

CHAPTER 42

LOCAL BODIES

Local bodies are institutions of the local self governance, which look after the administration of an area or small community such as villages, towns, or cities. The Local bodies in India are broadly classified into two categories. The local bodies constituted for local planning, development and administration in the rural areas are referred as Rural Local Bodies (Panchayats) and the local bodies, which are constituted for local planning, development and administration in the urban areas are referred as Urban Local Bodies (Municipalities). However, provisions contained in Parts IX (Eleventh Schedule) and IX-A (Twelfth Schedule) of the Constitution providing for Panchayats and Municipalities respectively, exempt certain areas from the applicability of these Parts. The Fifth Schedule of the Constitution of India deals with administration and control of scheduled areas and scheduled tribes in these areas. Similarly, Sixth Schedule made the provisions as to the administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram. However, Nagaland, Hills of Manipur are neither covered by provisions contained in Part IX and Part IXA nor covered in the Sixth Schedule of the Constitution and autonomy of the local governance of these areas is administered by their State's Laws. Mizoram is entirely not covered under Part IX and Part IXA, however, some areas are covered under Sixth Schedule and the autonomy of these areas is established by State's law. Some autonomous bodies in Assam have been established under State's Laws for local governance. As per the Constitution (Eighty Third Amendment) Act 2000, the Article 243D relating to the reservation of seats in panchayats, is not applicable in Arunachal Pradesh. Parts of the hill district of Darjeeling, in West Bengal, covered by the Darjeeling Gorkha Hill Council is also not covered in Part IX and Part IXA of the Constitution and its autonomy is administered by State Law. In Jammu and Kashmir, Ladakh Autonomous District Council and Kargil Autonomous District Council and the Panchayats have been superseded by the State Government and are not covered by Part IX due to the special provisions of Article 371 for Jammu and Kashmir.

Rural Local Bodies:

The term 'Panchayat Raj' is relatively new, having originated during the British administration. 'Raj' literally means governance or government. Mahatma Gandhi advocated Panchayati Raj, a decentralized form of Government where each village is responsible for its own affairs, as the foundation of India's political system. His term for such a vision was "Gram Swaraj" or Village Self-governance. It was adopted by state governments during the 1950s and 60s as laws were passed to establish Panchayats in various states. Panchayati Raj is included in the State List of the Seventh Schedule of the Constitution. It is the States that have been charged with the responsibility for devolution of powers to the Panchayats. After independence, Community Development Programme was started in 1952. But because it was not attached with the people, therefore it couldnot prove to be a success story. People took it as a burden put on them by the government. A team, under the leadership of Balwantrai Mehta tried to find out the cause for the failure of this programme and came up with the inference that there should be an organisation at village level, which would select the true beneficiaries and implement various government programmes and schemes. This organisation would act as the representative of all the villagers and should ensure the development of the village as well as participation of villagers. In this way Balwantrai Mehta tried to achieve local self-government through Panchayats (the organisation). In 1977, Ashok Mehta Committee was set up to review the working of Panchayats. The committee found out that Panchayati Raj is the soul of democracy and therefore it should be empowered with more authority. Those Panchayats which formed after 1977 are known as Second Generation Panchayats. In West Bengal, the Panchayats became more effective after accepting the suggestions made in this report.

During the decade of 1990, it was realized that without constitutional power, the self-government can not be fruitful. Therefore the Central Government passed the 73rd Constitutional Amendment Act in 1992, which became effective from 20th April 1993 (from the date of publication in the Gazette of India). The Constitution (73rd Amendment) Act, 1992 that came into effect in April 1993 brought about major reform in local governance in the country. The Amendment Act of 1992 contains provision for devolution of powers and responsibilities to the panchayats to both for preparation of plans for economic development and social justice and for implementation in relation to twenty-nine

subjects listed in the eleventh schedule of the constitution. The panchayats receive funds from three sources ie, local body grants, as recommended by the Central Finance Commission, funds for implementation of centrally-sponsored schemes, and funds released by the state governments on the recommendations of the State Finance Commissions.

The Ministry of Panchayati Raj was set up primarily to oversee the implementation of Part IX of the Constitution, inserted by the Constitution (73rd Amendment) Act, 1992, the Panchayats Extension to the Scheduled Areas Act, 1996 (PESA), and Article 243ZD of Part IX-A relating to District Planning Committees. Although the Panchayats have historically been an integral part of rural life in India, these Acts have institutionalised the Panchayati Raj Institutions (PRIs) at the village, intermediate, and district levels as the third tier of government. The aim has been to combine social justice with effective local governance, with an emphasis on reservation of seats for the deprived classes of population, including of the leadership positions.

