



# IAS PARLIAMENT

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A Shankar IAS Academy Initiative

## GIST OF KURUKSHETRA

JULY 2018

**Shankar IAS Academy™**

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# **I N D E X**

## **KURUKSHETRA - JULY 2018**

<b>1. RASHTRIYA GRAM SWARAJ ABHIYAN.....</b>	<b>3</b>
<b>2. PROGRAM DELIVERY THROUGH PANCHAYATS.....</b>	<b>5</b>
<b>3. PESA IN TRIBAL AREAS .....</b>	<b>6</b>
<b>4. WOMEN IN PANCHAYAT .....</b>	<b>8</b>
<b>5. DEEPENING GRASS ROOT DEMOCRACY IN SIXTH SCHEDULE AREAS .....</b>	<b>10</b>



## **KURUKSHETRA – JULY 2018**

### **1. RASHTRIYA GRAM SWARAJ ABHIYAN**

#### **What are the objectives of this scheme ?**

- Enhance capacities and effectiveness of Panchayats and the Gram Sabhas.
- Enable democratic decision-making and accountability in Panchayats and promote people's participation.
- Strengthen the institutional structure for knowledge creation and capacity building of Panchayats.
- Promote devolution of powers and responsibilities to Panchayats according to the spirit of the Constitution and PESA Act.
- Strengthen Gram Sabhas to function effectively as the basic forum of peoples participation, transparency and accountability within the Panchayat system.
- Create and strengthen democratic local self-government in areas where Panchayats do not exist.

- Strengthen the constitutionally mandated framework on which Panchayats are founded.

#### **What are the provisions of this scheme ?**

- This scheme will extend to all States and UTs of the Country and will also include institutions of rural local government in non-Part IX areas, where Panchayats do not exist.
- The scheme will have both Central Component - National Level activities including "National Plan of Technical Assistance", "Mission Mode project on e-Panchayat", "Incentivization of Panchayats" and State component - Capacity Building of Panchayati Raj Institutions (PRIs).
- The Central Component will be fully funded by the Government of India.
- However, Centre:State funding pattern for State Component will be 60:40 for all States, except North East and Hill States where Centre: State funding pattern will be 90:10. For all Union Territories (UTs) (with and without legislatures), the Central share will be 100%.



- The implementation and monitoring of the activities of the scheme will broadly be aligned for achieving the Sustainable Development Goals (SDGs) with main thrust on Panchayats identified under Mission Antyodaya and 115 Aspirational districts as identified by NITI Aayog.
- The Scheme will converge capacity building initiatives of other Ministries with particular focus on those Ministries which will be impacted substantially by this Scheme.
- Priority will be given to subjects of national importance that affects the excluded groups the most, e.g. poverty, primary health services, nutrition, immunization, sanitation, education, water conservation, digital transactions etc.
- As Panchayats have representation of Schedule Castes, Schedule Tribes and women, and are institutions closest to the grass-roots, strengthening Panchayats will promote equity and inclusiveness, along with Social Justice and economic development of the community.

### ***What will be the likely impact of this scheme ?***

- The approved scheme of RGSA will help more than 2.55 lakh Panchayati Raj Institutions (PRIs) to develop governance capabilities to deliver on SDGs through inclusive local governance with focus on optimum utilisation of available resources.
- The key principles of SDGs, i.e. leaving no one behind, reaching the farthest first and universal coverage, along with gender equality will be embedded in the design of all capacity building interventions including trainings, training modules and materials.
- Increased use of e-governance by PRIs will help achieve improved service delivery and transparency.
- The scheme will strengthen Gram Sabhas to function as effective institutions with social inclusion of citizens particularly the vulnerable groups.
- It will establish the institutional structure for capacity building of PRIs at the national, state and district level with adequate human resources and infrastructure.
- Panchayats will progressively be strengthened through incentivisation on the basis of



nationally important criteria which will encourage competitive spirit among them.

