

All-party meet on panchayats planned

By Gargi Parsai

NEW DELHI, APRIL 6. The All-India Panchayat Adhyakshas Sammelan today unanimously resolved that the Constitution be amended to ensure mandatory devolution of functions, funds and functionaries to the duly elected Panchayat Raj Institutions (PRIs). In particular, the provisions under Article 243 should be scrutinised for correction.

To evolve a consensus on the issue, the Centre will convene an all-party meeting followed by discussion in Parliament on the subject.

This resolution was at the centre of the recommendations made by the 1,600 elected heads representing 3,40,000 panchayats on the concluding day of the two-day conference organised by the Union Ministry of Rural Development.

Announcing the recommendations, the Union Minister for Rural Development, Venkaiah Naidu said from now on, Central funds meant for panchayat projects would be earmarked for panchayats and would not be allowed to be misused by State Governments.

'The National Declaration for Local Self-Governance', as the 15-point recommendations

are called, unequivocally calls for the District Rural Development Agencies (DRDAs) to be brought under the control of the Zilla Parishads with the chairperson of the Parishad as the head. It has urged State Governments to take action to ensure that parallel bodies at village level functioned under the guidance of panchayats. This was a demand raised by the Congress president, Sonia Gandhi, in her address on Friday. The State Governments will take all necessary measures to ensure regular and timely elections to the panchayats. States, which have not held these elections, will have to conduct them by December 31, 2002. The powers of superceding panchayats should be used sparingly and only after complaints were looked into by a designated Ombudsman (a retired Judge), to be appointed by December 31, 2002. The declaration states that the State Governments shall be guided by the report

of the Rural Ministry's Task Force in taking action for devolving finances and powers to the panchayats. In particular, they will implement the recommendations of the State Finance Commissions and enable PRIs to raise requisite resources. It has recommended that the Centre provide non-budgetary resources as loans to PRIs. The State Governments will, before December 31, 2002, place the services of functionaries at the disposal of the panchayats. The District Planning Committees should be functional by December 31, 2002.

The conference resolved that the Gram Sabhas will meet at least four times a year. (The Union Information and Broadcasting Minister, Sushma Swaraj, placed the services of the field officers and the local dance and drama units at the disposal of the Gram Sabhas to ensure good attendance.)

Each Gram Panchayat will have a Panchayat Planning Committee which will advise

the panchayat in the formulation of developmental plans. The Centre and States will make provisions for training panchayat representatives. The Centre will extend the facility of Information Technology over the 10th Five Year Plan.

Earlier, the Finance Minister, Yashwant Sinha, said PRIs should look at themselves as units of governance, not of development. He said a fund would be created to reward performing panchayats.

The Defence Minister, George Fernandes, criticised the recommendation of the Ministry's Task Force that an official of the rank of Collector should be CEO of a Zilla Parishad and that all Class I officers should be treated as those on deputation to such bodies. But the last word must go to social activist Anna Hazare. He told *The Hindu*: "the conference is too much about funds, grants and money. It has lost sight of people, the participatory spirit and the nation."

SONIA DEMANDS DISBANDING OF DRDA

Centre for amending statute to strengthen panchayats

By Gargi Parsai

NEW DELHI, APRIL 5. The two-day All-India Conference of Heads of Panchayats (all-India Panchayat Adhyaksha Sammelan) inaugurated here today, recognised the need for amending the Constitution to enable elected panchayats under the 73rd and 74th Constitutional Amendment Acts, to be truly financially and functionally autonomous. For this, there were suggestions for convening a special meeting of the National Development Council or a special meeting of Parliament or a meeting of Chief Ministers or an all-party meeting.

The tone for such a move was set by the Prime Minister, Atal Behari Vajpayee, who suggested in his inaugural address that the conference could discuss another amendment to the Constitution to make Panchayat Raj Institutions (PRIs) stronger and accordingly recommend to the Government. "But there should be unanimity on the subject. This is not a political issue," he

emphasised.

