



# Kurukshetra

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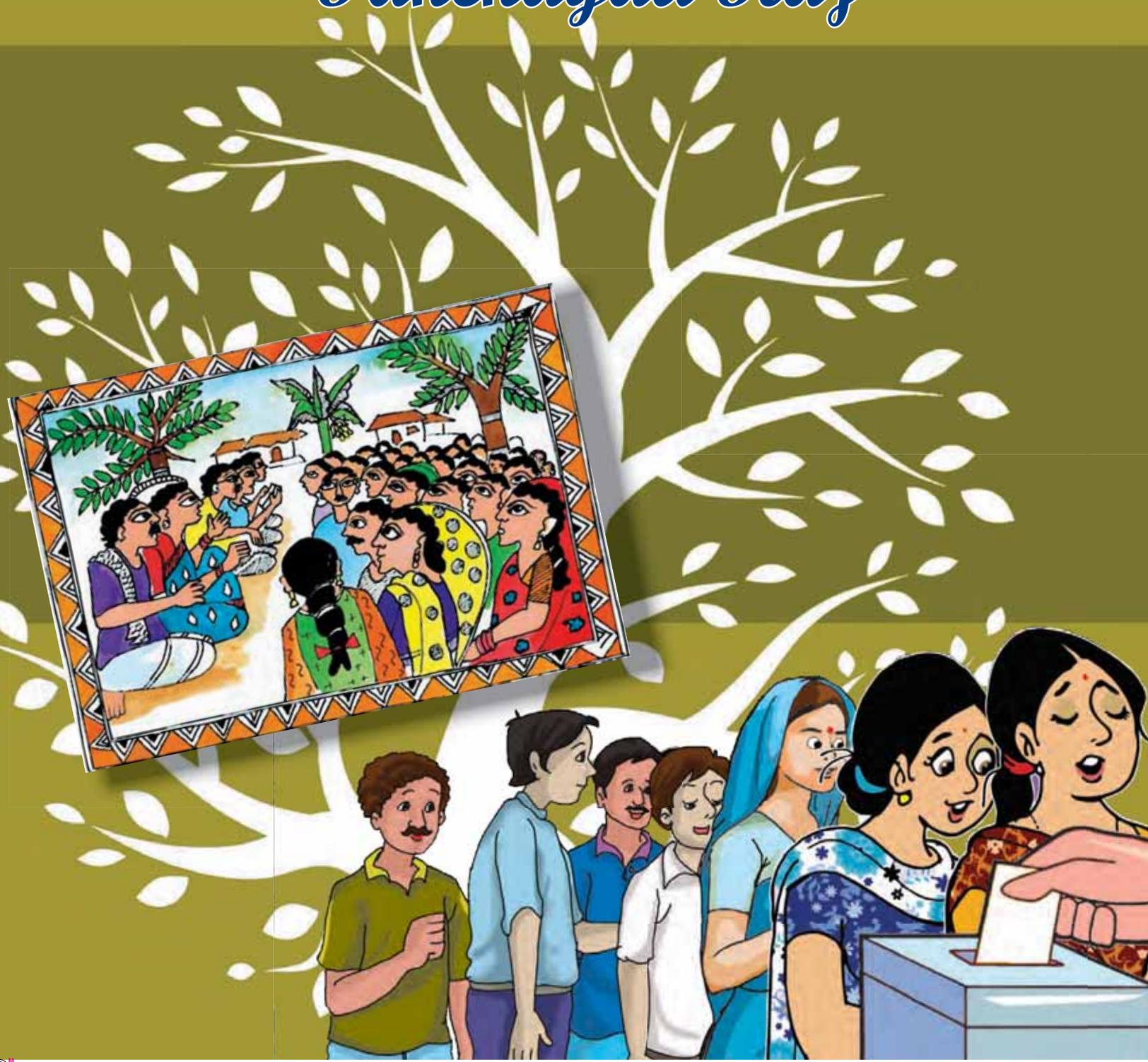
No. 9

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₹ 22

## *Panchayati Raj*



## PM Interacts with Farmers through Video Bridge

The Prime Minister, Shri Narendra Modi, interacted with farmers across the country to over 2 lakh Common Service Centres (CSC) and 600 Krishim Vigyan Kendras (KVK) through the video bridge. It covered a wide range of subjects like Organic Farming, Blue Revolution, Animal Husbandry, Horticulture, Floriculture etc. Outlining his vision for farmers' welfare in the country, the PM said:



The Prime Minister, Shri Narendra Modi interacting with the farmers from Kanker, Chhattisgarh on June 20, 2018 through video bridge.

- ❖ Government is working towards doubling the farmer's income by 2022 and to provide farmers maximum price of their produce.
- ❖ Government is keen on ensuring minimal cost of raw material, providing fair value for the produce, stopping wastage of the produce and ensuring alternate sources of income for the farmers.
- ❖ In the last 48 months, there has been record production of milk, fruits and vegetables in the country during the period. Food grain production has increased to more than 279 million tonnes in 2017-2018.
- ❖ Government has provided Soil Health Cards, credit through Kisan Credit Cards, quality fertilizers through the provision of Neem coated Urea, crop insurance through Fasal Bima Yojana and irrigation through Pradhan Mantri Krishi Sinchai Yojana under which, 100 irrigation projects are being completed across the country today and around 29 lakh hectare land has been brought under irrigation.
- ❖ In the past four years, more than 585 regulated wholesale markets have been brought under e-NAM.
- ❖ Government has also brought nearly 22 lakh hectare land is under organic farming. Government also plans to promote North-East as the hub of Organic Farming.
- ❖ In the past 4 years, 517 Farmer Producer Organizations have been created and income tax exemption has been granted to Farmer Producer Companies, to encourage cooperatives amongst farmers.
- ❖ The Prime Minister also called the farmers as the 'Annadatas' (food providers) of the nation, and that the entire credit for nation's food security should go to the farmers.

### Beneficiaries Speak :

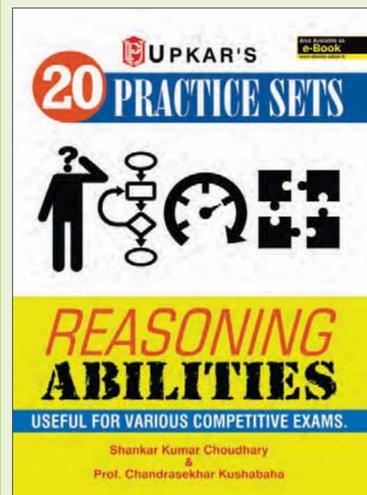
- ❖ Beneficiaries of various agricultural schemes explained how government schemes like Krishi Sinchai Yojana, credit through Kisan Credit Cards; quality fertilizers through the provision of Neem coated Urea, crop insurance through Fasal Bima Yojana and irrigation through Pradhan Mantri Krishi Sinchai Yojana etc. have helped improve production and made positive impacts in their lives.
- ❖ Beneficiaries also highlighted the importance of Soil Health Card and Integrated Farming Systems and shared their experiences of cooperative movement.

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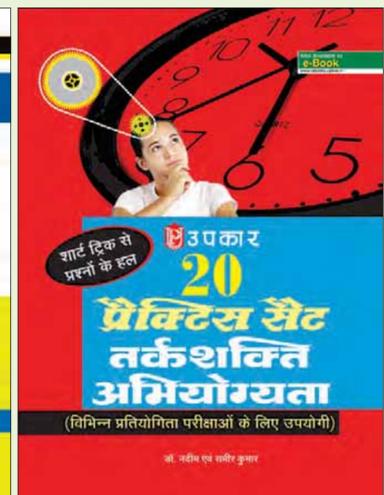
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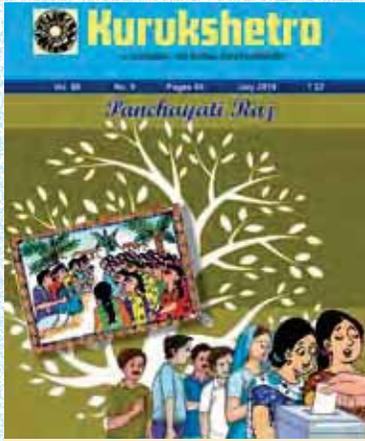


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**CONTENTS**

✂ Panchayati Raj: Achievements, Gaps and Challenges	George Mathew	5
✂ Rashtriya Gram Swaraj Abhiyan	Dr Mahi Pal	9
✂ Financial strengthening of Panchayats	Dr Yogesh Kumar Shradha Kumar Monica Bosco	15
✂ Capacity Building of Panchayats	Manoj Rai	21
✂ Programme Delivery through Panchayats	Naresh Chandra Saxena	25
✂ PESA in Tribal areas	Yatindra Singh Sisodia	29
✂ Women in Panchayat	Dr Rajesh Kumar Sinha	34
✂ Strengthening of Panchayats through Devolution	V N Alok	43
✂ Deepening Grass root Democracy in Sixth Schedule Areas	Manju Pawar	49
✂ Swachhta Soldiers		56



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# Editorial

**P**anchayati Raj, the institutional manifestation of democratic decentralization in India, became an integral part of the Indian Constitution only after five decades of independence in the year 1993 after the enactment of 73rd Constitutional Amendment Act.

Post Independence, the first major Community Development Programme was launched in 1952 with the aim of bringing about **overall development of rural areas** through people's participation. This programme was formulated to provide an administrative framework through which the government could reach to the district, tehsil / taluka and village level.

Later in 1957, the Planning Commission appointed a committee headed by Balwantraji Mehta in 1957 to study the **Community Development Programmes** and **National Extension Services Programme** especially to assess the extent of people's participation and to recommend ways to ensure this. The committee recommended three-tier panchayati raj system in the country viz **Zila Parishad** at the District Level, **Panchayat Samiti** at the Block/ Tehsil/ Taluka Level and **Gram Panchayat** at the Village Level. Though the committee did not recommend a rigid frame work for the same, the seeds were sown for the birth of contemporary Panchayati Raj.

Subsequently the Ashok Mehta Committee's recommendations in 1978 for a two-tier system with Zilla Parishad at the district level and Mandal Panchayat as the base and L. M. Singhvi Committee's recommendations that the PRIs should be enshrined in the Constitution and 'Gram Sabha' should be the base for decentralised democracy, bore fruits in the form of the 73rd Constitutional Amendment Act, 1993. This became landmark development in the history of local self-government. It uniformly introduced a three-tier Panchayati Raj system throughout the country and provided them with necessary powers and authority to help them to function as units of self-government.

Panchayati Raj was started in India on the premise that at the local level there should be some kind of democracy which would involve people in the process of governance. If the people are to be involved they have to be given responsibilities in the functioning of the institutions and development programmes of the government. This is the only way democracy reaches the masses

Recently while the launching the Rashtriya Gram Swaraj Abhiyan in Mandla district of Madhya Pradesh on Panchayati Raj Day, 24 April, 2018, the Prime Minister Shri Narendra Modi, recalled Mahatma Gandhi's call for Gramoday to Rashtroday, and Gram Swaraj and called upon everyone to reaffirm the commitment to serving our villages. He urged panchayat members to "focus on the right utilisation of funds". This Abhiyan is an effort in the direction of achieving "Sabka Sath, Sabka Gaon, Sabka Vikas". Besides the government support, it is primarily the responsibility of the Panchayat functionaries to ensure the development of their villages. Recent measures of the Government to make the Panchayats more powerful by giving more financial powers as per 14th Finance Commission recommendations, greater capacity building as per National Capacity Building Frame Work 2014 and ensuring equitable participation of all sections of society have further enabled the system to deliver better results at the grass roots levels.

The pattern of Panchayati Raj in the States has their own distinctive features with some of the States having gone ahead of others in introducing certain unique or innovative features. There are several examples of the outstanding initiatives taken by panchayati raj representatives, particularly women and weaker sections. There are women sarpanches like cyber-savvy Chhavi Rajawat of Soda village in Rajasthan, Sushma Bhadu of Dhani Miyan Khan village in Haryana and several others who have made significant difference in their communities and in the process have become role model for others.

For the gains to percolate down to the grassroots levels, the participation of rural population is must and Panchayati Raj System is the best way to ensure this. The road ahead lies in strengthening the existing systems while at the same time initiating continuous reforms on the basis of a careful appraisal of how the systems have worked so far.

# PANCHAYATI RAJ: ACHIEVEMENTS, GAPS AND CHALLENGES

George Mathew

If we slacken our efforts to keep the institutions of local self government at the center stage, as well as on top of the agenda of the policy makers and practitioners, the best chance we got through the 73rd and 74th Amendments will be in peril. We need a new deal for the panchayats and municipalities in India. This new deal will ensure ways and means to make Panchayats and Municipalities (i.e., district and below) the first tier of government in the country. This new deal will give freedom to implement the policies and programmes to eradicate poverty in this country at the earliest; not later than 10 years so that by 2025 poverty line will become totally irrelevant for India.

The nation is celebrating the 25<sup>th</sup> anniversary of the new generation of Panchayats and Municipalities. When on April 24, 1993 Panchayats and on 1 June 1993 the Municipalities were endowed “with such powers and authority as may be necessary to enable them to function as institutions of self-government”, it was the beginning of a silent revolution. Moreover, it was historic. The dream of Mahatma Gandhi and all those who advocated “power to the people” came true after 43 years of India becoming the Republic.

Eight years later, on 27 April 2001, Prime Minister Atal Bihari Vajpayee wrote to the Chief Minister of Andhra Pradesh: “You would recall that with the passage of the Constitution (73<sup>rd</sup> Amendment) Act 1992 incorporated as Part IX of the Constitution, constitutional status has been provided to the Panchayati Raj Institutions (PRIs). Consequent on the Amendment, Panchayats have been visualized as the third tier of the governance in the federal polity”.

The degree of political empowerment that has resulted through the historic constitutional amendments in 1992-93 has been by and large, unprecedented.

President of India Shri Pranab Mukherjee in his address to Parliament on June 9, 2014, when the NDA government came to power, stated: “My government is committed to improving the quality of life in our villages, through empowered Panchayati Raj institutions. A substantial part of investment will focus on creating community assets and improving basic infrastructure such as roads, shelter, power and drinking water. My government

will strive to end the rural-urban divide guided by the idea of Rurban; providing urban amenities to rural areas while preserving the ethos of the villages”.

Within the institutionalized Panchayati Raj reforms in India, the core foundation lies in more than 2.5 lakh villages and their governance at the local level. Right from the Balwantrai Mehta Committee’s recommendations (1957) that gave birth to the contemporary Panchayati Raj, its progressive evolution has been characterized by its share of successes carrying its imprints all through the nation. It has in more ways than one, fostered democratic participation.

Collectively, it is seen that the roots of democracy has deepened as a result of Panchayati Raj Institutions making its way through villages across the country and their holistic impact has led to the formation of representational dynamics at the local level.

Of late, schemes have been envisaged to promote digital financial transactions at the village level to promote the benefits of cashless and paperless processes to benefit villagers in rural parts of the country. Other schemes such as financial inclusion projects in tribal areas, working women hostels, geoinformatic block panchayats etc. are all examples of progressive Panchayati raj institutionalism spread across the length and breadth of the nation.

Given the severe social and political constraints – social inequality, caste system, patriarchy, feudal setting, illiteracy, uneven developments – within which it had to function,

the New Panchayati Raj has opened a new chapter in local governance.

Today, the elections to the local self-government institutions every five years have become a norm although in the initial years, almost all the states irrespective of the party in power, had defied the constitutional provision with all the power at their command. As the civil society organizations took the initiative to fight the anti-constitutional approach of some states by filing public interest litigations (PILs), the judiciary at different levels effectively intervened. Constitutional bodies like the State Election Commission (SECs) have taken up the panchayat elections seriously giving a lot of credibility to the grassroots level democratic process. Taking the cue from the Supreme Court order of May 3, 2002 relating to the Right to Information of electors regarding criminal antecedents, assets and liabilities of the candidates, the State Election Commissioners have issued orders in conformity with the Supreme Court Order.

We have also witnessed a steady progress as far as the inclusion of excluded sections of our population in the decision making process from village to the district level is concerned. Women have entered public life in a big way. In 2015, 13,41,773 women got elected to local governments and more than three times of this number contest

the elections. Specially the women belonging to Scheduled Castes and Scheduled Tribes have secured their due share.

This is an important achievement in a hierarchical and male dominated society. The common refrain that it is the men folk in the families who control the women elected members may be partly true, but studies show that the situation is rapidly changing. One-third of all the panchayats and municipalities at various levels have women presidents. As years go by, the number of women getting elected from general constituencies is also increasing.

This unique experiment in turn has generated a kind of social mobilization and silent revolution on an unprecedented scale. As local self-governments have come into existence throughout the country, their functioning has come under scrutiny. A congenial climate for taking governance to the doorsteps of the people is slowly being created.

There are numerous elaborate mechanisms at Central and State levels to ensure accountability and efficient utilisation of public funds. There are time tested institutional mechanisms for audit. So also vigilance committees sponsored by the government and supported by civil society organisations. At another level, India has the unique distinction of creating a constitutional



forum for direct democracy - the Gram Sabha - with special powers for overseeing the local development and expenditure. The concept of 'social audit' has emerged from these innovative steps.

There are some States where the quest for democracy is growing. Take the case of Jammu & Kashmir. During the last Panchayat elections in Jammu & Kashmir, in April 2011, I spent several days in the distant villages in Kashmir. The average voters' turn-out was above 80 per cent. It was because local democracy was their hope for the future.

In the Dhara Hariwan Vilage in Srinagar Block, on the day of the Panchayat poll, within two hours more than 50 per cent people cast their votes. Men, women, youth and children were on the road in a festive mood. The local government elections create a bond between the communities. On the Express Way to Gulmarg in the Tangmarg Tehsil Ashajee, the Pandit women defeated Suriya, the Muslim candidate underlining the harmony existing in Kashmir between communities during the Panchayat elections.

This was the case in Kashmir seven years ago. But today, Panchayat elections are postponed for lack of political will. However, for the ordinary people of India, Panchayat elections are the best instruments to deepen democracy.

Today, while State governments and the ruling party/parties decide to postpone panchayat elections on one pretext or other, one is reminded of the judgement by the five-judge constitution bench headed by Chief Justice Y. K. Sabharwal (2006). The judgement stated that the Municipalities and Panchayats were the pillars of grassroots democracy and Election Commissions in the States, "not yield to situations that may be created by vested interest to postpone the elections".

Two fundamental changes have come about in Indian democratic polity: (i) The democratic base of the Indian polity has widened, and (ii) It has brought significant changes in India's federalism making it a multi-level federation

with democratically elected local governments at the district and below.

Twenty-five years is a good time to assess the achievements, lost opportunities as well as the challenges ahead. The two and a half decadal journey of the Panchayati raj is a mixed bag of success and setbacks. The question is: as Prime Minister Vajpayee said in his letter in 2003, has Panchayats become the third tier of the governance in the federal polity? The local government system, which was inaugurated with great enthusiasm, is facing enormous problems and powerful enemies.

This is time for all concerned to take up seriously to study and conduct research to find out whether we have an empowered local government in reality with 29 subjects devolved to Panchayats and 18 subjects to Municipalities? How many Panchayats have Panchayat Bhavans with modern facilities? Is the capacity building of the elected panchayat representatives a continuous process? Are the SIRDs fully equipped to train thousands of local government representatives in the States? In fact, every district must have a training centre for elected local government representatives. This must be seen as an investment. It will create human capital.

Is it not a reality that even today for their local problems, the villagers have to go to their MLAs, MPs or officials; from *Gram Sevaks* to the BDOs and Collectors?

