

Path to Gram Swaraj

Report of the Panchayat Raj Act Amendment Committee, 2014

Some Highlights

Devolution:

- Since the crux of making Gram Swaraj a reality was the devolution of the 29 subjects, a Sub Committee was set up for Activity Mapping. This Activity Map, that was renamed the 'Responsibility Map' is the basis of our Committee's recommendations. It has shifted the perspective from PRIs as sub contractors of the State to PRIs as autonomous governments with the appropriate powers and obligations of governments at these levels of governance similar to the sharing of responsibilities of the Union and State Governments.
- Matters related to Social Justice such as violence against women and the scheduled castes and tribes, dispute resolution and the establishment of an environment that allows all people to exercise their rights in an atmosphere of freedom and liberty, Knowledge Management or the creation of an information base for every Panchayat to enable more scientific planning and monitoring; and Electoral Reforms were some of the additional issues considered for devolution.
- It has delineated functions that require to be carried out at the respective tiers, completely dismantling and incorporating whole institutions under the PRIs as appropriate. In this model no line departments or independent missions or programmes will function independently of the PRIs as all of them will mandatorily be incorporated into the administrative machinery of the PRIs including their functions, functionaries and funds making it possible for PRIs to deploy the staff so devolved as they see fit and use the funds at their discretion to fulfil the demands of the Gram Sabhas and implement the plans the Gram Sabhas design.
- People's planning and reporting, the crux of a democratic participatory democracy, has been designed with a bottom-up approach with the Gram Sabhas as the primary unit for developing plans based on their needs – which is as it should be – with provision for Gram Panchayats to have a say in the consolidation of plans at the Taluk level through a Taluk Planning and Development Committee [TPDC].
- Organic inter-linkages that as of now do not exist, between the Gram, Taluk and the Zilla Panchayat have been created. One important linkage is the Taluk Planning and

Development Committee that includes the Gram and Taluk Adhyakshas. We have also enabled similar representation of Gram and Taluk Adhyakshas in the District Planning Committee.

- All functionaries have been devolved to their respective panchayats based on the functions required to be discharged by that tier of panchayat.
- The District Planning Committee [DPC] has also been restructured, to the extent that the law would allow, including representation of Gram and Taluk Panchayat Adhyakshas. All tiers of panchayats have been provided with the possibility of constituting all five Standing Committees as necessary to assist in planning and implementation of development work.
- The PDO of the Gram Panchayat, the EO of the Taluk Panchayat and the CEO of the Zilla Panchayat will be known as the Chief Secretaries of their respective panchayats.

State Finance Devolution

- The State shall devolve a minimum of 30% of State budget and 50% of that shall be untied. The devolution of funds for GPs will be 'need based' determined by Development Bench Marks and not uniformly allocated irrespective of their size, backwardness, geographical conditions or extent of agricultural activity. Instead, the Priority Ranking Matrix shall determine the quantum of funds for each Panchayat.
- Several measures have been included to ensure that the revenue of Gram Panchayats is increased including the revision of fees, levies and taxes to be in keeping with current market rates. Flexibility has also been built in for schemes cannot be predetermined and made uniform – 'the one size fits all' theory has proved defective. Therefore, total devolution has been prescribed, with funds deposited directly into panchayat accounts. Further, budget heads will follow the sections in the Responsibility Map and panchayats shall have the flexibility to incur expenditure within a budget head from one cost centre to another
- all constitute the State Finance Commission once in five years and shall be bound by their re Separate Gram sabhas have been provided for the SC/ST, Children and Women. The budget allocated for the SC/ST shall be decided in their separate Gram Sabha. Similarly the budget for women and children shall be based on the plans developed by them in their Gram Sabhas.
- Priority ranking: It is generally believed that deciding issues according to the majority vote is democratic. This is not true and not democratic either. The notion that the majority will 'look out' for the marginalised and represent their concerns has been proved false and that was the rationale for reservations in the first place. But reservations are not enough to protect their rights, what is required is a democratic system of prioritising development

issues that gives weight to 'urgency', 'need', 'coverage', 'backwardness' and 'feasibility'. The Committee therefore decided to include the 'Priority Ranking Matrix' as a tool for the selection of beneficiaries, prioritising schemes and programmes and deciding on development plans for a village.

Accountability to Constituency

- The members of the Gram Sabhas have been restored their Constitutional entitlement to 'direct participation' in the governance of their villages and the right to determine the course of their lives. It vests trust in their ability to manage their own affairs and monitor the functioning of their duly elected local governments.
- Separate Gram sabhas have been provided for the SC/ST, Children and Women. The budget allocated for the SC/ST shall be decided in their separate Gram Sabha. Similarly the budget for women and children shall be based on the plans developed by them in their Gram Sabhas.
- Transparency and accountability to the Gram Sabha has been given prime importance and mechanisms including social audits, Jama Bandi, videotaping proceedings and public display of progress of all work including expenditure and lists of beneficiaries, have been built in.

