

A HUGE STEP TOWARDS DECENTRALISATION OF POWERS

With the tabling of the Karnataka Panchayat Raj [Second Amendment] Bill, 2015; enabling some of the much awaited Recommendations of the Ramesh Kumar Committee to become a reality, the Government of Karnataka has taken a huge step in the journey of devolution of powers to Panchayats.

The very fact that many of the recommendations of the Ramesh Kumar Committee have been accepted is a big step forward. That the Act will be renamed the Gram Swaraj and Panchayat Raj Act at least mirrors the spirit, towards the vision of the Mahatma and Rajiv Gandhi's efforts to ensure that Panchayats are autonomous units of local self government.

Here are some of the salient amendments of the Committees that have been accepted. The recognition of Habitation Sabhas, giving voice to the truly marginalised such as Lambani tandas and thereby strengthening grassroots participatory democracy; the concept of the 'Responsibility' or Activity Map that details the roles, responsibilities and functions of each tier of panchayats ensuring that what the tier closest to the people [Gram Panchayats] get to hold the responsibilities that should be designed and implemented by the Gram Sabhas - such as the food provided in Anganwadis; plans developed by Gram Panchayats based on the needs of the members of the Gram Sabhas shall not to be altered and bottom-up planning with the proposed establishment of the Taluk Planning and Development Committees including representatives of Gram Sabha Presidents as members and also their inclusion in the District Planning Committees; and the setting up of a State Decentralised Planning and Development Committee.

The contentious issue of horse trading of the post of Adhyakshyas will be resolved with the term of Adhyakshya being made five years and the prevention of any no confidence for 30 months for trivial reasons. The Bill also ensures some level of accountability and transparency at all levels of the administration and will make it mandatory for members to declare assets and liabilities.

The proposed grievance redressal authority with a time bound and effective service delivery mechanism has been accepted. However the constitution of a Commissionerate of Panchayat Raj and Karnataka Panchayat Administrative Services on the lines of the KAS has been kept in abeyance due to financial constraints.

The need for the empowerment of women and the establishment of an environment conducive to their participation has been recognised and the reporting of sexual harassment in the vicinity of all panchayats and acting to prevent and mitigate such offences. Creditably, the need for a 'Fear Free' environment and efforts to maintain Communal Harmony, respecting and protecting the rights and freedoms of minorities, the backward, women and children is much needed in the present clime of terror and divisive politics.

However to realise true Gram Swaraj some, the Bill needed to go all the way. It falls short of being the 'game changer' that our Chairperson and members of the Committee desired it to be. The autonomy of panchayats as recommended has been diluted across the board. This has been done quite subtly with the replacement of words. For example 'implement' has been replaced with 'supervise' and one word inclusions such as 'the priorities set by Gram Sabhas *normally* shall not be changed', 'Adhyaksha *may* call for special meetings of Grama Sabha' have been made that change the mandatory nature of the power.

Recommendations that have been dropped are the single member constituency; the primary role of the Ward Sabha – that of ensuring the accountability of the elected member and giving the right to recommend to the Election Commission the cancellation of membership if the said representative fails in her/his duties. Ironically, the Bill suggests instead that Government shall have the power to remove members if it thinks fit on the grounds of misconduct, insolvency, corruption or nepotism.

Only 20% of untied funds have been provided for as against the 50% suggested by the Committee, but is a considerable improvement as now there is no such provision.

However, the recommendations on general powers of Gram Panchayats related to land reforms, audit and Jama bandi have not been considered. Other amendments dropped are the mandatory holding of Special Gram Sabhas for women, children and backward classes where plans and budgets would have been decided. The role of Habitation/Ward and Gram Sabhas to address children's rights violations such as exploitative child labour, child marriages, child trafficking has also been dropped. In addition, their role to decide the location where Gram Panchayats may grant licence to shops vending liquor or places of gambling has also been left out.

The Capacity Building of Panchayat Presidents and members, the mechanism for grievance redressal has been provided for only at the District level and the structures for the solving of petty dispute has been dropped. So also the provision of emergency budgets for Gram Panchayats and Taluk Panchayats; and the provision of a Private Secretary for Adhyakshyas and the separate toilets for women.

Granting the rank of Minister of State to Zilla Presidents with attended emoluments, but ignoring that fact that the presidents of all three tiers of panchayats are the Chief Executives of their respective panchayats and that they are all equal and should be given equal status and commensurate provision, is going to create an un-democratic hierarchy that reinforces a vertical top down power structure that is in contravention to the principles of devolution.

The saga of realising this Bill has been long and arduous, littered with obstacles mainly from the bureaucracy unwilling to relinquish finance, powers and control to local governments. Fortunately, the extraction of a commitment from our Chief Minister by Shri Rahul Gandhi on his last visit to Karnataka appears to have hastened things along and given our Rural Development and Panchayat Raj Minister, Shri H K Patil, the much needed muscle he required to get the Bill passed by the Cabinet.

One hopes that there will be an informed and in-depth debate in the Assembly in the coming week that will result in tightening the loopholes and filling the lacuna and that the final Bill will be what our RDPR Minister claims to be a "historic" one.

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