Several States in India dealt with the local government institutions in not so responsible



manner as expected from them. For instance, when the Eleventh Finance Commission had set apart 10,000 crores for panchayati raj institutions and urban local bodies for the period 2001 to 2005, according to the figures available, the state governments could not claim the funds amounting to 1646 crores rupees from the Central Government. Why? Because they did not fulfill certain basic criteria set up by the Union Government for transferring these funds. Only four states – Kerala, Chhattisgarh, Gujarat, Haryana, Rajasthan - could get the full amount. This is only an example to show how state governments could thwart the interest of the local government system. This trend continues even today. It is against this scenario that many have gone to the extent of suggesting that the Central Government must deal directly with the local governments.

I would like to underline here the fact that if we slacken our efforts to keep the institutions of local self government at the center stage, as well as on top of the agenda of the policy makers and practitioners, the best chance we got through the 73<sup>rd</sup> and 74<sup>th</sup> Amendments will be in peril. We need a new deal for the panchayats and municipalities in India. This new deal will ensure ways and means to make Panchayats and Municipalities (i.e., district and below) the first tier of government in the country. This new deal will give freedom to implement the policies and programmes to eradicate poverty in this country at the earliest; not later than 10 years so that by 2025 poverty line will become totally irrelevant for India.

If we have a new deal, then that will open a new chapter for the 32 lakhs (3.2 million) men and women who are getting elected every five years to the panchayats and municipalities.

There are two areas the Union Government and the State Governments must focus on: First, the District Planning. District level planning is an important issue. Most of the District Panchayats have not taken it seriously with the necessary data, facilities, technical officials and other wherewithals. Only in very few States, the Planning begins from neighbourhood groups, reaching the districts and the State Planning Board, in a scientific way. Therefore, what we find in the villages is: trust deficit.

Second, the Gram Sabha. Are the Gram

Sabhas merely recommending/advisory bodies to the Panchayat? Isn't their decision, binding upon the Panchayats? In a democracy people are sovereign. Therefore, the best democratic system is direct democracy. The Gram Sabha which is a constitutional body is the direct democracy in India. According to Article 243-A of the Constitution of India, "A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide." The Gram Sabha has in practical terms the functioning Assembly of the People. And its functions and powers should be determined by the State Acts. But today, Gram Sabha is the most marginalised institution of local governments.

It may be recalled that Gram Sabha is, perhaps, the best social audit unit in our new democratic institutions. As the public spirited citizens and their collectivity is the key to social audit, members of the Gram Sabha, all sections of the representative bodies -- Gram Panchayat, Panchayat Samiti and Zilla Parishad through their representatives could raise issues of social concern and public interest and demand explanation. Retired persons from different organisations, teachers or others with impeccable integrity, could constitute a social audit forum or a social audit committee.

The Constitution leaves the matter entirely to the State Legislatures (Art 243A). It is widely recognised that the Gram Sabha should be at the centre-stage in the Panchayat system of our country. The Gram Sabhas are decision making bodies in the nature of recommendations and advices and therefore, the Panchayats cannot ignore Gram Sabhas and overrule their decisions.

To conclude, the Union Government and all the State Governments must launch a national campaign to conscientise the people, the officials, the civil society, political leaders as to how the "institutions of self-government" could be brought to the centre-stage. Ultimately, we have to work for creating a 'culture of local government' in our social and political system.

Let me conclude with a question: How can our 835 million villagers in India say:

"Our Panchayats: Our Future".

***(The author is Chairman, Institute of Social Sciences, New Delhi.***

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# RASHTRIYA GRAM SWARAJ ABHIYAN

Dr Mahi Pal

This main features of the Rashtriya Gram Swaraj Abhiyan (RGSA) and argue that the Abhiyan would fulfill much awaited need of the Panchayats to strengthen capacities of Panchayats . It would enable them to be more responsive to local needs, engage themselves in participatory planning for realising sustainable solutions to rural issues linked to Sustainable Development Goals (SDGs).

**R**ashtriya Gram Swaraj Abhiyan (RGSA) is an effort towards fulfilling vision of Hon'ble Prime Minister "Sabka Sath, Sabka Gaon, Sabka Vikas" to reach out to marginalised groups in rural areas through strong Panchayats and effective people's participation. India lives in rural areas where nearly 2.55 lakh Panchayats in which about 31 lakh elected representatives (ERs) are participating. Interestingly, among them, about 46 per cent (14.39 lakh) are women. Although the Constitution empowers the States to devolve powers to the Panchayats to discharge their functions as institutions for rural self-government, the position with regard to empowerment of these institutions with respect of triple Fs (functions, functionaries and fund) is not encouraging as the studies of devolution of triple Fs show.

One of the reasons of such a state of affairs is lack of capacity of elected representatives and lack of proper support mechanism in the form of requisite officials including technical manpower and access of requisite infrastructure like buildings, computers,

internet facilities. The RGSA addresses these issues impinging rural government institutions.

This paper presents the main features of the RGSA and argue that the Abhiyan would fulfill much awaited need of the Panchayats to strengthen capacities of Panchayats enabling them for more responsive to local needs, engage themselves in participatory planning for realising sustainable solutions to rural problems linked to Sustainable Development Goals (SDGs).

## Objectives of the RGSA:

The main objectives of the RGSA are (i) develop governance capabilities of PRIs to deliver on the SDGs (ii) enhance capabilities of Panchayats for inclusive rural governance with focus on optimum utilization of available resources and to address issues of national importance. (iii) enhance capabilities of Panchayats to raise their own sources of revenue (iv) strengthen Gram Sabhas to function effectively as the basic forum of people's participation with focus on marginalised groups, transparency



and accountability within the Panchayat system (v) support creation of enabling provisions for effective implementation of development programmes (vi) promote devolution of powers and responsibilities to Panchayats according to the spirit of the Constitution and PESA Act 1996(vii) develop a network of institutions of excellence to support capacity building and handholding for PRIs. (viii) strengthen institutions for capacity enhancement of PRIs at various levels and enable them to achieve adequate quality standards in infrastructure, facilities, human resources and outcome based training (ix) support Panchayats for local economic development and income enhancement with a view to sustainably increase economic activities, focussed on processing and marketing of local products(x) promote e-governance and other technology driven solutions to enable good governance in Panchayats for administrative efficiency and improved service delivery(xi) recognize and incentivize PRIs based on performance.

### **Coverage and Funding Pattern :**

RGSA will not only be extended to all States and UTs of the Country where Panchayats are in existence but also in non-Part IX areas, where Panchayats do not exist. The RGSA would be having various components like Central Component in the form of national level activities including 'National Plan of Technical Assistance', 'Mission Mode project on e-Panchayat, Incentivization of Panchayats" and State component in the form of capacity building of PRIs. As far as central component is considered, it would be fully funded by the Government of India, while funding pattern for the State component will be 60:40 (sixty by the centre and 40 by the states) for all States, except North East and Hill States where Centre and State funding pattern will be in the ratio of 90:10. There would be 100 per cent Central share in all UTs.

### **Pre requisites for accessing funds under RGSA:**

There are certain conditions to be fulfilled by the States and Union Territories to access fund under RGSA. These are (i) regular conduct of elections to Panchayats or local bodies in non-Part IX areas under the superintendence and control of the State Election Commission (SEC) (ii) not less than one third reservation for women in Panchayats or other local bodies (iii) Constitution of State Finance Commission (SFC) every five years, and placement

of Action Taken Report on the recommendations of the SFC in the State legislature (iv) constitution of District Planning Committees (DPCs) in all districts, and issuing of Guidelines/rules to make these functional (v) preparation and submission of detailed annual State Capacity Building Plan for PRIs to Ministry of Panchayati Raj (vi) co-location of Common Service Centres (CSCs) with the Gram Panchayat buildings.

Under state component, States have to prepare detailed annual capacity building plans for PRIs which will be developed by the State following needs assessment and detailed stakeholders consultations with detailed components and budget estimates.

### **Sub-Components under Central Component:**

Following are sub-components covered under Central Component

### **National Plan for Technical Assistance :**

The activities which will be covered under National Plan for Technical Assistance (NPTA) are: (i) planning, management and supervision of the programme (ii) technical assistance in preparation and appraisal of State capacity building Plans (iii) ensure implementation of capacity building programmes following National Capability Framework (NCBF) (iv) creation and development of resource pool of trainers at various levels to facilitate improvement in quality of training capability in States. (v) Facilitate convergence with other Ministries and States (vi) Carrying out Research studies on various aspects of decentralization and governance (vii) cross State sharing and learning, documentation and dissemination of good practices (viii) Conduct of workshops/conferences on issues relevant to capacity building and strengthening of Panchayats(ix) Support to institutions, specialised agencies for piloting innovative/specific activities (xi) Development and maintenance of online monitoring and reporting of RGSA (xii) Evaluation of the effectiveness of the scheme of RGSA (xiii) Setting up a National Programme Management Unit (NPMU) for overall management, monitoring of various activities under RGSA. (ivx) Collaboration with Academic Institutions/National Institutions working in the area of capacity building/Institutions of excellence including National Institute of Rural

Development & Panchayati Raj (NIRD&PR) for specific purposes.

### **Mission Mode Project on e-Panchayat:**

This would leverage ICT in the decision making at Panchayat level. Among others, it includes (i) development & maintenance of web based applications for Panchayats (ii) development of mobile apps for monitoring activities (iii) Efforts will also be made for access to and convergence with Department of Telecommunication under BharatNet Project.

### **Incentivization of Panchayats:**

In order to encourage competitive spirit among Panchayats and States, awards will be given to best performing Panchayats and States/UTs in recognition of their good work for improving delivery of services and public goods. Deen Dayal Upadhyay Panchayat Sashaktikaran Puraskar would be given to best performing Panchayats for overall governance and different thematic categories like Sanitation, natural resource management, development of marganised groups, etc. Nanaji Deshmukh Rashtriya Gaurav Gram Sabha Puraskar to Gram Panchayats who have made outstanding contribution to the local socio-economic development by involving Gram Sabhas and e-Panchayat Puraskar would be given to states in recognition of significant progress in implementation and roll out of e-Panchayat Mission mode project.

### **Activities under State Plans:**

Following activities will be included under state plans.



### **Capacity Building and Training of PRIs:**

Base of the capacity building and training activities would be the National Capability Building Framework (NCBF) with following activities (i) Training programmes for PRIs would be phased saturation approach for elected representatives and functionaries. However, GPs covered under Mission Antyodaya and 115 Aspirations districts identified by NITI Aayog would be prioritized (ii) capacity building & training programmes for PRIs with focus on subjects of National importance like primary health and immunization, nutrition, education, sanitation, water conservation, digital transactions etc, GPDP, participatory planning, etc (iii) collaboration with academic institutions/ Universities/Colleges, civil societies organizations (iv) development of training modules and materials including E-modules, open online courses, mobile apps, printed materials, short films on good practices, hand held projectors for wide dissemination of films on good practices, and other forms of materials (v) regular exposure visits for ERs and Panchayat functionaries both within and outside the State. Development of model Panchayats as Peer Learning Centres (PLCs)/immersion sites. (vi) support for capacity building of local institutions that facilitates local governance such as village councils and Autonomous District Councils in non-Part IX areas including Schedule VI areas.

### **Institutional Structure for Training:**

Under RGSA need based infrastructure and training facilities will be created in the training institutions of the State, and district levels. For better access to training State Panchayat Resource

Centres (SPRCs) and District Panchayat Resource Centres (DPRCs) will be created so that these centres besides imparting training to personnel would also help in conducting research and documentation as per prescribed standards. These Centres and other major training Institutions utilised for training of Panchayats should be connected through distance learning facilities. Distance learning facility through SATCOM, Internet Protocol (IP) based technology or other technology. Under RGSA, capital expenditure and maintenance cost for a specific period would be met out. It is expected that State Government would develop state-specific content and ensure optimal utilisation of the facility for capacity building and awareness building of key stakeholders.

### **Administrative & Financial Data Analysis and Planning Cell in States:**

Under RGSA human resources and operational support for an Administrative and Financial Data Analysis and Planning cell at the State level will be provided for (i) collection, collation and analysis of fiscal and performance data of Panchayats and suggest corrective intervention (ii) resource augmentation of Panchayats through capacity building, improved reporting and monitoring (iii) operationalising Panchayat Performance Assessment Systems (iv) improvement of the budgeting, accounting and auditing systems of panchayats and simplification of processes, formats, registers, by-laws etc.

### **E-enablement of Panchayats:**

The Panchayat Enterprise Suite (PES) (e-applications) developed by MoPR under e-Panchayat Mission Mode Project will form the bedrock of e-enablement of Panchayats to increase their effectiveness for governance and service delivery. Where State led initiatives for e-governance have been undertaken, these will be supported and aligned with the PES. States need to ensure that Common Service Centres (CSCs) are co-located in GP office buildings. This will help to ensure that GPs are perceived as effective institutions for local governance and better align them to ensure delivery of citizen centric services.

### **Strengthening Gram Sabhas in Fifth Schedule Areas :**

In Fifth Schedule Areas, Gram Sabhas are the cornerstone of functioning of panchayats. Under RGSA, Gram Sabhas would be strengthened in

Fifth Schedule Areas and for that (HR support for mobilising, capacity building and strengthening of Gram Sabha and PRIs and orientation/handholding support for capacity building and strengthening of Gram Sabha and PRIs through competent institutions or Voluntary organisations/NGOs would be provided.

### **Information, Education, Communication (IEC):**

Comprehensive communication strategy is very important for better governance through Panchayats and therefore IEC activities in the form of (i) IEC-BCC drive in campaign mode in line with Gramoday-se-Bharat Uday Abhiyan or Panchayat week/fortnight celebration across the State (ii) Showcasing good practices and innovations by Panchayats (iii) Use of social media, mobile apps, audio visual media, community radio (iv) Special programmes/features in television channels (v) Cultural activities, exhibitions, mobile vans to disseminate information about Panchayats and benefits of relevant Government schemes or issues (vi) Communication materials including printing, and publication as well as electronic and social media would be funded under RGSA.

### **Gap funding for micro projects at the GP level:**

As per Article 243G of the Constitution Panchayats are expected to prepare plans for economic development and social justice including 29 subjects listed in the 11<sup>th</sup> Schedule of the Constitution. In view of the spirit of this Article projects through Panchayats/ cluster of Panchayats will be supported under RGSA to trigger overall economic development in the area in convergence mode. The activities inter-alia may be related to manufacturing/processing, product development, local market development and creation of common facility centres, marketing for the secondary agriculture/minor produce including medicinal plants, bamboo, handloom, handicraft etc. cultivation of medicinal plants, non-food crops, horticulture, tourism development etc. However, funds from the Ministry of Panchayati Raj would be limited to critical gaps, which are not available under any other scheme or require more resources in critical areas.

### **Technical support to Panchayats:**

This is very important provision available under RGSA because there has been lack of technical manpower at village levels. The support to be

provided under RGSA would be used for : (i) technical staff / services at GP / cluster level, (ii) support staff/ services for IT and accounting and for exploring possibilities of outsourcing some work to CSC, training SHGs, CRPs etc. and (iii) engaging staff for GPs with less than 10,000 population at cluster level. These personnel will be engaged on outsourcing basis.

### **Gram Panchayat Buildings:**

Without Panchayat building, it is very difficult to function Gram Panchayat as rural government. This is again a very important provision available under RGSA. States are expected to obtain funds for GP buildings with /and community hall from various sources especially in convergence with MGNREGS. However, where funds cannot be accessed from other schemes, financial assistance for construction/ repair of GP buildings and/with community hall will be provided in acute cases to GPs.

### **Programme Management:**

To support the Panchayati Raj departments of the States, Programme Management Units at the State level may be set up for planning, implementation and monitoring of RGSA from within the Programme management costs. Professionals with relevant experience and expertise in capacity building, Panchayati Raj & social development, IEC, monitoring & evaluation etc. may be engaged.

Implementation and supervision of the RGSA would be done by various committees constituted at national and state level.

### **Conclusion:**

The RGSA is itself evolving. The provisions made under it are very relevant in the present context. Recently, The Ministry of Rural development has released a report entitled “Performance Based Payments for Better Outcomes in Rural Development Programmers”. In this report among others, it is empathized that capable Panchayats can address the rural development programmers effectively. And for making Panchayats capable they not only need training but also support mechanism in the form of requisite personnel and infrastructure. The RGSA addresses all these issues at cutting edge levels. It may be said that the experiences of various programmes which either were implemented or are being implemented have been incorporated in RGSA. How effectively the RGSA would be implemented is depend on activeness on the part of elected representatives of Panchayats numbering more than three million. If they would not be active and vigilant then the political leaders and Bureaucracy would be holding the balance and RGSA may be proved as another cog in the wheel.

*(The Author is former Officer of Indian Economic Service and is an expert on Panchayati Raj issues. Email: mpal1661@gmail.com)*

### **Krishi Kalyan Abhiyan being implemented in 25 villages in each of the 111 Aspirational Districts from 1st June to 31st July, 2018**

The Krishi Kalyan Abhiyaan will be undertaken in 25 Villages with more than 1000 population each in Aspirational Districts identified in consultation with Ministry of Rural Development as per directions of NITI Ayog. In districts where number of villages (with more than 1000 population) is less than 25, all villages will be covered.

An Action Plan comprising specifically identified activities under various departments of the ministry namely, Department of Agriculture, Cooperation & Farmers Welfare (DAC&FW), Animal Husbandry Dairying & Fisheries (DAHD&F) and Department of Agricultural Research & Education (DARE-ICAR) will be implemented to saturate these 25 villages in each district with these activities.

The overall coordination and implementation in the 25 villages of a district is being done by Krishi Vigyan Kendra of that district. Various activities to promote best practices and enhance agriculture income are being undertaken under this plan such as distribution of Soil Health Cards to all farmers, 100% coverage of bovine vaccination for Foot and Mouth Disease (FMD) in each village, 100% coverage of Sheep and Goat for eradication of Peste des Petits ruminants (PPR), distribution of Mini Kits of pulses and oilseeds to all, distribution of Horticulture/Agro Forestry/Bamboo plant @ 5 per family (location appropriate), making 100 NADAP Pits in each village, artificial insemination saturation, demonstration programmes on Micro- irrigation, demonstrations of integrated cropping practice.

In addition, demonstration programmes on Micro Irrigation and Integrated Cropping Practice will also take place so as to familiarize farmers with the latest techniques and how they can be incorporated at the grass root level. Women participants and farmers will be given preference for the training program.

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## FINANCIAL STRENGTHENING OF PANCHAYATS

Dr Yogesh Kumar, Shradha Kumar, Monica Bosco

Unlike previous Central Finance Commissions, Fourteenth Finance commission made very sizeable allocations to Panchayats, that too only to the Gram Panchayats where the service delivery takes place. FC XIV allocated Rs. 200292 crores for the village Panchayats, which is more than 3 times the allocation provided to the Panchayats in the Thirteenth Finance Commission. It trusted the local governments for provision of basic services. Additionally, the FFC guideline clearly stated that the fund should not be parked with the state Government for more than 15 days. In case of delay, the states should pay interest to the GPs.

The idea of *Swaraj* and *Gana Rajya*, the self-governed peoples' republic was part of our freedom struggle and is embedded in debates of constituent assembly during the genesis of Constitution. It implied a stronger Panchayati Raj system capable of managing and governing themselves. However, the constitution couldn't as much support this liberal Gandhian view, as required, and consequently, the Panchayats found its place in the directive principles of states. The nation decided the path of growth and glory may not necessarily pass through Panchayat, assuming the growth engines will propel growth to one and all. However, the growing poverty and disparities in the decades after independence challenged this popular belief, forcing the leaders to sit-up and

look for alternatives to 'growth engine theory'. Decentralisation of growth consequently emerged as an idea for more equitable development. Simultaneously, there was a growing realization that corruption and inefficiency in service delivery has considerably diluted the effectiveness in services provided. Therefore, a need was felt for better downward accountability of the service providers. These are some of the key process that once again brought the idea of Village Republic or Panchayati Raj Systems as a more efficient and decentralised way of development.