Expressing concern over ineffective functioning of PRIs in the absence of adequate fund and its proper utilisation, Mr. Vajpayee said panchayats had too many responsibilities but no funds to carry out programmes under the Constitution.

He said that in the devolution of powers and funds, the Centre restricts itself to its Constitutional role. Then comes the responsibility of States to ensure that the institutions under them are empowered and funded.

Mr. Vajpayee said while it was remarkable that there were 24 elected panchayat representatives with 10 lakh women in the country, the annual resource mobilisation by the three tiers of panchayats was merely Rs. 700 crores. Pointing out that the world was facing an economic crisis, he said India can overcome it "if we can fully mobilise our resources and properly use them".

He said the credit goes to Rajiv Gandhi for amending the

Constitution to legally put in place panchayats and empower them.

The Leader of the Opposition, Sonia Gandhi, in her keynote address said, "This is an emotional moment for me as we cannot but remember Rajiv Gandhi. It is due to him that panchayats got rights and voice." Ms. Gandhi was repeatedly cheered and representatives of Congress-ruled States raised pro-Sonia slogans much to the discomfort of the Union Rural Development Minister, Venkaiah Naidu, and the Law Minister, Arun Jaitley, who occupied the dais then.

Ms. Gandhi demanded disbanding of the District Rural Development Authority and merging it with district panchayats. She also sought dismantling of all parallel bodies and programmes — like the Janmabhoomi programme in Andhra Pradesh — that seriously undermine the functions of panchayats.

She urged the Centre to ensure that State Governments

implemented the Panchayat Raj legislation to enable panchayats to carry out their responsibilities. She suggested that to ensure compliance through consensus, a special meeting of the NDC be convened and a special session of Parliament be called. "I am asking the Chief Ministers to hold a special session of their legislatures and present an annual 'State of Panchayats' report to promote informal debate on this vital subject. But this is not a party issue," she added.

Quoting the recommendations of the National Commission to Review the Working of the Constitution, Mr. Jaitley said Article 243-G read with Schedule XI of the Constitution should be suitably amended to devolve adequate financial powers to panchayats.

The Vice-Chairman of the Planning Commission, K.C. Pant, stressed the need for evolving a code of conduct to make functioning of PRIs "fair, just, transparent, inclusive and accountable".

Panchayat elections pass peacefully in Gujarat

Rathin Das
Gandhinagar, April 7

PANCHAYAT ELECTIONS in 1,060 villages all over Gujarat passed off peacefully this evening, but raised the question whether it would yield any political benefits to the beleaguered Chief Minister Narendra Modi. According to the latest reports, about 70 per cent polling has been recorded till the end.

Since the village panchayat polls are not fought on party symbols, it is common for the political parties to claim that victors are their supporters. But more than the claims of victory by its supporters, the peaceful conduct of the village panchayat polls this time is likely to be interpreted by the ruling BJP as a proof of peace returning to the state.

Any way, peaceful polling in just 1,060 villages in a state with more than 18,500 villages do not prove much in a state more than 30 per cent population is in urban areas which were worst scene of violence.

Leader of the Opposition Naresh Rawal told Hindustan Times this evening that his party had demanded the postponement of the village polls in view of the prevailing situation in the state. But, State Election Commissioner P J Dholakia told this correspondent that the notification for this phase of village panchayat poll was issued just few days before the February 27 Godhra incident.

Answering a question, Dholakia added that the issue of postponement was indeed mooted but the decision to go ahead was taken after an assessment

was done in consultation with the district administration. The villages where panchayat polls were conducted today were unaffected by the recent violence, Dholakia pointed out.

For example, in Khodiyar village in Daskroi taluka of Ahmedabad district, polling was peaceful today. The villagers said that it was peaceful during the carnage as there is no minority family in the village.

Congress sources claimed late this evening that their supporters would emerge victorious in today's polls for the 1,060 village panchayats.

