

# Phoolan murder suspect held

Amitabh Srivastava  
Dehra Dun, July 27

THE UTTARANCHAL and Delhi Police made a dramatic breakthrough in the Phoolan Devi murder case.

Sher Singh Rana, alias Pankaj, the main accused in the Phoolan Devi murder case, was 'arrested' by the Uttaranchal Police outside the Press Club here this morning.

Rana studies law in Dehra Dun but has business interests in Roorkee.

Uttaranchal DGP Ashok Kant Sharan said that Rana had confessed that he and an accomplice, Ravinder Kumar, had killed Phoolan Devi to avenge the massacre of Thakurs in Behmai.

But Rana said that the police did not believe his version and the actual truth would come out after Delhi Police arrested him for Phoolan Devi's murder. He called up some journalists in the morning saying that he wanted to surrender at the Uttaranchal Chief Minister's residence. But Rana actually went to the Uttaranchal Press Club at about 9 a.m. and called journalists from his mobile phone saying he wanted to hold a press conference.

In the Press Club, at about 10 a.m., Rana talked about his motive for killing Phoolan Devi. He told them that he hated Phoolan for what she had done to the Thakurs in Behmai and



Pankaj Singh, alias Sher Singh Rana, after his arrest in Dehra Dun on Friday.

because she abused SP leaders in private.

The DGP Uttaranchal who addressed the media almost two hours later than scheduled said that Rana had confessed to planning the murder of Phoolan Devi and asking Ravinder, an unemployed relation, to him to join him in this mission.

Rana told the police that he had left Ravinder at the Roorkee bus stand at 5 o'clock on the morning of 25 July and asked him to meet him at the Delhi's ISBT. After that he reached Uma

Kashyap and her husband's house at 5.30 a.m. to go to Delhi. They reached Phoolan Devi's house around 11.30 a.m.

There he was told that Phoolan's car had gone for repairs. He dropped Phoolan to Parliament House and went to ISBT to pick up Ravinder.

Rana told the police that they waited for Phoolan outside her residence, and fired several rounds when she was dropped back to her house.

Related reports on Page 7

INDUSTRIAL TIMES  
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# Panel for more powers to panchayati raj institutions

By J. Venkatesan

NEW DELHI, OCT. 7. Concerned over the lack of adequate powers to panchayat raj institutions, the National Commission to Review the Working of the Constitution has suggested vesting of full autonomy to them so that they can function as a third stratum of viable local self-government institutions.

In its consultation paper on panchayats, municipalities and cantonments, the Commission has noted that the Central and State Governments continue to exercise powers in planning and funds and the panchayats and municipalities are not enjoying full autonomy as institutions of local self-government as envisaged.

The paper points out that though the 73rd and 74th Amendments to the Constitution envisage conferring powers and authority to panchayat raj institutions, yet while implementing them considerable gaps have been found in the provisions.

It suggests strengthening the election machinery by empowering the State Election Commissions to work in harmony with and under the guidance of the Election Commission of India so that common electoral rolls could be prepared and utilised for conducting local body/Assembly/Parliament elections.

One of the major difficulties being experienced by panchayats and municipalities is that they do not have necessary financial resources/support for carrying out their various developmental activities as the power to tax lies with the State Government.

The paper suggests for making suitable legislative changes to empower the panchayats and municipal-

ities to meet their financial requirements so that they can function as a third stratum of viable local self-government institutions and not as an agent of State Governments. It wants that the concept of a separate tax domain exclusively for local bodies could be considered.

The paper suggests for providing and enabling provisions in the Constitution for the establishment of a Panchayat Tribunal in every State to deal with election disputes so that the present delay in disposal of such petitions by the law courts could be avoided.

Setting up of District Planning Committees which is mandatory under Article 243 ZD of the Constitution should be made common for both panchayats and municipalities so as to enable them to take up integrated rural and urban planning in the district.

Regarding cantonments, the paper notes that at present there are 62 cantonments in India and to enable them to enjoy the benefits of democratic governance and a feeling of civil life, it would be appropriate if suitable changes are made in the Cantonment Act, 1924 for their active participation in the management of cantonments as local self-government.

The paper suggests that cantonment boards should be brought under the Union Ministry of Urban Development so that the boards do not starve for funds. As State Governments do not release funds to boards, the paper suggests appropriate structural changes to enable them to have the benefit of plan funds.

The Commission has invited public opinion on the above proposals.

# Panchayat raj in Karnataka — II

By M. Y. Ghorpade

49-10 4/10

**T**HE BASIC principles which should govern administrative decentralisation are well established. The activity should be located at as low a level as possible to maximise accountability. The administrative and financial resources available at a particular level should be capable of handling the activity competently. The three-tier structure of panchayat and administrative decentralisation should cover identification of activities, programmes and schemes to be devolved from the State level to panchayat raj institutions, demarcation of the role of each tier and the specification of the extent of autonomy of decision-making in each case. There should be enough space for panchayats to take up activities of their choice. Their role should not be confined to implementation according to the pattern laid down by the Government or purely agency functions. Panchayats should have adequate control over their staff and sufficient untied grants to spend according to their priorities. There is a need to take a more comprehensive look at administrative decentralisation, apart from political decentralisation, to enlarge the powers and functions of the panchayats by transfer from the State level and to ensure that a reasonable proportion of the untied funds are available at each level. The Centrally-sponsored schemes should also be re-examined from this point of view to avoid parallel schemes and remote control. The State and Central Finance Commissions should ensure that a minimum per capita untied grant is available to all panchayats, apart from other grants, schemes and programmes. The system of levying and collecting local taxes needs to be made more effective.

As far as planning is concerned, there is scope for reducing the multiplicity of schemes and regrouping them for more effective implementation. Similar schemes with new names make for wasteful expenditure on staff and overheads with little impact. With fewer schemes, the panchayat concerned can have greater flexibility in decision-making and the staff can be

rationalised. This may help in realising funds which can be given as untied grants. The 73rd Constitution Amendment makes it obligatory to set up a District Planning Committee according to a given pattern. These are not functioning satisfactorily for want of precise thinking on all related issues. The concept of local planning cannot succeed in isolation. The modalities of planning and implementation by Central, State and panchayat raj institutions should be comprehensively reordered to subserve

nance of works coming under their jurisdiction. In this way, not only water works and sanitation programmes but schools and hospitals could also come under their active supervision and control, infusing fresh vigour and democratic accountability into the system. We also want to involve the gram panchayats and gram sabhas in the effective implementation of the public distribution system, food-for-work and other poverty alleviation programmes.

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the dynamics of decentralisation. Simultaneously, measures for transparency and accountability have to be strengthened. The gram sabha should play a pivotal role, supported by mandatory availability of information, social audit and vigilance committees, appellate tribunals and institutions such as the Ombudsman. The reordering of functions between State and panchayat raj levels, which implies contraction in the powers of political and bureaucratic functionaries, marginal though it may be, is likely to meet with resistance from both. This will require adequate political will at the highest levels and growing awareness at all levels.

Under the present system, the State Government devolves Plan and non-Plan funds, to panchayat raj bodies, along with the corresponding staff, so that they can exercise effective control over the implementation of the development programmes. The panchayat raj institutions should be actively encouraged to form groups of stakeholders and users of different facilities. This will broaden the base of public participation, use local experience and expertise, and make the people discharge their responsibilities by way of public contribution and proper maintenance

of works coming under their jurisdiction. In this way, not only water works and sanitation programmes but schools and hospitals could also come under their active supervision and control, infusing fresh vigour and democratic accountability into the system. We also want to involve the gram panchayats and gram sabhas in the effective implementation of the public distribution system, food-for-work and other poverty alleviation programmes. The next logical step is to make panchayat raj bodies effective instruments of not only development schemes but governance itself, including collection of land revenue and other matters. Information technology could be of great help. The distinction between development and other administrative functions should progressively disappear and panchayat raj bodies should be responsible for governance at their level. Development and other administrative activities should be under their supervision and control with built-in checks and balances and suitable safeguards and linkages between the three tiers and the Government. If this happens, the panchayat raj bodies will be fully empowered to function as local self-governments and not merely as bodies through which development schemes are channelled.

This would amount to a major shift in our perception and functioning of panchayat raj bodies in keeping with the great need to take panchayat raj and decentralisation forward in all respects. This total decentralisation will revolutionise the whole concept of governance and make it people-oriented. In a large democracy like ours, this is an inevitable goal towards which we must all move swiftly, on the eve

of the new millennium. Karnataka has already taken significant steps in this direction and is determined to take decentralisation forward.

The time has come to be very clear about the role of politics in development. Party politics makes sense at the State Legislature and Parliament levels, where ideological differences have to be taken into account in legislation and policy making. But, at the level of panchayat raj institutions, we are concerned with proper implementation of development works in keeping with the wishes of the people and with their full participation.

There is no ideology involved in deciding where a road should be built or a school constructed. It has been our experience that party politics at the level of panchayat raj bodies creates unnecessary bad blood and bitterness which interferes and affects development on the basis of consensus and cooperation. Therefore there is a good case to keep development free of party politics. People should be free to choose individuals in whom they have confidence without the distracting and somewhat irrelevant compulsions and inhibitions of party politics. Therefore conducting panchayat raj elections at all the levels on a non-party basis would go a long way in ensuring that the social atmosphere is not unnecessarily vitiated.

In Karnataka, elections to gram panchayats are conducted on a non-party basis since the passing of the Karnataka Panchayat Raj Act, 1993 (though at the other two levels of taluk and district it is still conducted on party lines).

It is equally necessary to devise a strict code of conduct for members with effective implementation. Transparency in election expenditure and stringent disqualification methods and measures to deal with corrupt electoral practices should be high on the agenda of reforms, if the panchayat raj system is to be saved from corruption, which otherwise could result in decentralising corruption.

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# Panchayat Raj in Karnataka — I

By M. Y. Ghorpade

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**F**OR CENTURIES, India has had the experience of gram panchayats but they were based on traditional values, male dominated and caste ridden. They were not based on values of democratic equality and social justice for all in equal measure. There was no equality of opportunities and equal access to the means of human development and quality of life. The concept of panchayat raj, sought to be developed after India became a democratic republic, is based on the progressive democratic values enshrined in our Constitution. It is a massive movement to strengthen these values at the grassroots level and build a strong participatory democracy which will accelerate development with equity and social justice.

The whole purpose of the freedom struggle was to give people the power to develop in a self-reliant manner and build a strong, sensitive and just society. Much has been done since Independence but we need to decentralise power and give opportunities to all sections of society, especially the weaker sections and women. It is with this vision that Rajiv Gandhi, after widespread consultations, brought about the 73rd Amendment to the Constitution enacted in 1993 making it mandatory for all States to conduct elections once every five years to panchayat raj bodies at the village, taluk and district levels. Karnataka was the first State to do this by passing the Karnataka Panchayat Raj Act, 1993, and conducting elections to gram panchayats in December that year. This was the beginning of a full-fledged three-tier system of panchayat raj in Karnataka, making use of the 11th Schedule in the Constitution to decentralise power and functions to panchayat raj bodies at all the three levels. According to a recent evaluation report of the Union Ministry of Rural Development and Panchayat Raj, Karnataka is the one State (apart from Sikkim) which has transferred or devolved all the 29 subjects listed in the 11th Schedule of the Constitution to the panchayat raj institutions.

The cardinal principle is that what is appropriate at a given level of the three-tier system should be done at that level and not unnecessarily at a higher level. The same principle could be extended to

State-Centre relations. This is a dynamic concept which can be progressively applied to all the five tiers of Government, including the State and the Centre, to maximise decentralisation and empowerment of the people with social justice, so that all sections have an equal share in the exercise of power.

The Karnataka Panchayat Raj Act, 1993 provides 33 per cent reservation for women, 33 per cent for Other Backward Classes and 28 per cent for Scheduled Castes and Scheduled Tribes, in keeping with the constitutional provisions. It also provided

*The gram sabha is the soul of panchayat raj and the idea is to progressively strengthen its functioning to ensure full participation of the people and accountability.*

minimum reservation to ensure that at least one seat in a gram panchayat shall be for persons belonging to the Scheduled Castes and the Scheduled Tribes. In Karnataka, 43 per cent of those elected to gram or village panchayats are women, though the reservation is only for 33 per cent. In districts such as Dakshina Kannada, it goes up to 50 per cent. This reservation applies not only to election of members but also to the election of office-bearers or chairpersons of these institutions. The gram sabha is the soul of panchayat raj and the idea is to progressively strengthen its functioning to ensure full participation of the people and accountability. Karnataka has introduced a system called panchayat jamabandi, where audit of accounts and works is carried out with public participation. And, the report of the jamabandi is put before the gram sabha for further action. All panchayat raj bodies are expected to display boards containing information of receipts and expenditure and development works.

Karnataka has 5,659 gram panchayats, 175 taluka panchayats and 27 district panchayats. Elections to these bodies have been successfully held twice since 1993. Every 400 people elect one member to the gram panchayat, 10,000 people

elect a member to the taluka panchayat and 40,000 people elect a member to the district panchayat. This ensures equitable representation to all sections of society and also social justice by way of a progressive pattern of reservation. The Government gives a statutory development grant of Rs. 3.5 lakhs to every gram panchayat and intends to progressively increase this amount and the flow of untied resources to encourage and enable local planning in keeping with national and local priorities. Of the total Plan and non-Plan budget of the State, Rs. 4,589 crores

are devolved to the three-tier panchayat raj institutions — Rs. 1,697 crores for Plan and Rs. 2,892 crores for non-Plan. The idea is that Plan and non-Plan schemes being implemented at the three levels should be supervised by the elected panchayat bodies to ensure better implementation, public participation and accountability. The powers and functions have been devolved to elected bodies at each level and not to any individual. No elected body is subservient to any other but only to the State Panchayat Raj Act, which specifies the duties, powers and functions of each.

Adequate empowerment of the gram sabha is the crux of effective decentralisation as that is where people's democracy can be put into practice. It is there that the voice of the people, including the weaker sections and women, can be really heard. The elected gram panchayat must be accountable to the gram sabha, which should be convened at least once in six months or twice a year, to discuss a well-structured agenda. The annual statement of accounts and the social audit report must be formally placed before the gram sabha, as also the development report relating to the preceding year, and the programme for the current year including the annual plan and selection of bene-

ficiaries. The annual plan should be considered against the background of a five-year plan based on local priorities. All relevant information should be systematically made available to the gram sabha in accordance with the Transparency Act and the Right to Information Act, which have been enacted in Karnataka. Full use should be made of the gram sabha to create awareness regarding the policies and programmes which are of great relevance at the grassroots level, so that people's participation can be progressively increased and improved. The gram sabha should be fully representative, especially of the weaker sections and women, and not dominated by the powerful minority. Each separate habitation in a gram panchayat should have its own people's committees which could be like sub-committees of the gram panchayat with suitable links with the gram sabha, to strengthen people's participation. Whatever user or stakeholders groups are set up should have organic links with the gram panchayat to ensure that it is not sidelined. The gram panchayat should be the focal point of convergence of all schemes and programmes at that level, with provision to coordinate with higher or different levels of administration. The NGOs should also fit into the spirit of this structure. The test of decentralisation should be whether all that can be done at the village level is done there, the taluka and district levels performing a supportive role and dealing with inter-village and inter-taluka matters not confined to a single village or taluka as the case may be.

The taluka panchayat being closer to the gram panchayat the people should be enabled to do much more than at present, the district panchayat performing such functions which cannot be performed at any other level. Functions, functionaries and finances should be carefully matched in such a reordering or restructuring of the administrative set up and the delivery systems. Karnataka has already taken significant steps in this regard.

(The writer is Minister for Rural Development and Panchayat Raj, Government of Karnataka.)

THE HINDU

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Burgeoning numbers of Central government employees go against the logic of liberalisation and better governance

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# BLOATED BUREAUCRACY

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**N**OT long ago, the retirement age of government servants in India was raised from 58 to 60 years, the government of India iterating at the time that the new retirement age would be firmly observed with no extension allowed. Yet one finds that while downsizing is viewed as a top priority in the agenda of administrative reform everywhere today, India considered it expedient to grant extension of service to the senior most civil servants of the land. On 26 June 2001 the government of India extended the cabinet secretary's tenure to the age of 62. This constitutes a marked departure from the superannuation practice in India. The age of retirement of government servants has been changing from time to time but the frequency of the change has increased since independence. A public official retired at the age of 55 during the British rule. The life expectancy was rather low at that time. Also, British officials were keen to be released from service as early as possible to enable them to settle down comfortably in Britain. The Varadachariar First Central Pay Commission (1947) recommended the age of 58 years for superannuation. But the government did not effect any change in the age of retirement, taking the view that the induction of younger persons was in the larger interest of maintaining efficiency in government. The second pay commission considered the question in 1959 and recommended the raising of the retirement age to 58 years, justifying the move by a distinct improvement in life expectancy. In 1962 the age of superannuation was fixed at 58 years.

The third and fourth pay commissions reporting in 1973 and 1987 respectively considered the question of raising the age of retirement to 60 years. But they did not lend support in view of its adverse impact on fresh

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recruitment and the more pressing need for fresh blood and fresh knowledge for efficiency in public administration of the country. The fifth central pay commission (1994-97) recommended an increase in the age of retirement to 60 years, which was accepted by the weak coalition under the Gujral government.

The fifth central pay com-

mission (set up in February 2000 and still at work) has rightly noted: "Gone are the days when the preparation of a 20 page note with corrections and revisions at two or three levels in the hierarchy, necessitating the taking of clean copies at each stage and in the end cutting the sten-

dence. In 1948, the earliest date for which statistical information on public administration is available, the country's bureaucracy had 14.45 lakh employees, which increased to 17.73 lakh in 1957, to 34.44 lakh in 1983. In 1994 the government of India had on its pay roll 38.73 lakh employees. The

the appropriate service rule would be amended to make this possible. The present incumbent is, thus, the first beneficiary of the new service rule, getting a straight two-year extension. In future, the power to grant an extension will be discretionary.

The present decision is limited to the post of cabinet secretary. This is likely to have a cascading effect in public service. A demand is likely to be made to grant extensions to a functionary like the chief secretary or the director-general of police. The decision is likely to have a snowballing effect with more and more officials demanding an extended stay in the service.

One must not think that the cabinet secretary's case is the first of its kind under the present NDA government. Beneficiaries of this ad hocism include NK Singh (PMO), KV Rajan (Foreign Office), Naresh Dayal (High Commissioner to UK), and Lalit Man Singh. Those who profit from such extensions are all politically linked civil servants. It is, for instance, widely believed that the cabinet secretary's case was sponsored by an influential chief minister, and a supporter of the National Democratic Alliance.

Perhaps the first item on the agenda of administrative reforms in India is the need for reduction in the size of the public bureaucracy. At present, India is suffering from a highly bloated bureaucracy of the size of 38 lakh personnel, which is too big a number when it is remembered that the constitution of India entrusts the major programmatic responsibilities to the states. Because independent India began with a small number of public servants, an initial increase was inevitable. But this never justifies the present size of the central bureaucracy. Huge bureaucracies in areas which constitute the states' direct concern lead to unwanted duplication of labour and thwarting of lower level initiatives. Downsizing the administrative machinery is a requirement which cannot be postponed.

