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THE DECENTRALISATION PARADOX: COLONIAL LEGACIES AND DECOLONISING THE ADMINISTRATIVE MACHINERY IN POST-COLONIAL GOVERNANCE

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I. ABSTRACT

This study examines why grassroots participation in democracy within post-colonial nations remains unfulfilled, arguing that although the sovereign state displaced colonial rule, it did little to alter the internal state machinery and the administrative framework it inherited. The paper combines Mahmood Mamdani's bifurcation of the state with the institutional path-dependence models of Acemoglu, Johnson, and Robinson, in order to demonstrate how colonial institutions, created as instruments of resource extraction and social control, continue to constrain local autonomy. Treating the "Prefectoral" system, and in particular the long-standing office of the District Magistrate, as the principal obstacle to fiscal and administrative decentralisation, the research identifies a "Decentralisation Paradox": in the majority of circumstances, modern reform concentrates upon decentralising oppression by empowering local elites rather than the common people. The analysis further employs the concept of state-driven simplification developed by James C. Scott, together with the prestige-based influence exercised within the bureaucratic field theorised by Pierre Bourdieu, Loïc Wacquant, and Samar Farage, so as to emphasise the cultural dimension of bureaucracy as the source of a colonial-like distance separating the administrator from the local citizen. Methodologically, the study adopts a qualitative, comparative-historical design, examining India and Nigeria as contrasting colonial inheritances: the meritocratic "Steel Frame" of direct administration in the former, and the neopatrimonial order produced by Indirect Rule in the latter. The paper proceeds from the architecture of colonial control, through path dependence and bureaucratic

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stickiness, state simplification and the legibility gap, to a comparative case study and the paradox itself. It concludes that authentic local democracy requires a decolonisation of the bureaucracy, which at present continues to treat local populations as subjects to be distrusted rather than as citizens to be trusted.

II. KEYWORDS

Decentralisation Paradox, Colonial Legacy, Bureaucratic Field, Local Governance, Panchayati Raj.

III. THE ILLUSION OF HISTORIOGRAPHICAL DISCONTINUITY

The transfer of governance from imperial domination to an independent state in the mid-20th century is often defined in the political science realm as a radical breakthrough, a substantial shift in command at the national scale. A forensic look at the post-colonial state however will show that one may have changed the flags and national anthems but the inner workings of the state did not change much. The hypothesis of this research is that the continued stalling of grassroots democratic participation is not an administrative malfunction in modern times, but a legacy ³of the structural inheritance of what we call colonial administration.

This gives precedence to regulation and resource siphoning and not the local deliberation and representation.⁴ Although decentralisation is often promoted by the post-colonial states in contemporary settings, the culture of the top-down bureaucracy and profound mistrust of the local population are still the legacies of the empire. This has resulted in local bodies being frequently a part of the state and not a democratic entity of their own. The key dialectic of the research consists of the conflict between the imperial and the native institutions. The main argument is based on the principle of Institutional Path Dependence. According to us, the post-colonial nations have been put on the path of extractive colonial institutions that were initially established to siphon resources and control social life, which in turn undermines accountability to

³ Kohli, A. (2004). *State-Directed Development: Political Power and Industrialization in the Global Periphery*. Cambridge: Cambridge University Press.

⁴ Said, E. W. (1978). *Orientalism*. New York: Pantheon Books.

the local population, using the *Reversal of Fortune*⁵ framework by Acemoglu, Johnson, and Robinson. These schools were not meant to advance the people but the effectiveness of the metropole. This is because of their stickiness in the post-colonial times which is promoted by elites who could still keep the local government acts of colonial times to ensure centralisation is kept. One can find the sociological explanation of this question in the work that was written by one of the most outstanding theorists, Mahmood Mamdani, concerning the Bifurcated State.⁶

Mamdani posits that colonial rule created a structural separation between the largest urban population who were aided by the civil law and the rural population who were under the jurisdiction of the customary law. This dualism gave rise to the concept of fragmented autocracy whereby the state was governed by local representatives and not by its citizens in direct democracy. In the present day, this heritage ensures that even the local organs serving in modern times can retain their control character instead of being democratic entities.

This organisational schism is key to the realisation of why contemporary reforms tend to lead to the strengthening of local elites and not to the common people. Besides, the role of bureaucracy should be examined within the framework advanced by Pierre Bourdieu, Loïc Wacquant, and Samar Farage, namely the concepts of the bureaucratic field and of prestige-based influence.

An innocent superiority and distance characteristic of the pre-colonial civil service cultures continue to obstruct the system of democracy in the post-colonial states. This is embodied in the so-called "Prefectoral system, or in the position of the District Magistrate or Collector.⁷ How are these new positions literal extensions of colonial approaches to the purposes of regulation and resource siphoning?

⁵ Acemoglu, D., Johnson, S., & Robinson, J. A. (2002). *Reversal of Fortune: Geography and Institutions in the Making of the Modern World Income Distribution*. *The Quarterly Journal of Economics*, 117(4), 1231-1294.

⁶ Mamdani (1996), *supra* note 1.

⁷ Government of India, *State and District Administration (Fifteenth Report of the Second Administrative Reforms Commission, April 2009)*, ch 3 'The Institution of District Collector / Deputy Commissioner', 60-92.

This claim, is a result of a kind of Bureaucratic Stickiness⁸ that prevents, or inhibits, the effort by post-colonial elites to undermine ⁹the systems of high efficacy which they have inherited as a result of the empire.¹⁰ The criticism of Seeing Like a State by James C. Scott ¹¹also throws more light on how bureaucratic cultures are blind to the knowledge of the locals and the gravitation to a uniformised process with centrally-policed standards.

