amendment aimed at localizing the urban areas by adding Part IXA ranging from the articles 243-P to 243-ZG. Panchayats is the generic term used to describe rural local governments. Municipalities is the term associated with urban local bodies. The recognition and constitutional status of local bodies enabled catering to the political, socio-economic, and cultural needs of the locals.

Local government bodies or the third tier of the government can be defined as institutions responsible for the self-governance of their respective administration. These institutions govern the regional population of their respective units. In recent times, the role exhibited by local bodies has been essential for the efficient working of a nation. The need for democratization emphasized the construction of local-level institutions. Like any other democracy, the Indian government also realized the importance of the involvement and participation of the locals. Right from the two amendment acts in the 1990s under Narasimha Rao's government, the country has been following what is called the bottom up-approach. This approach reflects that the primary unit of governance in rural and urban areas are the constitutionally established local government bodies.

KEYWORDS: local government bodies, panchayats, municipalities, institutions, rural, urban, nation

I. INTRODUCTION

The role and purpose of local bodies are significant and have a lot of potentials. At a broad level, local bodies perform legislative, executive, and judicial roles.

- **Legislative Role** – In accordance with what is mentioned in the eleventh schedule, the Panchayats in rural areas have power as well as the authority to legislate on the 29 subjects. Similarly, the twelfth schedule includes 18 subjects that are legislated by the municipalities.
- It is necessary for citizens to participate in elections and local bodies' meetings in order to secure the values of democracy at the grassroots level.¹
- **Executive Role** – It is necessary for local bodies to execute various policies and provide basic civil amenities to their subjects. Apart from raising public awareness about the centrally sponsored schemes, it performs its obligatory functions such as water supply, drainage system, and women and child development. In addition, municipalities can raise their funds through taxes, fees, fines, etc. so as to finance their execution processes.
- **Judicial Role** – At the local level, administrative functions are based on the principle of self-regulation and autonomy². It indicates that the panchayats and municipalities are required to provide justice provisions

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providing workable solutions to communities in case of conflicts. For instance, local bodies are entrusted with the responsibility of managing and overseeing civil, criminal, and revenue justice. Regulation of its subjects is to ensure that citizens are in line with the law of the land.

The Significance of Local Bodies can be better understood by Analyzing its Functions

1. Economic Development And Social Justice

First and foremost, the concept of self-governance or decentralization has been an important principle of democracy. The idea behind decentralization was the wide scope of economic development and social justice from ground zero. The local institutions, people of the region, and private sector cooperatively work towards improving the local economy.³

2. Better Solutions To Multidimensional Problems

It is a well-known fact that people of a region are more aware of the problems faced by them. These people, therefore, may find better solutions to break away from the socio-economic, cultural, and political problems they face. Judicious and efficient use of available resources is the first step towards solving the existing problems.

3. Increasing The Prospects of Community Development

A high level of community participation improves the overall community development of different regions. Community development is a prerequisite for removing obstacles in the implementation of policies and renewing democracy.

4. Better Civic Amenities

A sort of cooperation between the locals and the local government helps in providing better services to the citizens. National development depends upon the development fragmented at local levels. Thus, an improvement in the civic amenities available to people at the local level results in the overall development of a nation.⁴

5. More Participatory

Local bodies help citizens to directly participate in democratic decision-making by allowing the constituent representatives elected at the local level. It encourages the idea of a strong democratic society consisting of vigilant and vibrant citizens. It is important to note that different marginalized groups should be given equal opportunities to express their political opinions or dissent.

6. Shaping Future Leaders

Local self-governance serves as a training ground for shaping future leaders. It provides a practical experience for aspiring politicians on how decision-making takes place in a democracy.