The polls were spread over as many as 24 districts with maximum (209) being in Mehsana district followed by Patan (123), Bhavnagar (105), Banaskantha (87), Gandhinagar (61) and less than 50 each in other districts.

CONSOLIDATING GRASSROOTS DEMOCRACY

THE CONCERN WIDELY echoed at the All-India Conference of Heads of Panchayats last week on the need to bestow greater financial and functional autonomy on Panchayati Raj Institutions (PRIs) has really to do more with politics than finances. What has hindered any real devolution of powers to the panchayats hitherto is not any lacuna in the law, but a palpable lack of political will on the part of parties across the spectrum to infuse fresh blood into these indigenous political institutions. Considering that bodies for local self-government were accorded legal status by the Constitution 73rd and 74th Amendments in 1992 wherein procedures for the conduct of elections and the composition of PRIs were streamlined, it is about time perhaps that the administrative nitty-gritty to ensure their effectiveness as vibrant institutions of participatory democracy received due attention. The task ahead is clearly formidable, not in the least because of the stark reality of some States refusing to hold local elections for years since the landmark enactment of 1992 and systematic attempts by the political classes to scuttle the democratic process in an overwhelming majority of others. The recourse to the Judiciary just to ensure that elections are held at the end of each five-year tenure of panchayats and audacious attempts by State Governments to circumvent the orders of the lower courts have become routine in almost every State regardless of which party is in power.

Against this backdrop, a Constitutional Amendment — important as it perhaps may be to fine-tune the law — should not be used to camouflage more fundamental issues pertaining to the implementation of existing provisions. For instance, Article 243G of the Constitution requires State legislatures to enact laws vesting panchayats with

^{H.D.-10 1874 J-Administrative} responsibilities in a wide range of areas such as land improvement and soil conservation, small scale industries, rural housing, drinking water, transport and communication, and primary, secondary and vocational education. Correspondingly, Article 243H empowers State legislatures to authorise panchayats to independently levy and appropriate taxes and provide for grants-in-aid for local bodies. State Governors are also required under Article 243I to constitute finance commissions to review the financial health of PRIs and make recommendations, among others, on the norms that should govern the distribution of the proceeds from the taxes between the State Governments and panchayats. Thus, it is obvious that genuine efforts to implement these provisions are sure to bring about radical social transformation over the long term. Therefore, any consideration of the functioning of local self-governing bodies must necessarily begin with a stock-taking on the extent to which existing provisions in the law have been acted upon in practice. On this score, it is difficult to give a clean chit to political parties which have failed to crack the whip on their respective State units that connive with the bureaucracy to postpone local elections under one or the other pretext.

Some of the proposals mooted at the conference to merge parallel mechanisms such as the District Rural Development Authority into the PRIs or to disband the Janmabhoomi programmes would have to be weighed carefully in view of their greater potential to cause political rift than help in achieving the desired objectives. Vesting local bodies with real powers and responsibilities and enforcing accountability in these institutions is probably a more realistic alternative to make local bodies functionally autonomous.

Financial crisis chokes panchayats too

By Radha Venkatesan

CHENNAI, FEB. 11. Almost all 12,618 village panchayats and 385 panchayat unions in Tamil Nadu are choking without funds as the Government is yet to release annual grants of over Rs.400 crores.

Four months after the panchayat elections, over 1.17 lakh newly-elected members are struggling hard to find funds even for clearing stinking and clogged drains and repairing streetlights and motors for water pumps, leave alone their taking up development works.

Several panchayats are even unable to pay Rs. 600-1000 in salaries to staff. In some villages, the Electricity Board has threatened to snap power supply to panchayat offices for mounting arrears.

And, the fund-starved Government, which itself is scrounging resources to pay salaries to its jumbo staff, has devolved only about 25 per cent of the Rs. 517.32-crore State Finance Commission grant it allocated in the budget.

