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PRIA

December, 2004

Report of the State Level Workshop on Implications of National Roundtables on Panchayati Rai in Himachal Pradesh: A Discussion

Background

In order to take stock of the existing situation related to Panchayati Raj Institutions (PRIs) in various states of the country and to evolve a consensus road map for strengthening Panchayati Raj Institutions (PRI's), the Ministry of Panchayati Raj, Government of India announced a series of seven Ministerial Roundtables on Panchayati Raj institutions between April-December 2004 (details in Annexure 1) The Roundtables have been attended by the Minister-in-charge and Secretaries of all the state governments and Union Territories.

As a state level follow up of these Roundtables, PRIA took the initiative to organize a discussion on the resolutions passed at the Roundtables among various stakeholders - elected representatives from all the three tiers, government, civil society organizations academia and media. The workshop took place on December 27, 2004 at Himachal Institute of Public Administration (HIPA). 82 participants from 11 districts of the state participated in the deliberations (List of Participants: Annexure 2).

The meeting began with a 2-minute silence in memory of Shri. Narasimha Rao, former Prime Minister of the country who had passed away a few days ago. Ms. Sujana Krishnamoorthy on behalf of the HP team welcomed Dr. Rajesh Tandon (President PRIA), Mr. Deepak Sanan (Secretary Panchayati Raj, GoHP), all the CSO members, the elected representatives, academia and the media persons present.

She briefly mentioned the objectives of the meeting:

1. To discuss the Roundtable Resolutions especially in the context of Himachal Pradesh.
2. Role of civil society organizations in strengthening Panchayati Raj Institutions in Himachal Pradesh.
3. Discuss the Ways Forward.

Dr. Rajesh Tandon (President, PRIA) then made a brief presentation Summarizing the highlights of the Resolutions of the Roundtable Conferences.

The Resolutions provide a practical approach to strengthening PRIs in India and are of great importance. In terms of principles, the Resolutions manifest a road map towards a new kind of governance In the country.

Some of the key features of the Resolutions are as follows:

1. The Gram Sabha which is the keystone in promoting participatory democracy has been emphasized.
2. 'Activity Mapping' provides an opportunity to address overlapping between various departments and resolve the confusion about what is whose role. On vital issues like forests, education they provide scope to bring about synergy between the 3 tiers of Panchayati Raj (Zilla Parishad, Panchayat Samiti and the Gram Panchayat). This activity mapping is to be completed by state governments by the end of this financial year. Activity mapping helps develop a clear understanding of the roles and functions that each tier can play in developmental issues.
3. The Gram Sabha is to make plans for local development and Ward Sabhas are to be made.

4. There is a need to focus on the role of women and also pay attention to building their capacities to participate effectively in the Gram Sabha, Ward Sabha and their roles in local development and social audit.
5. Press for untied grants to Panchayats and steps to strengthen the State Finance Commission.
6. Even after 54 years of our Constitution, the Planning Commission has not been accorded constitutional status but the DPCs have constitutional status. DPC provides for summation of urban and rural plans at the district level and to consolidate plans made at the GP level. However the DPCs are hardly functional in any of the states.
7. There are no rules in place yet in states where PESA is applicable. And in PESA areas, the Gram Sabha is unable to perform its roles as envisioned in PESA.
8. There is a need to examine the status, resources of the State Election Commission and also all the processes associated with the elections.
9. Capacity building and orientation workshops for the newly elected representatives of the 3 tiers should take place in a timely manner. Panchayat functionaries should also be oriented on the functions of PRIs.
10. The main motive behind the Roundtable Resolutions is that the pradhans do not play the role of 'contractors' but act as decision makers and facilitators. While the implementation is that of various departments, the monitoring role is with Panchayats.
11. The follow up of the resolutions has to be undertaken at various levels - at Cabinet level, by a convergence of the efforts of media, academia and everyone present here-only this will make things move.

