



# UMA PRACHAR

Vol. 14

No. 1

Private Circulation

2007

## Village shows way to tackle AIDS

Seethalakshmi S

The Karnataka state government may still be thinking about making pre-marital HIV test mandatory, but a remote village in Bagalkot district has already shown the way in tackling the deadly virus.

The 4,000-odd residents of PM Budni village have made it compulsory for every boy and girl to undergo an HIV test before tying the knot. And, it was successive deaths that made them sit up. The remote village, 80 km from Bagalkot, has lost 15 people, including four children, to AIDS during the last five years.

"Our girls were married off to men from Mumbai, Kolhapur, Goa, who had contracted the virus. The girls would come back as widows afflicted with HIV. Similarly, girls from other villages were spreading the virus to our boys. So we decided to make the test mandatory. The panchayat has already passed a resolution," said Srikanth Kolar, a panchayat member.

What is heartening is that despite total lack of development, this village has taken a positive step. Forget hospitals, the village does not have even a primary health centre. There are no roads or drainages and no high school. Majority of the 600 families live in mud houses.

Yet, there is a silent revolution to tackle AIDS. And the 'devadasis' in the village are in the forefront of

the revolution. On any given day, the 40-somethings, clad in the traditional Ilkal sarees, go round the village with their musical instruments and sing to create awareness on AIDS.

The nearest hospital for the villagers is 10 km away. But that has not deterred them from constituting a village health committee, which not only creates awareness about HIV/AIDS but conducts various programmes on the importance of nutrition and hygiene.

"When there was a chikangunya outbreak, we went round the village and talked to people about the disease. The committee is closely monitoring the 35 HIV+ people who are living in the village," said Adveppa Gurupadappa Reddyaratti, the village postman, who is also member of the health committee.

Devadasi is a religious practice still found in some communities in southern India, in which young girls are "married" to deities. Living in abject poverty, they are forced into prostitution.

Now it is the devadasi women who are showing the way. "I was dedicated as a 'devadasi' at the age of nine. What happened after that is hell. I don't want any girl in this village to go through what I underwent.

I am a community worker now, fighting against HIV and 'devadasi' system," said Kalavathy, who

prevented 12 girls in the village from being dedicated. True revolution, indeed.

*(Courtesy: The Times of India, January 30, 2007)*

## **Dalits' own panchayats try to grow out of quotas**

**L.C. Jain**

Dalits greet 2007 with a new initiative and determination to build their strength from the grassroots upwards and eventually do away with reservations.

This idea took birth in 1997, when dalit leaders in Tumkur started preparing for the declaration of this millennium as the Ambedkar Era on January 10, 2000, in the presence of 40,000 dalits and Prakash Ambedkar. "More than three thousand years of oppression of the dalit people is the denial of their right to live as a community of people. In the traditional village they are forced to follow the norms of the dominant castes which are aimed at subjugating them," it noted.

Hitherto dalits have relied mainly on national, regional and state level parties and fronts to raise their voices about the indignities and injustice heaped on them day after day, in legislatures and the public. These channels have been good but not good enough according to many dalit women and youth. They are stirring a new wave of dalit assertion. Two of the emerging dalit leaders, Jyothi and M.C. Raj, have already completed the formation of taluk dalit panchayats in nine taluks of Karnataka's Tumkur district. Each of these panchayats has a minimum of two hundred elected representatives. At Pavagada taluk, there were more than a thousand people at a gathering to usher in the dalit panchayat.

The rallying theme is "it is time we abolish the old sanghas and govern ourselves as a community through these dalit panchayats to transform our number-40 million dalits-to out votes which in turn should become our power."

In contrast, "dalits are generally united and support one another in ordinary times. But, when it comes to elections there is a sudden spurt of unknown dalit leaders each selling the dalit people in the election market by owing allegiance to as many parties as possible and thus losing our unity and strength at the most crucial time of our political life. We should aim to become one community and one vote through the dalit panchayats. For this to happen we must have more than equal number of dalit women leaders in our communities. If we do these two things we shall not need reservations any more.

The first item on the agenda of dalit panchayats is to put an end to land grabbing by the dominant castes." Land is a significant location of drawing life and energy for the indigenous people.

This is also the key locale of violation of many rights of the dalit people." The dalit panchayats are to secure at least five acres of land for each dalit family. They have already recovered and restored to the dispossessed over 4,000 acres which had been illegally usurped. How, A team studied and approached the collector and applied pressure for quick action. Besides, Janakaloti village, they have recovered 32 acres of land through a court judgement.

Realising that it will be a long struggle, the activists are managing to conduct a diploma course on dalit studies, and organizing the sensitisation programme for government officers in all the districts of Karnataka.

More power to the elbow of the dalit panchayats.

*(Courtesy: Grassroots, February, 2007)*

## **Panchayats are governments, not a keyword**

The Panchayats, suffer from a collective failure because governments treat them like an implementing arm or a line department, without the powers of one. This tier of government is seen as a way that the country can down-size bureaucracy and hand over its work to this elected group of people. It is assumed that this government non-department will be able to work without the encumbrances of officialdom and be more responsive to people.

The problem is that panchayats are not just necessary because government cannot deliver services, they are necessary because they can make delivery of services work.

National Development Council Discussed drawing panchayats into the planning process (as opposed to treating them like the implementing arms). We need to fill the gaps in these Programmes. Total sanitation will have to be linked with drinking water, drinking water will have to be linked with the rural health mission, and so on,” says Raghunandan.

Proponents of decentralization have contended that by the end of the 11<sup>th</sup> Five-Year plan, capabilities of panchayats should be enhanced to such a level that block grants may be passed on to them directly. The fact is that there is an institutional dilemma. If panchayat become better staffed, better funded and more secure, then they could easily turn into the very creature-district and block level officialdom that are working to avoid. But they do not have capacity to deliver, they simply cannot. The same is the issue with physical assets and resources.

Then the issue is to find new ways of doing old things. Clearly, Mahatma Gandhi’s vision of this tier of government. Was to develop ways of self-governance, built also on the principles of self-reliance. In this modern India, what will be the village republic and how will it and its managers negotiate for an equal space under the sun?

*(Courtesy: Down to Earth, January 31, 2007)*

## **Backward panchayats likely to get more funds**

The forthcoming budget is likely to increase development funding for backward districts across the country. The annual budgetary allocation for the backward regions grant fund (BRGF) is slated to go up by more than 20percent from Rs 3750 crore to Rs 4600 crore in the next financial year.

This jump in funds for BRGF will bring more cheers from 250 backward districts in the country. Since, all the funds under BRGF goes as united

funds for different level of Panchayats, the increased allocation will bring more financial autonomy for Panchayats at village, block, and district levels.

In fact, the guidelines for the BRGF could be finalized early this month and is now being sent to state governments for circulation among all 250 backward districts.

*(Courtesy: The Indian Express, 26 Jan, 2007)*

## **Ministry seeks NCW help to empower women panchayat heads**

**Ravish Tiwari**

In a move to strengthen the country's women panchayat heads, Minister for Panchayati Raj Mani Shankar Aiyar has approached NCW to help them augment their capacity as elected representatives. The NCW is learnt to have, in principle, agreed for a close co-operation with the ministry.

The Ministry is also working on a plan to capitalize on the commission's expertise to achieve this end. Although the exact details for cooperation are still being worked out, the Ministry wants the commission to coordinate and spearhead its efforts to set up a state-level Panchayati Raj Mahila Sangathan. The NCW, will assist these organizations in formulating a charter of demands.

A core group, experts from NCW, will be tasked to assist the elected women zila pramukh and

sarpanch in state level conferences to identify and formulate action points for the sangathan. Depending upon the response, this set-up would then be extended to all levels.

The aim is to make women representatives aware of their legal rights and capacity to use their rights. The commission may also provide support to these bodies to identify the right NGOs and experts to assist them.

The Ministry has also launched the Panchayat Mahila Shakti Abhiyan under which six state-level conferences have already been organised in Rajasthan, Punjab, Karnataka, Uttaranchal, Goa and Manipur between April and October last year.

*(Courtesy: The Indian Express, January 22, 2007)*

## **Finance panel report by December: Chairman**

BELGAUM: The Third Finance Commission will submit its report to the government by December 2007 after reviewing the problems being faced panchayat raj institutions and urban civic bodies, said commission chairman A G Kodgi.

Speaking to reporters here on Monday, he said the commission aims at strengthening the panchayat raj institutions and increasing their resources. Necessary guidelines for the same will be laid down in the report, and in case it is not completed

by December, an interim report will be submitted, he said.

Panchayat raj institutions, along with increasing their resources, should utilise funds uniformly. Tax collection system in gram panchayats needs to be improved, Kodgi noted. Earlier in the day, the commission held a meeting with members of panchayat raj institutions in the district.

*(Courtesy: The Times of India, January 23, 2007)*

## **Panchayats will have to compete for extra funds**

The Ministry of Panchayati Raj proposes to launch an unprecedented scheme in which Panchayats across the country will have to compete with each other to get extra funds from the centre-a Panchayat delivering better services and showing more improvement will get access to more money.

The initiative by Union Minister for Panchayati Raj Mani Shanker Aiyer plans to make available a well-designed system of incentives to ensure that all three levels of Panchayats (district, Block and Village) compete.

In addition to funds from planned allocation, Aiyer has already started talks with external aid agencies

like World Bank to fund this empowerment scheme for Panchayats.

*(Courtesy, The Indian Express, January 2, 2007)*

## **First Devolve Power**

The UPA government at the Centre carved out a separate ministry for panchayati raj, and under Mani Shankar Aiyar, it set about the task of creating a robust and effective political-executive framework and a detailed blueprint for effective panchayati raj institutions.

The real reason for celebration for the panchayati raj setup should come from efficient delivery of public services assigned to it. The ministry's blueprint has identified 29 such services, ranging from local schools, water supply and sanitation.

But the reality is that most states have failed to hand over these responsibilities to panchayats,

because it is perceived that these institutions are either incapable or riddled with corruption.

A panchayat without responsibility cannot be expected to be a responsible panchayat. The states' attitude against devolving responsibilities denies panchayati institutions a chance to prove themselves. The fear of panchayats taking away some service responsibility from government should not be a cause for states to hesitate in allowing them a full run. By failing to deliver, panchayats will forfeit their responsibilities. The verdict should be passed only after panchayati raj institutions have been given a full term.

*(Courtesy: The Indian Express, January 11, 2007)*

## **Village with a 'model code of conduct'**

### **Raju Gavali**

Hulikavi, a sleepy remote village about 23 km from Belgaum, was just another village with no roads, drains, proper school building and sanitation until a year back. But not anymore. The village is now all set to compete with the district headquarters Belgaum in terms of infrastructure it boasts.

Public-private participation has made it a model village with modern amenities. It also has the distinction of being the only village in rural India where a full-fledged horticulture and medicinal plants garden will be set up. And all the streets boast of signboards! Residents are now hopeful that president A P J Abdul Kalam would pay a visit to the village as it has been developed as per his vision.

The villagers hope that chief minister H D Kumaraswamy implements the same formula in

other villages in the state. Credit for transforming this remote sleepy village into a model village goes to Bagewadi MLA Abhay Patil, who was impressed with a similar concept implemented in villages in neighbouring Maharashtra.

The only addition here is that this village boasts a garden, said Abhay Patil. With a population of just over 1,000, Hulikavi has 140 houses and its residents have 650 acres of agricultural land. Villagers were taken to Kambliwadi in Maharashtra to familiarise them with the requisites to transform their village.

A few years back, Kambliwadi, with the support of the government, had successfully created necessary infrastructure in the village.

Residents of Hulikavi has laid out strict terms such

as a ban on the sale of liquor, gutka, and banners/posters of political parties during elections and to resolve legal matters at the level of the village panchayat itself.

The villagers have been following this 'code' for the past one year. A welcome arch stands at the entrance of the village as one enters this model village. Roads have been asphalted at costs lesser than government estimates as villagers contributed by working as labourers themselves. Functional drains, bamboo fencings and water recharge

structures have been designed to meet the demand of groundwater recharge. Villagers are not only keeping their courtyards clean, but are also competing to set their backyard in order.

Vermiculture compost plants are grown to produce organic manure. Agricultural experts visit the village regularly to guide villagers about the use of organic manures and its advantages.

*(Courtesy: The Times of India, February 19, 2007)*

### **Her success story** **Niraja Gopal Jayal**

The Women's Reservation Bill (WRB) has been pending in Parliament for over a decade now. One argument that should be made in favour of it, but is almost never cited, is the experience of the 33 per cent quota for women in panchayati raj institutions.

