

Local Government Institutions and Environment Management in South Asia: A Case Study of India and Bhutan

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Abstract—The need for environmental conservation is recognized globally. This paper makes an attempt to assess the role of Local Government Institutions in the protection of environment in India and Bhutan. Among different levels of environmental administration in India and Bhutan, the most effective is the presence of local government institutions for the efficient utilization and management of natural resources. This paper discusses relevant policies and practices promoted by these institutions for preserving and protecting environment. At the local government level, there are several mechanisms and agencies through which information regarding public welfare and environment conservation can be communicated to the villagers. These can be used to create the much-needed awareness about the protection of the ecology and the environment. This paper examines how the response to environment management can be strengthened with the better involvement of the institutions and the role of these institutions in some specific contexts of environment management and protection.

Key Words- Local Government Institutions, Environment, Security, Ecology, Climate change, India, Bhutan, South Asia.

I. INTRODUCTION

South Asia consists of 8 member nations, namely India, Bhutan, Bangladesh, Afghanistan, Pakistan, Nepal, Sri Lanka, Maldives. The 8 members even though are divided due to the presence of borders, are a single unit in terms of the geography and the environment. That said, the region is socio-cultural melting pot which makes it a tad bit difficult when it comes to providing proper administrative measures in the region.

Lack of proper administrative measures are a major hindrance when it comes to providing solution at grassroot levels in democratic South Asian nations such as India and Bhutan. Both nations are slowly and steadily becoming victims of a global phenomenon known as “Climate Change”. Being a region connected via a sensitive environmental system, South Asia is in the dire need for environmentally friendly laws that follow the bottom to top rather than the other way around. In an environmentally sensitive region, the nation’s face a host of environmental issues from rise in overall temperature levels to erratic weather patterns to change in rainfall levels. The area faces the inevitable risk of overflow of impacts of ecological debasement and it is therefore very much necessary for the

South Asian nations to improve their Local Government Institutions in order to promote and implement environmentally friendly laws and regulations. This is so because the need for environmental conservation is a global phenomenon. Except if mankind awakens to the corruption caused to the earth currently, there is little trust in the survival of all species in this planet, including individuals. Therefore, one of the issues highlighted under the Sustainable Development Goals of UN is urgent action to combat climate change and its impacts: “Climate change is now affecting every country on every continent. It is disrupting national economy and affecting lives, costing people, communities and countries dearly today and even more tomorrow”.¹

The following paper aims to look into the Local Government Institutions in South Asia in general and in India and Bhutan in particular and their work in regards to the prevention of environmental debasement.

Local Government Institutions and South Asia

Local Government Institutions (LGI) have been an integral part of the world and in particular play a pivotal when it comes to a region as diverse as South Asia is in terms of culture and society. LGI’s are seen as the necessary step towards the implementation of democratic governance and development. They are very much necessary for the survival democracy. Emergence of LGI’s and the process of strengthening them has become a growing phenomenon across the globe.

LGI can be seen or described as administrative units which are given the responsibility to administer smaller territories within a state. It is a body that represents the local inhabitants and has a degree of autonomy over a given territorial area. The aim of an LGI is to provide opportunities to the people in order to promote and propagate their views when it comes to the local affairs of a particular area under an LGI. Another important opportunity provide by an LGI is that it gives the people freedom to choose their own representatives who then work on the behalf of the people to achieve their goals and aspirations.

LGI’s aid in democratic decentralization and their functions and abilities are defined as per law of the land. These institutions are constitutional by nature and perform the same functions as the central/state government does. These functions include maintenance of the environment, provision of basic amenities, making schools, hospitals and

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providing law and order. By doing so LGI aid the decentralization process and thereby aid in the spread of democracy to the grassroot levels.

In South Asia, LGI's are of paramount importance as they give opportunities to the people for the expressing their opinions in regards to various local affairs/issues. Many South Asian nations, due to their similar cultural and historical background or due to the changes being seen in the form of governance in contemporary times, have started to adopt LGI's in order to become more democratic by nature. This so because the region makes up for a major chunk of the world's population. Out of these population, a majority of them reside in the rural areas while the other half in urban/semi-urban areas. In order for the government to spread the benefits of its schemes to the grassroot level, it becomes important to put forth institutions that aid in government work at the rural levels. Having an LGI in a rural can be seen as a form of assurance from the government that if the people cannot go to where the government is, the government will instead come to them. Presence of LGI in a developing region like South Asia also promotes democratic decentralization via people's participation in the day to day workings of an LGI.

LGI are also important to South Asian nation's as these institutions help in confronting various challenges faced by region ranging from the debasement of the environment to various demographic challenges to the provision of healthcare, education, housing and employment.