**India considered it expedient to grant extension of service to the seniormost civil servants of the land**

mission raised the pay and perks of the civil servants not caring to find out whether society would be in a position to meet the bloated salary bill. As a result, the government of India's annual salary bill suddenly jumped from Rs 18,000 crore in 1996-97 to nearly Rs 32,000 crore in the year 2000. The pay commission had recommended an integrated package of reform, forcefully arguing that its whole report should be treated as an indivisible one and a government must not pick and choose. It recommended, among others, an absolute discontinuance of the dubious practice of granting extensions to individual retiring government servants. The commission's report was accepted by the Gujral government and was endorsed by Parliament in which the BJP was the main opposition.

Since the nineties the government is committed to a policy of economic liberalisation and free market economy, which implies a definite retreat of the state in the country's public life and a reshuffling of its role and place in the society. Also, computerisation has been penetrating government offices in a perceptible measure which is particularly affecting the Group C personnel like clerks and typists. The Expenditure Reform Com-

cil and using a gestetner machine or laboriously photocopying the pages."

One of the most strongly recommended measures of administrative reform in India since became a pruning of the public bureaucracy. The Fifth Pay Commission took the lead in the matter and recommended the immediate abolition of 3.5 lakh posts lying vacant in the government. At the same time, it recommended a total freeze on fresh recruitment of manpower in the categories of supporting auxiliary staff in government. Equally, the government was asked to plan a 30 per cent cut across the board within a time-frame of 10 years and recommended the abolition of overtime payments, and a restoration of six-day week.

Voluntary retirement schemes have been introduced and as a result attractive terms are offered to the civil servants who choose premature retirement. When the eligibility to hold office was raised to 60 years it was emphasised that no extension was to be granted under any circumstance. The latest high level extension of service is to be judged in this context and is plainly incongruous.

In India, government employees have been swelling in numbers right since indepen-



Indian Administrative Service started with 957 at the time of its inception, the number growing to 1722 in 1961, to 3838 in 1981, and to 4881 in 1981. At present, its size has crossed 5000. The bureaucratic numbers are increasing partly by increase in work inherent in the process of state building, nation-making and development.

But Parkinson's Law too is operative with a vengeance. As the government is explicitly committed to the slimming of the bureaucracy and as also recommended by the Fifth Central Pay Commission, the number should have shown a distinct decline, which has not however happened. The number of those in central government employment has increased to 40.6 lakh in the year 1999. The same is the case with higher civil servants; the number of secretaries has gone up from 117 to 141; additional secretaries from 99 to 107; joint secretaries from 389 to 511; directors from 453 to 628; deputy secretaries from 395 to 578 (the information was supplied to Rajya Sabha in response to a query).

While raising the age of retirement to 62 in the case of the cabinet secretaries, the government declared that

**FB INTROSPECTION**

# 'Panchayat system must be more decentralised'

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**HT Correspondent**  
Cooch Behar, September 6

THE FORWARD BLOC wants the panchayat system in the district to be "far more decentralised" and stricter supervision on spending by the panchayat pradhans.

"The lacunae in the panchayat's functioning led to poor performance of many Left candidates in the last Assembly polls," district Forward Bloc leader Bimal Bose said today.

Recently, the Forward Bloc reviewed the functioning of the panchayats controlled by the Left Front in North Bengal and suggested a revamp in the last Front meeting.

As part of the move towards "better governance" — the party leaders feel — better coordination among Left Front partners down to the village level must be ensured.

The Forward Bloc's strained relationship with the CPI(M) in some areas of North Bengal can be eased if the panchayat system is truly decentralised.

Bose said an example of concentration of powers in the panchayat system is that the zilla parishad sabbadhipati is often the chairman of 50 to 60 committees.

Financial decisions by panchayat pradhans must be disci-

plined and a Government official should be there to prevent misuse and misappropriation of funds meant for the development of rural areas, party leaders feel.

The party wants the infrastructure of the Public Works Department and Irrigation Department be used for panchayat works. This will speed up the development work at the village level.

Another suggestion for improving the governance, especially in North Bengal, is the involvement of local MLAs and MPs in the rural development works.

Bose thinks only local MLAs and MPs — not the party bosses in Kolkata — can understand the problems of the villages.

And it's the duty of the people's representatives to take up local issues with the ministers and take necessary steps for proper implementations of different projects.

"Otherwise development in North Bengal would not be feasible," said Bose.

According to Forward Bloc insiders, Bose has already taken up these issues with Kamal Guha, who has assured him of implementing his proposals — at least in North Bengal — after discussing it with the Chief Minister.

THE HINDUSTAN TIMES

- 7 SEP 2001

# Decentralise panchayats: RSP

STATESMAN NEWS SERVICE

KOLKATA, Aug. 21. — The RSP wants the panchayat system in the state to be "far more" decentralised and stricter financial control to oversee spending by the panchayat pradhans.

"The lacunae in the panchayats' functioning led to poor showing in many seats in the last Assembly elections by the Left Front candidates," the RSP state secretary, Mr Debabrata Bandyopadhyay, said today.

Recently the Forward Bloc had reviewed the functioning of the Left Front-controlled panchayats and suggested overhauling the system.

The CPI-M state committee in its two-day meeting that ended during the day also discussed ways to improve the panchayats.

As the process of evolving the "better Left Front" is on, the RSP believes coordination among the

LF partners has to be ensured down to the village level.

Its "strained" relations with the CPI-M in four districts can be eased if the panchayat system is "truly" decentralised.

Mr Bandyopadhyay said an example of concentration of powers in the panchayat system is that the zilla parishad sabbadhipati is often the chairman of 50 to 60 committees.

Financial discipline has to be restored over spending by panchayat pradhans and the RSP's suggestion is that a government official be tagged to the pradhan for monitoring finance.

It wants the infrastructure of the PWD and irrigation departments be used for panchayat work.

Another suggestion for improving the performance of the LF government is the involvement of MLAs and MPs in rural development work.

## MINISTER ASKED TO VACATE HOUSE

KOLKATA, Aug. 21. — The RSP leadership has asked the minister of state of irrigation, Mr Ganesh Mondal, to vacate his quarters at Raj Bhavan, and ensure that his "family matters" are not dragged into his ministerial work.

The decision of the party state secretariat, which met yesterday, was communicated to Mr Mondal whose "family tangle" got mixed up with his government functions, and brought much embarrassment to his party.

Unable to bear the "strain" caused by the tension in the family, the minister wrote to the chief minister for helping him tide over the difficulty.

It was alleged there were differences among Mr Mondal's family members over exercising extra-constitutional powers.

The RSP took exception to Mr Mondal's letter to the chief minister seeking his intervention keeping the party in the dark.

Mr Debabrata Bandyopadhyay, state secretary, said today Mr Mondal had apologised for writing to the chief minister.

The minister was asked to get accommodation outside Raj Bhavan.

Mr Bandyopadhyay described the whole episode as unfortunate and said Mr Mondal is a "dedicated" leader of long standing. — SNS

THE STATESMAN

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## Lokpal Bill introduced in LS for eighth time



By Our Special Correspondent

**NEW DELHI, AUG. 14.** The Lokpal Bill, seeking to check corruption in high places in the Government, including the office of the Prime Minister, was introduced in the Lok Sabha today.

The much-awaited but often-delayed bill was introduced by the Minister of State for Personnel and Pension, Ms. Vasundhara Raje Scindia, amid noisy scenes over alleged police excesses at a DMK rally in Chennai.

The bill, providing for the establishment of the institution of Lokpal to inquire into allegations of corruption against public functionaries, including the Prime Minister, has been in the pipeline for more than three decades.

It proposes to appoint the Lokpal and two members by the President on the recommendation of a committee headed by the Vice-President and comprising the Prime Minister, the Lok Sabha Speaker, the Home Minister, Leader of the House other than the House in which the Prime

Minister is a member and Leaders of the Opposition in the Lok Sabha and the Rajya Sabha.

The Lokpal will inquire into complaints alleging that a public functionary has committed an offence punishable under the Prevention of Corruption Act, 1988. The "public functionary" will cover the Prime Minister, the Ministers, the Ministers of State, the Deputy Ministers and the Members of Parliament. Other constitutional functionaries such as Judges of the Supreme Court, the Election Commissioners have been kept out of the purview of the bill.

With a view to ensuring that the Lokpal is able to act independently and discharge its functions without fear or favour, the bill provides that the Chairperson or a Member of the Lokpal shall not be removed from office, except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry by a committee consisting of the Chief Justice of India and

two other Judges of the Supreme Court next to the Chief Justice in seniority.

To enable the Lokpal to function effectively and in a quasi-judicial manner, it has been vested with the powers of the civil court in respect of summoning and enforcing the attendance of any person and examining him on oath. The Lokpal shall consist of a Chairperson who is or has been a Chief Justice or a Judge of the Supreme Court and two members who are or have been the Judges of the Supreme Court or the Chief Justices of the High Courts.

The bill provides for a fixed tenure of three years for the Chairperson and the members.

The Lokpal Bill makes its appearance in the Lok Sabha for the eighth time as it had lapsed on seven earlier occasions following dissolution of the House.

The bill was passed for the first time by the Lok Sabha in 1969 but could not get the approval of the Rajya Sabha. In 1971, the bill met the same fate.

15 AUG 2001



# TDP suffers setback in panchayat elections

STATESMAN NEWS SERVICE

HYDERABAD, July 17. - The panchayat polls have given Mr N Chandrababu Naidu a rude shock, with the Congress poised to win most of the 22 zilla parishads in Andhra Pradesh.

The Telugu Desam Party has been marginalised in the Telangana region where it may win only two of the nine district boards. This has shattered TDP leaders, for they expected Mr Naidu's slogan, "development is possible only in an integrated state", to help the party win the polls.

The Telengana Rashtra Samithi, floated by Mr Naidu's now estranged friend, Mr K Chandrashekar Rao, has fared well in Nizamabad and Karimnagar and with the Congress's support can form the Warangal and Medak zilla parishads. The TDP, however, has fared well in Adilabad and Mahboobnagar districts.

The Congress is leading in Nalgonda, Khammam and Rangareddy districts. The party has not only consolidated its base in Telangana but also made a dent in the TDP vote-bank.

The Congress has registered unexpected gains in the coastal districts. It's leading in Vizianagaram, East and West Godavari, Krishna and Nellore. In Visakhapatnam and Guntur, it's giving the TDP a run for its money. Two other zilla parishads where the TDP is in a better state are Srikakulam and Prakasham. Apart from this, the Congress has engaged the TDP in a neck-to-neck race in the Rayalaseema region. The Congress may defeat TDP in Mr Naidu's native Chittoor district while it's surging ahead in Cudapah. The TDP is marginally ahead of the Congress in Anantapur and Kurnool districts.

This is the first election in which the TDP has found itself totally out of favour since the ouster of Mr NT Rama Rao in the August '95 coup. Though Mr Naidu did not win a majority in the 1996 and 1998 Parliament elections, he got enough votes to legitimise his leadership.

Today's results come less than two years after his stupendous performance in the 1999 Assembly elections when he retained power. This also is an entirely different picture from the 1995 panchayat elections when the TDP swept all the 20 zilla parishads.

This evening Mr Naidu held meeting with his aides in the wake of the poll results. Mr T Devender Goud, home minister, said, "We never visualised this sort of a result. Its true we have not done well administratively due to some financial constraints. But the power tariff hikes and the failure to ensure the farmers a minimum support price, seem to have gone against us".

Andhra Congress chief Mr M Satyanarayana Rao said results have proved Mr Naidu wrong that the people have gotten last year's unprecedented power tariff hikes on the Congress spearhead three-month

THE STATESMAN

10 JUL 2001

# Lok Ayukt Bill gets Cabinet approval

HT Correspondent  
Kolkata, July 17

THE STATE Cabinet today formally approved the Lok Ayukt Bill, which is likely to be introduced in the Assembly on Thursday by Chief Minister Buddhadeb Bhattacharjee.

Bhattacharjee, who is also the Minister for Home, will introduce the Bill because it was this department that drafted the Bill in cooperation with the Law Department.

The Chief Minister will also present the department's budget for the year 2001-2002 on Thursday.

Confirming that the Cabinet has given its nod to the Lok Ayukt Bill, Bhattacharjee told reporters that details of the provisions made in the Bill would be read out on the floor of

the Assembly.

After the Bill is passed in the Assembly, it was likely to be sent to the President for approval.

Interestingly, while the draft Bill empowers the Lok Ayukt to initiate action against "all elected representatives" on charges of corruption, mismanagement of funds and nepotism, Bhattacharjee declined to elaborate on the whether "elected representatives" includes members of municipalities and panchayats.

Sources said that although members of the local-self governments, municipalities and panchayats are elected under the provisions of the State Election Commission, and not under the Indian People's Representation Act as in the case of MLAs, their activities have also been brought under

the purview of the Lok Ayukt.

Members of municipalities and panchayats have been brought within the ambit of Lok Ayukt's powers in spite of initial reservations in some quarters of the Government.

Opponents argued that inclusion of such a huge number of representatives of the lower bodies would unnecessarily burden the Lok Ayukt.

Overruling the objections, the Chief Minister is believed to have asserted that with nearly half of the State's developmental budgets being spent through municipalities, panchayats and zilla parishads, the Lok Ayukt's activities may facilitate accountability and transparency in the functioning of these bodies.

# Mayor scraps civic board birthday bash

HT Correspondent  
Kolkata, July 6

THE FUNCTION to mark the completion of a year of the Trinamool-BJP board at Calcutta Municipal Corporation on July 8 has been cancelled because of "unavoidable reasons". However, the infighting among board members and the invitation to friend-turned-foe Ajit Panja seems to have led to the decision.

Member, mayor-in-council (conservancy) Mala Roy today said the function at Rabindra Sadan has been cancelled on Mayor Subrata Mukherjee's instructions.

Roy said she and MMiC (water) Sovan Chatterjee were in a meeting in the Mayor's chambers at the CMC headquarters when they received a phone call from Mukherjee. The Mayor is in Chennai on a personal visit. "He said the function should be cancelled because of unavoidable reasons."

Roy, in-charge of the organising committee said a new date would be decided once the Mayor returns to the city. "We apologise to the eminent people we were to honour, as also the artists who were to perform on the day. A regret letter will be sent to them," she said.

MMiC (Parking and slum development) Pradip Ghosh welcomed the Mayor's decision. Ghosh had earlier said he would boycott the function for he was not consulted on the list of invitees. While the dance troupe had found a mention on the invitation, the eminent personalities to be felicitated did not. "The Mayor must have received my reaction. It is (cancelling the function) is the right move on his part," said Ghosh.

Ghosh said Municipal Commissioner Debasis Som should be showcaused for giving the permission to print the names of Chief Minister Buddhadeb Bhattacharjee and Municipal Affairs Minister Asok Bhattacharya on the invite. "How can they print these names without an official confirmation from their end," Ghosh said.

Three borough chairpersons (Ruby Dutta, Arup Biswas and Debasiss Kumar) and all MiCs with the exception of Roy had held a late evening meeting in the chambers of CMC chairman Anil Mukherjee on Thursday. They had taken stock of the protests against the function.

While Opposition Left Front had already announced its decision to boycott the celebration, borough IX chairperson and Trinamool councillor from ward 74 Ruby Dutta had said she would boycott the function as it was being mismanaged. "Not only that Mamata Banerjee does not find a mention on the card, there are also chances of a mishap as they have issued cards in excess of the seating capacity in the auditorium," she had said.

Trinamool's 16 MLAs including Sonali Guha, Jyotipriyo Mullick and Tamanash Ghosh in a written statement had objected to the invitation forwarded to Ajit Panja. "All the MiCs were elected on the Trinamool symbol and should give priority to the party image then personal equations," the letter said in hint to Roy's equation with Panja.

The MLAs said in the letter that they would boycott the function as "a person like Panja who has insulted not just our leader but also the party has been invited. He can't be forgiven".

# Cabinet gives two more years to top bureaucrat

Cabinet Secy will retire now at 62

Old MRTPC makes way for a new Bill

EXPRESS NEWS SERVICE  
NEW DELHI, JUNE 26

ENS ECONOMIC BUREAU  
NEW DELHI, JUNE 26

**T**HE Government reopened the extension game played by politicians and the bureaucracy by getting Cabinet approval today for a proposal to enable the Cabinet Secretary to continue in service till the age of 62.

Although today's decision is limited to the post of Cabinet Secretary, government sources admitted that it could have a cascading effect with chief ministers demanding similar powers to grant extensions to state officers in "apex positions" such as chief secretary or director general of police. "We'll cross the bridge when we come to it," said one minister in response to a query on the possible consequences.

The resolution passed by the Cabinet is an amended version of the proposal put up by the Government. The original proposal sought to fix a two-year tenure for the Cabinet Secretary.

This was contested by some of the ministers present at the meeting. They felt that the Government should not bind itself down. Instead, it should retain the power of deciding the length of the Cabinet

CONTINUED ON PAGE 2

**T**HE government on Tuesday cleared the much-awaited Competition Bill, paving the way for a statutory commission to check abuse of dominance and anti-competitive practices by industry in the era of liberalisation and a changed economy.

Apart from repealing the age-old Monopolies and Restrictive Trade Practices Act and substituting it with a 10-member Competition Commission, the Bill will also lay down procedures for acquisition and mergers.

Briefing reporters after the cabinet meeting, Law Minister Arun Jaitely said the Bill, to be introduced in the monsoon session of Parliament, seeks to replace 14 restrictive trade practices provided in the MRTP Act by just four.

MRTP, meant to deal with restrictive practices in a regulated economy, was becoming increasingly irrelevant and ineffective with liberalisation.

The new Bill will have three main components — abuse created by anti-competitive practices, abuse of dominance and procedure with regard to acquisition and mergers.

CONTINUED ON PAGE 2

## Cabinet Secy will retire now at 62

Secretary's extension. Those who spoke up included Finance Minister Yashwant Sinha, Human Resource Development Minister Murlidhar Joshi, Information and Broadcasting Minister Sushma Swaraj and Law Minister Arun Jaitely.

Government sources emphasised that there was consensus in the Cabinet that the present Cabinet Secretary T R Prasad should be given an extension.

However, the ministers felt that the post of Cabinet Secretary could not be equated with constitutional positions which have mandated terms.

They pointed out that a two-year term would block the promotion chances of every alternate Indian Administrative Service batch and cause demoralisation down the line.

They also stressed that the concept of a fixed tenure would spark demands across the board from bureaucrats in top slots.

The decision is a complete reversal of the Government's announced policy of no extensions.

The Fifth Pay Commission had also recommended as part of its downsizing proposals that the practice of granting extensions be scrapped.

The Commission's report was accepted by the Inder Kumar Gujral Government and endorsed by Parliament when the Bharatiya Janata Party was the main opposition party.

However, the Vajpayee Government has been bypassing this rule by re-employing select officers on contract, in effect granting them an extension.

The beneficiaries of this include former Secretary in the Prime Minister's Office, N K Singh, former Secretary in the Foreign Office, K V Rajan, the High Commissioner in London, Naresh Dayal, and former Foreign Secretary and now Ambassador in Washington, Lalit Man Singh.

It was not clear this evening just how long an extension Prasad would be given. Under the earlier two-year fixed-term proposal, he would have carried on in office till October 31, 2002.

However, now that the Government has the power to decide the length of the extension provided the age of the officer does not exceed 62, Prasad technically could be in the job till July 31, 2003.

The decisions knocks two aspirants out of the race completely.

They are Secretary Planning Commission N C Saxena and Finance Secretary Ajit Kumar. Saxena has roughly one year of service left and Kumar six months.

The next in line for the job, Home Secretary Kamal Pandey, may just make it to the top bureaucratic job but with a little help from the new rule on extensions.

Pandey retires towards the end of 2003 so he would also be dependent on being granted an extension from the government of the day.