The devolution story in India began 25 years back with the path-breaking 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendments, under which



the third tier of the government; Panchayat and Municipalities were constituted and significant powers and responsibilities were devolved to them. The village Panchayats leaders have demonstrated positive examples of ensuring economic development and social justice across the country. However, such examples are few and resultant of dynamic leadership, administrative support and community contribution. The Panchayati Raj institutions have experienced constraints of funds, clarity of functions and control over functionaries. The Central Finance Commission recommended for a share of resources for the PRIs and urban local governments after the constitutional amendments.

### **Fiscal Devolution to Local Governments:**

The Fourteenth Finance Commission (FFC) made path breaking recommendations that promised a transformation in the functioning of panchayats. Over the previous Finance Commissions, there is a substantial increase in the quantum of resources allocated to the rural and urban local bodies as shown in the table given below:

Unlike previous Central Finance Commissions, Fourteenth Finance Commission made very sizeable allocations to Panchayats, that too only to the Gram Panchayats where the service delivery takes place. FC XIV allocated Rs. 200292 crores for the village Panchayats, which is more than 3 times the allocation provided to the Panchayats in the Thirteenth Finance Commission. It trusted the local governments for provision of basic services. Additionally, the FFC guideline clearly stated that the fund should not be parked with the state Government for more than 15 days. In case of delay, the states should pay interest to the GPs.

### **Purpose of The Grant:**

The grant is provided in two parts: basic and performance grant. The basic grant provided are intended to be used to support and strengthen the delivery of basic services including water supply, sanitation including septic management, sewage and solid waste management, storm water drainage, maintenance of community assets, maintenance of roads, footpaths and street lightings, burial and cremation grounds and any other basic services within the functions assigned to them under relevant legislation. The guideline issued by the Ministry of Finance states that no expenditure

will be incurred out of the basic grants except on basic services within the functions assigned to the local bodies under relevant legislation. The basic grant will be released to rural local bodies with 90 percentage weightage to 2011 population and 10 percentage weightage to the area.

The FFC has not distinguished between O&M and capital expenditure within the components of basic services. It is advised that the cost of technical and administrative support towards O&M and capital expenditure should not exceed 10% of the allocation to a Gram Panchayat or Municipality under any circumstance and the expenditure incurred only by the local body concerned. The Ministry of Finance has issued detailed guidelines for the States on proper utilization of the 10% for meeting the technical and administrative support. Based on the advisory list of activities, the States may issue priority list of activities for which these funds can be used depending on manpower and other infrastructure available in the panchayats. A negative list of activities has also been prepared and informed to reduce any significant deviance from the FFC recommendations.

The FFC also observed that as ever increasing share of the public money is devolved to the local bodies, there is an ever increasing need of accountability of these institutions. The performance grants are designed to serve the purpose of ensuring reliable audited accounts and data of receipts and expenditure and improvement in own revenues. The *eligibility conditions for availing performance grant* is that panchayats shall submit audited accounts and show increase in their own revenues. The State may issue further eligibility criteria for the panchayats to be eligible for the performance grant.

### **Decentralized Planning:**

The Ministry of Finance issued guidelines for the release and utilization of the FFC grants to the local bodies. The directions stipulate that proper plans are to be prepared by the gram panchayats for the basic services within the functions devolved to them as per state Government laws before incurring expenditure under the FFC award.

These plans have to be participatory plans involving the community, particularly the Gram Sabha, in the formulation of priorities and projects. It will also have to ensure the mandates

of social justice and economic development. The GP development plan (GPDP) will have to have a clear component addressing vulnerabilities of poor and marginalized people and their livelihood opportunities through an integrated poverty reduction plan.

State specific Guidelines have been framed to facilitate coordination of the various activities that need to be undertaken and arrangements that need to be made for the execution of a time bound action plan for preparation of the Gram Panchayat Development Plans. The guidelines developed by different states provide the vision and ambition of the states to empower the Panchayati Raj System. The institutional mechanism for facilitating and developing the GPDP are varied in different states. For instance, the state of MP had designed a state scheme named Panch Parmeswar predominantly utilising funds of the 13th FC, which was continued utilising the 14th FC resources. Telangana, a newly emerged state announced a scheme 'Gram Jyoti' in August 2015 utilising the 14th FC funds, stating that the scheme aims to "empower and strengthen Gram Panchayats to ensure better delivery of services." emphasized on institutional approach to strengthen the functions devolved to the GPs in the Panchayat Act which included functions like prevention of epidemics, registration of birth and death, child welfare, licenses and encroachments. Karnataka designed working groups on production sector, civic amenities and social justice. In

Chhattisgarh, district level resource groups for technical support were envisaged similar to that of MP. Odisha proposed to establish planning unit at the GP level with the membership of the elected representatives, Panchayat functionaries as well as CBO, NGO and the GP standing committee members. Chhattisgarh stressed on need assessment of the marginalized groups in planning whereas Telangana proposed to simultaneously develop 'Special Development Plan for the SC/ST' for effective utilization of the SC/ST Sub plan.

### Panchayat Enterprise Suite (PES) Application for GPDP:

The current planning system largely involves preparation of scheme wise plans at the district level often leading to lack of convergence with other ongoing schemes of the government. To address these concerns, the Ministry of Panchayati Raj has conceived a software viz, PlanPlus, the software application facilitates the consolidation and integration of all plans of all planning units. The GPDPs prepared by the panchayats are uploaded on the software and the citizens can also view the activities being planned in their respective areas. Currently, generation of plans through PlanPlus has been prescribed as one of the necessary conditions for release of performance grants. Action Soft is another PES Application which works in collaboration with Plan-Plus and captures the work execution flow, converges and



keeps track of flow of funds from different sources during implementation and brings about total transparency in the reporting of physical and financial progress of works. PRIA Soft is another PES application developed for managing receipts and expenditure of approved list of works through voucher entries.

### Positive Outcomes:

With the FFC devolution to local bodies (LBs), there is an increase in the share of untied resources available with them. As a result, the panchayat will now have a larger say in how to spend the money. Some of the positive experiences can be summarized in the following manner:

1. With increased devolution to local governments, the per capita availability of funds has increased from Rs 96 per capita in Eleventh FC grant to Rs 240 per capita in the Twelfth FC to Rs 488 under the FFC. With increased per-capita availability of funding better standard of living of the rural population can be achieved by proper planning relating to expenditure on different sectors pertaining to development of the village.
2. The FFC mandates GPs to formulate a Gram Panchayat Plan prepared and approved by the Gram Sabhas. The panchayats have a greater autonomy to decide on which basic services it wants to spend the allocated funds.
3. The direct funds provided to the Gram Panchayats, without sharing of resources with the other tiers of Panchayati Raj System i.e. block and Zila Panchayats, substantially increased the availability of resources to the Gram Panchayats to deliver the basic services suggested by the FFC. Despite several restrictions and priorities imposed by respective states for use of 'otherwise flexible fund', Gram Panchayats used

the funds judiciously, and created several good quality infrastructure at competing costs. The Grant also facilitated in tiding over the bare and essential needs, like drinking water to parched communities in Bundelkhand under severe drought or retaining connectivity by repairing an old and collapsing culvert in Jharkhand, or small repairs in old taps, cleaning of the only wells that provided drinking water etc. Gram Panchayats saved or even sneaked budgets from the other budget lines to meet these critical needs as often Panchayats were denied their critical priorities.

There are several examples of convergence achieved by the Panchayats locally, which was difficult, otherwise by utilising the resources of the other schemes like MGNREGS, PMAY etc. to improve the quality of services.

Further, the FFC recommends one-tenth of the grants to be performance-based. To be eligible for these grants, the LBs should provide audited accounts from previous years and demonstrate that it increased its own revenues. Therefore, the grant comes in the form of a reward for doing well rather than an aid to cover a failure. This is an incentive for the LGs to reinvent and become more accountable.

### Challenges:

With a mechanism of fixed tranches for transfer of funds to the states, twice in a year, there should not be high underutilization of funds. However, the utilization of the FFC funds by the states governments allocated for the Village Panchayats has a large variation.

Over the last two completed years, Gujarat, Manipur and AP are high spenders followed by Tripura, Telangana and Haryana. Rests of the states

**Table 1: Grants allocated to local bodies by different FFCs**

Finance Commission	Grants to Panchayats ( in crores)	Grants to ULBs ( in crores)
FC X	4380.93	1000.00
FC XI	8000.00	2000.00
FC XII	20000.00	5000.00
FC XIII	63015.00	23111.00
FC XIV	200292.00	87143.8

were able to utilize less than half of the allocated resources. UP, the state with high concentration of the poor could utilize only 2.02% and progressive and rich state Maharashtra utilized only 3.76% of the funds transferred. As the data is drawn from the Plan Plus software of the Government of India where every state is expected to report their expenditure related to FFC in rural areas, there is possibility of under reporting. Many states have not reported their data as they have developed their own software for management of finances for Panchayat accounts such as Panchayat Darpan

(Madhya Pradesh) and Panchtantra (Karnataka). This could also be one of the reasons for apparent underutilization.

Within the FFC grants, most states tied the grant to the priorities decided by the state. GPs have several developmental challenges and consequently several competing demands from different sections of the voters/citizens. As a result, maintenance of piped water supply, repair of water structures, repair of ponds, construction and repair of culverts, channelization of storm

**Table 2: Utilization of FFC Grant: Consolidated**

(Rupees in Crores)

State	2015-16		2016-17		2015-17	
	Total FFC grant received	Total expense incurred	Total FFC grant received	Total expense incurred	Total FFC grant received	Total expense incurred
Andhra Pradesh	17.21	5.41 (29.11%)	1292.32	840.63 (64.38%)	1309.53	846.04 (64.60%)
Chhattisgarh	506.7	325.71 (64.05%)	738.1	383.5 (50.91%)	1244.8	709.21 (56.97%)
Gujarat	851.32	687.27 (80.6%)	1252.18	930.61 (74.26%)	2103.5	1617.88 (76.91%)
Haryana	205.8	52.72 (25.62%)	796.36	502.7 (63.01%)	1002.16	555.42 (55.42%)
Himachal Pradesh	1.01	0.09 (7.65%)	12.95	2.26 (14.53%)	13.96	2.35 (16.83%)
Jharkhand	138.26	22.22 (16.01%)	347.917	135.31 (48.71%)	486.177	157.53 (32.40%)
Maharashtra	91.82	2.35 (2.55%)	179.61	7.87 (4.26%)	271.43	10.22 (3.76%)
Manipur	21.86	14.26 (65.25%)	35.2	32.74 (92.99%)	57.06	47 (82.36%)
Odisha	853.13	187.16 (22.41%)	1096.39	221.9 (20.23%)	1949.52	409.06 (20.98%)
Rajasthan	2729.88	60.68 (2.22%)	2234.82	1158.1 (51.8%)	4964.7	1218.78 (24.54%)
Telangana	200.6	117.77 (36.75%)	812.26	476.63 (48.74%)	1012.86	594.4 (58.68%)
Tripura	1.06	0.8 (74.84%)	56.32	38.32 (68.05%)	57.38	39.12 (68.17%)
Uttarakhand	201.41	1.33 (0.66%)	271.93	92.69 (34.08%)	473.34	94.02 (19.86%)
Uttar Pradesh	1795.12	40.24 (2.24%)	2079.69	38.38 (1.99%)	3874.81	78.62 (2.02%)
All India	8419.22	1819.29 (21.27%)	12972.01	5669.63 (43.09%)	21391.23	7488.92 (35.009%)

(Source: Plan Plus website)

drains, deepening of ponds, repair of hand-pumps etc. or several other critical needs remain unaddressed, if certain states decide to focus on one of the services as a priority of the state.

### Conclusion:

The Fourteenth Finance Commission recommendations are path breaking to strengthen local governments. Fiscal decentralization and the trust based approach have empowered our Gram Sabhas and Gram Panchayats to address the local needs. The devolution of funds has also had an impact on the effectiveness, responsiveness and quality of the public services delivered in rural areas. The formulation of GPDPs and digitization of Panchayat records through PES applications has

made the system more transparent, accountable and effective. Through proper planning at the local level the funds devolved can be effectively utilized for more inclusive development. The state Governments should trust the village Panchayats and provide them flexibility to utilize the untied funds to meet the local needs. Decentralized planning will be a motivating exercise for the citizens if their demands are heard, accepted and fulfilled.

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### PM addressed National Panchayati Raj Day

Panchayati Raj day was celebrated on 24th April, 2018. The PM also launched Rashtriya Gram Swaraj Abhiyan on this occasion. He saluted and gave his best wishes to about 2.5 Lakh panchayats in the country. He also said that it was an important occasion for realizing the dreams of respected Bapu, because Mahatma Gandhi had identified India with its villages. The winners of Rashtriya e-Panchayat Puraskar, and Gram Panchayat Vikas Puraskar Yojana under Sarvasreshtha Panchayat Puraskar Yojana were also felicitated. Following are some excerpts from his speech on Panchayati Raj Day:

- Mahatma Gandhi had encouraged us to realize the dream of 'Gramoday to Rashtroday'. Government of India will support them for the development of their villages, the empowerment of the people of your villages and to fulfill the resolutions.
- The Panchayati Raj Day should be the day of taking resolutions.
- We are elected to form the government for serving the people. Therefore, if our power and time is put to the same work we can transform the face of our villages.
- Today the concern is about the proper utilization of the money within the specified time limit for the actual beneficiaries.
- There shall not be any family in the village that will not have a Jan Dhan bank account and insurance with minimum premium of 90 paise. If that family meets with an unfortunate incident, it will get a financial assistance of Rs. 2 lakh.



*The Prime Minister, Shri Narendra Modi addressing the gathering on the occasion of the National Panchayati Raj Day 2018, at Mandla, Madhya Pradesh on April 24, 2018.*

All of us should strive to change the villages to change the country. All of us should make proper use of funds in the villages. I want all of us to move ahead with the mantra of 'Jai Jawan, Jai Kisan, Jai vighyan' in the villages.

# CAPACITY BUILDING OF PANCHAYATS

Manoj Rai

Most of the training components must be covered within one year of the constitution of newly elected Panchayats. The training on core functions should be jointly provided to elected representatives and their staff, so that both of them receive common inputs on roles and responsibilities, as well as methods to complete them. Governments are promoting e-governance in Panchayats.

**A**ny discussion on capability building of 'institutions' of Panchayats should take into account three aspects. First, what are the capacity requirements of Elected Representatives (ERs) and staff in Panchayats so that they could electively undertake their mandated roles and responsibilities. Second, who are the ERs and the officials of Panchayats; what are their social and educational backgrounds. The third and final aspect which is dependent on first two is how to ensure timely capacitating of the institutions and people therein.

The Constitution of India<sup>1</sup> defines Panchayats as institutions of local self-government in rural India. With the exception of the states whose population is less than 2 million, the three-tier Panchayati Raj Institutions (PRI) system is mandatory for all states. The tiers consist of: Gram (Village) Panchayats at village or cluster of villages levels, Block Panchayat at sub-district or block level and the District Panchayat at the district level. For smaller states such as Sikkim, only two tiers, namely Village Panchayat and District Panchayats, have been constituted. The Constitution also mandates that democratically elected Panchayats should prepare plans for local economic development and social justice<sup>2</sup>. They should also implement the schemes for local economic development and social justice as entrusted to them by Central and State governments. The Eleventh Schedule in the Constitution of India provided an indicative list of 29 subjects as possible work areas for Panchayati Raj Institutions.

The present article strives to look into the number of people in panchayats whose capacities should be enhanced. It also analyses the current strategies and emerging issues for capability building.

## Capability Needs:

Panchayats are physically most proximate institutions of government for people living in villages. Panchayat members and officials live with the people in their respective villages, or those nearby. They themselves are primary stakeholders in any local development initiative in their Panchayats. Being physically close to the people and so, easily accessible, Panchayat members are expected to respond to various demands from the locals, as well as from external agencies including state and central governments. They must follow well-defined norms and procedures to manage the affairs of institutions of Panchayati Raj. Thus, Panchayat functionaries (elected representatives and staff) should be well aware about the intricacies of Management and Finances of Panchayats, including the procedures to conduct Panchayat meetings, Gram Sabha meetings, meetings of standing committees and other institutional mechanisms. They should know the roles, responsibilities and rights of institutions of Panchayats and their limitations. Such competencies are essential. Other core competencies include fundamentals of Panchayati Raj and Local Development such as: democracy, participation, the 73<sup>rd</sup> Constitutional Amendment Act, the State Panchayati Raj Act, participatory



planning, gender equality, social justice, practices of good governance and e-governance.

The situations of the three tiers of Panchayati Raj vary from state to state due to variations in extent of devolution of functions, funds and functionaries to different tiers of the Panchayats. Accordingly, depending upon the Training Need Assessments (TNA), the capacity needs for elected representatives and other stakeholders also vary in different states. That said, there are several common issues, which concern every Panchayat across all states. These include basic services and social welfare etc. Issues in communal harmony, human rights, climate changes, environmental issues, disasters and changing demographic profile are other important issue of local governance. Across all states, the roles of Panchayats in implementations of Centrally Sponsored Schemes are also increasing.

Panchayats are associated in the implementation of most schemes of rural development. Other departments/ministries like Agriculture, Health, Water, Sanitation, Women and Child Development, Tribal Development and other social sector ministries also implement programmes at Panchayat level<sup>3</sup>. The Ministry of Rural Development alone had a budget of Rs 1,05, 447.88 Crores for 2017-18. The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), Pradhan Mantri Awas Yojana-Grameen (PMAY-G) and Pradhan Mantri Gram Sadak Yojana (PMGSY) are among the top five centrally sponsored schemes which involve Panchayats. Other major programmes implemented at Gram Panchayat level include: Sarva Shiksha Abhiyan, National Health Mission and Swachh Bharat Mission. Beside these schemes, the Fourteenth Finance Commission provided over Rs 2 lakh crores for 2015-20 to Gram Panchayats. Panchayats are supposed to spend this funding on basic civic functions of water supply, sanitation, street lighting, playgrounds and crematorium. Many of the States also implement their social sector schemes at Gram Panchayat level. The respective State Finance Commissions can also provide funds for Panchayats for various works. All these have implications on capability building of Panchayats.

### **People to be Capacitated:**

The Capability building and training of Panchayats involves huge numbers with extreme diversity in knowledge, backgrounds and interests

of those to be trained. Since the enactment of 73<sup>rd</sup> Constitutional Amendment Act in 1993, about 2,48,620 Village Panchayats, 6425 Block Panchayats and 601 District Panchayats are currently functional across the country. The three-tier structures of Panchayats in all states elect a total of about 3 million representatives for 5-year electoral terms. Out of these, more than 1.2 million representatives are women. The elected representatives from Scheduled Castes, Scheduled Tribes and Backward Castes are also close to a million. For most of these women and marginalized men, getting elected to Panchayats is their first ever experiences of achieving public roles and opportunities for working in public spaces. They are required to perform many assigned duties in non-enabling social (patriarchy, feudal culture) and institutional (limited powers and authorities devolved to Panchayats in most of the states) environments. These elected representatives are also responsible for overseeing the appropriate implementations of the Central and State schemes in the Panchayats. That role may require specific skills and technical knowledge. Heading an institution (Panchayat) and managing its affairs also requires specific training and capacities.

The training and capability building of Panchayat Functionaries are quite challenging in terms of the sheer number of trainees, as well as trainee diversity and varying contextual situations. Apart from millions of Elected Representatives, there are lakhs of officials and crores of the Gram Sabha members. The Core Panchayat functionaries of Panchayats usually include Panchayat Secretaries, accountants and Panchayat Development Officers. In some Panchayats, some technical staff are also available. Beside these core functionaries, departmental functionaries, especially from departments devolved to Panchayats, need to understand the Panchayati Raj system, as well as their roles in it. They need to be also dis-oriented (from departmental vertical accountabilities to accountability towards people and Panchayats), oriented, sensitized and trained.