In trying to streamline local realities that are complex so that they can be read at the top and thus be handled by top management, the state is actually pacifying the grassroots involvement. This results in a Democratic Deficit, which is a deep-seated lack of alignment between the de jure ¹²constitutional requirements of empowerment and the de facto situation of weak, subservient local authorities. This is attested to by the reports of the World Bank¹³ which show this global discrepancy between formal policies of decentralisation and their actual practice. According to the research, there is a Decentralisation Paradox: ¹⁴unless colonial legacies are addressed, contemporary decentralisation can just become a decentralisation of tyranny. ¹⁵

Opponents believe that the decisions being decentralised and giving more powers to local bodies without transforming the administrative DNA is simply giving a chance to the local elites to seize the institutions. This paper uses qualitative research by conducting a comparative historical study of such states as India or Nigeria ¹⁶to

⁸ Grewal, I. (2016). The Masculinities of Post-colonial Governance: Bureaucratic Memoirs of the Indian Civil Service. *Modern Asian Studies*, 50(2), 602-635.

⁹ Kwarkye, T. G. (2021). Between Tradition and Modernity: Customary Structures as Agents in Local Governance in Ghana. *Africa Spectrum*, 56(1), 100-118.

¹⁰ Faguet, J.-P. (2014). Decentralization and Governance. *World Development*, 53, 2-13.

¹¹ Scott (1998), *supra* note 3.

¹² Jayal, N. G. (2001). *Democracy and the State: Welfare, Secularism and Development in Contemporary India*. New Delhi: Oxford University Press.

¹³ World Bank. (2017). *World Development Report 2017: Governance and the Law*. Washington, DC: World Bank.

¹⁴ Faguet (2014), *supra* note 12.

¹⁵ Mamdani (1996), *supra* note 1.

¹⁶ Cohn, C. (2013). India and Nigeria: Similar Colonial Legacies, Vastly Different Trajectories: An Examination of the Differing Fates of Two Former British Colonies. *Cornell International Affairs Review*, 7(1).

understand how various coloniser administrative DNAs still in the present day choke real power at the local level.

The period includes both the late-stage colonial reforms (the so-called civilising mission) and the present decade of the so-called Third-Tier democratic reforms. Finally, it is not only a lack of funds and legal vagueness, but an ingrained systemic tradition. In most post-colonial states, local governments are feeble, financially poor and subservient to the central bureaucracies.¹⁷

This stalling is evidence of a condition that still considers its rural population as its subjects, but not its citizens. Local democracy can only be truly installed by a basic decolonisation of the bureaucratic culture that is, a shift from a model of regulation and resource siphoning to one of local deliberation and fiscal independence. As it is concluded in this paper, it cannot be achieved since the prefectural logic of the empire is the main administrative nexus, and as long as prefectural logic is dominant, one cannot reach a modern, impersonal state: attaining modern institutional stability.¹⁸

A. Research Objectives

1. To examine the extent to which the administrative architecture of the post-colonial state reproduces the colonial logic of regulation and resource extraction.
2. To identify the institutional mechanisms, namely prefectural oversight, fiscal centralisation, and bureaucratic prestige, through which that inheritance obstructs the devolution of effective power to local bodies.
3. To establish, through a comparative reading of India and Nigeria, that divergent colonial administrative models converge upon a common contemporary outcome in the stalling of local democracy.

¹⁷ Crook, R. C., & Manor, J. (1998). *Democracy and Decentralisation in South Asia and West Africa: Participation, Accountability and Performance*. Cambridge: Cambridge University Press.

¹⁸ Fukuyama, F. (2011). *The Origins of Political Order: From Prehuman Times to the French Revolution*. New York: Farrar, Straus and Giroux.

4. To articulate the Decentralisation Paradox as an analytical framework that explains why formal decentralisation reforms empower local elites rather than the general population.
5. To determine what a decolonisation of the administrative machinery would require in constitutional, fiscal, and personnel terms.

B. Research Questions

1. In what manner does the colonial administrative inheritance continue to structure the relationship between the central state and the local body in post-colonial jurisdictions?
2. Why do constitutionally mandated decentralisation reforms, such as the Seventy-third and Seventy-fourth Amendments to the Constitution of India and section 7 of the Constitution of the Federal Republic of Nigeria, 1999, fail to translate de jure empowerment into de facto autonomy?
3. What part do the prefectoral office, the fiscal architecture of the state, and the symbolic capital of the civil service play in sustaining that failure?
4. Do the differing colonial strategies pursued in India and Nigeria generate differing contemporary outcomes, or a common structural ceiling upon local democracy?
5. What reforms are required if local government is to operate as an autonomous theatre of democratic life rather than as an administrative appendage of the state?

C. Research Methodology

The study is qualitative, doctrinal, and comparative-historical. It is doctrinal in so far as it examines constitutional provisions, local government legislation, judicial pronouncements, and official commission reports governing the third tier in each jurisdiction. It is comparative-historical in so far as it traces institutional continuity across two periods, namely the late-stage colonial reforms and the contemporary wave of Third-Tier democratic reform.

India and Nigeria have been selected on a most-different-systems logic. Both are former British possessions in which the third tier enjoys express constitutional

recognition, yet each inherited a distinct administrative model: the centralised, meritocratic Steel Frame of direct administration in India, and the Indirect Rule that produced a neopatrimonial order in Nigeria. Divergence in colonial method coupled with convergence in contemporary outcome permits the inference that the blockage is structural rather than incidental to any single colonial technique.

The source base is confined to primary materials, comprising constitutional texts, statutes, judicial decisions, and government reports such as the Fifteenth Report of the Second Administrative Reforms Commission, together with peer-reviewed secondary scholarship in political sociology, comparative politics, and development economics. The study undertakes no fieldwork and advances no quantitative claim; its conclusions are interpretive and institutional in character.

IV. THE ARCHITECTURE OF CONTROL

Colonial Governance relied on a fundamental division between the citizen and the subject. In this dualistic system, the colonial administration-maintained control over its colonial subjects by bifurcating the lives of the governed into the categories of citizen and subject. In this regard, Mamdani¹⁹ argues that the African colonial state had a distinctive structure bifurcated between the “civil” and the “customary.” In the civil sphere courts governed urban mostly European citizens through European laws, while in the customary sphere “traditional” authorities governed rural mostly indigenous subjects through customary law. Thus, the colonial state was constituted through a racialized distinction between citizen and subject. Mamdani's histographical study centers on South African Administration.