Briefing correspondents after today's meeting, Arun Jaitely said that under the amended rules, the Government can grant an extension to the cabinet secretary in "public interest".

## RURAL FAILURES

### Panchayat review may open Pandora's box

THERE is nothing new in the demand by Forward Bloc to review the functioning of the state panchayats before they go to polls in another two years. The review had become necessary because of glaring weaknesses like inaction, nepotism and corruption. The Forward Bloc is afraid that these flaws may subvert the devolution of power to the grass-roots. The weaknesses are not new. They have been discussed at various fora. A decade ago the ruling Front, "concerned" about the malfunctioning panchayats, asked the former union government secretaries Nirmal Mukherjya and D Bandopadhyay to review their working. Expectedly the review was highly critical. It called the panchayats nothing but extended Government and party agencies with an elected bureaucracy and not a vibrant institution of self-governance which they were supposed to be. The report found almost everything wrong with their financial and administrative functioning. The report made several recommendations, which included the CAG auditing panchayat accounts. This was not accepted.

Since then panchayats have further degenerated whereas in states like Kerala and Madhya Pradesh where they were introduced much later have surged ahead with a modern, progressive programme and are now being looked upon as role models. In West Bengal, it made no difference whether the panchayats are controlled by the Marxists, Trinamul, BJP or Congress. In fact when it comes to sharing the loot, sworn political rivals have joined hands. Whenever personal and group interests have coalesced, no-confidence motions have been moved to seize control of panchayats. With no devolution of power and no right to recall panchayat members as in MP and Kerala both the performance and accountability of West Bengal's panchayats are pathetic. Alimuddin Street knows that yielding to Forward Bloc's demand would be opening the proverbial Pandora's box. Why risk it?

# Review panchayat role: FB

## STATESMAN NEWS SERVICE

KOLKATA, June 6. - The Forward Bloc wants the functioning of the panchayats in the state reviewed, as it does not approve of many of their 'harmful' tendencies.

Mr Debabrata Biswas, Forward Bloc all-India general secretary, said, though the Left Front had set an example by decentralising power through the panchayati raj, the system has, over the years, developed some glaring flaws.

The 'defects' need to be immediately rectified as the panchayat elections are due in

2003, he said.

Mr Biswas said, the most distressing development was the bureaucratisation of the panchayats. This tendency had in many places defeated the very purpose of the panchayati raj. Many schemes could not be properly implemented because of excessive dependence on a handful of officers and clerks.

The Forward Bloc has decided to prepare a blueprint for improving the panchayats by plugging the loopholes in the system and eliminating possibilities of subverting the process of devolution of power to the grassroots.

The Forward Bloc's document will be submitted to the Left Front committee for a detailed discussion.

Asked why the Forward Bloc has taken upon itself the task of reforming the panchayat system, Mr Biswas said at least one Front partner had to come forward, though all the constituents were aware of the lacunae.

CPI-M politburo member, Mr Biman Bose, who is currently looking after the Left Front committee's work, said the committee will look into it if the Forward Bloc formally submits its document.

The Forward Bloc also wants the Left Front committee to function in a cohesive manner in the districts.

A long-standing complaint of the small partners of the Front is that there is hardly any coordination in the Front at the district level.

Mr Bose said, the Left Front committee had already decided to strengthen coordination at the district level.

He, however, took exception to the Forward Bloc's decision to take to the media the internal matters of the Front before discussing them at the Left Front committee.

# Politicians, babus usurp Panchayat Raj: WB

EXPRESS NEWS SERVICE  
BANGALORE, JUNE 4

**K**ARNATAKA was the first to act on the 73rd amendment to the Constitution that mandated three-tier governance as per Panchayat Raj.

Eight years later, strong political and bureaucratic interests have undermined Panchayat Raj Institutions (PRIs) at village, taluk and district levels, leaving "little or no decentralisation" in the state, according to a World Bank study.

In villages, the elite capture power, excluding socially-weak sections and women, noted the study titled *World Bank Perspective on Decentralisation in Karnataka and 6 Other States*. The report was presented by World Bank expert Keith McLean last week at a workshop on rural decentralisation in Karnataka.

Inaugurating the two-day workshop on Thursday, Minister for Rural Development and Panchayat Raj M.Y. Ghorpade assured that gram sabhas would be given more powers to plan, build and maintain clean new villages and collect taxes more effectively.

Host Govinda Rao, director of Institute of Social and Economic Change, said such decentralisation moves in 70

countries aim to reduce poverty and empower local communities. The Bank paper, based on findings from an "overview of rural decentralisation in India" noted that devolution of power went well on the political front, but lagged behind on the fiscal and administrative fronts in all seven states — Kerala, Maharashtra, Karnataka, Madhya

Pradesh, Andhra Pradesh, Rajasthan and Uttar Pradesh — where the study was conducted. Kerala has been the most successful, and Maharashtra has achieved modest levels in decentralisation. But the other five states have achieved little or no progress on this front.

McLean, however, qualified the findings, stating that the data was collected till March 2000, and there might

## The World Bank study blames the "sanctioning powers of bureaucrats and the dominance of MPs and MLAs" for marginal decentralisation

have been changes later. In the Bank's comparison of five Indian states with 14 countries that went for decentralisation, Columbia has been rated as most successful. Kerala comes second along with Philippines in fiscal decentralisation measures.

Specific problems of Karnataka included undermining of political decision-making by "sanctioning powers" of local bureaucrats and dominance of MPs and MLAs in taluk panchayats. "Gram Sabhas are not held consistently; but they resort to a consensus. Consensus means the stronger voices prevail," noted McLean.

However, competitive elections to PRIs and checks on the powers of village, taluk and district panchayat presidents, have been appreciated in the study. Administratively, power hardly seems to trickle down. District Planning Committees do not function in the state, and the merger of District Rural Development Agencies under Zila Panchayats have not been effective, even as bureaucrats who head district and taluk panchayats called the shots, the study noted. Sudha Pillai, joint secretary in the Ministry of Rural Employment had an explanation for such vertical functioning and straight-jacket programmes: "We (bureaucrats) think hierarchically, and work in a compartmentalised manner."



The Prime Minister, Mr. A.B. Vajpayee, along with the Union Minister for Rural Development, Mr. Venkiah Naidu (left), at an all-party meeting on Panchayati Raj at Parliament House in New Delhi on Saturday. — Shanker Chakravarty.

## Bill on Panchayat Act deferred

By Gargi Parsai

NEW DELHI, MAY 19. The Centre today decided to defer the 87th Constitution Amendment Bill empowering States to choose the mode of election of chairpersons and members at the block and district panchayat levels, after an all-party meeting here failed to reach a consensus. It was decided to refer the issues raised in the proposed Bill to the Parliamentary Standing Committee on Rural and Urban Development for a "comprehensive" legislation to strengthen grassroots bodies.

The meeting was convened by the Prime Minister, Mr. Atal Behari Vajpayee, to evolve a consensus on the Bill introduced in the Rajya Sabha in 1999 following a demand from the Andhra Pradesh Legislative Assembly. He chaired the two-and-a-half-hour meeting at the end of which it was decided to call another all-party meeting to review the situation.

Representatives from 18 parties attended the meeting. The AIDMK, the PMK and the Trinamool Congress stayed away.

An immediate fallout of the decision taken today is that the Andhra Pradesh Government, which has been stalling elections to panchayats on the basis of its proposed 87th Amendment Bill for more than a year now, will have to hold elections before July 31, the date stipulated by the Supreme Court. Other States and Union Territories which are yet to hold elections under the Panchayat Raj Act are Assam,

Pondicherry, Punjab (to two tiers), Gujarat (to the gram sabha) and the newly-formed States.

"The re-establishment of genuine local self-government has helped improve governance, increased people's participation in development and strengthened our democracy. This Bill should be deferred as it affects the basic structure of Constitution with regard to local bodies," the Prime Minister said. The most vociferous defence of the proposed amendment came from the leader of the TDP in the Lok Sabha, Mr K. Yerran Naidu, who stated the State's stand on the issue and said it would bring about organic linkages between the three tiers. The TDP found support in the Samajwadi Party, the Akali Dal, the INLD, the DMK and the MGRADMK.

Speaking for the Congress, Mr. Mani Shankar Aiyer strongly opposed the Bill and said that leaving it free to the States would bring about distortion in the uniform pattern envisaged and in the degree of democratic representation. The CPI(M), the CPI, the RSP, the NSP, the JMM, the Kerala Congress, the Biju Janata Dal and the JD(U) opposed the Bill.

The Union Minister for Rural Development, Mr. Venkaiah Naidu, said most parties focussed on why devolution of power and funds to the people had not taken place and why District Planning Committee had not been set up under the 73rd and 74th Constitution amendments. And this is what the Standing Committee would go into.

THE HINDU

10 MAY 2001



# Panchayat Bill deferred

## STATESMAN NEWS SERVICE

NEW DELHI, May 19. — The 87th Constitution Amendment Bill empowering states to choose chairpersons and members of panchayats today failed to get a consensus at an all-party meeting, convened by the Prime Minister.

The Bill will be sent to the standing committee of Parlia-

ment on rural and urban development for formulation of a "comprehensive" legislation to strengthen grassroots bodies.

Mr Atal Behari Vajpayee said a more comprehensive Bill would further strengthen local bodies, empower weaker and marginalised sections of the rural community and make panchayats more effective and responsive agents of

governance. Though the Bill was introduced in the Rajya Sabha in 1999, the government decided to evolve a consensus before taking up the Bill in Parliament.

Based on a unanimous resolution of the Andhra Pradesh legislative assembly, the proposed Bill sought to amend Article 243-C of the Constitution to give more freedom to

state legislatures on mode of election of panchayat chairpersons at intermediate or district level. The Andhra Pradesh government asserted that absence of an organic link in three tiers of the panchayati system was leading to conflicts in the functioning.

The move could not find many takers. The Congress suggested a comprehensive legislation to strengthen local institutions. The UP government said due to indirect elections, the panchayat system had become centralised where muscle and money power ruled the roost. It advocated direct elections at all levels.

The RJD said the existing provisions in Article 243-C (2) already contained provisions for direct elections.

70 MAY 2000

## Raghavan hands over charge

By Our Special Correspondent

**NEW DELHI, APRIL 30.** The CBI Director, Mr. R. K. Raghavan, retired from service today, handing over the charge of the post he held for 27 months to the Special Director, Mr. P. C. Sharma.

A seasoned investigator and by far the most experienced hand in the agency, Mr. Sharma was appointed by the Ministry of Personnel to "hold the charge of the post of Director, CBI, in addition to his duties until further orders." In a sense, Mr. Sharma will be "acting director" till further orders.

Asked to comment on the prevailing confusion over choosing his successor, Mr. Raghavan said the selection procedure for the CBI Director had been laid down by the Supreme Court and brushed aside the present state of affairs as "minor hiccups."

Describing his tenure as a "very satisfying experience", Mr. Raghavan said at times he found himself "racing against time" to complete investigations or tie up loose ends.

Later, Mr. Sharma said the interaction of the CBI with the judiciary had been enhanced during the recent times and a great deal was achieved in removing delays in investigations. "We will try and speed up the cases pending with the agency and also further develop our cybercrime investigation unit, brainchild of Mr. Raghavan."

Another report on Page 13

THE HINDU

1 MAY 2001

# Sharma is CBI director for the time being

PRESS TRUST OF INDIA  
NEW DELHI, APRIL 30

**S**USPENSE over the new CBI Director continued today with the Government appointing Special Director P C Sharma to take "charge" from R K Raghavan, who retired after over two years as the head of the investigative agency.

The Appointments Committee of the Cabinet approved that PC Sharma, an IPS officer of 1966 batch of Assam-Meghalaya Cadre "will hold charge of Director, CBI, in addition to his duties until further orders."

Shortly after the order from the Department of Personnel came, Sharma, who has put in an uninterrupted 22 years in various posts in the agency, took charge from Raghavan.

The government decision came even as speculation mounted over the successor to Raghavan with a selection committee recommending the names of Andhra Pradesh Director General of Police H J Dora, Director General of ITBP S C Choube and Director General of Gujarat K Chakravorthy for appointment as CBI Chief. The selection committee comprised Central Vigilance Commissioner N Vittal and Home Secretary Kamal Pande and Secretary in the Personnel Department BB Tandon.

## Hijacking case

**NEW DELHI:** A designated court in Patiala has framed charges against three accused in the Indian Airlines plane hijacking case in which five Pakistani nationals had forcibly taken the aircraft to Kandahar in Afghanistan in December, 1999. The court framed charges against Abdul Latif alias Patel, Bhupalmar Damai alias Yusuf Nepali and Dilip Kumar Bhujel, who had helped the five accused and their two accomplices, CBI sources said here.

Later, Sharma told reporters he would continue to work towards making the working conditions in the agency best besides starting incentive schemes for the officers coming to CBI on deputation. "We will have to gear up for accelerating the cases pending with the agency and try to gain more and more trust of the people," Sharma said.

In his final chat with the reporters as the Director of CBI, Raghavan said "during my stint of 27 months in the agency, I tried to provide all modern facilities to the staff and I hope that my successor would also continue in the same way."

"Whenever I visited any place I found people had lot of trust in the agency and I wish this trust continues," Raghavan added.

INDIAN EXPRESS

1 MAY 2001

# Nine killed in last phase of Bihar rural polls



Booth capturers tear away ballot papers in Fatehpur, near Patna on Monday.

Patna, April 30

AT LEAST nine people, including a Home Guard, were killed and several injured during the sixth and final phase of panchayat polls in Bihar today, taking the death toll in the long-drawn election to 75.

The I-G, Nilmani, said three persons were killed in Nawada district, two each in Gaya and Jamui and one each in Goapganj and Madhepura districts.

Three persons, including the grandson of mukhiya candidate Sital Singh, were killed while they were allegedly making bombs at Sisma village in Nawada. Fourteen people, including Sital, were arrested. Two injured persons were taken to hospital.

Two persons were killed in police firing in separate incidents in Gaya district. One person was killed when police fired to abort a bid by anti-socials to grab booth no 130 at Sindswara village while another died in police firing when a group of people attempted to loot a mobile booth at Matihani under Magadh Vishwavidyalaya police station.

The Home Guard, Sitaram Paswan, was killed when some hooligans attacked a booth in Aliganj block of Jamui.

One person, identified as Jalandhar Yadav, was killed and another seriously injured in armed clashes between two rival groups at Parmanandpurkhedi village in Madhyapura district.

Seven people were injured in

police firing at Patna, Gaya and Nawada district. Snatching of ballot papers and looting of ballot boxes were also reported from a few places in these districts.

Two persons were injured when they were caught in a cross-fire at a Aami booth in Saran.

Thirty-four country-made weapons, some ammunition, 18 bombs and explosives had been recovered, while 1000 people were arrested during raids conducted at various places to ensure peaceful polls, police said.

The first phase of panchayat election, held after 22 years, accounted for 17 deaths on April 11, second phase 12 (April 15), third phase 18 (April 19), fourth phase 12 (April 23), fifth phase 7 (April 27). The overall turnout was 65 to 70 per cent.

However, in the Naxalite-infested districts where the militants had given poll-boycott call, the casualties were less, police said.

In the last panchayat election in 1978, more than 650 people were killed, the I-G said.

The State Election Commissioner ML Majumdar said voting percentage in Naxalite-infested districts was encouraging as an overall 65 per cent to 68 per cent of voting was registered despite the poll boycott call.

Officials said more than 500 candidates for the post of mukhiyas were reported to have criminal antecedents while over a dozen criminals or their aides had been elected unopposed.

PTI

THE HINDUSTAN TIMES

1 MAY 2001

9 ADM  
H.O. 7

# CBI chief appointment after final orders: CAT

29/4

By S. Rajendran

**BANGALORE, APRIL 28.** The Bangalore Bench of the Central Administrative Tribunal (CAT), with reference to a petition filed before it by an officer of the rank of Director-General of Police, has ruled that the appointment of a new director for the Central Bureau of Investigation (CBI) shall be made only after its final orders on the petition.

The present incumbent, Mr. R. K. Raghavan, is due to retire on April 30.

The CAT order has placed the Centre in a piquant situation as it will have to necessarily await the final orders or take recourse to other legal avenues. The next hearing of the CAT in this matter is posted for June 8.

The interim orders were passed by the Bench comprising the vice-Chairman, Mr. N. Sanjiva Reddy, and Mr. Srikantan, member.

Dr. R. Vishwanathan, DGP, Fire Service and Home Guards, ranked fifth in the order of merit of the 1966 batch of IPS officers, said he was well ahead of the others being

mentioned for the post. Mr. P. C. Sharma, Special Director, CBI, was ranked 54th in the same batch, while the other contender, Mr. S. C. Chaube, was ranked 16th. Mr. Chaube is presently DGP, Indo-Tibetan Border Police.

The CAT said: "We are of the view that it is just and proper to pass an interim order that the appointment of the CBI Director shall be subject to the final outcome of this Original Application (OA) pending further orders."

Dr. Vishwanathan's case is being argued by the former Karnataka DG and IGP, Mr. C. Dinakar, who had challenged the appointment of Mr. Raghavan. While the CAT in that case had set aside the appointment of Mr. Raghavan, the High Court had subsequently stayed the tribunal's order.

In his petition, Dr. Vishwanathan said he fulfilled the three criteria laid down by the Supreme Court in the Vineet Narain case — seniority, integrity and experience in investigation and anti-corruption work — for selection as the CBI Director. "I have also

maintained the highest standards of service and integrity." He had served for nearly 16 years as a Superintendent of Police in the CBI and later as Deputy Inspector General and Inspector General of Police in the Central Industrial Security Force. As per an apex court order, the field of choice for the post of the CBI Director should be spread to all officers serving as DGPs either at the Centre or in the States.

Dr. Vishwanathan said his thesis for Ph.D, "The Ethics of Civil Servants in India" was also based on his experience of anti-corruption work in the CBI and the State Vigilance Department. He also did a four-month stint in the Interpol Secretariat, Paris.

Since the CBI was the nodal agency for interacting with the Interpol and was currently investigating several matters that required an ability to comprehend documents in French and communicate with countries such as Switzerland, his knowledge of French should put him ahead of the others in the race for the post, he said.

THE HINDU

29 APR 2001

# Parochial politics scuttled Puri's appointment as WTO ambassador

By Priyaranjan Dash & Manoj Joshi

NEW DELHI: Bitten by the Tehelka bug, the government seems to have developed fever. Only a profound illness can explain its mishandling of WTO issues, especially the appointment of an ambassador to the WTO headquarters in Geneva, which is an important position.

Having scuttled the appointment of Hardip Puri, India's deputy high commissioner and acknowledged expert on trade issues, to this position, the commerce ministry has decided to break all rules by giving incumbent S. Narayan an unprecedented fourth extension, this time till November this year, going beyond his retirement from government service in September.

"At a time when the WTO is being perceived as the new Frankenstein and the object of widespread suspicion in the country, the government's approach to the WTO is alarmingly casual," says a senior government official. Trade specialists say that with the Doha round of trade talks coming up later this year, the government should have had its strategy in place by now. Instead, encouraged by a self-serving IAS lobby, it has tied itself into knots. Having argued for Mr Narayan's previous extensions on the grounds that the Geneva and Seattle ministerial rounds were coming up, the ministry is now claiming that the Doha round demands his expertise.

In the meantime, having compelled the government to undo Mr Puri's appointment, an act that involves undoing Prime Ministerial and Presidential assent, commerce minister Murasoli Maran has decided to re-write the rules. He wants K.M. Chandrashekhar, who is deputy chief of mission in Brussels (itself an anomaly considering

that this is an IFS position), to proceed to Geneva as the next WTO ambassador.