### **Modes of Capability Building:**

The Ministry of Panchayati Raj, Government of India prepared a National Capability Building Framework in 2014 to provide guidelines to states for training contents, types of trainers and

modes of training. It proposed the engagement of various training institutions of central and state governments, accredited NGOs, academic institutions and mass media in undertaking various types of capability needs of the Panchayati Raj system. The State Institutes of Rural Development (SIRDs) have been at the forefront for providing institution-based trainings. Some of the leading SIRDs in this regard are: SIRD-Karnataka, SIRD-Rajasthan, KILA-Kerala, YASHDA-Maharashtra and SIRD-Assam. Almost all states have their own SIRDs, which are financially well supported by the Ministry of Rural Development, Ministry of Panchayati Raj and respective state governments. The National Institute of Rural Development and Panchayati Raj (NIRD&PR) in Hyderabad act as a national nodal institute for all SIRDs. Many NGOs such as PRIA, Sahbhagi Shikshan Kendra, Unnati, Samarthan, Mahila Chetna Manch and CYSD also perform institution based and extensive trainings for Panchayati Raj. Though institution-based training is critical, it also has limitations in reaching and catering to a very large number of stakeholders.

The institution-based training may also be a bit disempowering to many villagers, especially women whose mobility is socially restricted. These cascading trainings are very popular mode of providing trainings. A cascade mode of training enables decentralization of training to many locations, such as district, block and even village or cluster of villages levels. It helps in conducting many programmes simultaneously across thousands of places. Trainees also feel more comfortable with this approach, being close to their homes and environment for face to face interactions with the trainers who often speak in local languages. For cascade modes of training, Master Trainers are prepared amongst most knowledgeable and interested persons from different locations in intensive MTOT (Master Training of Trainers) programmes conducted by the SIRDs and Extension Training Centres (ETCs) or NGOs such as PRIA. The Master Trainers in turn train large numbers of Trainers in institution-based intensive Training of Trainers (TOTs), which are conducted in various regions or districts. These trainers finally deliver more training at locations closer to the people.

Though cost and time intensive, exposure visits have been found to be one of the most effective way of capacity building. These visits provide

great opportunities for peer learning. The ERs and officials of panchayats visit the locations to see the real practices and learn from seeing and discussing. PRIA's own experiences of facilitating exposure visits of mixed group of ERs and officials found that these exposure visits also promoted friendship between the officials and the ERs. The ERs and officials appreciate each other's roles, which facilitates good working environment in Panchayat.

To reach out to a large number of stakeholders spread across different locations, many SIRDs use distance learning methods, such as SATCOM training, which is based on satellite communications through central studio relay centres and decentralized Satellite Interactive Terminals. Many Academic Institutions, SIRDs and NGOs also run courses on Panchayati Raj programmes for benefits of students, officials of Panchayats and the elected representatives. Radio, Television, Vernacular Newspapers, Folk Groups and other popular media are used for spreading popular knowledge about the Panchayati Raj. Easily understandable IEC materials in local languages are prepared, produced and distributed in bulk to spread knowledge about different components of functioning of the PRIs.

### Challenges:

Despite allocations of good training grants from the Ministry of Panchayati Raj and other agencies, the SIRDs and other training institutions are not able to qualitatively train even half of the elected representatives and functionaries within 6 months of getting elected/posted. PRIA itself has raised this issue many times in past. There are number of studies and reports, which also raise this issue. More than 50% of the elected representatives, for example in state of Uttar Pradesh did not receive any training after even one year of being in their positions. Most of the training in majority of states remain (Panchayat) Sarpanch and (Panchayat) Sachiv centric. Elected representatives differ in age, experience, educational status, caste, ethnicity, gender and income groups. Their needs and languages are different. In order to 'achieve the targets' on paper, training institutions often overlook these diversities and so, learning suffers. Distance training has advantages in outreach but it is less exciting to the ERs and staff, who are more attuned to face-to-face interactions.

Throughout its 25 years of existence, the new

Panchayati Raj system has seen many ups and downs. But people have recognized and accepted its importance for local development. It has therefore become a trend to include the roles of Panchayats in the guidelines of almost all development schemes, which are being implemented in the rural areas. While this seems exciting in writing, actual practice reveals that Panchayats are burdened with many additional functions without any additional support. For example, with the exception of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), for all other central and state programmes, field functionaries do not exist at the Gram Panchayat level. Panchayats are supposed to support implementation of these programmes without any additional allocation of functionaries at Panchayat levels even though most of these programmes have earmarked 3 to 6% of funds for administrative expenditures. That means existing members of Panchayats and the staff have to oversee and support the implementations of these programmes with neither any training, nor additional human resource supports.

Panchayats are receiving promising grants from different sources of central and provincial governments. This, however, increases their dependency and so, raises questions of the financial freedom of a statutory institution, which a Panchayat is. The most recent Economic Survey Report<sup>4</sup> also highlighted this concern when it stated that Panchayats were not generating their own resources to the tune of even 5% of their total revenue income. This is perhaps one of the most important areas for capacity building of Elected representatives and panchayat functionaries. Unfortunately, this area has not been adequately addressed in most of the capability building initiatives of the governments or NGOs. Communal harmony, climate mitigation, violence against women etc. are other areas, which require due and intensive attention in capability building initiatives.

### Way Forward:

Before suggesting some steps forward, there are two important questions. Does Panchayat mean Sarpanch? Are elected Panchayat members mere doers or are they also leaders? These questions are due to prevailing local contexts, as well differing focuses of capability initiatives from different agencies. Capability building is not a standalone

solution. Parallel initiatives are necessary in strengthening the PRIs. Panchayats should be first appropriately empowered to play their constitutional roles. For that, appropriate powers and authorities must be devolved to them devolving due Functions, Funds and Functionaries. Unless that happens, capacity building will remain one side affair. Also, in capability building, more emphasis should be placed on evolving the leadership roles of these elected representatives. India has time tested examples of cabinet and bureaucracy system at Union and State levels. Elected members of Parliament and State legislatures do more of leadership roles. Similarly, Panchayat members should be encouraged to play leadership roles for local development. Accordingly, training focus for Panchayats should also differ for leaders and doers.

With reference to ongoing training and capability approaches, urgent steps must be taken to ensure the accountability of training institutions, in order to ensure timely and quality training of all. Delayed training make training useless. All elected representatives (Chairpersons, as well as ordinary members and members of different committees) must be provided quick orientations within 6 months of being elected. Furthermore, most of the training components must be covered within one year of the constitution of newly elected Panchayats. The training on core functions should be jointly provided to elected representatives and their staff, so that both of them receive common inputs on roles and responsibilities, as well as methods to complete them. Governments are promoting e-governance in Panchayats.

- 1 Constitutional (73<sup>rd</sup>) Amendment Act, 1992 which created the modern three tier Panchayati Raj in India.
- 2 Article 243G of the Constitution of India
- 3 Report of the Committee on Performance Based Payments for Better Outcomes in Rural Development Programmes (Sumit Bose Committee Report), 2017, Ministry of Rural Development, Government of India
- 4 Economic Survey 2017-18, prepared by the Government of India and tabled in Indian Parliament on 29<sup>th</sup> January 2018.

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## PROGRAMME DELIVERY THROUGH PANCHAYATS

Naresh Chandra Saxena

Despite excellent work done by some village panchayats, delivery of government programmes through panchayats has benefitted a few. Panchayat leaders, in general, do not fully utilise the democratic process to change inequitable rural societies. Empowering gram sabhas and strengthening their control over panchayats could have been a powerful weapon towards transparency, and involvement of the poor and marginalised people. Most of the State Acts and policies have not spelt the powers of gram sabhas nor have any procedures been laid down for the functioning of these bodies. The author suggests various ways to improve the efficiency and delivery mechanism of panchayats.

**T**here is enough evidence to show that, notwithstanding excellent work done by some village panchayats, delivery of government programmes through panchayats has benefitted a few, often belonging to the local dominant agricultural castes, and has not empowered the poor and other disadvantaged sections as desired. Panchayat leaders, in general, do not fully utilise the democratic process to change inequitable rural societies. Panchayats function more or less as “political” bodies. They are not functioning as institutions of self-governance in true sense. Most of the time they act as facilitators in executing programmes of the state government/GOI.

An assessment by the Planning Commission (2001) showed that gram sabha meetings were

regularly held only in a few places, and in most cases, participation in such meetings was low. Empowering gram sabhas and strengthening their control over panchayats could have been a powerful weapon towards transparency, and involvement of the poor and marginalised people. However, most of the State Acts and policies have not spelt the powers of gram sabhas nor have any procedures been laid down for the functioning of these bodies.

A study of 2015 Gram Pradhan Elections in district Gorakhpur (UP) has revealed that an average of Rs 5 to 6 lakh was spent in election campaigning for the post of village panchayat leader, but nearly 10 times of this investment is easily recovered by the winner through leakages



in government schemes. The study quotes a statement made by a village leader, 'Around 75% of the fund allotted goes into paying commission to Panchayat Secretary, junior engineer, staff at Block and Zilla Panchayat levels and rest 25% is used for development works. If the commission is not paid then we would have to run around the Block office and Zilla Panchayat and the files would never be cleared. If there is an honest person nobody would allow him to work. He will be rejected by both family and society.' (Mukerji 2018)

Even in West Bengal, where many people from the lower and middle rungs of the rural society have been able to hold seats of power in village panchayats, those who do not belong to any political party are kept away from the benefits. Panchayats are highly politicised, and members of backward groups (SC/ST) do not have much voice in their own party where the leadership consists largely of members of higher castes. Women, too, feel that they are not encouraged to participate (Banerjee 2008).

The efficiency and delivery mechanism of panchayats can be improved by adopting the following ways:

**Involve them in Social Sector:** Panchayats at all levels are mostly busy implementing construction oriented schemes, which promote contractor - wage labour relationship. These do not require participation of the poor as equals, on the other hand these foster dependency of the poor on Sarpanch. Panchayats should be made more active in education, health, SHGs, watershed, nutrition, pastures and forestry programmes, which require people to come together as equals and work through consensus.

**Encourage them to use Fiscal Powers:** There is overwhelming dependency (often more than 95%) of panchayats on government funding. How these funds are used is not properly audited. These funds are a soft option and discourage any effort to generate local revenue. When panchayats do not raise internal resources and instead receive funds from outside, people are less likely to request a social audit if they are not asked to pay taxes.

At the village level, an important power devolved to panchayats is the right to levy tax on property, business, markets, fairs and for the service provided, like street lighting or public

toilets, among other. Only a small number of village people are aware of this fiscal power, as it is in disuse. Very few panchayats use their fiscal power to levy new taxes. The argument pushed by the panchayat heads is that it is difficult to levy tax on your own constituency, especially when you live in the community. It is therefore necessary to reconsider the current funding system.

To illustrate, Tamil Nadu collects land tax through government machinery and then transfers 85% to the panchayats. It will be more cost effective if the entire burden of collection is shifted to the village panchayats, and they in turn transfer 15% of the collected taxes to government. Today the panchayats hesitate to levy and collect taxes, as they prefer the soft option of receiving grants from GOI. This must be discouraged and the local bodies be encouraged to raise local resources for development and then receive matching grants from the Centre/ States. The more dependent a panchayat is on the mass of its citizens for financial resources, the more likely it is to use scarce material resources to promote human development and reduce poverty. External funds with no commitment to raise internal funds make them irresponsible and corrupt.

**Grants from FFC:** The Fourteenth Finance Commission (FFC) has recommended distribution of grants to states for village local bodies to the tune of Rs. 2 lakh crore for a five-year period starting from April, 2015. Although FCs have been giving grants to local bodies in the past too, the 14<sup>th</sup> FC has particularly given a massive increase in this component. Grants will be of two types – basic grants and performance grants, which depends on (i) making available reliable data on local bodies' receipt and expenditure through audited accounts; and (ii) improvement in own revenues. These conditions have to be fulfilled for being entitled to performance grants, but unfortunately many states are lagging behind in this. Panchayats have either not been given sufficient tax assignments to raise revenue locally, or wherever powers are given are not exercised by them. Assam, Bihar, Orissa, Punjab and Rajasthan continue to report zero tax through panchayats. These states are in the immediate danger of losing the liberal FFC performance grant. Therefore capacity building should also focus on empowering the panchayats to keep on increasing their revenues and submit periodical utilisation reports.

**Timely and credible Audit:** Large expenditures are now being incurred by village panchayats. Their accounts are to be audited by Local Fund Audit, but there are several problems. First, there are huge arrears, and in some cases accounts have not been audited for more than ten years. Secondly, the quality of their reports is very poor, therefore the utility of such audits is doubtful, the impact it makes on improving systems is at best marginal, perhaps negative. Thirdly, there are complaints of corruption, and the general impression is that audit reports can be bought. Lastly, elected non-officials are not held accountable for any lapses noticed in their reports, only officials are, which breeds irresponsible behaviour on the part of non-officials.

These are serious issues that need to be addressed for improving financial accountability of the panchayats. These issues have now become critical because of the conditionalities imposed by the FFC.

**Grade Panchayats:** The quality of work done by panchayats should be closely monitored by a team of journalists, civil society members, panchayat leaders from the neighbouring districts (who have already done excellent work), and stakeholders. Based on these reports, panchayats should be graded, and future funds should be linked with their grade. Strengthening financial management and audit procedures will also strengthen accountability of the local bodies, their

standing committees and its representatives to the people as well as to government.

Through a carefully designed methodology, it is quite possible to measure the performance of panchayats, and to what extent they are inclusive and participative. In UP, a study evolved some criteria for ranking twenty panchayats. Not surprisingly, most of the studied panchayats (75 percent) were ranked in the 'Unsatisfactory' or 'Very Unsatisfactory' category. But two achieved a 'Good' rank while three achieved a 'Very Good' rank. Notably, two of the best functioning panchayats in the sample were headed by women Sarpanches (Srivastava undated).

**Improve Social Capital:** There are fundamental social and cultural differences between Indian states, as also within different regions of a state. For instance, in Karnataka south and along the coast, women's status is relatively high. Girls and boys receive almost equal levels of education, and women are relatively mobile and confident. In the north, in contrast, girls' education levels fall well below boys', and women are less mobile. Social capital, in general, is lower in the north where there are greater inequities and caste conflicts.

The general belief amongst the Karnataka bureaucracy about success of government programmes is that these succeed easily in districts of South-west Karnataka, such as Mysore and Shimoga, but not so easily in north-eastern districts of the state. Apart from levels of poverty,



a factor that has been noted by several observers is the strong potential for collective action that exists in districts like Mysore and Shimoga. Communities in these districts are able to put greater pressure on teachers and other field level workers to do their duties. The role of community is crucial for achieving higher quality of education in rural areas. Better social capital will result in a higher level of participation of the community in the schooling process and it also acts as watch dog by way of exerting pressure on the teaching community (WSP 2001).

**Encourage Transparency :** A careful reading of the literature suggests that four key features are associated with success in peoples' empowerment: transparency, participation, inclusion and ownership. If individuals within a community do not understand how decisions are made or are not aware of whether other people are adhering to the rules, they have little incentive to work together as a group. Panchayats can increase transparency by holding open meetings, sharing the minutes of meetings with the community and publicly naming people who fail to follow the rules or pay their taxes.

For instance, malnutrition rate was effectively reduced from 50 per cent to 25 per cent in Thailand in just about ten years by insisting that weighing of children be done every month openly in a village fair where all parents would participate. This resulted in correct weighing and encouraged a sense of competition amongst households. On the other hand, in India Anganwadi Centres which work under the panchayats in many states get away by bogus reporting and considerably concealing malnutrition, as there is no community pressure on the Anganwadi workers to report honestly. For instance, the overall percentage of severely malnourished grade III & IV children, in case of 0-3 years according to the data reaching GOI from Jharkhand is only 0.5 per cent, as against 16 per cent reported by Unicef (2014) in its survey. The field officials are thus able to escape from any sense of accountability for reducing malnutrition due to lack of transparency, and lack of pressure from the gram sabhas to do honest reporting.

**Improve Governance:** At the same time, effective panchayats would also require effective district and block level administration. Hence efforts towards better accountability and

performance from local bureaucracy should go simultaneously along with building local panchayat capabilities. Thus civil service reforms that would strengthen district administration must go hand in hand with empowerment of panchayats. Professional and responsive public administration will be an asset for both, social sector as well as for enabling panchayats to play the important role that is mandated for them.

One should start decentralizing administrative and financial functions after putting in place some of the critical accountability mechanisms, so that decentralisation does not lead to favouritism, nepotism, and corruption, or abdication of responsibilities. The effectiveness of a decentralized policy depends on how well it is administered. In the absence of checks and balances the people to whom power is delegated via decentralization can abuse the power they receive. A common weakness in decentralizing is to delegate authority to act without adequate standards for guidance or adequate audit, and oversight mechanisms to ensure compliance with integrity and transparency.

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## PESA IN TRIBAL AREAS

Yatindra Singh Sisodia

The enactment of the 73rd Constitutional Amendment Act and the subsequent state wise panchayat raj acts in India have brought to the fore the significance of grassroots democratic processes. Looking into the peculiarities of the tribal people, Bhuria Committee was formed by union government to suggest a separate system of local governance for tribals. Many of the principal recommendations of the Bhuria Committee were accepted by the union government and the legislation was passed, known as Panchayat (Extension to the Scheduled Areas) Act, 1996 (PESA). Accordingly, the states having Fifth Scheduled Areas amended the concerned state legislations. More than two decades have passed since the new system of governance was put in practice. The article strives to analyse the functioning of panchayat raj system in scheduled areas after implementation of PESA.

After Independence, persistent efforts have been made to make rural local self-government viable and self-sustainable on the lines portrayed by Mahatma Gandhi. Unfortunately, the response of the state governments was of very different nature and as a result the pace and pattern of establishment of rural local political institutions was not very enthusiastic in the initial phase. The state governments showed very little interest to empower the village level institutions and transfer of power to these institutions was almost negligible.

Almost after forty-five years of Independence, the Central Government realised this hard truth that the delivery system in the tribal/rural area was not effectively operational; it was realised that without functional participation of people through panchayats, development of rural and tribal areas will not be sustainable. As a result, the introduction of 73rd Constitutional Amendment Act was enacted in 1993. The execution of the Act was made mandatory for all the Indian states and panchayats have been provided a constitutional status. The 73rd Amendment has provided uniformity and formal structure to these traditional institutions of self-governance for the sake of their effective functioning.

The 73rd Amendment has initiated a fundamental restructuring of governance and administrative system of the country, based on the philosophy of decentralisation and power to the people. Policy planners have realised by now that the new panchayat raj institutions have the potential to usher in a new era of change and development in

accordance with people's needs and priorities, and to revitalise a deeply troubled system of democracy at grassroots level (Behar & Kumar: 2002).

The enactments of the 73rd Constitutional Amendment Act and the subsequent state-wise panchayat raj Acts in India have brought to frontline the significance of grassroots democratic processes. Contextually and theoretically too, the new panchayat raj system has been created as new a model of self-governance (Sisodia: 2002). The objectives of the new panchayat raj is to execute and implement schemes and programmes to meet the real local needs, to mobilise people, to channelise their energies towards rural reconstruction through the new institutions.

A perusal of state profiles would show that panchayat raj reforms have certainly taken place with vigour and zeal in some western and southern parts of the country that are relatively sound from the point of view of economy, are socially vibrant, and have active civil societies. On the contrary, the northern states with the greatest degree of poverty, inequality and deep schisms of caste and low



Gram Sabha

pace of governance resulted in weak panchayats (Robinson: 2005).

### Implementation of PESA:

Tribal communities are most marginalised section of the Indian society. They have remained comparatively isolated from the main stream development process and maintain an uninterrupted long tradition of well knit, cohesive social structure and value system backed their own custom and traditions. They have also several indigenous traditional institutions to resolve their conflict and manage their resources and socio-political life.

