



The local government system in

India

Local government information correct as of 2009



Key facts

- POPULATION (Census 2001):** 1,028,610,328
- AREA:** 3,287,263 sq km
- CAPITAL:** New Delhi
- LOCAL GOVERNMENT CONTRIBUTION TO GDP:** 0.75%
- CURRENCY:** rupee (INR)
- HEAD OF STATE:** President Pratibha Patil
- HEAD OF GOVERNMENT:** Prime Minister Dr Manmohan Singh
- FORM OF GOVERNMENT:** constitutional democratic republic
- PARLIAMENTARY SYSTEM:** bicameral
- STATE STRUCTURE:** federal
- LANGUAGES:** Hindi and English (official), Assamese, Bengali, Bodo, Dogri, Gujarati, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santali, Sindhi, Tamil, Telugu, Urdu (recognised).
- NATIONAL ELECTIONS:** last: 2009; turnout: 56.7%; next: 2014
- LOCAL ELECTIONS** vary from state to state.

SUMMARY

India is a federal republic with three spheres of government: central (union) state and local. The 73rd and 74th constitutional amendments give recognition and protection to local government whilst each state has its own local government legislation. The Ministry for Housing and Urban Poverty Alleviation, Ministry for Urban Development and Ministry for Rural Development all have oversight responsibility for local government at the national level.

1. CENTRAL GOVERNMENT

India is a federal republic with a bicameral parliament whose houses are known as the Lok Sabha and the Rajya Sabha. The president is the head of state and is elected for five years, by an electoral college made up of members of both houses of parliament, and the legislative assemblies of each state (vidhan sabhas). The

president normally appoints the prime minister from the leader of the majority party. He or she also appoints other members of the executive, known as the Council of Ministers, on the advice of the prime minister. Members of the Lok Sabha are directly elected under the first-past-the-post system for up to five years. The Lok Sabha currently has 545 members; 543 are elected and two are appointed by the president to discretionary seats representing the Anglo-Indian community, if the community would otherwise be under-represented. Up to 238 of the possible 250 Rajya Sabha members are elected indirectly by the state legislatures with representation proportionate to their populations. In addition 12 members are nominated by the president for specialist expertise. Rajya Sabha members have a tenure of six years.

There are 28 states each with their own unicameral vidhan sabha, and seven union

territories governed directly by the central government. The states are organised along cultural and linguistic lines, reflecting the country's diversity. Each state has its own legislature; however the state governor, in whom executive power is vested, is appointed by the president for five years. Replicating the structures in the national government, the governor is aided and advised by a council of ministers led by a chief minister who is the leader of the vidhan sabha.

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions:

The 73rd and 74th constitutional amendments adopted in 1992 give recognition and protection to local government.

2.2 Main legislative texts:

Local government is a state function. Powers, authority and responsibility for local bodies are



Table 1. Distribution of councils and population (Census 2001)

State	Urban	A	B	C	Population
Andhra Pradesh	117	22	1,069	21,943	76,210,007
Arunachal Pradesh	0	15	150	1,747	1,097,968
Assam	83	20	203	2,487	26,655,528
Bihar	159	38	531	8,471	82,998,509
Chhattisgarh	109	16	146	9,139	20,833,803
Goa	13	2	0	189	1,347,668
Gujarat	149	25	224	13,781	50,671,017
Haryana	68	19	114	6,032	21,144,564
Himachal Pradesh	49	12	75	3,037	6,077,900
Jammu and Kashmir	68	14	134	2,700	10,143,700
Jharkhand	43	22	211	3,765	26,945,829
Karnataka	222	27	175	5,659	52,850,562
Kerala	58	14	152	991	31,841,374
Madhya Pradesh	326	45	313	22,029	60,348,023
Maharashtra	244	33	349	28,553	96,878,627
Manipur	28	10	0	166	2,166,788
Meghalaya	6	3	0	0	2,318,822
Mizoram	0	0	0	737	888,573
Nagaland	9	0	0	1,286	1,990,036
Orissa	133	30	314	6,234	36,804,660
Punjab	134	17	140	12,449	24,358,999
Rajasthan	183	32	237	9,189	56,507,188
Sikkim	0	4	0	166	540,851
Tamil Nadu	719	28	385	12,618	62,405,679
Tripura	13	4	23	540	3,199,203
Uttar Pradesh	623	70	809	52,029	166,197,921
Uttarakhand	63	0	673	7,055	8,489,349
West Bengal	123	18	341	3,358	80,176,197
UNION TERRITORY					
Andaman & Nicobar	1	-	-	-	974,345
Chandigarh	1	-	-	-	900,635
Dadra & Nagar Haveli	-	-	-	-	220,490
Daman and Diu	2	-	-	-	158,204
Lakshadweep	2	-	-	-	60,650
Delhi	1	-	-	-	13,850,507
Puducherry	5	-	-	-	356,152
TOTAL	3,551	540	9,268	384,286	1,028,610,328

A = zilla parishads/district council B = panchayat samaiti C = village panchayat

devolved by the state under Articles 243g and 243w of the constitution. Each state has its own local government legislation.

