

# **RURAL AND URBAN GOVERNANCE**

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# RURAL AND URBAN GOVERNANCE

## UNIT – I

### GOVERNANCE

#### Introduction

The actions that a government takes to manage its affairs in a state or a country are to be called as governance. It can be positive or negative; good or bad keeping in note the outcomes of the governance and how the citizens/public receives them. Good governance is a term of increasing importance in today's world order. It is commonly discussed both on the national and international ground.

#### Concept and Meaning of Governance

The concept of good governance is not a new concept, even though it seems to be the buzzword now for major organizations and aid-givers to evaluate whether aid should be given to countries or not.

- In India, the concept was talked about in the **Arthashastra**, authored by Chanakya. He mentions the characteristics of a good king thus, "In the happiness of his subjects lies his happiness, in their welfare his welfare; whatever pleases himself, he does not consider as good, but whatever pleases his subjects he considers as good."
- Mahatma Gandhi had also given the term 'Su- Raaj' literally meaning good governance.
- **Governance can be defined as 'the process of decision-making and the process by which decisions are implemented.'**
- Governance refers to the decision-making and administration involved in any level, i.e., national, regional, local, corporate, family, etc.
- Government is a key actor in governance.
- Depending upon the level of governance talked about, other actors would be cooperatives, bodies, associations, unions, NGOs, religious leaders, influential landlords, industry, political parties, finance institutions, lobbies, think tanks, military, etc.
- In governance, all actors apart from the government and the military are called 'civil society'.
- In some areas, organised crime syndicates such as the land mafia can also influence decision-making and hence, governance.
- An important point to note is that citizens are at the core of good governance. Hence, citizen-centric administration and good governance go hand in hand.

#### Definition of Governance

- The **World Bank** defines governance as 'the manner in which power is exercised in the management of a country's economic and social resources for development.'
- According to a document released by the World Bank in 1992 titled, 'Governance and Development', good governance is an essential complement to sound economic policies

and is central to creating and sustaining an environment which fosters strong and equitable development.

- Components of Good Governance (according to the World Bank):
  - Capacity and efficiency in public sector management
  - Accountability
  - Legal framework for development
  - Information and transparency
- Because of the close link between corruption and poor governance, many international organisations such as the World Bank and the International Monetary Fund (IMF) are preconditioning their aid to countries on the guarantee that the recipient countries undertake good governance practices.
- The **United Nations Development Programme (UNDP)** has defined governance as ‘the rules of the political system to solve conflicts between actors and adopt decision (legality).’
- Definition given by the **Commission on Global Governance (1995)** describes governance as ‘the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest.’

### Characteristics

The United Nations (UN) has given 8 major characteristics of good governance. They are briefly described below:



### Participation

- A vital cornerstone of good governance is participation by all sections of society.
- This includes men and women, vulnerable sections of society, backward classes, minorities, etc.
- Representative democracy does not necessarily translate into representation of all people. This is where good governance comes into play.
- Participation also implies freedom of association and expression.

## **Transparency**

- This means easy access to information to all concerned and especially to those being affected by the decisions made.
- This also implies information is available to the media.
- Another important facet is that all decisions are taken and enforced in such a manner that all rules and regulations are followed.

## **Rule of Law**

- Rule of law warrants that fair legal frameworks are implemented impartially.
- It also means protection of human rights.
- This also requires an adequate and impartial judiciary and police force.

## **Responsiveness**

- This implies that processes and institutions should serve all stakeholders within a reasonable time frame.

## **Consensus oriented**

- Consensus oriented decision-making ensures that even if everyone does not achieve what they want to the fullest, a common minimum can be achieved by everyone which will not be detrimental to anyone.
- Good governance is consensus oriented. A broad consensus should be reached by proper mediation.
- For this, a proper understanding of the society's historical, cultural and social contexts is needed; along with sustainable human development.

## **Equity and inclusiveness**

- Good governance assures an equitable society.
- In such a society, no one or no section feels left out and marginalized.
- Opportunities should be given to all irrespective of their backgrounds, and no one should be discriminated.

## **Effectiveness and efficiency**

- Good governance implies that institutions and processes create results that meet the wants of society while making optimal use of resources at their disposal.
- This also encompasses sustainable use of natural resources and the conservation of the environment.

## **Good Governance – Accountability**

- This is a key trait of good governance.
- Accountability is not possible without the rule of law and transparency.
- Accountability should be there not just for the government, but also for citizens, the private sector, industry, NGOs, and all stakeholders.

## **Necessary Pre-Conditions for Good Governance**

A study of the hindrances to good governance shows that there are many preconditions that must be satisfied to make governance citizen-centric. A few of the preconditions are given below:

- Effective legal framework
- Sound and effective institutional mechanism for correct implementation of laws
- Competent employees manning these institutions and efficient personnel management policies
- Apt policies for delegation, decentralization and fixing accountability.

In addition, several tools can also be used to make the administration citizen-centric. These are listed below:

- Re-engineering processes
- Adopting correct modern technology
- Right to information
- Citizens' charters
- Independent services' evaluation
- Grievance redressal mechanisms
- Active citizens' participation – public-private partnerships

## **PRINCIPLES OF GOVERNANCE**

### **Principle 1: Fair Conduct of Elections, Representation and Participation**

- Local elections are conducted freely and fairly, according to international standards and national legislation, and without any fraud.
- Citizens are at the centre of public activity and they are involved in clearly defined ways in public life at local level.
- All men and women can have a voice in decision-making, either directly or through legitimate intermediate bodies that represent their interests. Such broad participation is built on the freedoms of expression, assembly and association.
- All voices, including those of the less privileged and most vulnerable, are heard and taken into account in decision-making, including over the allocation of resources.
- There is always an honest attempt to mediate between various legitimate interests and to reach a broad consensus on what is in the best interest of the whole community and on how this can be achieved

- Decisions are taken according to the will of the many, while the rights and legitimate interests of the few are respected.

***Principle 2: Responsiveness***

- Objectives, rules, structures, and procedures are adapted to the legitimate expectations and needs of citizens.
- Public services are delivered, and requests and complaints are responded to within a reasonable timeframe.

***Principle 3: Efficiency and Effectiveness***

- Results meet the agreed objectives.
- Best possible use is made of the resources available.
- Performance management systems make it possible to evaluate and enhance the efficiency and effectiveness of services.
- Audits are carried out at regular intervals to assess and improve performance.

***Principle 4: Openness and Transparency***

- Decisions are taken and enforced in accordance with rules and regulations.
- There is public access to all information which is not classified for well-specified reasons as provided for by law (such as the protection of privacy or ensuring the fairness of procurement procedures).
- Information on decisions, implementation of policies and results is made available to the public in such a way as to enable it to effectively follow and contribute to the work of the local authority.

***Principle 5: Rule of Law***

- The local authorities abide by the law and judicial decisions.
- Rules and regulations are adopted in accordance with procedures provided for by law and are enforced impartially.

***Principle 6: Ethical conduct***

- The public good is placed before individual interests.
- There are effective measures to prevent and combat all forms of corruption.
- Conflicts of interest are declared in a timely manner and persons involved must abstain from taking part in relevant decisions.

***Principle 7: Competence and Capacity***

- The professional skills of those who deliver governance are continuously maintained and strengthened in order to improve their output and impact.

- Public officials are motivated to continuously improve their performance.
- Practical methods and procedures are created and used in order to transform skills into capacity and to produce better results.

***Principle 8: Innovation and Openness to Change***

- New and efficient solutions to problems are sought and advantage is taken of modern methods of service provision.
- There is readiness to pilot and experiment new programmes and to learn from the experience of others.
- A climate favourable to change is created in the interest of achieving better results.

***Principle 9: Sustainability and Long-term Orientation***

- The needs of future generations are taken into account in current policies.
- The sustainability of the community is constantly taken into account.
- Decisions strive to internalise all costs and not to transfer problems and tensions, be they environmental, structural, financial, economic or social, to future generations.
- There is a broad and long-term perspective on the future of the local community along with a sense of what is needed for such development.
- There is an understanding of the historical, cultural and social complexities in which this perspective is grounded.

***Principle 10: Sound Financial Management***

- Charges do not exceed the cost of services provided and do not reduce demand excessively, particularly in the case of important public services.
- Prudence is observed in financial management, including in the contracting and use of loans, in the estimation of resources, revenues and reserves, and in the use of exceptional revenue.
- Multi-annual budget plans are prepared, with consultation of the public.
- Risks are properly estimated and managed, including by the publication of consolidated accounts and, in the case of public-private partnerships, by sharing the risks realistically.
- The local authority takes part in arrangements for inter-municipal solidarity, fair sharing of burdens and benefits and reduction of risks (equalisation systems, inter-municipal co-operation, mutualisation of risks...).

***Principle 11: Human rights, Cultural Diversity and Social Cohesion***

- Within the local authority's sphere of influence, human rights are respected, protected and implemented, and discrimination on any grounds is combated.
- Cultural diversity is treated as an asset, and continuous efforts are made to ensure that all have a stake in the local community, identify with it and do not feel excluded.
- Social cohesion and the integration of disadvantaged areas are promoted.
- Access to essential services is preserved, in particular for the most disadvantaged sections of the population.

### ***Principle 12: Accountability***

- All decision-makers, collective and individual, take responsibility for their decisions.
- Decisions are reported on, explained and can be sanctioned.
- There are effective remedies against maladministration and against actions of local authorities which infringe civil rights.

### **Structure of Governance**

**Governance** is the **structure** of rules, practices, and processes that used to direct and manage a local government, state government, central government, corporate and NGOs.

The Board of Directors represents the membership of the organization. The board sets in place policies, procedures, values and long-term planning to meet the mission of the organization. The board does this through a governance structure or model. The structure a board decides to implement will dictate not only the policies of the organization but also such things as the relationship between staff and the board, and the role and use of committees.

### **Different Governance Structures**

Governance structures can be put into two basic categories, namely,

#### *1. Policy boards*

#### *2. Administrative boards.*

- Policy governing boards develop policy and appoint an Executive Director to implement the policy
- Administrative governing boards play a more hands-on role in managing the organization with the support of committees and staff.

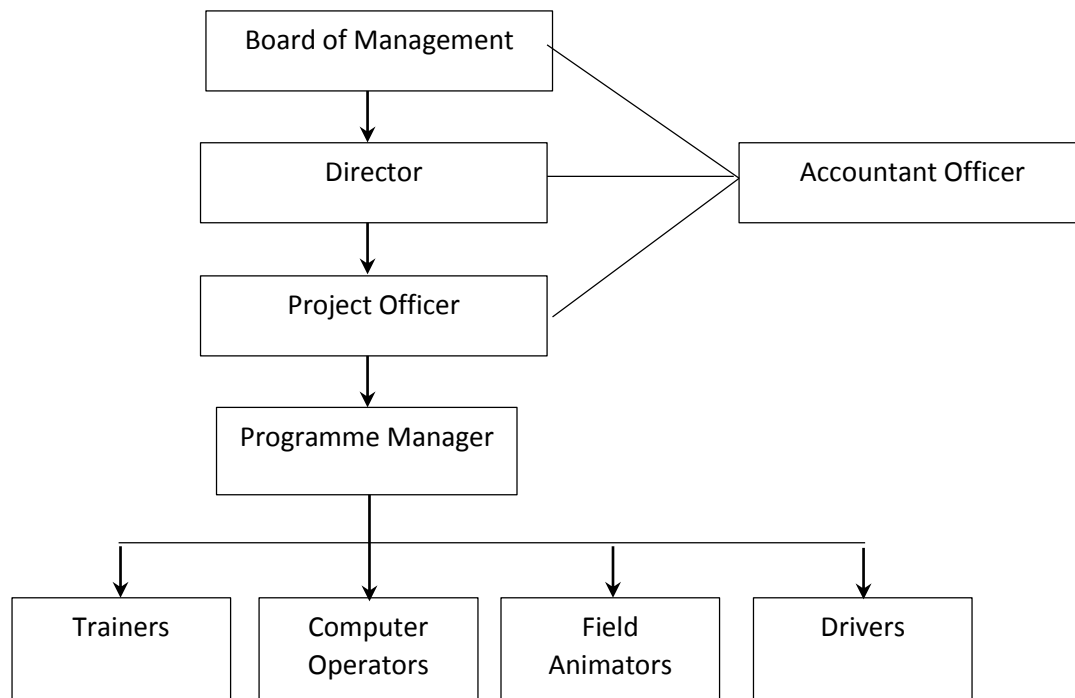
Within these two broad categories of governance, there are four common types of board models:

1. **Policy Board:** Sometimes referred to as Management-Team Board, this model is commonly used in non-profit organizations. Several committees help carry out the activities of the organization, and the relationship between the board and staff is one of a partnership.
2. **Policy Governance Board:** Sometimes referred to as a 'Carver Board' after founder John Carver, this model has a more formal structure. The board operates as a whole, using one voice and rarely works with committees. The Executive Director is given a very clear scope and role as well as limits about what she/he can undertake, and the main emphasis of the board is on policy development. For a more complete definition of the Policy Governance Board Model,
3. **Working Board:** Directors on this type of board play a more hands-on role with some of the administrative functions of the organization such as public relations, financial management, program planning and personnel. It's not uncommon for these boards to not have any staff.