When the institution of new panchayat raj was planned to be introduced in the tribal areas it was felt that there was an urgent need to protect the tribal from the marginalisation in the age of globalisation. The Working Group (1996) of the Ninth Five Year Plan suggested participatory planning as a necessary prelude for growth and equity in tribal areas which have not gained significance from the development process since Independence.

In order to strengthen the grassroots level local bodies and to provide self rule of tribal, the Part IX of constitution which deals with Panchayats has been specially extended through an Act of Parliament called *Panchayats Extension to Scheduled V Areas Act (PESA) 1996*. Prior to this Act, a committee was constituted under Shri Dilip Singh Bhuria to examine various dimensions of self rule of tribal and the constitutional requirement for extension of the panchayats provision in the scheduled areas. Under PESA special treatment has been given to the social, political, cultural and economic aspects of tribal life.



Participation of women in Gram sabha

One of the highlighting features of PESA is its suggestion that “every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution”. In addition to this, the Central Act of 1996 provides extensive powers to Gram Sabha in the Scheduled Areas in the following sectors: (i) Approval of plans, programmes and projects for social and economic development prior to their implementation; (ii) Identification of beneficiaries of anti poverty programmes; and (iii) Certify utilisation of fund spent by the Panchayat.

PESA after giving the above exclusive powers to the lowest unit of grassroots democracy has further provided that the Gram Sabha or Panchayats at appropriate level shall have the following powers: (i) to be consulted on matters of land acquisition and resettlement; (ii) grant prospecting licence for mining lease for minor minerals and concessions for such activities, (iii) planning and management of minor water bodies, (iv) the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant, (v) the ownership of minor forest produces, (vi) the power to prevent alienation of land and to restore any unlawfully alienated land of a scheduled tribe, (vii) the power to manage village markets, (viii) the power to exercise control over money lending to scheduled tribes, (ix) the power to exercise controls over institutions and functionaries in all social sectors, and (x) the power to control local plans and resources.

While prescribing such wide ranging powers to “Gram Sabhas or Panchayats at appropriate level”, PESA has further warned that, “the State legislation that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government. It also contains safeguards to ensure that Panchayats at higher level do not assume the powers and authority of any panchayats at the lower level or the Gram Sabha”. The States were suggested to amend their respective Panchayat Acts to extend the provisions of the Panchayat to Scheduled Areas of their respective States within a year keeping in mind

the letter and the spirit of the Central Act of 1996. The PESA has been recognised by many activists and scholars as a progressive law, because it gives some crucial rights to village level communities to manage their lives and resources (Choubey, 2015).

In Scheduled Areas, the village level situation is different from the high expectations created by PESA. State Acts are also confronting with the provisions of PESA. The issue of tribal non-tribal leadership in Scheduled Areas has created new political equations. The political dynamics at grassroots level has different dimensions it has many players in the circles and they throw their weight according their influences in the local power dynamics. As a matter of fact, it can be argued that despite the specific provision provided through PESA, there is a gap between macro level decisions and grassroots level reality. Tribal regions have their own peculiarities. The main actors in panchayats are traditional leader, new entrants, local bureaucracy, non-tribal society and government departments' like- forest and revenue.

The traditional leadership generally looks at the decentralised process as a rival parallel institution and challenge to their natural stronghold. The entrants to panchayats are not fully acquainted with the provisions of PESA and therefore their understanding of this aspect needs to be broadened. Planning and management of minor water bodies is entrusted to gram sabha but there are other institutions as well to look into this matter hence it is necessary to create coordination among traditional system with new schemes. Amendments have been made in Acts for mining lease, exploitation of minor minerals, minor forest produce, to prevent alienation of land but still there are dilemmas of sharing the strong hold in implementation process. Non-tribal leadership has been very strong in tribal regions; they work as middleman/agents for development schemes. They have established good network with local bureaucracy and influence decision making process in their favour negating the tribal leadership at the grassroots level.

Against this backdrop, this article attempts to find out the processes and mechanisms working in the implementation of PESA.



### Methodology and Context:

The evidences used in this article are based on the research study carried out in on the implementation of PESA in the contiguous scheduled V areas of Madhya Pradesh, Gujarat and Rajasthan. The issues of panchayat raj representatives were considered for observation within the study so as to comprehend the dynamics of its working, nature of changes and development. The article also strives to understand the interplay, inter-linkages and conflict between these actors. The centrality of issue is to gauge the implementation of PESA in their gram panchayats and its impact upon the governance after implementation of PESA in their socio-economic and political life.

### Exposure towards PESA:

It is indeed a matter of concern that overwhelming majority of the respondents has very less exposure towards special status of panchayats in fifth scheduled areas. It makes a significant meaning since persistent efforts have been made to percolate down to make the representatives understand.

### Gram Sabha:

There is almost no change in the perception of panchayat raj representative regarding gram sabha. This is also because the level of exposure among the tribals is very low and women panchayat raj representative have hardly any understanding of these issues. Overwhelming majority of the respondents who are panchayat representatives, have no exposure to special rights. There is meagre knowledge about the special rights of gram sabha in scheduled areas among the gram Sabha members.

Significant aspect of PESA regarding composition of more than one gram sabha in one gram panchayat is known to less than half of the panchayat raj representative. The presence of government officials is regular; this is because the gram sabha is a platform where from all the government schemes are initiated and the decisions and programmes of the government are percolated down; this is one of the reasons that presence of members is regular.

Significant number has found the work done/in process in response to the point of view presented in gram sabha meetings. It is a very encouraging situation that despite having the social audit, only half of the respondents who are panchayat representatives know the information with regard to the stages of work. Only more than one-third respondents try to know the problems of villagers and put them in gram sabha meetings for the simple reason that it is significant from the point of view of implementation of PESA.

Half of the panchayat raj representative feel that the wishes and suggestions of gram sabha are considered by gram panchayat. Looking into the innovation and its technicality, a sizeable number is coming closer to the understanding of the system. One very important aspect of selection of village development through gram sabha is endorsed by almost two-third of the respondents. Nevertheless, sarpanch has still a very important say in selection and operation of village development work.

### **Gram Panchayat:**

Gram Panchayat is the main executing institution of all the work at the grassroots level. Overwhelming majority of the respondents do participate in gram panchayat meetings regularly which is very significant from the point of view of tribal situation. Overwhelming majority of the respondents inspect the ongoing construction work in the village. The respondents do visit different offices for inspection purposes; however, the schools and anganwadies are mostly under inspection of respondents. Villages are still in demand of basic amenities like drinking water, electricity, road/bridge etc. on priority basis.

Almost half of the respondents present a very negative picture as gram panchayat has no role in solving village problems. This is because the

respondents are gram panchayat members who have already aired the problems in gram panchayat meetings repeatedly. Despite such efforts, there are no positive or concrete results coming out. As a result of this villagers have lost faith so far as the care of solution of these problems through gram panchayat is concerned.

### **Natural Resource Management:**

Management of natural resource according to indigenous knowledge of tribal is one of the main activities under PESA. Less than half of the respondents do know one of the very important tasks assigned by PESA Act of management of natural resources (land, water and forest) through gram sabha. Fifty per cent tribal villages have the availability of forest and minor forest produce. As far as control over forest is concerned, all the respondents are categorically of the view that government/forest department has control over it. Only a very small number of villages have minor minerals. Overwhelming majority of villages have water bodies. Committee system is functional to manage the water bodies. However, a considerable number of respondents find no arrangement for water body in their villages.

### **Protection of Cultural Identity:**

Overwhelming majority of the respondents believe in local traditions and rituals. Gram Sabha has the responsibility of conservation and protection of traditions, rituals and cultural identity. Surprisingly, this fact is not known to majority of the respondents. Issues of conservation and protection of traditions, rituals and cultural identity in gram sabha are discussed by a limited number of respondents. Knowledge about traditions and rituals is confined to very superficial issues and no specific details are discussed in terms of traditions and rituals to be protected by the gram sabha like traditional pattern of dispute resolution, worshiping natural resources, traditional method of natural resource management, livelihood patterns etc. In majority cases, gram sabha/jati panchayat/sarpanch looks after the question of dispute resolution.

Overwhelming majority of the respondents are of the view that there is no harm to local culture and traditions because of gram sabha. Almost

three-fourth respondents are of the opinion that the present panchayat system is different from the earlier one. Since the PESA Act has categorically empowered the gram sabha with enormous power and majority of the respondents have accepted this change, this is a positive contribution to the system. As a change from earlier panchayat system, more development works are taking place and there is a direct involvement of the villagers in village matters after the creation of gram sabha under PESA.

Illiteracy has been termed as one of the most crucial problems faced by the panchayat members. Training, an essential tool of equipping the people with capacity to run panchayat affairs, has not been carried out to make the panchayat representatives aware about the importance of PESA and the procedural aspects of panchayat raj institutions. Respondents have received training mainly from block headquarters. The respondents have mainly received the training related to working of panchayat, information/knowledge about the basics of panchayat and understanding of rules and regulation through training. The suggestions given to improve the system are related to regular holding of meetings, more powers, more finances etc. In fact the real issues which create hurdles against smooth functioning of panchayat raj in schedule areas are not suggested by the respondents; thus positive efforts are needed for the improvement. This is also because the level of understanding and exposure among tribal representatives is comparatively low.

### Conclusion:

In recent years, many reports- 'The Report of Expert Group of the Planning Commission on Development Challenges in Extremist Affected Areas' (2008), 'The Sixth Report of the Second Administrative Reforms Commission' (2007), 'The Balchandra Mungekar Committee Report' (2009), etc. have clearly underlined the dismal situation of

the implementation of PESA. Therefore, there is an urgent need to opt for an effective device whereby maximum people can be informed, made aware and motivated to come forward for the proper implementation and execution of PESA. There is an urgent need to break the culture of silence among tribal and to strive for capacity building, sensitisation and orientation to improve the tribal self-rule scenario.

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# Kurukshetra

FORTHCOMING ISSUE

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:

Rural Infrastructure

# WOMEN IN PANCHAYAT

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Reservation for women in PRIs provided by 73<sup>rd</sup> CAA and subsequent increase in the quota by States have brought an unprecedented huge number of women in governance arena in India. Women's political empowerment of such magnitude is among the best in the world. A quarter century has passed since the above-mentioned Act came into force and in most of the States fourth or fifth generation of Panchayats are in place. Women leadership in Panchayats which started with a shaky beginning has definite signals of getting well established and recognised.

**W**omen constitute half of the population. Issue of political empowerment of women has attracted global attention. The United Nations (UN) adopted Convention on the Political Rights of Women in 1952. UN has organized four World Conferences on Women. Fourth was held in Beijing in 1995 and it declared that women's equal participation in decision making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account. It also affirmed that women should have at least a 30% share of decision making positions.<sup>1</sup>

However, participation of women, in general, in politics and public life in India has been abysmally low. There is a huge gap between men and women in political activities beyond voting. Participation of women at the higher level is lower in comparison to

their participation at the lower level of governance structure<sup>2</sup>. In the domestic arena leadership and managerial skills of women are silently recognized however, they are not given space in the public arena. While other marginalized communities such as Scheduled Castes and Scheduled Tribes got reservations in the Parliament and State Legislative Assemblies, no reservation for women was given in the Constitution of India in the beginning which restricted their political empowerment.

## Constitutional Provisions:

Article 15 (3) to the Constitution of India empowers State to make special provisions for women. This constitutional mandate is recognition of the fact that women in India need to be empowered socially and economically so as to ensure their full participation in social, economic



and political activities of the country. However, to make use of potential of women and also to empower them, 73<sup>rd</sup> Amendment Act 1992 (73<sup>rd</sup> CAA) for the first time provided one-third reservations for women in Panchayati Raj Institutions (PRIs) and thus ushered a new era of women's participation in the local governance in India. However, journey of political empowerment of women in Panchayats has evolved gradually. Balwant Rai Mehta Committee Report (1959) had suggested only that the 20-member Panchayat Samiti should co-opt or nominate two women interested in work among women and children.

The Ashok Mehta Committee Report (1978) recommended a two-tier panchayat system, in which the two women who polled the highest number of votes in the panchayat elections would, even if they failed to actually get elected, stand co-opted into the panchayat. Where no women contested elections, any two women known to be active community workers, could be co-opted. National Perspective Plan for Women (1988) recommended 30 percent reservation for women in these bodies. Meanwhile, some states had already proceeded to provide reservations for women. In 1985, Karnataka introduced 25 percent reservation for women in the Mandal Praja Parishads, with a further reservation for women belonging to the SCs and STs. Andhra Pradesh, too, had in 1986 provided for reservation of 22-25 percent for the Gram Panchayat (GP), with two women to be co-opted in the Panchayat Samitis, in addition to the elected women members.<sup>3</sup>

Article 243D of the Constitution of India introduced through above-mentioned 73<sup>rd</sup> CAA provides that one-third of the total number of seats and offices of the Chairpersons in PRIs at each level shall be reserved for women to be allotted by rotation to different constituencies in a Panchayat. Such reservations of seats and offices of the chairpersons for women are also within the reservations for SCs and STs in all three tiers of PRIs. That mean not less than one-third of all seats and offices reserved for SCs and STs.

Although 73<sup>rd</sup> CAA provides for only 1/3<sup>rd</sup> reservation for women in PRIs, as many as 19 States (Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Odisha, Rajasthan, Sikkim, Tripura, Uttarakhand, West Bengal, Madhya Pradesh, Assam, Bihar, Tamil Nadu, and Telangana) have raised reservation of

seats and offices of chairpersons to women to 50%.<sup>4</sup> Efforts are on to increase the reservation from 1/3<sup>rd</sup> to 1/2 all over India.

There are approximately 13.45 lakh Elected Women Representatives (EWRs) in PRIs which constitute 46.14% of total Elected Representatives (ERs). The State-wise details are available at the website of Ministry of Panchayati Raj, GOI (<http://www.panchayat.gov.in/women-representation-in-pris>).

### Achievements of Women in PRIs:

Due to patriarchy and perceived threat of male losing their domination of the political system, potential and achievements of elected women in PRIs was not recognized in the beginning. They were dismissed as proxies of their husbands and other male members of their families and at times as proxies of elites in the village. Their capacity to understand the process of governance and to lead the affairs of panchayats was questioned. However, many women elected representatives have made their mark in bringing positive changes in their areas.

For example, woman Sarpanch of Chandsamand GP in Karnal district of Haryana has developed a three pond system under MGNREGA with the purpose to treat the grey water and further use the same for gardening, kitchen gardening and irrigation purposes. For the beautification of the ponds, a green belt has been developed around the pond. Dhauj, another woman headed GP in Haryana has taken several initiatives towards empowerment of women. Among these are skill development of women and girls, bridging the digital divide through mobile computer training institute, motivating and orienting school girls on their rights, campaign against Purdha/Ghunghat (veil) system etc. An MBA graduate who quit her corporate career with one of the country's biggest telecom firms to become the sarpanch of Soda GP in Rajasthan has been working ever since to ensure clean water, solar power, paved roads, toilets and a bank to the village.

Woman Sarpanch of Dhani Miyan Khan GP in Haryana built a training centre for women and ensured that every village child went to school. Under her guidance, her village won many awards for its good sanitary conditions, zero dropout rate and the best sex ratio among all villages in Haryana. Former investment banker, woman Sarpanch of

Dhunkapara GP in Odisha launched a campaign to revive traditional folk art in her village and ensured that the benefits of the various government schemes reach the needy and deserving people. She has introduced the benefits of Public Distribution System to her village, which wasn't known to most people. Now they avail wheat, kerosene and other items at subsidised prices. She also started a major literacy campaign for women in the panchayat where only signatures would be recorded for official applications, instead of thumb impressions. Her work was recognized internationally when she was selected to be a part of International Visitors Leadership Program by the US Consulate to speak on the importance transparency and accountability in the government.

Woman Sarpanch of Abdullah Badkheda returned from United States and is now working towards making her GP a model GP by ensuring most effective implementation of government schemes. Under the leadership of it's woman Sarpanch, Khetri GP in Assam has achieved 100% institutional delivery, 100% immunization, near 100% drinking water coverage, sanitation coverage and 80% all weather road connectivity in the GP. Apart from that, organises regular health camps, organised legal literacy camps for women and provided shelters to victims of domestic violence and destitute women. Woman Gram Pradhan of Namkhana GP in West Bengal has ensured functional standing committees on women and children in her GP. She has emphasized on SHG formation, joyful learning and nutritious food for the children. Her GP maintains records and contact details of women out-migrating for work.

Pattanaik (2010) studied functioning of EWRs in many panchayats and found "it is clear that women's leadership in panchayats is transforming India. These elected women-now role models to the other women in their communities- are altering the development agenda to address issues critical to village life. The success stories number in millions. Women throughout India- from Orissa to Assam to Uttar Pradesh to Bihar- are ensuring that roads are repaired, electricity is brought to their villages, schools are built, latrines installed, medical services are available, water sources are made safe, local savings groups are formed, and the list goes on and on."<sup>5</sup>

IndiaSpend study 2017 in six districts of Tamil Nadu has found that 60% women

elected representative of PRIs are functioning independently of their male family members or colleagues.<sup>6</sup>

All that elected women representatives of PRIs have been able to achieve does not mean that all the hurdles have vanished.

### Challenges before EWRs:

EWRs continue to face many challenges. Important among these challenges are:

- (i) **Patriarchy:** Except a few tribal societies, particularly in north-east, Indian society in general continues to suffer from patriarchy. Many EWRs continue to work as a rubber stamp for their family members and also at times as proxies of rural elites. Their male co-workers show insensitivity and refuse to cooperate. Burden of household responsibilities, purdah (veil) system and domestic violence negatively affect their functioning.
- (ii) **Caste System:** Hierarchical caste system in rural India makes it difficult for women from SC and ST communities to function independently and effectively. Community or Khap panchayats functions parallel to panchayats and pressurizes EWRs to act in a particular way.
- (iii) **Lack of Cooperation from Line/Sectoral Departments:** EWRs, particularly the first timers find it very difficult to deal with officials of block/district administration and of line/sectoral departments. Bureaucratic apathy and corruption is rampant which makes these EWRs demotivated and disenchanted from the panchayati raj. People's expectation to deliver coupled with non-cooperation of administration frustrate these EWRs so much so that many a times they are unwilling to contest for the next term.
- (iv) **Inadequate Capacities:** Majority of EWRs enter into public life for the first time and do not have enough knowledge and skills to handle affairs of panchayats. Training programmes conducted by government training agencies are unable to cover all elected representatives in time. A large number of ward members do not get an opportunity to attend any training in their entire term. At times they are also not allowed by their family members to travel and stay alone during

the residential trainings. Lack of education also puts constraints on EWRs. However, educational criteria introduced by a few States such as Rajasthan and Haryana have brought educated women and girls to Panchayats who are learning fast and are able to function effectively.

(v) **Rotation of Terms:** Policy of reservation for only one term and rotation of reserved seats and posts of chairperson also hinders consolidation of leadership qualities among EWRs as it takes time for them to learn the skills of handling and negotiating various conflicting interests within the panchayat. By the time they learn these skill and start functioning effectively, their term is over. Main reason behind their not being elected to PRIs cited by EWRs is dereservation of seats and offices of chairpersons. So far only five States namely Chattisgarh, Kerala, Himachal Pradesh, Odisha and Karnataka have already made provisions for two term reservation of seats and offices of chairpersons.

(vi) **Encroachment and Non-Payment of Taxes/ Fees:** Elected representative in general and specially EWRs face resistance from community if they want to remove encroachment from panchayat land/properties. Many a times they are subjected to violence from powerful elements of the society. Many rural households do not want to pay taxes and fees on time

while expect panchayats to deliver public services and good in time. Insistence by EWRs are resisted at times by violent protests.

(vii) **Two Child Norm:** A few States are still continuing with the two child norm for contesting panchayat elections. In rural areas women hardly have any say in the number of children in the family and such laws restrict their entry into panchayats.