7. Women Politicians And Leaders

Local governments have the potential to promote women participants as political actors and candidates through the reservation of seats. Some proportion of seats is also reserved for Scheduled Castes and Scheduled Tribes. This way, the third tier of our system can safeguard the interest of minorities.⁵

8. More Transparent Working of the Centre

Local governments are often considered as an intermediary between different communities and the central government. The institution serves as a link between the two ends. Ordinary citizens are made aware of the policies and programs of the government. The Union government, on the other hand, are made aware of the demands of citizens

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9. Better Infrastructural Facilities

Local governments are not only a subsidiary to the central government, but also provide a space to articulate the political demands on the society. Existing at grassroot level, it is also responsible for looking after the day-to-day needs of people such as adequate water supply, sanitation, and electricity.

10. Greater Accountability

Delayed responsiveness and poor accountability on the part of state governments often make the local people feel politically alienated. Devolution of power to regional and district levels encourages inclusiveness and greater accountability to the government authorities.

11. Safeguarding Individual Identity

The local bodies are empowered to preserve the individual as well as the cultural identity of various marginalized groups. It promotes the principle on which lies the foundation of democracy, that is, pluralism.⁶

As subjects concerning an individual's political aspirations and quality of life are safeguarded by the local government, the central government can divert its focus on key issues such as national defense and security. Apart from the political communication that exists between local governments and the people they administer, the small local units are also responsible for tax collection, administration of justice, and management of legal affairs.

The idea behind extending administrative powers at the local level was to ensure effective administrative setup and working of the government machinery. The constitution obligations such as

- conducting regular elections to local bodies
- Establishment of State Finance Commission to regulate the financial health affairs of local bodies under article 243(Y)
- channelizing shares of state funds to finance local level governments
- reservation of seats for lower castes as well as women indicate that the Union government under article 243D has an intention to strengthen the working of local level institutions⁷

Local bodies are not necessarily confined to rural areas. The depth of participation in the local government is largely contingent on how the citizens take part in the process of decision-making. An increase in the amount of funds received may even make these institutions more impactful. The joint working of local and state governments may result in better execution of policies and programmes. For instance, state governments can encourage local bodies to create political awareness of the policies benefiting the citizens. The lack of coordination among the various authorities can be an obstruction in the implementation of policies and programmes. The fundamental purpose of establishing grassroot level institutions is to reduce the concentration of excessive power at the hands of the Centre, thereby, operationalizing democracy.⁸

II. DISCUSSION

Local government bodies are established as third-tier institutions responsible for administering small areas and municipalities of a region. Such small areas may be classified as villages, towns, or cities. This process of shifting of power from central and state government to local government bodies is deemed to be 'decentralization'. In a democratic setup, where citizens are authorized to articulate their opinions, decentralizing plays a key role. In this way, citizens are able to participate directly in the decision-making process that concerns them. To put it simply, the local government framework lays emphasis on self-governance.

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These local bodies are responsible for performing multiple roles. From ensuring affordable and efficient civil amenities such as education and healthcare to strategizing planning and development of the region, local governments promote the well-being of their citizens. People belonging to their respective communities are more aware of the problems faced by them than any higher level of government. Democratic decision-making becomes more effective when people are given the power of regulating their own public affairs.

In recent times, there has been a change in the nature of functions performed by local bodies. Local governments now play a multifaceted role in incorporating and recognizing the social, economic, and political needs of their region.⁹

- Social infrastructure- Socially, class inequalities and discrimination based on caste, color, creed, religion, gender, etc. are prevalent in municipalities. Local bodies work towards improving social harmony in the territory, which in turn helps in promoting national integration.
- Economic infrastructure- From the economic point of view, problems such as poverty, unemployment, and lack of resources are common in small areas.
- Political infrastructure- Politically, the administrative functions are enhanced by direct supervision from the local government. This way, local governments are required to work towards the overall development of their region. Local governments receive their funds from state governments. Local governments play a key role in the economic development of their region. They are responsible for providing physical infrastructure which includes transportation and communication networks, electricity, water supply, waste management, and so on. At the local level, it is possible to promote engagement of all sectors of the society which results in development and growth at the macro level.¹⁰

There are three main sources of funds for rural local bodies:

1. Funds channelized by the central government for implementation of the centrally sponsored scheme
2. Funds received from Central Finance Commission
3. Funds transfer from the state government on the recommendation of the State Finance Commission.