Article 234G read with the Eleventh Schedule of the Constitution stipulates that States may, by law, endow the Panchayats with such powers and authority as may be required to enable the latter to function as institutions of self-government. Such laws may also provide for the devolution of powers and responsibilities upon Panchayats for preparation of plans for economic development and social justice and implementation of the schemes as may be entrusted to them. The main features of the Constitution (73rd Amendment) Act, 1992 are as under:

Panchayat: A Panchayat means an institution (by whatever name called) of self-government constituted under article 243B of the Constitution of India for the rural areas.

Panchayat area: A Panchayat area means the territorial area of a Panchayat;

Village: A village means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

Gram Sabha: A Gram Sabha means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level; Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

Village level panchayat: It is called a Panchayat at the village level. It is a local body working for the good governance of the village.

Intermediate level panchayat: An Intermediate level means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part. Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

District level Panchayat: In the district level of the panchayati raj system, there is zilla parishad. It looks after the administration of the rural area of the district and its office is located at the district headquarters.

Composition of Panchayats: Article 243C of the Constitution states that the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats, provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State. All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and; for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area. The Legislature of a State may, by law, provide for the representation of the Chairpersons of the Panchayat at appropriate level.

Election: The Chairperson of a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof. The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

Reservation of seats: Article 243D of the Constitution makes the provision for reservation of seats for Scheduled Castes and Scheduled Tribes in every Panchayat. The Seats are reserved for the Scheduled Castes and Scheduled Tribes in every Panchayat and the number of seats reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat. Same rule is also applied for the reservation of offices of the chairpersons at each level of the panchayats. There is also provision for reservation of the seats including offices of the chairpersons for the women of each category. The number of offices reserved for the chairperson is allotted by rotation to different Panchayats at each level. State may also provide the reservation of the seats in any Panchayat or offices of Chairperson to backward class of citizen's s by their legislation.

Duration of Panchayats: Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

Powers, authority and responsibilities of Panchayats: Article 243G of the Constitution states that subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to:

- the preparation of plans for economic development and social justice; and
- the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

Powers to impose taxes by, and Funds of, the Panchayats: Article 243H of the Constitution states that the legislature of a State may, by law,-

- authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
- provide for Constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys.

Audit of accounts of Panchayats: Article 243J of the Constitution states that the Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

Elections to the Panchayats: Article 243K of the Constitution states that the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

Panchayats Extension to the Scheduled Areas:

Parliament passed a separate legislation in 1996 as an annexure to the 73rd Amendment specifying special provisions for Panchayats in Schedule V areas. Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) extends Part IX of the Constitution to the areas listed under the Fifth Schedule subject to certain exceptions and modifications. A major function of the Ministry of Panchayati Raj is to oversee the implementation of the provisions of PESA by the nine States, namely, Andhra Pradesh, Jharkhand, Chattisgarh, Himachal Pradesh, Madhya Pradesh, Gujarat, Maharashtra, Orissa, Rajasthan that have the areas listed in the Fifth Schedule. The PESA Act enjoins the State governments to endow Gram Sabhas and Panchayats at the appropriate level with the power to enforce prohibition, ownership of minor forest produce, power to prevent alienation of land and restore unlawfully alienated land, power to manage village markets, power to exercise control over money lending, power to exercise control over institutions and functionaries in all social sectors and power to control local plans and resources for such plans including tribal sub-plans. The Act prohibits Panchayats at the higher level to assume the powers and authority of any Panchayat at the lower level.

Tribal Areas under Sixth Schedule of the Constitution:

Under the Sixth Schedule, separate provisions have been made for the Administration of Tribal areas in Assam, Meghalaya, Tripura and Mizoram. These provisions have been made in exercise of the enabling provisions given in Articles 244(2) and 275(1) of the Constitution. The Sixth Schedule identifies and designates certain tribal areas as autonomous districts. It provides for the constitution of District Councils and Regional Councils for autonomous areas, consisting of not more than thirty members each, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage for a term of five years. An exception has been made in respect of the Bodo Territorial Council. The administration of an autonomous district is to be vested in a District Council and of an autonomous region, in a Regional Council. The Sixth Schedule endows Councils with powers of legislative, judicial, executive, financial, collection taxes and fees, entitlement to royalties and indication of resources to be credited to Councils. The sixth schedule has entrusted several key powers to the Governor of the State concerned in respect of District and Regional Councils. These powers are classified and briefly described as (1) constituting district and regional councils, (2) dissolving and superseding councils (3) affecting electoral representation in the council area, (4) enlarging, diminishing powers or reviewing decisions of District and Regional Councils, (5) Giving prior assent to laws, rules and regulations of the District and Regional Councils (6) arbitration, (7) Powers to appointing a Commission to ensure into the administration of autonomous district regions. In addition to the above powers, special powers have been conferred in respect of the Governors of Assam, Tripura and Mizoram in certain subjects.

