

REPORT
OF THE TASK FORCE ON
Panchayati Raj Institutions (PRIs)

Planning Commission, NEW DELHI
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Preface

The 73rd Constitutional Amendment Act, 1992 marked a new era in the democratic set up of the country as it created Panchayati Raj Institutions (PRIs) as tiers of self governance below the level of States in the federal set up. It is also a landmark in the decentralized development as it envisions people's participation in the process of planning, decision-making, implementation and delivery. These Constitutional provisions provide for devolution of powers and responsibilities to different tiers of PRIs with respect to preparation of plans and programmes for economic development and social justice and their implementation in relation to 29 Subjects listed in the Eleventh Schedule. Consistent with the spirit of the provisions, the Central Ministries / Departments and State Governments are expected to confer necessary executive powers and administrative authority along with control over functionaries in their jurisdiction dealing with subjects allotted to them and devolve financial resources to the concerned level of PRIs to enable them to discharge their responsibilities effectively and efficiently.

During the decade since the 73rd Amendment Act was added to the Statue Book while the PRIs have started functioning and are in their second elective tenure in many states, the process of empowering PRIs has followed a varied pattern across States.

It has been observed that Central Ministries / Departments as well as State Governments have yet to integrate the PRIs in planning and implementation of programmes which essentially fall in their jurisdiction. The centrally sponsored / central sector schemes of Central Ministries continue to be implemented departmentally or through parallel delivery arrangements such as the users association, programme specific committees / agencies, self help / beneficiary groups, mahila sangh or through NGOs, virtually bypassing the PRIs. The situation is worse in respect of internationally funded projects which have set up separately structures for decision making and monitoring at various levels. What is true of the Central Government is also more or less true of the State Governments barring a few States which have taken some initiative / steps to genuinely transfer power and resources to the PRIs. However, even these States feel handicapped in involvement of PRIs in execution of centrally sponsored schemes as the guidelines concerning them are drawn by the concerned Central Ministries which they have no authority to change. It was felt that there was need to conceptualise the role of different levels of PRIs in implementation of centrally sponsored / central sector schemes.

The Planning Commission, therefore, constituted a Task Force to formulate operational guidelines for the involvement of PRIs in schemes of selected Central Ministries / Departments. This Task Force was also required to examine the PRIs-NGOs inter face which is another area of concern and suggest norms for their harmonious relationship consistent with the spirit and provisions of 73rd Constitutional Amendment Act.

The Task Force has reviewed the status of the PRIs in the country, transfer of administrative powers and provision of financial resources to the PRIs, the conceptual dimensions of PRIs - NGOs interface, in the matrix of autonomy and accountability for effective functioning of the PRIs. The Report has considered in detail the role of PRIs in

the implementation of specific centrally sponsored and central sector schemes of a few Ministries (as a starting point) such those of Rural Development, Health & Family Welfare, Social Justice and Empowerment, Women and Child Development, Environment and Forests, Agriculture, Irrigation and Education and made specific recommendations on the manner in which involvement of different tiers of PRIs in their implementation and monitoring can be effected. Similarly, dovetailing of PRIs in existing management structures for Externally Aided Projects has also been dealt with. It is hoped that Central Ministries / Departments would internalise the recommendations of the Task Force while drawing / revising operational guidelines of the schemes implemented by them. The other relevant Ministries not specifically covered through schematic references in the report are also expected to formulate appropriate guidelines concerning their centrally sponsored / central sector schemes in the light of the recommendations of this report. Planning Commission, I am sure, would like to dovetail the recommendations of this report in the format of the Tenth Plan and set up appropriate mechanism to monitor that the requisite follow up action is being taken on them by the concerned Ministries / departments. Needless to say that steps taken by State Governments for devolution of powers, authority and resources to the PRIs to facilitate this process would continue to engage focused attention from the Commission in their interface with them during Plan discussions and other relevant fora.

K B Saxena
Chairman, Task Force on Panchayati Raj Institutions

Place: New Delhi
Date: 28.12.2001

Chapter I

Introduction

Village Panchayats have a long history in India. They represent a system of governance prevalent in ancient India. Gandhiji had aptly remarked that independence must begin at the bottom. Every village ought to be a republic or panchayat with the authority and resources to realize the potential for economic and social development of the village. Gandhiji's views found articulation in **Article 40** of the Constitution. It enjoins that 'the States shall take steps to organise village panchayats with such powers and authority as may be necessary to enable them to function as units of self-government'. During the last fifty years, several attempts have been made to bring about effective decentralisation, both political and economic, with limited success. However, the year 1992 marks a new era in the federal democratic set up of the country. The 73rd Constitutional Amendment Act, 1992 conferred Constitutional status on the Panchayati Raj Institutions (PRIs). It envisages the establishment of a democratic decentralized development process through people's participation in decision-making, implementation and delivery. In order to achieve this objective, the Constitution provides for devolution of powers and responsibilities upon panchayats at appropriate levels. 29 Subjects listed in the Eleventh Schedule of the Constitution have been identified for devolution to the PRIs.

The 73rd Constitutional Amendment Act has created three tier PRIs in the rural areas with allocation of specific subjects to them. In pursuance of this, States have initiated action to devolve administrative and financial powers and resources to PRIs to enable them to discharge their Constitutional role. It is expected that once the process of devolution is effectively operationalised, resources from the Central and State Governments meant for programmes falling within the jurisdiction of the PRIs would directly get allocated to them.

It is however, observed that a number of Ministries of Central Government have not taken any concrete steps to integrate PRIs in their strategy of planning and implementation of various programmes, which essentially fall in their jurisdiction. At best the Ministries issue general instructions / directions for involvement of panchayats in their programmes without suggesting concrete modalities or institutional arrangements with specified roles for them consistent with their jurisdictional status. Besides, the Ministries are increasingly implementing programmes through Non Governmental Organisations (NGOs), which are expanding rapidly in the social sectors. PRIs do not really figure in this strategy of implementation and in fact there is not even a conceptual recognition that essentially NGOs are operating in areas and subjects which belong to the PRIs and therefore they should work in tandem with them. Ministries also take up internationally funded projects. All such projects are implemented through bureaucratic functionaries and do not involve panchayati raj institutions even though the subject they deal with fall in the domain of panchayats.

The Ministry of Rural Development (MORD), which is the nodal Ministry for implementation of the 73rd Constitutional Amendment Act, has also, so far, not discharged its role in setting up institutional mechanisms for bridging the wide gap that

exists today. Though some steps have been taken by the MORD to goad the State Governments to strengthen and deepen the process of democratic decentralization, it has not yielded the desired results. Most Central Ministries have not yet internalised the PRIs role in the delivery of services handled by the Ministry. What is true of the Central Government is also true of the State Governments. Leaving aside one or two States such as Kerala, which have taken active steps for substantially empowering PRIs in planning and development, there is little by way of operationalising models of such empowerment. Even States like Kerala feel handicapped in regard to Central schemes since the guidelines for implementation are drawn by the concerned agency of Central Government. There is, therefore, an urgent need to conceptualise how the Centrally Sponsored / Central Sector Schemes would be implemented through PRIs and to ensure effective PRIs - NGOs interface consistent with the spirit and provisions of the 73rd Constitutional Amendment Act.

Planning Commission constituted a Task Force on Panchayati Raj Institutions vide its notification No P-12025/5/98-RD dated 20.12.1998 under the Chairmanship of Shri K B Saxena, the then Principal Adviser, Planning Commission, for working out concrete modalities for building up consensus and formulating operational guidelines on above-mentioned issues. The composition of the Task Force and the Terms of Reference are given at **Annexure I**.

The report of the Task Force on PRIs has been prepared on the basis of the detailed deliberations held in the meetings and the inputs received from the members. The report is divided into eight Chapters.

Chapter I provides the rationale for setting up the Task Force, Chapter II discusses the present status of PRIs in the country, Chapter III examines implementation of Centrally Sponsored Schemes through PRIs, Chapter IV discusses Externally Aided Projects and Panchayati Raj Institutions, Flow of funds to the PRIs is discussed in Chapter V, PRIs - NGOs interface is considered in Chapter VI; Chapter VII looks at the system of Checks and Balances over PRIs and Chapter VIII contains Agenda for Action for the Tenth Five Year Plan.

Chapter II

Status of Panchayati Raj Institutions in the Country

The passage of the 73rd Constitution Amendment Act, 1992 marks a new era in the federal democratic set up of the country and provides Constitutional status to the PRIs. The main features of the Act are: (i) constitution of panchayats at village, intermediate (block) and district level; however, panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakh; (ii) regular elections to Panchayats; (iii) reservation of seats for Scheduled Castes / Scheduled Tribes and Women (33%); (iv) setting up of an independent State Finance Commission for strengthening finances of local bodies at all levels; (v) constitution of an independent State Election Commission to hold PRIs elections on a regular basis; (vi) legal status to Gram Sabhas; and (vii) addition of Eleventh Schedule to the Constitution listing 29 Subjects within the jurisdiction of PRIs. Further, the 73rd Constitutional Amendment Act contains provisions for devolution of powers and responsibilities upon panchayats at the appropriate level with reference to (a) the preparation of plans for economic development and social justice; and (b) the implementation of such schemes for economic development and social justice, as may be entrusted to them. The Provision of the Panchayat (Extension to Scheduled Areas) Act 1996 (PESA) extends panchayats to tribal areas in nine States. It enables the tribal society to shape their own development and preserve & conserve their traditional rights over natural resources.

The status of PRIs in a State can be reviewed in terms of following parameters: (i) Conduct of Panchayat Elections; (ii) Devolution of Financial Powers; (iii) Devolution of Functions and Functionaries; (iv) Constitution of District Planning Committees (DPCs); (v) Act 40 of 1996 – Provision of the Panchayat (Extension to Scheduled Areas) Act, 1996 (PESA); and (vi) Status and Empowerment of Gram Sabha.

1. Conduct of Panchayat Elections:

Consequent to the enactment of the 73rd Constitutional Amendment Act, almost all the States/UTs except Arunachal Pradesh enacted appropriate legislations for setting up of strong, viable and responsible Panchayats at different levels in their respective States. However, some States as well as Schedule VI areas in States are exempted from the purview of this enactment. Part IX of the Constitution pertaining to formation of panchayats is not applicable to the States of Jammu & Kashmir, Hill areas of Manipur, Meghalaya, Mizoram, and Nagaland. The State of Jammu & Kashmir is accorded a special status under Article 370 of the Constitution, while the States of Meghalaya, Mizoram and Nagaland are covered by the Scheduled VI of the Constitution and the traditional system of local self-government exists in these states. In the NCT of Delhi, the panchayati raj was suspended by the State Government and no effective steps have been taken to revive the PRIs till date. Each of the States/UTs has constituted the State Election Commission (SEC) to ensure elections to the PRIs once in five years.

In all the States, panchayats have been constituted according to the new provisions except in the States of Arunachal Pradesh, Assam and UT of Pondicherry.

In the State of Arunachal Pradesh, the election for PRIs have not been held so far because the Panchayati Raj Bill of Arunachal Pradesh does not provide for reservation for Scheduled Castes (SCs) as this State has no indigenous SC population. The Central Government decided to exempt Arunachal Pradesh from making provisions for SCs in their Panchayati Raj Act. On 8.9.2000, the President accorded his assent on the Bill passed by the Parliament in this regard. The Government of Arunachal Pradesh has been requested to initiate appropriate steps in this regard at the earliest. The Ministry of Home Affairs has sought opinion of the Ministry of Law for according the Presidential Assent to the Arunachal Pradesh Panchayati Raj Bill, 1997. The Ministry of Law has advised to seek opinion of the Ministry of Social Justice & Empowerment. The matter is still pending.

The Assam Government enacted the Assam Panchayat Raj Act, 1994 incorporating almost all the features of the 73rd Constitutional Amendment Act, 1992. The term of Panchayats in the State expired in October 1997. However, State Government have put off the Panchayat elections several times citing different reasons such as the then ongoing Budget session 1998, subsequent monsoon rains and then law and order situation and subsequently Census operations. The State Government decided to hold election in November 2000. However passing an order on a petition filed in High Court at Guwahati, the Hon'ble High Court directed the State Government that before the notifications for elections were issued, the State Government should dispose of the Petition containing a plea for not holding Panchayat elections in Mising Autonomous Council Areas. The State Government constituted a Committee of five State Ministers to submit a report in this regard. The Union Minister for Rural Development has written to the Chief Minister of Assam to hold Panchayat elections in the State.

In Bihar, elections for Panchayats have not been held on time. On August 23, 1993, the Bihar Panchayat Raj Act, 1993, conforming to the Constitution (73rd Amendment) Act 1992 was enacted and brought into force. The Patna High Court vide their orders dated 19.3.1996, struck down certain provision of the State Panchayati Raj Act. The State of Bihar filed Special Leave Petitions (SLPs) No. 9724-28 & 9819-25 of 1996 in the Hon'ble Supreme Court against the judgment dated 19.3.1996 of the Patna High Court. In the meantime, a PIL Writ Petition (Civil) No. 719 of 1995 filed by Rural Litigation and Entitlement Kendra against the Government of Uttar Pradesh and others come up for hearing and the above SLPs were also taken up with this Writ Petition. Thereafter, on 22.7.1997, Hon'ble Supreme Court directed that the matter should be decided by the Constitution Bench as the validity of the 73rd and 74th Amendment of the Constitution of India, vis-à-vis Bihar Panchayati Raj Act, 1993 is required to be considered for the purpose of disposing of the present SLPs. In the said Order, the Hon'ble Supreme Court observed that the matters may be placed before the Hon'ble Chief Justice of India for constitution of an Appropriate Bench for the disposal of these matters at an early date in view of the fact that Panchayat elections in Bihar can not be held until these matters are disposed of. On a petition filed by the Union of India, the Supreme Court clarified that there is no bar in holding Panchayat elections in Bihar in accordance with the prevailing law subject to the final disposal of pending SLPs. In pursuance of these Orders, the panchayat elections in State were held in April 2001.

Panchayat elections have not been held in Pondicherry, as the validity of provisions relating to reservation for backward classes in the Pondicherry Panchayati Raj Act were sub-judice. Judgement of the Chennai High Court has become available and the UT Administration has filed a clarificatory application in the Chennai High Court. On a similar issue pertaining to Tamil Nadu, the Hon'ble High Court at Chennai had passed orders making it possible for Tamil Nadu Government to hold elections. The MORD have advised the UT Administration to take appropriate action to hold Panchayat elections at the earliest on the same lines. The UT Administration has not yet intimated the steps taken in this regard.

In the three new States, it is reported that elections to panchayats will be held by November 2001 in Jharkhand, and by December 2001 in Uttranchal. In Chhatisgarh, the panchayat elections were held in January 2000 and next round of elections will be due in 2005.

So far, about 2,32,278 panchayats at the village level, 5905 panchayats at the intermediate level and 499 panchayats at the district level have been constituted in the country. These Panchayats are being manned by 2.92 million elected representatives at all levels, of which one-third are women. This is the broadest representative base that exists in any country in the world.

Elections to PRIs on expiry of their first term have been held in the States of Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Rajasthan and Uttar Pradesh.

2. Devolution of Financial Powers to PRIs:

Article 243 I of the Constitution provides for the constitution of a State Finance Commission (SFC) to review the financial position of Panchayats and to make recommendations regarding principles governing (a) distribution between the State and the Panchayats of the net proceeds of taxes, duties, tolls and fees leviable by the State; (b) determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by the Panchayats; (c) the grants-in-aid to the Panchayats from the Consolidated fund of the State; (d) the measures needed to improve the financial position of the Panchayats; and (e) any other matter referred to the Finance Commission in the interests of sound finance of the Panchayats. The present status of the State Finance Commission is given in the Table – 1.