Rural Local Government:

In India, it was realized that the system of Panchayati Raj was not able to perform its responsibilities in absence of the support of union and state governments. It was thus important to recognize local bodies in the national constitution which ensured local government autonomy. Without any constitutional provisions available to the local bodies, self-governance is difficult to execute. Beginning from 1992, the Central Government passed the 73rd constitutional amendment act inclusive of the eleventh schedule of our constitution. This schedule included twenty-nine subjects that the Panchayati raj can administer upon. Rural local bodies in India generally consist of a council headed by a sarpanch which is directly elected by the adult population of the village.¹¹ This body works under the supervision of the voters which form the gram sabha. The two bodies meet annually to approve budget proposals and review the work of the Gram panchayat.

Gram panchayats of different rural areas come together to form Panchayat Samiti or Block Panchayat at the district level and the agglomeration of such Block Panchayats constitutes the Zilla Parishad. Many MLAs of their respective divisions also participate in these district-level local bodies.

Urban Local Government:

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The 74th constitutional amendment act of 1992 was another significant step taken by the Government of India for strengthening self-governance. This act was focused on the functioning of municipalities in cities and towns. Municipalities are headed by a mayor who is an elected representative.¹²

The 73rd and 74th amendments in the Indian constitution are regarded as the major political change for increasing people's participation in rural and urban areas respectively. It is constitutionally mandated that elections to local bodies are held regularly. Some of the seats in the council are reserved for lower classes such as scheduled castes, scheduled tribes, and other backward classes and women too. The extent of the power granted to local government bodies depends upon the extent of the constitutional provision available to such bodies.

These local governments form councils which are the vital organ that functions as representative bodies. The members of such councils are accountable to the people. Besides being answerable to the public concerns, some primary functions of local government councils are drafting budget proposals, implementing rules and regulations, organizing regular meetings to discuss policy objectives, and so on. The size of the council is proportional to the population size of the region.¹³

To be sure, local governments still face many challenges in their working, some of them are –

1. Lack of political will – While the success of local government largely depends upon the active participation of its members and subjects, there is a lack of political will among the citizens to be a part of direct decision-making.
2. Lack of resources – Local governments often face financial constraints in the deliverance of their roles. For example, state governments often deviate from their revenue sharing arrangement which makes it difficult for local bodies to finance their policies.
3. Lack of accountability – Due to the absence of communication between the state and local government, state governments which are required to execute policies such as poverty alleviation are not able to work effectively.¹⁴

Local governments thus act as a channel to complete the efforts of national development. It promotes the planning and implementation of government-led programmes and policies in a myriad of ways. Considering the strong and active relationship between citizens and local government bodies, the latter is aware of the everyday problems prevalent in the region. Local governments are authorized to take decisions on matters such as housing, health, education, environmental protection, etc. which directly influences the way of living of community members. It is also important to note that the role of local government without appropriate fiscal decentralization can hinder the democratic spirit of this third tier of the government. There is no doubt that the existence of local bodies has intensified mass participation in active decision-making.¹⁵

Local government in India refers to governmental jurisdictions below the level of the state. Local self-government means that residents in towns, villages and rural settlements are the people elect local councils and their heads authorising them to solve the important issues. India is a federal republic with three spheres of government: central, state and local. The 73rd and 74th constitutional amendments give recognition and protection to local governments and in addition each state has its own local government legislation.^[1] Since 1992, local government in India takes place in two very distinct forms. Urban localities, covered in the 74th amendment to the Constitution,^[2] have Nagar Palika but derive their powers from the individual state governments, while the powers of rural localities have been formalized under the panchayati raj system, under the 73rd amendment to the Constitution.^[3]