The quotas for women in panchayats — which brought as many as one million women into institutions of local democracy — have existed for over a decade; many states are now undergoing a third round of panchayat elections. The state of our knowledge — about how many of these women have contested a second or third time, how many won general seats after proving their mettle on a reserved seat, how many have moved up from the village to the district level panchayat — is curiously imperfect. But there is enough evidence to show that none of this is rare or unusual.

Indeed, the experience of women's participation in panchayats discredits most of the shibboleths deployed by opponents of the WRB. Take, first, that familiar question: why should it be assumed that only women can best represent their own interests? The fact is that panchayats headed by women have demonstrated impressive developmental gains. They have tended to prioritise drinking water, smokeless stoves, and girls' schools over roads and community halls. While water is not a gender-specific good, the

drudgery associated with its absence is borne almost entirely by women. As a former president of a zilla parishad put it, even when both male and female panchayat members demand a road, it means different things to them: for men, the dream of driving a car on it, for women security for their daughters walking to school.

Two, it is often argued that quotas will only bring in wives and daughters. This is scarcely different from national or regional politics, where women leaders have often held office by virtue of their association with a male politician. Today, if our politicians had perforce to give up their seats for women, their own wives and daughters would emerge quickly enough. It is not uniquely in panchayats that the pathology of the 'sarpanch pati' exists — much the same holds true for the women MLAs whose husbands campaign for them, or women chief ministers whose husbands run the administration. Yet terms like surrogate representation are used only in the context of panchayats when there is in fact a proportionately higher chance here of encountering women representatives who disallow their spouses from accepting bribes or alert the police to apprehend husbands brewing illicit liquor.

Finally, there is the argument that quotas cannot produce gender equality. The empowerment gains

of women's participation in panchayats may be slow, but they are unmistakable. If participation in a self-help group helps women to acquire a voice, election to a panchayat brings self-confidence — to contribute to family decisions on dowry or the age of marriage for children, or to privately discuss village issues with a spouse.

Sometimes belonging to a political family actually helps, as with the sarpanch daughter of a male sarpanch who fought successfully to institute a one lakh rupee fine for rapists, to be shared between the victim and panchayat. Of course, these gains are more likely to be found in regions where patriarchy is less deeply entrenched or there is a history of social reform (Maharashtra) or of political mobilisation (Kerala) or prior experience of reservations (Karnataka) or civil society activism.

Across India, women who have completed their terms in panchayats are participating actively in the collective life of the community, advising new entrants to panchayats and mobilising women to attend gram sabha meetings. Their inability to read agenda papers or minutes of panchayat meetings has created new aspirations for the education of their daughters. From dalit hamlets in UP to tribal blocks in Gujarat, women sarpanches say they

want to be like Indira Gandhi or Mayawati. Why, they ask, should our political careers be terminated at the zilla parishad?

The fundamental obstacles in realising the potential of our panchayats — inadequate devolution of functions and even more inadequate devolution of funds, caste disadvantage and illiteracy — affect women and men equally. Women representatives are burdened by these limitations, in addition to those of patriarchy.

To dismiss quotas simply because gender inequality is still around is silly. No quotas, and certainly not those that have been around for just over a decade, can overturn centuries of inequality. They can, however, be seen as a way of chipping away at patriarchy, eroding it by providing new opportunities. That the process itself is empowering is nowhere better demonstrated than in the new aspiration of rural women to educate their daughters.

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*(Courtesy: The Indian Express, January 11, 2007)*

## **Legislature, Panchayati Raj not pitted against each other**

Union Panchayati Raj Minister Mani Shanker Aiyar on Tuesday said there was no conflict of interests between the state legislatures and Panchayati Raj institutions (PRIs). It was a misconception to think that the two were pitted against each other, he said.

Expressing concern that provisions of the Panchayats (extension to Scheduled Areas) PESA

were not being implemented properly in the notified areas, he said the Central Government was working with the state Governments to hasten progress.

The PESA is the statutory for protecting and promoting tribal rights through all the Gram Sabhas.

*(Courtesy: The HINDU, February, 2007)*

## **Women excel in State panchayat bodies 43.7 per cent of seats in GP won by them**

Karnataka tops the country in the representation of the women in the Panchayati Raj institutions with women winning 43.7 percent of the seats in gram panchayats, 40.2 percent in taluk panchayats and 35.4 per cent in zilla panchayats.

According to a study conducted by the Government in 19 States where the Panchayati Raj system was vibrant, of the 80,627 seats in the gram panchayats, women had won 35,305 seats. Of 3,340 taluk panchayat seats, 1,343 went to women and in zilla panchayats out of 919 seats, women won 335 seats.

Official sources told that even in States like West Bengal, the representations for women in the Panchayati Raj system was less than 36 per cent. The situation was better in Kerala where the

representation of women in the Panchayati Raj system was good and ranged from 34 to 37 per cent. While women had a fair representation of 37.8 percent in gram panchayats, they had 36.8 percent representation in taluk panchayat or panchayat samitis and 34.6 per cent in the zilla panchayats in Kerala.

The women had a larger share in power in Madhya Pradesh where they occupied the posts of president in 38.66 per cent of the gram panchayats, 37.78 per cent of zilla panchayats and 26.80 per cent of taluk panchayats or samitis. In Uttar Pradesh, they were in the post of president in 41.29 per cent of panchayat samitis or taluk panchayats.

*(Courtesy: The Hindu, January 23, 2007)*

## **Reverse bias: City kids out of child gram sabha ambit**

Do you think urban kids have it all? If yes, think again. While a recent development would give rural children a chance to voice their concerns and aspirations, and debate issues of concern to them in front of their local body. City kids do not stand to have any of this.

For the first time in the country, the Department of Rural development and panchayat raj (RDPR) of Karnataka has issued an order making 'child gram sabhas' mandatory in all villages in the State. However, no such initiative is planned for children in the City. The gram sabhas will be held in November every year when villagers will gather to focus on issues related to children. Parents, teachers and children will be encouraged to participate in the session.

Srinivasa Murthy, principal Secretary, Department of RDPR said, "We have made it mandatory that the villagers discuss child-related issues. We have left it to the discretion of the members of the gram panchayat to include children in the process.

However, I believe many children would be given a chance to voice their views".

However, City activists feel that urban children are getting a raw deal since no such initiatives are planned for them by their local bodies. Subhash Chandra, secretary, Municipal Administration and Urban Development, said, "Such programmes are easy to implement in a village because the population is less. If a similar kind of programme has to be implemented in the City, there are several factors one has to look into. I do not know the exact details of the programme they have initiated. However, I will take a look at it soon".

Rama Erabelli, volunteer with Baljaagraha, said, "We provide a platform by conducting civic exhibitions for children to express their views related to civic issues. There are only informal endeavours and no government-driven initiative in the City".

Vasudeva Sharma, member of Child's Rights Trust,



said, “Our organisation had conducted similar experiments in towns like Dharwad, Raichur, Bellary and Chikmagalur. They have been immensely successful. There are small initiatives being undertaken by NGOs in cities. I do feel that such ideas should be implemented in cities as well since many of the children’s issues are forgotten as they don’t necessarily constitute a vote bank”.

Murthy, a former BMP commissioner, added, “I feel such ideas can be replicated in cities wherein the local civic body along with residents’ associations can together discuss child-related concerns like traffic, health, education etc”.

*(Courtesy: Vijaya Times, February 23, 2007)*

## **No woman elected in Manipur**

In the just concluded Manipur Assembly elections, not a single woman candidate has been elected, though nine were in the fray.

The lone woman representative in the last Assembly, Cooperation Minister Wahengbam Leima tasted defeat.

In the electoral history of Manipur, only three women had been elected so far. The first was Hungmila Shaiza, wife of the former Chief Minister, Yangmasho Shaiza, who was gunned down by tribal extremists. The second was Keisham Apabi, wife of K. Bira, an MLA, who was killed in an airshow near here. Apparently, the

sympathy factor worked for the two. Both were not elected for the second time.

However, Ms. Leima won in a straight fight in the last polls. She was elected three times.

Manipur People’s Party candidate for the Andro constituency, Thounaojam Shyamkumar, emerged victorious. He is the third person to be elected, despite being lodged in jail. He secured the highest number of votes – 18,388 defeating his nearest rival Syed Ahmed (NCP) by a margin of 13,231 votes.

*(Courtesy: The Hindu, March 1, 2007)*

## **Over 9 lakh women elected members in panchayats**

### **“It’ is more than the number of elected women representatives in the world”**

As another International Women’s Day dawns, there is ample reason to celebrate the growing numbers of women who are joining the ranks of elected representatives in the three tiers of the panchayati raj.

Of the 28 lakh elected representatives in India, 9.7 lakh are women. This is greater than the sum of elected women representatives all over the world, as T. R. Raghunandan, Secretary, Ministry of Panchayati Raj, put it.

Karnataka has every reason to gloat too – with 43

percent of its panchayat members being women. It is second only to Bihar, where women constitute 54 percent of the total.

Interestingly, 65 percent of the seats reserved for Scheduled Tribes have been claimed by women, and 46 percent of the Scheduled Castes category. The general category records a lower percentage of 37 percent. “Poor women are increasing their presence in the panchayati raj, and over time, it is bound to change the way governance and administration is delivered in these institutions,” Mr. Raghunandan told the Hindu.

Closer home, Karnataka continues to be a trailblazer. More than 40,000 women of the 91,000 elected representatives are in the zilla, taluk and gram panchayats. There are 6,000 presidents and 6,000 vice presidents to the panchayats.

Karnataka was the first to launch a sisterhood of elected women representatives. The Karnataka Federation of Elected Women Representatives has emerged as a forum for the members to network, and find support to fight gender stereotyping, and bring about a women-sensitive aspect to governance at the lowest rung of political institutions.

As M.R.Sreenivasamurthy, Principal Secretary, Department of Rural Development and Panchayat Raj, said, “Karnataka has always held a pre-eminent position in empowerment of women at the panchayat level. In 1987, we had 25 percent reservation for women.

This was the first break, and 15,000 women were swept into the political arena at the time. This sowed the seeds for Central legislation fixing 33 percent of reservation for women in 1993”.

Since then, the Government has started several initiatives, including institutional support, training

in all aspects of governance, to ensure that women did not opt out. It has been slow and gradual, but now there can be no going back, Mr. Sreenivasamurthy said.

An indication that the panchayat can be the kindergarten level for women to enter politics is the fact that a few women, who started out as zilla panchayat members, have moved on to become MLAs. Bannur MLA Sunita Veerappa Gowda is one name that stands out in this context.

Though it is not possible to say whether the presence of women in panchayats has meant a different way of looking at issues or prioritising them differently, it can be said that fewer women today need the hand-holding by their family members, (mostly husbands) than 15 years ago.

While it is “Karnataka Shining” as far as women in panchayats is concerned, the same can hardly be said of the State legislature, where reservation remains a chimera for women.

With just six women in the Assembly, it is a man’s world there, though it did not stop the Speaker recently, from famously rebuking the members in the House for “quarrelling like women”.

*(Courtesy: The Hindu, March 8, 2007)*

Published by:



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# UMA PRACHAR

Vol. 14

No. 2

Private Circulation

2007

## Attacking real democracy

### The Karnataka Panchayati Raj Amendment 2007 is a blow to grassroots participatory democracy Kalpana Sharma

More than a million women are quietly working away and demonstrating a different form of governance than the top-down centralised forms that generally prevail in this country. A decade ago, in the honeymoon period after the 73rd Constitutional amendment was passed devolving powers to the *panchayats*, there was excitement at this democratic development, where power was literally being handed over to the people. The media took note of the fact that women, who had been kept out of systems of governance, were finally being given a chance. The one-third reservation for women in *panchayats* guaranteed their presence in numbers, something that has still not been achieved at the national level.

The result was a virtual revolution as thousands upon thousands of women got elected. Many of them were Dalit women. They challenged not just the patriarchal hierarchies but also the caste hierarchies. A decade later, these women are no more "new kids on the block", so to speak. Many of them have been re-elected, they now know the system and they are more willing to assert their views than in the early years. Of course, not all the women elected to posts are enlightened and many of them continue to be mere front people for their powerful husbands. But even if half the women elected are like that, you still have another half

who have begun to understand their rights and are beginning to fight for them. This is an immensely exciting social revolution that is quietly taking place.