He pierces the exceptionalism of South Africa by introducing decentralized despotism pointing to its origins in Natal in the late nineteenth century. In the Natalian system of “indirect rule,” a single European administrator ruled African subjects through traditional authorities (“chiefs” or “headmen”) appointed over each ethnic group (“tribe”). The chiefs administered their tribe through its particular “customary” law. Customary law was distinct from civil law (Mamdani's term for common and

¹⁹ Mamdani (1996), *supra* note 1.

statutory law applied to white citizens) since it was arbitrarily administered without / with very limited appeal to judicial review. For Mamdani, decentralized despotism is the enduring legacy of a century of colonial rule in Africa. European rulers imposed it in various forms across the continent to reconstitute society as the aggregate of tribalized units ruled by the arbitrary discretion of authoritarian administrators. Decentralized despotism reached its apotheosis in South Africa with the extreme form of apartheid, which created discrete territorial “homelands” for each distinct African ethnic group.²⁰

Mamdani argues that the colonial apparatuses rested on a dualism of power, which was exercised differently in both the rural and the urban areas. The cities were ruled directly, but in the countryside, administration relied on fragmented autocracy, wherein indigenous leaders, chosen by the state, or in some cases created by the state (zamindars), were selected to rule the ethnic homelands, based on their cooperation with the state apparatus to impose order on the subjects, ensuring that they do not disrupt minority rule. The. Minority rule ‘s reliance on Ethnic native authorities has led to a crisis of legitimacy where Africa ‘s postcolonial successors failed to achieve true decentralisation as efforts to reform the states tended to weaken one aspect of the two colonial legacies while empowering the other, thus creating their own forms of de centralised despotism²¹. At the outset of colonialism, rule was de racialised but fragmented autocracy remained a staple of the newer independent administrations. ²²

The Dualism of Power rests on the pillar of Customary Law. Customary law refers to the principles, rules, customs, and practices of a certain local ethnic community that are accepted by its members as binding.²³

²⁰ Kirkby, C. (2018). Citizen and Subject: On Historicizing Constitutional Law. *International Journal of Constitutional Law*, 16(1), 282-286.

²¹ Spears, I. S. (1997). Review of *After Colonialism: Imperial Histories and Postcolonial Displacements* and *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. *Canadian Journal of Political Science*, 30(1), 177-179.

²² Friedman, S. (2021). *Prisoners of the Past: South African Democracy and the Legacy of Minority Rule*. Johannesburg: Wits University Press.

²³ Sippel, H. (2022). *Customary Law in Colonial East Africa*. *Oxford Research Encyclopedia of African History*. Oxford: Oxford University Press.

Customary law has in varying degrees been recognized as forming part of the local law of almost every British territory, but such retention has not always been uniform. Whereas the customary law, which is the law of the natives, was to be applied by the Native Courts. The cohabitation of the two separate systems of law has produced a layer of friction that is quite distinct from that of private international law, whereas the latter is concerned with choosing between different territorially based systems of law, whereas the former is concerned with choosing between systems of law that apply concurrently without spatial distinction within a single territorial jurisdiction.²⁴

As a result of the existence of this dual system of courts, internal conflicts of law remained obscured. A party having a remedy under native law, sought said remedy at the native ²⁵courts, while the party having a remedy under European laws, sought said remedy at the European courts. Although the European courts were empowered by statute to apply native laws, on a reading of the native court cases, one may not err in the assumption that the choice of courts, nearly always carried with it the choice of laws.

To assess the application of customary laws, the main tenets are: what persons are subject to the laws. ²⁶It is an essential tenet of an architecture of control which led to a subjugation of traditional authority and a transformation of fluid laws to a rigid code which empowers the the taxman to make the population legible for taxation. This silenced a genuine de centralised power structure and subjugated it to a central process. It paved the way for extractive institutions which siphoned off wealth to the centre as was seen in Bengal in 1943, where the siphoning off of rice and grains from Bengal to fuel the war, saw millions of peasants starving to death. ²⁷ Central to this was the Prefectorial system, born out of a desire to create a modern civil

²⁴ Agbede, I. O. (1972). Conflict between Customary and Non-Customary Systems of Law: Preliminary Observations. *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, 5(4), 415-422.

²⁵ Ibid.

²⁶ Allott, A. N. (1960). *Essays in African Law, with Special Reference to the Law of Ghana*. London: Butterworths.

²⁷ Patnaik, U. (2018). Profit Inflation, Keynes and the Holocaust in Bengal, 1943-44. *Economic and Political Weekly*, 53(42).

administration answerable to central government.²⁸ Such prefects, provided a top-down executive presence that bypassed local deliberation.

V. PATH DEPENDANCY AND BUREACRATIC STICKINESS

A. The Logic of Continuity: Stability through Sovereignty

As much as decentralisation is marketed as an omnipotent solution to colonial excesses, it in many cases carries a deep-seated contradiction.²⁹ Empowering a land still ruled by shadows of imperial structures, only results in the transfer of authority to the local elite or strongmen.

The break of independence in the post-colonial state is romanticized as a point of complete institution recreation. But the materialistic fact of fast-rising national elites was altogether more conservative. During the turbulent years after the departure of the imperial powers the main agenda of the new leader was not to automatically de-empower the country but rather to maintain national territoriality and stability within its administration. To do this, governments established in the aftermath of colonization often maintained the colonial-era³⁰ local government acts most famously the so-called Prefectoral system embodied by the District Magistrate (DM) or Collector.

This Logic of Continuity was sped by a fear of centrifugal forces -ethnic tensions, secessionist movements and social upheaval- which were to threaten the newly-born state. The state tore off the garlands, preserving its colonial administrative clockwork, so that it could have a direct, top-down connection between the capital and the farthest village. The District Magistrate continued to be the eyes and ears of the center, a position initially created by the British Raj and other empires to throttle local opposition and the hassle-free running of money. As a result, the tools that were employed to oppress the populace were now repackaged as national development

²⁸ van der Burg, M. (2021). *Napoleonic Governance in the Netherlands and Northwest Germany: Conquest, Incorporation, and Integration*. London: Palgrave Macmillan.