Several panchayat chiefs rue that the Government not only brought down the Commission grant from Rs. 577.80 crores during the last financial year to Rs. 517 crores this fiscal but also left the panchayats in the lurch, without their



No. of panchayats in Tamil Nadu..... 12,618

No. of panchayat unions..... 385

No. of district panchayats..... 29

Promised State Finance Commission grant..... Rs. 517.32 cr.

Actual grant released..... Rs. 121.00 cr.

releasing even the promised sum.

With just one month to go for the next State budget, the Government has so far released only the grants due for the first quarter of this fiscal—from April to June 2001—, admit officials in the Rural Development and Finance departments.

Apart from the GO issued in October last releasing Rs.121 crores for the first quarter, there is no word yet from the Government on further devolution.

Says R.Ganesan, president of the Erachakulam panchayat and chief of the Federation of Panchayat Presidents in Kanyakumari district: "Government grants are yet to come and we are not able to manage even day-to-day expenses in panchayats. I even feel like quitting my post as we are unable to meet even the minimum demands of the people yet".

While his panchayat is nestled, luckily, in Nagercoil town and hence manages to get substantial revenues from house tax, profession tax and advertisement taxes, there are hundreds of panchayats which entirely depend on the State Finance Commission grants and statutory assigned grants.

Even under the assigned grants, most panchayat presidents claim to have received only the first quarter of the share in the Rs.228-crore surcharge on stamp duty and Rs. 93 crores from local cess.

Clearly, the worst-ever financial crisis in Tamil Nadu is threatening to cripple its panchayats as well.

Enemies of panchayati raj

By George Mathew

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THE PANCHAYATI raj-institutions "have not been able to acquire the status and dignity of viable and responsive people's bodies due to a number of reasons including absence of regular elections, prolonged suppressions, insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and women, inadequate devolution of powers and lack of financial resources... In view of the shortcomings which have been observed, it is considered that there is an imperative need to enshrine in the Constitution certain basic and essential features of panchayati raj institutions to impart certainty, continuity and strength to them."

These were the words with which the Union Rural Development Minister, G. Venkataswamy, introduced the 72nd Constitution Amendment Bill in Parliament in September 1991. On December 22 and 23, 1992, the Lok Sabha and the Rajya Sabha passed the said bill as the 73rd Constitution Amendment Act and within a few months, the basic and essential features of panchayats were enshrined in the Constitution.

Are the panchayats any different now that the passage of the 73rd Constitution Amendment is entering the tenth year? Have the last nine years lent certainty, continuity and strength to them? To discuss this issue about 1,500 elected panchayat representatives came together in New Delhi on December 22-23, 2001.

Although there were positive notes about some achievements since the early 1990s, the general mood of this assembly of the grassroots democracy representatives was one of despondency. They have no funds, they have no functions, they have no functionaries. The Constitution had given the panchayats the status of self-government institutions but they were nowhere near this ideal. Naturally, there was soul-searching as to who was responsible for this sad state of affairs. The system? The actors within the system? Or both? There is a general feeling today that there are forces working overtly and covertly to sabotage the 73rd Constitutional Amendment in letter and spirit. Certainly those who stand to lose as the panchayats move towards the constitu-

tional goals become its enemies. Are the politicians at the Central or State level ready to give up some of the powers and privileges they had and are still enjoying for the sake of vibrant democracy, rapid development and efficient governance at the district level and below? Can the bureaucracy wholeheartedly recognise the supremacy of the people's representatives at the village level and work under them? Isn't it a hard reality of our times that the feudal elements still active in our social system — the landlords, the upper castes

Pradesh, Assam, Bihar, Goa and Gujarat are yet to constitute the DPCs. In many States, DPCs are being chaired by members of the State Government, although it is against the spirit of the 73rd Amendment. In Tamil Nadu operational orders for DPCs are yet to be issued. Another area of utter neglect is the States' Finance Commission reports for devolution of funds to the panchayats. They are not taken seriously at all by the State Governments. Yet another disturbing trend is the emergence of parallel bodies to delimit

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— are taking the law into their hands to protect their vested interests against the upsurge of people's power through the panchayati raj institutions? It goes without saying that the Central Government and its Ministries collude with these enemies of the panchayats.