Urban Local Bodies:

The origin of local self-government had very deep roots in ancient India. On the basis of historical records, excavations and archaeological investigations, it is believed that some form of local self-government did exist in the remote past. In the Vedas and in the writings of Manu, Kautilya and others, and also in the records of some travelers like Magasthese, the origin of local self-government can be traced back to the Buddhist period. The Ramayana and the Mahabharata also point to the existence of several forms of local self-government such as Paura (guild), Nigama, Puga and Gana, performing various administrative and legislative functions and raising levies from different sources. Local government continued during the succeeding period of Hindu rule in the form of town committees, which were known as 'Goshthis' and 'Mahajan Samitees'.

Independence brought a new kind of activity in every sphere of public life. It opened a new chapter in the history of local government in India. The present Constitution came into force in 1950 and the local self-government entered a new phase. The Constitution of India has allotted the local self-government to the state list of functions. Since Independence much important legislations for reshaping of local self-government have been passed in many states of India. The constitutions of local bodies were democratized by the introduction of adult suffrage and the abolition of communal representation. In July 1953, the U.P. Government took a decision to set-up Municipal Corporations in five big cities of Kanpur, Agra, Varanasi, Allahabad and Lucknow, popularly known as KAVAL Towns. As a result, the state of U.P. adopted a new Act for Municipal Corporations in 1959.

The Centre Council of Local Self-Government constituted by the Central Government, has also played a significant role in labouring on reforms needed in the various aspects of municipal government and administration. The Rural-Urban Relationship Committee devoted itself to both functional and financial aspects and was largely microscopic in its approach. One more report came from another committee of the council on the service conditions of municipal employees (1965-68). In 1985, the Central Government appointed the National Commission on Urbanization, which gave its report in 1988. This was the first commission to study and give suggestions on all aspects of urban management. Apart from the contributions made by the Central Government, committees were appointed in different states in order to improve the municipal organizations and administration there under.

The Constitution (74th Amendment) Act, 1992 is a landmark initiative of the Government of India to strengthen local self-government in cities and towns. The Act stipulates that if the state government dissolves a Municipality, election to the same must be held within a period of six months. Moreover, the conduct of municipal elections is entrusted to statutory State Election Commission, rather than being left to executive authorities. The mandate of the Municipalities is to undertake the tasks of planning for 'economic development and social justice' and implement city/town development plans. The main features of the 74th Constitutional Amendment are as under:

Committee: Committee means a Committee constituted under article 243S of the Constitution.

Metropolitan area: Metropolitan area means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area.

Municipal area: Municipal area means the territorial area of a Municipality as is notified by the Governor.

Municipality: Municipality means an institution of self-government constituted under article 243Q of the Constitution.

Constitution of Municipalities: As per Article 243Q, every State should constitute three types of municipalities in urban areas. Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township. The constitution of three type of municipalities by every State are as under:

- Nagar Panchayat: Nagar Panchayat (by whatever name called) for a transitional area, that is to say, is an area in transition from a rural area to an urban area.
- Municipal Council: A Municipal Council is constituted for a smaller urban area; and
- Municipal Corporation: A Municipal Corporation is constituted for a larger urban area.

Type of Area: The Governor declares a transitional area, or smaller urban area or larger urban area means based on the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes.

Composition of Municipalities: Article 243R of the Constitution makes the provision for the composition of Municipalities. All the seats in a Municipality are filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards. The Legislature of a State may, by law, provide the manner of election of the Chairperson of a Municipality.

Wards Committees: Article 243S of the Constitution make the provisions for constitution and composition of Wards Committees, etc. consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more. A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee. Where a Wards Committee consists of two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee shall be the Chairperson of that Committee.

Reservation of seats: Article 243T makes the provisions for the reservation of seats. Seats are reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality. Not less than one-third of the total number of seats reserved Scheduled Caste are reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality are reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality. The office of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

Duration of Municipalities: As per Article 243U of the Constitution, every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

Powers, authority and responsibilities of Municipalities: As per Article 243W of the Constitution states the powers, authority and responsibilities of Municipalities, etc. Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow:

(a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to-

- the preparation of plans for economic development and social justice;
- the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;

(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

Power to impose taxes by, and Funds of, the Municipalities: Article 243X of the Constitution states the power to impose taxes by, and Funds of, the Municipalities. The Legislature of a State may, by law:

- authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and
- provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom.

Audit of accounts of Municipalities: Article 243Z of the Constitution states about the audit of accounts of Municipalities. The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the auditing of such accounts.