Within the Administrative setup of India, the democratically elected Local governance bodies are called the "municipalities" (abbreviated as the "MC") in urban areas and the "Panchayati Raj Institutes (PRI)" (simply called the "panchayats") in rural areas. There are 3 types of municipalities based on the population, Municipal

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Corporation (Nagar Nigam) with more than 1 million population, Municipal Councils (Nagar Palika) with more than 25,000 and less than 1 million population, and Municipal Committee (Nagar Panchayat) with more than 10,000 and less than 25,000 population. PRIs in rural areas have 3 hierarchies of panchayats, Gram panchayats at village level, Mandal or block panchayats at block level, and Zilla panchayats at district level.^[4]

Panchayats cover about 96% of India's more than 5.8 lakh (580,000) villages and nearly 99.6% of the rural population. As of 2014, there were about 3 million elected representatives at all levels of the panchayat, nearly 1.3 million are women. These members represent more than 2.4 lakh (240,000) gram panchayats, about over 6,672 were intermediate level panchayat samitis at the block level and more than 500 zila parishads at district level.^[5] Following the 2013 local election, 37.1% of councillors were women, and in 2015/16 local government expenditure was 16.3% of total government expenditure.^[1]

In 1957, a committee led by Balwant Rai Mehta Committee studied the Community Development Projects and the National Extension Service and assessed the extent to which the movement had succeeded in utilising local initiatives and in creating institutions to ensure continuity in the process of improving economic and social conditions in rural areas. The Committee held that community development would only be deep and enduring when the community was involved in the planning, decision-making and implementation process.^[6] The suggestions were for as follows:^[7]

- an early establishment of elected local bodies and devolution to them of necessary resources, power, and authority,
- that the basic unit of democratic decentralisation was at the block/samiti level since the area of jurisdiction of the local body should neither be too large nor too small. The block was large enough for efficiency and economy of administration, and small enough for sustaining a sense of involvement in the citizens,
- such body must not be constrained by too much control by the government or government agencies,
- the body must be constituted for five years by indirect elections from the village panchayats,¹⁶
- its functions should cover the development of agriculture in all its aspects, the promotion of local industries and others
- services such as drinking water, road building, etc., and
- the higher-level body, Zilla Parishad, would play an advisory role.

The PRI structure did not develop the requisite democratic momentum and failed to cater to the needs of rural development. There are various reasons for such an outcome which include political and bureaucratic resistance at the state level to share power and resources with local-level institutions, the domination of local elites over the major share of the benefits of welfare schemes, lack of capability at the local level and lack of political will.

It was decided to appoint a high-level committee under the chairmanship of Ashok Mehta to examine and suggest measures to strengthen PRIs. The Committee had to evolve an effective decentralised system of development for PRIs. They made the following recommendations:^[8]

- the district is a viable administrative unit for which planning, coordination, and resource allocation are feasible and technical expertise available,
- PRIs as a two-tier system, with Mandal Panchayat at the base and Zilla Parishad at the top,¹⁷
- the PRIs are capable of planning for themselves with the resources available to them,

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- district planning should take care of the urban-rural continuum,
- representation of SCs and STs in the election to PRIs on the basis of their population,
- four-year term of PRIs,
- participation of political parties in elections,
- any financial devolution should be committed to accepting

that much of the developmental functions at the district level would be played by the panchayats.

The states of Karnataka, Andhra Pradesh and West Bengal passed new legislation based on this report. However, the flux in politics at the state level did not allow these institutions to develop their own political dynamics.¹⁸

The G.V.K. Rao Committee was appointed by Planning Commission^[9] to once again look at various aspects of PRIs. The Committee was of the opinion that a total view of rural development must be taken in which PRIs must play a central role in handling people's problems. It recommended the following:^[10]-

- PRIs have to be activated and provided with all the required support to become effective organisations,
- PRIs at district level and below should be assigned the work of planning, implementation and monitoring of rural development programmes, and
- the block development office should be the spinal cord of the rural development process.
- district development commissioner to be introduced.
- election should conduct regularly.

this is GVK RAO Committee main topics which they focused on.¹⁹

A committee led by Laxmi Mall Singhvi was constituted in the 1980s to recommend ways to revitalize PRIs. The Gram Sabha was considered as the base of a municipality decentralised, and PRIs viewed as institutions of governance which would actually facilitate the participation of the people in the process of planning and development. It recommended:^[11]

- local government should be constitutionally recognised, protected and preserved by the inclusion of new chapter in the Constitution,
- non-involvement of political parties in Panchayat elections.