#### Marginalised

Given the import of these developments for India's future as a working democracy, one would imagine that the Minister for Panchayati Raj would be considered an important post. Not so. Ask the Union Minister for Panchayati Raj, Mani Shankar Aiyar. Speaking to the Confederation of Indian Industries (CII) on April 4, Mr. Aiyar complained, "There is nobody so marginal in a government as the Minister of Panchayati Raj. I count for nothing. Nothing! When I was Minister of Petroleum, I used to walk surrounded by the media. But just try to get them to write two words about 700 million Indians."

Mr. Aiyar has a point, both about his invisibility to the media and that of the issues that his office represents. For, even as the media gave blanket coverage to the "wedding of the year" between film actors Abhishek Bachchan and Aishwarya Rai in Mumbai last month, a law curbing the powers bestowed on *panchayats* through a constitutional amendment went through the Karnataka legislature

virtually unnoticed. While the 73rd Amendment vests powers in the village *panchayats* and *gram sabhas* to identify beneficiaries for government programmes aimed for the poorest, the change brought about in Karnataka effectively curtails this power. Instead, it allows the local MLA or a bureaucrat to decide.

What irony that such a step should be taken in Karnataka of all places given that the very idea of local self-government was born there. Its chief architect, the late Abdul Nazeer Saab, believed that such a system of devolution of powers would improve governance.

Yet, two decades after Karnataka experimented with *panchayati raj* and 13 years after the 73rd Amendment came into effect, it is evident that many politicians are uncomfortable with the system. From their public rhetoric you would be led to believe that they too think power should really be with the people. But their actions demonstrate that they firmly believe that only they should control all power. This has motivated some politicians in Karnataka to push through the Karnataka Panchayati Raj Amendment 2007 on April 13. Devolution means giving power away. Perhaps the MLAs in Karnataka never fully understood that the logical conclusion to creating a system that devolves power is fewer powers in their hands.

It must be said, however, that several bureaucrats and politicians, including those who had made their way up through the *panchayat* system, strongly objected to the amendment. But it still went through. There is a campaign now urging the Governor of Karnataka to reject it on

constitutional grounds and there probably will be legal challenges that will follow.

But the very fact that such a law has been contemplated exposes politicians who constantly speak in the name of the poor but want to make sure that the poor actually do not have any power.

### **Having a say**

For women, an emasculation of the powers of the *panchayat* and *gram sabha* is a real blow. Under the existing system, both women elected to *panchayats* and those who would attend the *gram sabha* meetings had a chance to make their voices heard. They were in a position to check whether those who really deserved the benefits of government programmes aimed at the poorest, actually got them. Of course, no system is foolproof and some favouritism and patronage could always creep in. But if a *gram sabha*, a general assembly of villagers, has to question and scrutinise all the decisions taken by a *panchayat*, including the identification of beneficiaries for government programmes, then there are better chances of transparency and fairness. This is precisely what politicians don't like.

The new law is restricted to Karnataka. But if it goes through unchallenged, it could set a precedent for similar laws to be passed by other States. That would be the death of grassroots participatory democracy as it has begun to evolve. Therefore, it must be challenged and resisted. For the sake of millions of voiceless women and marginalised groups — who have finally been given a voice.

*(Courtesy: The Hindu, May 6, 2007)*

## **Caste bias unchecked here**

**S. Vijay Kumar**

As many as 17 Dalit panchayat presidents in Madurai district admit that caste-based discrimination, including the 'two-tumbler' system, still exists in their villages. A few of them even

allege that the vice-presidents, mostly caste Hindus, occupy chairs at official meetings while they sit on the floor as "mute spectators". The presidents have signed a statement attesting to this fact to a non-

governmental organisation that surveyed villages in Madurai.

In the Keeripatti reserved panchayat, where elections could not be held for a decade following stiff resistance from caste Hindus, the newly elected panchayat president, M. Balusamy, admits to the prevalence of caste discrimination. "The two-tumbler system still prevails in our village. Even a small boy, belonging to the dominant community, calls a senior Dalit by his name. In the nearby Poothipuram reserved panchayat, the president sits on the floor while the others occupy chairs and conduct official proceedings," Mr. Balusamy told *The Hindu* on Sunday.

The study conducted by Evidence, a Madurai-based Human Rights Organisation, revealed that "untouchability" prevailed in one form or the other in 70 per cent of the 83 reserved village panchayats in the district. Answering a printed questionnaire, the panchayat presidents acknowledge that at least 25 forms of

"untouchability" exist in their villages. The team found that doctors and para-medical staff in some primary health centres "refused to touch Dalit patients." The team collected statements and signatures of more than a 100 Dalits in the reserved panchayats.

"A similar situation prevails in the neighbouring Sivaganga, Ramanathapuram and Virudhunagar districts. This is a State-wide study on untouchability practices in the reserved panchayats. Even years after the panchayats were allotted Dalits, nothing much has changed," said A. Kathir, Executive Director of Evidence. The other forms of "untouchability" include restrictions on Dalits entering local temples, community halls and main streets. "We have sent our preliminary report to the National Commission for SC/ST and the State Human Rights Commission. Our team members saw many panchayat presidents washing teacups meant for Dalits after using them," he said.

*(Courtesy: The Hindu, April 16, 2007)*

### **Caste discrimination charge to be probed**

An inquiry has been ordered into allegations of caste-based discrimination at reserved village panchayats in Madurai district. Presidents of at least 17 reserved village panchayats have complained of untouchability and caste-based discrimination in their villages. In a printed format, they have acknowledged discrimination at teashops, restriction on access to public places and residential colonies of caste Hindus.

Additional Director-General of police A. Subramanian warned of stern action against those indulging in caste-based discrimination. Surprise checks would be conducted in select villages in Madurai and its adjoining districts to check alleged "untouchability" practices. "The police will work closely with the districts administration in ensuring that there is no practice of untouchability in any form".

*(Courtesy: The Hindu, April 18, 2007)*

### **More Panchayat chiefs admit caste discrimination: study**

Even as the probe into alleged untouchability practices in Madurai villages is under way, 35 reserved panchayat presidents in neighbouring Sivaganga district have gone on record admitting that caste discrimination existed in their areas.

The presidents have signed printed questionnaires with official seal affixed confirming caste-based bias at teashops, public places and temples.

Evidence, a human rights organisation which is conducting this study, claimed that untouchability

practices prevailed in a majority of the 85 reserved panchayats in Sivaganga district, which was evident from various forms of discrimination such as two-tumbler system at teashops.

In Usilangulam, the panchayat president, A.Kundumani, said the burial ground for dalits was occupied by a caste Hindu who was now cultivating crops there. “We are burying the dead one over the other in a small promboke land. Being the president, I clean the overhead water tank at regular intervals as the person in charge refuses to take my instructions.

The Kayalarkoil union officials do not even allow me to enter the office for any discussion. Similar atrocities are prevailing in other reserved panchayats”, he told the Hindu on Sunday.

Arasanoor panchayat president T. Devaraj said caste Hindus tried to dominate him in official proceedings. Though all the 700 Dalit families in the panchayat were living under acute poverty conditions, their names were not included in the

Below Poverty Line (BPL) list. “The caste Hindus do not allow Dalits to enjoy the benefits of schemes meant for BPL category. Even my name was not included till recently. Not a single rupee was allotted for development works in this panchayat since I became the president in October 2006. An engineering college in the locality refuses to pay proper tax and professional tax”, he said. Even after becoming the panchayat president, Mr. Devaraj alleged that he was forced to beat the “dandora” to convey good or bad news to the villagers.

“Despite repeated representations made to the district administration, potable drinking water to the Dalit colony in Arasanoor remains a distant dream”, he added. Evidence, which has almost completed its survey in Sivaganga, plans to go to other districts next week. “Caste bias is so visible in these villages that one need not make enquiries”, said A.Kathir, executive director of Evidence.

*(Courtesy: The Hindu, April 23, 2007)*

## **PM pushes for Panchayati Raj in Kashmir**

Indicating his preference for maximum self-governance in Jammu and Kashmir through Panchayati Raj, Prime Minister Manmohan Singh has asked Chief Information Commissioner and Kashmir expert Wajahat Habibullah to submit proposals for introduction of three-tier local governance in the state to Justice Sageer Ahmed (Retd), who heads a working group set up to suggest ways to improve relations between the militancy-hit state and the Centre.

As Ahmed's working group requires more deliberations and will not be submitting its report to the Third Round Table on Tuesday, the Prime Minister met Wajahat Habibullah early this month and expressed interest in his proposed model. A copy of his proposals has been handed over to Panchayati Raj Minister Mani Shanker Aiyar, who in turn has passed it on to J&K Chief Minister

Ghulam Nabi Azad and Union Home Secretary Madhukar Gupta.

This proposal will find voice in the India-Pakistan engagement on Panchayati Raj slated later this year. Senior representatives of the Indian Panchayati Raj Ministry will be travelling to Islamabad, though the focus of the deliberations will be more broad-based and not restricted to Kashmir.

At the heart of the Habibullah model is the assumption that both independence and redrawing of borders are ruled out in the future of Kashmir. According to him, both the UPA Government and the Pakistani government across the Line of Control (LoC) should promote local self-government in their part of Kashmir through maximum participation of the populace involved.

Picking up on the Manmohan Singh's public announcement on April 13, 2005 in Udhampur, Habibullah has suggested the following:

- Two regional assemblies in Jammu (one for mountainous areas, the other for the plains); one assembly in Kashmir and two in Ladakh as at present.
- Elected Zila Shoora for each district.
- Strengthening Halqa Majlis (gram sabha)
- Constituting ward majlis through regular meetings.

The model envisages that gram sabha (halqa majlis) would accord prior approval to plans, programmes and budgets prepared by the village panchayats (halqa panchayat) and certify the utilisation of funds. Habibullah has suggested that State Government should amend and enforce the J&K

Right to Information Act along the lines of RTI Act 2005 to empower village communities.

The legal basis should be defined for constitution of regional- district level development boards. These boards, which should have 4-5th representatives of halqa panchayats, should consolidate five-year and annual plans prepared by panchayats and municipalities, and also earmark resources.

All these proposals should only be put into action after they have been placed before elected assemblies or authorised representatives (read Hurriyat) of the people in Jammu & Kashmir. The same model can be put into action in Pakistan Occupied Kashmir by Islamabad.

*(Courtesy: The Indian Express, April 24, 2007)*

### **50 per cent panchayat seats for women**

The budget session of the Madhya Pradesh Assembly came to an end on Friday and the House was adjourned sine die with the passage of several Bills, including the Madhya Pradesh Panchayat Raj evam Gram Swaraj (Sanshodhan) Bill and the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Bill to grant 50 per cent reservation for women in panchayats and local bodies.

The Madhya Pradesh Panchayat Raj (Amendment) Bill was moved by the Minister for Panchayat and Rural Development while the Bill to amend the Nagarpalik Act was moved by the Minister for Local Administration and Development, Jayant Malaiya.

Participating in the discussion, CPI member Ramlakhan Sharma said: "We cannot empower

women or protect their dignity merely by reservation. We would have to protect their rights and work to spread awareness among them." He also drew attention towards the women panchayat (conclave) convened recently at Chief Minister Shivraj Singh Chauhan's initiative and said such panchayats should be held at the district level and all elected women representatives as well as those who have even contested elections should be invited to attend these panchayats.

Taking a dig at the Chief Minister, he went on to advise that he could justify his concern for women by giving ministerial berths to 50 per cent of the women MLAs from the ruling party.

*(Courtesy: The Hindu, March 31, 2007)*

### **Panchayati Raj institutions yet to don mantle of educators**

Fourteen years after the 73rd and 74th Amendments to the Constitution, the envisaged greater role of Panchayati Raj Institutions in

providing quality education mostly remains on paper. In the absence of a political will to implement the provisions, coupled with

bureaucratic indifference in devolving power to the PRIs, the goals of better accountability, larger resource mobilisation and greater empowerment of the marginalised populations have been mostly left unfulfilled, observed a forum of experts who discussed the role of PRIs in universalisation of quality education here over the past weekend.

The existing legislations emanating from the 73rd Amendment lacked teeth though focused attention by local players still could enable significant change. Once the communities decided to bring about changes even with little help from the political and bureaucratic hierarchy, good results were possible, they said. The two-day national seminar was organised by the Aga Khan Foundation as part of a series of such exercises being carried out all over the country on PESLE (Programme for enrichment of school level education).