II. LOCAL GOVERNMENT IN INDIA

India is a country of villages as its 69% population is living in villages. Panchayati Raj is the constitutionally sanctioned local government system of rural India that exists all over rural India. The history of local government institutions in India have witnessed many ups and downs. The 73rd Constitutional Amendment changed its fate by assigning a constitutional status. A wide range of powers have been entrusted to local governments (Panchayati Raj Institutions) to fulfil the objective of democratic decentralization. The 3-tier system of Panchayati raj provides opportunities of decentralized planning and action at various levels including district, block and village level. Panchayati Raj also provides for the participation of all the adult population in consultation and decision-making process in the form of Gram Sabha (an assembly of all adults in a village hamlet).

The Constitution of India recognizes Panchayats as 'Institutions of self-government'. There are 2.51 lakh Panchayats in India, which include 2.39 lakh Gram Panchayats, 6904 Block Panchayats and 589 District Panchayats. There are more than 29 lakh Panchayat representatives.

PRI's are endowed with the functions like - arrangement of water supply, support of streets and avenues, road lighting, and so on. Added to these civic functions, obligations identifying with neediness mitigation, non-conventional energy, public distribution system, rural wellbeing and sanitation, elementary education and basic training, support of network resources and different obligations are conceived in the XI Schedule of the Constitution. The image displayed to us now about PRIs is

that of "Little Republics" taking care of all basic need of the residents and their welfare. These bodies are in charge of upkeeping of network resources like wells, tanks, stores, trees, and so on. Wastelands can be put to use by these grassrootbodies.

Health and welfare research programmes were also considered to be under the wing of such PRIs where the environmental factors responsible for the spread of vector-borne diseases were to be put under severe check. At the same time, the use of insecticide and pesticide in various regions were also to be controlled. Worried about the sudden increase in urbanization, the PRIs were bestowed with the duty of maintaining the environment and forest as a specific head in itself.²

The Government is aware that rural environment can only be developed once the people are educated about proper values and utilization of the environment and therefore in order to promote the same, the Panchayati Raj also bestows several responsibilities on the citizens to oversee the successful completion of several such missions which require people to work actively for the betterment of the environment.³

In 2010, the Ministry of Rural Development along with the Ministry of Environment and Forests came up with a new initiative under which The Joint Forest Management Committees in scheduled areas of nine states were agreed to be shifted to the authority of the Gram Sabha's/Gram Panchayats. It was further agreed that while implementing the provisions of the Wildlife Protection Act, 1972, issues such as declaration and relocation of sanctuaries, etc., should be carried out after a transparent discussion with the Panchayat bodies. Soon after the creation of such institutes, the judicial setup had also turned its attention to the degrading situation of environment in India and by 1996, the Supreme Court had started combining judicial oversight and executive accountability.⁴

Local Government Institutions and Environment Management in India

With better training and information, PRIs can play very important role in significant areas of climate change regarding adaptation and mitigation. Here we will examine seven such areas – water conservation, agriculture, droughts, heat waves, floods, forestry, water and renewable energy. However, to be more effective the helpful role of PRIs needs to be backed at a wider level by supportive policies of state and union governments.

Water Conservation: Permanent availability of drinking water and quality of drinking water are two major issues that have affected various Gram Panchayats varying with factors such as population, location of Gram Panchayat or different habitations within the Gram Panchayat, season, monsoons, etc.⁵ The local governments are no doubt introduced for the benefit of the local people, however, their responsibilities are prolonged far and beyond. Regarding water conservation, the specific roles of the Gram Panchayats include:



- A. Forming, nurturing and strengthening institutions (standing committees /sub- committees/ department committees) to undertake different issues and challenges related to water.
- B. Broad basing water-related decision-making through active participation in Gram Sabha's. Arranging and conducting Gram Sabha for taking important decisions.
- C. Creating and maintaining ownership of every citizen of the Gram Panchayat over water resources by involving them in decision-making.
- D. Protection/conservation of water bodies from encroachment.⁶

Global warming trends as well as erratic weather behavior can disturb well- established cropping cycles. Thus, rainfall at unexpected and unwelcome times may result in maintaining average rainfall for the year, but can be very disruptive for farmers.

Sustainable Agriculture: Agriculture in India primarily based on marginal farmers, owning about 2 to 5 acres of land. These farmers have been experiencing a critical situation from several years linked to increasing costs of cultivation, ecologically destructive farming practices and decline in support from the government. Climate change related problems stands on the top of these already existing serious problems can be very disruptive. This situation can be seen today clearly in many villages across India.