Table – 1 Status of First State Finance Commission

Status of SFC	Name of States
Constitution of SFC	All States except Arunachal Pradesh & NCT of Delhi
Submission of SFC Report	All States except Bihar
Report accepted in full	Himachal Pradesh, Kerala, Madhya Pradesh, Manipur, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal
Report accepted in parts	Andhra Pradesh, Assam, Haryana, Karnataka, Maharashtra
Accepted with modifications	Orissa

Report under consideration	Goa, A&N Islands, Daman&Diu, Lakshdweep, Pondicherry
Report yet to be placed before Legislature	Gujarat

Source: Ministry of Rural Development, Government of India

The recommendations of the State Finance Commissions can be divided into three categories: (i) assignment of taxes, duties, levies and tolls to local bodies; (ii) sharing of revenue proceeds; and (iii) transfers on account of grants-in-aid and other financial assistance. The major recommendations of first SFCs with respect to devolution of taxes, grants and PRI's own taxes - Statewise, are given at **Annexure - II**.

3. Devolution of Functions and Functionaries:

According to Article 243 (G) of the 73rd Constitutional Amendment Act, the States are required to devolve adequate powers and responsibilities on the PRIs in order to make them effective institutions of local self-government. The responsibility for preparation of Plans for economic development and social justice and its implementation in relation to 29 Subjects listed in the Eleventh Schedule have also been assigned to Panchayats. The List of 29 Subjects is given at **Annexure - III**. The State Governments are expected to place the functions of Departments dealing with these 29 Subjects including the officials, under the control of the Panchayats.

In view of this, the functional autonomy of PRIs along with their financial autonomy must be clearly delineated. Even in respect of the 29 Subjects identified in the Eleventh Schedule it is necessary for the State Governments to clearly identify what would be done by the different tiers of panchayats at each level. This should be based on the rule that what can be done at the lower level should be done at that level only and not at a higher level. Detailed instructions and guidelines would have to be issued by the concerned departments to their field officers in this regard. Furthermore, departmental functionaries required to implement the programmes at the panchayat level must be placed under their overall supervision and control. In States like Karnataka, Kerala, Maharashtra, Madhya Pradesh, Orissa, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal detailed instructions in this regard have already been issued and in several cases departmental functionaries have been placed with the panchayats. The Statewise position of devolution of funds, functions and functionaries to the PRIs is given at **Annexure IV**.

The State Governments of Madhya Pradesh, Uttar Pradesh, and Rajasthan have made considerable progress regarding devolution of three Fs i.e. function, functionaries and funds. Some of the recent initiatives taken by them are highlighted in Boxes 1 to 3.

Box – 1: Panchayati Raj in Madhya Pradesh

- Activities of governance and development have been clearly demarcated between Panchayat Sector and the State Sector.
- 18 Subjects/Departments have been transferred to the Panchayati Raj Institutions (PRIs).
- All district and sub-district level officers and employees in respect of programmes transferred to PRIs are placed under control of PRIs at the appropriate level.
- Greater coordination among the three tiers through representation of 1/5 sarpanchs to Janpad Panchayat, Janpad Panchayat Adhyakshas to Zilla Parishad.
- Gram Panchayats are empowered to sanction development works upto Rs.Three lakhs, Janpad Panchayats upto Rs.Seven lakhs, while Zilla Panchayat upto Rs.Ten lakhs.
- Merger of District Rural Development Agencies (DRDAs) with Zilla Panchayats.
- Gram Panchayats recruit the Panchayat karmi designated as Secretaries. Shiksha Karmis are appointed by Janpad Panchayats and Zilla Parishad. No recruitment by State Government to 'dying cadres'.
- Budgetary allocations for transferred programmes/subjects are made available to PRIs. From 2000-01, tier-wise and district wise provision would be made in the Budget to ensure efficient flow of resources to PRIs.
- Greater transparency in selection of beneficiaries and implementation of programme through social audit by strengthening the Gram Sabha / Panchayat in the State. For instance, no technical evaluation required for Jawahar Gram Samaridhi Yojana (JGSY) (old JRY) works. Quality and utility of works subjected to social audit through Gram Sabhas.
- First and only State to introduce the concept of "Right to Recall" of elected representatives at Gram Panchayats once in their tenure for greater accountability to the Gram Sabha.

The Madhya Pradesh Government has also recently amended its Panchayati Raj Act. The amended Act provides for setting up of Standing functions. Duties and responsibilities of the gram panchayat in the area assigned to them are clearly defined and continue to devolve on them. The gram sabhas in the exercise of duties and responsibilities would have the benefit of Standing Committees which would be set up by the gram sabha itself by a process laid down by law, fully taking into account reservation for SC, ST and women and would supplement and strengthen the institutional framework available in the system.

Box-2: Recent Initiatives Taken by Government of Uttar Pradesh for Empowerment of PRIs

- With a view to bring about a sustained process of decentralisation and people's participation, the State Government has devolved a large number of functions and powers to Panchayats.

New Responsibilities Assigned to Gram Panchayats:

- Functions and functionaries of eleven departments i.e. Education - primary, upper primary and non-formal education centres, State Tubewells, Handpumps, Youth Welfare, Medical and Health, Women and Child Development, Animal Husbandary, Fair Price Shops, Agriculture, Rural Development and Panchayats transferred to them.
- Identification of beneficiaries and disbursement of pensions and scholarships. Funds for works, maintenance of assets, and for payment of salaries and honorarium to teachers and Gram Panchayat Vikas Adhikaris.
- Transfer four percent of the State's total tax revenue directly to the Gram Panchayats which resulted in an unprecedented increase in the funds from Rs.20 crore in 1996-97 to Rs.328 crore in 1999-2000. Apart from this, funds out of the rural development schemes and Tenth Finance Commission Award have also been transferred directly to Gram Panchayats.
- Empowered Gram Panchayats to collect irrigation tax from State Tubewells and to impose surcharge on land revenue.
- For transparency in functioning, the villagers are entitled to obtain a copy of any document of Gram Panchayat at the nominal fee.
- Mandatory for Gram Panchayats to hold minimum one meeting every month.
- In case of Women Pradhans, husbands/male relatives were not allowed to attend the meeting by proxy.
- The works entrusted to gram panchayats will be done through six committees namely Planning and Development Committee, Education Committee, Construction Work Committee, Health and Welfare Committee, Administrative Committee and Water Management Committee.

Responsibilities Handed Over to Kshetra Panchayats:

- Functions and functionaries pertaining to Rural Development, Primary Health Centres, Veterinary hospitals, Seeds Stores and Marketing Godowns.
- Ten per cent share in the amount devolved to the local bodies out of the State's tax receipt provided to them.
- Six Subject Committees namely Planning and Development Committee, Education Committee, Construction Work Committee, Health and Welfare Committee, Administrative Committee and Water Management Committee will execute all works.

Empowerment of Zilla Panchayats:

- Zilla Panchayat Chief in place of District Magistrate will be the Chairman of the District Rural Development Agency (DRDA).
- The governing body of DRDA will now comprises of Chairpersons of six Standing Committees of Zilla Panchayat and fifty per cent of the Pramukhs.
- A separate officer designated as Chief Officer will be posted in place of District Magistrate for development works implemented by the DRDA/ Zilla Panchayat.

The Government of Kerala has transferred Agriculture, Health, Veterinary and Primary Education Departments to the Panchayats. About 40,590 staff, moveable and immovable properties have also been transferred to the Panchayats. The Government of Kerala however continues to pay the salaries of the staff.

Box-3: Recent Initiatives taken by the Rajasthan Government

The Government of Rajasthan has also recently transferred nine schemes, were earlier being implemented by DRDAs, to the Zilla Parishad with effect from 1.4.1999. It has also set up a Village Level Standing Committee for each village under the Chairmanship of Sarpanch of the Gram Panchayat to act as "watch dog". It will keep watch on the absenteeism of grassroots functionaries of the departments, namely Patwari, Teachers, ANMS, MPW, VLW, Anganwadi workers and Compounder etc posted in rural areas. Primary and Upper Primary Education, Literacy and Continuing Education, Rajiv Gandhi Scheme for Restoration of Traditional Drinking Water Sources, Rajiv Gandhi Swarn Jayanti Pathshalas will be implemented by the PRIs. Further, innovative projects like Lok Jumbish, Shiksha Karmi and District Primary Education Programme (DPEP) have also been brought under the umbrella of the Panchayati Raj Department.

In the case of Gujarat, Maharashtra and Karnataka, devolution of three Fs stops at district level; the devolution to the lower tiers is minimal. In State like Andhra Pradesh, the State Government is implementing even a decentralized programme like *Janmabhoomi programme* mainly through bureaucratic apparatus, which is against the spirit of 73rd Constitutional Amendment Act. It has a content of people's participation and social mobilization, but it bypasses the panchayati raj bodies and infact this programme poses a serious challenge to the system of Panchayati Raj due to its poor involvement in this programme. The State Government of Haryana had set up Village Development Committees (VDCs), which negates the provisions of 73rd Constitutional Amendment Act regarding reservation of SC, women and seems to replace the elected gram panchayat. The detail of these VDCs is given at **Annexure V**.

4. Constitution of District Planning Committees (DPCs):

The State Governments are required to constitute District Planning Committees (DPCs) as envisaged under Article 243 (ZD) of 74th Constitutional Amendment Act to facilitate the process of decentralised planning. DPCs are to be set up in each district to prepare composite plans covering both urban and rural areas. Despite passage of more than seven years, many States are yet to constitute the DPCs. Only eleven States, namely, Haryana (only in 4 Districts), Karnataka (in 18 out of 27 districts), Kerala, Madhya Pradesh, Manipur (in 2 out of 4 districts), Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal. Among Union Territories, only Andaman & Nicobar Islands, Lakshadweep have constituted DPCs. Chandigarh is not in favour of setting up of DPC as 90% of population is covered by municipality. However, this argument is not valid as DPCs are to cover both urban and rural areas. No information is available about the actual operationalisation of DPCs in the States. The formation of DPCs must receive top priority by the State Governments, as it is only then that planning would genuinely begin from the grassroots.

The review of the formation of DPCs in the State revealed some aberrations. For instance, in the State of Madhya Pradesh, Tripura, Uttar Pradesh Minister is the Chairman of the DPCs while in Tamil Nadu, the Collector heads the DPCs.

To facilitate the preparation of the Plans at the district level, a core planning team comprising of experts from various disciplines needs to be formed for each district which could help in the preparation of plans keeping in view the physical and natural resource endowments of the area, availability of funds and the priorities of the people. In addition, experts could be hired on a consultancy basis if expertise is required in a

specific area. In Kerala, a Voluntary Technical Corps (VTC) has been created consisting of about 10,000 experts to vet and re-work projects prepared by the Panchayats. These include retired persons with technical expertise, bank personnel and officials of government departments. Similarly, in other States, voluntary groups and institutions need to be identified for providing services, training and support for effective implementation of programmes at the local level. The Kerala model for people's campaign for decentralized planning to empower the local bodies to prepare their plans in a transparent and participatory manner could be replicated in other States. The details of Kerala Model are given in Box-4.

Box - 4: People's Planning Campaign in Kerala.

The People's Planning Campaign has succeeded in providing a concrete methodology for participatory planning for local level development. The roots of the methodology can be traced back to an experiment carried in Kalliassery Panchayat of Kannur District in the early 90s. In 1996, it was modified and adapted for large scale application. The salient features of this methodology are described below, stage-by-stage.

1. Needs Identification: Through a meeting of Gram Sabha i.e. the ward or the electoral constituency of a village panchayat member, the felt needs of the community are identified. There is a period of environment creation to mobilize maximum participation in the Gram Sabha. Statistics reveal that about 10-12% of the rural population has participated in the Gram Sabhas held as part of the People's Planning Campaign. The Gram Sabha meetings are held in a semi structured manner with plenary sessions and sub group sessions dealing with specific developmental issues. The decisions are minuted and forwarded to the Panchayats. Each Gram Sabha is chaired by the elected member and has an official as its Coordinator.

2. Situation Analysis: Based on the demands emanating from the first special Gram Sabha and based on developmental data, both primary and secondary exhaustive Development Reports have been prepared and printed in the case of every PRI in the State. These reports describe the status in each sector of development with reference to available data, analyse the problems and point out the directions for further development. This is an one-time exercise and the Reports will be revised before the next five year plan.

3. Strategy Setting: Based on the Gram Sabha feed back and the Development Report, a one day seminar is held at the PRI level in which participation of experts, elected members, representatives nominated by Gram Sabhas, practitioners from among the public is ensured. The development seminars suggest the broad priorities and general strategies of development projects to be taken up for a particular year.

4. Projectisation: The ideas thrown up by the above three stages are translated in the form of projects by Task Forces at the PRI level. For each PRI, there are about 12 Task Forces dealing with different sectors of development. Each Task Force is headed by an elected member and is convened by the concerned Government official. The Vice Chairman of the Task Force is normally a non-government expert in the sector. The projects are prepared in the suggested format outlining the objectives, describing the benefits, explaining the funding and detailing the mode of execution and phasing of the project.

5. Plan Finalisation: From among the projects, based on the allocation communicated, the concerned PRI finalises its plan for the year and this plan is submitted to the DPCs through the Expert Committees. The Panchayat is free to take up any project, irrespective of its cost, subject of course to the resources actually available and within the sectoral limits.

6. Plan Vetting: The Expert Committee at the Block or the District level vet the projects for their technical viability and conformity with the mandatory government guidelines on planning and costing and forward them to the DPC. They cannot change priorities or projects; they can only ask for rectification.

7. Plan Approval: The DPC gives the formal approval to the plans after which the PRI can start implementation. It is to be noted that the DPC also cannot change the priority of a PRI. It can only ensure that government guidelines are followed. Administrative approval for implementation is given project wise by the PRI. Every PRI has unlimited powers of administrative sections subject only to the limits of its financial resources.

The Campaign is facilitated by about 650 Key Resource Persons at the State level, about 10,000 District Resource Persons and about 100,000 Local Resource Persons (100 per Village Panchayat) – all of them trained on the basics.

5. Provision of the Panchayat (Extension to Scheduled Areas), Act, 1996 – Central Act 40, 1996

The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 came into force on 24th December 1996. The Act extends Panchayats to the tribal areas of nine States, viz; Andhra Pradesh, Chhatisgarh, Gujarat, Himachal Pradesh, Jharkhand, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. The Act strives to enable tribal society to shape their own development and to preserve & conserve their traditional rights over natural resources.

All States barring Jharkhand have enacted State Legislation to give effect to the provisions contained in Act 40, 1996 as mandated under the Central Act.

The Central Act 40, inter-alia, provides the definition of a 'Village', powers and functions of the Gram Sabha / Panchayat in the Scheduled Areas. It prohibits the Panchayats at the higher level to assume the powers and authority of Panchayats at lower level. As per the Act, the powers of the Gram Sabha / Panchayat at the appropriate level can be divided into following categories viz; (i) Mandatory Powers; (ii) Powers to be consulted; (iii) Powers to be devolved by the State Governments to the Gram Sabhas / Panchayats to enable them to function as institutions of self-government.

The State wise (excluding Chhatisgarh and Jharkhand) position of operation of powers under the Central Act 40 is given at **Annexure VI**.

6. Status and Empowerment of Gram Sabha:

Article 243 (b) of the Constitution defines Gram Sabha as consisting of all persons registered as voters in the electoral roll relating to the village within the area of the panchayat at the village level. Article 243 (A) states that the Gram Sabha may exercise such powers and perform such functions at the village level as the legislature of a State may, by law, provide.

A survey of various State Acts reveals certain common features. Most State Acts have vested in the gram sabha the responsibility of supervising and monitoring the functioning of the gram panchayats. For instance, the gram sabhas are enjoined to examine the statement of accounts and audit reports. The second (almost universal) set of functions is the approval of plans, selection of schemes, its location and beneficiaries under it. The other functions include - consideration of budget and tax proposals, administrative report regarding implementation of schemes / programmes and other activities of panchayat. In most cases, these functions have been vested as a result of the insistence by the Central Government that all works and beneficiaries for the schemes sponsored by the Ministry of Rural Development be approved by the Gram Sabha. Many State laws also contain general exhortations which are in the nature of expectations that the Gram Sabha would mobilise voluntary labour contribution in cash or kind for community welfare programmes, render assistance in the implementation of development schemes and services in villages; undertake programmes in adult education and family welfare within the village and promote unity and harmony among all sections of society. However, in many States, gram sabhas

have not been given the final decision making powers. They only recommend / give proforma approval.