"Even 48 years after the formal launch of Panchayati Raj it continues to face teething troubles. It did not have a natural growth," said Rajasthan Chief Secretary Anil Vaish at the inaugural function.

When it came to education, the situation was conflicting. "Primary education needs democratic decentralisation but standardisation needs centralisation," he said pointing out that in a vast State like Rajasthan the race often had been between quality and quantity.

In his keynote address, Laxmidhar Misra, former Labour Secretary, observed that the country was yet to fulfil the obligation of ensuring education to all under Article 21 A of the Constitution.

It was important to examine the institutional relationship between the Education Department, Panchayati Raj Institutions and civil society at each level and reflect on the extent to which community had been empowered, he said. "I am feeling very disappointed. No State Government has taken the

initiative or shown the political will to implement the provisions of the 73rd and 74th Amendments in letter and in spirit," noted George Mathew, Director of the Institute of Social Sciences, Delhi. "The real powers envisaged by the amendments have not been handed over to the PRIs", he said. He termed the politicians, bureaucrats, the dominant caste groups in the villages and the middlemen as the four enemies of the panchayati raj system.

Dr. Mathew suggested doing away with the provision of the Local Area Development Funds of both the Members of Parliament and State legislators. "Development should be the concern of the panchayats which are the institutions of self-government. They will do all the development," he said.

Former Rajasthan Chief Secretary M. L. Mehta suggested that PRIs must help their communities do "bottleneck planning" by identifying the obstructions in achieving quality in their schools and then by removing them. Ajay Mehta of the National Foundation of India felt that panchayats needed a vision.

A diverse group of people representing eight to nine States, from international and national funding agencies, academicians, NGOs, Panchayat Samiti members, teachers' union representatives and members of local governments shared their grassroots experiences at the seminar.

Yogendra of BODH Shiksha Samiti noted that BODH had refused to wait for the right and space for self-governance to be "given" from the top. "By simple convergence of those with a stake in the village's school -- the teachers, the Panchayat, the parents and the larger community -- critical problems were identified and solutions found. The result was the creation of a thriving, empowered school that attracted other villagers and panchayat members, he said.

*(Courtesy: The Hindu, April 12, 2007)*



## **Centre moots core group to draft women charter in Panchayats**

With a view to empower women village heads into Panchayati Raj System, the Government is planning to launch a massive campaign in rural areas. The Government has envisioned this plan as the number of women representatives in village Panchayats is growing, but many are still segregated by male dominance into it.

Ministry of Panchayati Raj and the State Ministries have jointly decided to constitute a Core Group comprising elected women representatives of Panchayati Raj, activists and academicians to draft a women's charter to deal with Panchayat related issues. According to sources from the Ministry of Panchayati Raj, the draft would be presented to an All India Conference of Women Zila Pramukhs, Pradhans and Sarpanches from every district of a State and to Core Group members. The two-days conference would be a Government sponsored movement named as "Panchayat Mahila Shakti Abhiyan" to strengthen the elected women.

The Abhiyan has been conceptualised to initiate awareness about gender issues in governance and to facilitate women representatives in performing their mandate to the best of their abilities. Most such women representatives are isolated and function without any recognition from the Government machinery. Unofficially, a new

designation has also been created, in villages known as Pradhan-Pati.

The Ministry of Panchayati Raj has sought the support of National Commission for Women to help strengthen Panchayati Raj Institutions (PRIs). It has also agreed in principle to provide training support in legal awareness to Elected Women Representatives (EWRs) through selected NGOs both in terms of financial and human resources. To facilitate the women Pradhans, the Ministry has mooted a proposal to bring transparency in all allocation and utilisation of all development funds through electronic tracking. For this, all States would be encouraged to create village database, secure outside experts in plan preparation and solicit participation of village councils.

The Rs 3,750 crore Backward Regions Grant Fund, launched by the Government for 250 districts across the Country, has basic objective to supplement and cover the existing developmental inflows into identified districts. The grant is substantially untied and can be used by Panchayats and urban local bodies for purposes as respectively listed in the 11th and 12th Schedule of the Constitution of India.

*(Courtesy: The Pioneer, May7, 2007)*

## **Functioning of some gram panchayats to be studied**

### **World Bank wing will undertake this exercise**

The World Banks research wing will soon begin a study of the functioning of gram panchayats in the most backward taluks of the State. The Mysore-based Abdul Nazir Sab State Institute of Rural Development will also work with the bank. The two institutions will evaluate the efficacy of the People's Plan at the gram panchayat level by comparing panchayats that have this plan with those that do not have it.

The People's Plan is a system of participative planning where the annual fiscal and civil plan is prepared at the gram sabha level and sent up to the zilla panchayat level. This is in contrast to the routine planning method where the zilla panchayat prepares plans for all the gram panchayats. The gram panchayats in the most backward taluks in the State as identified by the D.M.Nanjundappa Committee have been selected for formulating the People's Plan. This system is being evolved in 300

gram panchayats of the 39 most backward taluks in the State. Of these, the World Bank will select 50 gram panchayats from Bidar, Gulbarga, Raichur, Chitradurga and Davangere districts.

“There have been allegations that MLAs, zilla panchayat members or officials prepare the plans for gram panchayats. If such a system exists, it is detrimental to the principle of decentralisation. The People’s Plan is aimed at streamlining the process and empowering the people. However, the system has to be evaluated before being implemented

across the State. Hence this study”, a senior officer said.

The Government will provide orientation to secretaries and presidents of gram panchayats where the World Bank study will begin. The training sessions will include interaction with personnel from the ANSSIRD, according to a communication sent to the zilla panchayats concerned.

*(Courtesy: The Hindu, May7, 2007)*

### **Village-level courts to come up across India**

The Union cabinet on April 12, 2007 approved the law ministry's proposal to introduce a Bill seeking to provide judicial service at the doorsteps of villagers through the concept of "gram nyayalayas".

The Gram Nyayalayas Bill, 2007, is likely to be introduced in the Budget Session of Parliament when it re-convenes on April 26. After its introduction, the Bill will be sent to the standing committee of Parliament for further examination

The Bill provides for the establishment of village courts for every panchayat or for a group of contiguous panchayats throughout the country except in Jammu and Kashmir, I&B minister P R Dasmunsi said after the cabinet meeting chaired by PM Manmohan Singh.

The "gram nyayalayas" would be the lowest court of subordinate judiciary in a state and be in addition to regular civil and criminal courts. These courts would exercise both civil and criminal cases of "simple nature as specified in the schedule of the proposed legislation", he added.

Stating that the rural poor could not travel to the district headquarters or cities to get justice, Dasmunsi said it was the desire of the first Prime Minister, Jawaharlal Nehru, to ensure that "the last man in the last part of a village gets justice... The common man will now be rendered justice till the panchayat level”.

*(Courtesy: The Times of India, April 13, 2007)*

### **COURTING CONTROVERSY**

**Will the Gram Nyayalayas Bill make law more accessible to the needy or add to the judiciary’s mounting backlog?**

#### **Justice isn’t remote**

**Amit jetley, Assistant Editor, The Pioneer**

If the Gram Nyayalayas Bill 2007 is translated into law, it will go a long way towards eliminating unequal opportunities of access to the justice system, which is in itself an injustice. In ancient

and medieval India, rural communities could access dispute resolution through the institution of village panchayats. However, historical change has meant that today, though the vast majority of people continue to be rural, courts are situated largely in urban areas making access to justice difficult, expensive and time consuming. What adds to the

problem is that many of these people are underprivileged, beset by all the problems of poverty and, in the face of adverse circumstances, often unable to voice their complaints. Legal reforms that decentralize justice in order to bring it to everyone's doorstep are therefore much needed. They are indeed mandated by the Constitution through the directive principles of state policy. Article 39A specifically calls for the state to secure that the operation of the legal system promotes justice on a basis of equal opportunity and that justice is not economic or other disabilities.

As the 114<sup>th</sup> Law Commission report notes, this Article has to be read with Article 40 which directs the State to organize village panchayats. The Gram Nyayalayas Bill 2007, being introduced in the light of this constitutional imperative, provides for the establishment of village courts for every panchayat or for a group of contiguous panchayats throughout the country, which will be the lowest courts of the subordinate judiciary. While there may be some debate over the exact structure and powers of these courts in principle, the idea is good.

What is notable is that these courts will exercise civil and criminal jurisdiction of a simple nature, and follow summary procedure having regard to the principles of natural justice in civil cases. As a consequence, they will be freed from protracted procedural wrangles and be in a position to impart quick and speedy justice. These courts will therefore provide relief to rural people besides solving the problem of access. It is of importance that litigants and witnesses, mostly agriculturists, who often absent themselves in court cases because prolonged trips to town interfere with their work—and thereby cause further delays in the judicial system—will conveniently be able to attend courts.

What is of even greater interest is the social impact of these courts, which can act as instruments of social change and modernity? For instance, the concepts of equality before law, rule of law and individual rights will get reinforced in hierarchical and tradition bound areas where group loyalties and caste structures dominate. Consequently, such

courts can help further limit, if not eliminate, oppression from the countryside and be further empowered at the grassroots.

### **Reduced to travesty**

**Utpal Kumar, Editorial Assistant, The Pioneer**

The Government's decision to introduce the Gram Nyayalayas Bill, 2007, for instituting village-level courts, though a laudable, idea may end up being too impractical to be implemented in the country's semi-literate hinterland.

For most woolly-headed commentators, the very notion of courts following summary procedures in criminal cases and cost-effective judicial machinery in civil cases may sound attractive, but will it not introduce another layer of greasy babus, given the kind of experience one has in the district-level courts? Moreover, one can get excited with the idea of summary trials. But there is no guarantee that this will not end up being a system of Kangaroo courts delivering retributive verdicts, as has been witnessed in a number of annoying and gruesome judgments issued by caste panchayats.

No one disputes the good motives behind the introduction of the Bill, which is to secure justice at the grassroots level through litigant-friendly procedures such as mobile courts and the use of local language. The problem, however, is with Government's intention of replicating a creaking and cumbersome judicial model in semi-literate rural areas where the level of information on legal matters is too limited to curb questionable practices in panchayat courts.

The most disturbing aspect of the lower judiciary is that the lower staffs are always eager to exploit loopholes in the legal system to advance their own interest. One can easily imagine how the problem of questionable practices can get out of control in villages where ignorance is very high and the poor are desperate.

It is illogical to create another tier of judicial system based on a model whose functioning, at best,

is uninspiring. It's more so as one finds so many vacancies not yet filled in High Courts and subordinate courts for the lack of qualified personnel. India's population-to-judge ratio is one of the lowest in the world. While the US and the UK have about 100 to 150 judges per million people, India has a mere 10.5 judges for the same number of people. If the higher courts are finding it so difficult to get qualified personnel for the job, will it not be near impossible to get quality recruits at the village level?

What the creation of panchayat courts will do is add yet another tier to the already stressed judicial hierarchy, resulting in one more forum of appeal which, in turn, would lead to further delays in the disposal of cases. Already, over three crore cases are pending in different courts across the country – 39,700 cases in the Supreme Court, 39.9 lakh in the High Courts and 2.63 crore in the subordinate courts –which will take at least 320 years to clear to clear! One can only expect a sharp rise in the number of pending cases, and thus a panchayat courts come into existence.

Instead of village-level courts, what is needed is reforms in statutory law and procedural law. In statutory law, there are at least four problems—eliminating dysfunctional legislation, introducing legislation where none exists, making legislation uniform without mutually contradictory laws and reducing state intervention in unnecessary areas that make India an over-legislated but ill-governed

country. As far as the reform in procedural law is concerned, the foremost being the provision of settling Government-related cases out of court, besides resorting to alternative methods of dispute resolution. Also, situation can be improved by cutting down adjournments, verbal arguments and appeals, apart from improving efficiency and productivity through computerization, for example.

The Government, however, spends too little on the judiciary to introduce structural changes like computerization. In fact, India is one of the few countries in the world where, “the income from court fees is more than the expenditure on administration of justice,” as the Supreme Court noted witheringly in the Judge's Case. Even the Law Commission, in its 127<sup>th</sup> report, observes: “The state today spends precious little, or to say the least, practically nothing on the administration of justice.” The expenditure on the judiciary is just 0.2 per cent of the gross national product, as noted by the First National Judicial Pay Commission in November 1999.

The Government's proposal to spend over Rs 324 crore annually on the proposed village-level courts that would only delay the disposal of cases further, makes little sense. Already, one finds the existing judicial institutions suffering from financial crunch. We need to reform the existing system, not add another centre for corrupt practices.