Elections to the Municipalities: As per provisions made in Article 243ZA, the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities are vested in the State Election Commission referred to in article 243K. Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.

Committee for Metropolitan planning: As per Article 243ZE of the constitution, in every Metropolitan area, a Metropolitan Planning Committee may be constituted to prepare a draft development plan for the Metropolitan area as a whole. Every Metropolitan Planning Committee shall, in preparing the draft development plan have regard to (i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area; (ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation; (iii) the overall objectives and priorities set by the Government of India and the Government of the State; and (iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise. The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

Highlights :

- The total income of Municipal Corporation, Hyderabad increased from ₹ 2571.39 million in 2000-01 to ₹ 10459.82 million in 2009-10, whereas, its revenue expenditure increased from ₹ 1955.18 million to ₹ 8505.65 million during the same period.
- The total income of Municipal Corporation of Delhi increased from ₹ 13728.45 million in 2000-01 to ₹ 31659.68 million in 2008-09, whereas, its revenue expenditure increased from ₹ 13728.02 million to ₹ 36414.31 million during the same period.
- The total income of New Delhi Municipal Council increased from ₹ 7495.14 million in 2000-01 to ₹ 15668.03 million in 2009-10, whereas, its expenditure increased from ₹ 7472.29 million to ₹ 17524.04 million during the same period.
- The total income of Municipal Corporation of Chennai increased from ₹ 3563.74 million in 2000-01 to ₹ 10237.67 million in 2009-10, whereas, its expenditure increased from ₹ 6176.48 million to ₹ 9416.89 million during the same period.
- The total income of Municipal Corporation of Thane, Maharashtra increased from ₹ 2658.39 million in 2000-01 to ₹ 7680.77 million in 2009-10, whereas, its expenditure increased from ₹ 2464.69 million to ₹ 7817.52 million during the same period.
- The total income of Municipal Corporation, Bangalore increased from ₹ 5471.52 million in 2000-01 to ₹ 35172.01 million in 2009-10, whereas, its revenue expenditure increased from ₹ 1181.99 million to ₹ 35325.52 million during the same period.
- There were 563 districts, 570 District Rural Development Agencies (DRDA) and 5536 blocks in 2000, whereas, there were 618 districts, 609 DRDAs and 5637 blocks in 2008. Besides, there were 639445 villages in the country as per Census 2001.

- While the number of Village Panchayats increased from 227590 in 2001 to 232855 in 2008, the number of elected representatives decreased from 273966 to 2645883 during the same period. The number of Intermediate Panchayats increased from 5906 to 6094 and the number of elected representatives therein increased from 147701 to 156794, whereas, the number of District Panchayats increased from 474 to 633 and the number of elected representatives therein increased from 15389 to 15613 during the same period.
- In Gram Panchayats, the Scheduled Caste (SC) elected representatives increased from 371868 in 2001 to 485825 in 2008 and the Scheduled Tribe (ST) elected representatives increased from 258998 to 304350, whereas women elected representatives increased from 685155 to 975057 during the same period.
- In Intermediate Panchayats, the SC elected representatives increased from 18517 in 2001 to 32968 in 2008 and the ST elected representatives increased from 7252 to 11406 during the same period, whereas women elected representatives increased from 23596 in 2002 to 58191 in 2008.
- In District Panchayats, the SC elected representatives increased from 1830 in 2001 to 2729 in 2008 and the ST elected representatives increased from 1197 to 1723, whereas, the women elected representatives increased from 3460 to 5810 during the same period.
- Out of the total elected representatives of Village Panchayats in 2008, there were 18.4% SCs and 11.5% STs, whereas, 36.9% elected representatives were women. In Intermediate Panchayats, 21.0% elected representatives were SCs, 7.3% elected representatives were STs, whereas, 37.1% elected representatives were women. There were 17.5% SCs, 11.0% STs and 37.2% women elected representatives in District Panchayats.

This chapter contains the following tables:

Table 42.1: presents the year-wise and corporation-wise income and expenditure categorized by their various heads during 2000-01 to 2008-09.

Table 42.2: presents the year-wise and corporation-wise income and expenditure of categorized by their various heads during 2009-10.

Table 42.3: presents the year-wise number of Districts, district Rural Development Agencies (DRDA), Blocks and villages since 2000 and State-wise break thereof for 2008.

Table 42.4: presents the year-wise number of Panchayati Raj Institutions and elected representatives categorized by Village Panchayats, Intermediate Panchayats and District Panchayats, and further each sub categorized by Number and elected representatives since 2001 and State-wise break thereof for 2008.

Table 42.5: presents the year-wise number of elected representatives in Panchayati Raj Institutions showing break-up into SCs, STs and Women since 2001 and State-wise break thereof for 2008.