The State Governments of Bihar, Kerala, Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu and Uttar Pradesh, made mandatory to hold gram sabha meetings four times in a year. In Andhra Pradesh, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Manipur, Punjab, Rajasthan, Sikkim, West Bengal and Lakshadweep, gram sabhas meet twice in a year whereas in Tripura, gram sabha meeting is held only once in a year. Most State Governments / UTs have prescribed a quorum for the gram sabha meetings. For instance, Governments of Bihar, Goa, Karnataka, Manipur, Orissa, Rajasthan, Sikkim, Tamil Nadu and UTs of Daman & Diu and Lakshadweep have fixed quorum as one-tenth of members. The other States have imposed different percentages of quorum and certain other conditions for fixing quorum.

Under Central Act 40 of 1996 comprehensive powers have been vested in the gram sabhas / gram panchayats in the Scheduled Areas of the nine States. The scope of these powers is not dependent on any legislative action by the State Governments. Gram Sabhas in Scheduled V areas have clear cut role in managing natural and community resource in addition to development planning and its implementation. Ownership rights of Minor Forest Produce (MFP) have been vested in the gram sabha and panchayats. The gram sabha was also viewed as the body that would protect the traditions and customs of tribal societies. Although `contours' of powers of gram sabha need not be defined afresh, State Governments are required to amend existing subject laws in consonance with the provisions of the Central Act 40 of 1996.

However, if one looks critically at legislative provisions across the country one will find that the gram sabha has, by and large, been given very little importance. For instance (i) Provisions doing away with the need for quorum for adjourned meetings of the Gram Sabha reinforce the tendency to view Gram Sabha meetings as a mere formality; (ii) State laws set out highly ritualistic functions to be exercised by gram sabhas. For example, gram sabhas are to recommend and suggest to consider annual accounts, administration reports, audit notes, etc. These suggestions and recommendations of the gram sabha can be ignored by the gram panchayat; (iii) There are, at the same time, heavy expectations from this weak and powerless gram sabha - it is expected to promote harmony and unity in the village, to mobilise voluntary labour and contribution in kind, to promote programmes for adult education and family welfare; (iv) It must be acknowledged that some State Acts provide for powers to the gram sabhas to identify beneficiaries - for instance the Panchayati Raj Acts of Punjab, Rajasthan, Uttar Pradesh, Karnataka and Bihar do vest powers in the gram sabhas to select beneficiaries. But in some cases strange qualifications have been added. For instance, the Rajasthan law provides that in case the gram sabha is unable to select the beneficiaries in a reasonable time, the gram panchayat shall identify them. This provision expresses lack of faith in the gram sabha while at the same time it also permits to be undermined. Here, one must take note of the legal provisions in Madhya Pradesh and Kerala, which makes the advice of gram sabha binding on the gram panchayat. In the tiny UT of Andaman and Nicobar islands, the Gram Sabha has been made a body corporate having perpetual succession and a common seal. However, the powers and duties of the Gram Sabha are to be exercised by the gram panchayat, except as otherwise expressly provided; (vi) the membership of a gram sabha varies widely from State to State from 250 to 8,000. It may be confined to a single village or

may span 2-3 villages. Where the gram sabha covers more than one village - the meetings of the gram sabha are qualitatively very poor. The provisions of the 73rd Constitutional Amendment Act do not recognize that the very size of a Panchayat may work to disempower a gram sabha.

However, despite all these shortcomings, there are several examples of how the dedicated/committed, enlightened Sarpanches have transformed their villages into self-reliant ones. Some illustrations of successful Gram Sarpanches are given in the **Annexure – VII**.

Of late, however, as a result of several initiatives of the Central Government - in partnership with State Governments – a view has emerged which favours strengthening of Gram Sabhas as the bedrock of democracy at the grass roots level. This view found its expression in the declaration of the year 1999-2000 as the "Year of the Gram Sabha".

Gram Sabha is not only an institution articulating the needs and aspirations of the community but also a method of mobilizing community participation. While gram sabhas check against abuse of powers by the panchayat, they can assist the very same panchayats to implement development programmes. Gram sabhas are supposed to act as watchdog to protect community interests and common property resources.

To make Panchayati Raj Institutions effective bedrock of democracy, gram sabha should be given a greater role in managing financial resources given to panchayats in addition to the routine functions. Further, PRIs particularly gram sabhas can facilitate the governance structure in the country as gram sabha could be an effective forum where elected representatives of panchayats and higher tier of government can explain their plan of action / development strategies and get spontaneous feedback on implementation of the programmes. The higher tier of panchayats as well as State Governments may depute an official to attend the gram sabha meeting, to record gram sabha's views and to report to appropriate level of government to take remedial measures wherever necessary. The gram sabha, if regularly held, can become an effective forum of accountability not only for elected gram panchayat members but also for the elected representatives of the higher tiers where they could be compelled to explain to the people their past performance and future action plan for development. The existence of gram sabha / panchayats help in the process of social audit. Gram Sabha can evaluate the work carried out by panchayats and judge their quality, effectiveness and conformity with accepted norms. PRIs can also ensure wide publicity for their activities among the people through the gram sabha. Activities of various NGOs / CBOs working at the village level can be effectively monitored by insisting on their close cooperation with the gram sabha.

Agenda of Gram Sabha meetings must transcend the presently limited jurisdiction of Gram Panchayats. At present, gram sabhas attract only the potential 'beneficiaries'. The States / UTs must devolve more powers upon panchayats, particularly gram panchayats and remove provisions which undermine gram panchayats / gram sabhas. Gram Sabhas also have to learn to define their own agenda and seek local solutions. Further, States could extend powers enjoyed by gram sabha

in Scheduled areas to the gram sabha in non-scheduled areas to make them the real fulcrum of the panchayati raj system.

Accountability, transparency, in the functioning of panchayati raj bodies, is some of the requisite factors for the success of the panchayati raj system. Panchayats being closer to the people, peoples' right to information and accessibility to the panchayats must be ensured. To ensure transparency and accountability in operation of these bodies, the State Governments may issue orders highlighting following factors: (i) PRIs should display all vital information pertaining to development projects especially receipt of funds and how they are being spent, in the panchayats offices for the information of the public. (ii) All relevant records should be opened to inspection. (iii) Members of public should also be able to obtain photocopies of documents pertaining to development projects as also matters of general public interest by paying a nominal charges.

The challenge before the different stakeholders is to make the PRIs true representatives of local self government. A strong and vibrant Gram Sabha is the only bull work against corruption, embezzlement of funds and exclusion of the poor and marginalized from the decision making process. Concerted efforts, therefore, are required to make Gram Sabhas the hub of all activities in our villages.

Empowerment of PRIs/Gram Sabha

In Budget Speech 1999-2000, Finance Minister had announced that to ensure that funds under wage employment programmes are spent with active involvement of the elected PRIs, 80 percent of the funds would be released to implementing agencies as per normal procedure, the remaining 20 percent will be released as an incentive only if the State has put in place elected and empowered PRIs in the State.

Pursuant to this, the Ministry of Rural Development has evolved a Panchayati Raj Devolution Index which consist of five parameters viz:

- i) Constitutional and Political Devolution (PD)
- ii) Administrative Devolution (AD)
- iii) Financial Devolution (FID)
- iv) Functional Devolution (FUD)
- v) Devolution to Gram Sabhas (EGS)

The Devolution Index (DI) can be computed on the basis of following methodology:

$$DI = (PD+AD+FID+FUD+EGS) /5$$

The Devolution Index would help us to know the extent of devolution of three Fs i.e. Functions, Functionaries and Funds and administrative devolution to the PRIs in the States.

International Organisations views about decentralisation in India:

International organizations like the World Bank and the UNDP have also recognized the role of the decentralization for good governance., The World Bank has

realized that India is the only country where democratic decentralization at grassroots level is going on in the true sense in light of 73rd and 74th Constitutional Amendment Acts. The World Bank, in its Report 2000 Attacking Poverty- Part II has reported (refer Box- 5) that decentralization is pro-poor and increases the efficiency in the implementation and effectiveness of the programmes meant for the poor. However, the Bank has still to incorporate the role of PRIs in the design of its project.

Box 5: Is Decentralisation Pro-Poor?'

- Democracy is valuable for human well being, in that political rights and civil liberties have an intrinsic, instrumental, and constructive value for human well being. State institutions are often accused of being too remote from the daily realities of poor people's lives. One recommendation for making them more pro-poor is to bring them closer to these realities through decentralisation.
- Decentralisation does indeed have enormous potential to benefit the poor. Development programmes can be more effective in meeting local needs if they can draw on the advantages of local information, local accountability, and local monitoring. Decentralisation has a strong potential for increasing, and sometimes formalizing, popular participation in civic processes, including by the poor. Effectively implemented, decentralisation has the potential not only to improve immediate development outcomes but also to be the driver for broader institutional changes, which benefit and empower the poor.
- Political participation directly improves the lives of the poor by increasing distributional equity and reducing the potential for civic conflict. Case studies of the Indian State of Kerala and elsewhere have shown that participation and public debate on values may contribute to improved social outcomes in education and health.
- Greater local control can help funds to be used more effectively for meeting local needs. Fiscal devolution gives communities the flexibility to design and implement projects without the cumbersome procurement procedures of Central Government. Fiscal decentralisation has been shown as having positive outcomes for governance. Fiscal devolution needs to be accompanied by some form of redistribution from the Central budget, to avoid exacerbating inequalities between regions. Decentralisation needs to be accompanied by enough fiscal devolution to enable local authorities to plan their activities effectively.
- A better use of local information through decentralisation can be advantageous in several ways: - (i) Local information can help in identifying more effective and efficient ways of building infrastructure or providing public services and subsequently of organizing their operation and maintenance; (ii) It can increase the efficiency of regulatory functions that are more easily performed at the local level with the help of local information and peer monitoring; and (iii) The increased flow of information from the local area to government officials increases government awareness of local needs and early warning of emergencies.
- Further decentralisation can increase accountability and transparency: - (i) local monitoring can be very effective for ensuring that officials perform diligently. Sanctions can also be imposed on defaulting or free-riding community members. Community sanctions are hard to ignore because of the longstanding relationships involved. The close interactions and relations of trust within communities can help make development projects more sustainable. The combination of local information and ability to impose sanctions makes local monitoring and supervision more effective and cheaper for many types of projects and programmes than national level monitoring; (ii) decentralisation makes it easier for people to obtain information on budgets and on the use of funds, thus increasing the transparency of public actions and reducing corruption. In addition to increasing awareness of budget constraints and the need to shape political demands accordingly, this kind of decentralisation helps communities hold local leaders accountable for performance
- Greater accountability and community participation help improve programmes and service delivery like curbing absenteeism among school teachers in India. The decentralization in West Bengal has improved participation representation of the poor and responsiveness of the state bureaucracy to the poor and have direct positive impact on growth, equity and human development.

Source: World Development Report 2000 Attacking Poverty Part-II- Empowerment

Chapter 3: Implementation of Centrally Sponsored Schemes through Panchayati Raj Institutions

According to Article 243 (G) of the 73rd Constitutional Amendment Act, the States are required to devolve adequate powers and responsibilities on the PRIs in order to make them effective institutions of local self-government. The responsibility for the preparation of Plans for economic development and social justice and its implementation in relation to 29 subjects listed in the Eleventh Schedule is also bestowed on the PRIs.

There are a plethora of Centrally Sponsored Schemes (CSSs) pertaining to 29 subjects being implemented by different Ministries and Departments of Central Government. As per the Constitutional mandate in respect of 29 items of the Eleventh Schedule, three Fs i.e. functions, functionaries and funds have to be devolved on the PRIs for planning and implementation of schemes pertaining to a particular sector. In reality the involvement of PRIs with respect to these 29 items has been minimal in most States. It has been observed that State Governments as well as Central Ministries have not taken concrete steps to integrate PRIs in their strategy of planning and implementation of CSSs under their purview. They continue to be implemented departmentally with the sole exception of the Jawahar Rozgar Yojana (JRY)/Jawahar Gram Samridhi Yojana (JGSY) which is implemented through PRIs.

In so far as the programmes of the Ministry of Rural Development are concerned, there is some involvement of the PRIs in the implementation, monitoring and review of their programmes. However, in respect of CSSs implemented by other Central Ministries, the involvement of PRIs is either non-existent or minimal. A review of implementation of CSSs of Department of Health and Family Welfare, Department of Education, Ministry of Environment and Forests shows that several parallel delivery systems like District Health and Family Welfare Society, Village Education Committees (VECs), Mahila Sangh, Lok Jhumbish Parishads, Joint Forest Management (JFM) Committee, have been substituted. In addition, a large number of CSSs are implemented through the NGOs. There is no formal structure put in place to involve PRIs in the implementation of the schemes undertaken by the set ups created by different Ministries and the schemes implemented by the NGOs.

One of the major tasks of the PRIs is the preparation of plans for fostering economic development and social justice. The district development plans would have to be prepared through the institution of the District Planning Committees (DPCs). It is expected that gram sabha would list out priorities and assist in the selection of beneficiaries for various programmes and schemes. In this way, the aspirations of the people would be articulated. Thereafter, village level plans will have to be prepared which would be incorporated in the intermediate plans (block level) and finally merged into a district plan. Moreover, broad principles have to be laid down for assigning the functions of each of the three tiers; this should be based on the principle that what can be done at the lower level should be done at that level only and not at the higher level. Some States have already identified the works/schemes of sectoral departments to be undertaken at the different levels. For instance, in the case of Andhra Pradesh, maintenance of community assets, implementation of poverty alleviation, sanitation,

markets, internal roads programmes have been devolved at the gram panchayat level. The intermediate level would be responsible for block component of Primary Education, Women and Child Welfare and JGSY / EAS. At the Zilla Parishad level, drinking water, rural roads, secondary education and the district component of JGSY / EAS would be implemented. The DPCs would not only consolidate plans from below but should take decisions on the development of the district within the given resource potential and identified needs and constraints.

In view of above, an attempt has been made to evolve modalities and institutional arrangements for ensuring / facilitating the involvement of the PRIs in the implementation of CSSs within their purview. Further, an attempt has also been made to identify the programme / scheme which could / should be implemented at different levels of panchayats in order to place responsibilities on that level of panchayat to avoid the overlap in the implementation of the schemes.

In the following paragraphs the CSSs of Ministries of Rural Development, Health & Family Welfare, Social Justice and Empowerment, Women and Child Development, Environment and Forests, Agriculture, Irrigation and Education are analyzed with a view to mainstreaming the role of PRIs in CSSs implemented by these Ministries. The suggestions made in respect of the CSSs of these Ministries could be adopted for CSSs of other Ministries as well.

Rural Development

The Ministry of Rural Development has made provisions in the guidelines for involvement of the PRIs in the implementation of different CSSs of the Ministry. However, there is a need to clearly define the functions and responsibilities of each tier of the PRIs.

The schemes / programmes of the Ministry of Rural Development can be divided into three categories.

- A. those relating to construction of infrastructure; such as, beneficiary housing schemes (IAY / PMGY), or social / economic infrastructure in the villages (JRY / JGSY, EAS, IWDP, DPAP, DDP, ARWSP, RCRSP);
- B. self employment programmes such as IRDP / SGSY
- C. social security programmes such as NSAP and Annapoorna Scheme.

The sequence of activities under each category is broadly as follows: -

A. Construction of infrastructure: Beneficiary Oriented

The following sequence is indicated in the guidelines of the schemes

- i) Allocation of specific targets and financial provision thereof to various units (village panchayat in this case)
- ii) Identification of beneficiaries as per guidelines
- iii) Approval of the beneficiary selection

- iv) Allocation of funds / material to beneficiaries for execution
- v) Extension of design input and any other technical input where desired
- vi) Convergence of other programmes; smokeless chulha, sanitary latrines and plantation of trees etc.
- vii) Monitoring and evaluation.

The project consisting of the overall target for the district along with provision of funds thereof for this category of schemes would be prepared by zilla parishad, which would then be sent to State Government enroute to Government of India for approval. Zilla Parishad while preparing the project would also incorporate within it provision regarding internal roads, waste water disposal, drinking water facility, tree plantation and measures for making residential houses cyclone / earthquake proof wherever relevant.