Now-a-days Panchayats are very helpful in this by providing support and guidance to farmers.

The panchayat ensure watershed management, drip irrigation which conserves water and moisture while increasing greenery and can provide the base for organic farming.

Forest Conservation and Management: Preventing deforestation and advancing afforestation with blended/mixed, indigenous types of trees, accentuating wide leaf species, decreases green-house gases (GHG) outflows and check environmental change. Panchayats which make critical progress in this on practical premise ought to be appropriately compensated. This exertion ought to be connected to improving sustainable livelihood of individuals, especially those from tribal areas. This incorporates especially employments identifying with gathering and processing of non-timber forest produce as well as afforestation work.

It is now established that PRIs have the legitimate support of the Constitution of India while Joint Forest Management Committees (JFMC) don't have constitutional backing. In this way, simple warning changes from the Central Government can't resolve the irreconcilable situation among JFMCs and PRIs. The step of the government in engaging Gram Sabha's with the ownership for minor forest produce (MFP) and right to secure, recover and conserve community forest resources have resulted in overlapping jurisdiction of forest by JFMCs and Gram Sabhas. The Central Government has likewise issued an advisory to the State Governments in 2011 to put the JFMCs under the Gram Sabha. Since the Gram Sabha's don't have a lawful device for the protection of forests, in this manner, the 2006 Act approves Gram Sabha to take help from any administration division. It additionally needs ability to moderate and

oversee forests logically, regardless of having conventional information only.⁷

A standout amongst the most basic issues is that "the definition of local body is problematic, as it leaves out gram sabha or other village assemblies. Since the local body (commonly understood as only the elected representatives) has to appoint/select the Biodiversity Management Committee (BMC), the political affiliation and relationship between a village and the Panchayat body will play an important role in the constitution and functioning of the BMC."⁸

Any endeavor at natural life protection must deal with the unforgiving truth of quickly expanding human populaces living beneath the poverty line. Two laws acquainted by the Government with change the pattern of forest administration were: The Panchayat (Extension to Scheduled Areas) or PESA Act, 1996; and Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Measurements mirror that their accomplishments are profoundly limited.

Studies further demonstrate that the Panchayat (Extension to Scheduled Areas) Act, 1996 has neglected to help the maintainable use and the executives of forest assets (particularly NTFP) for the livelihood of rural people. The Indian Forest Act, 1927 saw the foundation of a forest department and was entrusted with delivering timber, setting up plantations and conservation to verify future timber supplies, and, by and to a lesser degree, accommodating villager's subsistence needs.

Mines and Minerals: The central government had asked the Finance Commission to recommend the quantum of funds to be devolved to the local bodies from the Tenth Financial Commission and onwards. The major sources for which the local bodies were assigned such shares were from lease number of mines and minerals. Previously the same was with Revenue Department but it was subsequently entrusted to the Department of Geology and Mining.⁹ One of the most comprehensive guidelines on implementation of Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA Act) were issued on 21st May 2010 which included advice to the States to: Amend laws, rules, executive instructions on mines & minerals, MFP, excise, money lending, etc.¹⁰

In PESA, the devolution to the Panchayats express that earlier consent of the Panchayat or the Gram Sabha at the suitable dimension will be obligatory for the concede of prospecting permit or digging lease for minor minerals. A few states offer supremacy to Gram Sabha as opposed to Panchayats while others have discarded the Gram Sabha by and large. Absence of arrangements like Environmental Impact Assessment and formal review before such mining plans additionally entangles the officially shaky circumstance and calls for more noteworthy participation of the PRIs in such activities.

The 73rd constitutional amendment act was brought about in the year 1992. In such a short span of time, it has demonstrated its need. Today many villages are well

functioning and much developed due to such environmental protection and the amendment. With sufficient support, resources and training, local governments in India can play a significant role in climate change adaptation and management of environment in rural areas.

III. LOCAL GOVERNMENT IN BHUTAN

The Himalayan land locked nation of Bhutan transformed from monarchy to a democratic constitutional monarchy in the year 2008. With its transition to a democratic state, the nation also embraced the concept of Local Government within its territory. It was important in order to promote democratic decentralization so that those living rural areas reap the benefits of democracy. Democracy in Bhutan was introduced by former King JigmeSingyeWangchuk and with the advent of democracy, concepts like LGI were also introduced. LGI came into existence in the following manner:

- 1999- Bhutan Municipal Act
- 2002- DzongkhagYargayTshogduChathrim
- 2002- GewogYargayTshogchungChathrim
- 2007- The Local Government Act
- 2007- Decentralization Support Programme (DSP)
- 2007- Thromde Act
- 2008- Democratic Elections take place for the first time in Bhutan
- 2009- Local Government Act of Bhutan enacted¹¹
- 2014- Local Government Act of Bhutan amended¹²

In accordance to the 2009 Act, Local Government will be there in all the 20 dzongkhags (a dzongkhag is an administrative and judicial district in Bhutan). The Local Government will comprise of the following administrative units:

- DzongkhagTshogdu
- GewogTshogde
- Thromde Tshogde¹³

Before we venture into the various parts of the LGI setup in Bhutan, it is necessary to know about the various administrative units in Bhutan. The various administrative units in Bhutan are as follows:

- Dzongkhag is a district and currently in Bhutan there are 20 Dzongkhag/districts. Under a Dzongkhag, the LGI administrative unit is the DzongkhagTshogdu which is the highest decision-making body in the district. The administrative unit is also known as the District Council. The Dzongkhag also consists of various Dungkhag which are sub-district of the Dzongkhag¹⁴.
- Next administrative term is Gewog. A Gewog refers to a group of villages and the head of the Gewog is also one of the two elected individuals in a DzongkhagTshogdu. A Gewog falls under a Dzongkhag and is above a Thromde. There are 250 Gewog in Bhutan and a Gewog is further divided into (a) Chiwogs which are electoral constituencies and are made up of rural communities and (b) Thromdes which are municipalities for

administrative purposes. Under a Gewog comes the GewogTshogde which is also known as the Gewog Council; is comprised of a Gup (headman), Mangmi (deputy) and no more than democratically elected 8 Tshogpas and is the highest decision-making body in the Gewog¹⁵.

- After a Gewog, in the LGI setup comes the Thromde. A Thromde is a municipality in general. A Thromde can be governed by a ThromdeTshogde and is of two types: (a) DzongkhagThromde which can be further divided into Class A and B Thromde and (b) DzongkhagYenlagThromde. This division is carried on the basis of the Constitution of Bhutan. A ThromdeTshogde is the highest decision-making body in the Thromde and consists of not more than ten elected members including the Thrompon (head of a Thromde)¹⁶.

All the 3 administrative units of the Bhutanese LGI work in tandem and submit reports to the government which in turn leads to the formulation and implementation of better policies. This in turn leads to democratic decentralization and promotes democracy in the whole of Bhutan.

Local Government Institutions and Environment Management in Bhutan

The earth is undergoing change currently fueled by rising human needs and this ongoing change is currently being viewed as a key issue that is a growing threat to the worldwide human community. This pressure has risen in view of the way that our standard exercises for the requirement for development and progress are inciting changes in the earth of the planet that thus is basically changing the general temperature of the planet. Environmental change, being a multidimensional issue requires help from any and each quarter. Environmental change has brought both the created and creating nations to the exchange table so as to diminish the effect through participation. Various bits of natural corruption and change have influenced the fiscal and political setting of the entire world. The development of a worldwide natural routine to handle the current issue has occurred yet because of troublesome governmental issues being polished there is nothing generous that has been done. Rising complexities between the North and the South have turned into a kind of Achilles ligament when it come fighting worldwide environmental change as the North observes cash as help and exchange of innovation as the answer for the issue and the South observe the current issue because of the advancement arrangements of the west and money in kind and mechanical development are the feasible answers for the issue of such an extent. Absence of agreement has just exasperated the current issue. In the light of recently referenced issues, Bhutan face a circumstance wherein one hand it has produce for its masses and on the other secure its condition

The natural environment is an indispensable piece of the Bhutanese theory. Being a Buddhist country, the nation has



arrangements that accentuation on specific parts of the Buddhist religion with one of them being the preservation and insurance of nature. According to religious convictions even before the coming of Buddhism in Bhutan, the earth is a piece of the soul world. Sullyng of nature prompts the demise of the sprits according to the conviction of pre-Buddhist religions. According to the Buddhist conviction, the earth and all other living creatures are to be regarded all together for the improvement of the country. For the country to advance, national development policy ought to be created by remembering the earth. Keeping this notion, the nation has accompanied previously mentioned strategies that guide in national advancement and the preservation and insurance of the earth all the while. Seeing the western method for advancement which prompts the annihilation of the earth, Bhutan has thought of possess improvement strategies. Improvement in the Bhutanese culture implies the obtainment of information. Picking up information could really compare to advancement subsequently prompting mutual improvement and eventually self-awareness¹⁷. In light of this perspective, the approach of Gross National Happiness (GNH) is pursued instead of the western model of Gross Domestic Product (GDP).

