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Roadmap for efficient functioning of the panchayats: an all India perspective

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Abstract

The 'Gram Swaraj' dream of Mahatma Gandhi and the 'Power to the People' dream of Prime Minister are the essence of true democracy. Prime Minister in his address has observed that "We are a large, young and restless nation. On the move. There is no other way to include the aspirations of all our people to guide our collective destiny other than to develop a strong local government system. Inclusive growth, which is the motto of the 11th five year plan, can be achieved only through inclusive governance. And the key to this is an effective, well-functioning system of Panchayats."

The 73rd Amendment to the Constitution has given constitutional status to the Panchayats, provided it a complete framework and also imparted it certainty. It envisions the Panchayats as the institutions of local self-governance and also the universal platforms for planning and implementing programmes for economic development and social justice. It has deepened the democracy and ensured social and political empowerment of the people, particularly the dis-advantaged through 2.4 lakh Panchayats and 2.8 million elected representatives, over 30% of whom are women, 19% SC, 12% ST and also OBCs in most States.

Keywords: Women, panchayati raj institution, empowerment, awareness, governance, knowledge

1. Introduction

Article 243A gives constitutional recognition to the GS as 'a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of the Panchayat at the village level.' The Constitution further stipulates that a GS may exercise such powers and perform such functions at the village level as the legislature of a State may, by law, provide. GS is the key to self- governance and to transparent and accountable functioning of the GP. The GS is the only forum that can ensure direct, participative democracy. It offers equal opportunity to all citizens of a village or cluster of villages to discuss and criticise, approve or reject proposals of the Panchayat executive and also to assess its performance. It is the platform for effective social audit, which lies at the core of ensuring transparency and accountability in the functioning of the system.

To this end, there is a need to accord clearly enunciated statutory powers and authority to the GS. The first Round Table of State Panchayati Raj Ministers at Kolkata on 24-25 July, 2004 recommended that the GSs should in fact be given power and functions in accordance with Article 243A of the Constitution to enable them to make the elected Panchayats answerable to the people.

1.1 Present Functioning of the Gram sabha

It is generally seen that meetings of the GSs are not held regularly and are marked by thin attendance, particularly of women and marginalised groups. There is little discussion on the proposals put forward for approval by the Panchayat. Issues of common interest and of the marginalised sections are often not discussed. People do not perceive GS as empowered bodies that will effectively resolve issues placed before it in an inclusive manner. Another reason why GSs are seen as ineffective is the dysfunctional relationship between Panchayats and GSs.

The general perception is that the task before the GS is approval of the lists of beneficiaries, approval for issuance of utilisation certificates and passing of the annual accounts. Panchayat heads bring their own supporters and potential beneficiaries to attend the meetings so that while the quorum is completed, most of the other electors keep away. Hence, a sense of

cynicism has developed about the efficacy of GS meetings. In fact, the ineffectual nature of GSs in affected areas is stated to be one of the primary causes behind the rise of Left Wing Extremism in the Scheduled Areas and their vicinity. For the rural local governance to be effective, energising GSs is the real challenge. There is need to evolve mechanisms for regular and meaningful meeting of the GS, active participation of its members and monitoring of its functioning. Good practices that provide people's assemblies below the GS such as Ward Sabha, Mahila Sabha and Bal Sabha should be promoted. Since the area and population of a Ward Sabha is smaller and commonality of interest greater, people would discuss with close involvement matters that they wish taken up through the Ward Member to the GP and evolve a consensus.

1.2 GS and Social Audit

Social audit is a close corollary of energetic GS functioning. It would inculcate respect for downward accountability amongst elected representatives and government officials. If GS keeps a close vigil on implementation and leakages, inefficiencies can be virtually eliminated. GS can monitor and discuss attendance of government functionaries, functioning of schools, dispensaries, anganwadi centres, ration shops and other local institutions. GS can discuss reports of the Standing Committees of the GP. GS can also go through the list of beneficiaries under schemes such as Indira Awaas Yojana (IAY), Antyodaya Anna Yojana (AAY) and National Old Age Pension Scheme.

GS can be an effective forum for familiarising the electors with the provisions of Right to Information (RTI) for eliciting information that they are unable to obtain in the normal course.