On the basis of the allocation made by the Government of India to the State Government for each district, the zilla parishad would allocate targets and make funding provision thereafter to block panchayat samities on the basis of transparent and objective parameters laid down. The block panchayat samiti would in turn allocate specific targets and make funding provision thereafter to various panchayats on the basis of specified parameters ensuring equitable distribution.

The selection of beneficiaries would be carried out by the gram sabha on the basis of parameters laid down in the scheme while ensuring the optimum participation of members for this purpose. Gram Panchayat may also indicate where feasible convergence of other programmes allocated to it and whose input would improve the environmental quality of the habitat. The block panchayat samiti while approving the selection of gram sabha would ensure that other relevant programmes are made to converge for improving environmental quality and enhancing impact of investment made for this purpose. The block panchayat samiti would also lay down the manner of release of instalments.

The block panchayat samiti would also arrange to provide technical inputs to the beneficiaries regarding architectural designs for their selection, the manner in which houses can be made cyclone / earthquake proof, user friendly for disabled persons and the manner in which sanitation arrangement and smokeless chulhas can be integrated with the design and construction is harmonised with other environmental improvement programmes taken up in the village.

Block Panchayat Samiti will monitor the programme and will also take steps to get it evaluated through appropriate arrangement, which can ensure reliable feedback. Zilla Parishad will review the overall implementation of the programme in the district and will consider the evaluation reports from block panchayat samities and thereafter, will make such intervention as are necessary for improving the planning and implementation of the programme in future.

Wherever information is received about difficulties being experienced by beneficiaries, complaints about harassment / corruption and poor quality of implementation etc., the block panchayat samiti would get it investigated by one of its committees for further necessary action.

Construction of infrastructure: Community Oriented

The sequence of activities under this category is as follows:

- i) Identification of “needed” infrastructure in the village such as a road or a school building or a drinking water well / hand pump / water trough for animals or a wastewater disposal facility.
- ii) In case of EAS, the first sequence would be identification of the area, which is highly unemployment prone with low wages and perennially short of work thereby leading to out-migration.
- iii) Allocation of funds to the concerned units (block panchayats / village panchayats) under various programmes; such as, JRY / JGSY, EAS etc.
- iv) Identification of a project for creating this infrastructure.
- v) Preparation of projects estimates and design.
- vi) Approval of the project by the competent authority as prescribed; deciding upon the executing agency and release of funds for the purpose.
- vii) Execution of project by the agency by arranging labour and material inputs and its supervision arrangements with people’s participation.
- viii) Monitoring of the progress.
- ix) Evaluation of the project on its completion.

The identification of the need for infrastructure in case of JRY / JGSY, should be done by gram sabha. In case of EAS, the identification of area / areas in need of employment creation may be done by block panchayat samiti.

The allocation of funds under the programmes / schemes may be done by zilla parishad to individual gram panchayats / block samities in case of JRY / JGSY. In case of EAS, the block samiti should priorities the areas where EAS schemes should be taken up. The nature of scheme most suitable for employment creation may be suggested by the concerned gram panchayat after consulting the gram sabha or where a scheme of a project overlaps the boundary of a single panchayat, the gram sabhas of two panchayats together can decide on the need for the scheme and other parameters which will then be finalised by the block panchayats.

In case of JRY / JGSY scheme, the task of project preparation including cost estimate may be done by the gram panchayat with the help of technical staff from the block, if necessary. The gram panchayat can also decide to mobilize additional funds as people’s contribution in respect of the scheme. The gram panchayat may also consider convergence of other programmes, which may enhance the quality of infrastructure already being taken up in their area. In case of EAS project, task of preparation of cost estimates and other details may be entrusted by block panchayat samiti to block level technical staff. The approval of the EAS project would be accorded by the block panchayat samiti.

The task of execution in respect of JRY / JGSY schemes would be the responsibility of gram panchayat. In case of an EAS project, which falls entirely within the jurisdiction of a single gram panchayat, the responsibility for execution may also be entrusted by the block panchayat samiti to the gram panchayat. Where project involves more than one gram panchayat, the execution may be entrusted to a block level officials who in consultation with the concerned sarpanches of the gram panchayats will

take up the task of execution. The concerned official would mobilise local labour from the concerned panchayat in consultation with Sarpanch in order that people in need of employment get opportunity for wage employment.

The Executive Committee of the gram panchayat would supervise and monitor the execution of the project with the help of technical staff where necessary. In case of EAS projects involving more than one gram panchayat, block panchayat samiti would monitor them. It would also try to ensure that convergence of various programmes has also been effected.

The JRY/JGSY schemes are taken up with the funds allocated to the concerned gram panchayat and, therefore, the allocation of equitable distribution is built into the scheme. However, in case of EAS the task of prioritization of area where the scheme should be taken up and the decision about the nature of schemes would have to be done by block panchayat samiti. The block panchayat samiti would ensure through collective decision that considerations of equity are taken into account while taking such a decision. As per the existing guidelines in respect of EAS scheme, the local MP and MLAs also have to be consulted. Therefore, when the block panchayat samiti has identified area where EAS scheme is to be taken up, apart from gathering the views of the concerned gram panchayat through their gram sabhas, they may also obtain the views of local MP and MLA and thereafter take a decision on selection of area and the nature of the schemes to be taken up.

The block panchayat samiti should evolve a transparent mechanism by which the already completed schemes under JRY / JGSY and EAS can be evaluated through appropriate local arrangements. It shall be the duty of the concerned sarpanch of the gram panchayat to place before the gram sabha on completion of a scheme the details of the work done and the money spent. They would also take this action in respect of EAS scheme as well. In respect of EAS schemes, this information shall also be placed before the panchayat samiti.

B. Self Employment Programmes – (IRDP / SGSY)

The sequence of activities under this category are as follows:

- i) allocation of physical targets and financial provision;
- ii) identification of potential areas of self-employment within the parameters of the scheme;
- iii) selection of groups / individuals who should be beneficiaries of the scheme;
- iv) preparation of the project for such beneficiary /groups;
- v) sending the project proposals to the competent authority for onward transmission to the banks for sanction of loan;
- vi) on receipt of the sanction of the project, dissemination of information to beneficiaries about the nature of project, the assistance which may be forthcoming and the manner in which the execution of the project would take place;
- vii) arranging for training and skill development;
- viii) arranging material inputs for the beneficiaries under the project including instalments of the bank credit and creating linkages between producers and the markets;

- ix) supervision over implementation of the project and to sort out various difficulties through appropriate interventions;
- x) supervision of the project and, in case of successful running of the project also exhorting beneficiaries for making repayment.
- xi) Monitoring of the scheme and its evaluation.

The allocation of physical targets and financial provision for the programme / scheme would be done by the zilla parishad based on the share of district in the overall scheme. The zilla parishad would allocate target and funds for each block panchayat samiti. The block panchayat samiti would in turn allocate targets and funds to gram panchayats.

The block panchayat samities with the help of concerned officials would discuss and decide which income generating activities should be taken up under these programmes in their area.

Based on this decision, and within the limits of allocated funds and targets, they would direct the concerned gram panchayats to identify the cluster of beneficiaries in their area for this purpose as per the eligibility guidelines governing the scheme.

After selection of beneficiaries has been accomplished, the block panchayat samiti would entrust the task of preparation of project to the block officials in consultation with the gram panchayat / group of beneficiaries. On completion of the project preparation, the gram panchayat would discuss and endorse it to the block samiti.

On sanction of the project, the block panchayat samiti would arrange for information dissemination about the project to the beneficiaries through block level officials in which the representative of gram panchayat (ward member / sarpanch) would also be associated.

The block panchayat samiti would also identify the institution or the master craftsmen where the beneficiary / beneficiaries should be sent for skill development and release funds for this purpose.

The block panchayat samiti would entrust the task of arranging for technical inputs to the block level officials. On completion of skill development training it would also release funds to beneficiaries for arranging material inputs. The block samiti would also arrange to provide exposure of beneficiaries to the nearest markets for disposal of their produce.

The gram panchayat through its representative would remain in touch with the beneficiaries to know if any difficulties are being experienced and would immediately arrange intervention of the concerned block officials to sort out these difficulties.

Block panchayat samiti would review and monitor the project on its completion and would also get it evaluated by an outside organisation or group of knowledgeable and reliable persons. Zilla Parishad would monitor and review the progress of schemes for the district and make such corrective interventions as are necessary for qualitative improvement / effective implementation.

C. Social Security Programmes – (NSAP & Annapoorna)

The sequence of activities under this category of schemes would be as follows:

- i) Allocation of physical targets and financial provision for the number of people to be assisted. This function would be discharged by the zilla parishad based on the allocation and targets received from the State for their district. The zilla parishad would sub-allocate physical targets and financial provision to block panchayat samities and the block panchayat samities would in turn sub-allocate to the gram panchayats.
- ii) Identification of beneficiaries eligible to receive such assistance based on eligibility criteria fixed under the programme should be carried out by the gram sabha after widest possible mobilization of the members for the crucial meeting. The gram panchayat would endorse the recommendation of the gram sabha to the block panchayat samiti and depending upon the powers delegated, the block panchayat samiti or any other competent authority under the scheme would approve the list of beneficiaries.
- iii) Approval of the list and release of funds: The competent authority would send back the approved list to the block panchayat samiti who in turn would send it to gram panchayats. The competent authority would also release funds along with it.
- iv) Distribution of assistance to the beneficiary: This task would be carried out by the sarpanch of the gram panchayat in the presence of the members of the gram sabha.
- v) Redressal of Grievances / Complaints: Block Panchayat Samiti would also lay down a mechanism by which complaints received from the beneficiary or from other person about non-receipt or wrong receipt of assistance, genuine people left out etc. would be enquired into and thereafter corrective action that would be taken.
- vi) Evaluation: Block Panchayat Samiti would also lay down an arrangement by which evaluation by public-spirited individuals or non-governmental organisation not associated with the implementation of the scheme can be carried out to get reliable feedback.

The Ministry of Rural Development is also the nodal Ministry for implementation of the Provision of Panchayats (Extension to the Scheduled Areas) Act, 1996 – (PESA) in the nine States of the country. Some of the powers given to the PRIs in the Act vis-à-vis the operationalisation of these powers by the PRIs are discussed below.

Item No. 4(i) Making the acquisition of land for development of projects and before re-settling or rehabilitating persons affected by such projects in Scheduled Areas

The statement at Annexure-V indicates the provisions made in Central and State laws on the subject. There has been no uniformity in devolution of authority in this regard as different tiers have been authorized in the State Acts for taking a decision in the matter. It is necessary that the gram sabhas of all concerned villages which are affected by the proposal of acquisition of land and whose inhabitants are being considered for re-settlement / rehabilitation and the places where they are going to be resettled must be consulted in the matter. The competent authority as per the Act should take a decision in consonance with the wishes of the concerned Gram Sabhas.

Item 4(j) Planning and Management of Minor Water Bodies in the Scheduled Areas

It should be undertaken by the gram panchayat. Where a gram panchayat has jurisdiction over several villages the concerned village / gram sabha where the water bodies are to be located should be consulted. The executive authority would belong to the gram panchayat.

Item 4(k) Grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas

The power to grant prospecting licence / mining licence for minor minerals should be entrusted to the gram panchayat which must take a decision after ascertaining the views of gram sabha in whose jurisdiction the land for mining is located. If the area of mining / prospecting lease cuts across the boundaries of two gram panchayats, the power to grant licence should be entrusted to block panchayat which would act according to the wishes of the concerned gram sabhas. In case of difference of opinion between different gram sabhas, the block panchayat would arrive at a consensus in the joint meeting of all concerned gram sabhas.

Item 4(l) Grant of Concession for the exploitation of minor minerals by auction.

The power to grant prospecting licence / mining licence for minor minerals should be entrusted to the gram panchayat which must take a decision after ascertaining the views of gram sabha in whose jurisdiction the land for mining is located. If the area of mining / prospecting lease cuts across the boundaries of two gram panchayats, the power to grant licence should be entrusted to block panchayat which would act according to the wishes of the concerned gram sabhas. In case of difference of opinion between different gram sabhas, the block panchayat would arrive at a consensus in the joint meeting of all concerned gram sabhas.

Item 4(m) (i) Enforce prohibition or to regulate or restrict the Sale and consumption of any intoxicant

Gram Sabha should be authorized to decide in the matter and the decision should be executed by the gram panchayat.

Item 4(m) (ii) Ownership of Minor Forest Produce (MFP)

Gram Sabha should be endowed with ownership of minor forest produce. The executive action in this regard may be taken by the gram panchayat or the committee of gram sabha

Item 4(m) (iii) Prevent alienation of land in Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe

Gram Sabha should have the power to decide on the matter. Gram Panchayat should execute the decision of the gram sabha.

Item 4(m) (iv) Manage village markets by whatever name called

The Gram Sabha of the village where the market is located should decide on the modalities of the management. Development aspects including improvement, modernization may be handled by the gram panchayat. Regulatory aspects may be dealt with by the gram panchayats.

Item 4(m) (v) Money lending to the Scheduled Tribes

Gram Sabha should have the power and responsibility to decide on the matter as per the prevailing provisions of law and gram panchayat should execute the decision of the gram sabha.

Item 4(m) (vi) Exercise control over institutions and functionaries in all social sectors

Gram Sabha should exercise control over functionaries and institutions whose jurisdiction are entirely confined to the village. Gram panchayats may exercise control over functionaries and institutions whose jurisdiction extends to more than one village. Block Panchayats may exercise control over institutions and functionaries whose jurisdiction extends to more than one panchayat. Zilla Parishad may exercise control over institutions whose jurisdiction extends to more than one block.

The decision of the gram sabha, where necessary, may be executed by the gram panchayat and the decision of gram panchayat in this regard where necessary may be executed by the block panchayat samiti. However, this is in conflict with provisions in Madhya Pradesh Act.

Item 4 (m) (vii) control over local plans and resources for such plans including tribal sub plans.

Gram Sabha should exercise control over local plans and resources. The decision of the gram sabha may be executed by the gram panchayat. In respect of

schemes and plans which cut across the boundaries of gram panchayats, the control may be exercised by the block panchayat samitis.

Health and Family Welfare Programmes

The Ministry of Health and Family Welfare has been implementing a number of national programmes for disease control and family welfare most of which are externally funded. These programmes are invariably implemented through vertical bureaucratic formations and have not involved the panchayati raj institutions even though the subject they cover fall within the domain of powers and functions transferred to these bodies. The major programmes are as follows: -

- 1) Family Welfare Programme - Reproductive Child and Maternal Health (RCH) programmes
- 2) Vector Borne Disease Control Programmes (covers Malaria, Kalazar, Dengue and Japanese encephalitis)
- 3) TB Control Programme
- 4) Blindness Control Programme
- 5) HIV AIDS / STD Programmes

Following is the sequence of activities in respect of each of these programmes and the suggested role of appropriate PRI in regard to them.

1 Family Welfare (RCH) Programmes

- (a) identification of pregnant women and infants in the age group of 0-12 months
- (b) ensuring periodic visit of ANMs to the villages allotted to them as per the roster for ante-natal and post-natal care
- (c) arranging for immunization
- (d) referral cases to PHC / CHC
- (e) delivery of contraceptive care

Gram Sabha should identify pregnant women and infants in the age group of 0-12 months. Panchayats should ensure the visit of ANMs as per prescribed roster and should facilitate these visits by arranging mobility and stay in the villages where required. ANMs would identify pregnant women and infants for ante-natal & post-natal care and immunization respectively and would deliver these services on specified days announced prior to the visits. Gram Panchayat would make necessary arrangements for delivery of these services in the village in the presence of other members of the community.

ANMs with the list of trained birth attendant or village health guide would also identify women and infants who need to be referred to the PHC / CHC or the private practitioner and would provide necessary information to these beneficiary groups for such visits. Panchayat would arrange these visits to the PHC / CHC where necessary.

ANM would identify women who require contraceptive care or MTP services. Where the contraceptive care cannot be provided by ANM during the visit itself, the identified beneficiaries would be referred to the PHC / CHC. Panchayats would ensure that specific days are earmarked for providing such services in order that beneficiaries

do not face any hassles. Panchayats would also keep an eye on the private practitioners who deliver such services to gather necessary feed back.

It shall be the duty of the panchayat to ensure that services to be provided are available in the PHC / CHC on specified days and requisite material inputs are available for delivery of such services.

