

A rocky road for Gram Swaraj

The Karnataka Panchayat Raj Act Amendment Committee suggested reforms in the 1993 legislation to realise the ideal of decentralisation in letter and spirit. Nandana Reddy, a core member of the committee, holds the state accountable for the manner in which it has dealt with the report and proposed amendments.

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17 May 2015 - Gram Swaraj, or the devolution of powers to Panchayats in India has been a story of one step forward and three steps back. Ironically, the ones who have the power to legislate on Panchayat Raj are the very ones who have a vested interest in keeping power with themselves and it has been a fateful tradition that those who hold power will not devolve it beyond their domain.

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Since Independence, there has been strong resistance to Gandhi’s dream of ‘Gram Swaraj’. It was only the Mahatma’s deep disappointment that Panchayat Raj was not in the body of the Constitution that forced the drafters to include it in the Directive Principles as an afterthought.

It took 43 years, Rajiv Gandhi’s passionate speech in Parliament in 1989, his subsequent martyrdom and the efforts of Narasimha Rao to bring Panchayat Raj to the centre stage with the enactment of the 73rd Constitutional Amendment in 1992.

Panchayat Raj found its first home in Karnataka; many men of intellect and deep concern for India and her people such as Abdul Nazir Sab, Ramakrishna Hegde, M Y Ghorpade and L C Jain took the baton forward, battling great opposition to establish this alternate system of governance based on an entirely different social construct to the atomised and inorganic view of society. The latter is the result of industrialisation and an economic order in which the political democracy is reduced to the counting of heads and political parties built around competing power groups, leading to a government not ‘by people’ but a government ‘by party’ where one or the other power group rules.

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Jayaprakash Narayan described Gandhi’s sociological thought on this subject as an “organic or communitarian view that puts man in his natural milieu as a responsible member of a responsible community. This does not treat man as a particle of sand in an organic heap, but as a living cell in a larger organic entity”.

He went on to say that to accomplish this task Gandhi felt it was necessary to discover new “political and economic institutions” and urged “the protagonists of panchayat raj [to look] beyond the hackneyed phrases of political and economic decentralisation, fondly hoping that parliamentary democracy plus a large measure of local self government would perform the trick and usher in people’s democracy of their dreams”.

This was the frame within which the Ramesh Kumar Report and the Karnataka Panchayat Raj Act Amendment bill were drafted. They are a set of amendments that if legislated will take ‘local governments’ to a higher plane and set a new bench mark for the nation to follow.

It will also influence the way governance is practiced in larger tiers of government, rooting out corruption, the culture of patronage and the corporate-communal binary among other things and ensure that development plans are designed through the participation of ‘all’ and not the select ‘few’. It is radical in its approach, but then this was required in order to honour and respect the true spirit of Gram Swaraj.

The Ramesh Kumar Report and Amendment Bill reflect not only the letter but the spirit behind Gram Swaraj and the Constitutional provisions. It ensures the imperative paradigm shift that safeguards the fundamental rights and freedoms of people – the members of the gram sabha.

The Panchayat Raj Act [1993] Amendment Committee

The Ramesh Kumar Committee was set up to suggest remedies to the existing Act that has been mangled through hundreds of executive orders by myopic ministers and bureaucrats. All schemes have been centralised, the bureaucracy strengthened and all the rights, powers and autonomy of the panchayats and gram sabhas systematically taken away.

Even the 3rd Finance Commission Report chaired by A. G. Kodagi, which suggested many progressive changes, especially related to the devolution of finances, is yet to be examined by the government though it was submitted to the state government in 2008.

After careful scrutiny, state-wide consultations with all stake holders and very deep and detailed deliberations, the Committee suggested 88 radical amendments to the existing Panchayat Raj Act of 1993 that would ensure that local governments and more importantly, the people are masters of their own destiny.

There was an overwhelming consensus among the 22 members of the Committee, who except for four of us, were members of the Congress Party and many, staunch followers of HK Patil, the Rural Development and Panchayat Raj (RDPR) Minister. Despite this, the minister has not taken the outcomes of the Committee aboard and appears unhappy with the result, perhaps because they are contrary to his perception of Panchayat Raj.



Karnataka Panchayat Raj Amendment Committee Chairperson Ramesh Kumar submitting to the Karnataka Chief Minister Mr. Siddaramaiah. Pic : Anand Kalpakaserry

The report and the Amendment Bill were presented to the Karnataka government in December 2014. It was not tabled in the Belgavi Session, though the RDPR Minister had promised to do so. The opposition and several members of the Congress party raised questions to which the government stated that it would be tabled in the subsequent session.

At a legislative party meeting, where the members were given the report and the bill only on the morning of the said meeting, Patil focused on the Nanjappa Mutt Committee Report instead and brushed this one aside until the Chairman of the Committee and some members were allowed to explain the thrust of the Committee's recommendations. In what now appears a bid to buy time, a cabinet sub-committee was set up to scrutinise the Committee's recommendations.

Till date, it is not known if they have completed their task.

In a meeting with members of the Core Committee, H K Patil gave us his word that the sub-committee, of which he is the Chair, would complete its work before 20 March 2015 and the Amendment Bill would be tabled in the Budget Session. As it happened, only three of the eighty eight amendments saw the light of day along with one of the ministers' own making – that of compulsory voting – on the very last day of the session.