*(Courtesy: The Pioneer, May 13, 2007)*

## **121 GPs in Karnataka win Nirmal Gram awards**

A total of 121 Grama Panchayats of Karnataka have won the national level 'Nirmal Gram Puraskar' under the Total Sanitation Campaign (TSC). This is the first year that the State has got this recognition and the President APJ Abdul Kalam distributed the awards here on Friday. All the people's representatives of the 121 GPs along with district and State officials were present at the ceremony. Minister for Rural Water Supply, Sanitation and Sugar S.A. Ravindranath received

the award on behalf of the State contingent. The award includes a citation, a memento and cash awards ranging from Rs.50000 to Rs.5 lakh (depending on the panchayat's population) and altogether, Karnataka got a prize money of Rs.3.79 crores.

The money has to be utilised for sanitation work in the GPs. Those GPs which achieve, among others, 'open defecation-free' status in all the villages in

their jurisdiction were eligible. Other criteria are: Construction of child-friendly toilets in schools and anganwadis, provision of hygiene education in these institutions, adoption of solid/liquid waste management methods, maintenance of drinking water sources and generally keeping the whole village clean in such a way that it contributes to the well being of its residents.

Nearly 7 lakh people of 40 villages coming under the GPs spread over 12 districts are implementing the TSC, an official release said. The campaign has been on in all the 27 districts of the State since 2005 and “has motivated 6.96 households to construct (an incentive of Rs.1200 is given to the BPL families) and use toilet” instead of using open spaces to relieve themselves, said the release. The

campaign aims to change the mindset of the people towards sanitary and hygiene practices. It is a demand-driven time-bound and 100 percent target-oriented programme.

NGOs like Janashikshana Trust, the South Kanara Society for Rural Development Programmes, Myrada, the Swami Vivekananda Youth Movement, CART of Mysore, the Mansa Grameena Samsthe of Shimoga, the Lucky Boys Association and the Bhagyavati Mahila Sangha of Kodagu, besides Mythri, Outreach, Sebil India, the Centre for Environment Education, the NSS wing of PESIT and Bharat Gyan Vigyan Samiti have extended a helping hand to the TSC, according to the release.

*(Courtesy: The Deccan Herald, May3, 2007)*

Published by:



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# UMA PRACHAR

Vol. 14

No. 3

Private Circulation

2007

## **Law Ministry: Nyaya Panchayat Bill is 'Unconstitutional'** *Akshaya Mukul*

With the Gram Nyayalaya Bill currently with the standing committee of parliament, the law ministry has rejected panchayati raj ministry's Nyaya Panchayat Bill on the ground that it went against constitutional provisions.

However, supporters of nyaya panchayat cite various rulings by the Supreme Court to drive home the point that it is not unconstitutional. They cite the SC ruling in State of UP etc Vs Pradhan Sangh Kshetra Samiti and others.

The SC had said, "Admittedly, the basis of the organization of nyaya panchayats under the Act is different from the basis of the organization of gram panchayats, and the functions of the two also differ. The nyaya panchayats are in addition to the gram panchayats. The Constitution does not prohibit the establishment of nyaya panchayats. On the other hand, the organization of nyaya panchayats will be in promotion of the directive principles contained in Article 39a of the Constitution." As for the law ministry's objections, it pointed out that functions outlined in the draft bill suggests that nyaya panchayats, apart from mediation, would also adjudicate a large number of civil and criminal cases. It argued that even civil courts, as per section 89 of the CPC, were required to take steps for mediation, conciliation and arbitration.

The ministry said that for the purpose of arbitration, there was Arbitration and Conciliation Act, 1996, for which rules had been framed by a committee set up by the apex court. Therefore, law ministry said, nyaya panchayats would not be part of local self-government as panchayati raj ministry contends but would become part of subordinate judiciary at the village level.

Coming to the composition of nyaya panchayats, which would have 11 elected members, law ministry objects to members not having any legal or judicial background. Concept of giving judicial powers to elected members does not find any place in our constitution. Judicial independence and its separation from the other organs of the state is the basic feature of our constitution. Judicial independence and its separation from the others of state is the basic feature of our Constitution. Article 50 provides for separation of judiciary from the executive, "the law ministry said, citing SC rulings in SC Advocates-on-Record Association vs. Union of India and C Ravichandran Iyer v Justice AM Bhattacharjee cases. Law ministry said that in the All India Judges Association v Union of India case, SC had held that separation of judiciary from the executive, as ordained by Article 50, also required that even judicial appointments at the lowest rung be made in consultation with the HC. The law

ministry is also against the minimum qualification for becoming a nyaya panchayat as stipulated in the bill—that a person should be above the age of 25 and should not be a member of any political party. Considering the vast corpus of laws over which nyaya panchayats would have jurisdiction, the law ministry again cites SC orders that say judges should have experience of practicing as advocate in Bar.

The ministry also cites the Constitution (Article 243G) which states that only such powers can be given to the panchayat which are necessary to enable it to function as an institution of self-government. “Judicial function is not part of an institution of self-government,” it said. The ministry said the Bill does not specify if nyaya panchayats shall have powers of judicial magistrate in respect of bail, remand and disposal of case property.

*(Courtesy: The Times of India, July 8, 2007)*

### **E-Governance Services at People’s Doorsteps**

Lucknow: In a move designed to provide e-governance services at people’s doorstep, nearly 17,909 common service centres will be established in clusters of villages across Uttar Pradesh in the next couple of years. This will be done through private service providers.

It is estimated that the common service centres would open up job opportunities for 50,000 jobless youth, particularly the rural unemployed. Information related to animal husbandry, agriculture, trade, tourism, transport and job openings would be available at the service centres.

Since information technology is not available at the block level in the State, a State-wide area network from the Capital in Lucknow to the block level called Uttar Pradesh State Wide Area Network (UPSWAN) would ensure 2 mbps bandwidth connectivity up to the block level. This would be accomplished in the next one year.

In fact, the U.P. Government has several other plans lined up for expanding the information network. According to Principal Secretary (information Technology) V. N. Garg, the Government has decided to provide e-governance at the district level also. Elaborating, he said, there were 384 sections in the State Secretariat but only one Internet connection was available with the head of the department. Now the Government has decided in principle to provide 384 computers, which would be equipped with Internet connection, Mr. Garg added.

A pilot project, dubbed the e-district project, is also on the anvil. To be funded by the Union Government, the pilot project will cover six districts of Rae Barali, Sultanpur, Sitapur, Gorakpur, Ghaziabad and Noida (Gautam Buddha Nagar). Mr. Garg said the e-district project would facilitate in providing e-governance service at the district level. Another project to be taken up with Central assistance is e-procurement, which is the other name for the computerized tendering system for government purchases. Initially, PWD, Irrigation, Medical and Health, Information Technology, Industrial Development and Printing and Stationery departments would be covered by November this year. The remaining Government departments would be covered by January 2009.

Meanwhile, 33 new websites of different Government departments were launched by the State Chief Secretary, P.K. Mishra. Thirteen other departmental websites, refurbished by the UP Development Systems Corporation and national Informatics Centre, were also launched by the Chief Secretary. The new websites have been developed by UPDEDCO and NIC.

Mr. Mishra said the objective was to ensure transparency and responsiveness by making available information to the public on the net.

*(Courtesy: The Hindu, September 2007)*

## **Decentralisation in danger**

### **The amendment to Panchayat Raj Act violates the 73<sup>rd</sup> constitutional Amendment**

*Kavita Ratna*

In the past, Karnataka was hailed as a trail blazer in decentralisation of governance. It served as a role model when the Panchayati Raj system was scaled up in the entire country.

However, for the past few years gram panchayats in Karnataka have been endangered. A new threat has appeared in the form of the Karnataka Panchayat Raj Amendment of April 2007 recently passed in both houses of the Karnataka Legislature.

It blatantly violates the authority and mandate of the Panchayats as it imposes conditionally on the power of the Panchayats to identify beneficiaries – and hands over this power to “any Committee or authority of the Government constituted in this behalf”. This amendment violates the 73<sup>rd</sup> Amendment of the Constitution and also several legislations and orders passed by the State that highlight the actual transfer of powers and functions to the three tiers of Panchayats.

#### **Persistent moves**

History shows that the road to democratic decentralisation has always been strewn with mammoth hurdles. There have been extremely well orchestrated and persistent moves from the higher ups to curtail the scope and strength of local governments. The recent amendment is one such. The rationale of the legislature for the tabling it is based on the premise that “the gram panchayats have not been functioning effectively, which has affected the implementation of (these) programmes”, with special reference to the implementation of the Ashraya Scheme.

It is significant that before the amendment was tabled, there was no public debate on it. It is equally important to note that the Legislature Assembly passed it with a significant majority. In response to this silent confiscation of power, a huge state-wide Movement “Panchayati Raj Hakkottaya Andolana” has been launched to oppose this amendment and to

demand the retention and strengthening of the powers of the Panchayat Raj and the grama sabhas. Over 80 federations of Panchayat members, institutions and individuals have come together for this purpose, which is rapidly gathering momentum. On June 29, the members of the Andolana closed down their offices as a mark of protest against the amendment and to reclaim their right as representatives of local governments.

#### **MLAs’ views**

As a part of the campaign, 120 legislators were contacted. More than half of them, from all political parties, were unequivocal in their support to the amendment. According to a few, the members of the Panchayats were illiterate and they did not have the knowledge to select beneficiaries. They also alleged that the members were misusing power and misappropriating funds at the panchayat level. But, there is no evidence to substantiate this claim. No list of such grama panchayats has been made available to the panchayats and the citizens of this state in support of their view. Experience clearly shows that the gram panchayats and the members of the gram sabhas, because of their proximity to the people of the gramas, are advantageously positioned to identify the deserving beneficiaries for all schemes including housing. They have ensured that favouritism, preferential treatment and nepotism are practically non-existent.

A ray of hope is that there were 50 legislators who were against the amendment. They have strongly stated that the amendment was illegal. The power to choose the beneficiary is the sovereignty of the grama sabha. The role of the legislators is to formulate legislations, not implementing programmes, they have clarified.

The gram panchayats of Karnataka deserve a forum to state their defence and explain their side of the story. They also have to be actively involved



in finding solutions to their problems and to strengthen the functioning of gram panchayats. Instead of making allegations about the inefficiency of the panchayats, in order to justify the violation of their Constitutional rights, the state should taken on

the responsibility to build the capacities of the local governments that are closest and so most accountable to the people.

*(Courtesy: Deccan Herald, July 3, 2007)*

**Village Panchayat chiefs seek more powers  
They also sought more resources from the State Government  
R. K. Radhakrishnan**

Thiruvannamalai: Village panchayat presidents have sought more powers and resources from the State Government at a zonal meeting organised here on Friday.

“Give us the responsibility of issuing community, birth and death certificates. Give us a salary. Give us more money”, said T.S. Arumugham, a retired school teacher, panchayat president in Mathur in Krishnagiri district.

He was not alone in the demand for more powers for the last tier of governance. Most of the 71 panchayat presidents who spoke at the zonal meet wanted Local Administration Minister M.K. Stalin to make sure that the common problems of villages were solved.

The issues raised included water scarcity, lack of transport and medical facilities, a further reduction in power tariff, more funds for emergency use, greater say in implementation of schemes such as the free colour TV and free gas and LPG stove programmes and enhancement of money given to build houses under the Indira Awas Yojana (IAY).

Mr. Stalin and the Rural Development Secretary, Ashok Vardhan Shetty, said action had been initiated to solve many of the long-standing problems.

As many as 7,500 of the 12,618 panchayat presidents did not have a phone connection. They

would get one in the next two months. On the IAY scheme, Mr. Stalin said he had taken up with the Centre the need to increase funding for construction of houses. There was nothing much that the State Government could do on this.

Bommapalli panchayat president Vijayan wanted the power to sign cheques that are vested exclusively by the president to loud claps from the audience of 4,585 village chiefs. (Now the vice-president too has to affix his signature). When the issue was raised again by another president, Mr. Stalin asked who else could sign the cheque in the place of the vice-president. One president suggested that the Block Development Officer could. Mr. Stalin asked him if he trusted an official more than an elected representative.

Another president wanted educational institutions to pay tax to the village. Food Minister E.V. Velu, who was in charge of organising the meet, said that he ran educational institutions and paid tax to the local village based on the demand notice the village sent to his institutions. Other presidents should send such tax notices, he said.