Panchayats would also ensure that ANMs are available for their roster duty and have necessary material inputs with them for delivery of services during their visits. In case of any bottlenecks, which the panchayats are unable to remove, it shall be the duty of the block panchayats to do so. Panchayats shall monitor the effectiveness of delivery system periodically. Similarly, block panchayats would also review the implementation of programmes. Block panchayats in particular would ensure that doctors and other services to be provided are available in the PHCs / CHCs and ANMs undertake their roster duty as prescribed. Block panchayat would also arrange to remove bottlenecks, if any in this regard such as non-availability of doctors, paramedical staff and material inputs with the help of district level panchayat.

2 Vector Borne Diseases

Following is the sequence of activities in respect of various diseases covered under this programme:

- i) identification of villages which are prone to vector borne diseases on the basis of past history, available case load, environmental factor etc and arranging operations for spraying of insecticides in these identified villages, which have high infection rate, by health workers as per prescribed schedule;
- ii) identification of persons with high fever;
- iii) arranging access of these persons to Malaria worker / male multi-purpose worker / PHC doctors / private practitioners for consultation and diagnosis;
- iv) collection of blood smear for examination in a laboratory and delivery of chloroquine tablets; and
- v) examination of blood smear and initiation of radical treatment where required, if the blood smear is positive;

Panchayats will undertake identification of villages. They will also ensure that insecticides are stored well in advance for spraying and schedule for spraying by the malaria worker is chalked out and concerned village communities informed. This information shall be conveyed to the gram sabha in a meeting organized with prior intimation. It shall be the duty of the panchayats to remove any misgivings on the part of the villagers against such spraying.

Gram Sabha shall ensure that as per prescribed schedule, spraying is done in the village both inside the residential premises as well as outside and requisite cooperation is provided to the Malaria worker for this purpose. It shall inform the village panchayat about the successful completion of spraying operations.

Gram Sabha would also identify persons with high fever and inform the gram panchayat who would arrange the visit of malaria worker / multi-purpose worker-PHC doctor to the village or alternatively visit of patients to the nearest specified health facilities for diagnosis.

Gram Sabhas would ensure that the visiting health worker / doctor collects blood smear from the affected persons and also delivers chloroquine tablets. They will also ensure that the concerned workers provide necessary information to the affected persons about the disease. It shall be the duty of the health worker collecting the blood smear to immediately dispatch it to the PHC or any other specified laboratory for its examination.

Panchayats will ensure that this diagnosis is carried out by the PHC or the specified laboratories within a week and in case of positive findings, to arrange for delivery of radical treatment to the affected persons. Panchayats would also review these operations periodically particularly when incidence of these diseases is at its peak. The Gram Sabha will arrange to ensure that the concerned person adhere to the medication / treatment regimen.

Block Panchayats would ensure that insecticide material is stored with the village panchayat well in advance and further that the visits of malaria workers / PHC doctor etc. is arranged as per a prescribed schedule and this schedule is publicized by the panchayat. Block Panchayat would also monitor implementation of the programme in order to remove any bottlenecks with regard to visit of health worker / transportation of insecticides and availability of laboratory personnel and consumables for diagnosis and availability of drugs for ordinary and radical treatment.

3 TB Control Programme

Following is the sequence of activities:

- i) identification of patients with specified symptoms such as cough, fever, etc;
- ii) arranging access of these persons to TB worker, male multipurpose worker / PHC doctor etc;
- iii) arranging visit of the patients to the PHC for physical examination, collection of blood smear and X-ray;
- iv) delivery of drugs to those diagnosed with TB; and
- v) arranging modalities of supervision for taking these drugs and smooth supply of drugs periodically for nine months.

Gram Sabha would identify patients with TB symptoms with the help of Health Worker / ANM and inform the panchayat.

Village Panchayat would arrange visit of affected persons to the PHC for physical examination. Block Panchayat would ensure that requisite staff and necessary inputs are available and days are specified for such examination in the PHC / CHC so that the patients do not face any harassment or return without consultation. It will also ensure that necessary drugs and consumables are available in their stock and the equipments for laboratory and X-ray tests are in working order. It will arrange to see that requisite technical staff is in position and where necessary by adhoc positioning in

consultation with district panchayat. Village Panchayat will liaise with gram sabha to make arrangements to monitor taking of drugs by patients as per prescribed schedule and would make necessary arrangement within the village for supervision in this regard.

4 Blindness Control Programme

Following is the sequence of activities:

- i) identification of patients with blindness;
- ii) arranging access of these persons to health worker / multi-purpose worker / NGO in the area connected with the programme / PHC for examination;
- iii) identification of specified facilities nearest to the residence of the patient such as NGO hospital / CHC / district hospital etc;
- iv) arranging treatment / procedure at this facility with such escorting arrangement as is considered necessary; and
- v) follow-up of cases developing complications for re-examination and continued treatment.

Gram Sabha would identify such patients requiring medical intervention with the help of ANM / health worker. Gram Panchayat would arrange access of these persons to the NGO managed facility / PHC doctor etc. Block Panchayat would identify specified facilities nearest to the residence of the patients in consultation with the gram panchayat where such persons could be provided treatment. Gram Panchayat would arrange treatment of the affected person at the specified facility. Block Panchayat would ensure availability of doctors, surgical facilities in working order, drugs etc and would specify the days on which such patients can avail of treatment.

Village panchayat would monitor the progress of patients on return from the hospital and would immediately arrange re-visit of the patient to the specified facility or a higher level facility in case of any complication, where necessary with the help of the block panchayat.

5 Leprosy Control Programme

The sequence of activities includes the following:

- (i) search of patients with specified symptoms in a house to house survey on a yearly basis / through periodic feedback in the absence of surveys;
- (ii) identifying days on which examination can be undertaken;
- (iii) referral of such persons to specified facilities for examination;
- (iv) follow-up in areas of high incidence;
- (v) identifying persons needing re-constructive surgery;
- (vi) referral of such persons to specified facilities for such surgery;
- (vii) identifying persons needing rehabilitation after treatment; and
- (viii) referring such persons to specified facilities / NGOs for such rehabilitation

House to house survey of persons with symptoms of Leprosy should be carried out by Leprosy worker with the help of gram sabha and in their absence by a multi-

purpose worker. For this purpose, panchayat should specify the date and time for such campaigns so that this survey is successful. When the national campaigns are no longer being undertaken, the responsibility may be assigned to a local health worker to whom persons having symptoms can approach for counselling and advice prior to examination. Panchayat should specify the schedule of visits of such workers to the villages.

Village panchayat should identify the PHC or other health facilities where the persons identified during survey can be referred for examination and diagnosis. Specified days and time should be arranged for this purpose so that the affected persons do not feel harassed. It shall be the duty of panchayats to ensure that diagnosis is done in time and treatment profile is started soon after examination and to sort out bottlenecks, if any. Panchayats should also arrange for a monitoring mechanism with the help of health workers to ensure that treatment is going on smoothly and where problems are encountered to sort out these problems with the help of block panchayat. Panchayat should also arrange for identification of those requiring reconstructive surgery and rehabilitation after treatment with the assistance of experts arranged by block panchayats. Institutions where such surgery / rehabilitation can be undertaken may be identified by district panchayat. Such persons may be referred to these institutions by the village panchayats. Visit of identified persons to specified facilities / NGOs for this purpose may be arranged by the village panchayats.

It shall be the duty of block panchayat to ensure that referred cases are attended to for which prior schedule may be settled. In this process, assistance of district panchayat may be undertaken, where necessary.

6 STD / AIDS

The sequence of activities is as follows: -

- (i) identification of persons with specified symptoms;
- (ii) identification of facilities where consultation / counselling / diagnosis can be carried out;
- (iii) referral of such persons to these facilities;
- (iv) examination / diagnosis and treatment profile; and
- (v) counselling.

Gram panchayats should carry out awareness campaign through gram sabhas about symptoms of these diseases. Block panchayat shall identify facilities where rehabilitation / counselling etc can be carried out. Gram panchayat should facilitate access of such persons to specified facilities for consultation / counseling and examination. Block panchayat with the help of district panchayat should ensure that specified facilities have availability of experts / diagnostic equipment/counseling facilities etc.

Village panchayat should sort out any problems, which the patient may be facing in accessing specified facilities where necessary with the help of block panchayat. Village panchayat should arrange for counseling of family members of identified persons.

Social Justice and Empowerment

Empowerment of Scheduled Castes (SCs)

For empowering the SCs, the nodal Ministry of Social Justice & Empowerment implements various programmes, which encompass welfare, development and protective measures. These include i) educational developmental programmes such as Post-Matric Scholarships, Pre-Matric Scholarships, Provision of Hostels, Special Educational Development Programmes for SC girls and Coaching and Allied schemes etc; ii) Economic Development Programmes such as employment and income generating activities supported through National and State level SC/ST Finance and Development Corporations and iii) Social justice and protective measures through implementation of PCR Act (Protection of Civil Rights) 1955 and the SC/ST POA (Prevention of Atrocities) 1989 and the Scheme for Liberation and Rehabilitation of Scavengers.

All the programmes related to empowerment of SCs are implemented through the State Governments. Therefore, PRIs being the grass-root level institutions for promoting self governance can be involved equitably / effectively especially in (i) identification of needy and deserving beneficiaries; (ii) distribution of schemes and beneficiaries among them; (iii) identification of schemes in terms of their suitability and feasibility; (iv) evaluating the continuing schemes to identify gaps / problems in their implementation; (v) monitoring progress of implementation of these schemes in respect of physical and financial achievements and watching the actual performance and impact of the schemes (vi) monitoring the implementation of Special Component Plan (SCP) and coordination, convergence and integration of various programmes therein at the gross root level; (vii) prevention of diversion of earmarked funds / benefits and ensuring utilization of the same for the purpose they are meant for; and (viii) selection of grass-root level NGOs etc.

In respect of educational development programmes, such as post matric scholarships, pre-matric scholarships, construction of hostels, provision of coaching services for competitive examinations and special education programmes for SC girls. The lowest unit of PRI i.e. gram panchayat through gram sabha should be involved. Gram sabha should identify beneficiaries for these programmes. The block level panchayats should be involved in identifying locations where hostels should be constructed for equitable spread of educational facilities and for locating special schools for SC girls in low literacy pockets. Block level panchayats should also sanction post matric and pre-metric scholarship as per conditionalities of the scheme. They should also monitor and review the timely disbursement of these scholarships and other allowances. The village panchayats should also undertake through gram sabhas awareness programmes for promoting school enrollment rates, checking dropouts. The block panchayat should select local level NGOs for implementing special educational programmes for SC girls etc. Zilla Parishad should be involved in developing linkages with various programmes, improving the quality of services, timely allocation of funds and timely sanction of scholarships, establishing linkages between hostels and schools where beneficiaries are pursuing their studies, providing various facilities at the hostels, identifying institutions for coaching services and monitoring the quality of coaching as well as their impact. Zilla Parishads should also forge appropriate linkages with poverty

alleviation programmes to enable beneficiaries belonging to the most poor and backward segments to take advantage of these educational schemes whether of scholarships or of coaching or hostels. They should also promote inter-sectoral linkages such as between educational and health programmes, educational and poverty alleviation programmes etc.

In the category of economic development programmes especially those are implemented through the State level Scheduled Caste Finance and Development Corporation (SCFDC), zilla parishads should decide upon specified number of beneficiaries to be taken up in the district and their distribution among various blocks. The block level panchayats should decide on the clusters where such schemes should be promoted. Block level panchayats should also mobilize development and technical personnel to help prepare appropriate self-employment projects for members of these clusters which may include aspects such as selection of viable economic and income generating ventures, arranging their forward and backward linkages i.e., raw material, skill development, appropriate market, and motivating members for repayment of loans. The block level panchayats should forward such schemes to the zilla parishads for onward transmission and sanction of these projects. Zilla Parishads should ensure expeditious sanction of these schemes and timely release of funds for implementation. They should specifically ensure that various inputs and linkages as envisaged in the projects are arranged and in case of any problem should take corrective action. The zilla parishads should also monitor intensively the implementation of these projects. They should also try to promote intersectoral linkages for more effective implementation through appropriate convergence of other schemes, which have relevance for these programmes.

In respect of social justice and protective measures such as effective implementation of Protection Civil Rights Act of 1955 and Prevention of Atrocities Act 1989, village level panchayats should have the responsibility of reporting incidence of atrocities committed on SCs/STs to the competent authority. They should also take prompt action with the help of gram sabha in diffusing tension, providing protection to the victims through social mobilization, creating a climate where the perpetrators of atrocities are socially ostracized and keeping vigil on the situation. Village level panchayats should also take follow up action with regard to registration of case and help in its expeditious investigation by mobilizing evidence. They should also forward compensation claims and rehabilitation plans for the victims and upon its sanction ensure that this assistance is distributed to the victims in the gram sabha and made use of meaningfully. Village level panchayats should also investigate the circumstances in which atrocities have been committed and if there are underlying causes, which require matters to be handled at a higher level for intervention, may immediately report the matter to the block level panchayats. They should also keep in touch with the victims in order that the victims are not intimidated or forced to withdraw their complaints or to run away from the village to frustrate the process of punitive action. The block level panchayats would have a very important responsibility for ensuring that the cases are promptly registered and investigated and where necessary, medical examination is carried out timely and also that the victims are not intimidated and appropriate protection is provided to the victims in case of harassment. Block level panchayat should also provide immediate relief and social support to the victims and should monitor their condition so as to make necessary intervention. Zilla Parishads would have the responsibility to sanction compensation claim and rehabilitation plan promptly.

They should have the entire circumstances of atrocities investigated comprehensively (apart from the criminal prosecution) in order that there is no repeat of such cases in and around that area and if there are underlying causes which have given rise to such atrocities, to take action to prevent their recurrence. Zilla Parishads should also have the responsibility to monitor the deliberations of the cases in the appropriate courts in order that no harassment is caused to the victims through judicial process and manipulation by the perpetrators of atrocities or through negligence of the prosecution machinery.

As regards the scheme relating to elimination of manual scavenging, since by and large such scavenging takes place in urbanized areas within the jurisdiction of municipalities, Zilla Parishads should ensure that the concerned municipalities / urban local bodies and other competent authorities identify the families engaged in manual scavenging. It should also ensure that a team of officers is placed at the disposal of the municipality / urban local body to help them in preparing rehabilitation package / project for such scavengers. The Zilla Parishads should also forge immediate linkages with programme under which dry latrines are converted into wet latrines so that the underlying cause for engagement of manual scavengers is eliminated. Zilla Parishads should also promote convergence of various sectoral programmes relevant to situations in respect of such beneficiaries. Zilla Parishads should promptly sanction their rehabilitation plan and monitor its implementation and intervene where corrective action is required.

Zilla Parishads would have a major task of sponsoring awareness generation programmes for preventing practice of untouchability and other forms of social and economic marginalisation, discrimination and exploitation. For this purpose, they would identify the agencies and instruments through which this task would be performed, lay down modalities for generating this awareness and for taking action where such practice is still prevailing and monitor impact of these efforts. Zilla Parishads would have a major responsibility for ensuring convergence of various programmes for empowerment of untouchables so that the victims are enabled socially and economically to experience enhancement of their status and equality with other communities. They should also promote social mobilisation through block panchayats and gram panchayats besides NGOs and other institutions for social ostracisation of those who practice untouchability. They should also ensure that appropriate legal / punitive action is taken where such cases come to the notice and mobilise evidence for effective disposal of such cases in appropriate judicial fora so that exemplary punishment can be awarded against offenders.

In respect of programmes for empowerment of OBCs and minorities, since the nature of the schemes are the same as those referred to in respect of SCs such as those relating to economic development, educational improvement etc. various tiers of PRIs would continue to have similar responsibilities in respect of these programmes as well.