Mr Chandrashekhar was considered earlier and found unsuitable for the job, but he is now being asked to go from one foreign assignment to another, something unprecedented in IAS history.

Further, say commerce ministry officials, another key IAS service rule is being broken for Mr Chandrashekhar: He is about to complete his five-year deputation with the central government service and should revert to his parent Kerala cadre for the mandated 'cooling off period'. In fact, this five-year rule was cited in denying foreign assignments last year to two commerce ministry joint secretaries, Ashok Kumar and U.S. Bhatia.

PMO officials say they had got Mr Maran's assent before appointing Mr Puri. However, when the ministry was sent the order for implementation, commerce secretary Prabir Sen Gupta persuaded Mr Maran to press for rescinding it. Mr Maran then denied that he had given assent to Mr Puri and wrote to the Prime Minister that in appointing Mr Puri, the PM was indicating his lack of trust in a Cabinet colleague who was answerable on WTO issues to Parliament. Faced with this vehemence, the PM cancelled Mr Puri's appointment.

With exports leading India's growth, and imports causing so much turmoil, India's stakes in the world trade system are very high.

The commerce ministry's indulgence in parochial bureaucratic politics can only occasion alarm and doubt about their ability to manage the complex issues that the country confronts in relation to trade.

11-10 **Power to Panchayat** 24/4

That our elections are all about empowering politicians and political parties rather than the ordinary people is a complaint aired frequently in these columns. This has created a situation where the political process has more or less failed to address the development needs of the people. The solution clearly lies in the formation of autonomous local associations which would help resolve conflicts between competing groups through a dialogue based on accepted norms of social interaction, trust and values. This is how social capital is built, which enables communities to collectively pressure governments into addressing their needs. In India, though a system of local government — the panchayats — has existed for decades, the concept of pressure groups has really not caught on. At first, panchayat institutions suffered because state governments, wary of relinquishing power in favour of local governments, withheld funds and deliberately neglected to conduct regular elections. And when in the '80s these anomalies were addressed to some extent by amending the Constitution and adopting a new improved model of local governance, its objectives were defeated by caste-based politics which rather than build trust among social groups, deepened social cleavages, making it very difficult to establish effective local governments. The recently-concluded panchayat elections in Bihar — held by the state government after a gap of 23 years — were marred by violent clashes between caste groups. One reason why this happened is because political parties view panchayat elections as the equivalent of exit polls — barometers that establish their popularity. So panchayat polls become a mini version of the assembly and Lok Sabha polls with political parties exploiting caste affiliations by extending tacit support to individuals.

The politicisation of panchayat institutions has resulted in them becoming platforms where one politically-backed community dominates and excludes others, increasing social conflict. Does this mean that panchayat institutions really have no role in a system where caste-based politics has developed deep roots? Not necessarily, social conflicts need not undermine democratic functioning or prevent the growth of social capital. History shows that in the long run, limited social conflicts produce valuable ties that engender social cohesion in democracies. However, if local public entities are to create social capital they must be freed from political interference. In more advanced social democracies like Denmark and Japan, local governments are free from political control and have been allotted significant powers. They have their own unicameral legislatures that decide on the enactment and repeal of ordinances, approve annual budgets and even authorise the final accounts of expenditures and revenues. Besides in Denmark, nearly 80 per cent of the people are members of one or more non-political associations, through which they pressure local bodies to address their needs, demand the enactment or repeal of laws, seek the dissolution of local assemblies and even the recall of assembly members. Clearly, if local governments are to be a success in India, such fundamental reforms will have to be undertaken. As a first step the dependence of the panchayats on the state government for funds must be done away with. Further, state election commissions (SECs) — that are entrusted with the responsibility of conducting panchayat polls — will also have to be constitutionally empowered to take punitive action against both those that attempt to politicise local government bodies and state governments that don't conduct panchayat elections on time.

**THE TIMES OF INDIA**

**THE TIMES OF INDIA**

**24 APR 2001**

# 18 killed in Bihar poll violence

PTI & UNI *g adw*

PATNA, April 23. — At least 18 people were killed and several injured in today's violence-marred fourth phase Bihar panchayat elections even as 70 per cent electorate exercised their franchise.

The state headquarters informed here that four people were killed in Jamui, three in Gaya, two in Saran, while one each died in Madhepura, Banka, Buxar, Sheikhpura, East Champaran, Araria, Patna and Nalanda. A polling official died following cardiac arrest in Supaul district. *SP 24/4*

Three hoodlums were killed in a bomb explosion near Devpura village in Jamui district. Another man was killed in a group clash at Chuan village under the same block. Hundred crude bombs were recovered from the slain booth-grabber, the home secretary, Mr UN Panjiar said. A landmine planted by a banned Naxalite group, which had given a poll boycott call, was detected and defused near Arurwak Garhi dam in the same district, he added.

The IG (operations), Mr Neelmani, told reporters that a mukhia candidate, Nagendra Singh, was killed by his rivals at Saraikala village in Madhepura district's Kumarkhand block.

Two persons were killed and six wounded while manufacturing crude bombs at Nagma village in Darbhanga district.

The sources said while one person was killed in an armed clash between rival groups at Rajaura in Sheikhpura district, another, identified as Sunil Kumar Singh, was gunned down at Mashrakh in Saran.

A relative of a mukhia candidate for Gayghat panchayat in Buxar district's Brahampur block was gunned down by rivals at Semra village, while another person was shot dead in a group clash at Kalyanpur East Champaran district.

THE STATESMAN

24 APR 2001



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## 18 die in Bihar rural polls

IN THE wave of escalating poll violence as many as 18 persons, including three candidates and a polling magistrate, were killed and 12 injured in the third phase of polls in 1,569 panchayats in Bihar today.

According to sources, while Muzaffarpur accounted for a maximum number of four deaths, two persons died in police firing in Siwan, one each in Samastipur and Chapra. Sources said two persons were killed when police opened fire to quell a mob trying to capture booths at Barauli in Siwan district this morning. Four persons were injured in the firing and subsequent clashes, the sources said. In Muzaffarpur, three persons were killed on the spot while two others injured at Madhopur village when they were manufacturing bombs. The injured included a candidate for Mukhia Krishna Sahni.

PTI, Patna

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THE HINDUSTAN TIMES

20 APR 2007

# BIHAR PANCHAYATS

558 Caste violence will not disappear 209

IN spite of arresting 45,000 people with criminal records, closing down 22 mini gun factories and seizing 546 illegal arms, the police were unable to prevent 36 people from getting killed in the Bihar panchayat polls which were held recently after 23 years. This is because the levels of social tension are so high that a thorough disarming of the Bihar countryside is an impossibility. The situation was expected to be slightly better this time, because significant portions of the ultra-Left had been won over by the democratic principle and there were more than 200 Naxalites in the fray while others had even begun canvassing for upper-caste landlords. This is testimony to the erosion of the ultra-Left in Bihar, partly because the most important of the ultra-Left bases are in Jharkhand, partly because the ultra-Left has succumbed to the usual vortex of power and corruption and alienated significant sections of the Dalits and the backwards.

It is not possible to determine how much of the violence in the Bihar panchayat polls was due to Naxalite activity, even though the CPI(ML) Peoples War and Maoist Coordination Centre had issued calls for a boycott. Much of the violence seems to be of the usual variety, arising out of caste tensions. But it may have been exacerbated by the fact that elected bodies are being revived after a gap of 23 years and landlords suddenly see that their numbers are not adequate. The Home Commissioner describes the situation as relatively peaceful which may be an accurate assessment given the levels of violence that usually prevail. Four hundred people died in the last panchayat polls. The only positive feature in this election is the high proportion of women who, at great personal risk, went out to cast their vote. This is a lateral effect of the general resurgence of political consciousness among the backward castes and Dalits; much of the caste violence being directed against women, they have a direct stake in countering landlord power. Panchayat elections do not mean that caste violence will disappear overnight, but there will, henceforth, a framework within which both caste quarrels and caste mobilisation can be given a political form.

THE STATESMAN

20 APR 2001

# Govt. committed to Lok Pal: PM

By Our Special Correspondent

NEW DELHI, JAN. 22. The Prime Minister, Mr. Atal Behari Vajpayee, today reiterated his Government's commitment to put in place a new Lok Pal regime "with adequate powers to deal with charges of corruption against anyone, including the Prime Minister".

Inaugurating the All-India Conference of Lokayuktas this morning, Mr. Vajpayee said a "Group of Ministers" was examining a new Lok Pal Bill draft, and "this will be introduced in Parliament soon." Reminding the conference — which met after a gap of five years — that it was his Government's endeavour to "provide a clean, efficient, and transparent administration," he declared that "the principle of zero tolerance would apply while dealing with corruption." His Government "will have an open mind to consider all constructive suggestions to eliminate corruption in public life and strengthen the people's confidence in our institutions."

Mr. Vajpayee's argument was that corruption was bad for development and detrimental to democracy as "rampant corruption has bred contempt for the law". This, in turn, had "resulted in a decline in moral values throughout society". In particular, the Prime Minister said that the old system of license-permit quota raj encouraged corruption; therefore, if the economic reforms had to succeed then there was an "urgent need to create a hassle-free environment for our businesses, especially small businesses."

## Disappointing experience

The Prime Minister was also critical of the



The Prime Minister, Mr. A.B. Vajpayee, inaugurating the national conference of Lokayuktas in New Delhi on Monday. The Delhi Chief Minister, Mrs. Sheila Dixit, is also seen. — Photo: Anu Pushkarna

Lokayukta arrangement at the State-level. He pointed out that while the institution of the Lokayukta was "visualised to be non-political, with their status comparable to the highest judicial functionaries in the country," the experience had been disappointing.

He noted disapprovingly that only 15 States had enacted the Lokayukta law, and even then in some States the Chief Minister was outside the ambit of the Lokayukta authority. He called upon the conference to initiate the nec-

essary action towards making the law uniform.

The Prime Minister was equally unsparing of the judiciary's refusal to evolve norms of accountability. Mr. Vajpayee noted: "Experience has shown that our efforts to strengthen probity in civil service and the polity cannot yield desired results without extending the norms of accountability to the judiciary. The inability of our judicial system to deliver speedy justice has itself become the source of much injustice. It has also eroded the credibility of our judiciary in the eyes of the public."

At the same time, he deplored the periodic tendency of the media to be less than "truthful to facts".

## 'Capitals of corruption'

The conference witnessed free-wheeling pronouncements on corruption and its pervasiveness, especially at the state level. According to Justice Mr. M. C. Jain (retd.), Lokayukta of Rajasthan, things were becoming really bad in the States. "Capitals of the States have become the Capitals of Corruption where deals are made and settled and power brokers rule the roost."

In his keynote address, Mr. Justice Faizuddin (retd), Lokayukta of Madhya Pradesh, warned that "it is time to take practical and concrete action before the country actually sinks in the cesspool of corruption and we look on only as helpless spectators. It is imperative to enact a comprehensive uniform Act to effectively combat corruption, bestowing adequate and meaningful powers to the Lokayuktas to deal with this gigantic menace."

THE HINDU

23 JAN 2001

# Women enter panchayat for quick exit

FROM MONOBINA GUPTA

New Delhi, Jan. 23: Panchayati Raj has given lakhs of women a visibility denied to them for decades, but the woman sarpanch of a small Rajasthan village served her term by being locked out of her office.

The offenders, her male colleagues, got away with the "prank". She is not alone. Over 50 per cent of women panchayat leaders are served a no-confidence motion within six months of taking charge — followed by 42 per cent Dalit panchayat leaders who share the same fate.

Patriarchy and the upper classes are reluctant to let go of their preserves of power. "Women and Dalit panchayat leaders have to contend with institutionalised bias of gender and caste," said Manoj Rai at a conference on the state of panchayats, organised by Society for Participatory Research in Asia.

The 73rd Constitutional amendment has to an extent loosened the grip of patriarchy, pushing nearly 0.8 million women into the public arena. According to a report brought out by the NGO, most of the elected women members belonged to the 35-55 age-group and less than 20 per cent had any previous political experience.

But the speakers at today's conference felt that illiteracy, ignorance, poor economic status and the dominance of male officers are pulling down women panchayat leaders into a stereotype.

"With women entering the panchayat arena, lots of men saw their rule ending within the panchayats and therefore pressured their wives or other women family members to contest polls. When elected, these women were expected to act like puppets," stated the

organisation report.

There are instances when aided by their male family members the women have moved ahead to take control of panchayat institutions and secure responsible posts for themselves.

But in most cases the absence of women representatives at gram sabha meetings is a regular feature. The organisation report underlines that women turn up for meetings more regularly when the gram sabhas are headed by women leaders.

In most cases, the male officers do not bother to inform or educate women panchayat leaders about their roles. "In almost all states more than 90 per cent of panchayat secretaries are males. Local government officials at the block level feel uncomfortable dealing with women," said the report.

The literacy graph is heavily tilted in favour of males — 20 per cent of men in panchayats are educated as against less than 5 per cent women. Also, participation in public life has not lessened their share of domestic responsibilities and in many cases their status at home continues to be low. "Majority of women representatives are engaged in domestic work including child rearing, field work, looking after other family members. This limits the time they can spend on political work," the report said.

Dalit leaders, like their women counterparts, are rarely accepted by dominant castes. Almost 60 per cent of elected members, men or women are from the upper castes. Reservation of seats for those at the bottom of the caste hierarchy has propelled them to public life, but they are constantly up against the dominant castes holding the reins of governance at the local, state and national levels.

THE TELEGRAPH

24 JAN 2001

# Lok Pal shield against tehelka arrow

Jay Raina  
New Delhi, April 19

THE UNCERTAINTY over the Lok Pal Bill getting Parliament's nod despite the Vajpayee Government's apparent seriousness is being seen as a tactical move to shift focus from the tehelka revelations.

The Cabinet clearance of the 12-year-old draft legislation on Tuesday night and its timing have raised doubts over the Government's intent. The sincerity of purpose is apparently suspected as it took several months to seek Cabinet approval even as the draft legislation was cleared by the Group of Ministers (GoM) in December last year.

Even as the inclusion of the Prime Minister and the PMO

within the ambit of the proposed Ombudsman is in conformity with the general political consensus, the extension of the Lok Pal's writ to MPs is likely to raise the hackles of a large number of MPs.

If approved, the new statutory Lok Pal institution will be yet another adjudicator to look into the conduct of the MPs. Influential sections within the political-bureaucratic apparatus fear that the move may damage the delicate constitutional balance between the judiciary and Parliament.

Currently, the MPs can be hauled up for their acts of malfeasance under the normal anti-corruption laws as applied to public servants. This flows from the April 17, 1998 judgement

of the Supreme Court wherein the MPs have been placed on par with public servants, and liable for trial and punishment under the existing anti-corruption laws.

Secondly, the Ethics Committees of the two Houses are slated to probe the conduct of the MPs even as the nitty-gritty of such provisions are being worked out by the presiding officers.

Thirdly, the Central Vigilance Commission (CVC) can also initiate action against the MPs to probe the conduct of the public servants.

Significantly, the proposed Lok Pal Bill makes it binding for the MPs to declare their assets when they enter Parliament for the first time. The prosecution and punishment will be under the

penal provisions of the same anti-corruption law—the Prevention of Corruption Act-1988, to be precise.

No wonder the JPC chaired by Congress leader Pranab Mukherjee had recommended the exclusion of MPs from the ambit of the proposed Federal Ombudsman. The GoM, headed by I. K. Advani, also went along with its opinion.

The new Lok Pal Bill, however, is an improvement over the NDA Government's 1998 draft legislation wherein the PM was kept out of its jurisdiction, though the PMO remained within its purview.

The new draft includes PM and his office except for his decisions concerning national security and inter-related matters.

20 APR 2001

# Lok Pal rebirth to fight Tehelka

FROM OUR SPECIAL  
CORRESPONDENT

New Delhi, April 17: Dogged by allegations of corruption in high places, the government today dug up the legislation for setting up a Lok Pal that will monitor the conduct of constitutional offices and brought into its ambit the Prime Minister.

In 1998, the NDA government had tabled the Bill, but the Prime Minister was kept out of the jurisdiction of the three-member panel, though the Prime Minister's Office was included.

By getting the Bill out of the backburner and bringing the Prime Minister within its purview, the Tehelka-tainted government wants to send the signal that it is serious about maintain-

ing probity in public life.

More important, Prime Minister Atal Bihari Vajpayee, his image having taken a beating following the murky disclosures that brought under a cloud his close associates, is eager to prove to the people and the Opposition that he does not cringe from putting himself under the scanner.

Six attempts have been made so far to get the legislation cleared by Parliament. The first was by Indira Gandhi in 1968. Rajiv Gandhi tried to push through the Lok Pal Bill twice, in 1985 and 1989. Each time, the move fell through because of the Opposition's demand that the Prime Minister be included in the list of those whose conduct would be subject to a probe by the Lok Pal.

Vajpayee has chosen to be the

first Prime Minister to give in to that demand at a time when he has been cornered. Sources said other aspects of the Bill remained much the same.

There has also been a debate on who would appoint the Lok Pal after it was decided that, like the Election Commission, it would be a three-member body headed by a chairperson.

According to the last Bill, a committee headed by the Vice-President will recommend to the President the three names for appointment. The committee will consist of the Prime Minister, the Lok Sabha Speaker, the home minister and the leaders of the Opposition in the two Houses. The Bill also said that complaints filed after 10 years of the date of offence would not be entertained.

The Vajpayee government had said in its first draft that "to ensure that the Lok Pal functioned independently and without fear or favour, the chairperson and the two members would not be removed from office except by an order of the President on grounds of proven misbehaviour or incapacity".

Under the amended draft legislation, the Lok Pal will investigate complaints against the Prime Minister, the PMO, ministers and MPs. The panel will have the powers of a civil court.

Those out of the ambit of the Lok Pal are the Vice-President, the Speaker, the Chief Justice, Supreme Court judges, the comptroller-and-auditor-general, election commissioners and members of the UPSC.

THE TELEGRAPH

7 A APR 2001

# PM, MPs, ministers in Lok Pal ambit

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**UNITED NEWS OF INDIA**

NEW DELHI April 17. — To curb corruption in public life, the government today said the Prime Minister, ministers and MPs will come under the purview of the proposed Lok Pal Bill to be introduced in Parliament in its current session.

The Bill, approved by the Cabinet tonight, however, proposes certain safeguards on the inclusion of the Prime Minister. It includes MPs, though the standing committee, headed by Mr Pranab Mukherjee (Congress), had opposed the move to bring lawmakers in its fold. The group of ministers (GoM), headed by the home minister, too had been against including MPs in the purview of Lok Pal.

Senior officials said the GoM had taken into account the pros and cons of including the Prime Minister and MPs and discussed the issues involved in the Supreme Court judgement in the JMM bribery case.

The GoM had avoided recommending that MPs be brought under its fold but the government did so to root out corruption in political life.

The MPs would be asked by the Lok Pal to declare their assets when they enter Parliament for the first time.

The Bill provides for probes into complaints of alleged commitment of offences punishable under the Prevention of Corruption Act, 1988, against public officials, including the Prime Minister. To ensure that the Lok Pal is able to act independently and discharge its functions without fear or favour, the Bill provides that its chairperson/member shall not be removed from office, except by a President order.