The suggestion of giving panchayats constitutional status was opposed by the Sarkaria Commission, but the idea, however, gained momentum in the late 1980s especially because of the endorsement by the late Prime Minister Rajiv Gandhi, who introduced the 64th Constitutional Amendment Bill in 1989. The 64th Amendment Bill was prepared and introduced in the lower house of Parliament. But it got defeated in the Rajya Sabha as non-convincing. He lost the general elections too. In 1989, the National Front introduced the 74th Constitutional Amendment Bill, which could not become an Act because of the dissolution of the Ninth Lok Sabha. All these various suggestions and recommendations and means of strengthening PRIs were considered while formulating the new Constitutional Amendment Act.²⁰

IV. RESULTS

The idea which produced the 73rd and Amendment^[12] was not a response to pressure from the grassroots, but to an increasing recognition that the institutional initiatives of the preceding decade had not delivered, that the extent of

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rural poverty was still much too large and thus the existing structure of government needed to be reformed. This idea evolved from the Centre and the state governments. It was a political drive to see PRIs as a solution to the governmental crises that India was experiencing.²¹

The Constitutional (73rd Amendment) Act, passed in 1992 by the Narasimha Rao government, came into force on April 24, 1993. It was meant to provide constitutional sanction to establish "democracy at the grassroots level as it is at the state level or national level". Its main features are as follows:^[13]

- The Gram Sabha or village assembly as a deliberative body to decentralised governance has been envisaged as the foundation of the Panchayati Raj System. 73rd Amendment of the Constitution empowered the Gram Sabhas to conduct social audits in addition to its other functions.
- A uniform three-tier structure of panchayats at village (Gram Panchayat — GP), intermediate or block (Panchayat Samiti — PS) and district (Zilla Parishad — ZP) levels.
- All the seats in a panchayat at every level are to be filled by elections from respective territorial constituencies.
- Not less than one-third of the total seats for membership as well as office of chairpersons of each tier have to be reserved for women.
- Reservation for weaker castes and tribes (SCs and STs) have to be provided at all levels in proportion to their population in the panchayats.
- To supervise, direct and control the regular and smooth elections to panchayats, a State Election Commission has The Act has ensured constitution of a State Finance Commission in every State/UT, for every five years, to suggest measures to strengthen finances of panchayati raj institutions.¹⁴
- To promote bottom-up-planning, the District Planning Committee (DPC) in every district has been accorded to constitutional status.
- An indicative list of 29 items has been given in Eleventh Schedule of the Constitution. Panchayats are expected to play an effective role in planning and implementation of works related to these 29 items.

Cooperative Societies are taken under "Local Government" after 97th Constitutional Amendment act 2011, under Dr Manmohan Singh's Govt. Part-IX of Indian Constitution is related to Local Government, under which Panchayati Raj was defined, then after 74th amendment Municipal Corporation and council were included and defined by inducing Part IX-A, and in 2011, Cooperative Societies were included in Local Government by inducing Part IX-B in the Constitution. The 97th Constitutional Amendment Act, 2011 provided for amendment in following things : 1. It amended article 19(1)c by inserting after the word 'or unions' the words 'or Co-operative Societies'. 2. It also inserted Article 43B in part IV of the Constitution as "The State shall endeavor to promote Voluntary formation, autonomous functioning, democratic control and professional Management of the Co-operative Societies" and 3. After Part IX-A of the Constitution Part IX-B was inserted. Part IX-B extended from Article 243ZH to Article 243ZT.¹⁵

The following 3 types of democratically elected urban local governance bodies in India are called municipalities and abbreviated as the "MC". These are classified based on the size of the population of the urban settlement.^[14]

- Municipal Corporation, also called the "Nagar Nigam", of cities with more than 1 million population.
- Municipal Councils, also called the "Nagar Palika", of cities with more than 25,000 and less than 1 million population.

