**Local government and human rights**

**QUESTIONNAIRE**

*As part of the consultations undertaken by the Human Rights Council Advisory Committee with* ***governments****,* ***national human rights institutions*** *and* ***non-governmental organizations*** *with a view to preparing a report on the role of local government in the promotion and protection of human rights, pursuant to Council resolution 24/2.*

**Background:**

Human Rights Council resolution 24/2, adopted in September 2013, took note of the research proposals made by the Advisory Committee in August 2012[[1]](#footnote-1), which included a research proposal on local government and human rights, and mandated the Committee to prepare a research-based report on the role of local government in the promotion and protection of human rights, including human rights mainstreaming in local administration and public services, with a view to compiling best practices and main challenges, and to present a progress report thereon to the twenty-seventh session of the Council (September 2014).

The Committee is also requested to seek the views and inputs of Member States, relevant international and regional organizations, the OHCHR and relevant special procedures, as well as national human rights institutions and non-governmental organizations, in order to prepare the above-mentioned report.

It is therefore in this context that the Advisory Committee decided, at its twelfth session held in February 2014, to appoint a drafting group[[2]](#footnote-2) in charge of the preparation of this report and elaborated the hereunder questionnaire for governments, national human rights institutions and non-governmental organizations.

**QUESTIONNAIRE**

1. How is local government organised in your country? Please describe the existing legal framework for the organisation, functioning, competences and financial resources of local government in your country.

India is a federal country comprising one Union, 28 states and 7 Union Territories. The Union Government has supremacy over provincial and local governments in the country. The Union of India is governed by an elected cabinet of ministers, headed by the Prime Minister of India. Similarly there are elected state governments in provinces. These governments are led by the elected cabinets of ministers, headed by the Chief Minister. Union and states are governed as per the Constitution of India, which is the ultimate legal reference. The Parliament of India is supreme authority for Pan-Indian governance. Below provinces/states, there are 640 districts in India, which are supposed to be governed by the local governments.

Local bodies have always been part of Indian traditions. However, it was only in 1992 when local governments in India were provided detailed legal structures and powers as democratically elected institutions of local self-government. It must be emphasized here that the local governments in India are constitutional bodies. However, unlike most of other countries, India has two separate Constitutional Amendment Acts- 73rd Constitutional Amendment Act, 1992 and 74th Constitutional Amendment Act, 1992 respectively - for local governments in rural and urban areas. Accordingly local governments in India are called Urban Local Body (Municipality) for urban areas and *Panchayats* for rural areas. There are 3 tiers of Panchayats: District Panchayat for rural part of the district, more than 6000 Block Panchayats at sub-district levels and about 0.25 million Village Panchayats for single or cluster of villages, depending on population size of the villages.

About 4000 Urban Local Bodies are categorized as: (i) Municipal Corporation for larger city, (ii) Municipality for middle level city, and (iii) Nagar Panchayat (City Council) for smaller towns. The municipal networks in India comprise of elected mayors and councilors. The number of councilors in a particular municipal area depends upon the total population of that area.

The municipal bodies of India are vested with a long list of functions delegated to them by the state governments under the municipal legislation. These functions broadly relate to public health, regulatory functions, public safety, public infrastructures, and development planning (including the implementation of the plan).

Though municipal bodies are constitutionally sanctioned, actual devolution of appropriate powers and authorities have been left to the respective governments. So, powers and authorities of these bodies across different states are different, depending on willingness of the state government to devolve authorities and resources. So, while most of Municipal corporations are resource rich, most of municipalities and almost all city councils don’t have much powers and resources.

2. Is local government in your country required by legislation to promote and protect human rights? Please describe how local government in your country is involved in the implementation of human rights obligations.

Though the legislations for local governments in India do not specifically mention protection of human rights as one of responsibilities of local governments, the constitutionally mandated municipal functions directly relate to core human rights. The performances of local governments, specially the rural ones, in implementation of initiatives for democratic inclusion of hitherto excluded/discriminated ones in local decision making processes, welfare measures and local justice system have been encouragingly appreciable. There are ongoing initiatives by PRIA to functionally link different statutory commissions and local governments for more effective protection and advancement of rights of marginalized people in India.

3. Is there any cooperation between local government and the central government in your country regarding the implementation of human rights at local level? If yes, please describe the existing cooperation framework.

Not cooperation as such. Yes, local governments implement development policies and programmes of central and state governments. In that way, some sort of cooperation could be discerned.

4. Do you have human rights protection mechanisms at the local level in your country (e.g. ombudspersons, human rights commissions, mediators, etc.)?

Yes, there are offices of human right commissions at national and provincial levels but not at local levels. However, state human right commissions as well as national human right commission have local connections through local administration, judiciary and the police.

5. What initiatives have been taken to include human rights mainstreaming in local administration and public services?

Human right commissions as well as other statutory commissions such as women commissions, Commissions for minorities, Disables, Caste and Tribe discriminated ones occasionally take up the right issues and suggest governments steps needed.

6. What is the role of civil society in the planning and implementation of activities for the protection and promotion of human rights at local level in your country?

Civil society engagements in India for protection and promotion of human rights are quite intense and wide. They do engage in awareness generation, highlighting issues, policy and programme analysis and also advocate for appropriate changes in laws and practices by providing examples/models of better alternatives.

7. What is the role and programme of your organization for promotion and protection of human rights at local level or in enhancing local governance for human rights?

PRIA has been working for last 3 decades to promote institutional and social responsibilities for protections and promotion of human rights. It has been working towards strengthening the roles of local governments in effectively addressing rights of marginalized citizens at local level. PRIA’s recent initiatives to strengthen the institutional capacities and accountable functioning of 5 statutory commissions in India has been widely appreciated and accepted. It has also catalyzed larger civil society and government interests for further works on strengthening human right initiatives of the local governments.

8. What are the main challenges faced by local government in your country in the promotion and protection of human rights?

Essentially the local government challenges relate to lack of appropriate powers and authorities available with them. Also most of the institutions which work directly or indirectly to protect and promote human rights have no local convergence. The exclusive territory cultures in multiplicity of such organizations also undermine roles of local governments for human rights at local levels.

9. Please provide any best practices with regard to the above-mentioned issues.

There are many examples on local governments’ roles on protection and promotion of human rights. A number of case studies are available on roles of Panchayats and Municipalities in protecting dignities of caste marginalized, empowering women, participatory planning and social protection. These practices are available on [www.pria.org](http://www.pria.org).

**Deadline for submission of responses to the questionnaire:**

In order to give the Drafting Group the opportunity to take into account the different contributions, all parties are encouraged to submit their responses as soon as possible and at the latest by **11 April 2014**.

Answers can be submitted via email to the following address:

hrcadvisorycommittee@ohchr.org

OR

Secretariat of the Human Rights Council Advisory Committee

c/o Ms. Meena Ramkaun

Office of the United Nations High Commissioner for Human Rights

Palais Wilson, Room 4-060, Fax: +41 22 917 9011

United Nations Office at Geneva,

CH-1211 Geneva 10, Switzerland

Thank you for your contribution.

For more information on the Advisory’s mandate: <http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HRCACIndex.aspx>

1. A/HRC/AC/9/6 [↑](#footnote-ref-1)
2. A/HRC/AC/12/L.5, 28 February 2014 [↑](#footnote-ref-2)