An average of 93 percent of the village chiefs from Villupuram, Kancheepuram, Tiruvannamalai, Krishnagiri, Tiruvallur, Cuddalore and Vellore attended the meeting. Kancheepuram recorded the highest turnout – 632 of the 648 elected presidents participated.

*(Courtesy: The Hindu, August 4, 2007)*

**The emerging power of panchayats**  
**KARNATAKA: 60 years of Independence**  
*V. K. Nataraj*

Amidst the hype surrounding information technology and Bangalore, it should surprise no one if Karnataka's innovations in other spheres receive short shrift. Three such areas are decentralisation through panchayats, land reforms and the backward classes movement. It is useful to appraise the nexus among these three and examine the contribution in particular of participatory governance through panchayats.

**Earlier experience**

Generally Panchayati Raj Institutions (PRIs) evoke memories of Ramakrishna Hegde and Abdul Nazir Sab and the achievement of the State's first non-Congress government in fulfilling a major pre-poll promise.

While the work of this government, and especially that of Nazir Sab, was admirable, it needs to be remembered that the State had some experience of decentralisation earlier. The Taluk Development Boards constituted under the 1959 Act had performed well. It is fashionable today to ignore this on the ground that the Boards were agencies designed to execute development work and not political institutions. Yet they opened up political spaces for more representation and afforded an opportunity for leadership to develop at the sub State level. Above all, they must have helped in creating a helpful pitch for the Hegde Nazir Sab innovation to be launched.

Not to be forgotten is that as far back as 1964 the State had formulated a panchayats Bill, which in some ways anticipated what the 1983 Act brought in, admittedly with more vigour.

**Two other features**

These apart, there are two other features of panchayats that deserve some attention. One is that the backward classes movement that was active in princely Mysore from the early years of the last century also made a positive contribution to the field of governance.

Particularly significant is the movement in the 1970s that undoubtedly led to far greater representation of the numerically smaller castes than before. Above all these classes became 'politically conscious'.

It is likely that this development spurred the subaltern classes to seek opportunities in governance. The framework of devolution introduced by the enactment in 1983-85 was the product of genuine commitment supplemented by the demands advanced by the political calculus.

**Land reforms**

The State's land reforms also deserve consideration in this context. Even the 1974 amendment to the Land Reforms Act was not as far reaching as it is sometimes made out to be. The reforms do not compare favourably with what took place in West Bengal in the 1970s, but they had a few achievements to their credit. One is that the Land Reforms Tribunals constituted post – 1974 had to have four nominated members, including one from the Scheduled Caste/Scheduled Tribe category. This institution too created more space for the subaltern classes in governance. All in all, therefore, the devolutionary innovations in the State were a product of commitment as well as a shrewd assessment of the political calculus.

**Legislative profligacy**

An interesting dimension of panchayati raj in Karnataka is what may be termed legislative profligacy. Unlike West Bengal, which has managed with a legislation enacted by the Congress in 1973 – of course, amended substantially – Karnataka has introduced a much larger number of amendments. Parallel bodies exercising authority that should legitimately belong to panchayats continues to this day.

The latest in the series of interferences with the authority of panchayats is that the gram sabha's power to identify beneficiaries under housing

schemes has been taken away. A problem with repeated amendments to the panchayat structure is that it may have little time to drop anchor.

### **Seen as a threat**

However, the attempts to whittle down the power of panchayats ought to be seen in a more dialectical

perspective. It is recognition of the growing power and strength of the PRIs that, not unnaturally, are perceived by the political leadership at the State level as a threat. In that qualified sense, the emerging conflictual relationship between the State and sub-State levels is a sign of health.

*(Courtesy: The Hindu, August 12, 2007)*

## **Studies on Panchayat Raj Institutions commissioned**

The Centre has commissioned a study for evaluating the status of women members in panchayat raj (PR) institutions and also municipal bodies across the country. Speaking after inaugurating a workshop on “Women in Panchayat Raj” organised by the Karnataka Panchayat Parishat’s women’s wing at Ambedkar Bhavan in Bangalore, Mr. Manishankar Aiyar, Union Panchayat Raj minister, said that the survey will be conducted by Ace Neilso and after scrutinising the survey report a final report on this will be submitted by Prof. Neerja Gopal Jayal, Head, Centre for Law and Governance, JNU, New Delhi. Similarly, Prof Yogendra Alagh of Institute for Rural Management, Anand, has been asked to conduct an independent evaluation of panchayats’ status. The reports will enable us to get a scientific view of both the status

of women as well as panchayat raj institutions in the country. The reports will be submitted on April 24, 2008, he said. Aiyar said, both the studies will enable the Centre to take steps to end exploitation of women which has been going on for the last 5,000 years.

Mr. Aiyar suggested the State government to commission a similar study on the status of women in panchayat raj institutions as it is not possible for a national-level survey to carry out an in-depth study of any one particular State. He appreciated Karnataka for its path breaking initiative to give 33 per cent representation for women in the PR institutions.

*(Courtesy: Deccan Herald, August 14, 2007)*

## **“Involve panchayats for efficiency of ICDS”**

*Shruba Mukherjee*

Identifying poor governance and low motivation levels as causes for the inefficiency of the Integrated Child Development Services (ICDS), a group of economists led by Jean Dreze has urged the Planning Commission to involve panchayats in the programme aimed at improving health and nutritional status of children.

### **Involve Communities**

Recommending an overhauling of the Integrated Child Development Services, one of the largest public service delivery systems in the country, the experts said decentralisation and involvement of communities was the first key aspect that should be considered in the 11<sup>th</sup> Plan.

The recommendation comes at a time when the National Family Health Survey has revealed that one in every three malnourished children in the world lives in India.

Taking up the issue of malnutrition on an emergency basis the Supreme Court had also directed the Centre and the state governments that there should be functional anganwadi centres for children and pregnant women in every settlement.

It also asked the governments to ensure that supplementary nutrition was provided to each child under the age of six years and to all pregnant and nursing mothers.

The current allocation for the Integrated Child Development Services is Rs.1600 crore, which should ideally be increased to Rs.9600 crore if the coverage has to be improved.

### **Inadequate**

The present coverage is also inadequate as there are only six lakh anganwadis in the country whereas 17 lakh anganwadis are required for universal coverage of the scheme.

The expert group, which also included activists like Dr.Aun Gupta, Dipa Sinha and Bairaj Patnaik, observed that there were large areas of untapped potential for community contribution.

“Except for rare instances like the Mitanin programme in Chattisgarh or the work of the Rajmata Jijua Mission – in Aurangabad, the

involvement of communities and Panchayats has rarely gone beyond sub-contracting tasks like the cooking of the meals with very little real financial or other powers”, the experts said in their report.

### **Mobilisation**

They also observed that community mobilisation was required to create an atmosphere for more appropriate child care practices and empowerment of the local community, especially families facing marginalisation or social exclusion.

Community monitoring of Integrated Child Development Services could also help in ensuring greater regularity and quality and in building a more functional relationship between the anganwadi worker and the community.

*(Courtesy: Deccan Herald, September 13, 2007)*

## **Gram Nyayalayas Bill Likely in Next Session Focus on adjudication at the grassroots level**

Jaipur: The Gram Nyayalayas Bill, 2007, pending before the Standing Committee of Parliament, is likely to come up in the next session. The purpose of the Bill is to create a grassroots level adjudication system, to be the lowest level courts in the country. The large number of pending cases in the lower judiciary is the reason behind the move to create a new layer.

“More than two crore cases are pending before the subordinate courts in the country at present. The new legislation is to provide speedier justice to people at lower levels,” said E M Sudarsana Natchiappan, chairman of the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, here on Monday. Mr. Natchiappan, along with other members of the Committee-Tarlochan Singh, Virendra Bhatia, Shilendra Kumar and S. Rehman Baig interacted with media persons at the end of their three day visit to Rajasthan capital.

“We have already held consultations with a good number of States, political parties and persons from

higher bureaucracy, including Chief Secretaries and Law Secretaries, on the Bill. On the basis of the feedback and discussion the Committee would be submitting its report to both the Houses of Parliament, most probably in the coming monsoon session,” Mr. Natchiappan said.

Judges would man the Gram Nyayalayas, numbering 5,000 in all. These courts would be positioned below the tehsil level but above the panchayats, he informed. “The judicial officers would man these courts. In States where Nyaya panchayats are in existence, these courts would be just above them,” Mr. Natchiappan pointed out. The Gram Nyayalayas too would have the system of mediation at the first stage as in the Lok Adalats. The courts would deal with criminal cases those involve up to one-year imprisonment as well as civil cases, he said. The funding of the Nyayalayas would be cent per cent by the Centre in the case of non-recurring expenses and 50 per cent in recurring expenses for first 3 years.

*(Courtesy: The Hindu, July 3, 2007)*

## **Governor Returns Bill to Curb Panchayat Powers in Karnataka**

Karnataka's move to curb the powers of gram panchayats has been shot down by Governor TN Chaturvedi with a stinging criticism that the step is uncalled for. In an unusually long message to the State legislature, while returning the Bill to amend the Karnataka Panchayat Raj Act, the Governor said he wanted the legislators "to reconsider the need, propriety, timeliness and relevance of the Bill."

The 10-page message questioning the rationale for amending the Act terms the step as 'retrogressive' that runs counter to the process of democratic decentralization. The controversial amendment Bill was passed by the State legislature during the Budget session earlier this year amidst stiff opposition from panchayats, civic groups, a section of the Opposition and smaller political groups in the two Houses.

The amendment takes away the powers of the gram panchayats to select beneficiaries for various

Central and State welfare Schemes. The most contentious provision of the Bill was to deprive panchayats of the power to select beneficiaries for houses under the State sponsored 'Ashraya' (shelter) scheme.

The amendment sought to vest this power with a committee headed by members of the legislative Assembly (MLAs) on the ground that panchayats had failed to discharge the task properly.

It is not known on what basis such a conclusion has been arrived at. No committee, official or otherwise, was appointed to come to such a drastic conclusion, when we in the State of Karnataka rightly take pride about the working of our gram panchayats and panchayati raj in general," the Governor said.

*(Courtesy: The Pioneers, July 21, 2007)*

## **Panchayats Need Wider Revenue Base**

NEW DELHI: The legal and policy regime should be reoriented to help panchayats widen their revenue base, Union Panchayati Raj Minister Mani Shankar Aiyar told the Lok Sabha in a statement.

Better coordination was required between panchayats and the State government as the former's taxation powers were governed by the State Panchayati Raj Act, Mr. Aiyar said in response to a calling attention motion on the "Need to strengthen the panchayats financially in order to fulfil their constitutional obligations and to discharge their duties effectively."

The statement, tabled in the House, said the Ministry wanted the States to introduce a Panchayat Sector Window in their budgets for each department concerned with the functions devolved to the panchayats to show the funds assigned to each tier. The panchayats needed adequate untied funds to execute their assigned public services, he said. Quoting a study by the National Institute of Public

Finance and Policy, the Minister said that although there were 66 kinds of fees and taxes levied by panchayats in different States, most existed on paper only. Expanding the revenue envelope involved a re-look at the tax powers assigned to panchayats, a reliable data and information system, capacity building to administer and enforce the tax and adopting a set of incentives and disincentives aimed at increasing the collections. The Institute estimated that the current revenue of panchayats was Rs. 3,000 crore and without reforms in the taxation structure, improving collection would fetch only Rs. 10,000 crore, Mr. Aiyar said.

A committee with Secretary as co-chair has been constituted on the direction of the Cabinet Secretary to review the major centrally-sponsored schemes to ensure the key role of the panchayats in their implementation.

*(Courtesy: The Hindu, September 7, 2007)*

## **Panchayats Turn into Kangaroo Courts** **Rohit Mullick and Neelam Raaj**

Times have changed and so have sexual mores but in prosperous Haryana, there's one regressive institution that refuses to embrace modernity. Passing by a gathering of one such band of men-women are never part of this all male club—you'd think this was an innocuous gathering of village elders. But these are the all powerful khap panchayats—village elders grouped along caste or community lines and motivated by the need to perpetuate a feudal and patriarchal order. Usually upper caste with land as well as muscle power, these self-styled guardians of a medieval morality dole out "justice" at will. They issue fatwas to ostracise families, declare marriages void, make man wife brother and sister and order abortions. In their outmoded system of beliefs, a woman falling in love with a man from the same gotra is the worst transgression and this crime translates into immediate punishment. The guilty can be ostracized, banished from the village, made to drink urine, paraded naked, beaten up or killed.