1.3 Energising the GS

The scope of deliberations in the GS meetings can be enhanced to make these more interesting and meaningful, such as:

- GS can be an effective forum for information sharing on programmes, schemes, good practices and matters of common interest for which assistance from the State and Centre is available through different policies and programmes.
- GS can discuss issues such as: (i) quality of life and Millennium Development Goals; (ii) social security, gender justice, female foeticides, substance abuse (alcohol, tobacco and drugs), hygiene and nutrition; (iii) sustainable development, diversification of agriculture, better cropping practices, opportunities for improving incomes, drought/flood management, soil and water conservation; and (iv) infrastructure development, etc.
- GS should fully participate in planning, implementation and performance review of various schemes viz. BRGF, MGNREGA, NRHM, SSA, ICDS, IWMP, RKVY etc. In preparing plan and shelf of projects, realistic assessment of resources should be made. All State Departments should clearly articulate the role of GS in their Policy/Programme/ Scheme.

The role and responsibilities of Sarpanch, Panch and Secretary should be clearly defined. Sarpanch and Panch should represent the voice of people and not be rendered as mere functionaries of the administration. Secretary, while

being accountable to the GS through GP, should be duly protected from the local pressures.

Voluntary disclosure by the Gram Panchayat before the Gram Sabha on activities mentioned above at (i) to (iii) will achieve the twin objectives of (i) empowering the Gram Sabha and (ii) transparency with more efficient delivery of services. The Ministry of Rural Development has issued instructions for voluntary disclosure under MGNREGS before Gram Sabha. Under various schemes, which affect the people and require people's participation, MoPR has been taking up with other Ministries to give specific functions and roles to the Gram Sabha. The Ministry has also been advocating that selection of beneficiaries is best done at Ward Sabha level, particularly, for larger Panchayats.

However, the Gram Sabha is primarily exposed to programs implemented through Blocks. In order to increase the quality of life, it is essential that people should participate in other areas of service delivery like agriculture and allied sectors, education, health, drinking water, sanitation and artisan sectors. In disturbed areas with special problems like trafficking of women and children, forced indentured labour, starvation and other distress conditions and chronic natural disasters, Gram Sabha should have special roles.

There is one weakness of Gram Sabha, apparent even in the functioning for limited number of programmes, and which require their approval under the guidelines. The attendance is thin and, sometimes, signatures are collected from individual members. One solution to this problem is that the expenditure of conducting a Gram Sabha or Ward Sabha meeting should be provided by the scheme. If this is done, then the Gram Sabha will not be a marshalled body under the control of an executant. The guidelines for providing funds for Capacity Building also need to be expanded so that the expenditure incurred on a Gram Sabha meeting is admissible under it.

1.4 Duty of GPs and Government Officials towards GS

It is the bounden duty of the GPs and government officials to ensure that the GSs function properly through close monitoring and mentoring of their meetings and the GSs are able to function as the core of the local governance. It is also important to ensure that the physical location of the GS and sitting arrangements infuse a sense of confidence in women and people of marginalised communities to openly participate in discussions.

2.1 Standing Committees

A number of subjects have been devolved on the Panchayats by the State and Central Schemes. All these subjects cannot be discussed in the meeting of the Village Panchayat or the GS. Attention of the GS is often attracted to the most pressing challenges and issues at the time of the meeting. Many states, therefore, have formed subject-wise Standing Committees of the Panchayats to give a focused attention to various subjects. Thus, its Standing Committees on Agriculture, Health, Education and Water Supply and Sanitation are able to look after these particular subjects. The Standing Committee will formulate its own plan keeping the broad policy of the State and the local needs in mind. At present, the functioning of the Standing Committees is generally weak. Capacity development and training programmes must be designed to inform elected representatives, specially women, on statutory aspects of

Standing Committees to empower them for effective participation. Additionally, the attitude of the official members for their better participation in functioning of the Standing Committees is also required. A Standing Committee on women-related issues like domestic violence, safety, security and basic needs is required.

Mere instructions by the State Government to functionaries of the above departments particularly agriculture and allied activities, for some of which GP level officials may not be in position, may not be adequate. Often in many of these Departments, officials at the grassroots level do not get TA or DA for the tours. Since, it is in the interest of the Gram Panchayat to ensure the attendance of the officials, the Gram Panchayat funds should be available for meeting these small expenses which will go a large distance in ensuring their attendance and participation.