²⁹ Faguet (2014), *supra* note 12.

³⁰ Government of India, *State and District Administration* (2009), *supra* note 9.

tools, which produced a structural form of stickiness with an emphasis on central control over local democratic independent decision-making.

B. The Real Extractive Trajectories: The Reversal of Fortune

These structures are preserved, which can be described in terms of Institutional Path Dependency. The nature of colonial institutions depended on the colonializer mortality of the setts and the economic goals of the colonizer³¹ (Daron Acemoglu, Simon Johnson, and James A. Robinson 2001) as they argue. The empire introduced the idea of extractive institutions in areas where the environment was conducive to extracting resources instead of settling down.

The main constituents of these institutions were high concentrations of power, and the absence of checks and balances on the ground.³² Once these structures are in place, the country is sent down a path-dependent course. The new ruling class after the departure of the colonizer had extractive incentives. To move towards the structure of local responsibility would be to break down the very tools that enable the center to seize local resources and political devotion. Therefore, local democracy cannot be paralyzed by policy failure, but this is a side effect of an institutional price in the national DNA that holds back local accountability to accommodate the extractive power of the state.

C. The Bureaucratic Field Bourdieu and “prestige-based influence”

To see the reasons why the civil service is unwilling to decentralize, we need not look far but within the sociology of bureaucracy itself. Applying the concepts proposed by Pierre Bourdieu, Loïc Wacquant, and Samar Farage (1994) in their co-authored article on the genesis and structure of the bureaucratic field³³, the state in question can be viewed as a constitution allowing to contend and dominate over the control of the right to employ a canon form of symbolic power. The post-colonial civil service was awarded not only the offices of the empire, but also its "prestige-based influence"

³¹ Acemoglu, Johnson, & Robinson (2001), *supra* note 2.

³² *Ibid.*

³³ Bourdieu, Wacquant, & Farage (1994), *supra* note 4.

prestige, language and cultural markers of the administrator as separate and superior to the citizen.

The civil service (like the IAS in India) remains more or less colonial in many post colonial societies. This organizational excellence is a kind of prestige-based influence to reason in favor of preserving the power in the hierarchical level. When today local elected governments seek to exercise power, they tend to experience bureaucratic stickiness: an institutional inertia in which professionally minded career officials consider local politicians to be either unprofessional or corrupt. This deadening of the immediate citizenry is not a chance incident; it is the means whereby the bureaucratic field safeguards its independence and preeminence, against the usurpation of grassroots democracy.

D. The Difficulty in "attaining modern institutional stability"

The final dilemma of post-colonial states as defined by Francis Fukuyama (2011)³⁴ is the huge task of attaining modern institutional stability, i.e. becoming a modern, impersonal and rule of law-based state. According to Fukuyama, political order means that there is a balance between state-building, rule of law, and accountable government. Yet, the "Prefectoral" systems adopted under the empire are "high-capacity tools of top-down administration, but low-capacity tools of representation.

These mechanisms are so powerful in keeping order, that the post-colonial elites do not find it appropriate to overturn them. It means that to become a representative state, its center has to willingly abandon its best instruments of power. This poses a kind of paradox in that the strong structure of the inherited colonial government becomes an obstacle to democratic development. The state is still confined in a high-modernist school of administration in which the emphasis is on legibility and control over the untidy and uncertain individual deliberation of locality.

³⁴ Fukuyama (2011), *supra* note 20.

E. The Administrative Link and Its weight

It is shown that the stalling of local democracy is part of a calculated, yet perhaps defensive, ³⁵preservation of local structures of the colonial period. The dependency formed by extractive institutions also provides the path dependency coupled with the sociological resilience of the bureaucratic field so that the administrative connection is subject to central control and not local empowerment. Until the “prestige-based influence of the civil service is decoupled with the imperial prefect legacy, the shift to an imperceptibly independent (as opposed to constitutional as of right) Third-Tier of government will remain a constitutional commitment and not a factual one.

VI. THE STATE SIMPLIFICATION AND THE LEGIBILITY GAP.

A. The High-Modernist Gaze: Seeing like a State

It is not the lack of resources but the inherent perceptual gap between the central state and the local population which is the major barrier to the process of genuine local democracy. The state needs what James C. Scott (1998)³⁶ calls of legibility, a process that simplifies and standardize administrative types of complexes, organic social realities. This high-modernist project was refined in the colonial time, where the imperial center aimed to map and classify different populations in order to tax, enlist, and control the society, as well.

This legacy is reflected in the post-colonial sense in the form of an administrative grid as practiced by the state on the local people. The state does not perceive the village as a living system of relations; a revenue unit or a statistical demographic is perceived by the state. It is also a simplifying principle of a top-down bureaucracy, which has a devastating Legibility Gap. In the process of simplifying the richness of local life into stream of readable bits of information, the state has in effect silenced the very involvement in the grassroots it is purportedly trying to encourage. Bureaucracy makes sure the administrative efficiency is brought to the fore at the expense of democracy when the bureaucracy supports the use of the map rather than the terrain.

³⁵ Scott (1998), *supra* note 3.

³⁶ *Ibid.*

B. Marginalizing: Metis, People, Grassroots Wisdom

These administrative silences are carefully planned; they are the deliberate debasement of metis, the experience-based local knowledge, which is determined by any given circumstance. Scott maintains that the fact of metis is always messy, fluid, and can not be standardized. However, since it is difficult to quantify and report any metis in any spreadsheet centrally managed, it is perceived by the state bureaucracy as informal, unreliable or even subversive.

Many post-colonial countries experience the so-called "Bureaucratic Stickiness"³⁷ of their civil service, with an associated culture that actively revered the central processes and the standardization of local knowledge to a central-controlled approach. This brings up a knowledge hierarchy in which the knowledge of the administrator of the urban environment, the "prestige-based influence" of such a person, which includes degrees and technical manuals, is applied to suppress the common sense of the local citizen. The attempt of so-called indigenous institutions to set particular local priorities like the Indian Panchayats or the traditional Ghanaian structures is often dismissed in the name of being unprofessional or incapable of governance. This relegation of metis is a guarantee that the local form of democracy is always a blank empty vessel, where the people are represented instead of expressing themselves.