Empowerment of Scheduled Tribes (STs)

While 73rd and 74th amendments of the Constitution have extended the functional scope of the organs of the self-governance all over India, Central Act 40 of 1996 has provided the legal framework for implementation of the same in the predominant tribal areas or in the Schedule V Areas. The welfare and development of

tribals are implemented through Tribal Sub Plan (TSP) strategy involving distinctly demarcated tribal areas and functional administrative mechanism such as Integrated Tribal Development Projects (ITDPs), with proper coordination, convergence and integration of various sectoral development programmes. However, at present, ITDP is not implemented through the PRIs in any State. The PRIs could be involved in implementation of ITDP projects and should have a decisive say in utilization of resources under TSP. However, there are certain programmes implemented only for tribals where involvement of gram sabhas / panchayats have to be provided special / enhanced powers for their implementation in view of the PESA.

PESA was intended to make tribals masters of their own destiny. The underlying assumption was that given the homogeneity of tribal groups in scheduled areas, gram sabha / panchayat in their area would be in better position to conduct its affairs compared to gram panchayat / gram sabha in non scheduled areas where many other safeguards had to be provided to ensure equitable treatment of scheduled castes, scheduled tribes and women. However, the powers which have been devolved by the State Governments by the Acts enacted in pursuance of PESA, have not internalized the spirit of PESA. For example, land and forests central to the livelihoods of tribal communities are effectively not within the control of tribals inhabiting the area. The provision of mandatory consultation before land is acquired for development projects lacks teeth as recommendations of gram sabha / gram panchayat can be ignored. No remedial measures have been provided in the State Acts in this regard. In recent years, even though gram sabhas have passed resolution against land acquisition (Kashipur in Orissa for an Aluminum Project), the gram sabha's recommendation was over-ruled. It subsequently led to violent protests and police firings in December 2000. Greater powers to gram sabha in respect of land acquisition and management of forest resources will have to be devolved, if such occurrences are to be avoided in future.

In respect of Scheduled Tribes, zilla parishads should be involved in primarily deciding which are the most relevant and need based schemes for Scheduled Tribes in their area under the Tribal Sub Plan so that the money available under the sub plan and Special Central Assistance is effectively allocated to such sectors. Zilla Parishads should also have a major task in ensuring that in respect of each sector where a Tribal Sub Plan component exists appropriate schemes relevant to the Scheduled Tribes are formulated and such schemes are appropriately distributed in various blocks and thereafter to the panchayats. Zilla Parishads would also have a major task of identifying starvation prone areas or migration prone areas where due to food insecurity, tribals suffer and to undertake measures by appropriate convergence and linkages so that food security is provided and people are enabled to undertake income-generating activities for enhancing their purchasing power. Zilla Parishads should also identify minor forest produce collected by tribals in the area and tie up with various market organisations both public and private sector to ensure that timely procurements are made by public sector agencies and remunerative prices paid to the tribals. Zilla Parishad should make other regulatory arrangements where market is through private channels. Zilla Parishads with the help of block panchayat should institute mechanism in the markets to prevent exploitation of tribals through middlemen and extortionists. Zilla Parishads would have a major responsibility of administration of Ashram schools, their proper up keep, monitoring the quality of education, the living conditions and the treatment of tribal students by the teachers etc. They would also have the responsibility of identifying areas and sites where new schools and hostels should be set up and

ensure that available opportunities in schools and hostels are equitably availed of by the needy sections of the tribal communities. Zilla Parishads should also ensure appropriate linkages with health sector for these schools and hostels. In all these activities they would involve and be guided by the block panchayat. They should also appropriately utilise block level panchayats for supervision of these schools and hostels and to provide necessary funds where required for improving their condition.

In respect of economic development programmes, the responsibilities of various tiers of PRIs would be more or less the same as specified in respect of SCs except to the extent that at the panchayat level customary social organisation of the tribal community should also be actively involved in identification of beneficiaries and selecting the nature of income generating activity, mobilising women in various programmes. PRIs at the village and block level would have to play a very major role in overseeing the collection of minor forest produce, its storage, procurement, disposal and processing, where feasible. Zilla Parishads would have to assign a specific responsibility to these two tiers in this regard.

PRIs in the tribal areas should be effectively involved in implementation of Tribal Sub Plan (TSP) strategy especially for ensuring that the basic minimum services are adequately and equitably provided by concerned line departments; selection of suitable projects which would be relevant to the needs of tribals and accepted by them in the areas of agriculture, horticulture, animal husbandry and other relevant sectors; to function as effective negotiators between the tribals and the mainstream development and regulatory institutions as tribals are otherwise isolated and lack capacity to negotiate; weigh the impact of liberalization and market economy on the tribals and initiate steps to protect their interest; developing capabilities to take up independent developmental projects especially for survival, protection and development of Primitive Tribal Groups (PTGs); revitalising tribal customary laws as effective means to handle various problems internal to the tribal society and their way of life; articulating the tribal interests and ethos and suitably dovetailing the same in any innovative / developmental project under taken in the tribal areas.

Land alienation is a major problem in tribal areas. The lowest unit of PRI with the help of gram sabha should be empowered to identify individuals whose lands have been alienated and by whom and to promptly report the matter to the competent authority for restoration of the land. Block level panchayats or zilla parishads as the case may be, should ensure that subsequent to the restoration of the land the beneficiary is enabled to cultivate the land under concerned programmes with assistance obtained through appropriate convergence and linkages so as to eliminate the possibility of future alienation. Zilla Parishads may also promote cluster-based programme for such beneficiaries under various economic development schemes.

Block level panchayats should also have a distinct role in identifying thrust areas of development and to prepare area development plans wherein various connected programmes are converged and send them to the Zilla Parishad for appropriate dovetailing under the district Plan / Tribal Sub-Plan.

Under PESA, every village shall have a gram sabha consisting of persons whose names are included in the electoral rolls for the panchayat at the village level. Under the Act, specific functions have been assigned to the gram sabha. For instance, (i)

every gram sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution; (ii) Gram sabha shall approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the panchayat at the village level; (iii) gram sabha shall be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes; and (iv) every panchayat at the village level shall be required to obtain from the gram sabha a certification of utilization of funds by that panchayat for the plans, programmes and projects implemented by it.

In respect of protective measures, special powers have been assigned under the provisions of Act No. 40 of 1996 where in the village level panchayats is authorized to prevent alienation of land, to ascertain the consent of the affected land owner where land is to be acquired for any 'public purpose', fixing prices for minor forest produce and other commodities to coordinate and develop effective linkages with TDCCS and TRIFED and identification of money lenders and other exploitative agents, generating awareness about entitlements and various instruments of exploitation, about enjoyment of rights, ownership and control over natural and forest resources. Zilla Parishads should be involved in empowering village panchayats to effectively exercise these powers and where appropriate, by creating support structures through training or association of NGOs etc. There is a need to implement Act 40 in letter and spirit and rescind all laws and administrative instructions which contravene the Act 40.

Empowerment of the Disabled

Towards 'Empowering the Disabled', the Ministry of Social Justice and Empowerment implements various programmes viz, i) Management of 6 National Institutes; ii) Assistance to Disabled Person for Purchase of Artificial Limbs, Aids and Appliances; iii) Assistance to Voluntary Organization for the Disabled; and iv) Financial assistance to disabled through National Handicapped Finance and Development Corporation (NHFDC).

The important activities under the programmes (ii), (iii) and (iv) to be attended to are i) identification of the implementing agency; ii) selection of beneficiaries; iii) mobilising community contribution / participation (where applicable), iv) ensuring that the assets/benefits reach the bonafide beneficiaries; v) organising training programmes; vi) prevention and early detection of disability; vii) early intervention; viii) awareness generation; ix) educational and vocational training; x) economic rehabilitation; xi) social integration of disabled; xii) setting up of schools in districts where there is no special school at present.

Six National Institutes specialized in different areas of disability, have been providing a complete package of welfare services to the physically and mentally disabled and dealing with their multi-dimensional problems. The National Institutes could prepare detailed guidelines regarding community based management of various disabilities in which PRIs can have a direct as well as supportive role on a regular basis. Zilla Parishad and panchayat samiti as case may be can play a leading role in the identification of training needs, in selection of beneficiaries, mobilising community participation, identification of gaps / bottlenecks in the implementation of programmes,

organizing / promoting relevant programmes and create awareness for prevention and early detection of disability.

Village panchayats in cooperation with gram sabha should be involved in identifying persons with disabilities and with the help of professionals identifying what assistance needs to be given to the beneficiaries / families. Village panchayats should also be involved in awareness programmes for prevention of disabilities. Village level panchayats with the help of gram sabha may also provide appropriate space and facilities for holding awareness / training programmes (where done insitu) and to create a more friendly ambience for the disabled in the society. Village panchayats should also ensure that the local schools or the health care centres treat the disabled with dignity and consideration and the school teachers should ensure that disabled students are not discriminated against, allowed admission to the integrated schools and that the other inmates of the school do not ill-treat or hurt students with disabilities. Village level panchayats through its development programmes should also create school facilities / health centres / recreation parks or such other public places where disabled persons are required to visit so that they can enter and move about without any difficulties. Village level panchayats should also be involved for sponsoring / preparing applications for seeking assistance for aids and appliances for the disabled.

Block level panchayats should be involved in arranging awareness and training programmes, organisation of disabled persons into groups for effective action, helping prepare appropriate schemes for their education and economic development, creating training modules for community / family / public functionaries, ensuring that schools and other public places have facilities for disabled persons to visit and creating more friendly atmosphere in the schools for disabled students. Block level panchayats should also identify special areas of assistance which different categories of the disabled need. Block level panchayats should with the help of village level panchayats also take up cases of discrimination against disabled persons in any sphere before the competent authority under Prevention of Disabilities (PD) Act. Zilla Parishads / block level panchayats should also allocate specific percentage of resources under various programmes for taking up the schemes which directly benefits the disabled persons.

Zilla Parishads should arrange for training of public functionaries, NGOs and other social workers in handling the problems of disabled persons in cooperation with National Institutes or where available, State level Institutes or rehabilitation centres. Zilla Parishads should also ensure that requisite percentages of funds are allocated under various programmes for the disabled persons. They should also ensure convergence of various programmes for the benefit of disabled persons. Zilla Parishads should also arrange with the assistance of trained professionals preparation of rehabilitation packages and economic development schemes for the benefit of disabled persons to take them up with the banks and other financial institutions and monitor their expeditious sanction / disposal and thereafter their implementation. Zilla Parishads with the help of block level panchayats should closely monitor the implementation as well as the impact of such schemes. Zilla Parishads should also assist in arranging preventive programmes including those for awareness generation by intersectoral coordination and monitor their impact. Zilla Parishads should also expeditiously arrange aids and appliances under the available programme and village panchayats should ensure that they are made available to persons identified by them. Village panchayats should be

entrusted with the task of monitoring through gram sabha that these appliances are used and where necessary assistance of trained personnel is provided to the disabled for their use. Zilla Parishads with the help of block level panchayat / village panchayats should arrange / locate craftsmen who can be trained to repair such appliances, where required, for their fitment. Zilla Parishads should also have the responsibility of organizing various programmes for encouragement of disabled persons and should launch major programme of early detection of disability in which village level panchayats, block level panchayats and gram sabhas should be actively involved. Zilla Parishad should also oversee the functioning of service & rehabilitation centres for the disabled and promote linkages with their outreach activities. Zilla Parishads should also identify bottlenecks in the implementation of the programmes for disabled and take corrective measures. Zilla Parishads would have a major role in ensuring that various disabled persons are equipped with appropriate aids and appliances under the concerned programmes and are enabled to effectively neutralise their disability through this process. Zilla Parishads with the help of block level panchayats should identify delivery system for the National programme for rehabilitation of persons of disability. Zilla Parishads should also identify NGOs who have the empathy and good track record and are interested in taking up work for the disabled persons. Zilla Parishads should also develop mechanism for monitoring the functioning of NGOs working in the area and promoting their accountability to the community. They should be involved in monitoring, review of programmes for the disabled to ensure that their benefits reach the intended beneficiaries.

Zilla Parishads would have a major role in organising with the help of block level panchayats groups of disabled persons for income generating activities and to arrange for the preparation of viable schemes for them. They should promote required coordination and convergence for setting up of such activities. They should also with the help of block level panchayats monitor the implementation and impact of these programmes and, where necessary, to introduce corrective measures.

In respect of programmes, which are implemented through NGO and directly funded by the Central Government, Zilla Parishads shall be involved in identification of NGOs. The information about the sanction of the schemes shall be necessarily conveyed to the Zilla Parishads by the sanctioning authority. Modalities should be laid down in the guidelines of the schemes for NGOs operating in the area for their functioning in cooperation with and under the overall guidance of the Zilla Parishads and other tiers of PRIs as the case may be. Zilla Parishads would have the authority to suggest for implementation to NGOs how under the scheme maximum benefits can reach the identified persons. Zilla Parishads would also have the role of identifying community outreach programme for service centres, National Institutes, State Institutes, other training institutions and NGOs.

In respect of programmes for reforming the social delinquents such as prevention of juvenile maladjustment, Zilla Parishads with the help of block level panchayats would identify such juveniles and entrust them to the nearest NGO for rehabilitation. Zilla Parishads would oversee the functioning of juvenile homes set up / to be set up under the Act and ensure their proper functioning by allocating adequate resources. Zilla Parishads would also promote NGOs with good reputation and commitment to set up such centres in their jurisdiction and to seek assistance from concerned governments (Centre & State) for this purpose. Zilla Parishads would also

look into the circumstances which create such mal-adjustments and would promote measures by which such mal adjustments can be minimised through various measures, new programmes, convergence of various services, effective coordination with different agencies, social mobilisation and promoting other non-institutional methods for this purpose.

In respect of schemes for prevention of alcohol and psychotropic substance abuse, Zilla Parishads with the help of municipalities / village panchayats would identify victims of such abuse and refer them to the nearest rehabilitation centre. They would also promote setting up such centres in hospitals or by NGOs. Village panchayats would have the onerous task of motivating the person concerned and his family to seek assistance of such centres for drug/alcohol de-addiction, to create awareness about prevention of such conditions through social mobilization and to provide necessary support structure for sustenance of these measures. Zilla Parishads with the help of block level panchayats through appropriate programmes would create necessary conditions by which such abuse can be prevented. Zilla Parishads would particularly review the programmes of rehabilitation of drug addicts and their impact and would periodically review the matter with the concerned NGOs/hospitals. The Zilla Parishads would promote linkages between the gram panchayats and the concerned NGOs so that the concerned NGO can take help from the gram panchayats in creating necessary social support structures after a person has been discharged from institutional care.

In respect of street children, zilla parishads would identify such children with the help of municipalities and identify NGOs, which can take up the rehabilitation of such children. It may also promote NGOs if no good NGOs already exist. It would assist the municipality in preparing schemes for rehabilitation of street children for seeking assistance from Centre / State Governments under the concerned programmes. It would sponsor such cases to Central and State Governments and create mechanism under the municipality for their effective supervision during implementation. It would monitor the impact of these programmes so that corrective measures for effective rehabilitation can be introduced. It should particularly mobilize village panchayats in trying to ensure that effective liaison is established with the families whose children have left their homes and to create conditions under which, wherever possible, these children can be rehabilitated within their families. Village level panchayats should also be actively involved in counselling families through their awareness generation programmes for creating an environment in which children are not forced to leave houses and there is social ostracisation of families which ill-treat children. Zilla Parishad would have a major role in converging various poverty alleviation programmes in such a manner that most marginalised families whose children are forced to leave homes get the assistance under this programme. It should review the work of NGOs and its impact and suggest corrective measures where necessary. It should promote linkages between NGO and block & gram panchayats and promote convergence of various programmes so that optimal impact of the efforts is created.

Women and Child Development

Development of Children Other than ICDS

The identification of implementing agency should be done by the village panchayat with the approval of the block panchayat. Village panchayat should arrange for accommodation for the programme. Village panchayats should also provide linkages with community and assist the implementing agency in seeking their participation. Village panchayat should also verify whether benefits are reaching the bonafide beneficiaries. It may also identify gaps and problems in implementation of the programmes and communicate them to the programme agencies for their rectification. The training agency may be selected by the block level panchayats. The village level panchayats should assist in arranging training programmes and providing and developing linkages towards effective coordination and convergence of services. The block level panchayats should also monitor and review the implementation of the programme and suggest mid term correction, if any.