(viii) **Inadequate Women Panchayat Functionaries:** EWRs are more comfortable with women functionaries. However, there are very few women panchayat functionaries. Patriarchal mindsets make it difficult for EWRs to freely interact with male functionaries at times when it is required.

To help EWRs overcome these challenges to be able to contribute effectively in bringing positive changes in rural areas, the Government of India along with State Governments has undertaken several initiatives.

#### Initiatives of Government:

The Ministry of Panchayati Raj (MoPR), commissioned a Study on elected women representatives in Gram Panchayats. The Study was based on a nationwide survey and its report was released on 24<sup>th</sup> April, 2008. This Study helped analyse various issues related to EWRs and it also



investigated their socio-economic profile, tracked their political careers and examined the quality of their post-election participation in terms of performance of their roles and responsibilities.

In order to bring about 50% reservation for women in Panchayats in all States, a Constitution Amendment Bill namely the Constitution (One Hundred and Tenth Amendment) Bill, 2009 was introduced in the Lok Sabha on 26.11.2009. However, the matter was not taken up presumably because of other important businesses in the House. Present government has also tried to revive this proposal.

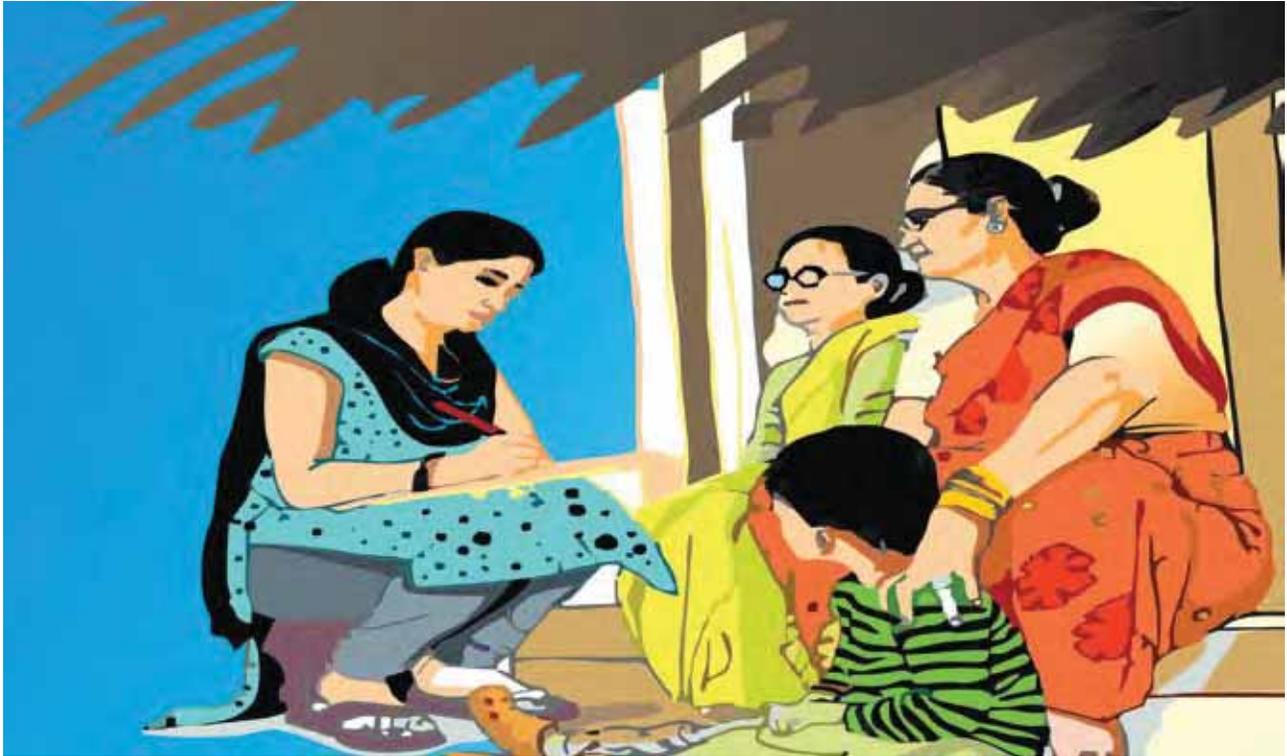
For capacity building of ERs of PRIs, the Ministry of Panchayati Raj (MoPR) has been making continuous efforts by launching and implementing various schemes like Rashtriya Gram Swaraj Yojana (RGSY); Panchayat Mahila Evam Yuva Shakti Abhiyan (PMEYSA); capacity building component of Backward Region Grants Fund (BRGF), Rajiv Gandhi Panchayat Sashaktikaran Abhiyan (RGPSA) and recently launched Rashtriya Gram Swaraj Abhiyan (RGSA). These schemes also have strong component of capacity building of EWRs. For example, objectives of PMEYSA were to enable women Panchayat leaders to come together to (a) articulate their problems as women Panchayat leaders, (b) discuss issues regarding the institutional mechanisms for their empowerment, (c) come up with a charter of issues to be mainstreamed into policy and advocacy support so that their concerns are addressed by the process of development adopted by the State and the three-tier PRI system, and (d) form an association of the EWRs with elected office bearers and with cascading representation of EWRs from the district level and divisional level EWRs organizations. For the capacity building of EWRs in PRIs, National Capability Building Framework (NCBF) of the MoPR has recommended customized training programmes based on training needs assessment.<sup>7</sup> The Ministry of Women and Child Development (MoWCD) in collaboration with the MoPR has undertaken a countrywide program of training the EWRs in various areas like engineering (building of roads, drains, latrines etc.), finance, social development, education, health, and environment among others.

States have also been taking steps to build capacities of EWRs in PRIs. For example, State Institute of Rural Development (SIRD) Jharkhand

has created a special Women's Resource Centre for capacity building of EWRs. Kerala Institute of Local Administration (KILA) has conducted training of Elected Women Standing Committee Chairpersons on leadership. Government of Madhya Pradesh under its Umaria pilot made a short and intensive field-based intervention of four months duration aimed to enhance leadership skills of women GP Sarpanches in the tribal majority district of Umaria. Government of Maharashtra organised non-residential training programme at the doorstep of EWRs in the villages of their residence under its Kranti Jyoti project.

For effective utilization of Fourteenth Finance Commission (FFC) grants, MoPR has developed model guidelines and manual for preparation of holistic participatory Gram Panchayat Development Plans (GPDP). Subsequently all States have also developed their state specific guidelines with provisions for active participation of EWRs in planning process. To ensure women's participation in decision making, States have been provided financial and technical assistance by MoPR for capacity building of EWRs and SHGs on preparation of GPDP.

Self-Help Groups (SHGs) have emerged as an important support institution for EWRs of PRIs. In Kerala where Kudumbashree has promoted active SHG movement, a very high proportion of elected representatives are from SHGs background. Learning from this, National Rural Livelihoods Mission (NRLM) has successfully facilitated PRI-SHG/CBO convergence project in several states including Assam, Jharkhand, Maharashtra and Rajasthan. Project envisages developing a strong community cadre and local institutions to improve the reach and quality of public service delivery. MoPR has issued an advisory to all State Governments in 2016 to ensure PRI-SHG/CBO convergence. Among other things, this advisory suggests to develop an institutionalised framework for Gram Panchayat-SHGs interface, inclusion of SHGs/ federations in community based monitoring of schemes and projects of GPs.<sup>8</sup> Sumit Bose Committee on Performance Based Payments for Better Outcomes in Rural Development Programmes has observed that SHGs being active organisations of women can hope to link up with elected women representatives in a mutually beneficial partnership. Ministry of Rural Development, Government of India too has



issued a comprehensive advisory and guidelines in May 2018 on panchayat – SHG convergence at GP level. Among other things, the advisory expects SHGs to help GPs conduct gender status study and ensure the gender needs of the community and reflect these in local plan/GPDP; enroll EWRs as members of SHGs and groom them as community resource persons.<sup>9</sup>

MoPR has organized special events like orientation of women Sarpanches at national level. One such event was organized at Vijaywada in 2016 for woman Sarpanchs from Fifth Schedule Areas. Such events not only serve as opportunity for capacity enhancement but also networking with EWRs of other States and regions.

MoPR has also issued various advisories to States with regard to EWRs. All the States governments and UT administrations were advised to impress upon PRIs to ensure the safety of EWRs and female Sarpanchs, particularly those belonging to the weaker sections. They should not be physically harmed, assaulted or humiliated in any manner. Discrimination of any kind against them should not be allowed to remain unheeded and be resolved expeditiously. To put a curb on the cases of proxy attendance by relatives of women EWRs, States have

been advised to issue order that the officers, in whose presence such meetings are held, should be proceeded against departmentally. MoPR has also issued advisories to States to instruct GPs to celebrate international women's day on 8<sup>th</sup> March and to involve SHG women and women Swachhata Doots actively in these celebrations.<sup>10</sup>

To further strengthen women leadership in PRIs, consistent efforts need to be made by governmental and non-governmental agencies in this direction.

### Way Forward:

Government of India may revive the proposal to amend Article 243D of Part IX of the Constitution to increase reservation for women in Panchayats from existing one-third to 50% across States. This proposal may also contain a provision to provide for rotation of reserved seats in Panchayats for a minimum of two terms instead of one at present. If any seat reserved for women becomes vacant, it should be filled by a woman candidate only.

In some of the standing committees/sub-committees such as those looking after subjects such as women and child development, drinking

water and sanitation, education, health etc., EWRs may be more effective. State governments may make it mandatory to have an EWR as chairperson of these committees. In addition, it may be made mandatory in every meeting of GP and also standing/ functional committees at least half of the members must be EWRs. Similarly committees to be formed under various central and state schemes on these subjects such as Village Health Sanitation and Nutrition Committee (VHSNC) under National Rural Health Mission, School Management Committee (SMC) under Sarva Shiksha Abhiyan (SSA)/ Right to Education (RTE) may have EWRs of Panchayats as members.

Like Maharashtra, other States may also make it mandatory to organize Mahila Sabha (Women Gram Sabha) immediately before the meeting of Gram Sabha. Mahila Sabha will not only help identify and articulate issues and concerns of women in the Gram Sabha but will also increase participation of women which in turn will be a great moral support for EWRs. It may also be made mandatory by States to have at least 50% attendance of women in the quorum for Gram Sabha meetings.

Recruitment of women as panchayat secretaries at all the three levels of PRIs will also create a comfortable working environment for EWRs. To enable this, free of cost residential quarters and protection may be provided to women secretaries to encourage them to stay at panchayat headquarters.

Governments may also provide additional honorarium to EWRs particularly from marginalized communities. Because they have to work for their livelihoods in addition to carrying out daily household chores, they find it difficult to devote necessary time to manage affairs of panchayats.

Government of India in collaboration with State governments and State Election Commissions must also prepare a socio-economic profile data base of all EWRs in PRIs. Such data base may have details of their age, marital status, education, primary occupation, economic category, term as EWR etc. of EWRs in addition to their names, contact details and date of election. Such details will not only provide information on their current profile but will also help plan interventions for their capacity building and empowerment.

Imparting functional literacy to illiterate EWRs within a couple of months of their elections, ensuring that each EWRs receive induction training within six months and then undergoes thematic/ refresher trainings at least once every year will enhance their capacity and boost their confidence. Exposure visits of model panchayats headed by women and fully women run Panchayats can be organised to directly learn from the achiever herself. In addition to training and exposure visits, arrangements should be made to have few woman mentors at cluster of GP or block level for regular handholding EWRs particularly of Ward Members and Sarpanch of GPs. These mentors may be sourced from trained SHG leaders, women ex-Sarpanchs and social activists.

In capacity building of EWRs governments must also invite and involve civil society organizations, women's groups, academic institutions (particularly centers for women's/ gender studies), corporate social responsibility foundations and also international organizations like UNWomen. A multi-stakeholder's, collaborative, multi-pronged, systematic efforts to enhance capacities of EWRs are required.

Male elected representative and functionaries of PRIs and husbands of EWRs must undergo gender sensitization programme. During the training programmes it is observed that husbands or any other male relatives accompany EWRs. Rather than seeing as a burden, these people may be oriented on panchayati raj and also sensitized on gender issues. They may also be exposed to achievements of EWRs and made to interact with proud family members of achiever EWRs, particularly those who have received national panchayat awards.

SHGs convergence with PRIs particularly with village level Panchayats must be pursued vigorously. Advisories issued by the MoPR and MoRD in this regard must be fully complied with by States. As advised by the MoPR, all State governments must make institutional arrangements for SHGs regular interface with the GPs. Such interface will not only support EWRs in carrying out their functions effectively but will also prepare a cadre of SHG members ready to take up leadership roles in PRIs.

Network of EWRs may be created at block and district levels. Their regular meetings will facilitate exchange of experiences in overcoming challenges. Such networks will also help EWRs raise and register their specific demands with authorities. Network of EWRs may also work as a support group to EWRs whenever they are in trouble.

Finally as recommended by Aiyer Committee regular surveys of the status of EWRs and their performance and contribution in different parts of the country may be conducted by the government in collaboration with academic institutions. Such surveys will also help identify issues and concerns of EWRs to be addressed by government.

### Conclusion:

To sum up, reservation for women in PRIs provided by 73<sup>rd</sup> CAA and subsequent increase in the quota by States have brought an unprecedented huge number of women in governance arena in India. Women's political empowerment of such magnitude is among the best in the world. A quarter century has passed since the above-mentioned Act came into force and in most of the States fourth or fifth generation of Panchayats are in place. Women leadership in Panchayats which started with a shaky beginning has definite signals of getting well established and recognised. However, EWRs have still not been able to realise their full potential as they face many challenges including patriarchy, inadequate capacities and self-confidence, rotation of terms etc. Government of India and State governments are making sincere efforts to strengthen EWRs through various initiatives of capacity building, promoting network of EWRs, SHGs-PRI convergence etc. Much more is desired to be done to further strengthen the hands of EWRs in future. Among these are nationwide 50% reservations, rotation of terms only after minimum two terms, timely induction and refresher trainings, exposure visits, mentoring and handholding of EWRs in PRIs. With various governmental and non-governmental initiatives, it is for sure that EWRs in PRIs would contribute their best in achieving national goals of Samridha Bharat (prosperous India) and Sashakta Bharat (empowered India) and the seventeen global Sustainable Development Goals (SDGs) to which India is committed.

[Note: Views expressed in this article are author's own and does not represent his present or previous employers]

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Prime Minister

Ministry of Health & Family Welfare  
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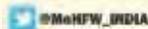
- Prohibits sex selection before & after conception.
- Prohibits advertisement related to determination and selection of sex of foetus, even through internet.
- Mandatory registration for facilities providing diagnostic services capable of determination of sex.
- MAINTENANCE and PRESERVATION of records, including "Form F" is mandatory for all facilities.
- There is no punishment and fine for the women who are compelled to undergo sex selection.

### Provision of imprisonment and financial penalties under the Act

- Up to 3 years of imprisonment with fine up to Rs. 10,000/- for doctors/owners of clinics for the first offence and cancellation of medical registration of doctor for 5 years for subsequent offence.
- Up to 3 years of imprisonment and up to Rs. 50,000/- fine for husband/family member or any other person abetting sex selections.
- Up to 3 years of imprisonment with fine up to Rs. 10,000/- for any advertisement regarding sex selection.

do/p/17102/13/0010/1819

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## STRENGTHENING OF PANCHAYATS THROUGH DEVOLUTION

V N Alok

This article attempts to provide an empirical assessment of the enabling environment created by sub-national governments in India, of the last two and half decades, for panchayats including the latter to function as institutions of self-governments. The article constructs a panchayat devolution index incorporating pillars of devolution, i.e. functions, finances, functionaries, capacity building of panchayats and accountability of panchayats, besides observing the setting up of constitutionally provided institutions and their functioning.

Within the Indian federal architecture, panchayats are closest to the notion of direct democracy distinct from representative democracy of the Union and States, due to their proximity to the community they serve. Panchayats have faith in democracy in which a common man in the local area has huge capacity to have a good living for himself and the community under the healthy environment that the State creates. If a common man appears to be indifferent to the high economic growth, it is because he is devoid of the mainstream national development and has not been provided equal opportunity to participate in activities for his own betterment.

The objectives of a panchayat include organizing common men in the process of developing themselves through their own efforts on a continuing basis, at the same time, enhancing their capacity and self-reliance. This begins with 'citizen participation' in political processes and 'service delivery' of local public goods, e.g. potable

drinking water, general sanitation, primary health, elementary education, maintenance of public properties etc. Hence, the key objectives of the 73<sup>rd</sup> Constitutional Amendment arguably envision citizen participation with service delivery (Alok, 2013 p 1).

Through consensus and compromise panchayats crept into the statute book in 1993 and Part IX was inserted by the Constitution (73<sup>rd</sup> Amendment) Act, 1991 w.e.f. 24 April 1993 for panchayats, making state legislatures responsible for devolving power and authority to panchayats in order to enable them to carry out devolved responsibilities. Notwithstanding, panchayats are not completely autonomous of the state, like they used to be once upon a time in recorded history—for which they have been praised by the scholars and thinkers. The present panchayats are part of state governance structure. A fresh lease of life is breathed into them by the respective states, of course under the general direction in the Constitution.



The panchayats in India carry out the functions and responsibilities assigned to them with devolution of power and authority for the purpose. The same was the case before 73rd Amendment. The difference is that states have now constitutional obligation to keep them alive and not to relegate them to abeyance for indefinite period. Yet, it is for the states to create an enabling environment in which they can function like self-governing units.

The Constitution of India has clearly demarcated legislative areas between the Union and the states. It is within the province of state list of the Schedule VII, under Article 246, that local governments have to function. Despite Constitutional status being accorded to panchayats, it is the state legislature which empowers panchayats in any real sense. It is under the Conformity Acts of the states that panchayats are governed in the respective states and in turn they govern public affairs in their jurisdictions.

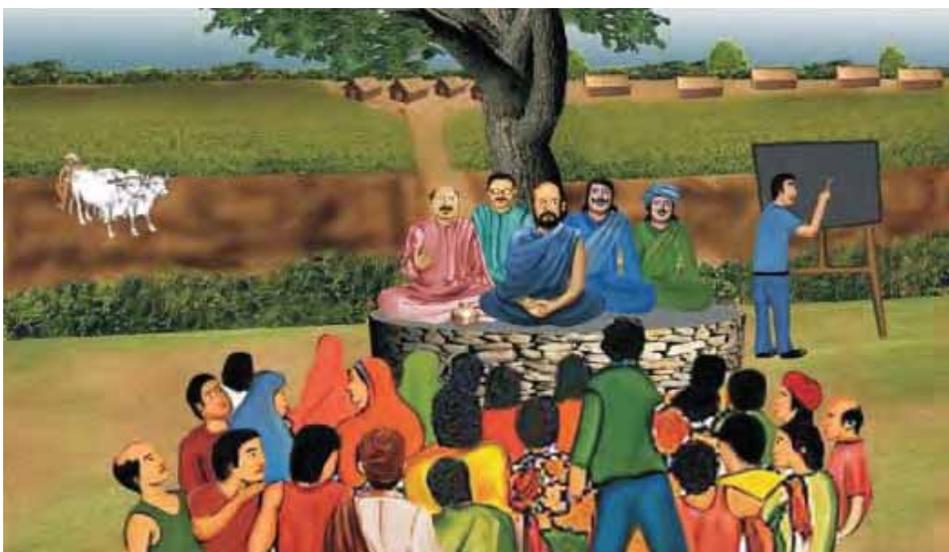
Under the Constitution Amendment Act (CAA), the state legislature is supposed to devolve responsibilities, powers and authorities to panchayats to enable them to function as institutions of self-government. The legislature of a State may authorise the panchayats to levy, collect and appropriate certain taxes, duties, tolls and fees, etc., and also assign to them the revenues of certain state level taxes subject to such conditions as are imposed by the state government. Further, grants-in-aid may also be provided to these bodies.