C. Decentralization through Centralization: The Fiscal Bottleneck

The greatest physical expression of this requirement of legibility is in the fiscal architecture of the state. Even though the post-colonial states of today base their ideologies on the promotion of decentralization processes³⁸, they tend to practice what scholars sometimes refer to as Centralized Decentralization. This model gives either local body the right to deliver services but not the right to manage their fiscal matters.

The state pre-occupation with legibility is the reason why the local bodies are unable to be granted fiscal freedom as it requires a standardized system of financial reporting. Money is frequently not allowed to circulate freely in the economy and must be

³⁷ Kohli (2004), *supra* note 5.

³⁸ Faguet (2014), *supra* note 12.

allocated to particular centrally-specified projects, and this way, the local body ends up being a simple implementation organ and not a policy making organ. This approach to standardized audits instead of local priority setting would imply that a village council may be compelled to construct an unnecessary community center since it appears on a sheet of paper next to a "line item" even though local protestation would indicate that there is a small-scale irrigation repair necessary. Such fiscal bottleneck will make the Third Tier of government continue being just an extension of the state, as it must stay beneath the financial legibility requirements of the central bureaucracy.

D. Administrative Alienation: De Jure vs. De Facto Divide

The ensuing Administrative Alienation poses a vast distance between the de jure local empowerment requirements in the constitution and the de facto fate of subservience. The local body theoretically is a place of democratic action; practically it is a place of bureaucratic control. This "Democratic Deficit" as Niraja Gopal Jayal ³⁹speaks of is the direct result of the tendency of a bureaucratic culture to serve the needs of the center rather than the needs of the local community.

This alienation has its foundation on the Colonial Administrative DNA that continues to prevail in the civil service. The field of bureaucracy plays the card of its monopoly of the concepts of the legality and standardization in order to stay out of reach of the population and establish the order in which the local citizen is treated as a suspect inherently. The continued existence of the logic of the Prefect- the District Magistrate, Collector, with the ultimate judgment of local matters put on his hands, is the last structural bottleneck. As a result, even the most innocent reforms on the issue of decentralization are prone to devolving tyranny because instead of the general population, it empowers the local elites who know how to maneuver their way through the legible categories in the state.

³⁹ Jayal (2001), supra note 14.

E. Dismantling the Grid

It is argued that the real local democracy cannot prosper under a condition where most of the main relations that the state has with its locality are based on the simplification and legibility. This paralysis of the grassroots engagement is not a defeat of the people, but a defeat of a state formation which does not want to look outside of its own administrative shorthand. The only solution to this is radical decolonization of the post-colonial governance ⁴⁰that is the abandonment of the high-modernist fixation on standardized control in favor of an actual adoption of local metis and fiscal autonomy. It is the local body only by breaking through the barrier of the so-called grid of administration that it can turn into an independent theater of democratic life.

VII. CASE STUDY: DIVERGENT PATHS, SAME CONCLUSIONS

The ghost of empire is more evident, perhaps, not in the majestic edifices of capital cities, but in the smallest of intercourse between a citizen and a local official. Although the independence movements of the mid-20th century promised a radical shift in the balance of power, the administrative structures formed in India and Nigeria reveal more of a story of continuity. Using a comparative historical analysis of these two post-colonial heavy weights we can see how the Colonial Administrative DNA has evolved in various circumstances to handle a remarkably close output: the freezing of local democracy.

A. The Framework: Fragmented vs. Neopatrimonial States

As to why local power is still bottlenecked, we need to refer back to the strategies adopted in state-building that were used in the late colonial era. Atul Kohli (2004) ⁴¹claims that the legacy of an empire is not a single entity; it is a particular set of institutional blueprints according to which one says that power is concentrated.

⁴⁰ Chatterjee, P. (2004). *The Politics of the Governed: Reflections on Popular Politics in Most of the World*. New York: Columbia University Press.

⁴¹ Kohli (2004), *supra* note 5.

The British set up a fragmented-multiclass state in India. This was marked by an extremely professionalized, meritocratic civil service, the Steel Frame, which was meant to ensure order over a large, diverse subcontinent and promote extraction. In Nigeria, on the other hand, the colonial policy was more based on the principles of Indirect Rule and establishing a so-called neopatrimonial state, whereby local government was devolved to select intermediaries.

However, despite the fact that these strategies varied in their implementation, the principles behind them were the same: local deliberation could not pose a threat to central stability. According to the work of Kohli, the bottlenecks formed by these decisions made in the very first stages of institution building remain to limit the flow of power down to the grassroots in the present-day era.

B. The Indian Context the Steel Frame and the Shadow of the Collector

The Indian landscape retains one of the most enduring colonial artefacts: the office of the District Magistrate or Collector. The tension between the constitutional promise of Panchayati Raj and the historical fact of the prefectoral office of the Collector continues to characterise contemporary Indian local governance.

Both the 73rd and 74th Constitutional Amendments were aimed at bringing back life to the so-called Third Tier of democracy, to give local authorities the *de jure* authority over their own. But the facts on the ground are still ones of subservience.⁴² The Indian state has an Administrative DNA, one that still privileges the executive supervision of the Collector⁴³, a position whose original purpose was that of the sovereign representative in the hinterlands.

The Collector is, as always, the key figure of the state, a representative of the bureaucratic culture of distance and prestige-based influence. This leaves a situation

⁴² Acemoglu, D., & Robinson, J. A. (2012). *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*. New York: Crown Business.

⁴³ Jayal, N. G., Prakash, A., & Sharma, P. K. (Eds.). (2006). *Local Governance in India: Decentralisation and Beyond*. New Delhi: Oxford University Press.

that is characterized by elected local representatives having to frequently seek the favor of a career bureaucrat in order to be able to affect even the smallest of projects.⁴⁴

This institutional bottleneck is essential in keeping the local governments as ineffective and insignificant appendages of the state, which are underfunded, and simply do not have the structural capacity without which they cannot exert genuine autonomy.