4. **Collective Board:** Sometimes known as a cooperative or partnership, a Collective Board also carries out many administrative functions of the organization. These boards are comprised of like-minded people that support a specific goal. Staff and directors operate together as a single entity. There is not usually an Executive Director, and often there is no voting as everyone works within a consensus model.

### Example



### CHALLENGES TO GOOD GOVERNANCE IN INDIA

- Women empowerment; According to Swami Vivekananda “it is impossible to think about the welfare of the world unless the condition of women is improved. It is impossible for a bird to fly on only one wing.” One way to assess the state of nation is to study the status of its women. As women comprise almost 50% of the population it is unfair that they are not adequately represented in government institutions, and other allied sectors. So in order to ensure good governance it is essential to ensure empowerment of women.
- Growing incidence of violence: Resort to illegal force is considered to be a law and order problem. But when one looks at it from the point of view of the principles of Good governance, it becomes clear that peace and order is the first step to development. Strikes, riots, terror attacks are onerant of this harmful culture of violence. But when the government uses force to contain these situations, at times human rights of common citizens are violated by the state police. It requires a clear vision, courage and understanding to deal with this menace through dialogue.
- Corruption: - The high level of corruption in India has been widely perceived as a major obstacle in improving the quality of governance. Bureaucracy is called the engine of good governance. The government implemented different welfare policies like PDS, NRHM, MGNREGA, Prime Minister’s Jan Dhan Yojna, etc.

which are very influential for good governance. But because of corruption practise among our bureaucrats our Government cannot achieve success in implementation of these programmes.

- Delay in Justice: A citizen has right to avail timely justice, but there are several factors, because of that a common man doesn't get timely justice, these factors are;
- Some citizens are not aware of their rights. Poor person cannot afford legal aid to advocate on their behalf.
- Prosecution rate is very low even in some cases to the extent of only 5%, and most of time it is poor, who are prosecuted, since rich manage to escape clutches of law through loopholes in legal system.
- Lack of personnel and logistic under disposal of court. It is to be noted that at the end of 2016 there are around 21.3 million cases pending in various courts in India including the Supreme Court. Systematic solutions are, therefore, needed for strengthening access to justice. At the same time ad hoc measures are required to provide immediate assistance to the needy citizens.
- e) Centralisation of Administrative system: Governments at lower levels can only function efficiently if they are empowered to do so. This is particularly relevant for the Panchayati Raj Institutions (PRIs), which currently suffer from inadequate devolution of funds as well as functionaries to carry out the functions constitutionally assigned to them.
- f) Criminalisation of Politics:- The criminalisation of the political process and the unholy nexus between politicians, civil servants, and business houses are having a baneful influence on public policy formulation and governance
- g) Empowerment of socially and economically backward people: The socially and economically backward sections of the society have always been marginalised in the process of development. Although there are constitutional provisions for their upliftment but in practice they are lagging behind in so many areas like education, economic wellbeing etc.
- h) Environmental security, sustainable development i) Challenges of globalization, liberalisation and market economy
- Digital India: - It is a dream which is created by the government of India to ensure that government services are made available to citizens electronically, even in remote areas, by improving online infrastructure and by increasing internet connectivity. The motive behind the concept is to build participative, transparent and responsive system.

The initiative on the part of government to celebrate 25th December as Good Governance Day is to make people aware about the government commitment for providing a transparent and accountable administration in country. While observing the Good governance day on 25 December 2016, the government decided to launch 100 days good governance campaign all over the country where Ministers will be participating in the programmes. To ensure Good Governance, women empowerment is one of its essential conditions. The government seems to be actively involved in addressing this issue. They have launched different schemes like Beti Bachao Beti Parhao, Janani Suraksha Yojana, and UJJAWALLA. In November 2016 the government come up with the decision to demonetize the 500 and 1000 Rupee denomination notes. The government's main objective was to eradicate the counterfeit currency, resist tax evasion, and destroy the black money, terrorist financing activities and to encourage the country towards the cash less economy

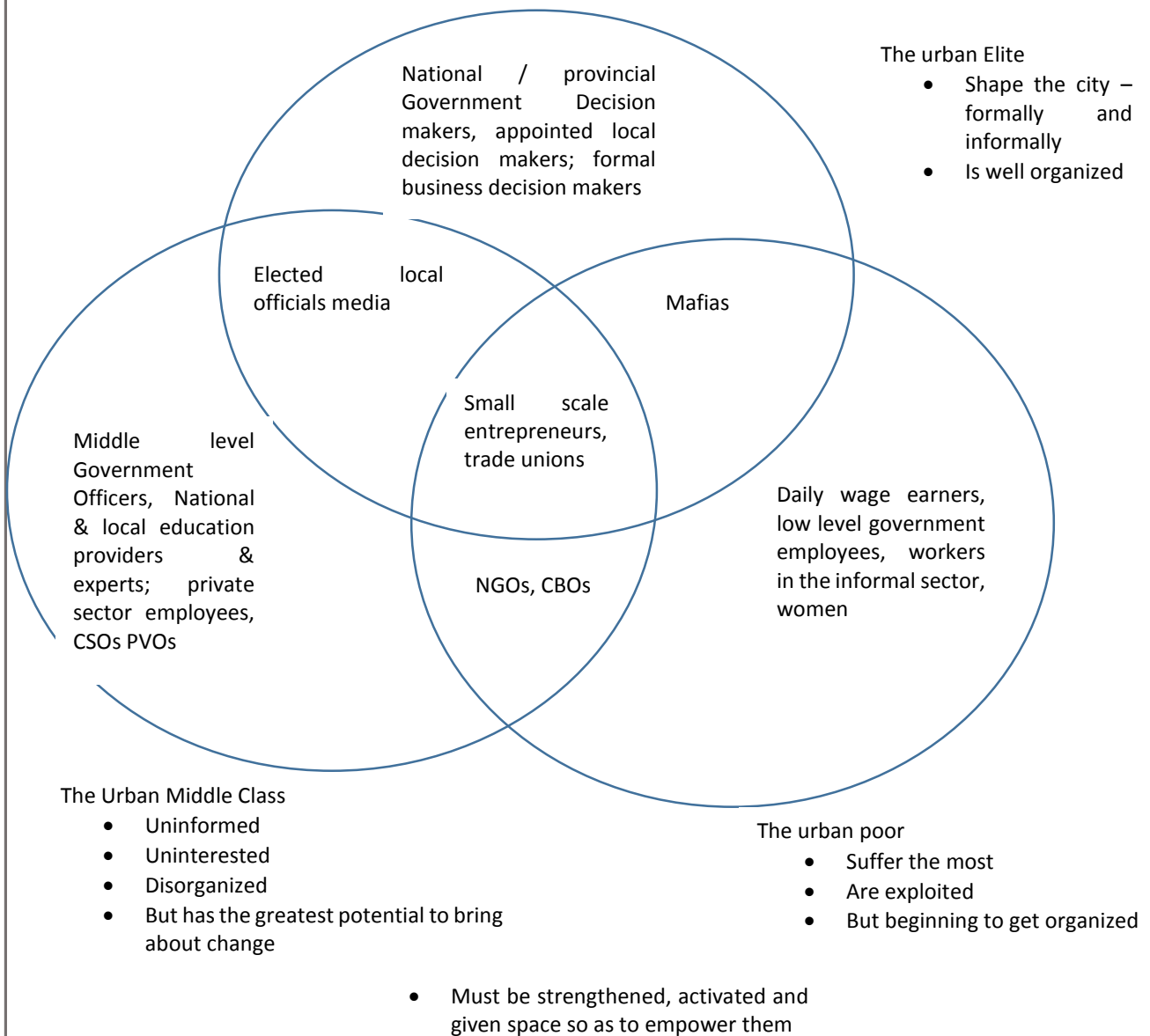
## Rural and Urban Governance

### Rural

In rural areas, for example, other actors may include influential land lords, associations of peasant farmers, cooperatives, NGOs, research institutes, religious leaders, finance institutions political parties, the military etc.

### Urban

The situation in urban areas is much more complex. Figure 1 provides the interconnections between actors involved in urban governance. At the national level, in addition to the above actors, media, lobbyists, international donors, multi-national corporations, etc. may play a role in decision making or in influencing the decision-making process.



## **Democratic Decentralization**

### **Meaning**

- Democracy is considered as one of the best forms of government because it ensures liberty of thought, expression, belief, faith and worship, equality of status and opportunity, fraternity as well as the right to participate in political decision-making.
- The work “democratic” explains that the nature and purpose of the concept as also its basic claims in an institutional set up.
- The word ‘decentralization’ is essentially revealing the method to realize the end as checked in the word ‘democratic’.
- Decentralization aims to enable the citizens to be more involved in the decision making process.
- Decentralization means the central government transfers its power to lower levels. The lower levels are the institutions like Panchayats, Municipalities etc.
- Participating and controlling the governance by the people of the country is the democracy.
- It possible only through decentralizing the powers. Like
- Central Government → State Government → district → block → Panchayat → village levels. *where all the sections of the people can sit together, discuss their problems and suggest solutions than plan programme, execute the programme, than finally, monitor the programme about results. It is called democratic decentralization.*

### **Objectives of Democratic Decentralization**

1. The main purpose of democratic decentralization is to bring fundamental changes in the traditional outlook about the power structure of the government.
2. The aim of decentralization is to expand the field of authority and specialization
3. To enable the people to participation in politics and administrative affairs.
4. To ensure the source of power is decentralized based on the democratic structure.
5. Moreover, the authority on which the power is to be delegated is also organized democratically.
6. Through this democratic decentralization a relation of closeness and co-operation is created between the governmental administrative system and the non-governmental leadership and controlled.

### **Importance of Democratic Decentralization**

1. Reduce burden of top executives
2. Promote local ownership

3. Development of initiative and responsibility
4. Improves creativity and motivation
5. Boost confidence
6. Simplifies divisions of work
7. Development of autonomy leadership
8. Effective control and supervision
9. Stability and continuity
10. Flexibility
11. Develops harmony

## PANCHAYAT RAJ

### What is a Panchayat?

Panchayati Raj is the oldest system of local government in the Indian subcontinent. Panchayati Raj Institutions as units of local government have been in existence in India for a long time, in different permutations and combinations. However, it was only in 1992 that it was officially established by the Indian Constitution as the third level of India's federal democracy through the 73rd Amendment Act.

1. The word "Panchayat" means assembly (ayat) of five (panch)
  2. Raj means "rule". Traditionally Panchayats consisted of elderly people chosen by the local community, who used to settle disputes between individuals and villages.
  3. The leader of the panchayat used to be called as Mukhya or Sarpanch.
  4. Generally the elder-most or most senior person would be elected to this position.
- The Panchayati Raj system is also recognized as a form of direct democracy (i.e they exercise all powers of a government at a village level), as opposed to the popular notion that it is a type of representative democracy.
  - As per January 2019, there are 630 Zilla Panchayats; 6614 Block Panchayats and 253163 Gram Panchayats in India. There are currently more than 3 million elected representatives (of which more than 1 million are women) for panchayats at all levels.
  - In modern India, Mahatma Gandhi was one of the leading advocates of Gram Swaraj i.e village self-governance where the village would be responsible for its own affairs. The Panchayati Raj system of governance can be found all over South Asia in countries such as Pakistan, Bangladesh and Nepal, where it goes by the same name.

### Key Features of Panchayat Raj System:

- The Gram Sabha is a body consisting of all the people registered in the electoral rolls who belong to a village comprised within the area of the Panchayat at the village level. Gram Sabha is the smallest and the only permanent unit in the Panchayati Raj system. The powers and functions of Gram Sabha are fixed by state legislature according to the law on the subject.
- Seats are reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) and chairpersons of the Panchayats at all levels are reserved for SCs and STs in proportion to their population.

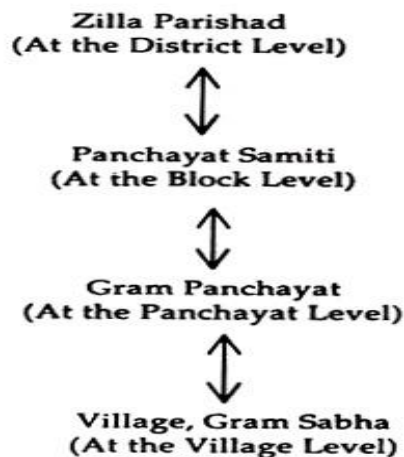
- One-third of the total number of seats are to be reserved for women. One-third of the seats reserved for SCs and STs, are also reserved for women. This policy extends to the office of the chairperson at all levels as well (Article 243D). The reserved seats may be allotted by rotation to different constituencies in the Panchayat.
- There is a uniform policy with each term being five years. Fresh elections must be conducted before the expiry of the term. In the event of dissolution, elections compulsorily within six months (Article 243E).
- Panchayats have the responsibility to prepare plans for economic development and social justice with respect to the subjects as per the law put in place, which also extends to the various levels of Panchayat including the subjects as illustrated in the Eleventh Schedule (Article 243G).