2.2 Transparency and Accountability

Improving transparency and accountability in the functioning of Panchayats is very important for enhancing their credibility. The following steps are proposed:

- Sensitisation of GPs to RTI
- Benchmarking of service levels for assessing performance
- Recommending community monitoring tools like citizen's charter, report cards such as PAHELI (People's Assessment of Health and Livelihoods) for assessing service delivery.
- Documentation of social audit best practices, alternative ways to provide social audit, and additional support to social auditing.

Steps are needed for improving access to information to the people. One immediate measure can be to make some disclosure voluntarily. GP could be required to publish by writing permanently on suitable walls or permanent display board in its office or in other public places:

- Roles and responsibilities of the Panchayat, and elected and official functionaries
- Receipt and expenditure
- List of beneficiaries for programmes List of areas approved
- List of the rights under various Acts like MGNREGA, RTE, RTI, Citizen's Charter etc. Progress of important programmes like MGNREGA every month
- Availability of services like dispensary- hours etc.

This should be in addition to building capacities and sensitivity of the Panchayats in supplying information to the people as per their need.

2.3 Democratic Functioning of the Panchayats

Panchayats need to function democratically by following a consultative and inclusive decision-making process and not at the discretion of the heads of the bodies at all three levels.

2.4 Organising the Poor for their Participation through Self-Help Groups

Self-Help Groups (SHGs) have become powerful community organisations in some states with visibly effective social capital. The SHG system has also resulted in improvement of the financial situation of ordinary people, especially women, mainly through thrift and credit operations, thus providing security against vulnerability.

Because of the community-based and democratic functioning of SHGs and perceived efficiency, they have been used as extension mechanism as well as instruments in the delivery of services and implementation of projects. This is often done at the expense of the legitimate authority of PRIs, because officials are comfortable in dealing with interest groups. This tendency has aggravated as officials find dealing with political bodies like Local Governments quite messy and uncomfortable.

This dichotomy is being resolved in Kerala through the association of Kudumbashree (Federation of the SHGs) with the Panchayats and also in West Bengal by involving the SHGs in Panchayats. Their achieving minimum level of income will be crucial for being able to participate freely, which is essential for expansion of democracy.

Another problem with SHG is that a typical Gram Panchayat would have several of them sometimes running into a hundred of SHGs. Often these SHGs have separate economic interests, which may or may not be convergent. There is however no point in wishing away the importance of Self Help Groups and, particularly, their federations. The ground level political reality will have to determine the relationship between SHGs and PRIs.

2.5 Women and Panchayats

The President of India in her address to the Parliament had mentioned the intent to provide 50% reservation for women in Panchayats as women suffer multiple deprivations of class, caste and gender. Enhancing reservation in Panchayats will lead to more women entering the public sphere.

Accordingly, a Bill to amend Article 243D to provide 50% reservation for women in seats and also offices of Chairpersons in all three tiers of Panchayats was introduced in the Lok Sabha. Presently, out of approx 28.18 lakh elected representatives of Panchayats, 36.87% (around 10 lakh) are women. With the proposed Constitutional Amendment, the number of elected women representatives (EWRs) is expected to rise to more than 14 lakh.

A number of steps are necessary for empowerment of women, such as:

- A provision of women component plans in PRI budgets.
- Linkages with SHGs in all levels of PRIs. Adequate training and capacity building of EWR.
- Leadership training programmes for EWRs Training of other functionaries on gender issues
- Peer-to-peer and horizontal learning from success stories
- Sharing good practices and exposure visits Political parties must put up women candidates.
- Women candidates be given opportunity to serve a full term.
- Mahila Sabhas be encouraged to facilitate women's concerns and be raised on priority basis in meetings of Gram/Ward Sabhas.
- Separate quorum for women's participation in Gram/Ward Sabhas.

MoPR will take up with the States for inclusion of provisions under the Panchayat laws for recognition of Mahila Sabha and separate quorum for women participation in Gram/Ward Sabhas.

2.6 Role of the Non-Office Bearers

Non-office bearers can become a champion of their constituency defending public interest in the Panchayat body and channel the grievances, needs and aspirations of their electorate into the scrutiny process without jeopardising the process of the Panchayat. The role of non-office bearer would be to represent their constituents, participate in the policy and budget decisions of the general body, suggest policy improvements, and scrutinise the executive's policy proposals and their implementation.

There is a need to take steps to clarify their roles as well as arrange for their capacity building.

2.7 Role of Political Parties

There is need for consensus building on strategic issues of development among all the political parties. In many States, the opposition parties are also represented on the Panchayat committees. One very important aspect of involvement of the political parties in opposition is to work as the watchdogs for monitoring activities of the majority.