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- Municipal Committee, also called the "Town Council" or "Nagar Panchayat" or "Town Panchayat" or "Notified Area Council" depending on the state within which they lie, these are in the town with more than 10,000 and less than 25,000 population.

Municipal Acts are state level legislations to establish municipal governments in urban areas. These acts provide a framework of governance for cities within the state. Various processes including rules for elections, recruitment of staff, and demarcation of urban areas derive from the state municipal acts. Almost 70 different municipal acts in India govern the cities in the country. Typically, the municipal acts are of three types - statewide general municipalities acts, separate acts for establishing municipal corporations, and acts that are specific to individual municipal corporations.^[15] All municipal acts in India provide for functions, powers and responsibilities to be carried out by the municipal government. These are divided into two categories: obligatory and discretionary.¹⁶

The mandatory functions of MC include the supply of pure and wholesome water, construction and maintenance of public streets, lighting and watering of public streets, cleaning of public streets, places and sewers, regulation of offensive, dangerous or obnoxious trades and callings or practices, maintenance or support of public hospitals, establishment and maintenance of primary schools, registration of births and deaths, removing obstructions and projections in public streets, bridges and other places, naming streets and numbering houses, maintenance of law and public order, etc.

The discretionary functions of MC include the laying out of areas, securing or removal of dangerous buildings or places, construction and maintenance of public parks, gardens, libraries, museums, rest houses, leper homes, orphanages and rescue homes for women, public buildings, planting of trees and maintenance of roads, housing for low income groups, conducting surveys, organizing public receptions, public exhibitions, public entertainment, provision of transport facilities with the municipality, and promotion of welfare of municipal employees.

Some of the functions of the urban bodies overlap with the work of state agencies. The functions of the municipality, including those listed in the Twelfth Schedule to the Constitution, are left to the discretion of the state government. Local bodies have to be bestowed with adequate powers, authority and responsibility to perform the functions entrusted to them by the Act. However, the Act has not provided them with any powers directly and has instead left it to state government discretion.^[16] These are all functions of MCs¹⁷

The following 3 hierarchies of PRI panchayats exist in states or Union Territories with more than two million inhabitants:

- Gram Panchayats at village level
- Panchayat Samiti/Mandal Parishad at Community Development Block/Mandal level and
- Zila Parishad at district level.^[18]

The panchayati raj system is a three-tier system with elected bodies at the village, taluk and district levels. The modern system is based in part on traditional Panchayat governance, in part on the vision of Mahatma Gandhi and in part by the work of various committees to harmonize the highly centralized Indian governmental administration with a degree of local autonomy.^[19] The result was intended to create greater participation in local government by people and more effective implementation of rural development programs. Although, as of 2015, implementation in all of India is not complete, the intention is for there to be a gram panchayat for each village or group of villages, a tehsil level council, and a zilla panchayat at the district level.

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V. CONCLUSIONS

Defined in the Part IX of the Indian Constitution,^{[20][21]} these are responsible for the 29 subjects listed in the Eleventh Schedule including the "economic development, and strengthening social justice."^[18] The Constitution of India visualises panchayats as institutions of local governance. However, giving due consideration to the federal structure of India's polity, most of the financial powers and authorities to be endowed on panchayats have been left at the discretion of concerned state legislatures. Consequently, the powers and functions vested in PRIs vary from state to state. These provisions combine representative and direct democracy into a synergy and are expected to result in an extension and deepening of democracy in India. Hence, panchayats have journeyed from an institution within the culture of India to attain constitutional status.²¹

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