Based upon the views propagated through GNH, Bhutan has through its Local Government Institutions worked hard to preserve its natural and pristine environment. In the 2014 amendment to the 2009 Local Government Act of Bhutan, Section 49 (f) was amended to include the protection and promotion of culture, protection of the natural environment and cultural and historical sites¹⁸. In the 2009 Act, Chapter 4 which states the powers and functions of the Local Government, the LGI's have the power to undertake any activity that is in tandem with the laws and policies of the nation in order to conserve and enhance the environment under areas of their jurisdiction¹⁹. The 2009 Act further states that under the Regulatory powers and functions of the LGI's, the DzongkhagTshogdu shall be able to regulate water, air and noise pollution and other environmental debasement issues in accordance with the law²⁰. The ThromdeTshogde, which is the lowest in the Bhutanese LGI is also responsible when it comes to framing and enforcing rules for the protection of health and safety of the residents as well as protecting and preserving the quality of the environment of the Thromde²¹. The Thromde is also responsible for protecting and improving the quality of the city's environment by reducing noise pollution and protecting the cities green cover²²; protecting and promoting the environment of the Dzongkhag Thromde²³. In short, the LGI of Bhutan is tasked to aid in issues pertaining to public interest regarding the concerns related to the protection and preservation of the environment

IV. CONCLUSION

For democracy to prosper, there is needs to be decentralization of power. By having LGI in a democratic setup, the interaction between people and the government becomes much easier. Via the LGI's setup at grassroot levels; the rights of the people are maintained and the opportunity for an individual to develop properly opens up. These institutions are also necessary for the spreading of democratic ideals and thoughts as it leads to the

implementation of equality and liberty within a nation and thereby aids in the nation-building process; help raise awareness to issues pertaining to a particular area; reduces the work load on central and state governments; is made up of local people who are elected through a democratic process and since they are local the sorting of local issues becomes much more easier. In a nutshell, LGI's enable the local population to partake into local issues and come up with a solution locally.

The world has today turned out to be defenseless against environmental change. From a global perspective, threats are being perceived and measures are being taken to address the effect of environmental change. In any case, the issue of environmental change has neglected to make any political leap forward despite numerous meetings occurring and understandings being agreed upon. Dealings happen predictably yet at the same time there is an absence of any solid advance being taken. With the rate with which environmental change is occurring, it turns out to be significant for pioneers and approach creators to concoct certain arrangements and measures at both multilateral and provincial dimension to decrease the effect of environmental change.

South Asia is a standout amongst the most populated areas of the world and appearances a blend issues extending regional debates to the utilization of atomic innovation to the consistently expanding effect of environmental change in the locale. Security specialists state the district will encounter the effect of environmental change in the coming decade or thereabouts and along these lines making financial problems. South Asia is vulnerable to environmental change and can confront struggle over lessening regular assets. Because of environmental change, the area has felt an expansion in generally speaking temperature, change in precipitation examples and agribusiness is enduring a shot because of environmental change as precipitation designs are gradually changing because of which either dry season or flooding of the field happens.

In order to come up with solutions common to environmental issues, many of the South Asian nations have adapted the process of decentralization by setting up Local Government Institutions within their respective territorial boundaries. India and Bhutan are two prime examples of how democratic decentralization is way forward for providing solution to environmental issues. India and Bhutan, from ancient time have had a sort of decentralized network of government. In recent years, post-independence in India, the setting up of a decentralized network has garnered much interest. LGI's have setup in India and are currently working in tandem with the local populace of an area in order to mitigate issues pertaining to the debasement of the environment and its impact on the people.

Similarly, in Bhutan, from 1956 onwards there was a rudimentary form of LGI. In 1981, the process of decentralization was initiated by the Forth King brought forth many changes to the existing governmental setup and later in the landmark Local Government Act of Bhutan

2009, the formal institutions were setup with their respective rules and regulations. Of the many laws regarding the LGI's of Bhutan, laws pertaining to the conservation of environment has been enshrined in the system. This is so because the nation is Buddhist by nature and follows the concept of Gross National Happiness (GNH) rather than Gross Domestic Product (GDP) which is followed both regionally and globally. According to the Buddhist traditions and the GNH policy, protection of the environment is necessary and if the needs of the individual are taken care off then the individual is at peace; which in turn means that both man and environment are interconnected and the destruction of the environment will lead to the destruction to the human society itself.

To conclude, both nations are trying their very best to preserve their natural environment and at the same carve out a niche for themselves in this fast-paced developing world. To stay ahead in the game and at the same promote sustainable development and preserve their natural environment for future generations is on the top of the list.

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