3. STRUCTURE OF LOCAL GOVERNMENT

3.1 Local government within the state:

In 1989 the government of India took steps to enhance the role of rural local governments (panchayats) through direct funding. The aim was to create units responsible for economic development at the local level, and to create jobs directly. Attempts were made by the government to make it mandatory for all states to adopt a three-tiered system of panchayats, for example through the 73rd and 74th constitutional amendments. Local government is divided between the rural authorities (panchayats) and urban authorities (municipalities).

3.2 Ministerial oversight:

The Minister for Housing and Urban Poverty Alleviation, the Minister for Urban Development and the Minister for Rural Development are guided by constitutional provisions and are responsible for developing nationwide policy for each sector. In each state there is a minister responsible for local government who must oversee the administration of the relevant legislation promulgated at the state level. In extraordinary circumstances, the minister or state government may dissolve local government bodies, and govern them directly for up to six months. The ministries are involved in the preparation of model Acts, laws, by-laws, manuals, guidelines, checklists and capacity-building programmes for a range of functions.

3.3 Council types:

The local government system can split between urban and rural councils. There are a total of 3,551 urban councils whilst in the rural area there is a three tier system comprising a total of 540 zilla parishads/district councils, 9,268 panchayat samaiti (block) and 384,286 village panchayats.

3.3.1 Urban councils: Municipal corporations, in line with their respective state-level municipal Acts, have different committees which include finance, education, water supply and sanitation. The standing committees are deliberative bodies only. Decision-making powers remain with the full council. Councils have the discretion to establish a wide range of other committees. Powers for the mayors and executive committees are determined by the respective state municipal Acts. Each municipal body is assisted by a commissioner or chief executive officer who coordinates the activities of all municipal employees.

3.3.2 Panchayati system in the rural areas:

The panchayats are situated in the rural areas of India. In 22 states there are three tiers in the panchayati system, in Goa there are two tiers, and in Jammu and Kashmir, Manipur, Meghalaya, Mizoram and Nagaland there is one. States with populations of less than two million are not required to adopt the three-tiered system. They are not strictly hierarchically organised; rather there is a division of duties between them. There is a limited coordination role for higher levels of the panchayati authorities (see Annex A). State law establishes mandatory committees; these consequently may vary from state to state, however, generally all have executive committees. The zilla parishads are required to have general, finance and audit, planning, social justice, education, health, agriculture and industrial committees. The gram panchayats have production, social justice and amenities committees. Most states provide the panchayats with little discretion to establish other committees.

4. ELECTIONS

4.1 Recent local elections:

These vary from state to state.

4.2 Voting system:

All councillors are directly elected by a first-past-the-post system. One third of all seats are reserved for women. There are further reserved places for scheduled castes and scheduled tribes, determined by their proportion of the local population. The places reserved for scheduled castes and tribes must also adhere to the one-third allocation to women.



Mayors are elected directly or indirectly depending on the state. Councillors are elected for a five-year term of office, mayors for either one or five years. The position of mayor/chairperson is also assigned to scheduled tribes and castes, women and minorities on a rotating basis.

In the urban sector, all municipalities with a population over 300,000 are required to establish ward committees chaired by the local ward councillor. Election processes are defined in state municipal law. These structures are consultative and also play a role in monitoring the delivery of services. Municipal corporations, as stipulated in the state municipal Acts, work within a committee system in which councillors report to council with recommendations.

4.3 Elected representatives:

Details of these vary from state to state.

4.4 Women's representation:

In the urban sector women make up 38% of all councillors. By law a minimum of one-third across all seats of local government bodies must be reserved for women. Six months prior to local elections, one-third of the wards are earmarked for women representatives on a rotation basis.

5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirement:

The 73rd and 74th amendments to the constitution have led to wider participation and citizen awareness at the local level. Citizens' charters are also used to streamline participation.

5.2 Implementation:

Community structures known as swarna jayanti shahri rozgar yojna are created at grassroots level. Further cities are to constitute area sabhas at grassroots level to initiate bottom-up planning and management of assets.

5.3 E-government:

The government website is well developed, with links to all state governments. There are plans to extend these links to cover administrative offices in districts, and many are already linked to the government portal. The formats are standardised and therefore are useful for making comparisons. At present they provide citizens with information regarding responsible officers and names of elected representatives with contact points.

While there are some urban local governments with websites, this represents a small proportion of the urban authorities in India. These sites provide services and information to citizens and access to officers.

6. ORGANISED LOCAL GOVERNMENT

6.1 National local government associations:

National local government associations include the All India Council of Mayors, representing the municipal corporations, and Nagar Palik Pramukh Sangthen, representing the other urban municipalities.

6.2 Other local government associations:

There are some examples of state-level organisations of elected representatives, or city managers' associations.

7. INTERGOVERNMENTAL RELATIONS

The union ministries are in constant dialogue with relevant ministries at the state level and with local government representatives. Local government representatives also seek meetings with officials and ministers in the relevant ministries on an ad-hoc basis.