### **Establishment of Panchayat system**

- Rural India has seen, such panchayat for ages. The New panchayats are an improvement over the old ones in uniformity, institutional structure and state support.
- The present panchayat raj system was introduced in 1959 on the recommendations of the Balwant Rai Mehata Committee.

### **Structure of Panchayat Raj**

#### **THE STRUCTURE OF PANCHAYATI RAJ SYSTEM**



The Panchayati Raj Institution (PRI) consists of three levels:

- Gram Panchayat at the village level
- Block Panchayat or Panchayat Samiti at the intermediate level
- Zilla Panchayat at the district level

## **District Panchayat**

The District Panchayat also known as the District Council or Zilla Parishad is the third tier of the Panchayati Raj system. Like the Gram Panchayat, the District Panchayat is also an elected body. Chairpersons of Block Samitis also represent the District Panchayat. Like the Block Panchayat, the MP and MLA are also members of the district panchayat. The government appoints the Chief Executive Officer to carry out the administration of the district Panchayat along with the the Chief Accounts Officer, the Chief Planning Officer and one or more Deputy Secretaries who work directly under the Chief Executive Officer and assist him/her. The Zilla Parishad chairperson is the political head of the district panchayat.

The primary objective of establishing the third tier of the government is to increase democratic participation, better articulate local needs and priorities, and to ensure a more efficient use of local resources along with greater accountability and transparency. Accordingly, 29 functions have been proposed to be transferred to local governments in the rural area. These institutions have been playing an important role in several flagship programmes of the central and state governments, perhaps more role in implementation and monitoring.

## **Block Panchayat**

Panchayat Samiti (also called Taluka Panchayats or Block Panchayats) is the intermediate level in Panchayati Raj Institutions. The Panchayat Samiti acts as the link between Gram Panchayat (Village) and District Panchayat (Zilla). These blocks do not hold elections for the Panchayat Samiti council seats. Rather, the block council consists of all of the Sarpanchas and the Upa Sarpanchas from each Gram Panchayat along with members of the legislative assembly (MLA), members of parliament (MPs), associate members (like a representative from a cooperative society) and members from the Zilla Parishad who are a part of the block. The Gram Panchayat members nominate their Sarpanch and Upa Sarpanch amongst their ranks, which extend to the selection of the chairperson and vice-chairperson as well. The Executive Officer (EO) is the head of the administration section of the Panchayat Samiti.

## **Gram Panchayat**

Gram Panchayat consists of a village or a group of villages divided into smaller units called "Wards". Each ward selects or elects a representative who is known as the Panch or ward member. The members of the Gram Sabha elect the ward members through a direct election. The Sarpanch or the president of the Gram Panchayat is elected by the ward members as per the State Act. The Sarpanch and the Panch are elected for a period of five years. Gram Panchayat is governed by the elected body and administration. The secretary is normally in charge of the administrative duties of the Gram Panchayat.

## **Evolution of Panchayati Raj - History of local administration**

The village panchayat, as a system of administration, began in the British days, as their offer to satisfy the demands for local autonomy. They opened up the governance of the lowest levels to the citizens. The GoI act, 1935 also authorizes the provinces to enact legislations.



## **How did the concept of local self-government evolve in India**

Even though such minor forms of local governance was evident in India, the framers of the constitutions, unsatisfied with the existing provisions, included Article 40 among the Directive Principles, whereby:

“The state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.” Later, the conceptualization of the system of local self-government in India took place through the formation and effort of four important committees from the year 1957 to 1986. It will be helpful if we take a look at the committee and the important recommendations put forward by them.

### **1. Balwant Rai Mehta Committee (1957)**

Originally appointed by the Government of India to examine the working of two of its earlier programs, the committee submitted its report in November 1957, in which the term ‘**democratic decentralization**’ first appears.

The important recommendations are:

1. Establishment of a three-tier Panchayati Raj system – gram panchayat at village level (direct election), panchayat Samiti at the block level and Zila Parishad at the district level (indirect election).
2. District Collector to be the chairman of Zila Parishad.
3. Transfer of resources and power to these bodies to be ensured.

The existent National Development Council accepted the recommendations. However, it did not insist on a single, definite pattern to be followed in the establishment of these institutions. Rather, it allowed the states to devise their own patterns, while the broad fundamentals were to be the same throughout the country.

**Rajasthan (1959) adopted the system first**, followed by Andhra Pradesh in the same year. Some states even went ahead to create four-tier systems and **Nyaya panchayats**, which served as judicial bodies.

### **2. Ashok Mehta Committee (1977-1978)**

The committee was constituted by the Janata government of the time to study Panchayati Raj institutions. Out of a total of 132 recommendations made by it, the most important ones are:

- Three-tier system to be replaced by a two-tier system.
- Political parties should participate at all levels in the elections.
- Compulsory powers of taxation to be given to these institutions.
- Zila Parishad to be made responsible for planning at the state level.
- A minister for Panchayati Raj to be appointed by the state council of ministers.

**Constitutional recognition to be given to Panchayati Raj institutions.** Unfortunately, the Janata government collapsed before action could be taken on these recommendations.

### **3. G V K Rao Committee (1985)**

Appointed by the Planning Commission, the committee concluded that the developmental procedures were gradually being taken away from the local self-government institutions, resulting in a system comparable to '**grass without roots**'.

- Zila Parishad to be given prime importance and all developmental programs at that level to be handed to it.
- Post of DDC (District Development Commissioner) to be created acting as the chief executive officer of the Zila Parishad.
- Regular elections to be held

### **4. L M Singhvi Committee (1986)**

Constituted by the Rajiv Gandhi government on 'Revitalisation of Panchayati Raj institutions for Democracy and Development', its important recommendations are:

- Constitutional recognition for PRI institutions.
- Nyaya Panchayats to be established for clusters of villages.

Though the 64th Constitutional Amendment bill was introduced in the Lok Sabha in 1989 itself, Rajya Sabha opposed it. It was only during the Narasimha Rao government's term that the idea finally became a reality in the form of the **73rd and 74th Constitutional Amendment acts, 1992.**

### **Panchayati Raj System under 73rd and 74th Constitutional Amendment acts, 1992**

The acts of 1992 added two new parts IX and IX-A to the constitution. It also added two new schedules – 11 and 12 which contains the lists of functional items of **Panchayats and Municipalities**. It provides for a three-tier system of **Panchayati Raj** in every state – at the village, intermediate and district levels.

## UNIT – II

### *73rd AMENDMENT ACT OF 1992*

Both **73rd and 74th constitutional amendments acts** were the landmarks for strengthening the grassroot democracy in India.

1. 73<sup>rd</sup> Amendments acts for Rural Area
2. 74<sup>th</sup> Amendments Acts for urban Area

### *73rd AMENDMENT ACT OF 1992*

#### *- Power to the People*

This act has added a new **Part-IX** to the Constitution of India. This part is entitled as ‘**The Panchayats**’ and consists of provisions from Articles 243 to 243O. In addition, the act has also added a new **Eleventh Schedule** to the Constitution. This schedule contains 29 functional items of the panchayats. It deals with Article 243-G.

The act has given a practical shape to **Article 40** of the Constitution which says that “The State shall take steps to organise village panchayats and grant them with such powers and authority as may be necessary to enable them to function as units of self-government.” This article forms a part of the Directive Principles of State Policy.

The act gives **constitutional status to the Panchayati Raj institutions**. It has brought them under the purview of the justiciable part of the Constitution. In other words, the state governments are under constitutional obligation to adopt the new Panchayati Raj system in accordance with the provisions of the act. Consequently, neither the formation of panchayats nor the holding of elections at regular intervals depending on the will of the state government any more.

#### **The salient features of the act are:**

1. **Gram Sabha** The act provides for a Gram Sabha as the foundation of the Panchayati Raj system. It is a body consisting of persons registered in the electoral rolls of a village comprised within the area of Panchayat at the village level.
2. **Three-Tier System** The act provides for a three-tier system of Panchayati Raj in every state, that is, Panchayats at the village, intermediate, and district levels. However, a state having a population not exceeding 20 lakh may not constitute panchayats at the intermediate level.
3. **Election of Members and Chairpersons** All the members of panchayats at the village, intermediate and district levels shall be elected directly by the people. Further, the chairperson of panchayats at the intermediate and district levels shall be elected indirectly—by and from amongst the elected members thereof. However, the chairperson of a panchayat at the village level shall be elected in such manner as the state legislature determines.

4. **Reservation of Seats** The act provides for the reservation of seats for scheduled castes and scheduled tribes in every panchayat (i.e., at all the three levels) in the proportion of their population to the total population in the panchayat area. The act provides for the reservation of not less than one-third of the total number of seats for women (including the number of seats reserved for women belonging the SCs and STs).
5. **Duration of Panchayats** The act provides for a five-year term of office to the panchayat at every level.
6. **State Election Commission** The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the Panchayats shall be vested in the state election commission.
7. **Powers and Functions** The state legislature may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government.
8. **Finance Commission** The governor of a state shall, after every five years, constitute a finance commission to review the financial position of the panchayats.
9. **Exempted States and Areas** The act does not apply to the states of Jammu and Kashmir, Nagaland, Meghalaya and Mizoram and certain other areas.

### **The provisions of the act can be grouped into two categories**

1. **Compulsory** The compulsory (mandatory or obligatory) provisions of the act have to be included in the state laws creating the new Panchayati Raj system.
2. **Voluntary.** The voluntary provisions, on the other hand, may be included at the discretion of the states. Thus the voluntary provisions of the act ensure the right of the states to take local factors like geographical, politico-administrative and others, into consideration while adopting the new Panchayati Raj system.

#### **A. Compulsory Provisions**

1. Organisation of Gram Sabha in a village or group of villages.
2. Establishment of panchayats at the village, intermediate and district levels.
3. Direct elections to all seats in panchayats at the village, intermediate and district levels.
4. Indirect elections to the post of chairperson of panchayats at the intermediate and district levels.
5. 21 years to be the minimum age for contesting elections to panchayats.
6. Reservation of seats (both members and chairpersons) for SCs and STs in panchayats at all the three levels.
7. Reservation of one-third seats (both members and chairpersons) for women in Panchayats at all the three levels.
8. Fixing tenure of five years for panchayats at all levels and holding fresh elections within six months in the event of supersession of any panchayat.

9. Establishment of a State Election Commission for conducting elections to the panchayats.

10. Constitution of a State Finance Commission after every five years to review the financial position of the panchayats.

### **B. Voluntary Provisions**

1. Giving representation to members of the Parliament (both the Houses) and the state legislature (both the Houses) in the panchayats at different levels falling within their constituencies.

2. Providing reservation of seats (both members and chairpersons) for backward classes in Panchayats at any level.

3. Granting powers and authority to the panchayats to enable them to function as institutions of self-government (in brief, making them autonomous bodies).

4. Devolution of powers and responsibilities upon panchayats to prepare plans for economic development and social justice; and to perform some or all of the 29 functions listed in the Eleventh Schedule of the Constitution.

5. Granting financial powers to the panchayats, that is, authorizing them to levy, collect and appropriate taxes, duties, tolls and fees.

### **Limitations**

1. Lack of adequate devolution
2. Excessive control by bureaucracy
3. Tied nature of funds
4. Overwhelming dependency on government funding
5. Reluctance to use fiscal powers
6. Creation of Parallel Bodies
7. Poor Infrastructure

*In sum, we can say that the act is a significant landmark in the evolution of grassroots democratic institutions in the country. It transfers the representative democracy into participatory democracy. It is a revolutionary concept to build democracy at the grassroots level in the country.*

## The Constitution (74th Amendment) Act, 1992

### Background

Towns and cities contribute substantially to the economic development of the country. These urban centres also play an important support role in the development of rural hinterland. To keep this economic transformation in line with needs and realities at the grassroots level, it is necessary that the people and their representatives are fully involved in the planning and implementation of the programmes at local level. If democracy in Parliament and State Legislatures is to remain strong and stable, its roots must reach towns and villages and the cities where the people live.