Four months ago, one such khap panchayat in karora village in Kaithal district came down on Manoj and Babli. Just 23 and 19 years old, it was a tale of young love uniting in the face of opposition. But instead of living happily ever after, they ended up dead. Their decomposed bodies were fished out from a canal in Narnound town in Hisar district just two months after they tied the knot in Chandigarh. Both were kidnapped and brutally murdered, allegedly by family members, on the orders of their village khap panchayat which justified the killing on

the ground that it was incest as the couple belonged to the same Banwala gotra.

Ram Swaroop Singh, leader of the Sheoran khap which covers 84 villages, is unapologetic about their intolerance of deviance. "You can think whatever you like but same- gotra marriages are unacceptable to us. A marriage within a gotra is incest and that is a crime to be punished."

Ajit Singh, "a sociologist who has researched khap panchayats, says, "The rise in number of Khap pronouncements means that more and more young people are revolting against the norms fixed by these panchayats". Sociologists believe that Haryana is witnessing a conflict between traditional and urban mindsets and only a revolutionary social change can get rid of feudal customs and laws. "Haryana is still not ready for that. It will have to wait a while longer," adds Singh.

But why the sudden increase in fatwas? Researcher Prem Chudhary says there has been a resurgence of caste panchayats. "The official gram panchayat includes people from all ages and castes so the village elders, mostly upper castes, feel they are being marginalized. This is their way of reasserting themselves," she points out. By preying on fears of a western cultural invasion, these khap panchayats have increased the scope of collective action. She cites a common refrain: *'ladke haath se nikal gaye, chhoriyan ne bacha lo'*

*(Courtesy: The Times of India, September 9, 2007)*

Published by:



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# UMA PRACHAR

Vol. 14

No. 4

Private Circulation

2007

## ***MAKING A DIFFERENCE*** **Srinand Jha and Renuka Bisht**

*The Hunger Project, committed to campaigning for women's leadership, has honoured the best reportage on women in the Panchayati Raj. To celebrate this occasion, women sarpanches from all over the country have gathered in the Capital to share experiences and stories of empowerment, to lend each other a strong shoulder.*

### **From Coolie to Village Head**

M. Vasantha used to work as an agricultural coolie but today she is the sarpanch of the Kambiliampatti panchayat, Tamil Nadu. Once in charge of just her own family's needs, she looks after the whole village now. Rescuing adolescent girls from bonded labour, helping them get an education and repairing the school building, she does it all. Still, she cannot relax because there is its in her village who have been denied land rights for decades.

She is visiting the capital for the first time, to witness the Sarojini Naidu Prize for the best reportage on women in the Panchayati Raj. Gathered along with women leaders from across the country, Vasantha will get a chance to share her extraordinary story.

### **Rebuilding Lives**

Also visiting from Tamil Nadu is Kumari Kaliyaperumal, the Sarpanch of Vanagiri. She was standing by a road when she heard people screaming that 'the sea is coming' back in

December 2004. It was the killer tsunami, and in its aftermath this 53-year-old found herself consumed with an overpowering passion to rebuild the life that lay scattered around her. She launched the first Self Help Group in the state's worst affected district of Nagapattanam and is its first woman sarpanch today. Her priorities overlap with Vasantha's education and drinking water for the dalits.

Women's panchayati leaders are often stereotyped as wielding power on their husband's behalf. But Sahbati Bai the sarpanch of Dhumka from Madhya Pradesh denies the charge vehemently: "No way. I have come here (to Delhi) on my own and do all my work by myself." She adds that development does not benefit only one gender.

### **Part of a Revolution**

Her Madhya Pradesh peer, Pushp Lata Dhurve who is the sarpanch of Nawalpur expresses similar ideas: "I do get help from family and associates, but it is entirely misplaced to say that I am being used as a front by my husband or anybody else." There is, according to her, a silent gender revolution happening out there in rural India—a change about which people living in cities are hardly aware. The best part of the story is that the change is coming about without much of a social conflict happening.

*(Hindustan Times, Oct 2, 2007)*

**WHERE WOMEN RUN THE PANCHAYAT SHOW**  
**Prejudice just one of the obstacles in Mewat's Neemkhera village**  
**Sanjeev K. Ahuja**

The going has never been easy for the nation's only all-women panchayat in Mewat's Neemkhera village ever since its inception.

Having overcome initial resistance from the village's men folk, members of the all-women panchayat now stand tall in the Muslim-dominated village, fighting social evils, including domestic violence.

"Thanks to the efforts of the panchayat, women have become more assertive at home, resisting domestic violence and, if things don't improve, threatening to take matters to the all-women panchayat," said Jaan Mohammad, a farmer of Neemkhera, 110 km from Delhi.

It all began in 2005 when Neemkhera's women raised their voice against its all-men panchayat for carrying out no developmental work in the village.

"The women at that time offered to take the reins of the panchayat in their own hands and, naturally, faced stiff resistance from men. But finally, it was decided to unanimously elect an all-women panchayat. Ashubi, then 47, the mother of seven children, all grown-ups, was made the head of the panchayat with nine members. All 10 are from Meo community and are illiterate," said Sija, member of the Gram Sabha.

But they continued to face resistance from the men. Minakshi Dutta Ghosh, the Secretary (panchayats), Government of India, said all the members of the panchayat, including their head, offered to resign frustrated by the village men's attitude and return back to their daily chores.

"They complained that no one was listening to them and they were not being able to get work done. They all threatened to resign. The matter reached the ears of UPA Chairperson Sonia Gandhi, who asked Mani Shankar Aiyar to intervene. A delegation from Delhi reached the village and the matter was discussed at length with Haryana government officials, who responded positively to put things on the right track," Minakshi Dutta Ghosh said.

As sarpanch of the all-women panchayat, Ashubi said she and her team had been instrumental in building a high school, ensuring adequate drinking water, pucca (concrete) roads and an environment where women could live without fear.

"Now village women approach us without any fear. If it is a case of domestic violence, we first try to settle the matter amicably or else take the help of the police. However, we have to do a lot more for this village of 350 houses with about 3,000 residents. We are trying to connect the Ujina canal with a water channel to bolster the irrigation network. Now 70 per cent children go to schools. It was 50 per cent in 2005," she said.

The popularity of the all-women panchayat model attracted the attention of a delegation from Norway who visited the last village the last village bordering Rajasthan on Tuesday and interacted with Ashubi and the other nine members. The delegation was led by their Minister for Local Government and Regional Development Ms. Magnhild Meltviet Kleppa.

*(The Hindustan Times, October 31, 2007)*



## NORWEGIAN DELEGATION VISITS WOMEN PANCHAYAT IN HARYANA

**Manisha Jha**

Mewat: To get a glimpse of the functioning of a women panchayat in Haryana and have a meaningful interaction, a Norwegian delegation including Norwegian Minister for Local Government and Regional Development Magnhild Meltveit Kleppa visited Neemkheda village in the Mewat district of Haryana on Tuesday. The function was organized as part of a three day programme organized by the Ministry of Panchayati Raj during Ms. Kleppa's visit to India.

Residents of Neemkheda village, said to be the first village in Haryana to elect an all women gram panchayat, welcomed the delegates by organizing a cultural show showcasing Haryana's traditional songs and dance. A guard of honour was also presented to Ms. Kleppa by the Haryana police.

Elaborating on her background, Ms. Kleppa said: "The first women panchayat was elected in Norway 82 years ago. I too began my political career first as an elected representative from my village in Norway in the 1970s and along the way I have come to learn that women too matter in dealing with local problems and they care more about social issues than men do".

"Women being gifted with the ability to balance home and work are capable of bringing about a

change in society and for this attitude of men towards them must change and they should be more understanding and supportive," she added.

Ms. Kleppa hoped that just as the history of the first elected women panchayat is still relevant in Norway, similarly Neemkheda too is making history and showing the way for others in its own way. As a token of their gratitude, the delegates led by Ms. Kleppa presented an impromptu song in Norwegian language for the villagers and they also presented them a book on Norway along with a music disc comprising Norwegian songs.

Ms. Kleppa said: "The song we have presented before you talks about a bird and just as a bird and just as a bird is said to be an optimistic, let us too be optimistic about the future."

"Panchayats in India and local municipal councils in Norway face similar challenges such as children's education and women's health and so we hope to continue dialogue between the two countries on how to strengthen such local bodies," she added.

*(The Hindu, October 31, 2007)*

### CLEAN AND GREEN

**Ira is not just any other village. It is totally clean, literate and plastic-free. In fact, Ira Gram Panchayat is a role model for many other countries too.**

**Juliana Klita Glovius**

**Translated by Chethana Dinesh**

Dakshina Kannada enjoys the reputation of being the district of intellectuals. But, not many of us know that the district also houses a small village whose reputation has spread far and wide. This small village in Bantwal Taluk, known as Ira, has many accomplishments to its credit, accounting for its popularity the world over. The village is completely clean, fully literate and plastic-free!

The clean reputation of the village keeps attracting foreign visitors. Recently, a team of 20 representatives from UNICEF, representing countries like Indonesia, Nigeria, Zambia and Zimbabwe, visited the village and studied various aspects of the place comprising its sanitation, developmental projects, cleanliness and the like. The team was all praise for the village.

The village also played host to a 28 member team from Kerala, including the Kerala Gram Panchayat President, which was in awe of the village. The team members expressed their wish to replicate the Ira model in their state too, which stands in the forefront of Indian states in matter of literacy and education.

This is not all. Teams from various social service organisations from about 12 districts of the state, representatives from Gulbarga district and the MYRADA organisation in Mysore, Mr. K.Reddy from Hyderabad and the team of Mr. R.P. Singh of the National Rural Development Department have visited Ira to study its development pattern.

Ira's success story began with the successful implementation of Centre's Sampurna Swachata Andolana or the total sanitation project, which aims to general awareness on clean environment and inculcate good toilet habits among the rural masses. The project was kicked off on August 25, 2005 with Anganwadi workers training members of Stree Shakti groups on the importance of maintaining good hygiene. The project received a fillip on October 2, 2005 when the total sanitation project was launched all over the State.

According to research, of the 1231 families inhabiting the village, about 391 families did not have toilets. However, impressed with the team initiative of the village to make sanitation a reality, Vittal MLA Padmanabha Kottari decided to launch the Nirmala Grama Yojane in the entire Bantwal taluk. He even organised many campaigns to spread awareness among the masses.

Subsequently, following directions from Mr. V. P.Baligar, Secretary, Rural Development and Panchayat Raj, about 25 members of the Bantwal Gram Panchayat got together and started digging pits for toilets in the Koraga colony. Elsewhere in the taluk too, Gram Panchayat members, youth and women's associations, and social service organisations did their bit for the setting up of toilets. If pits for toilets were dug free of cost, Mr. Yathiraj Shetty, a contractor from Mangalore, donated 150 toilet pans.

Very soon, all the 1,231 families of Ira could boast of toilets, also earning the 'Nirmal Gram Puraskar' from the Union Government for the Ira Gram Panchayat for the total implementation of the Nirmal Project.

The next in line of attack of the Ira Gram Panchayat was plastic. Realising the negative effects of plastic on environment, the members of Ira Gram Panchayat started spreading green awareness among the villagers. Arrangements were made to dump plastic close to the 12 anganwadi centres of the village. The plastic mountain thus created was transported to Bangalore to be recycled. Another such plastic mountain is in the making now...

Ira Gram Panchayat also enjoys the distinction of being the first Gram Panchayat to go digital. On the bulletin board of the panchayat office are displayed various newspaper articles relating the development of the village. The panchayat also brings out a monthly magazine called "Ira". In fact, Ira is the platform of a group of 20 villagers who are interested in reading. Very close to the library, a small, low cost cottage is in the process of construction, using locally available materials. A book collection drive has also been launched in the village and various competitions are held on a regular basis for readers.

In an effort to inculcate good habits from the childhood itself, anganwadis in the village teach children about hygiene and the need for the use of toilets. All the schools are equipped with dustbins that facilitate waste segregation. All the gram sabhas and ward sabha meetings are video-graphed and senior IAS officer Bharatlal Meena's "Apna Desh", a revolutionary village self help concept, is implemented in its true word and spirit.

Telephone exchange, primary health centre, birth and death registration centre, post office, cooperative bank, fair price shop, auditorium, 4 schools, anganwadi, 3 temples, 3 mosques, 2 child care centres, electricity bill collection centre... these are only a few of the many facilities available in Ira.