8. MONITORING SYSTEMS

Municipal governments are subject to a local government audit, which is carried out by the respective state governments. Monitoring may include: auditing processes, ministerial oversight (eg of budgets), independent regulatory bodies, council committees and the role of the opposition within them, parliamentary review bodies etc. Third-party audit has been introduced on urban local projects under a programme entitled the Jawaharlal Nehru National Urban Renewal Mission.

9. FINANCE, STAFFING AND RESOURCES

9.1 Locally raised revenue:

The majority of urban infrastructure projects currently being undertaken by municipal local governments depend predominantly on funds from state governments and other agencies. To raise resources from the market/financial institutions for investment in infrastructure the government has allowed the issue of tax-free municipal bonds. The Pooled Finance Development Fund (PFDF) has been formulated to provide credit enhancement grants to access market borrowings through pooled financing bonds issued on behalf of identified urban local government for investment in urban infrastructure projects.

9.2 Transfers:

The Twelfth Finance Commission has recommended grants amounting to INR25,000 crores payable during the period 2005–2010 (INR20,000 crores for panchayats and INR5,000 crores for municipalities) to states for transfer to rural and urban local bodies. The inter-state allocation is based on factors and weights assigned to criteria such as population,

geographical area, distance from highest per capita income, index of deprivation and revenue effort.

9.3 Local authority staff:

Local government staff are not recruited by a central body. In some states however there is a commission for recruitment, in others staff are recruited directly by the local authorities. The body responsible for recruitment is also responsible for disciplinary and dismissal matters. A number of officers are required by law in the different types of local councils, including municipal commissioner in the municipal corporations and executive officer, health officer and sanitary inspector in the municipalities. The head of the paid service is normally referred to as the chief executive officer.

The staffing structure of first-tier councils differs from state to state, but generally the municipal commissioner is the head of the administrative service of the municipal corporations, assisted by deputy municipal commissioners and other officers. The health officer is responsible for area health services. The staffing structures of second-tier councils (municipalities) differ from state to state, but generally the executive officer is the head of the administrative service, assisted by deputy executive officers and other officers. The health officer is responsible for health services in the municipal area.

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

Service delivery varies from state to state, see Annex A.

References and useful websites

1. Ministry of Statistics and Programme Implementation www.mospi.nic.in
2. UN statistics <http://unstats.un.org/unsd/demographic/products/dyb/dyb2008/Table03.pdf>
3. IMF statistics www.imf.org/external/data.htm
4. Ministry of Panchayati Raj www.panchayat.nic.in
5. Government of India www.india.gov.in
Know India: local government http://india.gov.in/knowindia/local_govt.php?pg=2
7. UNDP Human Development Report 2010 www.hdr.undp.org
8. Local Government Association: website not available
9. UCLG country profiles: India www.cities-localgovernments.org/gold/Upload/country_profile/India.pdf



Annex A. Summary of service provision in different spheres of government

Service	Delivering authority						Remarks
	Federal	State	Local government				
			Urban	Zilla	P Samiti	Gram P*	
GENERAL ADMINISTRATION							
Police		■					
Fire protection		■	■	■			
Civil protection		■	■	■			
Criminal justice		■					
Civil status register				■	■		
Statistical office	■	■	■	■			
Electoral register	■	■	■	■			
EDUCATION							
Pre-school			■			■	Construction and maintenance of schools
Primary			■			■	
Secondary		■	■		■		
Vocational and technical		■					
Higher education		■					
Adult education		■					
SOCIAL WELFARE							
Kindergarten and nursery							Urban poverty alleviation
Family welfare services							
Welfare homes							
Social security							
PUBLIC HEALTH							
Primary care		■	■		■		
Hospitals		■	■	■			
Health Protection		■	■	■			
HOUSING AND TOWN PLANNING							
Housing		■	■				
Town planning		■	■		■		
Regional planning		■		■			
TRANSPORT							
Roads	■	■	■				
Transport		■	■	■			
Urban roads		■	■				
Urban rail							
Ports	■						
Airports	■						
Other	■						
ENVIRONMENT AND PUBLIC SANITATION							
Water and sanitation		■	■		■		
Refuse collection and disposal			■				
Cemeteries and crematoria							
Slaughterhouses			■		■		
Environmental protection	■	■	■	■	■		
Consumer protection		■					
CULTURE, LEISURE AND SPORTS							
Theatre and concerts		■	■	■			
Museums and libraries		■	■	■	■	■	
Parks and open spaces			■				
Sports and leisure		■	■	■	■	■	
Religious facilities							
Other Cultural Facilities		■	■				
UTILITIES							
Gas services			■				
District heating							
Water supply		■	■		■		
Electricity		■	■				
ECONOMIC							
Agriculture, forests and fisheries		■	■	■	■	■	Economic planning and urban poverty alleviation
Economic promotion		■	■	■	■	■	
Trade and industry	■	■	■				
Tourism	■	■	■				
Other economic services	■	■	■				

■ = discretionary service by the local authority