## **2. PROGRAM DELIVERY THROUGH PANCHAYATS**

### ***What are the reasons that create inefficiency in Panchayats ?***

- Panchayats at all levels are mostly busy at implementing construction oriented schemes, which promotes the contractor - wage labour relationship, which makes the people not to be treated as equals but again in hierarchy.
- There is an overwhelming dependency of Panchayats on government funding i.e more than 95 percent sometimes.
- Most of the states didn't grant the financial powers and the devolution recommended by the 14th Finance Commission.
- There are huge arrears and in some cases accounts have not been audited for more than 10 years.
- The quality of the audit reports is very poor, therefore the utility of such audits is doubtful, the impact it makes on improving systems is at best is marginal perhaps negative.

- There is a widespread complaints about corruption in the way of functioning and auditing process which makes the audit reports more complex to believe.
- Elected non officials are not held for the discrepancies in the audit report which makes them irresponsible.
- The grading or ranking system of well performing Panchayats is absent which makes the functioning of Panchayats less competitive and it hinders in adopting the best practices.
- There are fundamental social and cultural differences between Indian states and also within the different regions of the state which makes the uniform model to fail in most of the times.
- The members are less aware of the duties and rules of Panchayats which makes the functioning of Panchayats less transparent.

### ***What are the ways to bring efficiency in Panchayats ?***

- Panchayats should be made more active in education, health, SHGs, watershed, nutrition, pastures and forestry programmes which requires people to come together as equals and work through consensus.



- 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 and this must be encouraged.
- The measures should be taken to increase the revenue by themselves and this must be supported by the respective state governments.
- As 14th Finance Commission recommends two type of grants - basic and performance grants and it must be passed down to the respective Panchayats based on the performance.
- Proper auditing mechanism must be chalked out so that all the stakeholders are made responsible in both revenue generation and expenditure.
- The quality of work done by Panchayats should be closely monitored by a team of journalists, civil society members, Panchayats leaders from other districts and all other stakeholders.
- Through a carefully designed methodology, it is quite possible to measure the performance of Panchayats and to what extent

they are inclusive and participative thereby ensuring transparency.

- There should be improvement in the social capital as it will reduce the disparities among the different regions in the state and also among the states.
- 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.
- Better social capital will result in a higher level of participation of the community in the schooling process and it also acts as a watch dog by way of exerting pressures on the community.

### 3. PESA IN TRIBAL AREAS

#### *What is PESA ?*

- The enactment of 73rd Constitutional Amendment Act and the subsequent state wise Panchayat raj acts in India have brought to the fore the significance of grassroots democratic process.
- Looking into the peculiarities of the tribal people, Bhuria Committee was formed by union government to suggest a separate system of local administration for the tribes.



- Many of the principal recommendations of the Bhuria committee was accepted by union government and passed a legislation known as Panchayat (Extension to the Scheduled Areas) Act, 1996 (PESA).
- Accordingly the states have fifth scheduled areas amended the concerned state legislation to make the provisions for local self government.

### ***What are the powers granted to Gram Sabha under PESA ?***

- The Gram Sabhas are empowered with right to mandatory consultation in land acquisition, resettlement and rehabilitation of displaced persons panchayat at an appropriate level is entrusted with planning and management of minor water bodies mandatory commendations by Gram Sabha or Panchayat at appropriate level for prospective licenses/lease for mines and concession for the exploitation of minor minerals regulate sale/consumption of intoxicants ownership of minor forest produce prevent land alienation and restore alienated land manage village markets control over money lending to STs control over institutions and functionaries in

social sector, local plans including Tribal sub plans and resources

### ***What is the importance of PESA ?***

- Effective implementation of PESA will not only bring development but will also deepen democracy in Fifth Schedule Areas.
- PESA will enhance people's participation in decision making.
- PESA will reduce alienation in tribal areas as they will have better control over the utilisation of public resources.
- PESA will reduce poverty and out-migration among tribal population as they will have control and management of natural resources will improve their livelihoods and incomes.
- PESA will minimize exploitation of tribal population as they will be able to control and manage money lending, consumption and sale of liquor and also village markets.
- Effective implementation of PESA will check illegal land alienation and also restore unlawfully alienated tribal land.
- And most importantly PESA will promote cultural heritage through preservation of traditions, customs and cultural identity of tribal population.



### ***What are the problems with 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 provisions of PESA.
- Although MFP can be regulated by Gram Sabha, still Forest department and its laws prevent the tribes to own the MFP.
- Most of the tribes still believe in their own customs and duties of governance and they are very reluctant in accepting the PESA guidelines.
- Proper awareness is not made by government officials and this makes them to be in the same state of not participating in the self governance process.