The active involvement of Sheena Shetty and Krishna Moolya of Jana Shikshana Trust, Mangalore, in the development of the village and slogans found in bus stations and schools have prompted community participation. Making Ira a

dispute-less village is also in the scheme of things, say the elders of the place.

‘Seeing is believing’. Hence, all those dreaming of a village like Ira should visit the place...

*(Deccan Herald, December 4, 2007)*

### **‘PANCHAYAT BODIES STILL BEING BYPASSED’ Actual control lies with Administration, reveals pilot study**

Jaipur: Even as the Centre has decided to extend the National Rural Employment Guarantee Scheme (NREGS) to all districts across the country, the role of Panchayati Raj institutions in its implementation remains a far cry from what was originally envisaged. Despite the “central role” given to the PRIs, the control still lies with the Administration.

A new pilot study, underlining the need to institutionalize the role of PRIs in the execution of NREGS, has revealed that the Pradhans of panchayat samitis and Zila Pramukhs of districts were being bypassed and their role was being suppressed in Rajasthan where 90 per cent of the work under NREGS is claimed to be implemented through village panchayats.

The study was conducted by the Society for Participatory Research in Asia (PRIA) in 12 village panchayats of Karauli blocks in Karauli district, covering a total of 220 households. It found that elected representatives of panchayat bodies were not even co-signatories under NREGS unlike other development schemes.

PRIA State coordinator Anju Dwivedi said here on Saturday that the PRI members interviewed during the study expressed disdain over the centrality of role “provided theoretically to panchayats when the actual control lies with the administration”. Even in matters of transfer of NREGS staff, the Pradhans at panchayat samities are not consulted.

The study also pointed out that the average wage reported from the State was Rs.50.78 a day, which was less than the minimum wage prescribed under the scheme. In a disquieting repercussion of low

wages, people’s trust in NREGS is waning rapidly and the migration from villages in search of employment, which initially showed a downward trend, is again on the rise.

Ms. Dwivedi noted that the State Government had recently reduced the task by 30 per cent for calculating wages under the scheme. The new norms, benefiting mostly women and old labourers, have been brought into effect from October 1.

The study observed that women at the work sites were not getting basic amenities, leading to the neglect of children from 10 to 14 years were found to be employed on work sites on the job cards of their family members.

It was also noticed that only 25.8 per cent of the labourers engaged could complete 100 days of employment, while the families below poverty line (BPL) after the 2002 survey were denied registration on flimsy grounds.

Since the demand for employment is weak in some areas, people who do not get job within 15 days of application lose the right to stake a claim for unemployment allowance. “Not a single case of unemployment allowance being paid has been reported in Rajasthan,” said Ms. Dwivedi.

With Rajasthan having won accolades as a “performing State” vis-à-vis the implementation of NREGS, the study revealed that 11.75-lakh people were given employment till March this year, job cards were issued in the scheme, 70 per cent of labourers were women and 90 per cent of work was

implemented through village panchayats, at least in papers, through “bottom-up planning.”

“Yet there is much to learn and act upon. In addition to a strong community mobilization, the

monitoring system needs to be strengthened with people’s participation in the State to check irregularities and make the scheme successful,” said the study.

*(The Hindu, October 7, 2007)*

### **Panchayati Raj Act to be amended soon, says Paloli Stringent steps to enforce plastic ban**

The government will amend the Panchayat Raj Act by including stringent provisions to enforce the plastic ban, Minister for Local Self-government Paloli Mohammed Kutty has said. Mr. Mohammed Kutty told reporters here on Tuesday that the consultative committee had prepared the draft provisions to amend the Act. The flow of plastic from other States would be curbed by intensifying vigil at check posts.

Steps would be taken to get the stay lifted on the ban order on plastics up to 50 microns. The government order in this regard was stayed owing to an incongruity in the notification. The notification would be corrected and presented in the court, he said.

#### **Schedule Planned**

A time-bound schedule had been worked out to enforce the ban. The schedule would come into force from Wednesday. All hospitals would be cleaned on Thursday. This would be followed by a

cleaning operation involving commercial institutions, hostels, marriage halls, hotels, water sources and educational institutions.

The work would go on till October 3, District-level programmes would be organised from October 3 to 8 as part of the ‘Garbage-free Kerala’ drive, the Minister said. He said the Local Administration Department had urged the Finance Department to levy more duty on plastic carry bags and cut the duty on alternative materials.

All support would be given to the initiatives of Kudumbashree units and self-help groups. All local self government institutions (LSGIs) had been directed to submit report of the action taken to enforce the ban, he said. He added that Micron meters had been provided to LSGIs. Extensive awareness programmes involving different segments of society had also been planned for the effective implementation of the ban.

*(The Hindu, September 26, 2007)*

### **State woman tells 100 per cent literacy tale**

Nerelekere gram panchayat in Karnataka is basking in the glory of 100 per cent literacy, courtesy its Dalit president Kenchamma.

Kenchamma is illiterate but she has made it mandatory that every child in her panchayat goes to school. “In spite of all my achievements, I was duped several times because I could not read,” says Kenchamma who was elected the panchayat president in Chickmagalur district for a second time. Thanks to her children, the Dalit leader can read Kannada now.

Kenchamma, who was felicitated in the capital by a Delhi based voluntary organisation Hunger Project, is determined that no one in her village, at least those in the next generation suffers due to illiteracy. She ensures that every child in her village goes to school. She also freed seven kids from child labour and brought them back to the classroom. Due to her persistent efforts, a convent school has been set up in the village. The village also has a government primary school and a high school.

### **Another crusader**

If Kenchamma's focus is on education, Rajamani Vijay Kumar is involved in helping the aged and disabled in her village. Rajamani is the member of Mundagudure panchayat in Mandy district.

Also felicitated in the Capital for her role in getting government pension for the old and disabled in her village, Rajamani says she is working under constant threat, "Since I belong to a Scheduled Tribe community and I am vocal against bribing local officials for issuing disability certificates even to genuine candidates, people with vested

interests are threatening me", she says. Life threats are nothing new to Kenchamma too. In fact, her brother-in-law once made an attempt at her life. "Those in my rival camp paid my brother-in-law to kill me and he made an un-successful attempt when I was going to file nominations", she says.

The two leaders have developed a rapport with the villagers. "I take up every application and follow it up personally. I travel 24 km up and down almost four times a day to the block headquarters to present their case", Rajamani says.

*(The Deccan Herald, October 5, 2007)*

## **Now, children in gram sabhas Government asks all gram panchayats to hold special sabhas for children Bageshree S**

To what degree should the opinion of children be part of the decision-making process in panchayat raj institutions? A recent circular by the Department of Rural Development and Panchayat Raj asking all gram panchayats to hold special sabhas focusing on children's issues, and asking for the direct participation of children in them has given rise to a debate on the question.

### **Preparing for future**

The circular states that children's participation is a way of preparing them to be "active participants in gram sabhas when they grow up".

Concerned for Working Children (CWC), which was consulted during the drafting of the circular, has welcomed it as a historic one "which recognises children as citizens of today and highlights the accountability of elected representatives to children of their communities".

The non-governmental organisation, which has worked in ensuring children's participation in panchayats in Udipi, Bellary and Uttara Kannada districts, calls it a recognition of the right enshrined in Article 12 of the Convention on the Rights of the Child.

Ganapathi of CWC says their experience had proved that children could indeed be "role models" for adult members.

"Often what adults think is in the best interest of the child is not so in the child's view," says Mr. Ganapathi.

### **Dilutes responsibility?**

However, Child Rights Trust (CRT), another non-governmental organisation, argues that the emphasis on children's participation in the circular "dilutes" adult responsibility in ensuring child's rights. Says Vasudeva Sharma of CRT: "While eliciting views of children is necessary, the focus should not be diverted from the adult community taking responsibility for the rights of children".

He points to a study CRT did in Bellary which found that gram panchayats did not have even primary data on development indicators of children, a reflection of the absence of involvement of these bodies in child-centred issues.

### **Sense of balance needed**

Niranjan Aradhya of the Centre for Child and Law, National Law School University, argues for a "sense of balance" while conceding that

democratic values have to be inculcated at an early age.

“For example, while you can ask a child’s feedback on whether the drinking water being supplied to them is good, the onus is on an adult member ensure at the first place that water is provided”, he says.

Dr.Aradhya says Article 12 states that “every child capable of forming his or her own views” should be accorded the right to do so “freely on all matters affecting the child must be given weight “in accordance with the age and maturity of the child”.

### **A vulnerable section**

He warns against children’s interventions ending up being “neither spontaneous nor fully-informed”

considering that children are a vulnerable section. What is needed is strengthening of provisions enshrined in the Panchayat Raj Act and incorporating them in the overall agenda rather than “proliferation of guidelines”.

“Romanticising child participation will not serve any purpose”, is the opinion of Dr.Aradhya. On the other hand, Ashrafulla Hassan, Director, Panchayat Raj, believes that the recent circular only “further strengthens” the gram panchayats’ responsibility.

“It will ensure a more galvanised and enthusiastic participation”, he says. “The idea is that children should also participate once in a while”, he says. Anyone upwards of six years is eligible for participation, according to Mr. Hassan.

*(The Hindu, 23<sup>rd</sup> November 2007)*

### **GPs seek direct funds from Government Demand include provident fund facility**

Gram panchayat should get grants directly from the Government, Karnataka Rajya Gram Panchayat Naukarara Sangha general secretary M.B.Nada Gowda and joint secretary Dharmesh have said. They said that the grants should be raised to Rs.25 lakh and that gram panchayat workers should get minimum wages.

They told presspersons here on Friday that the workers would take out a Bangalore Chalo on December 18 to press for their demands. The demands included provident fund facility for workers and promotions. On the same day, at 4 p.m., a state level conference of elected gram panchayat members and workers would be held at the Ambedkar Bhavan in Bangalore, they said.

Mr. Nada Gowda said the government had regularised the services of workers of zilla panchayats but had not regularised the services of workers of zilla panchayats but had not regularised the services of workers of taluk and gram panchayats.

Mr. Nada Gowda said the Government had fixed minimum wages of Rs. 2,041.80 and Rs.1,891.80 under two categories but they are not being implemented in many gram panchayats. The Government had also directed that Rs.237.60 be paid as dearness allowance from April 2007. However, this is not being implemented, he added.

Mr. Dharmesh said in Hassan district, gram panchayat workers are yet to get their salaries for the past 15 months.

The Government, instead of releasing grants directly to gram panchayats, had deducted the amount towards electricity bills. This is the reason for non payment of salary to workers, he added. He demanded that the Government raise annual grants of gram panchayats to Rs.25 lakh and release the funds directly to them.

*(The Hindu, December 15, 2007)*

## **Panchayat Raj bodies hit by crisis: Manpade “Panchayat workers haven’t got salaries for month”**

Karnataka prides itself in being the first state in the country to enact the Panchayat Raj Act in the eighties. But hundreds of gram panchayat workers and elected members from all over Karnataka, who held a joint convention in Bangalore on Tuesday, said that the spirit of local self governance was now being throttled by denial of funds and the lack of political will to decentralise power.

### **Problems**

Karnataka State Gram Panchayat Workers’ Union president Maruti Manpade highlighted how the problems of the panchayat raj institutions had reached a point of crisis.

The 40,000 workers of gram panchayats, he said, had not been given their salaries for months because there were not enough funds and the available funds had been used to pay pending power bills and take up works. There was not even enough money in panchayats to pay the 91,000 gram panchayat members their allowances when they attended meetings.

The panchayats were expected to take up development works raising from water and sanitation to road repair with a measly allocation of Rs.5 lakh per year.

The convention demanded that allocation to each panchayat be raised to at least Rs.25 lakh and the service of workers be regularised and their salaries paid on time.

It also demanded the appointment of panchayat development officers to ensure proper allocation of funds under various schemes.

Basudev Acharia, MP, who inaugurated the convention, contrasted the situation in Karnataka to that of his home State (West Bengal).

### **Allocation in Bengal**

He said that 50 percent of the budgetary allocation in West Bengal was spent through gram panchayat and workers were paid on a par with government servants with all benefits.

As the state is under President’s rule, it was now the responsibility of the Centre to resolve the crisis in local bodies in Karnataka, he said.

Mr. Acharia promised to apprise Panchayat Raj Minister Mani Shankar Aiyar of the situation. Mr. Manpade and others met the Governor and submitted a memorandum.

*(The Hindu, December 19, 2007)*

Published by:



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