18 APR 2001

THE STATESMAN

# Panchayats powerless in A.P.

By George Mathew

40-12  
171

**W**HEN THE World Bank President, Mr. James D. Wolfensohn, visited Andhra Pradesh in November 2000 a briefing note on the State prepared by the Bank team stated that the Chief Minister, Mr. N. Chandrababu Naidu, was India's leading State reformer. The document further said: "Naidu's popularity will be tested soon in the upcoming elections for rural local bodies (panchayats). These elections were originally scheduled to be held in October but the political fallout from the power reforms may have influenced Naidu to postpone them."

The most disturbing aspect of this statement is that even today — after eight years of their becoming constitutional bodies under Part IX of the Constitution — elections to panchayats rest on the will and pleasure of the Chief Minister. The TDP Government had about nine months earlier in February 2000 also postponed elections to the other two tiers of panchayats — zilla and mandal parishads — and these have not yet been held although more than a year has elapsed.

As there is no political will and scarce respect for the Constitutional mandate, the process of throttling democratic local institutions is easy. Just promulgate an ordinance placing zilla and mandal parishads under administrators, although the Constitution does not permit such a measure. The reason? The Andhra Pradesh Assembly had requested the Centre to amend Article 243(c) of the Constitution and till then the State would not have elected zilla or mandal Parishads. Can anyone think of a more flimsy ground for postponing the panchayat elections? The ordinance lapsed and the 87th Constitution Amendment introduced in Parliament to amend Article 243(c) was not even taken up for discussion.

In the face of the onslaught on the Constitution by the politicians in power, politically conscious citizens did not spare the TDP Government. Several writs were filed against the Andhra Pradesh Government for violation of the Constitution. The High Court directed that the elections be completed by May 31, 2000. But the State Government did not relent. It went in appeal to the Supreme Court. The apex court upheld the High Court verdict and directed

that elections to zilla and mandal parishads must be held by March 31, 2001.

Meanwhile the village panchayat elections were due in October 2000. So the easiest way to tackle this problem was to catch the clause 243(d)(6) on OBCs which has given powers to the State Legislatures for making reservation for backward class persons for seats and posts of chairperson of panchayats. This clause had been misused since 1993 by every ruling party which did not want to face panchayat elec-

cannot equate PRIs with community organisations because the Constitution has defined PRIs as institutions of self-government in Article 243(g), and for all practical purposes it is the third stratum of governance in the country.

Contrast Mr. Naidu's understanding of panchayati raj today with that of the TDP in 1984 about nine years before the enactment of the 73rd Constitution Amendment. The TDP manifesto in 1984 stated, "Telugu Desam will work for directly elected district administration forming a third

***The TDP's blatant disregard for the Constitutional directive to have democratically-elected panchayats in every village is a matter of serious concern.***

tions. Who is a backward class citizen in a State? There is no census of such citizens or nationally accepted criteria for identifying them. So we open a Pandora's box through this clause and it comes as a godsend for postponing elections. Parliament must take up this issue seriously and delete clause 6 of Article 243(d).

The powers that be saw to it that writ petitions were filed challenging the above clause and also questioning the method in which seats were reserved. The High Court granted this plea and gave time till May 31 to identify the OBC population in a scientific way. But the question is what were the petitioners doing in the last five years? Why wait till election eve? Where was the Government which has proclaimed its motto of governance as 'smart' (simple, moral, accountable, responsive, transparent) based on 'e-governance' all these years?

More shocking is the place the Government led by Mr. Naidu has given to panchayats in the Andhra Pradesh Vision 2020. In the 352-page document, panchayati raj institutions are dismissed in one paragraph. The TDP has totally misunderstood decentralisation as envisaged in the 73rd and 74th Amendments as it declared that the "State is determined to strengthen its administration through responsible management by panchayati raj institutions (PRIs) and community organisations" (p.325). Sorry Mr. Naidu, you

tier in the country's federal polity with proper constitutional backing so that people may have democratic self-government at local level, not under the district bureaucracy but over ..... and finally district government should come to stay" (p.14). It must be said to the credit of the TDP that when it ruled the State in the 1980s, Andhra Pradesh tried to evolve its own system of local government without borrowing much from West Bengal or Karnataka with the aim of taking self-government institutions to the poorest of the poor. But for more than a year the present TDP leadership has placed PRIs under administrators.

Everyone was concerned as to what the Andhra Pradesh Government would do when the Supreme Court wanted the elections to zilla and mandal parishads completed by March 31. Of course, the 'smart' government under its CEO (Mr. Naidu prefers the title CEO of Andhra Pradesh Inc.) was not doing anything to expedite the election process. However, the State woke up after four months and filed a petition belatedly on February 17, 2001, pleading inability to hold the elections and praying for further postponement. What happened in the Supreme Court when the case came up on April 4, 2001, for hearing is a matter of extreme significance.

When the Senior Advocate appearing on behalf of Andhra Pradesh tried to convince the Court that an extension of time for

conducting the elections was required in the light of the timeframe stipulated by the High Court regarding the identification of backward class voters, the court was told that the State has been postponing the elections due in March 2000 on some pretext or the other. The Court enquired about the present position regarding the administration. It was informed that the District Collectors were the special officers discharging the functions of zilla parishads. The Court remarked that the attempt to defeat the electoral process and allow officers appointed by the political party in power to carry on the administration was totally unacceptable. On the plea by the Advocate for the State that as a last chance some more time be granted for conducting the elections, the Supreme Court finally passed the order that it was not pleased to extend the time once again and directed the State to ensure that the elections are completed by July 31, 2001. The Court also stated that no further time would be granted for the same.

When the Court passed the above order, counsel for the State Election Commission came up with another plea. Counsel submitted that it would require 40 days after the identification of the seats to hold the election and therefore this factor also should be taken into consideration. But the Court was categorical in stating that this was a problem to be settled between the SEC and the State Government and that the elections must be held before July 31, 2001.

The Supreme Court's order should serve as a timely warning to all Chief Ministers and ruling parties who treat the panchayats as poor cousins of the State Legislatures. The attitude of the State-level politicians in power that they can make critical issues related to the panchayats suit their convenience and get away with it must stop.

It is ironical that the TDP's Vision 2020 ends with the following quotation from Gandhiji: "True democracy cannot be worked by twenty men sitting at the Centre. It has to be worked from below by the people of every village." The TDP's blatant disregard for the Constitutional directive to have democratically-elected panchayats in every village is a matter of serious concern.

THE HINDU

17 APR 2001



# 12 killed in Bihar panchayat election violence

HT Correspondent  
Patna, April 15

TWELVE PEOPLE were killed and scores injured today during the second phase of elections to 1,647 panchayats across 108 blocks of the State. As feared after the first phase, police firing, bomb blasts, looting of ballot boxes and group clashes marked the election process, in a near repeat of the first phase of polling during which 24 people were killed.

Officials, however, confirmed only six deaths till the report was filed. According to the Home Secretary U N Panjiar, polling in most parts of the State passed off 'peacefully' barring some 'stray' incidents of group clashes. He said three people had been killed at Vaishali in a bomb blast.

According to reports, four were killed in Vaishali, two in East Champaran and one each at Sheohar, Begusarai and Purnia. Three people were killed in a blast at Alipurhatta village under Mahnar police station of Vaishali district, while a woman died in a group clash near a police station at Narainpur-Dherpur village of the district. The miscreants snatched a rifle at Sultanpur village in the district. A policeman was among those wounded in the shootout.

At least two people were injured when two groups clashed outside polling booths at Sherpur Bahsi village. In Begusarai, one Indradeo Singh was killed in crossfire at Bhithsari panchayat.

In Gaya, police opened fire at Rajangaon village under Gurua police station when miscreants

tried to loot the ballot boxes. One Jitendra Prasad Verma was killed. In another clash, several people were injured. A man was arrested in this connection.

A Motihari report said two people were killed in a group clash at Booth NOs 71 and 79 at Pakridayal, while another man was killed at Tariana in Sheohar district. In Purnia two groups clashed. Sonu Mahato, a minor was killed and several others were injured at Itahari polling station in the Dhamdaha block.

Police said six people, including three polling personnel, were injured when miscreants threw bombs at Sultanpur polling centre in Vaishali district. Police fired about 15 rounds to quell an unruly mob trying to disrupt polling at Amarpur and Vijaipur in Saharsa. However, no casualty was reported. About 12 people were injured in clashes between two rival groups, crossfire and bomb explosions in Musahari, Bhagwanpur and Ahiyapur police areas in Muzaffarpur district. Polling was suspended at more than five booths.

A Nawada report said a youth was injured when a crude bomb went off at Bagoda village in the district. Another man received bullet injuries at Barsa village in Sheikhpura district. The ultra-Left outfits called for a boycott of the polls in the central Bihar districts of Nawada, Jehanabad, Gaya, Aurangabad, Bhojpur and Nalanda. Reports said the outlawed MCC extremists looted four police rifles and shot two homeguard jawans, leaving them seriously injured at Bikhiya village under Ghanghat panchayat.

## HINDUSTAN TIMES

# Stir in the grassroots

**T**HAT THE panchayati raj elections are being held at all in Bihar — after 23 long years, a record of sorts — is something to rejoice. It is a matter of satisfaction even though the outbreak of violence, which had been predicted, has marred the first day of the polls. Fears had been expressed that the figure of 500 dead in the 1978 panchayat elections might be reached. Since violence is never far from the door in Bihar, there is a need to keep our fingers crossed. This is all the more so because the deaths on Wednesday, along with booth-capturing and other familiar maladies of the election scene, showed how volatile the situation is. No one can say how conducive to a fair poll the conditions will be during the remaining five rounds which are to be completed over the next fortnight.

However, it needs to be noted that holding the elections has not been easy because of political and judicial roadblocks. It is also worth remembering that in the absence of directly elected panchayats, the state has missed out on hundreds of crores of welfare funding from the Centre and international bodies each year. Since the concept of panchayati raj institutionalises grassroots gover-

nance, entrenched interests represented by the power elite — particularly MLAs and MPs — were loathe to see it being revived as they feared the erosion of their own influence. In the post-Mandal phase, the state government legislated reservations for OBCs in the elections to panchayats. But Patna High Court struck down the law. The government then moved the Supreme Court, which is yet to give its verdict.

The present elections have been made possible on account of the High Court ruling that since the apex court has not granted a stay on the polls, they can be held. For now the good news is that the polls have aroused considerable interest among the voters, especially the women who enjoy the 33 per cent reservation guaranteed by central legislation. The first phase witnessed about 65 per cent polling, higher than in the last assembly and parliamentary elections. Instances have also been reported of villagers giving fight with guns to hoods trying to capture booths. For some years, the power balance in Bihar has been shifting away from the upper castes. The result of the current polls might show the extent to which the traditionally weaker elements of society are entering the political field.

THE HINDUSTAN TIMES

13 APR 2001

# 16 killed, 49 injured in Bihar panchayat election violence

By Gyan Prakash

The Times of India News Service

PATNA: Even as about 60 per cent voters exercised their franchise in the first phase of the panchayat elections in Bihar on Wednesday the polling was marred by numerous incidents of violence, which claimed 16 lives and left 49 people injured in different parts of the state. Among the dead was the daughter of a candidate in Seikhpura district.

The heaviest casualty was reported from the Kurhani block of the Muzaffarpur district, where six persons died and 10 others were injured in police firing. The incident was sparked by the arrest of a Mukhiya candidate for creating trouble at a booth; the villagers resorted to brickbattling in order to get the arrested person released forcefully leading to the police firing.

Incidents of smearing of ballot papers with ink and tearing of ballot papers, besides looting of ballot boxes led to the cancellation of polling at several places. State election commissioner M.L. Mazumdar said that according to reports received till 6 p.m., repoll had been ordered at 30 booths. However, the actual figure will be known only by Thursday when the state election commission receives and scrutinises the presiding officers' diaries.

Two persons reportedly died in the Pachrukhi block of Siwan — one Munna Tiwari was gunned down in the Surwal village and one

Ajay Singh, who along with an associate was hurt in a bomb blast, later succumbed to his injuries. Two persons, Arvind Kumar and Surendra Singh, died in the Gaurichak block of the Patna district. Haider Ali of Mugni village under in Nalanda district was subjected to a gruesome death when someone pierced his stomach with an iron rod following a clash outside a polling booth.

Rubi Kumari, daughter of Deonandan Yadav, who is contesting for the post of Mukhiya in the Lodipur village of the Seikhpura district, lost her life when Deonandan and his rival Krishnadeo Yadav clashed near a booth. One Janak Rajak was killed in the Pabatta village of the Sarairanjan block of the Samastipur district when the police opened fire to quell two belligerent groups of criminals trying to capture booths. Three Jain pilgrims were killed when the Ambassador car carrying them was blown off in a landmine blast triggered by the banned extremist outfit Maoist Communist Centre in the Mahudar village on Kauakhol-Jamui road in the Nawada district. A person, reportedly hailing from Nepal, received grievous injury while making bombs in the Madhubani district. The victim was later taken across the border by his associates. The state election commissioner said it could not be ascertained whether the man died or was alive.

Mr Mazumdar said that of the total 60 per cent turnout of voters 50

per cent voters were women, which amply indicated the normal situation during the first phase of panchayat polls for which 'a grim picture was being painted by the media'. "This is a positive sign and I am happy over the polling," Mr Mazumdar said, adding that poll-related incidents of violence were 'few'.

Incidents of shootouts among criminals were reported from the Jehanabad and Muzaffarpur districts; however, no casualty was reported. Mr Mazumdar said such incidents of firing took place at three booths in the Ratnipur block of the Jehanabad district and at four booths in the Kurhani block of the Muzaffarpur district. Casting of votes at these booths remained unaffected. However, voting had to be stopped at three places in Nawada following clashes between two groups.

Pouring of water into ballot boxes was reported from the Araria, Muzaffarpur and Motihari districts. In Muzaffarpur, miscreants also threw three ballot boxes into a pond while snatching of ballot boxes was reported from Karahgarh (Rohtas), Dobhi block (Gaya) and the Falda village of the Jamalpur block. Giving a break-up of the injured persons, Mr Panjiar said three persons received injuries in Siwan, eight in Vaishali, seven in Darbhanga, four in Patna, 20 in Muzaffarpur, three in Gaya, two in Jehanabad and one each in Samastipur and Begusarai.

THE TIMES OF INDIA

# 17 killed, 50 injured in Bihar panchayat polls

## Chaos, irregularities mar 1st phase of elections

BY SOROOR AHMED

Patna, April 11: At least 17 people were killed and around 50, including poll personnel, injured in incidents of police firing, cross-firing and bomb explosion during the first phase of panchayat elections in Bihar on Wednesday. Unofficial reports put the death toll at over 24.

The elections, marred by large-scale irregularities and chaos, witnessed 60 to 65 per cent voter turnout. Incidentally, unlike in the past, women too were among the casualties, perhaps a price they paid for one-third reservation.

Seven people were killed in the police firing at Kurhni block of Muzaffarpur district. A mob *gheraoed* the police station following the arrest of a candidate for the post of *mukhiya*. The police had to resort to firing to break up the mob. Official sources, however, put the toll at two killed and three hurt. The district magistrate and superintendent of police are camping there and the situation is still believed to be very tense.

The extremist organisations in

the state had issued a boycott call for the panchayat polls.

In another incident, three Jain tourists were killed in a landmine blast, reportedly triggered off by the outlawed Peoples War Group, at Kawakole block of Nawada district.

Three people, including a girl, were killed in shootouts at three different areas in Patna district, while two persons, including candidate Munna Tiwary, died in an exchange of fire at Panchrukhi block under Siwan district.

Three persons died in different incidents of violence in Vaishali district. Reports of one death each in Nalanda, Darbhanga, Sheikhpura and Madhubani districts have reached here so far. Repolling has been ordered in 20 booths.

In chief minister Rabri Devi's Assembly constituency, Raghapur under Vaishali district, several persons were injured in violent clashes. Three of the critically injured were rushed to the Patna Medical College Hospital. This includes the father of one of the candidates.

Miscreants also beat up a woman

who was on her way to cast her vote. She was hospitalised and her condition is stated to be critical.

Reports of attacks on women have also come in from Munger and Madhubani district. The daughter of a candidate for the post of *mukhiya* was killed in firing in Sheikhpura district.

Each voter had to stamp for four different posts — mukhiya, member of panchayat samiti, gram samiti and zilla parishad.

On an average, each voter took at least four minutes to cast a vote. With temperature hovering between 42 and 43°C, the impatience of those waiting in queue got the better of them and they left without casting their vote.

Earlier in the morning, the poll process started a bit late at several booths because the voters were not familiar with the election procedure which involved casting a vote for four candidates simultaneously.

But the panchayat polls held significance as they were held after 23 years and a new generation got the chance to participate in the exercise.



AFTERMATH: Election officials display torn ballot papers at Booth No. 47 at Khusharapur's Prathamik Vidyalaya in Bihar on Wednesday. The state panchayat polls were marred by violence in which at least 17 people were killed. A photograph by Krishna Murari Kishan

# Shoot-at-sight orders for 1st phase of Bihar local polls

BY SOROOR AHMED

Patna, April 11: As Bihar holds panchayat elections on Wednesday to strengthen the grassroots democracy after 23 years, blood continues to flow. Although the Bihar government has imposed shoot-at-sight orders, sealed international border with Nepal and border with Uttar Pradesh, Jharkhand and West Bengal and borrowed 15,000 rifles from neighbouring states to boost its depleted police force, fear of violence is looming large.

The death toll in the two-month-long electioneering has crossed three-figure mark with about 50 of those killed candidates, and rest either their supporters or relatives. In the first phase of panchayat polls on Wednesday, voting will be held in 1,731 out of the total 8,452 panchayats spread over 113 blocks in 37 districts.

Although the Centre turned down the Rabri Devi government's request of sending 35 companies of paramilitary forces, the state has managed to deploy 50,000 policemen and 57,000 home guards for the first phase of polling. The Rabri Devi government has provided insurance cover of Rs 10 lakhs to the employees and policemen engaged in the election work.

About 22 illegal mini-gun factories have been unearthed, 600 firearms recovered and 40,400 anti-social elements rounded up in pre-poll crackdown.

Ironically to buttress the democracy at the grassroots-level, Bihar had to make war-like preparations. It had to obtain 3,000 rifles each from Uttar Pradesh and Madhya Pradesh and 4,000 from Jharkhand and 5,000 from West Bengal to arm its policemen and home guards.

Poll violence and irregularities in Bihar have their origin in the first parliamentary and Assembly elections held in 1952. But since the panchayat elections are not held on the basis of party affiliations, officials, like director-general of police R.R. Prasad, feel that the



PRIMAL FEAR: Naxalites patrol the jungle on the outskirts of Patna on Tuesday, just before panchayat elections are scheduled to be held in Bihar. Naxalites through terror and intimidation, intend to disrupt the process. (AP)

polls will not be as violent. Bihar panchayati raj minister Upendra Prasad Verma is hopeful that things would not be as bad as in Lok Sabha and Assembly elections.

They argue that since more than one candidate from the same family are contesting in many places there is less possibility of violence.

However, if the panchayat elections of 1978 are considered, then the apprehension of violence cannot be downplayed. Twenty-three years ago 500 people lost their lives. In the post-73rd Constitutional Amendment time, panchayat heads enjoy more executive and

financial power and in polarised rural Bihar, candidates can go to any extent to win an election.

Besides, the presence of about 300 candidates belonging to the extremist organisations like MCC, Peoples War Group and Ranvir Sena and hundreds of hardened criminals or their wives in the fray have vitiated the atmosphere.

What is interesting is that ministers, MPs, MLAs and MLCs of different political parties are staying in Patna and not going to their constituencies as they find it extremely difficult to decide whom to support in their respective villages.