2. The Constitution of India has made detailed provisions for ensuring protection of democracy in Parliament and in State Legislatures. Hence, democracy in these institutions has survived and flourished. However, the Constitution did not make Local Self Government in urban areas a clear-cut Constitutional obligation. While the Directive Principles of State Policy refer to Village Panchayats, there is no specific reference to municipalities except implicitly in Entry-5 of the State List, which places the subject of

Local Self Government as a responsibility of the State. Entry-5 reads as under:-

*“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.”*

As a consequence of inadequate Constitutional provision for Local Self Government, democracy in municipal governance was not stable. Though the respective municipal acts of the States provided for regular elections to municipal bodies, they were frequently suspended and superseded for indefinite periods of time. Frequent and indefinite suspensions or supersessions eroded the very basis of local self-government and had a negative effect on democracy at the grassroots level.

The general position with regard to financial resources of the municipal bodies was also not satisfactory. Over the years, there was a steady encroachment on the assigned functions and revenues of Urban Local Bodies by specialized agencies of the State Governments. As a result, many urban local bodies became weak and were not able to perform effectively. The weakened status of Urban Local Bodies crystallized public opinion in favour of need for a Constitutional guarantee to safeguard the interests of urban local bodies in order to provide for

- Regular and fair conduct of elections to these bodies
- Holding of elections within a specified time limit in case of supersession
- Adequate representation of SC/ST and women in the elected bodies
- Placing on firm footing the relationship between the State Governments
- and the urban local bodies with respect to:
  - functions and taxation powers of the urban local bodies
  - arrangement for revenue sharing between the State
- Government and the urban local bodies.
- Involvement of elected representatives at grassroots level in planning at the
- district and metropolitan levels.

3. Accordingly, the Constitution (73rd Amendment) Bill was introduced in the Parliament in 1991, which was referred to the Joint Parliamentary Committee with Members from both Lok Sabha and Rajya Sabha for consideration. The Committee held several sittings and also took oral evidence and written comments from various organisations and individuals. The Committee had the opportunity of visiting various municipalities and held detailed discussions with their officers and elected representatives as well as with several State Governments. This was probably the first time that the Parliamentary Committee had deliberated so extensively on a legislation concerning local self-government.

4. The Bill as reported by the Joint Parliamentary Committee was taken up for consideration and passed by the Lok Sabha on 22nd December, 1992 and by the Rajya Sabha on 23rd December, 1992 and it received the assent of President on 20th April, 1993. It was published in the Government Gazette on 20th April, 1993 as the “Constitution (Seventy Forth Amendment) Act, 1992”.

5. The above Constitution Amendment Act came into force on 1st June, 1993,

6. The Constitution (Seventy Forth Amendment) Act, 1992 has introduced a new part namely, Part IXA in the Constitution, which deals with the issues relating to municipalities. The main provisions introduced by the above Act are as under:-

**(i) Constitution of Municipalities-** It provides for constitution of 3 types of municipalities depending upon the size and area namely

- (i) Nagar Panchayat for an area in transition from rural to urban area;
- (ii) Municipal Council for smaller urban area; and
- (iii) Municipal Corporation for larger urban area.

Demographic and other conditions, which are determining factors for constituting a particular type of municipality differ a great deal from one State to another. It has, therefore, been left to the State Legislatures to decide which specific type of municipality will be constituted for particular urban area.

**(ii) Composition of Municipalities-**

- The seats shall be filled by direct elections. Besides the seats filled by direct elections, some seats may be filled by nomination of persons having special knowledge and experience in municipal administration.
- Persons so nominated shall not have the right to vote in the meetings of the municipality.
- The Legislature of a State may, by law, also provide for the representation in a municipality of members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area and also the Members of the Council of States and the members of the Legislative Council of the State registered as electors within the municipal area. The manner of election of Chairpersons of municipalities has been left to be specified by the State Legislature.

**(iii) Constitution of Wards Committees-** This provides for constitution of Ward Committees in all municipalities with a population of 3 lakhs or more.



#### **(iv) Reservation of seats**

In order to provide for adequate representation of SC/ST and of women in the municipal bodies, provisions have been made for reservation of seats.

The proportion of seats to be reserved for SC/ST to the total number of seats shall be same as the proportion of the population of SC/ST in the municipal area.

The reservation would be made in respect of seats to be filled by direct elections only. Not less than one-third of the total number of seats reserved for SC/ST shall be reserved for women belonging to SC/ST.

This is a mandatory provision. In respect of women, the seats shall be reserved to the extent of not less than one-third of the total number of seats. ***This includes seats reserved for women belonging to SC/ST.*** These reservations will apply for direct elections only. This is also a mandatory provision. There will be no bar on State Legislatures from making provisions for reservation of seats in any municipality or office of Chairperson in the municipalities in favour of backward class of citizens. This is an optional provision.

#### **(v) Duration of Municipalities**

The municipality has a fixed term of 5 years from the date appointed for its first meeting. Elections to constitute a municipality are required to be completed before the expiration of the duration of the municipality. If the municipality is dissolved before the expiry of 5 years, the elections for constituting a new municipality are required to be completed within a period of 6 months from the date of its dissolution.

#### **(vi) Powers and Functions of the Municipalities-**

All municipalities would be empowered with such powers and responsibilities as may be necessary to enable them to function as effective institutions of self-government. The State Legislature may, by law, specify what powers and responsibilities would be given to the municipalities in respect of preparation of plans for economic development and social justice and for implementation of schemes as may be entrusted to them. An illustrative list of functions that may be entrusted to the municipalities has been incorporated as the Twelfth Schedule of the Constitution.

**(vii) Finances of Municipalities-** It has been left to the Legislature of a State to specify by law matters relating to imposition of taxes. Such law may specify:

- Taxes, duties, fees, etc. which could be levied and collected by the Municipalities, as per the procedure to be laid down in the State law
- Taxes, duties, fees, etc. which would be levied and collected by the State Government and a share passed on to the Municipalities
- Grant-in-aid that would be given to the Municipalities from the State
- Constitution of funds for crediting and withdrawal of moneys by the Municipality.



**(viii) Finance Commission-** The Finance Commission constituted under Article 243-I to review the financial positions of Panchayati Raj Institutions shall also review the financial position of the municipalities and will make recommendations to the Governor.

The recommendations of the Finance Commission will cover the following:

- Distribution between the State Government and Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State
- Allocation of share of such proceeds between the Municipalities at all levels in the State
- Determination of taxes, duties, tolls and fees to be assigned or appropriated by the Municipalities
- Grants-in-aid to Municipalities from the Consolidated Fund of the State
- Measures needed to improve the financial position of the Municipalities.

**(ix) Elections to Municipalities-** The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the panchayats and municipalities shall be vested in the State Election Commissions.

**(x) Audit and Accounts-** The maintenance of the accounts of the municipalities and other audit shall be done in accordance with the provisions in the State law. The State Legislatures will be free to make appropriate provisions in this regard depending upon the local needs and institutional framework available for this purpose.

**(xi) Committee for District Planning-** Planning and allocation of resources at the district level for the Panchayati Raj institutions are normally to be done by the Zilla Parishad. With regard to urban areas, municipal bodies discharge these functions within their respective jurisdictions. However, some important questions may arise, which would concern the urban-rural interface, and it may be necessary to take an overall view with regard to development of the district as a whole and decide on allocation of investments between the rural and urban institutions.

Provision has, therefore, been made for the constitution of a Planning Committee at the district level with a view to consolidating the plans prepared by the Panchayats and the Municipalities and preparing a development plan for the district as a whole.

The District Planning Committee in preparing the Draft Development Plan shall have regard to:

- Matter of common interest between the Panchayats and the
- Municipalities including spatial planning
- Sharing of water and other physical and natural resources
- Integrated development of infrastructure and environment conservation
- Extent and type of available resources, whether financial or otherwise.

The Draft District Development Plan so prepared and recommended by the District Planning Committee shall be forwarded by the Chairperson of the Committee to the State Government.

**(xii) Metropolitan Planning Committees-** It is provided in the Act that in every Metropolitan area (with a population of 10 lakhs or more), a Metropolitan Planning Committee shall be constituted for preparing a draft development plan for the metropolitan area as a whole.

The Metropolitan Planning Committee shall take into account the following for preparation of the Draft Development Plan:

- Plan prepared by the Municipalities and the Panchayats in the metropolitan area
- Matter of common interest between the Municipalities and Panchayats including coordinated spatial plans of the area
- Sharing of water and other physical and natural resources
- Integrated development of infrastructure and environmental conservation
- Overall objectives and priorities set by the Government of India and the State Government
- Extent and nature of investments likely to be made in the metropolitan area by agencies of the Government
- Other available resources, financial and otherwise.

7. In terms of Article 243ZC of the Constitution, nothing in Part IXA shall apply to Scheduled areas and Tribal areas as referred to in Article 244 of the Constitution. However, Parliament may by law, extend the provisions of Part IXA to these areas subject to such exceptions and modifications as may be specified in that law.

### **Implementation of Part IXA**

8. In order to provide time to allow changes to be made in the then existing laws which were inconsistent with the provisions of the Constitution (74<sup>th</sup> Amendment) Act, a transition period of one year was provided for. Immediately after the Constitution (74<sup>th</sup> Amendment) Act came into force on 1st June, 1993, the Ministry of Urban Development took necessary steps to ensure that the provisions of the State Municipal Laws are brought in conformity with the provisions of the above Act. As a result of various steps taken up by the Ministry of Urban Development through correspondence and also organising meetings of the State level Secretaries, the State Governments brought in place the conformity legislations by target date i.e. 31st May, 1994.

9. The amended State municipal laws provide for detailed provisions for constitution and composition of municipalities, reservation of seats for SC/ST and women, fixed term of 5 years and re-election of municipalities within a period of 6 months in case of dissolution, functions and financial powers of municipalities, setting up of State Finance Commission etc.

## Community Participation in Governance

### Meaning

- ▶ Participation' means taking part.
- ▶ Community participation means direct involvement of all people in the decision making process towards solve their problem.
- ▶ Cohen and Uphoff (1977) defined that participation includes the people's involvement in the entire decision making process.
- ▶ Participation can be seen in two extreme forms. Namely,
  - ▶ passive participation
  - ▶ Self-motivation.
- ▶ The Food and ~& culture Organization (FAO) looks at participation from three PARTICIPATION perspectives:
  - ▶ (a) Functional – to increase efficiency and effectiveness
  - ▶ (b) Empowering – to increase the independence, awareness and capacity of marginalized groups.
  - ▶ (c) Philosophical. Participation to allow expression of alternative views.

### Importance of People Participation

- ▶ Most people want to be involved
- ▶ People have right to be involved
- ▶ Participation has accountability

### People Participation in Governance and Development

1. **Participation by information** - a independent means of providing information to people without seeking their response.
2. **Participation in information giving** - people do not participate in process of decisions but they are encouraged to share their views.
3. **Consultation** - People participate by being consulted - The programmes and plans are subject to modifications based on response and input from people. However, same is non-obligatory.
4. **Joint Planning** - people participate in joint planning, analysis and formulations of new methods. Local groups control local decisions and hence have stake in maintaining structures and practices.
5. **Decision making** - when consensus is acted upon through collective decision, this marks the initiatives of shared responsibilities for outcomes that may result.
6. **Empowerment** - The ultimate objective of participation wherein the local community has the right and capability to have a say in decision concerning their lives.
7. Participation in development is now being sought in World over, the usefulness of people's " involvement in governance and development.
8. **Efficiency:** Participation can ensure effective utilization of available resources.
9. **Effectiveness:** People's participation can make the development strategy more effective by granting a say in dividing the objectives and strategies and participation in management ensures effective utilization of resources.
10. **Self Reliance:** people at local level look up to the external experts or Government for solutions to their problems. Increase their awareness, self confidence and control of the

development process. In fact, the involvement in decision making, implementation and monitoring helps in developing local human resources.

11. **Coverage:** People's participation in decision making process widens the coverage among all sections including deprived and weaker sections.
12. **Sustainability:** People's involvement in governing the scheme creates local capability and ownership of resources. It is a sustainable development alternative for long term solutions to local problems.

### **Changing features of Local Government**

- ▶ Local Government has a well defined area allotted by the Government
- ▶ Local Government provides active participation of local people.
- ▶ Local Government provides civic amenities to the people for the health living of the people.
- ▶ Local Government can generate finance by imposing taxes on local people
- ▶ The local Government is responsible for the overall development of the local people.

## Unit – III

### THE FUNCTIONS PANCHAYATI RAJ INSTITUTIONS

#### Composition of Panchayat Samiti (Block Samiti)

##### *Meaning*

This body just above the gram panchayat and above block is the zilla parash. Panchayati samite is the one which act as a making link between Zilla parashed and Gram panchayat.

This is body which is governing at the local level, at the village level right.

So, village level is gram panchayat and district level is zilla parash. Making link between two bodies that is the panchayat samiti. Which is having as the block level, or block panchayat.