Legal provisions create only the framework; and effective participation of all stakeholders will require appropriate political will and democratic spirit from all the members. Moreover, it is the duty of the majority to create conditions for participation of all (including the opposition parties) with freedom, mutual respect and dignity.

There has been a debate whether elections at the Gram Panchayat level should be based on political parties with party symbols. This is happening in practice in many places. A view has been that multi-partisanship in a small body like Gram Panchayat will make it divided, fractious and weak and therefore, inefficient. Another view is that it is a part of the democratic process and natural. States need to take a conscious view in the matter.

2.8 Vigilance, Redressal of Grievances and Ombudsman

In order that the Panchayats become true institutions of the people, there should be a strong mechanism for redressal of grievances against malfunctioning of those bodies. There will be two types of arrangement for that purpose. The first type can comprise a system for recording of grievances in each Panchayat body along with a system for monitoring of grievance redressal. The second type will be redressal of grievances through an Ombudsman as provided in the Model Panchayat Legislation. Both these institutions are needed for proper vigilance over PRIs.

In some states, the higher level of PRIs has been empowered to go through records and physically inspect schemes being taken up by any tier of the PRI.

Panchayats, however, also have a role to play in addressing day-to-day challenges pertaining to matters with the next level of Panchayats or with administration.

2.9 Federation of Panchayats

2.9.1 India is the largest democracy in the world and, ironically, does not have a federation of PRIs. The federations promoted by NGOs are not elected through a democratic process and therefore lack a legal entity. Some of the bye-laws of these federations also gives prominence to NGOs over the PRI's elected representatives, which is contrary to the spirit of the Decentralised Governance. Therefore, the federation under the process of constitution should be on an elected basis.

2.9.2 At the Block level, the general body may consist of all the heads of Gram Panchayats, one of the elected members of the Panchayat Samitis and one Ward Member elected from each Gram Panchayat. They may elect one Sarpanch, one ward member, one Panchayat Samiti member and of course the Chairman. The District level General Body may consist of the above elected members and all the elected members of the Zilla Parishad. They will elect one Ward member, one Sarpanch, one Panchayat Samiti Member, one Chairman of Panchayat Samiti, one Zilla Parishad member and of course the Chairman of the Zilla Parishad. This unit of six members from each district, two from each tier will constitute the General Body for the State.

2.9.3 The election, except at the State level, may be conducted in the normal meetings of the PRI and so will not involve any other expenditure. At the same time, the election through the minutes of the PRIs would provide the federations a legal status under common law. The General Body of the State may elect one to three units of representatives depending on population, which will constitute the National Federation. The Chairperson of the National Federation may be elected for one year though the General Body will remain valid for five years. Any member who loses his position in the original PRIs to which he/she had been elected would lose his/her membership in the Federation.

2.9.4 The general bodies of the federations/ associations at various levels should have one- third representation of women. A sub-group of EWRs could be constituted to address their special needs.

2.9.5 The principle which has been incorporated in this procedure is to re-enforce the independence of the three tiers of Panchayats under the Constitution. Such a Federation will have legitimacy and will be in a position to effectively claim its rightful place in decentralised governance.

2.9.6 Every Federation should have its own fund, into which may flow contributions from the Panchayats, State and Central Governments, the public, non-governmental organisation (NGOs), banks and funding sources. The federations and associations may sustain and promote their networking activities through the internet, video conferencing and regular broadcasts over television and community radio on Panchayat programmes.

2.10 Conclusion

All possible steps need to be taken for creation of an ambience so that the PRIs and civil society mutually reinforce each other in better understanding of the issues and in strengthening the processes for good governance. The interface between civil society and PRIs, never the less, needs to be watched with care. Too much emphasis on the NGOs may weaken the Panchayats without producing a better alternative.

Panchayats have been traditionally doing works, which are assigned to Block and therefore have been associated as a limited platform for schemes implemented through the Blocks. As has been discussed above, this is contrary to its function and role as a common platform for all issues of Governance which affect the people and which require people's decision. The expansion of PRI's functions should

be enabled through amendments of guidelines of Central Schemes and amendment of State laws to specify functions and roles relating to Panchayats and for insistence on voluntary disclosure under the guidelines of schemes. The GS meetings should be formally funded under the schemes and the grants given to the Panchayats like Finance Commission grants.

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