ICDS Programme

In respect of ICDS programmes, the village level panchayats with the help of gram sabha should select the Anganwadi worker and helper. Gram Sabha should help in identification of beneficiary households (children and lactating mothers), arranging accommodation within the village, providing necessary assistance to anganwadi worker for cooking food where necessary, mobilising target group households to seek assistance of the programme, verifying whether the benefits are reaching the children and the pregnant / lactating mothers as the case may be. Village panchayat should promote inter-sectoral linkages particularly between health and nutrition programme and sorting out problems, if any in the implementation of the programme. The village level panchayat should also see that the ICDS centres operate regularly and necessary equipments like weighing machines are available and in working order. It should monitor whether food supplements are being received in time and should seek assistance of block panchayat / zilla parishads in arranging them in time so that there are no interruptions in services. It may also explore if community contribution can come in this regard to maintain continuity and in fact should promote such efforts. District and block level panchayats should arrange training programmes for anganwadi workers, ensure timely supply of food supplements / equipments, review the implementation of the schemes, promote inter-sectoral linkages particularly between health and nutrition staff and review impact of the programme on mal-nourished children. District level panchayats should specifically promote linkages with relevant programmes such as poverty alleviation in respect of those households where the infants are not showing requisite growth.

With regard to Food and Nutrition Board, the village level panchayat with the help of gram sabha should arrange and organise awareness camps where Board officials can disseminate nutrition awareness through demonstration programmes based on local food available. It should also promote nutrition awareness in their public contact programmes as well as through the local anganwadi centres and health sub-centres.

Empowerment of Women

In respect of Short Stay Homes for Women, Zilla Parishads should arrange to involve village level / block level panchayats in undertaking visits to the Short Stay Homes and getting feedback about problems, if any. The village panchayats may also

be involved in extending help on return of inmates of Short Stay Homes back to their families through social counselling and in promoting better social relations through community pressure.

In respect of training-cum-employment programmes, village panchayats through gram sabhas should be involved in the identification of beneficiaries and extending cooperation, providing accommodation etc. for taking up income generation activities in the village. The block level panchayats should be involved in promoting linkages with such groups and other development programmes and such institutions as may assist these groups in carrying out the entrepreneurial activities. The block level panchayats should also promote active linkages for such groups with local markets in their jurisdiction by such actions as, for example, providing proper space in market centres, protecting them from harassment by other traders and other forms of exploitation. Zilla Parishads should promote skill upgradation and training and promoting wider linkages with raw material and sources of markets. They should also provide linkages with institutions which can feed them with market information. Zilla Parishads should also review the activities of these groups to see the difficulties being faced by them particularly in respect of credit and working capital. In respect of Indira Mahila Yojana, etc. Zilla Parishads may promote village level panchayats as recipient beneficiaries organisations to take up projects for income generation.

In respect of awareness generation project, the village level panchayats should be responsible for checking atrocities, promoting harmonious relations, arranging programmes for awareness generation and assisting the victim/victims of atrocities by ensuring that the available assistance reaches timely and is appropriately utilised. The block level panchayats may identify atrocity prone areas and more specifically issues in those areas which generate conflicts and tensions culminating in atrocities. It shall be their duty to resolve these problems in time through social mobilisation and by involving regulatory agencies and development institutions. It shall particularly create a climate where perpetrators of atrocities are socially ostracized. Both Zilla Parishads and Block Level Panchayats should periodically review the situation in respect of atrocity prone areas and the rehabilitation of the victims. They may also take the assistance of local NGOs in this task. Zilla Parishads should also map out public campaigns and initiate policy measures, which would eliminate incidence of such atrocities. Family counseling centres being urban oriented would be operated by trained professionals and specialised NGOs. However, Zilla Parishads should periodically review their activities and assess their impact. It should also promote awareness through its publicity campaign and social contact programme to encourage needy households to avail of their services.

In respect of various activities under Women and Child Development Programme, zilla parishads and block level panchayats may provide maximum support by mobilising gram sabha for financial and material contribution from the community for enhancing the coverage and quality of different programmes.

Environment and Forest

Environment

Under Environment, following category of schemes are implemented:

Those which provide grants to institutions / projects for their running and maintenance such as Central Pollution Control Board, Botanical Survey of India, Zoological Survey of India, National Museum of Natural History etc. In respect of such institutions where any of the activities involve field operation or development project, PRIs should be involved / associated in selection of area, preparing development plans, surveillance, monitoring and, wherever feasible, enforcement. For example, Central Pollution Control Board commissions research studies on status of environment which are conducted by the State Pollution Control Boards. The State Pollution Control Board in turn need to fully involve local PRIs in collection of data, reporting of field conditions, surveillance, monitoring and enforcement. Under these categories are also schemes which undertake environmental statistics and mapping. This involves preparation of maps, pollution data relating to air, water, soil and noise pollution along with trend analysis. Preparation of districtwise zoning atlas for location of industries in selected districts has also been undertaken. Sequence of activities covers identification of districts, screening and final approval of the specific locations. Zilla Parishads of the concerned district should be involved in this exercise, which would have the advantage that the technocratic data would get vetted by people's representatives and their perceptions may provide fewer points of understanding and interpretation.

There is a scheme for Environment Audit which involves submission of an environmental statement by polluting units to the concerned Pollution Control Boards as mandated under the law. Mechanism should be evolved by which local Panchayat bodies where the polluting unit is located are also involved in getting feedback from the people so that the information emanating from the polluting unit can be corroborated and refined for making interventions. The local PRI should be actively associated in surveillance and monitoring of such units and in gathering feedback about the impact of any interventionist measures.

There is a scheme for Promotion of Common Effluents Treatment Plants (CETPs) in the cluster of small-scale industries. The Zilla Parishad of the district where small-scale industries are located should be involved in selecting the locations and in the monitoring of the impact of such plants. The report of Zilla Parishad should form the basis of any proposal in this regard.

Under the scheme of Adoption of Clean Technology by Small Scale Industries, the activities include training and awareness programmes for personnel in small industries development organisations, preparation of sector specific manuals on waste minimization, demonstration in selected sectors. Zilla Parishad may be involved in selection of personnel for training, identifying sectors in which waste minimization

projects / manuals / studies need to be carried out and in selecting sectors where demonstration for improved technology should be undertaken.

Under the scheme Environmental Impact Assessment, the activities include carrying capacity studies, promotion of cleaner technologies and development of methodologies and analytical tools. The Zilla Parishad in which such impact assessment is to be done should be involved in identification of polluting industry / unit and on sanction of the project on monitoring its impact. There should also be a provision for holding “public hearing” and it could be expanded to mandate ‘PRI hearing’ so that potential victims of projects could get a right to represent their point of view in a somewhat “organised group”

Under the Scheme of National Museum of Natural History (NMNH), PRI should be involved in deciding on the location for arranging exhibitions and on mobile museum surveys for rural area and a School Loan Programme for enriching class rooms for teaching of biology. Zilla Parishads may select museum premises which need to be updated and renovated, and in acquisition of exhibits and display material etc.

Under the Scheme of Biosphere Reserves, zilla parishads may be involved in selection of biosphere reserves based on norms decided by the environmental experts, parameters of socio - economic development of the area, training and education. Local village panchayats may be involved in implementation of the programme, surveillance and monitoring.

Under the scheme of Conservation & Management of Mangroves & Coral Reefs, the concerned Zilla Parishads should be involved in identification of mangroves and coral reefs, in the preparation of development / protection plan, surveillance and monitoring. Zilla Parishads would appropriately involve the block level panchayats and village level panchayats in the later task (monitoring). Similar assignment of responsibility to PRIs should be done in the matter of conservation and management of wetlands. The entire plan for wetland development or mangrove development should be prepared in consultation with the approval of the local village panchayat which should consult gram sabha in any case before it is sponsored.

In the Scheme of Assistance to Botanical Gardens, the local municipalities or the Zilla Parishads may be involved in the identification of the botanical garden, preparation and development plan for ex-situ conservation of rare plants, surveillance and monitoring.

Under the scheme Biodiversity Conservation, local village panchayats should be involved in preparing conservation plan and monitoring its impact.

Under the scheme of Ecological Task Force, the identification of the degraded forests which need to be restored, preparation of their development plan must involve the local village panchayats and the concerned gram sabhas. Ex-servicemen who are proposed to be assigned the implementation task must liaise with the village panchayats and the gram sabhas to seek their cooperation and also their assistance in the conservation efforts.

The scheme relating to Research and Development and the scheme relating to assistance to G.B. Pant Himalayan Paryavaran & Vikas Sansthan are fund disbursing mechanism for institutional development. No involvement of PRI is envisaged. However, the department / implementing agency may seek the views of the zilla parishads or appropriate level of PRI in deciding on the problems of environmental protection, conservation and development which need to be brought within the ambit of research and in selection of organisations to be funded.

Similarly, there should be close liaison between local Zilla Parishad and G.B. Pant Himalayan Paryavaran & Vikas Sansthan in order that the Sansthan can render assistance to the Zilla Parishads in relevant programmes having a bearing on environment.

Under the Paryavaran Sudhar Pariyojana, the entire scheme is people oriented and, therefore, the local village panchayats and the concerned gram sabhas should be actively involved in identifying the areas and nature of efforts, monitoring etc.

The scheme relating to Environmental Education, Awareness & Training involves development of educational material, assisting NGOs, training in manpower development and mobilising people awareness. The scheme includes major programme for forming eco-clubs in schools. Obviously, this programme needs to involve PRI in a big way. Block level panchayats should select schools where eco-clubs need to be formed. Block panchayats should also identify NGOs, which need to be assisted. They should also identify target groups such as teachers, women, professionals and public functionaries who need to be trained. Zilla Parishads may identify manpower development of the district for this purpose. Zilla Parishads may also be involved in designing programmes of environmental conservation.

The schemes relating to seminars, symposia, workshops and those relating to grants-in-aid to professional societies are entirely Central Sector and no involvement of PRI is envisaged.

The scheme relating to ENVIS / NNRMS, Centres of Excellence, Policy and Law, Civil Construction Unit, Information Technology, Institute of Biodiversity and National River Conservation Directorate as well as those relating to International Cooperation are all Central Sector schemes which relate to setting up / strengthening of technical institutions or undertaking professional tasks. No linkages with PRIs is envisaged.

Forest Sector

In the forest sector, most of the schemes are Central Sector which provide financial assistance for forestry institutions for education, training, research and extension. These schemes obviously cannot be transferred to PRIs. In this category are also included schemes relating to strengthening of wild life divisions, National Zoological Parks and Forest Survey of India including application of remote sensing technology.

Second category of schemes relate to implementation of forest policy under which national forestry action programme is taken up. This programme seeks to associate scheduled tribes and rural poor in regeneration of degraded forests. Under this scheme village level panchayats should be consulted in selecting the site for

afforestation, choice of species, and making arrangement for protection of the afforested land. Under the JFM concept, there would also be a clear policy for sharing the produce from the regenerated forest apart from getting the benefit of grasses and other usufructs from the forest. For operationalising the above objectives, it is necessary to resolve the problem of delineation of territorial limits in the area of afforestation to facilitate the assumption of responsibilities by the PRIs particularly in the scheduled areas as per the provision of the Central Act 40 of 1996.

In a large number of forest areas Joint Forest Management Committees are operational which undertake precisely the tasks mentioned above. These committees consist of villagers inhabiting the area which is adjacent to the forest which they are supposed to guard and regenerate. However, these JFM committees have no linkages with PRIs. It is necessary to develop this linkage so that not only that panchayats are empowered but that there are no conflicts between PRIs and such committees. One of the difficulties is that the most forest areas are not delineated with the panchayat's boundary. These difficulties need to be resolved in order that people living in the forest villages are brought within the ambit of self-governing institutions. In some of these forest areas, watershed development programmes are also undertaken. These watershed development programmes follow their own guidelines without any linkages with panchayats. Watershed Development Committees (WDCs) are constituted by members of the villages in which watershed is located. The project implementing agencies prepare plan of action for development of watersheds in consultation with these watershed committees. The members of the watershed committees or Watershed Users Association are members of the gram sabha but no linkages with PRIs is provided for. Watershed development programme is also implemented in non-forest areas under different programmes such as those of Ministry of Agriculture and Rural Development. In none of these programmes, PRIs have any role. It is necessary to revise guidelines of these programmes to provide for appropriate linkages of Watershed Committees and Watershed Users Associations with the apparatus of the PRI in that area. This will also ensure that parallel power structures are not created in the village which may have an adverse effect on the programme.

There is a centrally sponsored scheme on forest protection basically aimed at controlling forest fires. This is a scheme in which people in the forest villages need to be actively involved and the village panchayats under which they fall need to be empowered with the responsibility and capacity to undertake the tasks. If the area which is sought to be protected does not fall within the jurisdiction of any panchayats, linkages need to be developed with the nearest panchayats for this purpose. Similar linkages are necessary in the matter of development of National Parks and Sanctuaries. The people in the forest villages through gram sabha should be involved in protection of wild life, control of poaching, animal welfare and eco-development in sanctuaries and National Parks. These institutional arrangements should be linked to the nearest PRI.

With regard to the programmes of National Afforestation and Eco-Development Board, apart from those schemes under which grant is given to an institution, the schemes relating to seed development, Non-timber Forest Produce, Integrated Afforestation and Eco-Development, etc. need to be implemented in a manner where the lowest unit of PRI should have a decisive say in the selection of the site, choice of species based on the parameters laid down by the implementing department, preparing

the micro-plan and implementing the plan sanctioned by competent agency. The Zilla Parishads should be involved in arranging inputs, provision of training and forging other linkages. Block level panchayats should be effectively utilised in monitoring and evaluation of these programmes and to introduce mid-term correction in case the objectives are not getting realized. Block level panchayats should also review the arrangements for distribution of inputs and usufruct sharing.

Agriculture

The Central Sector and Centrally Sponsored Schemes under this sector can be broadly divided into the following sub-sectors:

- Crop Development
- Land and Water Resources Development,
- Production of Inputs,
- Research,
- Regulatory arrangement,

Crop Development

Under this sub-sector, the following components / activities are covered.

- Training of farmers,
- Field demonstrations,
- Arrangements for input supply and distribution through incentive subsidies,
- Land development,
- Training of officials.

Land and Water Resources Development

Under this sub-sector, the components / activities include the following:

- Watershed development,
- Soil conservation for enhanced productivity of degraded lands,
- Land use planning,
- Rehabilitation of shifting cultivation areas,
- Reclamation of degraded soils etc.

Production of Inputs

Under this sub-sector, components / activities include the following:

- Seed multiplication
- Seed production and its quality control
- Establishment of seed bank
- production of bio-fertilizers
- development of prototype of industrial design for agricultural implements.

Research

Components under this sub-sector include all specific projects for general or applied research entrusted to Agriculture Universities or other institutions engaged in research in agriculture etc.