- ▶ Here, sarpanchi which means all elected panchayat members companied together this is called sarpanchi. Wherever there is gram panchayat they will be a sarpanchi.
- ▶ If there are many gram panchayat, there will be lot many sarpanchi. So it is composed of lot many sarpanchi from various gram panchayat

#### Compositions of Panchayat Samiti

1. Panchayat samiti is composed of all the sarpanchi of the gram panchayati
2. Composed of cooperative members scheduled caste women and scheduled tribes women.
3. Members of parliament,
4. Members legislative assembly
5. BDO

##### Important officials

1. Chairperson – who elected by among the people
2. Deputy Chairperson this DC is also elected by among the people
3. However, Executive Officer – Secretary – appointed by State – salary person

Hence, the composition of Block samite is elected by a chairman and deputy chairman who are elected by the member of the panchayat samite for five years and head by the chairman. It acts as a co-ordiating body between district panchayat (Zilla parished) and gram panchat.

#### Functions of Panchayat Samiti

- This is the body which take care of administration of gram panchayat. Any means that the **gram panchayat** can report to the **panchayat samiti** and then the **panchayat samiti** can further report to **zilla parish**.
- It leads to development concern is health and agriculture
- Formal and non – formal education
- Public work

## **Gram Panchayat**

### **Meaning**

- Gram panchayat is also called local self-government of the villages or rural local body.
- Gram panchayat is the lower tier of the panchayat raj. Ward members, It is a temporary body.
- Under the new act, villages with 5000 to 7000 population and nearby small villages join together to create a gram panchayat.
- Every 400 residents will have one representative and they are elected by voters whose is above 18 years
- Gram panchayat is the organization of elected panchas by the members of gram sabha of the village.

### **Compositions of Gram panchayat**

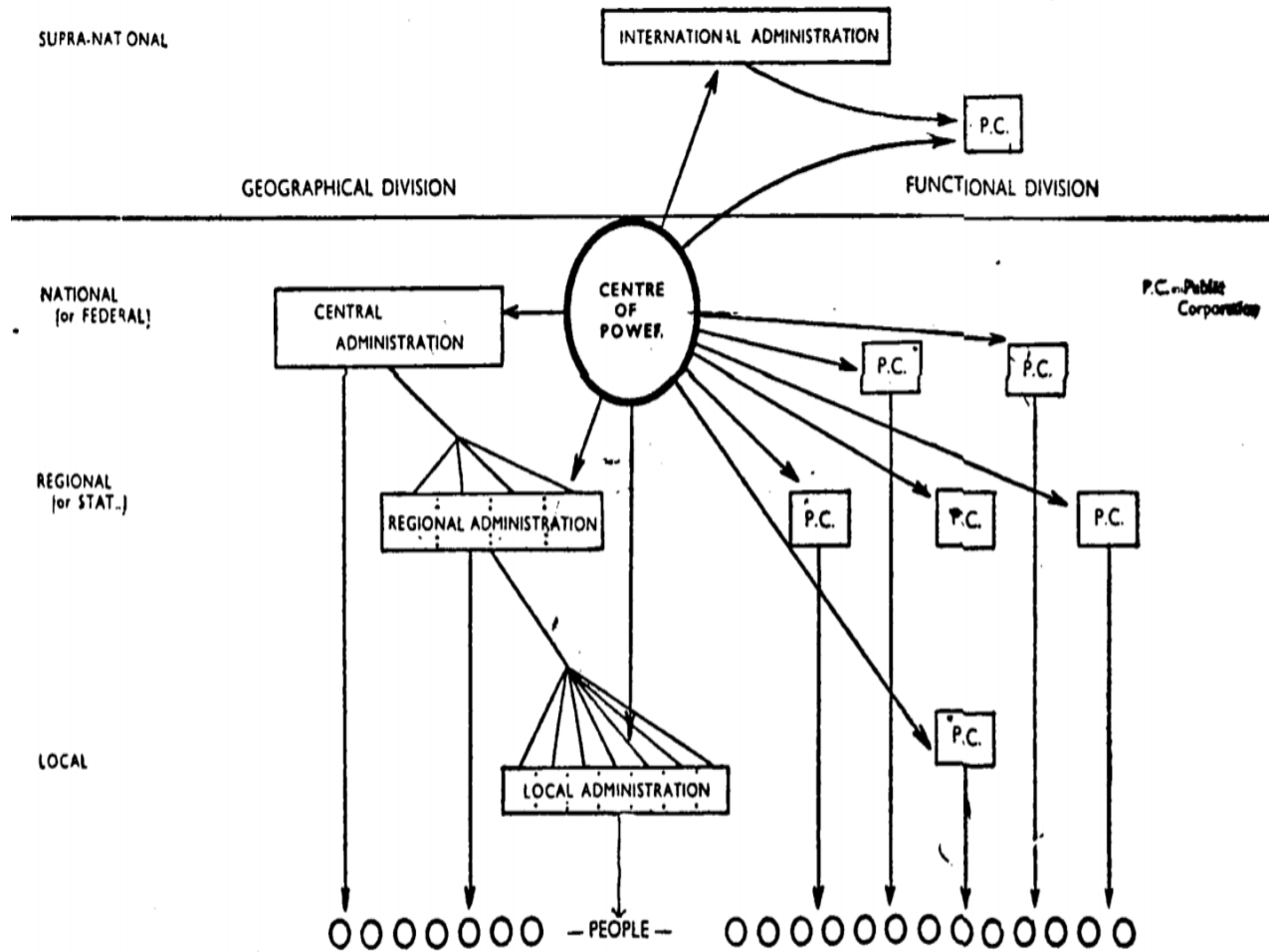
- The panchayat is chaired by the president of the village known as a sarpanch.
- The gram panchayat is divided into wards and each ward is represented by a ward member also referred as a panch, who is directly elected by the villagers.
- The term of the elected representatives in five years,.

### **Functions of Gram Panchayat**

The welfare and development of the village is the responsibility of the Gram Panchayat.

1. Provide safe and clean drinking water
2. Paving of streets.
3. Sanitation and drainage
4. Maintenance and construction of roads
5. Street Lighting
6. Cleanliness of the village
7. Discretionary functions - i.e if they have funds and resources.
  - a. Tree plantation
  - b. setting up and maintaining the sports ground and gym etc.

## Structure, Functions and Finances powers of Panchayat Raj Institutions



### Panchayat Raj Institutions

Though the basic structure of the PRIs is identical across the states of India, it is described via different classifications in different states. Panchayats in every state has its own characteristics and even election procedures to these institutions are at variance.

A District Panchayat or *Zilla Parishad* is co boundary with the district. Each district has one Zilla Parishad.

Similarly Block Panchayats or *Panchayat Samitis* are co boundary with blocks of the said district.

*A Block may have several villages within it, but Gram Panchayats are not necessarily co boundary with each village.* Depending on the size of population (as a matter of fact, number of voters) a *Gram* is defined under the law with a specific geographical area, which may consist of a single village or a cluster of adjoining villages.

## Members of Panchayats:

### A. Zilla Panchayat:

Each block Panchayat under a ZP elects one/two/three members directly (depending on number of voters within it). Presidents of all the Block Panchayats are also ex-officio members of the ZP. In some states the Member of Legislative Assembly (MLA) and Member of Parliament (MP) of the district/constituency are also ex-officio members.

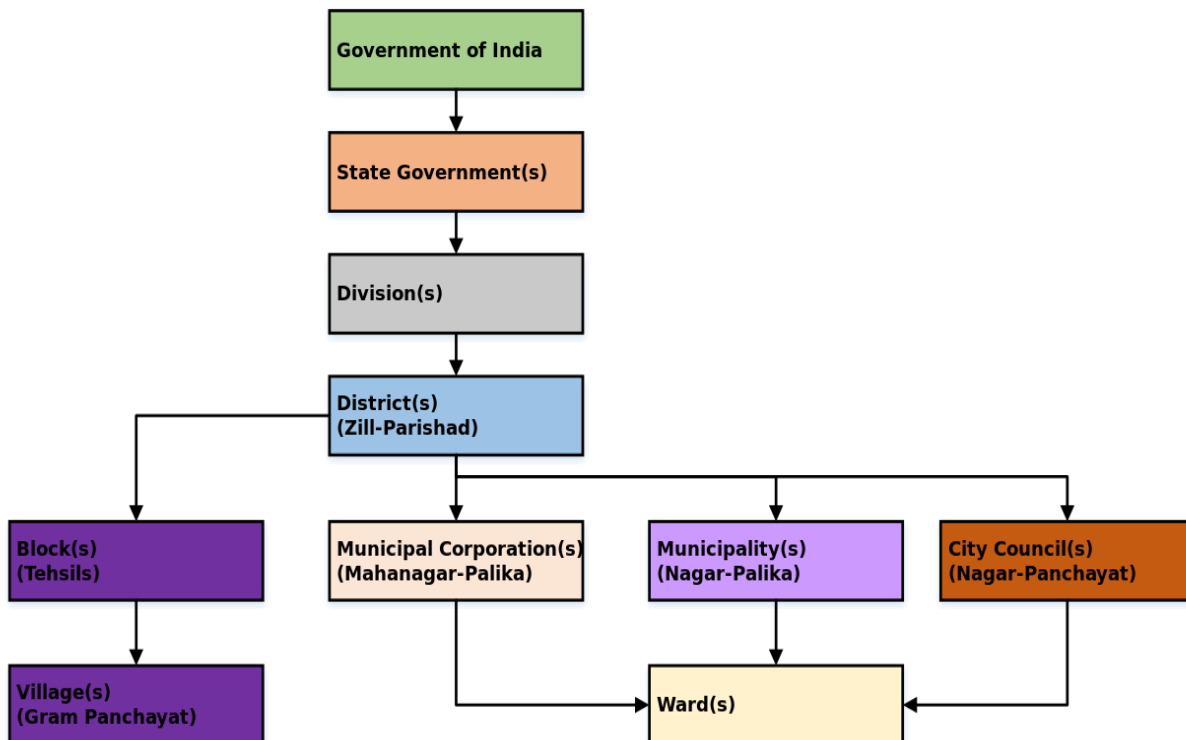
### B. Block Panchayat or Panchayat Samiti:

Each GP under a Block Panchayat elects one/two/three members directly to the Block Panchayat. GP pradhans are ex-officio members of the Block Panchayats.

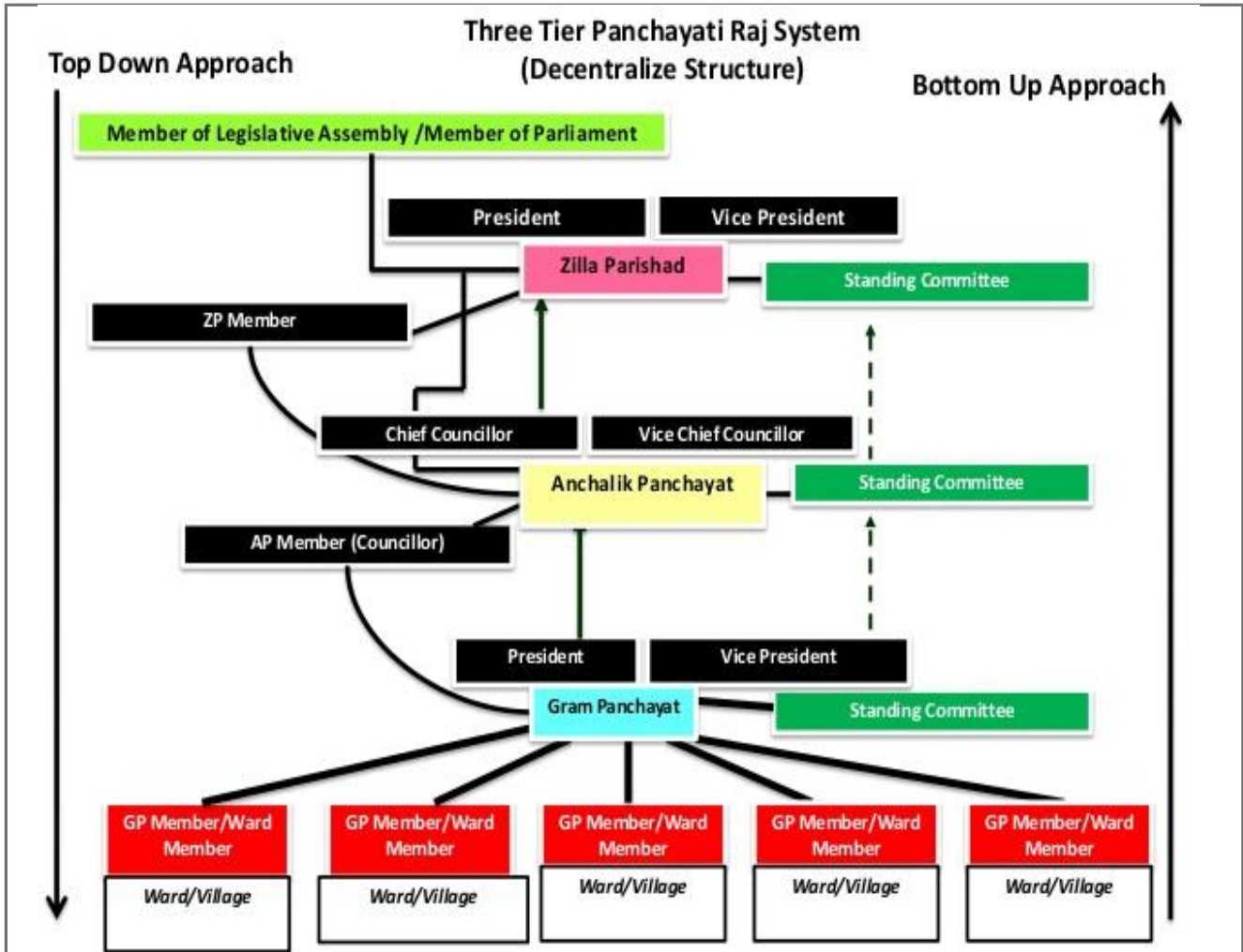
### C. Gram Panchayat:

A Gram as defined under the Act (meaning a village or a cluster of villages) is divided into a minimum of five constituencies (again depending on the number of voters the Gram is having). From each of these constituencies one member is elected. Body of these elected members is called the Gram Panchayat. Size of the GPs varies widely from state to state. In states like West Bengal, Kerala etc. a GP has about 20000 people on an average, while in many other states it is around 3000 only.