Comments on Resolutions in Context of Himachal Pradesh

I. Shri. Ramesh Chauhan (District President, Himachal Panchayat Parishad (Solan) and Pradhan, GP Chewa, Dist. Solan.

In the context of Himachal there are a few Issues we have to look at

1. Need to be united on common issues to bring about desired change in the Panchayati Raj system.
2. All the ERs of the three tiers should organize such seminars in their respective districts to take the discussions forward from here.
3. Some of the Issues on which the HP Panchayat Parishad has a stand are as follows:
 - Reservation should be extended to two tenures
 - The legislative assembly should not have the power to postpone or prepone panchayat elections.
 - More powers should be given to the Up-Pradhan (e.g. head some of the standing committees so there is sharing of responsibilities).
 - Maybe we should think of having two Gram Sabhas instead of four. If we decide to have four, then we should make it more attractive so that they are successful.
 - Rules which are applicable to Assembly and Parliamentary elections for candidates should also be applicable to panchayat elections e.g. the two child norm is applicable

only for Panchayat elections. Similarly, right to contest should only be taken away if an FIR has been filed against anyone.

- The DRDA should be under the direct control of the ZP.
- Both the Panchayat Inspector and the Panchayat secretary should be brought under one department to enable better coordination between the two.
- The panchayat should have legal power to recover the arrears (e.g. house tax, land revenue) and also impose fines and also ask anyone to present themselves before it.
- In the case of handing over hand pumps, the IPH (Irrigation and Public Health Department) simply handed over the pumps without making the necessary provisions to handover the funds and functionaries. Any such measure should first be undertaken on a pilot basis.

All works of rural development should be routed through the Rural Development Department (e.g. in PMGSY, construction of roads is being done by the PWD). By doing this, the commission of 40% can be saved. Also estimates should be prepared as per sites and conditions.

II. Shri. Sukhdev Vishwapremi (RTDC) presented his views on role of CSOs in strengthening PRIs in Himachal Pradesh.

1. Starting with the presentation on micro planning exercise undertaken in HP in 1996 in the context of development through which he stressed that PRIs have a mandate to ensure social justice and economic development. Drawing attention to the likeminded approach adopted under participatory panchayat micro planning (PPMP) and roundtable conferences, he mentioned that both the PPMP and Roundtable recommendations want to activate community monitoring in planning and implementation of development projects.

2. In this context there is a need to strengthen the standing committees based on user groups (by including the Departments also) and do away with the parallel bodies.

3. Officials will have to get involved with the work by attending Panchayat Samiti/Zilla Parishad meetings.

4. The Planning Board should be restructured (on the format of the Expert Groups at Planning Commission) by making it more inclusive.

5. Capacity building along with sensitization of departmental officials is crucial.

In the discussion that followed,

Shri. Budhisingh Thakur (ZP Chairperson, Kullu and President, HP Panchayat Parishad)

Shared the following:

1. In a Panchayat Sammelan organized in 1997, a number of resolutions were presented before the Minister (PR) but till date there has been no forward movement on these.
2. Though various functions have been given to the Panchayats, but the funds and functionaries have not been devolved to the extent required. Furthermore, the bulk of funds come from the centre, the state has shown little interest as far as providing funds are concerned.
3. Most of the agendas put forward before the Cabinet are rejected, therefore the elected representatives have to think beyond and rise above petty politics and selfish interests.
4. The Zilla Parishads and Panchayat Samitis have had no role to play as far as funds are concerned.
5. If the panchayats are made self dependent by providing them local funds, then the plans can be made according to the needs of the people.
6. Micro Planning should be reinitiated, untied funds should be provided and the Gram

Sabha resolutions should be used as the basis for allocating the funds.

7. The Mahila Mandals, Yuvak Mandals and other CBOs should be motivated to attend the Gram Sabhas.

Shri. Ghumman Singh (Kullu)

- There should be efforts made to understand the specific circumstances of mountainous regions instead of adopting a uniform approach.
- Some practical amendments to the existing Act are necessary.
- Some thinking is also needed as to what is the kind of decentralization we want to promote.
- Management of forests, water and land should be given to PRIs.

Dr. Shiv Raj Singh (Chairperson Dept. of Public Administration HPU)

1. The political leadership in the state does not seem to very keen to strengthen PRIs.
2. There is no clarity in the roles and functions between the three tiers of PRI.
3. There is no organic relationship between the three tiers so accountability of one tier to the other is not there
4. There is a system of Bureaucracy due to which the Extension Officers at Panchayat level neither work under Block level nor under any other department. These EOs should be under the control of the panchayat.