New fiscal arrangements necessitates every state under Article 243 I to constitute, at a regular interval of five years, a State Finance Commission (SFC), and assign it the task of reviewing the financial position of panchayats and making recommendations on the sharing and assignment of various taxes, duties, tolls, fees, etc. and grants-in-aid to be given to the panchayats from the consolidated fund of the state. The Conformity Acts of the CAA are required to provide for the composition of the commission, the qualifications for its members and the manner of their selection. Every recommendation of the commission is to be laid before the legislature of the respective state.

It is 25 years now since Part IX was incorporated into the Constitution. During the last two and half decades, one could find enough reasons to cheer. Conformity Acts have been enacted in all the states. Regular elections for panchayats have been conducted in all states. All states have constituted State Finance Commission. Some states have constituted even their fifth generation SFC. Despite these positive developments, panchayats in almost all states continue to be starved of finances causing major impediment in their growth and effective functioning. Seen with the expanding role and responsibilities of the panchayats, the problem becomes compounded.

Generally, the functional responsibilities are closely linked with the financial powers delegated to the local government, however, in practice there is a mismatch between the two, leading to a severe fiscal stress at the local level. Panchayats' own revenues are not enough even to meet their O&M requirements; therefore they are dependent on the higher tiers of government to finance their activities.

The role of SFCs in this context becomes critical in examining not only the revenue sharing arrangements between the state governments and their panchayats, but also the entire



range of subjects concerning assignment of taxes, transfers of power and such other subjects for improving the financial health of the panchayats.

It is pertinent to mention here that substantial funds are being transferred to the panchayats through the Centrally Sponsored Schemes (CSSs) and Additional Central Assistances (ACAs). For long, these CSS transfers were administered and utilised mainly by line departments.

In recent years, the panchayats are being increasingly recognised as implementing institutions for the schemes of line ministries. The most important among these is the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), where the panchayats at the district, intermediate and village levels have been given specific roles and responsibilities as principal authorities for planning and implementation of works of the scheme. For other works also they have been entrusted with some responsibilities.

Several schemes have since started assigning a range of responsibilities to the panchayats and depend upon them for grassroots implementations. In addition, there are several important flagship programmes of the Union, which aim at provisioning basic essential services across the country through the panchayats. Institutional mechanism is expected to provide centrality to the panchayats in their planning and implementation.

### **The Context:**

The Union Ministry of Panchayati Raj created in 2004, has the mandate to oversee the fulfilment of provisions in Part IX and article 243 ZD (related to district planning committee) of the Constitution. In 2005-06, the Ministry had introduced the Panchayats Empowerment and Accountability Incentive Scheme (PEAIS) to (a) motivate states to empower the panchayats, and (b) motivate panchayats to put in place accountability framework making their functioning transparent and efficient. Incentive funds under this scheme are given to the States in accordance with their performance as measured by a Devolution Index or a 4Fs index (index of framework, functions, finances and functionaries) formulated and computed by an independent institution.

For the last several years since 2006-07, the devolution index had been developed primarily based on the concept paper by Alok and Bhandari (2004) presented in the Fifth Round Table of Ministers In-charge of *Panchayati Raj* held at Srinagar in 2004. The Ministry of Panchayati Raj assigned the study for five successive years to the Indian Institute of Public Administration to compute the devolution index.

The study, at the later stage in 2012-13, had moved a step forward, and added two more dimensions in the 4Fs arrangement, *i.e.* 'accountability' and 'capacity building' in the index making. Against the backdrop, the following objectives had been set for the study:

- To evaluate the performance of States/ Union Territories (UTs) in terms of the devolution of 3Fs in addition to strengthening institutional 'framework' (4<sup>th</sup> F) as well as the capacity of panchayats .
- To examine the accountability framework for panchayats, put in place, by States/UTs.
- To create cumulative and incremental indices to measure the devolution, frameworks for capacity building and accountability of panchayats.
- To rank States and UTs along the above indices.

### **The Study:**

The study assesses the enabling environment that the states had created for the panchayats to function as institutions of self-government. The enabling environment created by a state is compared with that of others in terms of various monitorable indicators identified in the study. The analysis begins with a test whether states/UTs have fulfilled the following five mandatory provisions of the Constitution:

- Establishment of state election commission [Article 243 K].
- Holding regular panchayat election [Article 243 E].
- Reservation of seats for SCs/STs and women [article 243 D].
- Establishment of State Finance Commission at regular intervals [article 243 I]and ;
- Setting up of district planning committees [article 243 ZD].

The first stage shortlists states that pass all five criteria and, the second calculates indices by assigning scores to all indicators including the five indicators reflecting mandatory provisions of the Constitution.

### **The Method:**

The methodology for the study, to a large extent, was developed and built upon the previous work by Alok (2013). The comments and feedbacks on previous work received from the state governments and academics were handy in developing the questionnaire. Further, workshop organised at IIPA to seek the views of the experts and the Secretaries/nodal officers of State Panchayati Raj Department served as a valuable input. This process was taken forward through continuous consultations with States and the Ministry of Panchayati Raj along with the review of the government reports on various issues, review of other national and international literature on decentralization and local governance. Related State Acts, manuals, state reports, government orders etc. were also sought to make better judgments.

The process culminated in the form of a well-structured questionnaire with few open ended questions. The questionnaire was pre-tested in Karnataka and Rajasthan. The questionnaire had been sent to all State Governments to elicit data. Data was also collected from the field in states to supplement or validate the data received from State Governments.

All the States and Union Territories were covered in the study except the States of Mizoram, Meghalaya and Nagaland. This is due to the reason that, Part IX of the Constitution does not apply to these scheduled and tribal areas and they are out of the purview of 73<sup>rd</sup> Amendment Act as stated in Article 243 (M). Hence, they had not been considered in the study. Further, the NCT of Delhi is also out of reckoning as panchayats were superseded in 1990 and have not yet been revived.

Finally, the methodology and data received from State Governments and field were presented in a national workshop of State Secretaries/nodal officers organized at IIPA, New Delhi jointly with the Union Ministry of Panchayati Raj. Views of

the States were obtained and some clarifications/ additional information were sought from States for final analysis and assessment.

### **Devolution Index:**

The Devolution Index (DI) presents the overall scores and ranks for states/UTs on six identified dimensions.

### **The Result:**

Aggregating the six dimensional sub-indices, the composite panchayat devolution index was computed for the States/ UTs.

Maharashtra is ranked first with a value of about 69.65 followed by Kerala (60.87), Karnataka (60.82), and Tamil Nadu (56.05). Maharashtra is well ahead of the rest with score close to 70, whereas, Kerala and Karnataka are extremely close to each other with a score of about 61. Tamil Nadu has scored about 55. Further, Chhattisgarh, West Bengal and Rajasthan are ranked sixth seventh and eighth with scores near 53. It may be noted that Tripura is the only north eastern state that has secured scores close to 45 which is above the national average of 43.36.

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Government of India

DAVP22112/13/004/1819

## Union Minister of Rural Development Confers National Awards on Best Performing Self Help Groups under DAY-NRLM

The Union Minister of Rural Development, Panchayati Raj and Mines, Shri Narendra Singh Tomar conferred the National Awards on Best Performing Self Help Groups (SHGs) under Deendayal Antyodaya Yojana – National Rural Livelihood Mission (DAY-NRLM) to provide public recognition to the outstanding performance of the community institutions. For the assessment year 2017-18, a total of 34 SHGs have been awarded National Awards at an event held in New Delhi. Shri Ram Kripal Yadav, Minister of State for Rural Development, was the esteemed Guest of Honor at the Awards Function.

Shri Tomar said that credit facilities are being provided which have led to SHGs becoming an agent of change and a leading light for others to follow. 5 crore women are already dedicated towards this end and the target is to get 9 crore women to become a part of this movement and bring qualitative change into the lives of people.

The Minister also gave suggestions for further improving the overall awards process and including more people into it. First suggestion related to ensuring that SHGs get loans and easy credit facilities from banks and the overall rate of NPAs among SHGs is very low. The second suggestion was to increase the participation in the awards and also assigning grades among various SHGs to spur healthy competition among them to do better and better and also to highlight their success stories. Women members from 3 states were delighted to share their experiences of coming out of poverty, with the audiences and guests at the event.

The Union Minister of Rural Development, Panchayati Raj and Mines also launched the NRLM Best Practices Compendium and Self Help Group products catalogues. The compendium of 24 select Best Practices under DAY-NRLM will facilitate cross learning from successful implementation and innovation among the State Missions. A catalogue of SHG products was also released.



The Union Minister for Rural Development, Panchayati Raj and Mines, Shri Narendra Singh Tomar conferring the National Awards on the Best Performing Self Help Groups under Deendayal Antayodaya Yojana - National Rural Livelihood Mission (DAY- NRLM), in New Delhi on June 11, 2018. The Minister of State for Rural Development, Shri Ram Kripal Yadav and the Secretary, Ministry of Rural Development, Shri Amarjeet Sinha are also seen.

## DEEPENING GRASS ROOT DEMOCRACY IN SIXTH SCHEDULE AREAS

Manju Pawar

The article discusses the traditional system of rural governance in Sixth Schedule areas and other tribal areas located in North-Eastern Region of the country. How does the system function? What are the strengths and weaknesses of the existing system? How Panchayats can improve the condition of tribal by more effective people's participation particularly participation of women in exiting traditional governance of these areas? How development could be blended with traditional system?

**A**rticle 243M of the 73<sup>rd</sup> Amendment to the Constitution exempts application of the provisions contained relating to Panchayats in certain areas of the country. These areas are Fifth Schedule Areas, Sixth Schedule Areas, 1996(PESA) and other tribal areas. However, the Parliament may by law extend the provisions of Part X of the Constitution to the Schedule Areas and tribal areas referred in clause (I) subject to such exceptions and modifications as may be specified in the law. In the Fifth Schedule Areas of 10 States namely Andhra Pradesh, Himachal Pradesh, Rajasthan, Madhya Pradesh, Chhattisgarh, Jharkhand, Gujarat, Maharashtra, Telangana and Odisha, the 73<sup>rd</sup> Amendment was extended, which was ultra vires to the Constitution. Subsequently, to rectify the lawlessness in this context, the Government of India had constituted Bhuria Committee and on the basis of the recommendations of this Committee, the (PESA) was enacted in Fifth Schedule Areas of above

indicated States. In this way, the 5<sup>th</sup> Schedule Areas have come under the fold of the 73<sup>rd</sup> Amendment or in other words Panchayati Raj a system of rural governance has been extended to these areas. However, 73<sup>rd</sup> Amendment Act has not been extended to the 6<sup>th</sup> Schedule Areas and other tribal areas of the country. This aspect is discussed in details here.

### Sixth Schedule Areas and Other Tribal Areas:

Meghalaya has been exempted under Article 243M and covered by the provisions of the Sixth Schedule. Some part of Mizoram has been exempted under Article 243M and some areas of the State are covered by the provisions of the Sixth Schedule. Bodoland, North Cachar and Karbi Anglong districts of Assam have been covered under Sixth Schedule. The whole of Nagaland, hill area of Manipur and six districts of Mizoram have been exempted under Article 243M



and not covered under Sixth Schedule. In fact, these areas are covered by State Laws governing Village Councils and out of these areas only the hill areas of Manipur have District Council. Parts of the hill district of Darjeeling, in West Bengal, covered by the Darjeeling Gorkha Hill Council have been exempted under Article 234M of the Constitution.

### Existing Practices of Governance:

Sixth Schedule areas and other tribal areas exempted under Article 243M of the Constitution contain provisions relating to the administration of the tribal areas in the States of Assam, Meghalaya, Nagaland, Manipur, Mizoram, Tripura and West Bengal. There are Autonomous District Councils (ADCs) and Autonomous Regional Councils (ARCs) in these areas which have a long tradition of self-management systems including issues related to land, forest, shifting cultivation, village or town administration including village or town police and public health and sanitation, inheritance of property, marriage and divorce and social customs.

The District and Regional Councils have judicial, executive and financial powers in their respective areas. Besides, Sixth Schedule also empower the Governor of concerned States with regard to constitutions of District and Regional Councils, dissolution of these Councils, affecting electoral representation in the Council area, enlarge or diminish or review decisions of District and Regional Councils, prior assent to laws, rules and regulations of these Councils, arbitration and appoint a Commission. There is a separate system of governance in each State. For example, the traditional council in the form of Syiem in Khasi Hills, Doloi in Jaintia Hills and Nokma in Garo Hills have been considered as subordinate officials of ADCs. In Nagaland, the traditional forms of delivery system of justice are called as village courts or village council as per law which continues to function in order to resolve any matters of the village

ranging from disputes with regard to land, law and order and property rights, etc. The Kuki-Impi of the Kukis in Manipur, in Nagaland are other examples of traditional system of local governance in these areas.

The main issue with regard to traditional governance in these areas is the lack of deepened decentralised governance. For instance, Village Councils do not exist in Council areas of Assam and Meghalaya. In Nagaland and Manipur, the Village Councils are often headed by traditional Village Chiefs. Elections to the District Councils of Manipur have not been held for decades. The Government has the powers to extend the tenure of Councils and also supersede them which reduce the powers of the Councils. Parallel structures exist at the village level in Nagaland which means the existence of two bodies in the Village. While elections are being conducted through State Election Commission in most of the States, neither this has been mandated nor has the conduct of elections prior to the end of tenure been prescribed under Law.

In Tripura, the District Council has too much control over the Village Committee and this is against the spirit of independent rural self management government system. In fact, the entire philosophy of the Sixth Schedule of the Constitution is aimed at protection of tribal areas and their interests, by constitutionally mandating district or regional local self government institutions for them and by entrusting the twin task of protecting tribal culture and customs and undertaking developmental tasks for them. But in



*Chakma Autonomous District Council in Mizoram*

practice, these objectives have not been realised fully in practice. Although theoretically, the powers of a District Council appear more than that are given to the equivalent institution of the District Panchayat in areas covered by the Part IX of the Constitution, these institutions are not well empowered and equipped to handle the issues of the tribes with requisite autonomy.

Seeing the importance of deepening democracy in Schedule areas, it is appropriate to incorporate the principles of decentralised governance within the legal framework set up for each State and each region in the States. The 2<sup>nd</sup> Administrative Reforms Commission (ARC) in its Seventh Report entitled 'Capacity Building for Conflict Resolution' has dealt specially with 'Conflicts in the North East' focused on : (i) Autonomous District Councils in the Sixth Schedule areas (ii) Village-level self-governance therein and (iii) Tribe-specific Councils in Assam.

### **Demand for Greater Autonomy:**

As per the Constitution, Panchayats are mandated to prepare plan for economic development and social justice including 29 subjects listed in the 11<sup>th</sup> Schedule of the Constitution. Though ADCs have various regulatory powers, subject to the State control, but they would be more advantageous with respect to planning and developmental activities if 73<sup>rd</sup> Amendment is extended to these areas because ADCs depend on the State Governments for budget requirement. Further, powers of ADCs are not similar in both 6<sup>th</sup> Schedule area and other areas. For instance, ADCs in Manipur are weak as compared to ADCs in the 6<sup>th</sup> Schedule areas because the former depend entirely on the state for financial support in taking up developmental activities.

Although tribal system is egalitarian in nature, even then people's participation particularly women is negligible. For instance,

in Mizoram, representation of women in majority of the District and Village Councils is below 10 per cent. Besides, women are not only entitled to participate in the decision making as per the aged old 'Ao' tradition but they cannot be a member of the Village Putu Menden, Gaon Bura traditional systems. In contrast, the 73<sup>rd</sup> Amendment to the Constitution gives reservation of one-third for the posts of members and chairperson at all levels of Panchayats in the country. Experience shows that over a one-fourth century of the functioning of Panchayats women have been engaged in rural governance through the institutions of Panchayats and there are umpteen success stories they have made in their working.

C. Nunthara conducted a study of three VCs in Mizoram in 2007 and among others, the study concluded that people are not satisfied with the existing system of governance as it is driven by bureaucracy. "They overwhelmingly support the introduction of Panchayati Raj system as in other states", the study says.

There are other salient features like elections of Panchayats within six months if dissolved, constitution of State Finance Commission for strengthening financial base of the Panchayats, State Election Commission to conduct elections of Panchayats and preparation of plans for economic development with social justice including 29 subjects listed in the 11<sup>th</sup> Schedule of the 73<sup>rd</sup>



*Polling at Senapati for ADC (Autonomous District Council) election in June 1 2015*

Amendment Act. Whenever these features are integrated with existing traditional system it would establish de facto rural government in these areas and such system would be a glorious example for the country and the world.

### **Towards Decentralised Democracy:**

From the above discussion it emerges that the North-Eastern States have different rural governance structure as compared to rest of the country. Keeping this in view, the Ministry of Panchayati Raj has been engaged in strengthening grassroots democracy in this region of the country. Following are some efforts toward this end.

1. A consultation process has been initiated with concerned States and Ministries of Government of India
2. A inter-ministerial team from Ministries of Panchayati Raj, Home Affairs, Tribal Affairs and Development of North Eastern Region has been visiting these States since August 2010. Draft amendments to laws of ADCs and VCs were made to deepen the process of democracy in these states. Further, laws for forming VCs have also been drafted for adoption in areas where neither VCs nor Gram Panchayat exists. These draft laws and these draft amendments broadly address : (i) Recognition of Gram Sabha and Ward Sabha, make Village Councils accountable to Gram Sabha,(ii) reservation for women (iii), specific functions of Village Councils and Gram Sabha under the law, (iv) regular elections through independent State Election Commission (v), regular meeting of Gram Sabha (vi), rationalization of control of State Government over District and Village Councils, and (vii) constitution of State Finance Commissions.
3. As an outcome of this initiative and also the visit of the Additional Secretary, MoPR to the three Autonomous District Councils of Mizoram namely Chakma, Lai and Mara, the Councils have amended their laws relating to Village Council and District Council to include the following provisions :-
  - A term of five years instead of three years.
  - Conduct of election through State Election Commission

- Reservation for at least one seat in every Village Council for women.
- Transparency in supersession.
- Mandatory election in case of supersession within six months.
- Accountability of Village Councils to Gram Sabha, and functions of Gram Sabha specified under Law.
- Authorization of State Finance Commission to recommend devolution of funds to District Council and Village Council.
- Two seats of the nominated seats of the District Council shall be for women.

In August 2012, representatives from Karbi Anglong Autonomous Council (KAAC) and North Cachar Hills District Councils (Dima Hasao) (NCHDC) have met the then Panchayati Raj & Tribal Affairs Minister and expressed the willingness to legislate for elected village councils in line with the principles of Panchayati Raj.

The government at the centre should continue this process of interaction for deepening grassroots democracy in these areas.

### **Conclusion:**

North-Eastern States have different rural governance structures in the form of ADCs , DCs and VCs. However, with some exception, they are not upto the expectations of the people of region. There is no effective people's participation in socio-economic development of the region. Although the Central Government has made some efforts towards deepening democracy in the region, more concerted efforts are required to be made in this regard. The present government in the Centre is in an advantageous position in the Region to put into the practice its popular slogan '*sabkasaathsabakavikas*'. The PESA legislation is an important piece of legislation blending traditional practices of tribal with developmental activities in a meaningful way. The experience of the functioning of the PESA in the last two decades can provide guidance in blending traditions with development in Sixth Schedule areas and other tribal areas. The Ministry of Panchayati Raj must address this and make more efforts in extending deepened decentralised democracy through Panchayati Raj system in Sixth Schedule areas and other tribal areas of North East.