# When anarchy goes to the polls

Transition always brings disquiet in its wake. And when this transition is in Bihar, anarchy must precede any new order. The core of Bihar's red underground is changing hue. Simmering red is trying to blend with the grey-and-black of mainstream politics as it finds its ranks besieged. Over 200 Naxalites are in the fray for the panchayat polls being held in Bihar after 22 years. The first of the six-phased election begins from April 11.

Though the long-pending elections are a feat in itself, the fact that this has been able to breach the insulated red bastion is even more amazing. For the first time, hardcore ultra-left groups have forsaken the path of armed insurrection and time-tested tools of counter-propaganda, like "poll boycott whips", to take part in the democratic process.

At least 100 "listed" People's War and Maoist Communist Centre activists are contesting the panchayat polls from Jehanabad alone. The radicals, who till a few months ago, were seen wielding carbines and plotting mayhem, canvassed actively in the villages to garner support. Though the outfits officially denied "participation in the poll process," central Bihar villages resounded with discreet cries of "Mein aapka ummidwar hoon, aap mujhe vijayee banaye (I am your candidate, please ensure my victory)" by neo-left candidates waving the all-too-familiar red banner.

This is a reversal of roles. For once, the "victims" were at the helm, pampered and wooed by a bunch of "mellowed zealots". In the Masurhi block of Jehanabad district, the hub of People's War activities, villagers were dumbstruck when a "dreaded" *dalam* leader approached them with "folded hands" for votes.

"It was twilight and I thought they had come to kill me and my family," recalls Ram Jatan Yadav, farmer, with a smirk. A terror-stricken Yadav initially tried to flee thinking it was yet another People's War ruse to entrap the farmers into a gory dance of death. "But they meant business", says a sympathetic Yadav.

Some of the "known" People's War activists, who are officially in the race, include Charitar Ranjbongshi, Somar Singh, Dharmendra Ram, Mahendra Bind, Baijnath Yadav from the Karpi, Suresh Das and Ramashish Paswan from the Kako blocks in Jehanabad.

The Maoists, too, are in a defiant mood. A large number of MCC activists, including two Gaya-based leaders, Nandlal Singh and Gupta Yadav, have ignored the high command's "poll boycott fiat" to sweat it out at the hustings. This shift from "aggression" to "politics" has considerably weakened the organizational set-up and the outfit is now poised on the threshold of a split.

Riven with dissension and factionalism, the gradual "politicization" of the Maoist movement in central Bihar was inevitable. Over the past two years, regular desertions and arrests of key leaders, who had deviated from the ideology, shattered the movement's backbone. A large number of disgruntled members revolted against the "stringent" hierarchy, clamouring for a change in polity. Most of them advocated more political participation to make their "presence" felt at the grassroots level, the outfit's traditional base of operation. "Violence had alienated us from the masses", regretted a former Maoist leader, now an aspiring politician.

Insiders attribute the spate of recent arrests of top MCC leaders to this new-

With panchayat elections coming up in Bihar, ultra-left groups are taking part in the democratic process for the first time, writes Madhushree C. Bhowmik



Terror in a new guise

found "glasnost" in the rank and file. The arrest of Vyas Kahar, the organization's "leading light" in the turbulent Magadh region, has dealt a crippling blow to the group. Kahar was arrested from the house of his mistress under Chandauti police station in Gaya district last week. Police officials say Kahar's interrogation will throw "valuable insight" into the party's organization and firepower.

Like the People's War, which, of late, has become rather low-key in Jehanabad

and Gaya because of an eroding support base, the MCC, too, earned a bad name because of the "promiscuous" lifestyle of a section of its leadership. This was perhaps one of the reasons why the Maoists were unable to counter the Ranbir Sena, the upper caste landlords' militia, in recent times. The MCC, which lost a sizeable number of its cadres in Mianpur last year to the *sena*, is yet to retaliate with a "befitting vendetta strike."

The decline in MCC fortunes can be

**'The left volte face has caught unawares the RJD-backed candidates in central Bihar who perceive the Naxalites as a threat to their hegemony. The battle between political thugs and ideological goons portends ill for the state. The spectre of bloodshed looms large and over 25 people have already been killed in the pre-poll violence'**

traced to the 1996 Tekari police station raid, following which the outfit lost one of its most dynamic leaders, Sagar Chatterjee. It resulted in an ideological polarization among the cadre and Chatterjee's widow deserted the outfit with a select band of supporters. Mainstream political parties, specially those with a strong support base among the backwards and the Muslims, cashed in on the divide, sowing the seeds of liberalization.

The bifurcation of Bihar seems to have brought matters to a head. The ultra-left groups in the state, which have lost the bulk of their hunting ground to Jharkhand, have virtually no options other than switching to politics for the sake of continuity. It is almost a do-or-die dilemma, which the Communist Party of India (Marxist-Leninist) faced six years ago when it shunned violence to join the mainstream, albeit with little success. But the fact that the hardliners are treading the same path only serves to highlight that there can be no viable alternative to democracy.

In the last Lok Sabha elections, the MCC resorted to largescale violence to impose its poll boycott call and in the subsequent issue of its mouthpiece, *Lal Chingari*, it waxed eloquent about the success of its mission. The outfit published a district-wise break-up of the "meagre" votes cast in the districts, where it had clamped down on the electoral process. According to statistics, not a single vote was polled in at least 70 booths in Giridih, 16 in Hazaribagh, 10 in Chattra, 8 in Dumka and 15 in Gaya. But the boycott failed to make any dent as "mainstream" candidates won by substantial margins in all these districts.

Records cite that in Naxalite-ravaged Jehanabad and Gaya, polling percentage has been maximum despite boycott calls by the extremist groups. Ironically, Naxalite supporters also voted overwhelmingly for those they opposed ideologically. The leadership's decision to allow activists to take part in the democratic process is perhaps a desperate bid to cling on to the last vestiges of public support. A senior Rashtriya Janata Dal politician in Patna describes it as a populist move aimed at keeping the disgruntled cadre happy for "who would not like a share of the rural development pie?"

The left *volte face* has caught many unawares, especially the RJD-backed candidates in central Bihar who perceive the Naxalites as a threat to their hegemony. The battle between political thugs and ideological goons portends ill for the state. The spectre of bloodshed looms large and over 25 people have already been killed in the pre-poll violence.

Many feel that the change is the last lap of a bloody order in central Bihar, sounding the death-knell of a vibrant left struggle. But is this true? A story, which was scripted way back in 1968 in Muzaffarpur's Mushahary block on the lines of Naxalbari, has refused to say die over the years. It was crushed in the early Seventies only to rise like a phoenix from the ashes and embers of caste conflict in the mid-Eighties. Bihar's new left manifested itself in three forms: the CPI(M-L) Liberation or anti-Lin Biao, the Party Unity and the MCC.

The second coming proved more enduring, surviving two decades of police "repression" and organizational upheavals. This time, too, the left is just repackaging priorities to meet the requirements of time. The content remains the same.

# JPC recommendations on CVC Bill okayed

819-15  
22/3

By Our Special Correspondent

**NEW DELHI, MARCH 21.** The Union Cabinet has decided to accept all the recommendations of the Sharad Pawar-headed Joint Parliamentary Committee on the Central Vigilance Commission (CVC) Bill.

The 30-member panel had recommended, among other things, retention of the 'single directive' principle, under which the Central Bureau of Investigation (CBI) and the Enforcement Directorate (ED) have to get prior Governmental approval for probing corruption charges against officers of Joint Secretary and above levels, on the ground that it was needed to protect those at the decision-making levels. The principle had been set aside by the Supreme Court.

In its report in November last year, the committee had suggested that the power of superintendence of the Commission be restricted to ensure that it did not interfere with the functioning of the CBI or with the vigilance administration of the various ministries and public undertakings and was in consonance with the Government directions on vigilance matters.

Pointing out that the CVC had issued a number of instructions to various ministries, departments and organisations on several measures, which "appropriately" fell within the executive authority of the Government, the panel wanted the Bill to make it amply clear that CVC would have no powers to give general policy directions including on vigilance and disciplinary matters and that they remained with the Government.

Announcing the Cabinet decision, the Union Minister and Cabinet spokesperson, Mr. Pramod Mahajan, said the Government would now try to get the Bill, duly amended, passed in both the Houses in the next half of the on-going budget session. The Bill was introduced in Parliament in December 1999.

## Cabinet clears policy for women empowerment

By Our Special Correspondent

**NEW DELHI, MARCH 21.** The cause of gender equality and justice is set to get a fillip, with the Centre clearing a national policy for empowerment of women, under which a time-bound action plan would be drawn up for their advancement, development and empowerment.

The Union Minister, Mr. Pramod Mahajan, said councils would be set up at the national and State levels to oversee the implementation. The national panel would be headed by the Prime Minister, and the State panels by the Chief Ministers.

## Food labelling

The Cabinet, which met here on Tuesday, cleared a proposal to make it obligatory for food processors to indicate on their products whether they contained any non-vegetarian ingredients. The rule

would come into effect six months after the notification to enable the producers to change over to the new system. It would also be applicable to the imported food articles.

The Government also decided to set up 22 new ITIs and modernise 35 existing ones at an estimated cost of Rs. 99 crores in the north-eastern States and Sikkim and to develop 11,000 plots in West Bengal for the resettlement of refugees from the erstwhile East Pakistan.

## EPIL restructuring

The Cabinet has approved the financial restructuring of Engineering Projects India Limited entailing conversion of Rs. 225.49 crore loan into equity. Similarly interest of Rs. 675.95 crore on Government loans as on March 31 will also be converted into equity.

## Unite at least on sovereignty: Krishna Iyer

By Our Special Correspondent

**NEW DELHI, MARCH 21.** Eminent jurist and former Supreme Court judge, Mr. Justice V. R. Krishna Iyer, today decried the turmoil in Parliament, describing the week-long stalemate as "all sound and fury that signifies nothing". Calling upon political parties to sink their differences, he felt they should unite on at least one issue — in preserving the country's sovereignty. The present situation was like a coup against the Constitution since nearly every article, except perhaps the one relating to voting once every five years, had been violated. "We are now in a grim situation where struggle is the only answer," he declared at the two-day seminar stated to be a precursor to a national campaign against globalisation. The jurist, who has also served as a State Cabinet Minister, expressed dismay over the cavalier manner in which international treaties had been signed by the Government, and suggested that the Constitution could be amended to ensure that all pacts affecting vast masses of the country were ratified by two-thirds majority in each House of Parliament. "We are not against all the components of globalisation. There could be good things which should be adopted. But there should be no surrender. We must mobilise against that."

The noted critique of globalisation, Mr. Walden Bello, spoke about the soft corporate offensive by the Davos crowd which includes embracing the social clause as part of the strategy to re-legitimise globalisation. Other components of this strategy include corporate embrace of civil society and whitewashing of the corporate image by adopting "global compact" which commits corporation to nine principles.

Among other participating in the two-day meet are Ms. Arundhati Roy, Mr. Aijaz Ahmed, Mr. Dinesh Abrol, Mr. S. P. Shukla, Mr. Ashok Manohar, Mr. Vijay Pratap, Mr. Manoranjan Mohanty and Mr. Dipankar Bhattacharva.

THE HINDU

22 MAR 2001

# TACKLING DISASTERS

## Need For A Separate Department

**G**UJARAT, Maharashtra, Orissa, Malpa in UP and closer home Malda-Murshidabad conjure up horrific visions of human tragedy resulting from Mother Nature's fury. To date, our response to calamities like floods, earthquakes, landslides and oceanic cyclones have been kneejerk and ad hoc. It is extremely necessary to codify a proper methodology for managing such natural disasters. A methodical approach for tackling a disaster can save a considerable number of lives.

The onus should rest with all state governments to constitute a Disaster Management Organisation as a distinctly separate entity of administration under a minister of state with independent charge. Maharashtra has already set an example in this regard after the Latur disaster. West Bengal earmarked a part of its 1999-2000 bud-

get for the necessary infrastructure for a DMO.

Any plan to manage local disasters should be prepared from bottom upwards. Normally, instructions on disasters are conveyed from top downwards but in all cases, these are treated in an impersonal manner by those likely to be most affected. Hence the plan should start at the village or taluka level and work its way upwards through districts and other intermediaries to the state government headquarters.

### OPINION

The plan must be founded on the considered opinion of the villagers themselves. A separate budget head has to be exclusively created at the state level so that immediate availability of funds is not a problem as often is the case. Another point is, the armed forces should be called in — if at all — as a last resort instead of the current practice of deploying our men in uniform forthwith and then standing back and watching. Non-government organisations can be compartmentalised with specific missions and used accordingly. A 24-hour disaster control cell has to be maintained in the state, to be manned by an officer on special duty with a skeleton staff on an eight-hour shift basis.

Essentially, a DMO should comprise 12 sections. The first of these will be the recovery section. This section should have men and women thoroughly trained in the art of recovering people as well as animals from a disaster struck area. They have to be physically very fit and adept at rope climbing, abseiling and excavating. They should also be expert swimmers-cum-life savers. This section will also be responsible for setting up temporary camps for survivors.

The second section will be the Field Hospital Section and will be required to set up a number of various field hospital units in the vicinity of the disaster area.

The author is Lt. Col. (retd.), Indian Army.

By JK DUTT

It will have to treat all types of casualties to include surgery and trauma therapy. It must be fully self-contained with doctors, other staff, medicines, auxiliary equipment, generators for lights, ambulances and so on. The third section will be the transport section.

This will be responsible for providing all types of trans-

formation technology in securing early warning of impending natural disasters. The section will need to closely interact with seismographic agencies, meteorological departments, and perhaps directly with INSAT modules for obtaining constant information on the environment. Study of the behaviour pattern of certain animals and birds which can recognise a brewing

natural disaster should also be carried out as a special subject.

The ninth section will be responsible for all relief material. This section will receive food, clothing, and other items of general relief and arrange reaching these to the affected people. The tenth section will be responsible for the last rites of the dead. The eleventh section will be the finance section. This has to manage the budget for the DMO plus control and audit all finance matters.

The twelfth and last section will be the publicity section which will forcefully communicate with villagers by means of posters, handbills, television, radio, films, talks and group discussions to educate people on all aspects of a natural disaster. Children should invariably form part of the audience.

### EXERCISES

The DMO should organise mock disaster practice exercises at least twice a year. Individual section-wise schemes and procedures have to be regularly updated. Counselling from foreign DMOs should also be solicited and relevant aspects incorporated in our planning. The suggested DMO is by no means the last word in its kind. The organisation has to be functionally monitored, modified as necessitated, and honed up to peak professionalism. Disaster management activity should be treated as a social reform for our citizens. In sum, a totally new establishment for disaster management has to take birth in all the states, a venture that will be well trained, highly motivated and properly equipped to tackle any natural disaster in the country with confidence.

Tailpiece: Malda-Murshidabad is plagued by a perennial flood problem. Due to the eastern tilt of the lay of the land in West Bengal, the gap between the main tributaries of the Ganga-Padma river complex is closing at a rapid rate with some *inter se* distances being less than 1,000 metres and reducing by the day. Two steps are suggested; one, as an immediate measure a series of strong retired embankments should be echeloned in depth over these tributaries to rebut flooding; and two, the Nadia Barrage as envisioned by the British irrigation engineer William Wilcox some 70 years ago should be constructed as a joint project with Bangladesh and this dam in concert with the Farakka Barrage will become the long-term safety valve for flood control in the entire region.



portation whether by land, sea or air. It will also liaise with the Indian Railways, Indian Airlines and the merchant navy in the context of transferring casualties to major hospitals. It will hold adequate road transport fleet, motor launches, and some helicopters.

The fourth section will be responsible for communications. It will have to install a network of communication channels gridding the state government headquarters, all districts, all villages, adjacent states and finally linking up with the centre. Channels must have telephone, radio and electronic modes. Motor cycle borne message carriers will also form part of this section.

The fifth section will deal with electricity. Very often avoidable casualties occur by electrocution after a disaster has struck an area. The electricity section will disconnect all electricity supply to start with and once things are back to normal, the section will repair and reconnect all electric lines. The sixth section will be the insurance section.

### INSURANCE

The state government should arrange for insurance cover of multifarious items in the rural areas like people, animals where warranted, property, crops and those household effects judged as valuable. Once the disaster phase is over, this section has to evaluate the damage done, take a census, and ensure that the concerned victims or their next of kin receive the appropriate insured amount.

The seventh section will be the training section. As the name implies, this section will conduct regular training sessions not only for all constituents of the DMO itself but for villagers, MLAs and MPs, panchayats, district officers and the like so that knowledge regarding natural disasters is imparted to all, particularly to the lower strata who largely remain ignorant otherwise. The eighth section will be the technical section and will have the task of maximising in-

STATESMAN

2011



# Gujarat: where are the panchayats?

By George Mathew

IN THE media reporting and discussions of the aftermath of the Gujarat earthquake and on the relief operations, there is hardly any mention of the local self-government institutions — the panchayats. If the panchayats were indeed live and kicking in Gujarat, the immediate response to the calamity would have been from these democratically-elected bodies. But, everyone is talking about the Central Government, the State Government, the Army, the bureaucracy and, of course, the vibrant civil society working through NGOs — no one is talking about the panchayats. It is now well-known that except for the civil society organisations, who constitute a committed voluntary sector, and the Army, all others failed miserably to rise to the occasion and come to the rescue of the suffering citizens. The panchayats, especially the gram panchayats, are totally absent from the scene because of the political games played by the State Government and the State politicians, especially of the ruling BJP.

Gujarat should have 13,316 gram panchayats, 210 taluka panchayats and 25 zilla panchayats. The three tiers should have about 1.30 lakh democratically-elected members for the self-governance of the communities. But, today the democratic set-up in the State and the local government system is a superstructure without a base. The term of all the three tiers of panchayats in Gujarat ended in May-June 2000 and the Constitution categorically states that fresh elections shall be completed before the expiry of their term. But, the Gujarat government decided to hold elections only to zilla and taluka panchayats in September 2000, and that too about six months late.

The zilla, taluka and gram panchayats are expected to function as one entity and none can function properly in the absence of the others. Thus, by holding elections only to zilla and taluka panchayats the Gujarat Government had gone against the letter and spirit of the Constitution. The worst blow was that the gram panchayat elections scheduled for December were further postponed. The reason? The then prevailing drought. It was

conveniently overlooked that the electoral rolls for all the panchayats are the same. If a voter could not vote for constituting her or his gram panchayat because of drought, how did she or he vote for constituting taluka and zilla panchayats? The gram panchayats in the State were placed under administrators such as petty officials and clerks.

The fact that people in Gujarat were eager to elect representatives to local bodies was confirmed by the high turnout in the taluka and zilla panchayat polls. For zilla panchayats, the highest polling stood at 73.51 per cent and for taluka panchayats at 73.39 per cent in Mehsana district, with even higher polling by women. So how could the drought have distracted the electorate from voting for

*Gujarat, home of legendary figures of panchayati raj, failed the people during the recent earthquake because of the ruling BJP's antipathy to grassroots democracy.*

gram panchayats? It was not drought that was the real reason for the BJP-led Government postponing the elections. It was political expediency. The BJP had got a severe drubbing in the zilla and taluka panchayat elections. In the September 24, 2000, the Congress won 22 of the 23 zilla panchayats for which elections were held out of a total of 25 (in 1995, the Congress could win only Dangs district). Most of the 310 taluka panchayats which went to the polls were also bagged by the Congress. In six taluka panchayats, the BJP could not win even a single seat.