Panchayat President: Full time Chief Executive

- The Committee has not recommended Direct Elections to the Panchayat President as it would destroy the organic nature of the community and the principle of 'one among equals' and counter the spirit of participatory democracy. It will make the Panchayat President 'centric' and not 'people centric'. With a directly elected President, the other members of the Gram Panchayat, who are also duly elected to represent their constituencies and protect their interests, will be sidelined and the Gram Sabha will become irrelevant.
- The president is a fulltime Chief Executive head of the Panchayat. She/he is corresponding to a Chief Minister at their level, but with a major difference. She/he is elected by her/his 'cabinet' and not the other way around as in the case of Chief Ministers. She/he takes decisions through consensus of the body, but represents the interests of the Gram Sabhas and is ultimately accountable to it.
- The Adhyakshas and Upadhyakshas of all the three tiers, who will serve a full 5 year term, have been empowered, their status has been raised and their powers increased. They have been provided with appropriate support to enable them to function as the Chief Executive heads of their Panchayats.
- The resignation of the Adhyakshya shall be accepted only for very compelling reasons. Reasons and the procedure for passing no-confidence motions against the Adhyakshya and

Upadhyakshya have been made more stringent and a time period has been imposed before a second no-confidence can be imposed. Further, the failure to discharge responsibilities can result in 'right to recall' or penalties.

Size of the Grama Panchayat

- In determining the size of a Gram Panchayat there are three factors of prime importance. [1] First, the **accessibility** of all the habitants to the Panchayat office to transact their business and access information; [2] second the **viability** of the Gram Panchayat in terms of finances, functionaries and functions; and [3] important aspects such as population, backwardness, geographical region and agricultural activity also need to be measured and factored into the equation.
- Taking all this into account it was decided to slightly expand the size of a Gram Panchayat to encompass a population of 10,000 to 15,000 and for exceptional areas such as Hassan, Uttara Kannada, Malnad and Belgaum have a population not less than 5,000. A Gram Panchayat shall have a minimum number of nine members and a maximum of twenty-five members and the area of a Gram Panchayat shall not be more than a radius of eight kilometers.
- However, if any Habitation was more than eight kilometers away from the office of the Gram Panchayat, an extension counter of the Gram Panchayat would be set up in that Hamlet. It was also decided that there will be single member constituencies consisting of a population of not more than 600 inhabitants.

Elections

- The process of elections has been made more stringent and transparent. The State Election Commission shall be entrusted with the responsibility of ensuring that elections are held as per schedule and that all violations of the election code and failure to discharge obligations as laid down in the Bill shall attract penalties as prescribed including the relinquishing of one's seat and a ban on standing for elections for a period. The State shall fund the election of all candidates and campaigning shall be monitored by the Commission.
- All Gram Panchayat seats shall be single member constituencies, to ensure social justice, with greater transparency.

Capacity building

- A separate recruitment board has been constituted to ensure that functionaries with the appropriate aptitude and mind-set are recruited for Gram Swaraj and that their capacities

are enhanced to enable them to acquire the necessary skills and knowledge to efficiently assist their panchayats to fulfil their obligations.

- Mechanisms and institutions for building the capacity of all office bearers and members of the panchayats, the Gram Sabhas and all functionaries has been provided for, keeping in mind the constraints faced by women and daily wage earners, and therefore will be largely in-situ, ongoing and with an element of mentoring.
- A Mahila Bank shall be set up in each Taluk headquarters by the Taluk Panchayat with 3 women Taluk Panchayat Members as Ex-officio as member Directors of this bank to ensure greater women's empowerment, capacity building and political participation.

Monitoring

- Development bench marks that are established by local, state and central governments for measuring outcomes and indicators so identified for measuring progress and implementation have been introduced to be used for the monitoring and evaluation of the implementation of plans, projects and schemes.

Dispute resolution

- Mechanisms have been provided for all kinds of dispute resolution:
 - Among people;
 - Between people and their local governments;
 - Among local governments; and
 - Between local governments and the State.

Three sets of institutions have been suggested. One, the notification of the Central Grama Nayalaya Act of 2008 for disputes between people; a District Panchayat Tribunal for disputes between citizens and panchayats and between panchayats; and an Ombudsperson for settlement of grievances related to embezzlement and misappropriation or overstepping the boundaries of mandated powers against panchayats, panchayat members and officials.

- To prevent and address the sexual harassment of women in the workplace and elsewhere, it has been suggested that the Panchayats set up committees as appropriate on the lines of the Central enactment, 'The Sexual Harassment of Women at Workplace [Prevention, Prohibition and Redressal] Act 2013.