Shri. Deepak Sanan then released a 4 set CD series of the radio programme '**Apni Maati, Apna Raj**' produced by PRIA HP which had been aired on AIR, Shimla and AIR Dharamshala which in an entertaining mode showed how panchayats could be linked to aspects of people's daily lives like water, prevention of forest fires, education of children, rights of women, health and also focused on issues like need for participation of women in decision making and the role that they could play in development of the village and role of ex-servicemen.

Post Lunch Session:

The following speakers spoke on the 'Role of Civil Society in strengthening PRIs in the State": **Shri. D.R. Verma (Himachal Gyan Vigyan Samiti) gave a brief outline about the role of the HGVS** in increasing awareness in the state. He also pointed out that:

- The Resolutions of the Roundtable Conferences had not reached most people.
 - There should be a uniform pattern of Panchayati Raj system in the country only then the PRIs could get strengthened.
 - DRDA should get merged into District Panchayat.
 - There is a need to empower both the beneficiaries and the elected representatives as they do not have knowledge about the existing schemes.
 - Proper micro planning is possible if the funds remain untied.
- HGVS was also planning 2005 as the year of strengthening Panchayats.

Shri. Samir Sharma from Society for Advancement of Village Economy (SAVE), Kullu

He gave a brief introduction about SAVE and its area of work.

PRI is one kind of platform with which the people could empowered. PRIs and CSOs should co-ordinate and work together. The specific roles that CSOs could play in strengthening PRIs was:

- Identification of Issues at local level
- Ensuring Gender equity
- Creating a database which is lacking at local level

Shri. Harekrishna Murari from Samaj Sewa Parishad (SSP), Kangra:

- Expressed that both Pradhans and panches do not want to have transparency due to which the people get de-motivated to attend the gram sabha meetings.
- Plans are no longer 'micro' and focus mostly on infrastructure development and not on resource development.
- The youth should be associated with the PRIs.
- The children should be taught about the Panchayati Raj system in the early school days.

Smt. Ratan Manjari (Panchayat Pradhan, GP Ribba, Kinnaur)

- The plans and schemes that are prepared at the GS level are not thought about seriously so there is a need to raise local funds for fulfilling the needs of the people.
- The powers of DRDA should be handed over to the ZP.

Smt. Savitri Kashyap (ZP Chairperson, Shimla)

- Emphasized that the discussions on the Roundtable resolutions should be taken forward and the resolutions should be implemented for which coordination between the three tiers is very important.

Smt. Mohinder Bhangaliya from (ARTI Rajgarh, Dist.Sirmour)

- In the PR system we talk about devolution of functions relating to the 15 line departments but in reality everything gets stuck at the block level.
- There is no set format given to the panchayats for the registration of the marriages. The person should get himself/herself registered under Marriage registration Act and if he/she fails to do so should be fined by the Panchayat.
- Micro plans are not implemented at a fast pace and by the time they are passed the tenure is over. They should be sent directly to the concerned department.
- Politicization of Panchayats is still a reality.

Smt. Krishna Devi (ZP Member, Dist. Una)

- Acknowledged that women are becoming proactive and aware about their rights.
- Most of the information regarding the funds for development projects remains restricted to the block level and information does not reach the GP. Thus meetings or "sammelans" of these kinds should be organized at the block/district levels in order to spread awareness among the people.

Smt. Simro Devi Kaushal (Panchayat Pradhan, Dhawrol, Dist. Hamirpur)

- There should be a provision in the Act to make the Gram sabhas successful.
- There should be a provision in the Act to remove the Ward Panch by 2/3rd majority, similar to the provision for the removal of Panchayat Pradhan.
- The PWD and the IPH departments should also put their budgets for approval before the people.