Has Prof. Amartya Sen not made it an axiom that democracy is the best antidote to drought and famine? Gram panchayats are any day better than small-time bureaucrats to handle drought or any such calamity. But the village people of Gujarat are being deprived of their gram panchayats, which are the only democratic bodies to which they have direct and easy access.

The postponement of these elections was only a symptom of the deep-rooted malaise which has afflicted the system in the State for some time. All the positive

things the panchayats had achieved even before the 73rd Amendment — fairly successful family planning programmes, rural development, afforestation, distribution of house sites and construction of houses for the weaker sections; their management of relief work during droughts and floods; the State's commendable track record in decentralisation at a time when the neighbouring Maharashtra went for the creation of district development and planning councils which compromised the autonomy of zilla parishads — were undermined systematically by short-sighted politicians and bureaucracy.

The decline of Panchayats accelerated after 1995 because of the shift in Gujarat's political culture from a Kshatriya-Hari-

jan-Adivasi-Muslim (KHAM) combination to upper caste domination. Today, the weakening of the panchayats is evident from (i) the strong influence of MPs and MLAs over the Panchayats, MLAs can sanction works upto Rs. 20 lakhs along with the MPs' Rs. 2 crore every year, and (ii) reducing the functioning of panchayats as wings of the State departments and executing agencies of departmentally-determined projects as against projects which fulfill the needs of the region or people (98 per cent of the expenditure is grant-in-aid). The panchayats have no administrative support to fulfil their statutory and social obligations; no functional or financial autonomy integral to self-governance.

Although the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, were incorporated into the Gujarat Panchayat Act in 1998, the power given to the village to grant prospecting licences or mining leases for minor minerals by auction is missing. Above all, a taluka level body has been chosen as the centre of power rather than the gram sabha. No election has been held to the pan-

chayat bodies in the Scheduled Areas of the State to date.

Ten districts have been seriously affected by the earthquake: Ahmedabad, Bhavnagar, Gandhinagar, Jamnagar, Junagadh, Kutch, Mehsana, Rajkot, Surat, and Vadodara. Between them, they have 95 taluka panchayats. Without the elected gram panchayats, what can the taluka and zilla panchayats do to alleviate the sufferings of the people? The Gram Panchayats are now under petty officials and "talathis". What a remarkable difference it would have made if only there were elected panchayats functioning in these areas! Even if quite a few of the panchayats were affected, other panchayats in the neighbourhood would have come to their aid. Of course, to make that happen in a big way we need a culture of strengthening local bodies, equipping them with resources, personnel and infrastructure.

The plague in Surat was a man-made disaster because there was no effective civic governance or functioning administration in the city corporation. Surat learned its lesson at a terrible cost; today, it is one of the cleanest and most well-managed cities in the country. However, the rest of Gujarat has chosen to keep its eyes closed to Surat's experience.

Four conditions are essential to make local government effective in addressing the critical problems of the people: (i) there must be regular elections; (ii) democratically-elected local government institutions must not be allowed to become weak; (iii) elected representatives must have powers over bureaucrats to prompt them to action; and (iv) there must be a strong presence of the Opposition so that if the ruling party members are lethargic and unwilling to act, the Opposition can hound them in the House and in public. As is now evident, in all these respects, Gujarat — home of legendary figures of panchayati raj such as Mahatma Gandhi, Balvantrao Mehta and Asoka Mehta — failed the people in the recent crisis because of the ruling BJP's antipathy to grassroots democracy.

(The writer is Director, Institute of Social Sciences, New Delhi)

THE HINDU

21 FEB 2001

# Court stays CAT order on CBI chief

2012 SF-1  
STATESMAN NEWS SERVICE

BANGALORE, Feb. 19 - Karnataka High Court today stayed the 8 February order of the Bangalore bench of the Central Administrative Tribunal setting aside the appointment of CBI director Mr RK Raghavan.

The court listed the case for final hearing on 4 June and noted that in the interest of continuity of administration, Mr Raghavan need not be replaced immediately. The CBI director retires on 30 April this year.

The Division Bench - comprising Chief Justice Mr PV Reddy and Mr Justice KL Manjunath - made the interim order on the Union government's petition challenging the CAT order. The tribunal had quashed Mr Raghavan's appointment after an appeal by Karnataka DGP Mr C Dinakar. It had asked the Union government to select within two months a candidate to replace Mr Raghavan.

The court also dismissed Mr Dinakar's plea for extension of his tenure beyond 28 February, the date of his superannuation. He had pleaded that the process for selecting a new person as CBI director be completed before 28 February so as to enable him to be in the reckoning for the post.

The court held it was impractical, if not impossible, to expect the selection process to be completed before 28 February. The judges said Mr Dinakar was at liberty to seek extension of his service from the appropriate government authorities.

Refusing to comment on the court order, the Karnataka DGP said he needed time to study it. Mr Dinakar had, in his petition before the CAT, argued that Mr Raghavan's appointment was made under political pressure.

He had argued that in terms of relative merit, he was superior to Mr Raghavan and, therefore, ought not to have been overlooked for the post of CBI director by the appointments committee of the Cabinet.

He contended that the selection committee had treated the unequals as equals and contravened Articles 14 and 16 of the Constitution.

Mr Dinakar had appeared in person to argue his case before the tribunal and the court. Mr Soli Sorabjee, attorney-general, represented the Union government in the High Court.

The CAT had set aside Mr Raghavan's appointment, besides asking the Union government to appoint a new person within two months.

THE STATESMAN

20 FEB 2001

# CIVIL SERVICES

## Bureaucrats <sup>sr/b</sup> Themselves To Blame For Their <sup>no</sup> Plight

**A** STRONG suspicion persists both inside and outside the state government that the position of chief secretary has undergone a tremendous transformation as head of the civil service over the years of Left Front rule. The genesis is to be found in the selection process. The political executive exercises the right to choose its first executive; supersession has thus almost become the rule since October 1986.

Nobody should be surprised.

Political leaders over the years have controlled the bureaucracy by dangling carrots and playing one section against another. In every organisation there are elements who, for the sake of the carrots dangled, are sufficiently pliable and they become the favourites of the regime.

Once chosen, there are three areas in which the chief secretary has an important role. The first relates to personnel management. The

general administration is the direct responsibility of the chief secretary. True, there is a Home (personnel) department headed by a secretary/principal secretary looking after postings, transfers and promotions. But in effect, chief secretary has assumed the role of a super-secretary of this department arrogating to himself all its functions.

### DOUBLE STANDARD

This he does not by employing a set of objective criteria but by serving the orders of a coterie of high-profile ministers. Proposals of transfers and postings mooted by them orally or on a routine note sheet are never questioned. The result has been demoralisation down the line and officers below tend to cultivate politicians instead of relying on the chief secretary.

The Home (personnel) department thus has the limited task of issuing the fair copies of government orders of appointments, transfers and promotions. If the higher level of the bureaucracy is split, the anti-establishment faction has the misfortune of facing harassment. In such an eventuality, the chief secretary's stature is further diminished in as much as he is the leader of a faction and not the father-figure of the entire bureaucracy.

Is the head of the civil services known to come to the aid of his colleagues when they need him most? A senior secretary argued with his minister that the latter had palpably committed a faux pas by asking an officer to see an apparatchik in the party office and wondered how he would have reacted if the same officer were instructed to call on Mamata Banerjee in her party office. Within a couple of days he was unceremoniously transferred to an innocuous post.

On the date of his relinquishing charge, when he was asked if he had got an inkling of what was in the offing, he ruefully answered in

*The author was a former joint secretary to the government of West Bengal.*

By **DEBAKI NANDAN MANDAL**

the negative. It would not be unfair to state that in the absence of a well-conceived personnel policy the sycophants and those who indulge with monotonous regularity in "sir"-ing are rewarded with plum postings and sometimes with the choicest appointments. The net result is an administrative machinery which has failed to deliver the goods.

Law and order is another crucial realm where chief secre-

largely attributable to the emasculation of the magistracy and absence of direction from the top. Contrast the situation with that in the late sixties when Midnapore was ravaged by Naxalite violence. Debra, Radhamohonpur, Panskura and Gopiballavpur were no different from the present-day Keshpur and Garbeta. But the magistracy knew their job well and the direction from the top level of Writers' Buildings was unambiguous. So the police had to take orders from the magis-

tracy who camped in the strife-torn areas, and the situation could be contained within a reasonable span of time.

Let there be no mistake that if the bureaucracy is organised, politicians are bound to fall in line. It is distressingly apparent that those at the top could hardly provide the leadership and either shifted their failures on the shoulders of others or played safe in anticipation of post-retirement green



tary has to play a major role. The Chief Minister depends on his advice and he has to keep a watch on the functioning of the Home department and police. The routine monitoring of law and order may be the responsibility of the home secretary, the DG/IG of the state police and of the district administration.

But an overview has to be taken by the chief secretary whose responsibility, as head of the state bureaucracy, is not only to render correct information and advice to chief minister but also to ensure that the roles assigned to magistracy and police as per the statute and regulations are played according to their mandate.

Undeniably, the state has not witnessed any major breakdown of law and order during the last 24 years. Credit for this does not go to the law enforcement machinery but it is the direct outcome of an ineffective opposition which failed to capitalise on failures of the government in major fields and foment popular movements like those the state experienced during mid-sixties when PC Sen was chief minister.

### EMASCULATED

The overall peaceful situation notwithstanding, there has been a role reversal of the magistracy and police — the former sidelined and the latter pampered — so much so that in districts the DM and the SDM are now second class citizens while the SP and his cohorts call the shots. The DM has virtually no control over the SP and he is no longer head of the criminal administration in the district. Even if it is conceded that politicians need the police to further their sectarian interests, it cannot be denied that higher level of the bureaucracy played into their hands to retain their chair at all costs and that no concerted attempt had been made to stem the rot.

Incidents of political violence in large areas of Midnapore, Hooghly, Bankura since the panchayat elections of 1998 are

pastures.

The third area of direct responsibility of the chief secretary is the coordination of the development programme of the government. Though it may sound a little paradoxical, the fact remains that no chief secretary is known to have evinced interest in this area.

### USURPER

There is, of course, one plausible explanation for his keeping aloof. Till the mid-80s, a very senior officer of the additional chief secretary's rank used to be in charge of the development and planning department which is the nodal agency for planning and development functions of the government. The state planning board and the department played a crucial role in the evolution of decentralised planning in the state during the seventh plan period.

Monitoring and evaluation of the state plan programmes used to be coordinated by them at the chief minister's level. But things have now changed. The Finance department has virtually usurped the functions of the development and planning department. The annual exercise of plan formulation and subsequent discussion in Yojna Bhawan are ritually made to complete the formality.

We tend to blame government for all the ills. But what is government, after all? It consists of both politicians and civil servants. Most civil servants would say that they are not to blame and that politicians are responsible for the sorry state of affairs. This is really a case of the pot calling the kettle black. Indian politicians must, of course, be held guilty on several counts: but it is unfair and unreasonable to blame them exclusively. The major share of the guilt must be laid at the door of the civil servants themselves. The unpleasant truth is that in most cases the civil servants have been active collaborators, not just silent spectators or reluctant accomplices in ruining the cause of good governance.

TESMA

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# The Statesman

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## Sub THE TWAIN 17/2 Sadhu Yadav versus the bureaucracy

THE abuse of absolute power exercised absolutely and placed with appalling corruption continues apace in Bihar. We've already had Sadhu Yadav forcing transport secretary NK Sinha to revoke the transfer of a mobile inspector at gunpoint, which gave a graphic illustration of one of the principles regulating the relationship between the middle-class and the masses in this country: the latter can resort to force, the former cannot, except within the framework of the rule of law, which, in a place like Bihar, is held hostage by a number of political factors. The IAS association submitted the usual memorandum to the Governor, asked for a CBI inquiry into the incident, and threatened to go on strike. Sadhu Yadav, for his part, surrendered twice, once before the police and then again before the court. But basic rapport of forces remains unchanged. As if this was not enough, the RJD chief whip, Rajaram Paswan, beat a young man to death because he refused to get out of the way of his official vehicle.

Of course, the police is there — mostly protecting these people with their guns and even carrying out, as in the case of Sadhu, their hooligan orders. With the best intentions, no police force in the world can deal with such a situation. As the IAS officers' association pointed out, all Laloo Yadav would do was to stop talking to his brother-in-law for three months and complain to his father-in-law about his son's behaviour. Understandable in view of the fact that Ranjan Yadav is busy, there is some localised ferment in the Samata Party and Sadhu Yadav claims to have 20 MLAs — that is, a well-established network of influence and patronage — with him. The short answer is that, speaking from a middle-class perspective, nothing much can be done about such things. There can be talk about the rule of law and such, but the masses have their own understanding of their own reality and this understanding does not always conform to middle-class expectations of what an orderly, democratic polity should be like. It may be unflattering to say so, but people like Sadhu Yadav and his kind probably represent the masses more closely than someone like Dr Manmohan Singh. Which puts the middle-class bureaucracy in the uncomfortable position of having to defend themselves against democratic culture itself. It can say its own way is better, but if the masses do not see their situation improved by it, they will continue voting for Sadhu, Gulab, Pappu and Laloo Yadavs. This way, at least someone gets something, instead of nobody getting anything.

THE STATESMAN

17 FEB 2001

# Assembly amends municipal Acts

SF-3  
15/2

## STATESMAN NEWS SERVICE

KOLKATA, Feb. 14. — The state Assembly today amended Acts governing all five municipal corporations in the state, making it mandatory for them to form ward committees, among other provisions. The amendment of the Calcutta Municipal Corporation Act provides for compulsory audit of its accounts by an auditor appointed by the state government.

The House debated and passed the Calcutta Municipal Corporation (Amendment) Bill, the Siliguri Municipal Corporation (Amendment) Bill, the Asansol

Municipal Corporation (Amendment) Bill and the Howrah Municipal Corporation (Amendment) Bill.

All the amendment Bills, other than the one to the CMC Act, provide for constitution of a municipal affairs committee. A time frame of 30 days from the constitution of a new House has been specified for formation of these committees.

An anti-defection clause has also been inserted, providing for disqualification of a councillor for changing his or her party affiliation. The present CMC Act already has an anti-defection clause and also provides for constitution of a municipal

accounts committee.

The amendment Bills, also provide for turning off water supply to a house or business premises for default in paying municipal tax for five years. A notice will have to be served to the defaulting assessee before this is done. The Howrah Municipal Corporation Act already has this provision.

The amendment Bills on Howrah, Siliguri, Chandernagore and Howrah also provide a time frame for constitution of a mayor-in-council, within 30 days from the day the mayor assumes office. Provisions have also been inserted to enable the deputy mayor to officiate as

mayor or chairman of the corporation in the absence of either of these functionaries, or if these offices fall vacant.

Participating in the debate, which was replied to by the state municipal affairs and urban development minister, Mr Asoke Bhattacharya, Trinamul leader, Mr Sobhandeb Chattopadhyay, urged the minister to provide for an appellate authority before water connections are turned off. Otherwise, it could lead to dictatorial tendencies on the part of the authorities. The minister said however, if telephones can be disconnected for failure to pay bills, so can water connections.

15 FEB 2001

THE STATESMAN

15 FEB 2001

# HC admits petition against CAT order on Raghavan

STATESMAN NEWS SERVICE

BANGALORE, Feb. 14. - Karnataka High Court today admitted the Centre's petition against the quashing of CBI director Mr R K Raghavan's appointment by the Central Administrative Tribunal's Karnataka Bench.

The Division Bench of the court comprising Chief Justice Mr P V Reddy and Mr Justice K Manjunath said interim orders in the case would be passed either tomorrow or on Monday.

The CAT had earlier quashed the appointment of Mr Raghavan as CBI director. It had also ordered the Centre to make a fresh appointment to the post within two months.

The tribunal had passed these orders following a petition by Mr C Dinakar, DGP, Karnataka. He had pleaded for the setting aside of Mr Raghavan's appointment in addition to a fresh selection to the post.

The Centre had filed a petition before the Karnataka High Court, seeking to stay and even quash the CAT order. This petition was admitted today.

Attorney General Mr Soli Sorabjee, who appeared for the

government in the court, defended Mr Raghavan's appointment. Mr Raghavan's selection was valid and conformed with the Supreme Court directions, Mr Sorabjee said.

The Centre, in its petition, said Mr Dinakar was not empanelled for selection to the post of CBI director. Accordingly, his name was not considered by the selection committee, the counsel said. The panel, he said, had been formed to prepare a list of IPS officers for the post of CBI director. There was no law to screen out certain officers during empanelment,

he added.

Incidentally, the CAT had earlier said the selection board's decision to pick Mr Raghavan for the post, ignoring Mr Dinakar's claims, was unsustainable. Mr Dinakar, arguing his case himself, said there were no rules for empanelment.

He alleged the whole exercise was done in a hush hush manner.

The Karnataka DGP urged the court to direct the Centre to complete the process of appointing a fresh director before 28 February, the day he retires from service.

THE STATESMAN

1 FEB 2000

HD-11  
13/2

# Centre keen on 'real devolution' of powers

By Mahesh V. Japurkar

**MUMBAI, FEB. 12.** Given that all States have devolved powers to enable rural areas develop, as required under a constitutional obligation, the Union Rural Development Ministry will convene an all-party meeting during the coming Parliament session to ensure that true development took place. The performance on ground did not match the intent of the constitutional requirements, it was felt.

At a press conference here today, the Rural Development Minister, Mr. M. Venkaiah Naidu, said, "some States have devolved powers and some have not; those that have transferred powers to zilla parishads have not done enough in reality." However, he would seek cooperation than merely find fault and raise a ruckus. So neglected was the panchayat raj in some States that elections have not been held for years. Bihar is cited as a worst example.

With the budget being Rs. 9,700 crores plus Rs. 2,500 crores for rural roads connectivity, there was a blatant desire to play politics of patronage by keeping the reigns at the top in each State. But the contradiction, it would appear, is in the unspecified but enormous unspent money. Recently, the Rajasthan Chief Minister, Mr. Ashok

Gehlot, met Mr. Naidu and sought Rs. 200 crores for water schemes when actually, Rs. 205 crores was unspent there. Maharashtra asked for an additional Rs. 140 crores when it still had to spend Rs. 100 crores before March-end.

"I can cut their allocation for rural employment by 20 per cent for this lapse every year but the victims are the people," Mr. Naidu said pointing out that in some States such as Madhya Pradesh and Haryana, instead of holding gram sabhas as required four times a year, "parallel bodies are being set up". Asked if this amounted to a subversion of panchayat raj, he said "yes".

"It is as though all States want the Centre to devolve powers up to the State capital, but none wants to go below or beyond that," he said. Panchayati Raj and rural development could be strengthened only by devolution and many have not yet decided on it. "But, instead of finding fault, I would like to build a consensus. All parties are in power in one State or the other and their cooperation is required if the amendments made seven years ago need to be reshaped to give meaning to the effort."

Under the 1992 amendments to the Constitution — Amendments 73 and 74 — 29 subjects, includ-

ing animal husbandry, development of children, weaker sections, primary health, informal education, minor irrigation etc. were to be transferred to panchayat raj institutions. "In reality, a lot remains to be done. In 1993, all States ratified it but do not interpret the word may as shall devolve. That is the spirit of the changes and should not be looked at from a legal perspective."

## Vice-President gives away Gandhi award

**NEW DELHI, FEB. 12.** The All-Africa Leprosy and Rehabilitation Centre and Dr. K. V. Desikan of the Mahatma Gandhi Institute of Medical Science, Sevagram, were today presented the international Gandhi award.