C. African Experience: Traditional Hybridity and Indirect Control

Another example of colonial persistence is Institutional Hybridity, shown by the example of the African experience, which is attested by the work of Thompson Gyedu Kwarkye (2021⁴⁵) in Ghana, an example that has followed the Nigerian path. In the British policy of the Indirect Rule, local institutions were not removed; they were incorporated.

According to Kwarkye, the traditional customary structures were compelled to adjust to the colonial pressure resulting in what he calls hybrid systems of governance. The colonial state frequently used these structures as a relay by which to control the subjects in the rural area. This has resulted in the so-called Decentralization Paradox of the post-colonial era: while modern reforms intended to empower local population invariably go in the opposite direction of empowering these traditional-turned-administrative elites.

In Nigeria, such hybridity has been projected in decentralized despotism as explained by Mahmood Mamdani⁴⁶. A local government is no place of democratic deliberation, but a place of patronage, where the central state employs local equivalent of Big Men to uphold social order. The "legacy" does not exist within a strict Steel Frame, but in a neopatrimonial network fluid that is much more loyal to the center than to the local community.

⁴⁴ Ibid.

⁴⁵ Kwarkye (2021), *supra* note 11.

⁴⁶ Mamdani (1996), *supra* note 1.

D. Comparative Stalling the Structural Ceiling

The "stalling" of local democracy can be viewed as a similar phenomenon when we juxtapose India and Nigeria, though they have distinct administrative styles. In both countries, there is the presence of a so-called structural ceiling that does not allow local authorities to call into question the central bureaucratic control.

The Decentralization Paradox ⁴⁷applies appropriately in both situations: unless the tasks of the administrative DNA of the colonial order are eliminated, the contemporary reformations will only decentralize the tools of repression. Local realities must be simplified into manageable, top-down categories to satisfy the demands of the state in its quest to establish its legibility, as theorized by James C. Scott. It does not matter whether it is the standardized report of an Indian Collector, or whether it is the patron-based stability of a Nigerian local council, the outcome remains the same: silence of the grassroots knowledge and alienation of the local citizen.

E. Synthesis: The Ghost in the Machinery

Finally, the relative stalling of local democracy in India and Nigeria demonstrates that the Administrative DNA of the state is incredibly resilient⁴⁸. The transformation of the subject into citizen is not fully accomplished as the state machine was never actually decolonized.

It is not the people who have faltered in their democratic spirit, and the so-called stalling is a plan of an inherited Government which looks down upon the local population as innately suspect. To end this cycle, post-colonial States need not just enact Decentralization Acts but overturn the logic of the Prefectoral that constitutes the administrative relationship between the center and the periphery. Local government can only become a genuine theater of democratic life by expelling the colonial ghost out of the machineries of the state.

⁴⁷ Faguet (2014), *supra* note 12.

⁴⁸ World Bank (2017), *supra* note 15.

VIII. THE DECENTRALIZATION PARADOX

A. The Spectre of Decentralised Despotism

The drive towards decentralization today is touted as universal drug to the evils of the post-colonial state- a democratic panacea meant to deliver governance directly to the doorsteps of the marginalized. But analyzed in the stern light of political Sociology this movement is pregnant with a curious and frightening irony. Decentralization in the context of a topography that is marred by colonial structural legacies does not, necessarily, lead to empowerment as Jean-Paul Faguet (2014) and Mahmood Mamdani (1996) eloquently argue. Rather, it often assists in the decentralisation of dictatorship.

Mamdani, his thesis of the Bifurcated State is the necessary point of departure. During the colonial period, the so-called customary law was applied in order to establish some sort of decentralized despotism, i.e. to allow local go-betweens to have the unfettered authority over the rural subjects with the consent of the central imperial government. Unless modern states uproot these underlying social inequalities by relinquishing power, they risk entrusting the keys of local institutions to the same elites who enjoyed the old regime of power⁴⁹. Here, decentralization turns out to be a weapon of elite capture, as⁵⁰ the local despot is placed in the stead of the distant bureaucrat and serves precisely the same purpose.

B. The Appendage Problem: Sovereignty vs. Implementation

The second aspect of the paradox is the functional character of the local bodies. Although local governments in post-colonial states are praised as being democratic units of the Third Tier, many of the governments are simply an extension of the state⁵¹.

⁴⁹ Bardhan, P., & Mookherjee, D. (2000). Capture and Governance at Local and National Levels. *The American Economic Review*, 90(2), 135-139.

⁵⁰ Véron, R., Williams, G., Corbridge, S., & Srivastava, M. (2006). Decentralized Corruption or Corrupt Decentralization? Community Monitoring of Poverty-Alleviation Schemes in Eastern India. *World Development*, 34(11), 1922-1941.

⁵¹ Manor, J. (1999). *The Political Economy of Democratic Decentralization*. Washington, DC: World Bank.

The center employs them as subservient units to implement projects, instead of the perceived autonomous theaters of policy-making.⁵²

This Appendage Problem has all its bases in the Colonial Administrative DNA that this research identifies. Historically colonial local government was structured to help in regulation and resource siphoning, as opposed to local deliberation. This DNA lives on in the modern world in a culture of Centralized Decentralization where the center still holds the power of the purse and the power of ultimate decision making but transfers only the administrative cost of delivery. Local councils are ensnared in a dependency process, drained and insignificant before central bureaucracies that think that local consultation interferes with effective, top-down management.

C. Structural Bottlenecks: The Things Fall Apart, DNA of Control.

An intensive study of Local Government Acts on colonial times and that of modern Decentralization is an eye opener which shows a shocking absence of a fundamental change. The legal structure of top-down regulation has changed very little, although the language of "citizenship" has taken the place of the language of subjecthood. The institutional bottlenecks⁵³ restricting the exercise of real power by local councils are entrenched in the legislation that is intended to give them the strength.