The indifference of the States towards the panchayati raj institutions has been repeatedly written about. Postponing the elections under one pretext or the other has become routine. The panchayat elections have been completed in all States (except in Jharkhand, Arunachal Pradesh, Punjab and Pondicherry) after prolonged legal battles and interventions of civil society organisations. Some States such as Kerala and Karnataka, which had earlier taken long strides towards decentralising the powers making the panchayats the third tier of governance, are now faltering. When in the Opposition our political leaders are extremely vocal about giving powers to the local bodies. The moment they grab power, they change colour. It is such lip service to panchayats that tends to undermine them.

Defying the constitutional provisions (in this context Part IX) has become routine with most States. The State Governments are required to constitute District Planning Committees (DPCs) under the Constitution to facilitate decentralised planning. Nine years have passed. Andhra

the powers of the panchayats. Both Central and State Governments are trying to outdo one another. The Janmabhoomi programme of Andhra Pradesh, the Gram Vikas Samitis of Haryana, the Joint Forest Management Committees of Gujarat, Rajasthan's Watershed programme, the Water User Groups and Site Implementation Committees of Uttar Pradesh and the District Governments in Madhya Pradesh are some cases in point. These are blatant attempts by the State Governments to strengthen the hands of Ministers, other powerful elements nominated to these parallel bodies and above all, the District Collectors. The politicians and the political parties (both at the Centre and in the States) obviously prefer the collector raj to panchayati raj.

The Central Government is not lagging far behind in strengthening parallel structures. For example, the Ministry of Rural Development is doing everything to fortify the District Rural Development Agencies handling thousands of crores of rupees meant for rural development bypassing the panchayats. Had the Central Government and the Ministry taken the 73rd Amendment seriously the DRDAs would have been rendered obsolete. Instead, the move is to maintain a distinctive identity for DRDAs from the panchayati raj institutions in the name of professionalising and strengthening the administration.

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The most damaging measure taken by the Centre and Parliament to emasculate the panchayati raj institutions was to place at the disposal of Members of Parliament Rs. 1,580 crores a year for local areas development. Citizens are agitated over the fact that the MPLADS has not only compromised the moral authority of Parliament and the Centre to enforce the relevant provisions of the Constitution 73rd/74th Amendments by allowing MPs to undertake local development schemes outside the purview of the panchayats/municipalities, but also strengthened the hold of the bureaucratic machinery. "This is even more outrageous to the modesty of institutions of self-government which they themselves created under Article 243G," according to another document submitted to the Constitution Review Commission. At another level, the ruling party at the Centre has shown scant regard for democratic elections to be held in the panchayats. The BJP Chief Minister of Gujarat has openly sought to bribe the electorate by emphasising consensus and announcing an incentive of up to Rs. one lakh for the panchayats which follow his diktat. But the people of Gujarat have rejected his principle of guided democracy; there were contests in more than 90 per cent of the gram panchayats.

While everyone is pointing an accusing finger at the panchayat members and presidents saying they are incompetent and corrupt, no one recognises that they are part of the same system which harbours incompetence, inefficiency and corruption. For them, the elected representatives at the higher levels, in the four decades before the passing of the 73rd Amendment, are role models on how to contest elections, how to deal with officials as far as development schemes are concerned and how to mobilise resources for the next election.

Who is to blame for this state of affairs? The panchayats, their representatives or the system? The politicians at the Centre and State levels, the officials at all levels, the upper caste leaders, the rich and powerful and other vested interests would be happy if the baby is thrown out with the bath water. But the panchayats are here to stay.

THE HINDU