### Administrative structure of India

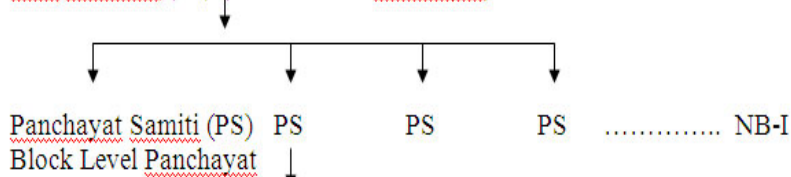




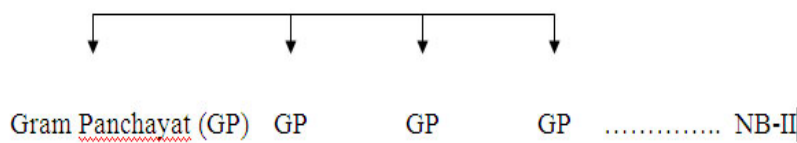


### Rural Local Governance System (Panchayati Raj Institutions or PRIs)

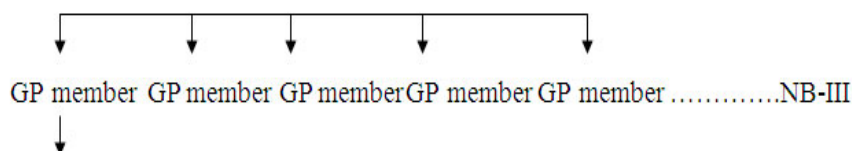
Zilla Parishad (ZP) (District level Panchayat)



NB-I: All the Panchayat Samitis within the geographical limit of a district come under the District Panchayat or Zilla Parishad.



NB-II: All the Gram Panchayats within the geographical limit of Panchayat Samiti come under it. Panchayat Samiti or Block



NB-III: A Gram Panchayat will have at least five and maximum of 30 members. Each member

GUS: Gram Unnayan Samiti (village development committee) is a small committee constituted by Gram Sansad and chaired by the elected GP member of the same Gram Sansad. Its function is to help the GP prepare village level plan execute them through social mobilization etc.

### **Functioning of Panchayats**

- As per the Constitution, Panchayats in their respective areas would prepare plans for economic development and social justice and also execute them.
- To facilitate this, states are supposed to decentralize functions to Panchayats (29 subjects as mandated) and also make funds available for doing these (as per State Finance Commission's recommendations).
- The functions of Panchayats are divided among different Committees (as ministries are formed in state and union governments), which are called Standing Committees/Sthayee Samitis/Upa Samitis etc. One of the members remains in charge of each of such committees while the over-all charge rests with the chairperson of the Panchayat.
- Panchayats are supported by a host of other officials, the number of which varies from state to state.
- Apart from grants received from the government under the recommendation of the Finance Commission, Panchayats receive schematic funds for implementation of schemes (MGNREGS, BRGF, IAY etc.). They can also raise revenue by imposing taxes, fees, penalties etc. as per rule of the state.

### **Financial Powers of Panchayati Raj Institutions**

1. Article 243-G of the Constitution of India provides that the States/UTs may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and to prepare plans for economic development and social justice and their implementation including those in relation to the matters listed in the Eleventh Schedule.
2. As per Article 243-H of the Constitution, State Legislatures have been empowered to enact laws;
  - (i) to authorize a Panchayat to levy, collect and appropriate some taxes, duties, tolls and fees;
  - (ii) to assign to the Panchayat, some taxes, duties, tolls levied and collected by the State Government;
  - (iii) to provide for making grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
  - (iv) to provide for constitution of such funds for Panchayats for crediting all money received by or on behalf of Panchayats and also the withdrawal of such money therefrom

## COMMITTEES IN VILLAGE LEVEL PANCHAYAT RAJ BODIES

### Gram Sabha

#### Meaning

- Gram Sabha is a body consisting of all the persons registered in the electoral rolls and comprised within the area of Panchayat at the village level.
- Gram Sabha is the only permanent unit in Panchayati Raj system and not constituted for a particular period.
- It is a powerful one and it is a great source of forming the Panchayati Raj, but it is not comes under three tier system.
- The powers and functions of Gram Sabha are fixed by state legislature by law.

#### Composition of Gram Sabha:

- The Gram Sabha has been set up in each village consisting of all members of the village who are eligible to vote in elections. According to Article 243(b) says that all persons of a village registered as voters in the electoral roll.
- The setting up of Gram Sabha has strengthened the people's direct involvement in their affairs.

**Presiding Officer:** The meeting of the Gram Panchayat shall be assembled and presided by the Sarpanch of the Panchayat or, in his absence, by the Upsarpanch of such Panchayat.

#### First meeting of the Gram Sabha generally following issues are discussed. (1<sup>st</sup> 6 months)

- 1) Annual Statement of Accounts
- 2) Report on the Administration of the preceding financial year
- 3) The development and other programmes proposed for the financial year
- 4) Last Audit Report

#### In the meeting held in last quarter of the year generally following issues are discussed. (2<sup>nd</sup> 6 months)

- Statement of Expenditure incurred during the year
- Physical and Financial programmes taken during the year.
- Proposals for any changes in the Programme
- Budget of the Panchayat and tax proposals of the Panchayat.
- Besides above any other matter referred by Panchayat, panchayat samite, Zilla prasha the State Government is also taken up by Gram Sabha.

### **Functions of Gram Sabha:**

- To consider and approve the annual plan prepared by the Gram Panchayat.
- To generate proposal and determine the priority of all schemes and development programmes.
- To identify and select individuals for beneficiary oriented programmes.
- To disseminate information on development and welfare schemes.
- To assist Gram Panchayat in collection and compilation of details about the village for development plans.
- To collect information about functioning of Gram Panchayat and share in Gram Sabha.
- To generate awareness among people about programmes and schemes for development.

### **Constraints (Limitation) in functioning of Gram Sabha:**

- Lack of awareness, lack of attendance, domination of forward caste. Lack of awareness about legal provisions of Gram Sabha.
- Poor people feel that their issues are not taken up.
- The decisions are collective in nature and rely on utilization of resources for the benefit of the society.
- Meetings of the Gram Sabha are assembled to ensure the development of the people through their participation and mutual cooperation.
- The attendance ratio of people in Gram Sabha meetings is the best indicator of peoples' participation in planning and development.

### **Role of Gram Sabha**

- Gram Sabha is empowered to look after all developmental issues of village.
- Gram Sabha compulsory duty to discuss them in meetings to obtain harmony of its members.
- There will be at least two meetings of Gram Sabha every year, one in the first and the other in the last quarter of the financial year.
- Gram Sabha also meet on the written request of one tenth of its members, or if required by Panchayat Samiti, Zila Parishad or the State Government.
- Participation of people in meeting is ensured by Panchayat by placing before the Gram Sabha - (in first quarter).
- The quorum (minimum) for a meeting of the Gram Sabha shall be one tenth - of the total members out of which at least 40 per cent should be women.

### **Important of Gram Sabha**

1. Creation of objective conditions in the society
2. Effective role of political parties in educating and mobilizing people for Gram Sabha.
3. Motivate members for meaningful participation and effective role in Gram Sabha.
4. Helping to implement the development programmes and schemes of the Panchayat.

5. Identify beneficiaries for different programmes and schemes. However, if the Gram Sabha fails to identify such beneficiaries within a reasonable time, the Gram Panchayat shall identify the beneficiaries.
6. Solicit (petition) supporting — in cash or kind or both and voluntary labour — from the public for community welfare programmes.
7. Supporting the programmes of mass education and family welfare.
8. Promote unity and harmony among all sections of the society in the village.
9. Seek clarification from the president, assistant president and other members of the Gram Panchayat about any particular activity, scheme, income and expenditure.
10. Discuss and recommend appropriate action with regard to reports of the Vigilance Committee.
11. Consider charge of taxes, rates, rents & fees & enhancement of rates thereof.
12. Consider all such matters as may be referred by the Gram Panchayat for its decision.

## **MAHILA GRAM SABHA**

### **Meaning**

- ✓ SHG and women members of the community came together form as association which is called a Mahila Gram Sabha. The Mahila Gram Sabha ment for only women.
- ✓ The state government issued a circular on 2003 for conducting Mahila Gram Sabha before Gram sabha.
- ✓ The 73rd constitutional amendment act was so vigorous that it pulled women with no training or experience out of their homes. So, put them in public life through politics and governance.
- ✓ Several decades the women have been controlling by male by social norms and culture. Other factors like lack of education and awareness, restricted mobility, financial dependency, inhabited elected women representatives from actively participating in the affairs of the panchayat and gram sabha.
- ✓ Reservation alone does not do meaningful participation of elected women representatives. This initiative needs to be complemented by providing space and opportunities for the women leaders to discharge their duties and exercise their power. In addition, a platform is required for women to voice their needs. A mahila gram sabha is one such platform in the planning and decision making process.

### **Composition of Mahila Gram Sabha**

- ✓ Organizing Mahila Gram Sabha a mandatory process. There are no set provisions to organise Mahila Gram Sabhas. A successful Mahila Gram Sabha depends to a great extent on the mobilization of women. This needs to be undertaken well before the date of the scheduled Mahila Gram Sabha.
- ✓ The Act laid down the following provisions for organizing Mahila Gram Sabhas
- ✓ Under Section 5 (B) of Himachal Pradesh Panchayati Raj, Amendment Act, 2015: There shall be a Mahila Gram Sabha in every Gram Sabha. The Mahila Gram Sabha shall hold two meetings, first on 8th March and second on first Sunday of September in each year
- ✓ The meeting of Mahila Gram Sabha shall be presided by the Mahila Pradhan (President) or in her absence by the Mahila Up-Pradhan (Assistant President) and in the absence of both, by the senior Mahila Member of the Gram Panchayat.
- ✓ In the meeting, the issues relating to women and children and issues pertaining to the overall development of Gram Panchayat shall be discussed and the decision taken in the meeting shall be placed in the meeting of the Gram Sabha for further appropriate action.

## **Before Organizing Mahila Gram Sabha**

### **1. Mobilizing women**

### **2. Mobilizing community**

Along with women, men should also be targeted and orient them. Moreover, they can encourage other male members to support the idea, as well as support their wives, mothers, daughters, and daughters in law, sisters, and other female relatives in exercising their political rights by attending Mahila Gram Sabhas

### **3. Mass distribution of information**

The notice of holding Gram Sabha/Mahila Sabha should be issued in advance, ideally 15 days prior to the date of the meeting. The information communicate through ward panch, frontline workers, SHGs, CBOs, etc. The information about Mahila Gram Sabha Meeting (date/time/agenda). Such information can also be shared by announcing in loudspeakers or by singing local songs.

### **4. Networking and advocacy with government officials**

Regularly met the Block Development Officer (BDO), for issuing such government notices in advance. Any member of the Panchayat, women, SHG member, etc can put pressure on the concerned officer for issuing such notices in advance.

## **Best time to hold the meeting**

- ✓ The time of the meeting is important so that the maximum number of women can attend. Women are burdened with household responsibilities, childcare, livelihood and other activities. Hence, a time during the day that is convenient for most women should be considered.

## **Attending members in a Mahila Gram Sabha**

- ✓ Any woman, above 18 years of age, who is a member of the Gram Sabha of the respective Gram Panchayat, can attend a Mahila Gram Sabha. The Sarpanch or panchayat official authorized to take minutes should also attend. Presence of district government officials and elected representatives is also recommended.