The nearest legal connection which keeps up this colonial distance is the "Prefectoral" system in personification of which is the District Magistrate or Collector. Current legislation frequently has a clause of oversight permitting the central or provincial government to abolish local authorities or to veto their determinations on principles of excellence or of national interest. These legal provisions are straight extensions of the "Instruments of Instruction"⁵⁴ with which imperial governors attempted to check the local boards. As a result, the legal DNA of the state is still being programmed to be controlled, so that the "Administrative Link" instills the autonomy of the community into an index of autonomy.

⁵² Oates, W. E. (1999). An Essay on Fiscal Federalism. *Journal of Economic Literature*, 37(3), 1120-1149.

⁵³ Heller, P. (2001). Moving the State: The Politics of Democratic Decentralization in Kerala, South Africa, and Porto Alegre. *Politics & Society*, 29(1), 131-163.

⁵⁴ Crook & Manor (1998), *supra* note 19.

D. The Democratic Deficit: Decree Promises versus Decree Realities

Niraja Gopal Jayal (2001)⁵⁵ has described this lack of connection as a deep-rooted "Democratic Deficit" in the South Asian setting, but the phenomenon can be found the world over in the post-colonial world. This is the difference between the *de jure* (legal) constitutional requirements of empowerment and the *de facto* (actual) situation of weak, subservient local bodies. The local body is technically an animated location of secularism, welfare and democratic involvement; in reality it is a barren administrative shell.⁵⁶

This is made worse by the so-called Bureaucratic Stickiness discussed in previous chapters. The civil service, with its prestige-based influence, produces a space in which local elected officials are seen as unprofessional interlopers in the science of administering the business. The outcome is a bogged down democracy where the people are invited to vote but are not in the process of exercising their power. And this is not a failure of administration alone but rather a betrayal in the spirit of the post-colonial promise. State still views its local people through the simplifying grid of the empire, in effect silencing local level politics in favor of centrally-managed processes with legibility.

E. A Decolonized Local Democracy

The lesson of the Decentralization Paradox is that, to stay deliberate locally, one has to be given locally; central authorities have to pull out the structural legacies that perceive the local as someone to be distrusted, rather than someone deserving of trust. The halting of a local democracy is the foreseeable side effect of an administrative connection that has never been actually decolonized.

Since we have worked back in the Bifurcated State of the 19th century into the Centralized Decentralization of the 21st, the fight is the same: The fight is to change Subjects into Citizens. Achieving a modern, impersonal condition, attaining modern institutional stability requires that post-colonial countries are ready to progress

⁵⁵ Jayal, Prakash, & Sharma (2006), *supra* note 45.

⁵⁶ Bevir, M. (2010). *Democratic Governance*. Princeton: Princeton University Press.

beyond the cosmetic changes of the Third Tier and implement a radical reorganization of the sphere of bureaucracy. It is only by dismantling the "Prefectoral" argot of the empire and recognizing the messiness and fluidity of the local metis that local governance can cease being a kind of gangling appendix and emerge as an autonomous, living stage of democratic life.

IX. SUGGESTIONS AND RECOMMENDATIONS

The diagnosis advanced in the preceding sections, namely prefectoral oversight, fiscal centralisation, and bureaucratic prestige, yields a corresponding set of reform proposals. These are directed at the administrative link itself rather than at the rhetoric of devolution.

- 1. Redefining the prefectoral office:** The statutory powers of supervision, approval, and veto exercised by the District Magistrate or Collector over panchayats and municipalities should be withdrawn and the office confined to law and order, land revenue, disaster management, and electoral duties, as the Second Administrative Reforms Commission proposed when it recommended a redefinition of the Collector's role⁵⁷. In Nigeria, the corresponding reform lies in the legislative abolition of the State Joint Local Government Account, the Supreme Court having already held in July 2024 that allocations must be paid directly to the councils.⁵⁸
- 2. Binding fiscal devolution:** The recommendations of State Finance Commissions constituted under Articles 243-I and 243-Y of the Constitution of India should be laid before the legislature together with an explained action-taken report within a prescribed period, and a proportion of devolved funds should be transferred as untied grants. Local bodies must further be assigned an independent and buoyant source of taxation, since a body that cannot raise revenue cannot set priorities.

⁵⁷ Government of India, State and District Administration (2009), *supra* note 9, recommendation on redefining the Collector's role.

⁵⁸ Attorney-General of the Federation v Attorney-General of Abia State (Supreme Court of Nigeria, judgment of 11 July 2024).

3. **Completing activity mapping:** The subjects enumerated in the Eleventh and Twelfth Schedules, and in the Fourth Schedule to the Nigerian Constitution, should be devolved by statutory activity mapping that transfers functions, funds, and functionaries together, so that the local body ceases to be a mere implementing agency of centrally designed schemes.
4. **Reforming recruitment and training:** A dedicated local government service cadre should be constituted, accountable to the elected council rather than to the district administration, and compulsory secondment of senior civil servants to panchayat and council establishments should form part of career progression. Training curricula must treat local knowledge as a resource rather than as an obstacle to standardisation.
5. **Securing accountability alongside autonomy:** Because devolution in an unequal society risks elite capture, these measures should be accompanied by mandatory social audit, functioning gram sabhas and ward committees, and timely independent audit of local accounts. Autonomy without accountability would merely relocate the problem the paper identifies.

X. CONCLUSION: THE SHADOW OF THE EMPIRE

It is not just a product of historical inertia that the Long Shadow of Empire continues to affect post-colonial local governance; this is a calculated structural fact, which has been preserved by a kind of colonial administrative DNA, which is inherited. This study has revealed that the break of imperial hegemony into sovereign statehood did not significantly overturn the internal apparatus of the state and retained a system of bifurcated state that has remained to separate urban and rural people as individual citizens and subjects respectively.

The main conclusion of this research is the so-called Decentralization Paradox, the absence of which makes the efforts of modern radicals to empower the population unintentionally decentralize tyranny by empowering the local elites to the detriment of the masses. This paralysis of democracy is reinforced by loan stickiness which is a form of bureaucratic sloganeering where the post colonial elites have ensured that they maintain systems of the colonial era, most prominently the Prefectoral position

of the District Magistrate, to ensure that they are in central control and command over finance. As long as the "bureaucratic field" continues to apply its prestige-based influence to estrange the local knowledge (*metis*), the third level of government will simply exist as an extension of the state but not an independent democratic entity.

