



## Local Governments

**For Prelims:** Local Governments, 73rd Constitutional Amendment, 74<sup>th</sup> Amendment Act (1992)

**For Mains:** Panchayati Raj Institutions, Urban Local Bodies

### Why in News?

Recently, the [Supreme Court](#) declared that State Election Commissions across the country cannot skip their constitutional obligation to conduct polls to Local Bodies every five years.

- Election commissions **cannot reel out grounds like ongoing delimitation or formation of new wards to delay elections** where it was due or even overdue.
- The court found that besides a "**staggering**" **23,000 rural local bodies, polls had not been held in 321 urban local bodies in Madhya Pradesh** since 2019-2020.

### What is Local Government?

#### ▪ About:

- Local Self Government is the management of local affairs by such local bodies who have been elected by the local people.
- The local self-Government includes **both rural and urban government**.
- It is the **third level of the government**.
- There are **2 types of local government in operation** - panchayatas in rural areas and Municipalities in urban areas.

#### ▪ Rural Local Governments:

- Panchayati Raj Institution (PRI) is a system of rural local self-government in India.
- PRI was constitutionalized through the [73<sup>rd</sup> Constitutional Amendment](#) Act, 1992 to build democracy at the grass roots level and was entrusted with the task of rural development in the country.
  - 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 243 O**.
  - 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.
- In its present form and structure PRI has completed 30 years of existence. However, a lot remains to be done in order to further decentralization and strengthen democracy at the grass root level.

#### ▪ Urban Local Governments:

- [Urban Local Governments](#) were established with the purpose of democratic decentralisation.
- There are **eight types of urban local governments in India** - Municipal Corporation, Municipality, Notified Area Committee, Town Area Committee, Cantonment Board, township, port trust, special purpose agency.
- At the Central level the subject of 'urban local government' is dealt with by the following

three Ministries.

- The Ministry of Urban Development was created as a separate ministry in 1985 (now Ministry of Housing and Urban Affairs).
- Ministry of Defense in the case of cantonment boards.
- Ministry of Home Affairs in the case of Union Territories.
- The 74<sup>th</sup> Amendment Act pertaining to urban local government was passed during the regime of P.V. Narsimha Rao's government in 1992. It came into force on 1<sup>st</sup> June, 1993.
  - Added Part IX -A and consists of provisions from articles 243-P to 243-ZG.
  - Added 12th Schedule to the Constitution. It contains 18 functional items of Municipalities and deals with Article 243 W.

## What are the Salient Features of 73<sup>rd</sup> Constitutional Amendment?

### ▪ Compulsory Provisions:

- Organisation of Gram Sabhas;
- Creation of a three-tier Panchayati Raj Structure at the Zila, Block and Village levels;
- Almost all posts, at all levels to be filled by direct elections;
- Minimum age for contesting elections to the Panchayati Raj institutions be twenty one years;
- The post of Chairman at the Zila and Block levels should be filled by indirect election;
- There should be reservation of seats for Scheduled Castes/ Scheduled Tribes in Panchayats, in proportion to their population, and for women in Panchayats up to one-third seats;
- State Election Commission to be set up in each State to conduct elections to Panchayati Raj institutions;
- The tenure of Panchayati Raj institutions is five years, if dissolved earlier, fresh elections to be held within six months;
- A State Finance Commission is set up in each State every five years.

### ▪ Voluntary:

- Giving voting rights to members of the Central and State legislatures in these bodies;
- Providing reservation for backward classes; and
- The Panchayati Raj institutions should be given financial powers in relation to taxes, levy fees etc. and efforts shall be made to make Panchayats autonomous bodies.

## What are the Salient Features of 74<sup>th</sup> Amendment Act?

### ▪ Compulsory:

- Constitution of nagar panchayats, municipal councils and municipal corporations in small, big and very big urban areas respectively;
- Reservation of seats in urban local bodies for Scheduled Castes / Scheduled Tribes roughly in proportion to their population;
- Reservation of seats for women up to one-third seats;
- The State Election Commission, constituted in order to conduct elections in the Panchayati raj bodies (see 73rd Amendment) will also conduct elections to the urban local self-governing bodies;
- The State Finance Commission, constituted to deal with financial affairs of the panchayati raj bodies also looks into the financial affairs of the local urban selfgoverning bodies;
- Tenure of urban local self-governing bodies is fixed at five years and in case of earlier dissolution fresh elections are held within six months;

### ▪ Voluntary:

- Giving voting rights to members of the Union and State Legislatures in these bodies;
- Providing reservation for backward classes;
- Giving financial powers in relation to taxes, duties, tolls and fees, etc;
- Making the municipal bodies autonomous and devolution of powers to these bodies to perform some or all of the functions enumerated in the Twelfth Schedule added to the Constitution through this Act and/or to prepare plans for economic development.

**Q. Local self-government can be best explained as an exercise in (2017)**

- (a) Federalism
- (b) Democratic decentralisation
- (c) Administrative delegation
- (d) Direct democracy

**Ans: (b)**

**Q. The fundamental object of Panchayati Raj system is to ensure which among the following? (2015)**

1. People's participation in development
2. Political accountability
3. Democratic decentralization
4. Financial mobilization

**Select the correct answer using the code given below**

- (a) 1, 2 and 3 only
- (b) 2 and 4 only
- (c) 1 and 3 only
- (d) 1, 2, 3 and 4

**Ans: (c)**

**[Source: TH](#)**

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