### **4. WOMEN IN PANCHAYAT**

#### ***What are the provisions available for women participation in governance ?***

- 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.

- Article 243D provides the 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.
- Although 73rd CA provides only for 1/3rd reservation, as many as 19 states reserved up to 50 percent of seats and offices of chairpersons to women.

#### ***What are the challenges before Elected Women Representatives ?***

- Many EWRs continue to work as rubber stamps for their family members and also at times as proxies for the rural elites.
- Their male workers show insensitivity and often refuse to cooperate and obey the orders.
- Burden of household responsibilities, purdah system and domestic violence negatively affect their functioning as EWRs.
- Hierarchical caste system in rural India makes it difficult for women





in SC and ST communities to function independently and effectively.

- Bureaucratic apathy and corruption is rampant which makes these EWRs demotivated and disenchanted from the panchayati raj.
- Community or Khap Panchayats function parallel to panchayats and pressurizes EWRs to act in a particular way.
- Majority of EWRs enter into public life for the first time and do not have enough knowledge and skills to handle affairs of panchayats.
- 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 skills of handling and negotiating various conflicting interests in the panchayat.
- Elected representatives in general and in specific EWRs face resistance from community if they want to remove encroachment from panchayat land / properties.
- Many rural households do not want to pay taxes and fees on time

while expect panchayats to deliver public services and good in timely fashion.

- Patriarchal mindsets make it difficult for EWRs to freely interact with male functionaries at times when it is required.

### ***What are the initiatives taken by GOI?***

- In order to bring about 50 percent reservation for women in Panchayats in all states a Constitution Amendment Bill has been introduced.
- For capacity building of ERs of PRIs, the Ministry of Panchayati Raj has been making continuous efforts by launching and implementing various schemes like Rashtriya Gram Swaraj Abhiyan.
- For effective utilization of 14th Finance Commission recommendations grants, MoPR has developed model guidelines and manual for preparation of holistic participatory gram development plans.
- Self Help Groups have emerged as an important support institution for EWRs and GOI is trying to synchronize EWRs with the best performing SHGs through various schemes.



- MoPR has organized special events like orientation of women Sarpanchs at national level and these events not only serve as opportunity for capacity enhancement but also networking with EWRs of other regions and states.
- All the states and UTs are advised to impress PRIs to ensure the safety of EWRs and female Sarpanchs, particularly those who belongs to the weaker sections of the society.

### **5. DEEPENING GRASS ROOT DEMOCRACY IN SIXTH SCHEDULE AREAS**

#### ***What is the existing practice of governance in these regions ?***

- Sixth schedule areas and other tribal areas exempted under Article 243M of the Constitution of India contain certain 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 districts councils and Autonomous Regional Councils 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.

- The district and regional councils have judicial, executive and financial powers in their respective areas.
- Besides, sixth schedule also empowers the Governor of the 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 appointment of commission.
- There are different systems of governance in each and every states.

#### ***What are the issues with these systems ?***

- The main issue with regard to traditional governance in these areas is the lack of deepened decentralized governance.
- For instance, Village councils do not exists in the Council areas of Assam and Meghalaya.



- In Nagaland and Manipur, the Village councils are often headed by traditional village chiefs.
- Elections to district councils of Manipur have not been held for decades.
- Parallel structures exist in the village level of Nagaland which means existence of two bodies in the Village.
- While elections are being conducted by the 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 the 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.
- The elections to all these systems must be conducted by the State Election Commission in an effective and transparent manner.
- There should be reservation for women for at least one seat in every village council.
- There should be a transparent process to be followed during the suppression of panchayat.
- The mandatory election to be held to the panchayat in case of suppression within six months.
- Accountability of village councils to Gram Sabha, and functions of Gram Sabha must be specified under the legislation.
- Authorization of State Finance Commission to recommend devolution of funds to District Council and Village Council must be made.
- The government at the centre should continue the process of interaction of deepening grassroots democracy in these areas.
- Proper awareness mechanisms like Street plays, Folk Songs must be devised to educate the people about the self government process.

***What are the reforms should be taken to decentralize the democracy in these areas ?***

- There should be a fixed tenure of panchayat system of 5 years instead of 3 years.

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