Finally, the process of reaching a modern, impersonal nation that I call attaining modern institutional stability must go beyond the constitutional requirements, it must include a fundamental epistemological decolonization of the administrative connection. The state has to forego its obsession with high-modernist concept of legibility as well as top-down control in favor of the actual fiscal and administrative freedom. It is only under the conditions of the rupture of the prefectal logic of the empire that local government is turned into a device of extraction, on the one hand, and transformed into a creative laboratory of deliberation at grassroots, on the other, into the life of real democracy.

XI. BIBLIOGRAPHY

1. Acemoglu, D., & Robinson, J. A. (2012). *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*. New York: Crown Business.
2. Acemoglu, D., Johnson, S., & Robinson, J. A. (2001). The Colonial Origins of Comparative Development: An Empirical Investigation. *The American Economic Review*, 91(5), 1369-1401.
3. Acemoglu, D., Johnson, S., & Robinson, J. A. (2002). Reversal of Fortune: Geography and Institutions in the Making of the Modern World Income Distribution. *The Quarterly Journal of Economics*, 117(4), 1231-1294.
4. Agbede, I. O. (1972). Conflict between Customary and Non-Customary Systems of Law: Preliminary Observations. *Verfassung und Recht in Ubersee / Law and Politics in Africa, Asia and Latin America*, 5(4), 415-422.
5. Allott, A. N. (1960). *Essays in African Law, with Special Reference to the Law of Ghana*. London: Butterworths.
6. Attorney-General of the Federation v Attorney-General of Abia State (Supreme Court of Nigeria, judgment of 11 July 2024).

7. Bardhan, P., & Mookherjee, D. (2000). Capture and Governance at Local and National Levels. *The American Economic Review*, 90(2), 135-139.
8. Bevir, M. (2010). *Democratic Governance*. Princeton: Princeton University Press.
9. Bourdieu, P., Wacquant, L. J. D., & Farage, S. (1994). Rethinking the State: Genesis and Structure of the Bureaucratic Field. *Sociological Theory*, 12(1), 1-18.
10. Chatterjee, P. (2004). *The Politics of the Governed: Reflections on Popular Politics in Most of the World*. New York: Columbia University Press.
11. Cohn, C. (2013). India and Nigeria: Similar Colonial Legacies, Vastly Different Trajectories: An Examination of the Differing Fates of Two Former British Colonies. *Cornell International Affairs Review*, 7(1).
12. Constitution of India 1950, Parts IX and IXA, and the Eleventh and Twelfth Schedules.
13. Constitution of the Federal Republic of Nigeria 1999, sections 7 and 162, and the Fourth Schedule.
14. Crook, R. C., & Manor, J. (1998). *Democracy and Decentralisation in South Asia and West Africa: Participation, Accountability and Performance*. Cambridge: Cambridge University Press.
15. Faguet, J.-P. (2014). Decentralization and Governance. *World Development*, 53, 2-13.
16. Friedman, S. (2021). *Prisoners of the Past: South African Democracy and the Legacy of Minority Rule*. Johannesburg: Wits University Press.
17. Fukuyama, F. (2011). *The Origins of Political Order: From Prehuman Times to the French Revolution*. New York: Farrar, Straus and Giroux.
18. Government of India. (2009). *State and District Administration (Fifteenth Report of the Second Administrative Reforms Commission)*. New Delhi: Department of Administrative Reforms and Public Grievances.
19. Grewal, I. (2016). The Masculinities of Post-colonial Governance: Bureaucratic Memoirs of the Indian Civil Service. *Modern Asian Studies*, 50(2), 602-635.

20. Heller, P. (2001). Moving the State: The Politics of Democratic Decentralization in Kerala, South Africa, and Porto Alegre. *Politics & Society*, 29(1), 131-163.
21. Jayal, N. G. (2001). *Democracy and the State: Welfare, Secularism and Development in Contemporary India*. New Delhi: Oxford University Press.
22. Kirkby, C. (2018). Citizen and Subject: On Historicizing Constitutional Law. *International Journal of Constitutional Law*, 16(1), 282-286.
23. Kohli, A. (2004). *State-Directed Development: Political Power and Industrialization in the Global Periphery*. Cambridge: Cambridge University Press.
24. Kwarkye, T. G. (2021). Between Tradition and Modernity: Customary Structures as Agents in Local Governance in Ghana. *Africa Spectrum*, 56(1), 100-118.
25. Mamdani, M. (1996). *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press.
26. Manor, J. (1999). *The Political Economy of Democratic Decentralization*. Washington, DC: World Bank.
27. Oates, W. E. (1999). An Essay on Fiscal Federalism. *Journal of Economic Literature*, 37(3), 1120-1149.
28. Patnaik, U. (2018). Profit Inflation, Keynes and the Holocaust in Bengal, 1943-44. *Economic and Political Weekly*, 53(42).
29. Said, E. W. (1978). *Orientalism*. New York: Pantheon Books.
30. Scott, J. C. (1998). *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press.
31. Sippel, H. (2022). Customary Law in Colonial East Africa. *Oxford Research Encyclopedia of African History*. Oxford: Oxford University Press.
32. Spears, I. S. (1997). Review of *After Colonialism: Imperial Histories and Postcolonial Displacements* and *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. *Canadian Journal of Political Science*, 30(1), 177-179.

33. van der Burg, M. (2021). *Napoleonic Governance in the Netherlands and Northwest Germany: Conquest, Incorporation, and Integration*. London: Palgrave Macmillan.
34. Veron, R., Williams, G., Corbridge, S., & Srivastava, M. (2006). Decentralized Corruption or Corrupt Decentralization? Community Monitoring of Poverty-Alleviation Schemes in Eastern India. *World Development*, 34(11), 1922-1941.
35. World Bank. (2017). *World Development Report 2017: Governance and the Law*. Washington, DC: World Bank.