Smt. Jainab Chandel (Panchayat Pradhan, GP Dawnti, Solan)

- The election of the pradhans should be direct and the people who are effective should be directly elected.
- She emphasized that the Voluntary Organizations should visit the panchayats and then they can assess how active the women pradhans are.
- There had been many deliberations on the need to devolve functions to PRIs and move ahead but unfortunately to this date, nothing had been done about it. This was

leading to frustration. To overcome this, bureaucracy needed to become more proactive and there is a need to rise above party politics to strengthen the PRIs.

The floor was then handed over to **Shri. Deepak Sanan (Secretary Panchayati Raj)** who had patiently listened to the speakers the whole day to make his observations:

- After having listened to the discussion the whole day, Shri Sanan took up the specific concerns one by one.
- We should not get disheartened by the slow pace. For the kind of changes that we are attempting, one and a half years is nothing. Such kinds of platforms give an opportunity to move further.
- All of us have a one common objective that is social justice and empowerment of people at the grass root level with the help of PRIs. The constraints that we are faced with are:
- The prevalent attitudes and thinking, what is the expectation with which representatives are elected, the big problem in our system is that the citizen himself/herself does not want to see the empowerment of the PRIs, what exactly do we mean by decentralisation? Is it a decentralized government or deconcentrated government?
- What do we want from PRIs? Agents at the planning level? Or a level of local government? Are all the 3 tiers to have different roles and responsibilities?
- The Roundtables have brought these aspects to the forefront. While every state has to do something, there is no clarity as to whether PRIs are to be planning bodies, what is the kind of decentralization?
- Roundtable on the one hand talks about Activity mapping and on the contrary also wants to set up a cadre of panchayat officials. it is necessary to understand this dichotomy.
- Activity mapping alone will not mean decentralization, we will have to see how effectively and how fast the results of activity mapping will be implemented. Will the state's politics allow it? He suggested that the 'SGRY' scheme can be assessed through activity mapping for which he also invited the suggestions from the participants.
- He said that if the development plans are prepared at the village level, then why they are sent to the DPCs for approval. Each tier should have certain amount of autonomy.
- In relation to Himachal, there are a lot of geographical variations and thus a centralized approach to the PRIs is not possible.
- Talking about standing committees, Mr Sanan said that in the proposed amendments, there have to be 2 statutory committees (Works committee and Budget committee). However besides these, the committees can be formed as per the needs of the people.
- There is a need to revisit the 74th CAA and the provisions need to be revised.
- The money for the CSS needs to come into a common kitty.
- The success of Roundtable Resolutions depends upon the demand generated from the grass roots.
- Tax implementation is the biggest source of income but the ERs are generally hesitant to levy and collect taxes. But tax implementation is an easy task when we are able to provide services to the satisfaction of the people. e.g. sanitation is an area where only PRIs can levy taxes but which is not being done.
- We do not want to make the attendance in the gram sabha coercive or incentive based by allowing special leave to the government officials for attending the gram sabhas.
- The Panchayat Secretary would be an employee of the Panchayat and not of the state government. There will be a Panchayat Sahayak in each GP and they will be given powers of the Secretary after 3 months of training.
- Fixing an agenda for each gram sabha, for e.g. in January It could be the budget, in April there could be discussion on audit report, In July selection of beneficiaries and

in October mid term review of budget can be the agenda may make the gram sabha more attractive.

- Decisions regarding family settlements and divisions will be taken in the gram sabhas from now on there will be no need to go at the block level.
- The government is going to arrange training sessions for the newly elected representatives in order to develop an understanding on the status of decentralization for which training modules are being prepared.
- We have sent 4 proposals to various departments, asking them to put the user groups under PRIs with funds.

Dr. Rajesh Tandon set out the ways in which the process could be taken forward in the future. He mentioned that it was not easy to find solutions. There were 2-3 points that could be taken up:

- Change in people's attitudes and thinking was a continuous process.
- There could be a discussion in each district on the Roundtable resolutions. In Himachal there was a lot of scope to work on the issues of local self governance, and therefore if these discussions are taken forward in all districts, then serious debate can take place on this issue.

There is also a right now a gap in terms of documentation of new systems, new uses for instance like micro planning, Up gram Sabha etc. A knowledge bank of these would be extremely useful. This was something which academia could also take up.

The meeting concluded with a Vote of thanks by Kamleshwar Singh (PRIA).

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