The ones he picked were: a full five-year term for Presidents and Vice Presidents, the reservation and rotation of seats once in ten years (two terms) for all tiers, and a guarantee of 50 percent reservation for women. While these three randomly selected amendments are significant, they are lacking in teeth in the absence of the other eighty five.

When questions were raised again on the floor of both Houses, the government explained that as the Panchayat Raj elections were approaching and they could not be postponed, only the amendments pertaining to the elections had been tabled.

If that was the case, then several other amendments pertaining to the elections – such as single member constituency; the state funding of all panchayat elections; the ban on the sale of liquor during the election; mandatory completion of election in seven working days; and designation of the State Election Commission as the authority responsible for delimitation, reservations and the disqualification of members – should also have been tabled.

The opposition and several members of the ruling party demanded a special session to discuss the Ramesh Kumar Committee recommendations in its entirety. The Minister, without conceding the need for a special session, stated that the remaining amendments would be tabled in due course. But till date there is no sign of that happening.

It is indeed surprising given that the Government can make time for a special session for the trifurcation of the BBMP despite the court rulings and the Governor's dissent, but it merely proves the point that politicians will only change something if it works to their own advantage.

Compulsory voting

While Patil pleads lack of time over the Ramesh Kumar Committee Report, he has demonstrated surprising initiative and urgency to include an amendment of his choice, that of compulsory voting. It is interesting to note that this was neither recommended by any committee nor discussed by the cabinet.

Such an amendment was in fact opposed by the Congress in Gujarat and returned more than once by the Gujarat governor Kamla Beniwal on the grounds that forcing voters to vote is "against the principles of individual liberty".

Patil justifies mandatory voting by claiming that 20 odd countries have the same provision, but stops short of admitting that five of these are relatively minor countries in Europe, ten in Central and South America, one in Africa, two in Asia and two in the Oceanic. The advanced industrialised 'democracies' that do have compulsory voting are Australia, Switzerland and Singapore, all three among the most over-regulated and paternalistic countries in the world! And even in these countries there are moves to reconsider this statute.

Another argument in defence of this amendment is that it will force a certain 'class' who shirk their responsibility, to vote. What the Minister fails to realise is that this 'class' is comprised of the rich and powerful who need not be bothered with influencing the elections, confident in their ability to 'buy' any government that comes to power.

He claims that yet another group are the 'voiceless' who are prevented from voting by vested interests. One wonders who they are. The poor vote. They know it is their only chance to demonstrate their influence in our so-called democracy. They cannot lobby with the powers that be, their right to dissent is being systematically throttled and the elections are the only forum left. Despite the trend of 'buying' votes, they have proved time and time again that they are the agents of change.

The real voiceless and disenfranchised are the millions of migrants who are not registered voters and find no place in

the electoral rolls and the vested interest in their case is the government.



Karnataka Panchayat Raj Amendment Committee in discussion with H K Patil, the Rural Development and Panchayat Raj (RDPR) Minister in GoK and Mani Shankar Iyer. Pic : Anand Kalpakaserry

Through there are no penalties attached to the mandatory voting provision, the minister has made veiled threats about repercussions that might follow when one applies for a passport or government subsidies. This smacks of authoritarianism of the worst kind - instilling a fear of breaking the law without knowing the possible future consequences of doing so!

In a democracy, people have to be persuaded to vote. Democracy is about freedom and the antithesis of compulsion that Gandhiji so abhorred. Implicit in the concept of rights is choice and the right not to vote is as fundamental as the right to vote. If challenged this is sure to be struck down.

Patil's final and rather lame reason is that people's participation is poor and compulsory voting will ensure their participation.

Dragging people to the polling booth once in five years under duress will not ensure their better understanding of political processes; neither will it suddenly make gram sabhas more relevant or useful. The core of the issue is that panchayats, especially gram panchayats have been rendered powerless and gram sabhas stripped of their rights. People know that real power lies with the MLAs and MPs. What is the point of negotiating with the milk delivery boy when the quality, quantity and composition of the milk are being controlled by some distant entity?

The real key to this question lies in the empowerment of panchayats and thereby the gram sabhas by devolution of all finances, functionaries and functions [the 3Fs]. The answers are in the Ramesh Kumar report and its implementation will result in greater participation of people, optimum utilisation of funds for the real needs of the people and overall inclusive development of villages based on social justice.

The report and the bill present a rare opportunity for the Congress party in Karnataka. Such a legislation can put Karnataka once more on the front ranks of Panchayat Raj in the country and this government could go down in the annals of history as the one, which for the first time since independence, has made a reality of the Mahatma's dream for Indian villages. With the forthcoming Panchayat Raj elections and with less than half a term to prove themselves, it is up to the Panchayat Raj minister to rise to the challenge.

If H K Patil is a man of his word, he will call for a special session at the earliest so the Report and Amendment Bill may be discussed in some depth as our elected representatives have a right to examine the Committee's Report and the Amendment Bill in its entirety, and not piece meal, before they decide what is best for Panchayat Raj in Karnataka.

Ultimately history will be the judge of this government and the forthcoming panchayat elections an acid test; meanwhile, for those who are champions of Gram Swaraj, the struggle is not over yet.

Nandana Reddy

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