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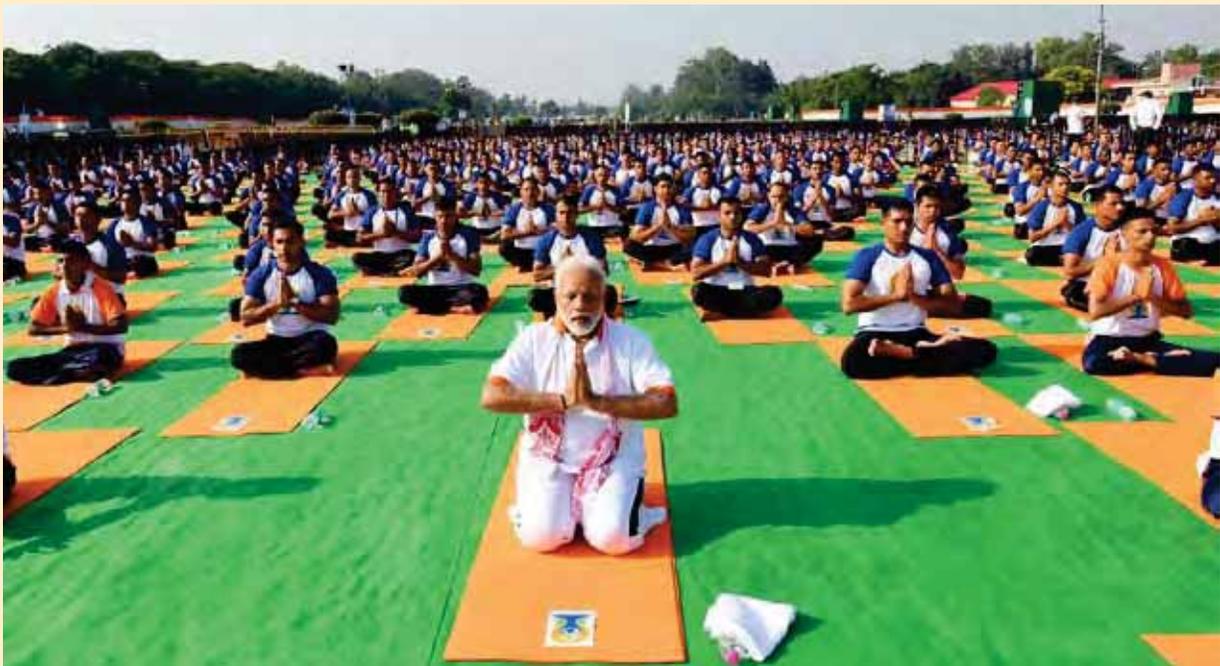
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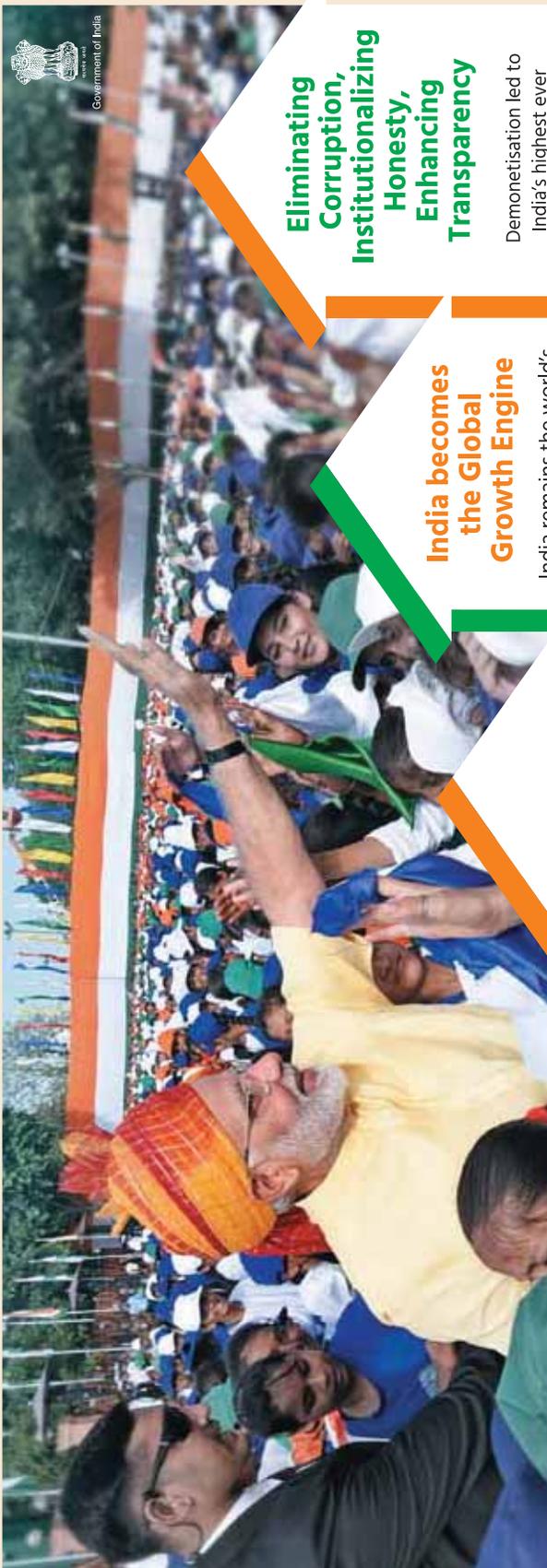
### 4th International Day of Yoga celebrated

Prime Minister Shri Narendra Modi has stated that the way to lead a calm, creative & content life is Yoga. "It can show the way in defeating tensions and mindless anxiety. Instead of dividing, Yoga unites." He was addressing the main event of the 4th International day of Yoga, which was celebrated at the Forest Research Institute(FRI) in Dehradun. During his address, the Prime Minister further said that, "Instead of increasing suffering, Yoga heals. Yoga is beautiful because it is ancient yet modern, it is constant yet evolving. It has the best of our past and presents and a ray of hope for our future. In Yoga, we have the perfect solution to the problems we face, either as individuals or in our society. The world has embraced Yoga and glimpses of this can be seen in the manner in which International Day of Yoga has been marked every year. In fact, Yoga Day has become one of the biggest mass movements in the quest for good health and well-being."

More than 50000 people performed yoga on the sprawling FRI lawns in the event. Yoga enthusiasts across India and from several countries took their places to demonstrate the ancient practice. This was just one of the numerous places across the world marking the 4th International Day of Yoga. In his opening remarks, Uttarakhand Chief Minister stated that Yoga is not only a movement towards wellness, but holistic happiness. The path to increasing gross domestic happiness goes through the practice of Yoga.



*The Prime Minister, Shri Narendra Modi participates in the mass yoga demonstration, on the occasion of the 4th International Day of Yoga 2018, at the Forest Research Institute, in Dehradun, Uttarakhand on June 21, 2018.*



## Eliminating Corruption, Institutionalizing Honesty, Enhancing Transparency

Demonetisation led to India's highest ever unearthing of suspicious transactions and deposits. About 3 lakh notices issued to non-filers having large cash deposit

Double Taxation Avoidance Agreement with Mauritius, Cyprus, Singapore. Agreement on real time information sharing with Switzerland

Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act 2015 enacted

PMLA amended to allow confiscation of property equivalent to value of black money stashed abroad

Benami Property Act blocking a major avenue for generation and holding of black money in various forms

Fugitive Economic Offenders Bill introduced to

## India becomes the Global Growth Engine

India remains the world's fastest growing large economy

FDI jumped from 36 billion USD to 60.08 billion USD

GST enhancing Ease of Doing Business and Ease of Living

Home-buyers' dreams, rights and investments protected with Real Estate Regulation Act (RERA)

India gets thumbs up from all Rating Agencies.

India's ranking in the Ease of Doing Business rankings rise from 142 to 100

## Realising India's Full Potential through Women Led Development

## New Infrastructure for New India

Around 1 crore houses built for the poor

Almost 1.69 lakh kilometres of rural roads built in the last 4 years

Speed of highway construction has gone up to 27 kms per day against 12 kms per day in previous Government

Best ever safety record in 2017-18. 5,469 Unmanned Level Crossings eliminated in the last four years

North East fully integrated with rest of India with the entire network converted to Broad Gauge

For the 1st time in India, more people travelled in aeroplanes than in AC

## Development Reaching the Poorest, Ensuring Better Life for All

Jan Dhan to Jan Suraksha: The Poor get Bank accounts and Insurance Cover

All villages electrified, now 4 crore households to get electricity

3.8 crore families get smoke free lives with Ujjwala

More than 7.5 crore toilets constructed with the Swachh Bharat Revolution

## Harnessing Yuva Shakti Transforming India

Multiple reforms to improve school education

More opportunities in Higher Education with 7 IITs, 7 IIMs, 14 IIITs & more universities

Three pronged approach to ensure more opportunities in Public, Private and Personal sector

Over 1 crore youngsters to achieve training under Skill India

1 crore poor families get a home under PM Awas Yojana

## Unwavering Commitment to Social Justice

Historic budget of Rs. 95,000 crore for welfare of SC/ ST Communities.

Empowering through education: Increase in scholarships to students from backward communities

More than 50% beneficiaries of Mudra Yojana belong to backward communities

SC/ST Atrocities Act strengthened

Panchteerth: Iconic places associated with Babasaheb's life developed

Annual financial assistance of Rs.5 lakh per annum for 8 years to talented players under Kheho India

## Building a Healthy India

Ayushman Bharat to be World's Largest Health Insurance Initiative. Will cover 50 crore citizens Over 3.15 crore children immunized under Mission Indradhanush

Medicines become affordable with

PM Jan Aushadhi Yojana

Knee Implants and Heart Stents available at 50-70% discount

## The World Sees a New India

In a historic first, India carried out Surgical Strikes showing a new mettle

India becomes the Global Growth Engine

Yoga goes Global

India leads the Fight against Climate Change

ISRO sets a World Record by successfully launching 104 satellites in a single flight



For more details visit [48months.mygov.in](http://48months.mygov.in)

Multiple initiatives ensuring good health of Mother & Child

More than 1.26 crore accounts for the girl child opened and around Rs. 20,000 crore deposited under

Sukanya Samriddhi Yojana

Provision of Death Penalty for rape of girl aged child less than 12 years. Minimum punishment for rape of a girl aged less than 16 years increased from 10 years to 20 years

3.8 crore women have got LPG Connections. Target raised to provide LPG connections to 8 crore women

Over 725 crore toilets built, over 3.6 lakh villages and over 17 States/UTs declared Open Defecation Free.

Sanitation coverage goes up from 38% in 2014 to 83%



empower law enforcement agencies to confiscate the assets of economic absconders. This would also help the banks and other financial institutions to achieve higher recovery from fugitive economic offenders

## Unprecedented Speed and Scale in Transforming the Nation

Around 1 crore houses built for the poor

100 Smart Cities being developed at an expenditure of over Rs. 2 lakh crore

Bharatmala to connect the entire country at a cost of more than Rs. 5,35,000 crore

New highways to be developed to ensure better connectivity to pilgrimage centres



# Saaf Niyat

# Sahi Vikas

## Desh Ka Badhta Jaata Vishwaas...

## SITAMARHI PULLS OFF AMBITIOUS PIT-DIGGING CAMPAIGN

People of the district of Sitamarhi in Bihar contributed to digging of as many as 1,03,232 pits as a part of their campaign titled ***Gaddha Khodo Shauchalay Banao Abhiyan*** on 11th June, 2018. The move was intended to give a boost to the Swachh Bharat Mission Gramin (SBM-G) campaign and complete the balance toilets required to make the district open defecation free (ODF).

The campaign began at 8 am on 11th June when the District Magistrate, Dr. Ranjeet Kumar Singh himself dug 8 pits. As for the rest of the pits, every one pitched in to help. From district officials, to personnel from various government departments to PRI representatives to individuals from all walks of life – everyone joined in to meet the target and bring about access to sanitation for all.



Considered the birth place of Sita (Jagat Janani MaaJaanki), Sitamarhi in Bihar, is a northern district of Bihar, located near the Nepal border. It is one of the most backward districts of the country with 85% of its population living below the poverty line and literacy pegged at 52%. The district is also prone to natural disasters, going by the 13 national disasters it has experienced so far. Floods are common each year and the district is low on various socio-economic indicators such as literacy, owing to which, it has been adopted as NITI Aayog's Aspirational District.

As far as sanitation is concerned, in October 2014, coverage was barely 21.3%. Over the past 3 years, as many as 3.11 lakhs toilets were built of which, 2.38 lakhs were completed in 2017. In addition to such toilet construction activity, there has been extensive triggering and awareness building exercises with a view to bringing about behaviour change. Yet, at the beginning of June 2018, approximately 1.10 lakh households still needed toilets.

According to ZSBP-Sitamarhi, Guru Ratnam, the ***Gaddha Khodo Shauchalay Banao*** campaign was called for by the District Magistrate who has previously run other ambitious campaigns such as enrolling of 17,006 students in one hour in government schools; and organizing a Prabhat Pheri that saw a record attendance of 16 lakh people about 10 days ago.

It was riding on this momentum of mass mobilization that the pit digging campaign was organized. Ahead of the campaign, the district administration had carried out a detailed survey of households left out of the 2012 Baseline Survey. Thereafter, trained *swachhagrahis* or motivators were sent out to those homes to convince them to build toilets. People were persuaded to provide free labour for the pit digging campaign. In addition, a nodal officer was assigned to every 200 households, even as multi-layered monitoring was carried out.

Guru Ratnam said that at 5 pm on 11th June, digging of 56754 pits was completed, leaving a balance of 44,000 pits. Most of all, the event showcased people-power and what the effective convergence of all government departments, private sector and the general public could achieve when they cooperated and worked together for a noble cause. Even the local MLAs and MPs joined in and offered their support.

As of now, of the 17 blocks in the district, 3 are ODF. This ***Gaddha Khodo Shauchalay Banao Abhiyan*** is likely to make the remaining 14 blocks ODF, following which a detailed verification will be done.

## 'BAL SWACHHATA RATHS', 'DIAL ODF'WW VANS IN KASHI VIDYAPITH BLOCK OF VARANASI

Given that it is easy for people to revert to their old behaviour of defecating in the open, officials of Kashi Vidyapith Block in Varanasi of Uttar Pradesh are making all possible efforts to sustain their recently achieved open defecation free (ODF) status. The block situated on the banks of the River Ganga was the first in the district to be declared ODF on 23rd October 2017.

In addition, they have started three 'Bal Swachhata Raths' to monitor quality of toilets in schools and anganwadis. Poor maintenance and unused school toilets are the major reason behind failure of villages to sustain ODF status as noticed during the third party ODF verification. The team in each van comprises an officer and 3 safaikarmis, equipped with cleaning material and equipment to clean toilets immediately, if found dirty. They will also fill in a questionnaire about quality and usage of toilets and report back to office. Action will be taken for improvement, based on their reports.



In addition, three 'Dial ODF' vans have been launched for each of the tehsils. These vans will carry PRD (Prantiya Raksha Dal) Jawans to assist the Nigrani Samitis in each of three tehsils. A complaint and feedback landline is also in place and the number has been publicized so people can complain about ODF issues. Nigrani samitis have been given uniforms and a set target, based on which incentives will be provided.

## 'Kachra Mahotsava'

'Kachra Mahotsava' (garbage festival) have been organized from time to time with the purpose to create an awareness people on upcycling, recycling and reuse of waste products effectively, more so creatively. On his visit to Kachra Mahotsav in Varanasi, PM said that it was a wonderful initiative, and such festivals are vital for spreading awareness on cleanliness and giving



strength to the Swachh Bharat Mission. The idea of organising a garbage festival in PM Modi's constituency Varanasi came from Raipur's Kachra Mahotsav, which was held from January 19 – January 22, and was even lauded by PM Modi in his 41st edition of 'Mann Ki Baat' radio talks.

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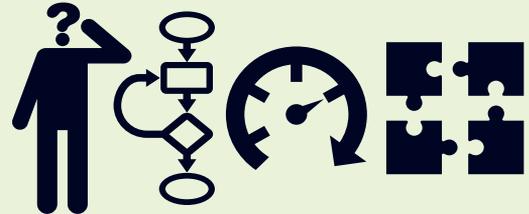
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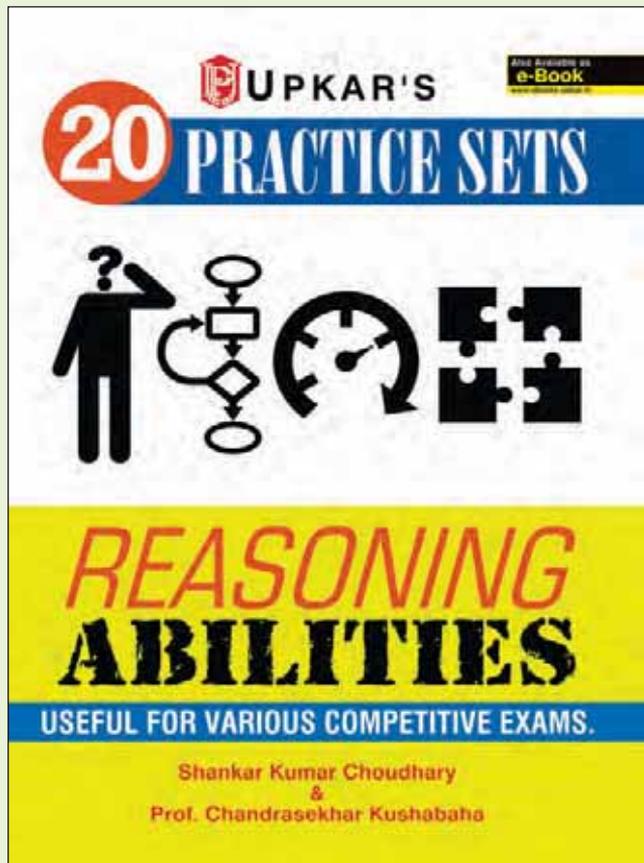
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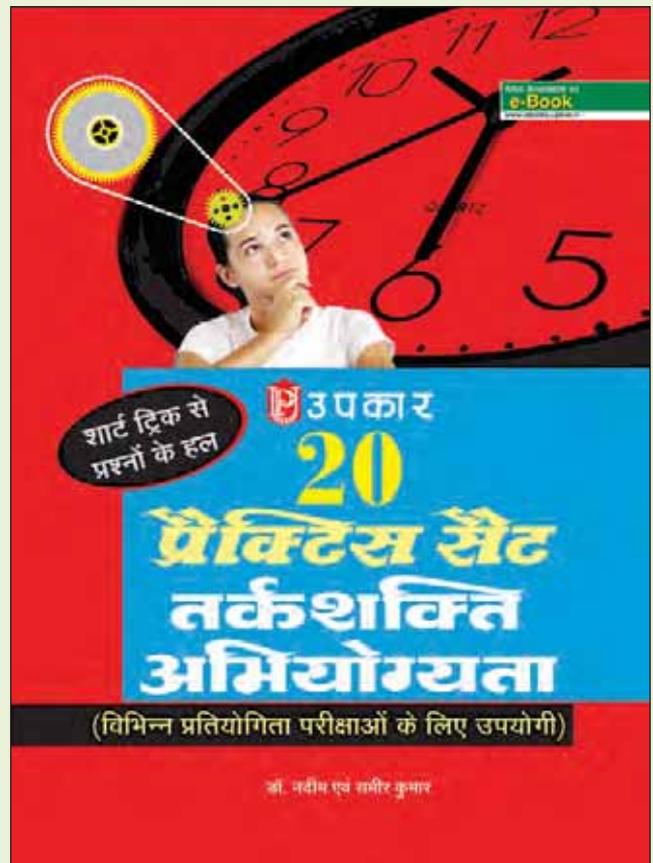


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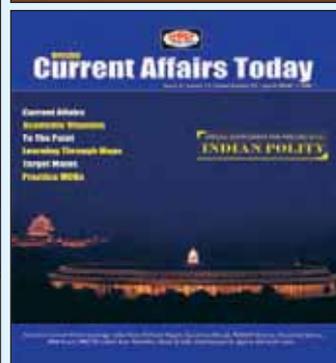


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