## **Required quorum for a Mahila Gram Sabha**

- ✓ The quorum for a Mahila Gram Sabha is 10 percent of the total women voters of the respective Gram Panchayat.

## **Issues can be discussed in a Mahila Gram Sabha**

- ✓ Any specific issues can be discussed, particularly about women growth and development. Apart from maternal health, women-centric issues like domestic violence, sexual and reproductive health, child marriage, livelihood opportunities were discussed in the Mahila Gram Sabhas.

## **Responsible to record the proceedings of the meetings**

- ✓ The minutes of the meetings are recorded by the Panchayat secretary along with Sathin, ASHA and Anganwadi workers. It is necessary to take signature/thumb impressions of women who have attended the meeting.



### **Resolutions/decisions taken in Mahila Gram Sabha**

- ✓ The resolutions/decisions taken collectively, in the meetings are further presented in Gram Sabha. With members of the Gram Sabha and other community members, the issues are included in the village level planning process i.e. Gram Panchayat Development Plans.

### **Importance of Mahila Gram Sabha**

1. Self-motivation
2. Confidence
3. leadership
4. Learning reality

### **Panchayats (Extension to Scheduled Areas) Act 1996**

- ▶ A state legislation on panchayats in the scheduled area should take care of the customs, religious practices and traditional management practices of community resources every village shall contain a grama sabha whose members are included in the electoral list for the panchayats at village level. The recommendation of the gram sabha is mandatory for granting mining licenses in the scheduled areas Planning and management of minor water bodies are entrusted to the panchayats
- ▶ **Controversies Forest Rights vs Animal Rights**  
Forest Environment vs Development PESA vs Modern Thoughts
- ▶ POSCO Case POSCO India Private Limited an Indian subsidiary of Korean conglomerate POSCO. signed a memorandum of understanding in June 2005 with the state government of Odisha to construct a \$12 billion steel plant Forest Rights Act 2007 prevented for use of forest land for mining lease and plant Govt of Odisha made special arrangement with POSCO to get the permission to develop taking environmental measures NC Saxena Committee opposes the move saying it will destroy environment Meena Gupta Committee supports the move say it is all political controversy 2011 MOEF Grants permission.
- ▶ **Niyamgiri Mining Niyamgiri is a hilly area in Odisha**  
Vedant Group wants to mine some area in the hills for bauxite for its Aluminum Plant Environmental Clearances obtained after several steps 2009 Further protest. New Committee reports SC stops mining permission stating PESA, that the hills are considered sacred to the tribals.



## Unit – IV

### Introduction

Large gaps often exist between poor and better-off urban residents in terms of access to social, economic and political opportunities (particularly decision-making) and the ability to participate in, and control, the benefits associated with urban living

According to **Slack and Côté (2014:7)**, urban governance:

- plays a critical role in shaping the physical and social character of urban regions;
- influences the quantity and quality of local services and efficiency of delivery;
- determines the sharing of costs and distribution of resources among different groups; and
- affects residents' ability to access local government and engage in decision-making, influencing local government accountability and responsiveness to citizen demands.

### Urban” in India is defined as a human settlement with

- a minimum population of 5000 persons,
- with 75% of the male working population engaged in non- agricultural activities and
- a population density of at least 400 persons per sq. km.
- Further, all statutory towns having a Municipal Corporation, Municipal Council or Nagar Panchayat as well as a Cantonment Board are classified as “URBAN” (Census of India)

### What is government?

Encyclopedia, 2016) Government Is a system in which political authority setup the direction of the control of affairs of the area, it is backed by set of policies that are used for the enforcement of their decisions. (Derived Definition, 2016)

Governance is the exercise of political, economic and administrative authority in the management of a country's affairs at all levels. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. (UNDP, 1997)

### Governance

- Governance Refers to collective action and arrangement designed to achieve some general benefits, it is a formal organizations of the public sector.
- Governance has been identified as indispensable or necessity to achieve sustainable development in contemporary times particularly in developing world context. it assures that political, social and economic priorities are based on broad consensus in society.
- Governance is the life-long management of the administration of politics that involves all the institutions, economics and finance, legislations and citizens welfare through the

articulation of public interest while protecting citizens' legal rights, obligations and mediating their differences.

### **Components of Urban Governance**

- Institutions
- Legislation
- Finance
- NGOs
- Market

**Institutions:** This is the administrative arm of Governance. The form of any government depends fully on the institutional setup of that government.

- For example: a government may be a unitary/federation depending on the institutional setup of that government. Institutional component of government composes the executive arm that makes the decision on how to shape the area of concern.

**Legislation:** This section of governance deals with the legal aspects of the state. Legislative arm of government are Elected members. Legislative arm of government is the one responsible for creation of legal documents for that location as well as amendment and nullification of certain rules, policies etc.

**Finance:** Finance is the arm of governance that deals with the financial planning of a state or country. The finance department of any government creates a plan that will be followed either annually, or five years (as in the case of India) and that plan shapes the economic component of that state. Financial plan can target infrastructural development, agricultural boost, industrialization etc. depending on the immediate need of that location.

**NGO:** Non-Governmental Organizations (NGOs) are not part of government but are part of the governance of any location. As government works on tight budgets, strict rules and less machineries, NGOs are the best supplement that can fit in provide the needed balance for the proper running of any government. NGOs consist of all classes of people and are considered closer to government as they mostly evolve from grassroots. Example of NGOs are Labour Unions, United Nations etc.

**Market:** Market is an important aspect of any government as that is the source of monetary income to the government. Without proper market management the resources to be used for any type of project will be absent. The source of market depends mainly on the level of the Authority for example national level may concentrate on Foreign Direct Investments while Local Level of Government may Concentrate on Property taxes and revenue.

### **Elements of Good Governance**

- Efficiency
- Transparency
- Effectiveness
- Economy
- Accountability Legal framework for development.

## Structure of Urban Governance

### Executive legislative

- Chairman (chief executive)
- Supervisor
- Secretary of the council
- Supervisory councilor
- Accounting officer

### Legislative Council

- Leaders of the council
- Other councilors

### Functions of Legislatives

- Debating approving and amending annual budgets
- Vetting and monitoring the implementation of projects , programs in annual budget
- Examining and debating the monthly statement of income and expenditure rendered to it by chairman
- Advising, consulting and liaising with chairman of council
- Performing such other functions that may be assigned time to time by law of the state in which it is situated.

## Functions of Urban Governance

- **Planning and monitoring:** Urban government set the overall direction for their municipalities through long term planning.
- **Service delivery:** Urban government is responsible for managing and delivery a range of services to their communities.
- **Lawmaking and enforcement:** They legislate and make decisions in areas over which they have legislative authority.
- **Policy development:** The activities if govt. are guided by policies. Developing and implementing such is key function.
- **Representation:** Councilors represent their local community on matters concerning their constitution
- **Advocacy:** Urban govt. plays a role in advocating for their indigenes.

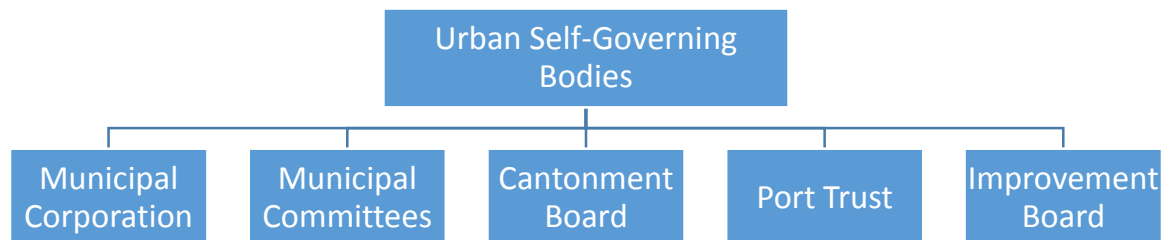
## Urban Local Self Government

- Generally, the urban area varies from one country to another country. Some of the common basis of classification.
- Size of population
- Occupation structure
- Administration

## Types of Urban Local Self-Government

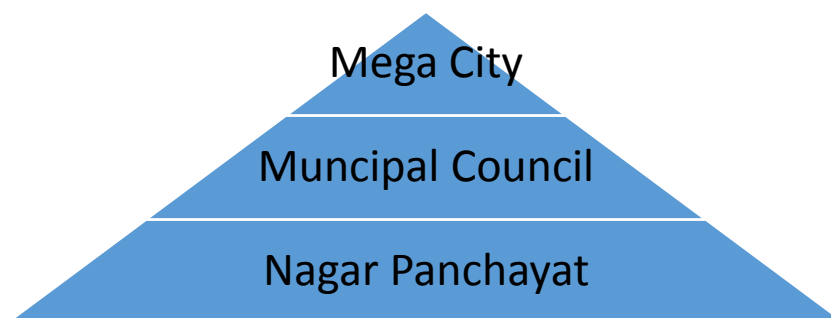
1. Mega city – Municipal Corporation
2. City – Municipal Council
3. Town – Nagar Panchayat

## Urban self-governing bodies



## Municipal Corporation

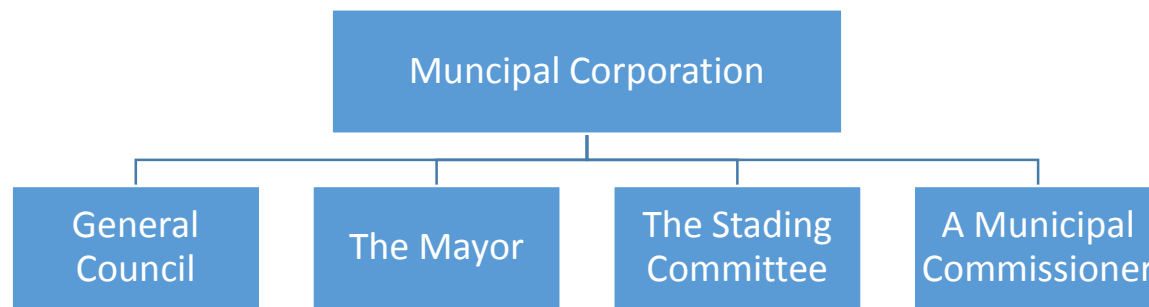
Municipal corporation function as three tier system in urban areas.



## Mega City (Municipal Corporation):

- An elected body that is responsible for running the civic affairs of a large city and looking after various needs of the people who live there is called as Municipal Corporation / Nagar Nigam.
- The constitution lists 18 subjects in the 12<sup>th</sup> schedule which state the duties that the Municipal bodies needs to complete it.
- These include town planning, roads, water supply, public health etc.
- It is seen in cities with more than 10 lakhs population.
- A mega city is a very large city typically with a population of more than 10 million people. A mega city can be a single metropolitan area. Eg Canton, Tokeyo, Delhi and Mumbai. WHO suggests that among other things a healthy city must have?
  - a clean and safe environment
  - meets the basic needs of all its inhabitants
  - Involves the community in local government
  - Provides easily accessible Health services.

## Composition of Municipal Corporation



### **General Council:**

General council has members called as Municipal councillors. These councillors are elected by registered voters within the municipal area.

- Some seats are reserved for SCs & STs in proportion to their population and at least 1/3 seats of the total number of seats are reserved for women.
- The no. of councillors depends upon the population of the city.
- In addition to elected members, the council also has aldermen, who are important and respected persons of the city. They are usually elected by councillors.
- Term is 5 years. In the case of dissolution, an election would be compulsorily held within six months.

### **Mayor:**

Municipal councillors elect the Mayor and Deputy Mayor from among themselves. The Mayor is generally elected annually, in some states the Mayor is elected by general voters and in that case he would have a five-year term.

#### Functions

1. He is the First Citizen of the City
2. Decides agendas for the meetings.
3. Presides at all the meetings of the corporation
4. Coordinates all the departments.
5. Acts as a link between the corporation and state government.

### **Municipal Commissioner / CEO of Corporation**

Municipal Commissioner is elected by the State Government / Union Government for a term of 5 years

#### Functions

1. He heads and controls the administration of the corporation.
2. As instructed by the General Council, gets the projects implemented.
3. Commissioner acts as a Secretary to the General Council and maintains records of the properties, meetings, etc.
4. He is also the custodian (Guardian) of all records and personal files of all staff members of the corporation.

## **The Standing Committee**

Standing committee handle the different departments like

- Health
- Finance
- Taxation etc.

## **Functions of Municipal Corporation**

Generally, the municipal corporation has been involving by two types of functions. Namely, obligatory functions and Discretionary functions.

### **Obligatory Functions**

Obligatory functions which means compulsory functions. The municipal corporation mandatory to do the compulsory functions. There are major 6 obligatory functions that are as follows.

- Public health and sanitation
- Electricity and water supply
- Education and sports
- Public work / infrastructure development and maintenance – road, slum development etc.
- Record of births and deaths
- Miscellaneous functions – fire services, burial grounds etc.