The award was presented in recognition of their outstanding and dedicated service for the eradication of leprosy. Along with cash, it carries a citation and a plaque.

While presenting the award, the Vice-President, Mr. Krishan Kant, said the recipients had rendered invaluable community-based service in the war against leprosy.

He said the drive against leprosy must be maintained and "our approach should be to evolve both medical and social response to the problem." — UN

THE HINDU

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# Raghavan asked to continue, to move court

By Vinay Kumar

NEW DELHI, FEB. 9. Anguished over insinuations made against him before the Bangalore bench of the Central Administrative Tribunal (CAT), the CBI Director, Mr. R.K. Raghavan, has decided to speak out. He indicated today that apart from the Union Government appealing against the CAT order, he would challenge it before the Karnataka High Court next week.

Though the Tribunal, in its judgment yesterday, substantially chosen to ignore the insinuations made by the Karnataka Director-General of Police, Mr. C. Dinakar, against his 1963 batchmate of the Indian Police Service, Mr. Raghavan said he was appalled at the degradation at such a senior level of the police leadership.

Talking to *The Hindu* here, Mr. Raghavan said the CAT order did not cast any aspersions on his competence, ability or seniority. After the order quashing his appointment, the Ministry of Personnel today issued an order asking him to continue in his post.

With Mr. Raghavan's retirement due on April 30, the Government appears keen on avoiding the confusion that could sprout from the CAT order in the process of selection and appointment of sensitive posts such as the

Central Vigilance Commissioner, the Director, Enforcement and the CBI Director.

The Tribunal's order has also thrown up fresh questions on the eligibility and suitability for the CBI chief's post. At the time of Mr. Raghavan's appointment in January 1999, the Government had considered nearly 35 senior IPS officers of the rank of Directors-General, empanelled for posting in the Central Government.

Narrowing down its options, the Government shortlisted three names — Mr. Raghavan, Mr. H. J. Dora and Mr. Trinath Mishra — and the choice fell on Mr. Raghavan, senior-most IPS officer in the country. Well-placed sources in the Government said Mr. Dinakar's name was not in the panel. The empanelment is done on the basis of track record, scrutiny of performance, annual confidential reports, seniority and general reputation of the officers.

Interestingly, Mr. Raghavan is the first CBI Director chosen in accordance with the Supreme Court's guidelines laid down in the Vineet Narain case on December 18, 1998. The apex court had also thrown out a PIL, filed by Mr. Vineet Narain in 1999, challenging Mr. Raghavan's appointment as the CBI Director.

The Supreme Court had given careful thought to the stability and insulation of the

investigating agencies from extraneous pressures while laying down the guidelines for appointments to the sensitive posts.

"The Director, CBI, shall have a minimum tenure of two years, regardless of the date of his superannuation. This would ensure that an officer suitable in all respects is not ignored merely because he has less than two years to superannuate from the date of his appointment."

Further on the selection process, the apex court had said: "Recommendations for appointment of the CBI Director shall be made by a Committee headed by the Central Vigilance Commissioner with the Home Secretary and Secretary (Personnel) as members. The views of the incumbent Director shall be considered by the Committee for making the best choice."

The Committee shall draw up a panel of IPS officers on the basis of their seniority, integrity, experience in investigation and anti-corruption work. The final selection shall be made by the Appointments Committee of the Cabinet (ACC) from the panel recommended by the Selection Committee. If none among the panel is found suitable, the reasons thereof shall be recorded and the Committee asked to draw up a fresh panel."

THE HINDU

10 FEB 2001



# CBI director's appointment quashed by CAT

BY OUR SPECIAL CORRESPONDENT

Bangalore, Feb. 8: The Central Administrative Tribunal, Bangalore bench, on Thursday quashed the appointment of Mr R.K. Raghavan as the director of the Central Bureau of Investigation and directed the Union Cabinet Secretary to take immediate action for selection and appointment of a new director for the CBI within two months.

Mr Raghavan is due to retire by the end of April. The CBI comes under the ministry of personnel.

The division bench comprising vice-chairman Neejam Sanjeeva Reddy and administrative member S.K. Ghoshal passed an order on Thursday on an

application filed by Karnataka director-general of police C. Dinakar challenging the appointment of Mr Raghavan as "illegal, arbitrary and unjust."

Mr Raghavan assumed office as the CBI director on December 31, 1998.

Both Mr Raghavan and Mr Dinakar belong to the 1963 batch of the IPS.

Mr Dinakar filed the application on December 23, 1999 challenging the Centre's decision to appoint Mr Raghavan as the CBI director.

While defending his case before the tribunal, Mr Dinakar had reportedly contended that the Union government had come under pressure from a Tamil Nadu politician and appointed an "inexperienced" person to the post.

He had added that when Mr H.D. Deve Gowda was the Prime Minister, Mr Dinakar was consulted on the appointment to the CBI director's post.

Mr Dinakar himself presented his case. He contended that the "law and criteria laid down by the Supreme Court was not followed by the Union government in the selection and appointment of Mr Raghavan." The Prime Minister, Union home minister, Union Cabinet Secretary and Mr Raghavan were among the respondents.

When contacted, Mr Dinakar said: "My stand has been vindicated. I made two prayers, one was for quashing the appointment of Mr Raghavan while the second prayer sought a directive to the

Centre to appoint a competent IPS officer as CBI director. Now the ball is in the Union government's court."

Mr Dinakar is due to retire on February 28. When asked whether he was being considered for the CBI director's post, Mr Dinakar said: "Since the CBI director's post is a tenure post, the Centre may consider my name."

Mr Dinakar has a fruitful history of waging legal battle against governments. He became a DGP cadre officer in 1998. When the Karnataka government headed by late J.H. Patel overlooked his seniority and appointed Mr T. Srinivasulu as director-general of police, Mr Dinakar challenged the decision in court. He won the prolonged

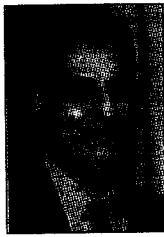
battle and became the director-general of police on April 8, 2000.

The Centre is likely to challenge the CAT order quashing Mr Raghavan's appointment as the CBI director, PTI reported on Thursday. A formal decision in this regard will be taken only after scrutinising the CAT order and an appropriate petition will be filed in the court concerned, the sources said.

Sources maintained that the appointment of Mr Raghavan, the seniormost police officer in the country, was in accordance with the guidelines laid by the Supreme Court in the hawala case and those prescribed for the appointment of the CBI director and heads of other central police organisations.

# CAT on the prowl, quashes CBI chief's posting

The Times of India News Service  
BANGALORE:



R.K. Raghavan

The Central Administrative Tribunal, Bangalore, in a significant order on Thursday quashed the appointment of R.K. Raghavan, director, Central Bureau of Investigation, on an application filed by director general of police, C. Dinakar. The CAT order signalled yet another legal victory for Mr Dinakar, who was elevated to the post of DG and IGP, Karnataka, after a long-drawn court battle with DGP T. Srinivasulu.

The tribunal directed the cabinet secretary to take appropriate action for the selection and appointment of a new CBI director within two months.

The CAT bench, comprising Justice Sanjeeva Reddy and S.K. Goshal, quashed R.K. Raghavan's appointment made by a Union government order dated December 31, 1998.

Mr Dinakar had challenged Mr Raghavan's appointment on the ground that the selection was illegal, arbitrary and unjust. He said the Union government had not followed the law laid down by the supreme court of India in Mr Raghavan's selection and appointment as CBI director.

CAT held the non-consideration of Mr Dinakar for selection to this post as "incorrect." Mr Dinakar, as usual, argued the case in person. For the government, Kirit Rawal, additional solicitor general, came down from Delhi to argue the case. Mr Dinakar's grounding in law came to his rescue in this case as well, as he presented his points with characteristic elan.

The respondents in the case included several heavyweights, including the Union cabinet secretary, the Union personnel secretary, the Union home secretary, the Central Vigilance Commissioner, the Prime Minister, the home minister and Mr Raghavan.

Reacting to the verdict, an elated Mr Dinakar told this newspaper, "My stand has been vindicated."

## Scindia loyalists lay siege to palace

By Sudhir K. Singh

The Times of India News Service  
BHO

Madhavrao's own conduct after  
his mother's death on January 25  
has been impeccable.

FRIDAY, JANUARY 26, 2001

## THE LOK PAL BILL

9-42 ✓ HD-12 ✓

MR. ATAL BEHARI Vajpayee's recent statement about the Lok Pal Bill settles the question about whether the office of the Prime Minister will fall within its purview. Over the last couple of months, there have been (unfounded) worries that conflicting views within the Union Government over the wisdom of including the Head of Government within the Bill's ambit would eventually result in the Prime Minister's exclusion, thereby diluting the proposed legislation in a significant way. Although fears were expressed that inclusion may result in the Prime Minister's office being open to all manner of charges (including frivolous ones), bringing the Head of Government within the purview of the Lok Pal legislation is essential to send out the important signal that no one — irrespective of the importance of the office he holds — is above the law. An earlier draft of the Lok Pal Bill introduced in the Lok Sabha in 1998 (not passed because of the collapse of the previous BJP-led Government) specifically brought the Prime Minister within its ambit. Therefore, there was never any justification for the latest draft Bill to alter this provision. One of the major reasons why a Lok Pal Bill has failed to be passed by successive Governments is differences over the question of inclusion — those opposed strongly arguing that the Prime Minister's office must be insulated from the risk of too much litigation.

The Prime Minister has promised to introduce the Bill in the Lok Sabha "soon", the plan being to do so in the next session of Parliament. As things stand, the Cabinet has cleared the concept of the Bill and a Group of Ministers (GoM) has agreed to give a final nod to the draft before it is introduced in the Lok Sabha. The Lok Pal Bill of course should have been in the statute books long ago. Opposition to it from some political quarters has resulted in successive drafts of the

26/1

Bill being lost in a labyrinth of parliamentary proceedings — the old and time-honoured ruse of referring it to a select committee has killed the Bill more than once. As a result, a Bill which was first introduced in the Lok Sabha in 1968 — drafted on the basis of recommendations made by the Administrative Reforms Commission two years earlier — has failed to become law more than three decades later. A string of attempts was made to revive the Bill but proved much too feeble to see the proposed legislation through.

The basic idea of the Lok Pal is borrowed from the office of ombudsman, which has played an effective role in checking corruption and wrong-doing in Scandinavian and other nations. In a climate where, to use the Prime Minister's own words, "corruption has bred contempt for the law", an additional mechanism which takes note of public grievances and can take cognisance of wrong-doing in public life deserves to be welcomed. Just how effective the Lok Pal legislation will be in checking corruption in high places has been a matter of longstanding and inconclusive debate. The Lok Pal is no substitute for judicial action and by itself the institution is unlikely to magically transform the manner in which the administration works. But, as conceived in some earlier draft Bills, the scope and jurisdiction of the Lok Pal is reasonably wide and the very existence of an institution which can bring public figures to book could act as an important check on the misuse of power. Given that virtually every major party has routinely supported the setting up of a Lok Pal in their manifestos, the Bill will not fail because of the lack of political support. All it requires now — just as all it had required before — is the requisite political commitment to see the proposed legislation through Parliament.

THE HINDU

26 JAN 2001

# Over 2 crores take a dip at Sangam

By J. P. Shukla

491

(January 14) and Magh Purnima (January 29).

**KUMBH NAGAR, JAN. 24.** It was described as the largest-ever congregation of humankind on earth. The Kumbh Mela authorities put the figure at 25 million. Those suspicious of the efficiency of Government agencies brought the number down a bit but others felt it was useless to quarrel over counting of heads.

The fact was that a mini-India took shape at the Kumbh township today for a holy dip at the confluence of the Ganga, the Yamuna and the mythical Saraswati on the occasion of Mauni Amawasya, considered the most auspicious among the three bathing days of the Kumbh, the other two being Makar Sankranti

It could hardly be termed a dip, water at the Sangam being only knee-deep, and pilgrims had to take water in their hands to pour it on their heads. They, however, felt it was enough to perform the ritual dip and wash away their sins.

It was not possible for everyone to reach the Sangam. And, overzealous members of the administration made several plans to discourage pilgrims from converging in the area closest to the Sangam nose. But, the adamant among the pilgrims still reached the spot after trekking distances of up to 15 km. Many

had stationed themselves at vantage points two to three days in advance and had to spend the nights out in the open on the sandy river banks.

A pilgrim from Madhya Pradesh said he left the Naini railway station yesterday at 11 p.m. After taking his dip he left the Mela area after 12 noon today. Like several others, he had covered the entire trip barefoot.

Those with weak bodies had to be satisfied with a dip in the Ganga or the Yamuna. Even if the total number of bathers could be 25 million, only a fraction of them actually made it to the Sangam.

**Organisers overwhelmed: Page 10**

THE HINDU

25 JAN 2001

# Series of posting flip-flops lands MEA in a mega mess

ARATI R. JERATH  
NEW DELHI, JAN 21

AFTER a series of flip-flops in recent months over ambassadorial assignments, senior officials of the Ministry of External Affairs are running scared of transfers and postings. Nothing is final till it is implemented. Or so the joke goes in MEA's staid corridors.

While head-of-mission postings have always been subject to the whims of Foreign Service officers and their political masters, the recent somersaults are unprecedented in scale and diplomatic embarrassment. Decisions were overturned after being approved and agreement papers withdrawn after being sent. In the process, the MEA's bosses have opened a Pandora's Box of confusion which they are still trying to sort out.

## Some sufferers

- Kanwal Sibal
- Savitri Konadi
- Shyamala Cowsik
- P.L. Goel
- Rajnikant Verma
- Leela Ponappa
- Ronnen Sen

For instance, the last-minute decision to knock Kanwal Sibal out of the reckoning for the post of Foreign Secretary has blocked Savitri Konadi's move to Paris as his successor. Upset by the Ministry's abrupt change of heart, Sibal is believed to have dug in his heels in France and refused to come back.

Till Sibal cools down, it's status

quo in Paris which means Konadi has to stay put in Geneva where she heads the Indian mission to the United Nations. In the process, Shyamala Cowsik's posting as Konadi's replacement stands cancelled. Ironically, the agreement papers for Konadi were sent to the French Government for clearance. This is the final stage of an ambassadorial posting.

To compensate Cowsik, the Ministry has now decided to send her to The Netherlands which incidentally was Chokila Iyer's destination till she was turned around and posted back to Delhi as Foreign Secretary. Like Konadi's, Iyer's agreement papers had been sent to the concerned government for the mandatory clearance only to be withdrawn.

Incidentally, Sibal's proposed

**CONTINUED ON PAGE 2**

INDIAN EXPRESS

22 JAN 2001

# Gram Panchayat plan criticised

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HD-7  
21/1

By Our Staff Correspondent

**BHOPAL, JAN. 20** The Madhya Pradesh Bharatiya Janata Party unit president, Mr. Vikram Verma, today launched a frontal attack on the State Congress(I) Government criticising it for its latest move to launch village Governments on January 26 on the "pretext of giving more power to the people".

Mr. Verma told *The Hindu* that after having failed to ensure the smooth functioning of 31,138 village Panchayat general bodies in undivided Madhya Pradesh, the State Government has now floated the idea of bifurcating the general bodies of the remaining 21,999 village panchayats (after the formation of the new Chhattisgarh State) into more than 55,000 Gram Sabhas (village general bodies) that are being entrusted with powers to govern the village affairs through separate funds and also the authority to generate funds by levying taxes and through private donations.

Mr. Verma said everyone knows how the dominant communities hold sway over the

village scene and, under the new dispensation, one could well imagine how the weaker sections might get sidelined. The new system, which is being super-imposed on the existing system of elected representatives through amendment in the Panchayat Act, shall derive its strength at the village level through the quorum of 20 per cent required for every general body meeting, he said adding that it would only perpetuate the rule of the dominant communities over the weaker sections thereby leading to unnecessary friction and clashes within village communities even on the most trivial issues.

Mr. Verma said that the village Governments would only be a facade to cover up the failure of the State Government when it comes to delivering services and facilities to the people at the grass-roots. In fact, there would be "no Government in Madhya Pradesh villages from this Republic Day onwards," he said summing up the Madhya Pradesh rural scenario with the famous Hindi proverb: "Jiski lathi uski bhains" (might is right).

THE HINDU

21 JAN 2001

RETURN OF THE FAITHFUL: Pilgrims on their way back from the Ganga Sagar Mela on Monday. Photo: Pabitra Das

# High turnout in J&K polls despite threats

HT Correspondent  
Jammu, January 15

DEFYING THREATS and boycott calls by militants and the Hurriyat Conference, Jammu and Kashmir today kept its date with panchayat polls after a gap of 23 years and registered 65 to 87 per cent polling in the first phase.

The turnout by voters was the highest since May 1996, when parliamentary elections were held in the State after a gap of seven years. The Assembly and two more parliamentary elections that followed registered far lower than today's best.

The first phase saw polling in 125 panchayats—60 in Rajouri, 38 in Poonch and 27 in Kupwara, all the three districts bordering Pakistan occupied Kashmir (PoK).

The official figures reveal that Poonch witnessed 65 per cent

polling, while Rajouri registered 87 per cent and Kupwara 60 to 65 per cent.

Polling started at 9 am and concluded at 2 pm without any major incident of violence anywhere.

Director General of Police Ashok Kumar Suri told *The Hindustan Times* that the first phase of the panchayat polls had "passed off peacefully".

Suri said that the "large participation of the people in the panchayat polls despite threats by militants has shown that they have decried the gun and have voted for democracy". He admitted that there were security constraints, but said that did not affect the arrangements. "There was adequate security at the polling booths".

The heavy voter turnout has emboldened officials, who were keeping their fingers crossed after militant groups like Hizbul Mujahideen had threatened to disrupt the polls. The All Parties Hurriyat Conference (APHC) had called for a boycott of the polls saying that it was a "bid to sabotage the peace process". Some

opposition groups too had raised doubts

about the panchayat polls and launched a campaign against the panchayat polls and its timings alleging that it was a clear case of sabotaging the peace process that was underway. Some media groups too had launched a campaign along these lines. Chief Minister Farooq Abdullah said that the participation by the people should serve as

an eyeopener for critics of the panchayat polls.

"It is my commitment to impart power to the people and I will go ahead with this democratic process come what may," he said.

Altogether, 1,667 candidates in the three districts were standing for posts in 125 panchayats. The voters had to face freezing temperatures as well as calls from militant groups for a boycott of the polls.

The Hizb-ul-Mujahideen said the polls were a "conspiracy" to undermine the Kashmir separatist movement.

"Taking part in any polls under the Indian dispensation is bound to cause harm to the on-going movement," a Hizbul statement said.

The polls were being held just a day after Hizbul militants fired two grenades at Chief Minister Farooq Abdullah.

## Indian envoy visits Musharraf

INDIAN HIGH Commissioner to Pakistan Vijay Nambiar held a meeting with General Pervez Musharraf on Monday and is understood to have made it clear that resumption of talks was not possible without an end to terrorism. The meeting, termed as courtesy call, was the first since Nambiar took up assignment in August. Sources said two had a "free and frank" exchange of views on the "stated positions" of the two countries on issues such as resumption of bilateral talks.

The High Commissioner made references to the attack on the Red Fort and Lashkar-e-Tayyeba's threat to attack Prime Minister Atal Bihari Vajpayee. Gen Musharraf regretted the threats. However, he chose to remain silent when Nambiar said India would like Pakistan to rein in the militant outfits.

Tripartite talks ruled out: Pg 11.

THE HINDUSTAN TIMES

16 JAN 2001