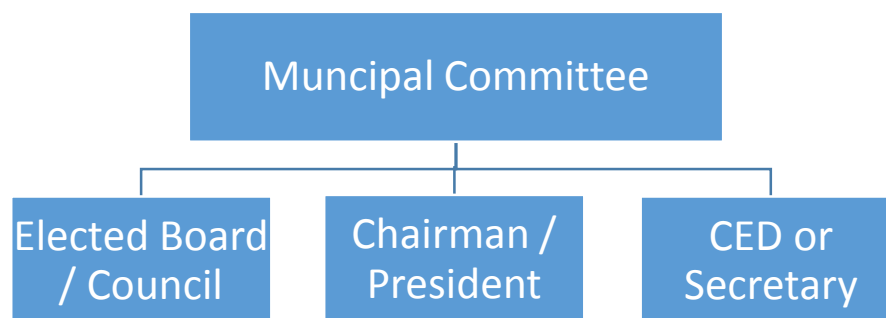
### **Discretionary Functions**

Discretionary functions which means not compulsory, depends upon situation and needs the municipal corporation have involved the discretionary activities such as

- Transport
- Cultural activities – library, museums, drama, music etc.
- Urban forestry
- Sports and recreation
- Welfare activities – family planning, removing poverty etc.

## **Municipal Committee**

### **Composition of Municipal committee**



### 1. Elected Board / Council

- a. It has members called as councilors. These councilors are elected by registered voters within the municipal area.
- b. Some seats are reserved for SCs & STs in proportion to their population and at least 23% seats of the total number of seats are reserved for women. Some states have raised it to 50% for women.
- c. The no. of councilors depends upon the population of the city.
- d. Term 5 years. in the case of dissolution election would be compulsorily held within six months.

### 2. Chairman / Municipal President

Councilors are elect chairman and vice – chairman from among themselves. In some state general voters elect the president / chairperson.

#### **Functions of chairman / president of municipal committee is as follows.**

*(His functions re similar to the functions of a Mayor in Municipal Corporation)*

- Decides agendas for the meetings
- Presides all the meetings of the Municipal Committee.
- Coordinates all the departments.
- Acts as a link between municipal committee and state Government.

#### **Difference between Municipal corporation and municipal committee**

S. No	Municipal Corporation	Municipal Committee
1	These are meant for big cities	These are meant for smaller cities.
2.	Its head is called as Mayor	It head is called as Chairman / President
3.	It has more powers and sources of revenue	It has less powers and sources of revenue
4.	It deals with State Government directly	It deals with State Government indirectly through district Administration

## CONTEMPORARY ISSUE AND PROBLEMS IN LOCAL SELF-GOVERNMENT

There are six contemporary issues and problems are existed in the local self-government as follows.

1. Women's participation
2. Participation of marginalized groups (SC & ST & minorities)
3. Domination of Upper Caste
4. Political parties
5. Autonomy and control
6. Factionalism in governance

### Women Participation

- Participation of women is felt essential in social, economic and political growth.
- women are the mother of a society and progress of a society depends upon the development of women". If a mother is empowered, a family, and eventually an entire society are also empowered.
- until and unless women are empowered, the progress of any economy is impossible lead to number of policies, plans, programmes and Act to empower them
- But Politics, policy decision, plan programmes, execution programme just women as representative.

### Participation of marginalized groups (SC & ST & minorities)

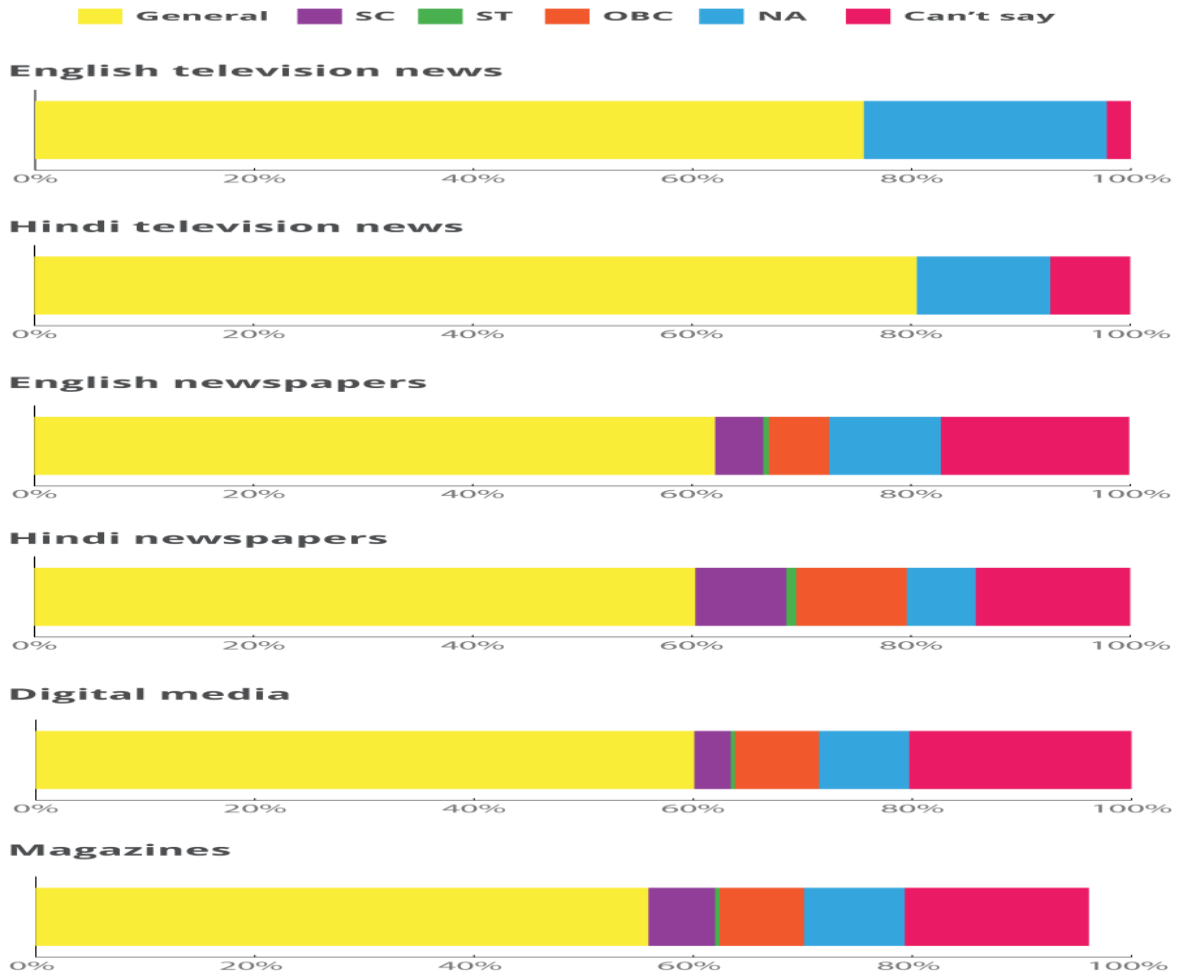
- Marginalization is the process of pushing a particular group or groups of people to the edge of society by not allowing them an active voice, identity, or place in it. Some individuals identify with multiple marginalized groups, and may experience further marginalization as a result of their intersecting identities.
- Marginalized group SC, ST OBC, tribal, nomadic (roaming), semi-nomadic coming under either STs or OBCS.
- Other Weaker sections of Indian Society - Lingual and religious,
- Poorest of poor of the upper lasses, Girls child and physically challenged
- Governments failure at implementation – missed on use of rights
- International Covenant on Civil and Political Rights (ICCPR)
- International covenant on Economic, Social and Cultural Rights (ICESCR)
- Guarantee rights to sustainable livelihood, social, political and economic development for all

### Domination of Upper Caste

- Caste divisions in India dominate in housing, marriage, employment, and general social interaction-divisions that are reinforced through the practice and threat of social ostracism, economic boycotts, and physical violence.
- In rural India, upper and middle-ranking castes dominate the ownership of land. They were able to transfer this control over wealth into political dominance over the Panchayat decision.
- The Panchayat is a local government unit that is in-charge of resources disbursement.



## Anchors, panellists and writers are predominantly upper caste



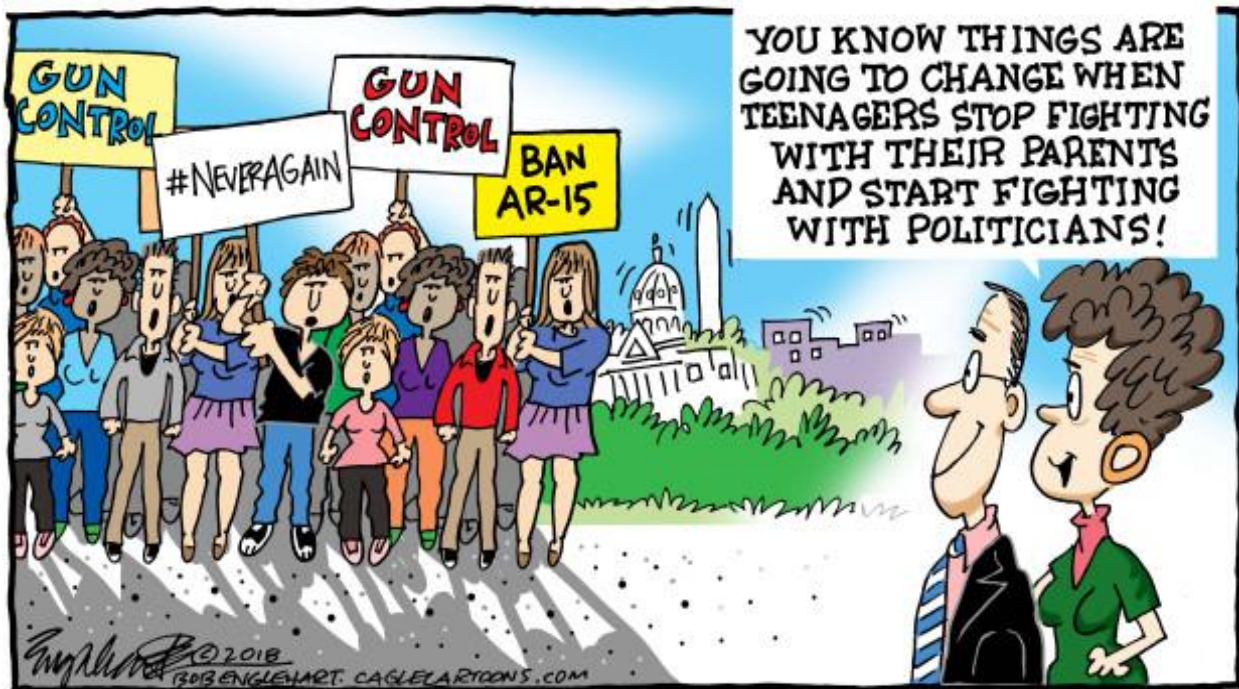
### Political parties

- Political Issues
  - Stable government
  - Need of autocratic leader for rural or urban development
  - Federalism and its implementation
  - Election from central to the local level
  - Economic agenda in the political parties and government
- Social issues
  - Health, education, employment, social justice, religion, childcare, language,, women empowerment, women leadership.

### Factionalism in Governance

- A situation in which a group forms within a larger group, especially one with slightly different ideas from the main group.

- Groups of people formed around a leader who reject the status quo and actively work
- The country could collapse into factionalism and civil war
- Always conflict with each other
- There is no harmony, peace, victory, success, unity, love pleasure and happiness.



### Challenges faced by local self government

- There are many difficulties being faced by local Government bodies. Amongst the bigger difficulties being faced are economic challenges, concerns about the environment, the political reactions etc.
- Every politician wants that they get the credit for works being taken up by local Government bodies.
- Ego: Absence of social responsibility develop apartness from gathering and assembling.

Narrow mindset: People develop narrow mindset as people exploit person with simple nature & divert their opinion to selfish accomplishment

- Prejudice opinion: In opinion of opposition party claim, whatever performance done by ruling people its seems corrupt in nature
- Weak political knowledge: People remain ignore about penaltis if remain uneducated & each effort made by ruling people to maintain this kind of ignorance.
- Fail to maintain tax free system: Tax get imposed & people unwillingness to pay tax , there is always budget deficit instate of surplus.

- Panchayat officers ignorant about social responsibility & are handicap for decision making at local level.
- Central fail to decide norms for local govt & effectiveness. If village become independent its direct threats to central & its monopoly get wound up & Whole County result in small pieces.
- Costs are gradually and steeply rising, making it difficult for government bodies
- To obey to estimates planned for projects.
- Then concerns about environment remain a big issue.
- Pollution must be restricted at every level. Fuel economy has to be looked into. All wastages have to be restricted.
- Then there is also the political pressures that have to sort out.



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