Regulatory arrangements

This sub-sector has the following schemes/activities

- Maintenance and development of investigation and quality control laboratories
- Implementation of legislation on plant varieties and farmers' right,
- Maintenance and development of plant quarantine facilities
- Implementation of Insecticide Act etc.

a Crop Development

This category deals with micro level crop development and management schemes. Panchayati Raj Institutions at various levels have a very crucial role and should be actively involved as the programmes in this sector vitally concern the people. Usually, agriculture is a transferred subject under the scheme of devolution of powers to PRIs. Therefore, ordinarily funds relating to such CSSs ought to get transferred to PRIs and the PRIs at the district, block and village level should have a decisive say in their implementation. The implementation machinery consisting of officials of the agriculture extension and research organization should plan and implement these programmes under the direct supervision and control of these institutions. This would imply that the entire blueprint of the schemes and the modalities of implementation enshrined in the schematic guidelines would be explained to and placed before the Zilla Parishad by the district level sectoral officers who would apprise them of various technical parameters determining the implementation of the specific schemes. A large number of schemes under this category basically involve the components outlined above. The first sequence of activities in this regard is identification of the technology in respect of a crop which is sought to be extended to a specific area. This, obviously, would be the function of the research organisation and the district level technical head of the implementing agency. But PRIs at appropriate level would provide farmers' perception in taking a decision. The second step would consist of identification of the area where demonstration programme has to be positioned or extension work has to be carried out. This is the domain where PRI should have a decisive say. Depending upon the resources allocated for a particular programme to a district, the zilla parishad would decide how available funds would be distributed in different eligible areas [block-wise] and thereafter, block panchayats would decide the manner in which selection of sites in various panchayats would be undertaken subject to the technical parameters being satisfied. The identification of the beneficiary / beneficiaries should be the prerogative of the village panchayats through local gram sabha suitably assisted by the local level technical functionaries. The third sequence of activities would be the arrangement of inputs. This should be done by the technical functionaries in consultation with the PRI at the district level and, where feasible / appropriate, at the block level so that transparency and accountability in terms of effective supply and distribution can be ensured and monitored. Where the inputs are required to be locally produced such as seed multiplication, the technical officers at the district / block level as the case may be,

would identify the agency, individuals for such multiplication with the approval of the appropriate level of PRI. The next sequence of activities would be actual organization of demonstration which would be done by the local level technical functionaries. Panchayati raj body at the local level would be involved in publicizing the demonstration and ensuring participation of farmers from nearby areas for widespread dissemination of technology just in case some enterprising farmers wish to take it up on their own. The block panchayat should review the implementation of programme and monitor results particularly the impact in terms of stated objectives. The PRI bodies at block / zilla level should also be involved in developing linkages with other development programmes which may facilitate the realization of objectives of the schemes, participation of larger number of farmers when demonstrations are carried out and effective interface with the technical functionaries so that there is comprehensive dissemination of technology. Also the PRIs can provide feedback of the demonstration to technical functionaries for possible corrective interventions. The most important sequence of activities in this category of scheme is the distribution of inputs, which essentially involves subsidies. The inputs may consist of certified seeds, minikits, weedicides, machinery, farm implements, sprinkler sets or micro-nutrients / fertilizers. In this sequence of activity PRIs at appropriate level must get decisively involved so that transparency, accountability and equity considerations can be ensured and satisfaction of beneficiaries in terms of inputs received can be monitored.

b Land and Water Resource Development

In this category, the first sequence of activities is the allocation of available funds to different sub-areas and prioritization of those areas. District level panchayat (ZP) should have a decisive say in this respect and the block level panchayat should decide on the specific sites / watersheds / area of land use planning and development in various panchayats subject to the technical parameters governing the scheme. The block level panchayats would also be required to approve the implementation plan for the micro watershed / sub -watershed / land development in terms of various parameters of the scheme. Where the watershed or the concerned site of the land use development falls within the jurisdiction of village panchayats, the entire plan including the location of composite nursery, common property resources to be developed, various structures, drainage line treatment as well as ancillary activities must be placed before the concerned gram sabha of the villages covered by such watershed before being approved. The gram sabha should also decide on the beneficiary / beneficiaries who would be directly responsible for maintenance of various structures and assets. The gram sabha would also select the Mitra Kisan in the National Watershed Development Project for Rainfed Areas (NWDPRAs). Gram Sabha would also debate and approve the technology alternatives concerning drainage line treatment as well as selection of species for nursery development and other ancillary activities such as livestock, pisciculture, sericulture etc. Specifically, they would decide what share of benefits landless members of watershed / sub-watershed would receive to facilitate their spontaneous participation. They would also determine how benefits of Common Property Rights (CPRs) would get shared among the member households. The identification of research problems specific to the area would also need to be discussed first in the gram sabha and then thereafter at block level panchayat samiti and thereafter conveyed to the research organization so that the output in terms of research support can be effectively monitored. The arrangement for supply and distribution of inputs should also get approved by the block level panchayat samiti. The

arrangements for extension, training of farmers should be done after discussion in the gram sabha.

c Production of Inputs

Under this category is involved arrangement for seed multiplication / foundation / certified seed production, establishment and maintenance of seed bank and production of bio-fertilizers / arrangements for compost plants, etc. The sequence of activities would involve identification of agency where production arrangements would be carried out, arrangement of inputs for production and technical supervision. These tasks would be performed by technical agencies. PRI at the block level would, however, be involved in location of sites for these facilities, selection of agencies on the basis of specified parameters, monitoring and gathering feedback from the users about the quality of seeds.

d Research

This category of activities would remain outside the purview of PRIs as the research would be largely institutionalized. However, necessary interface is required between the PRIs and the research institutions so that the PRI at the district level is able to determine the agenda for research / applied research for the research institutions and can also get acquainted with and informed of the output of the research being carried out. Obviously, the funds relating to research where they are not connected with programmes implemented by PRIs would not be routed through the PRI bodies and would be allotted directly by the Central / State Government to the research institutions.

e Regulatory arrangements

This category involves strengthening of regulatory arrangements such as strengthening testing laboratories, implementation of legal provisions and such other activities. These would remain outside the purview of PRI activities. Therefore, prima facie, no involvement of PRIs is envisaged at this stage but could be thought of wherever interface with people can provide useful inputs / support.

Fisheries Sector

Fisheries sector has three categories of schemes.

- (a) Those relating to strengthening of technical institutions engaged in research and development of infrastructure facilities at ports and harbours;
- (b) Those relating to development of fishery farms through training, transfer of technology, supply of inputs and assistance for development of water bodies. Under this category, the following schemes are included:

- (i) Schemes relating to fisheries training and extension
 - (ii) Development of fresh water aquaculture
 - (iii) Integrated coastal aqua culture and development of marine fisheries
- (c) Welfare programmes for fishermen include programmes for housing, accident insurance and provision of relief, etc.

Of the above three categories of schemes (a to c), Strengthening of Technical Institutions are in the Central Sector and provide assistance / support to the Central Institute of Fisheries, Nautical Engineering and Training (CIFNET, Kochi), Integrated Fisheries Project (IFC, Kochi) and Central Institute of Coastal Engineering for Fisheries (CICEF, Bangalore). The scheme related to Fisheries Survey of India is responsible for survey and assistance of marine fisheries in the Indian Exclusive Economic Zone (EEZ) and development of fishing harbour facilities at major and minor ports.

The entire development work in this category is institutional in nature and does not have any distributional aspects. Therefore, the decision-making in regard to this sector is done at the level which exercises control over the institutions / organisations, i.e. Government of India. Further, the activities in this category primarily relate to infrastructure development and do not involve any mechanism of distributing / providing benefits to individuals or organizations directly. Therefore, this set of schemes would fall outside the jurisdiction of PRIs. In respect of Central Government institutions, the decision-making is done by the Central Government or its field agencies, wherever necessary, in consultation with the State Government. In case of development of infrastructure at ports and harbours the decision-making would be done at the level of State Government. When certain facilities are developed such as at major and minor ports, it may, however, be desirable that district level panchayati raj institution is brought into the picture in the following sequence of activities.

- Location of sites for development of facilities on the basis of technical parameters.
- Requirement of infrastructural development for such facilities such as roads, lands use development etc.
- Developing linkages with production organisations to facilitate utilisation of these facilities.
- Post construction development in and around the facility.

While the activities regarding development of ports and harbours may themselves be outside the panchayati raj sector, the creation of such facilities has implications for local rural / urban development which would fall within the panchayati raj ambit. Therefore, the district level PRI should be actively involved in planning and implementation of such projects appropriately.

With regard to linkages between PRIs & the Central Institutions, the new facilities being created or infrastructure being strengthened in the institutes may be communicated to the zilla level panchayati raj institution so that the beneficial aspect of such infrastructure can be harnessed by them for local development. Further, where development of infrastructure in the institutions requires mobilisation of users for optimal utilization, the cooperation of Zilla level PRI should be sought. In other words,

even though these are central sector schemes and fall totally outside the control of PRIs, yet developing linkages with PRIs seeking their support, cooperation and involving them in development activities would be advantageous both to institutions as well as to the local people.

As regards category (b), broadly, the sequence of activities in respect of each category of schemes is as follows:

(i) Schemes relating to fishery training and extension. These schemes are at present implemented with the support of State Fisheries Department. The sequence of activities involve

- selection of fishermen for training and extension.
- Identification of the institutions for providing such training for upgrading their skills.
- Where necessary, upgradation of training facilities in the existing centres through preparation of training / extension manual, production of documentary films, establishment of awareness centres and organisation of seminars, etc.

The village level panchayats (the lowest tier) through the gram sabha should have a decisive say in selection of the beneficiaries subject to the technical parameters for such selection laid down by the implementing agency. Block level panchayats should be involved in developing linkages with other development programmes for improvement of water bodies, provision of inputs and creation of marketing facilities. Village level panchayats should also arrange to associate / involve other beneficiaries who have not been directly provided training with such programmes so that they can learn from the experience of trained fishermen in order to achieve a better spread effect of investment made. Block level panchayats should monitor the impact of training & demonstration with the help of local fisheries officers so that they are in a position to suggest any improvements needed in the training curricula, etc.

(ii) Development of fresh water aquaculture: This involves provision of a package of technical, financial and extension support to fish farmers in order to boost inland fish production. The activities included in the scheme cover construction of new ponds, renovation of ponds and tanks, supply of inputs, training and extension, setting up of hatcheries and fish feed mills. The scheme also provides assistance to State Governments for establishment of laboratories at the State level and provision of soil and water testing kits at the level of FFDA. The following sequence of activities are involved:

- Identification of the water body and its transfer to the individual or the agency for development
- Selection of beneficiaries for management of the body
- Provision of subsidy / inputs / assistance.
- Training, extension and demonstration.
- Selection of right person for setting up of hatchery or fish feed mill.

(iii) The scheme related to integrated coastal aqua-culture: It aims at utilisation of brackish water resource for fish/shrimp culture and involves following sequence of activities:

- Selection of beneficiaries for production
- Extension and training
- Provision of assistance for construction of ponds, inputs etc.

In these schemes or any other schemes of Central Government or State which have similar components, village level panchayat through the gram sabha should identify the water body / bodies which needs to be developed. It should also identify beneficiaries who are to be entrusted with the task of their development and management. Block level panchayat should be involved in arranging for supply of inputs and linkage with other programmes, if any. The village level panchayats should monitor whether the inputs have been received by the beneficiaries in time and ensure that right kind of people are getting this assistance. The village level panchayats should also monitor the impact of the schemes in terms of enhanced production and income / revenue generation. The training and demonstration work, of course, would have to be arranged by the local level departmental officers.

Similarly, with regard to development of hatcheries the selection of beneficiary should be done by the block panchayat in consultation with village level panchayats on the basis of technical parameters laid down by Fisheries Department. For the establishment of fish feed mill zilla parishad should be involved in selection of entrepreneur and the location. Similarly, in the context of scheme relating to marine fisheries the selection of candidates for distribution of subsidy relating to motorization of traditional craft would also be the responsibility of the local village panchayat, which would be exercised through the gram sabha.

Both the block level and the district level panchayats should be involved in monitoring the impact of all developmental programmes in their jurisdiction so that difficulties and constraints, if any, being encountered are resolved through necessary coordination and consultation with concerned technical institutes and implementing agencies and departmental functionaries. Block and district level panchayats should be involved in promoting linkages of these schemes with other programmes in order that optimum benefits can accrue to individual areas from this development.

With regard to the reimbursement of Central Excise duty, the village panchayat through the gram sabha should be wholly involved in identification of the beneficiaries, working out the operational cost as per parameters fixed by technical agencies, verification of their claims, disposal of claims and receipts of reimbursement. Zilla level PRI should be actively involved in timely disposal of claims submitted to the competent authority. Block level PRI should monitor the implementation of the schemes in order to sort out the grievance of farmers and resolve any conflict between programme agencies and fish farmers.

As regards category (c) schemes i.e. relating to Welfare Programmes for Fishermen, they have following three components.

- (i) Development of fishermen villages
- (ii) Group accident insurance for fishermen
- (iii) Savings cum relief for fishermen

Regarding (i) i.e. Development of fishermen villages, the following sequence of activities are involved:

- Selection of the village
- Preparing a development plan
- Sanction of the plan
- Implementation of the plan and resource allocation for this purpose.
- Monitoring the impact.

The selection of the village for this purpose should be done by the block level panchayats. The development plan for the village should be prepared by lowest tier i.e. village panchayat and endorsed by the gram sabha and thereafter must be placed before the block level panchayat for its approval, and thereafter, to the zilla parishad for information. The zilla level panchayat should be responsible for sanction of the scheme, selection of the implementation agency and allocation of funds for this purpose. Block level panchayat should monitor the implementation of the scheme and its impact. Zilla level panchayat should also promote linkages of this scheme with other development programmes in order that optimum benefits can accrue to the village.

Regarding (ii) i.e. Group Accident Insurance Scheme, the following sequence of activities are involved.

- Selection of beneficiaries as per eligibility condition
- Filing of claims
- Expeditious disposal of claims
- Ensuring that the most deserving farmers receive the benefits.
- Resolving intra-village, intra-family conflicts in this regard.

Village panchayats through gram sabha should be responsible for selection of beneficiaries and filing of claims. It should also be responsible for ensuring that once the claims are sanctioned, the deserving person receives it. Any problems arising from these should also be sorted out by the village level panchayat. District level zilla panchayat should be involved in expeditious disposal of claims. Block level panchayat should be involved in monitoring the implementation of the schemes and its impact. Zilla level panchayats should also sub-allocate resources among various units on the basis of allocation received.

Regarding (iii) i.e. schemes relating to relief to fishermen, the following sequence of activities are involved in the scheme.

- Identification of beneficiaries
- Preparation/filing of claims
- Receipt of benefits

All the three should be handled by the village level panchayat through gram sabha. The district level panchayat should distribute available funds among various local units.

Animal Husbandry and Dairy

In this sector, there are 12 Centrally Sponsored Schemes and 10 Central Sector schemes. The Central Sector Schemes largely relate to the activities of Central Government institutions such as breeding farms, training institutes, feed and fodder organizations, survey and regulatory arrangements. These schemes do not have any distributional angle and therefore do not involve any extension work or provision of subsidy. Basically the schemes relate to the activities of the organisations. Therefore, there is no way in which PRIs can be involved. However, it is desirable that in districts where these institutions are located, the Zilla Parishads are acquainted with their activities so that, if necessary, they can seek their help for benefiting the people through training, dissemination of knowledge / research findings, visits, getting inputs, etc. In turn, the institutions can also seek the help of PRIs wherever the research and production activities need people's cooperation or support of local administration.

As regards 12 Centrally Sponsored Schemes, these can be broadly divided into 4 categories.

a) Those relating to assistance to State farms for enhancing their production. The assistance is in terms of provision of inputs etc.

b) Those relating to strengthening of frozen semen centres with equipments, consumables, training and infrastructure improvement.

c) Those relating to veterinary health cover such as control of diseases

d) Those relating to dairy development. Under this category, the schemes largely relate to assistance to cooperative organisations in terms of inputs etc.

a) State farms - In this category of schemes, assistance is largely given to state farms engaged in breeding / production activities. It is essential that block and zilla level PRIs should be fully involved in the decision making on the selection of farm, the range of activities for which assistance is being proposed to be given and monitoring how this assistance is being utilised. Thus, the Animal Husbandry Department of the State Government may identify a particular breeding / production institution in consultation with the zilla parishad where it is located, get the development plan prepared by the institution so that it can subsequently be in a position to ensure that the allocated amount is well spent. The activities of the institutions should also be monitored. The zilla parishad would also sort out various problems that stand in the way of optimal utilisation of infrastructure for breeding / production programme and for better and effective linkages between the breeding / production farm and the extension machinery. The zilla parishad and block panchayat should also arrange periodic supervisory visits to see that inputs being received are of proper quality and that farm animals are being properly looked after. They should also be able to identify constraints in utilisation of infrastructure and help out the institutions through better convergence of programmes.

(b) The second category of the schemes are those which are largely dovetailed into a major project called 'National Project on Cattle and Buffalo breeding'. Under this scheme are involved activities relating to transport, storage and distribution of liquid Nitrogen, support to breeding associations, cooperatives / NGOs, acquisition of bulls for natural service, strengthening of semen banks, training facilities and effecting

better linkages between service centres and beneficiaries. This is a programme in which PRIs should have a major say. Zilla Parishad with the help of block panchayats should identify snags in transport, storage and distribution of liquid Nitrogen and initiate measures for removing them. Zilla Parishad should also identify agencies which need to be supported under the programme. They should also be involved in making arrangements for acquisition of bulls for natural service and in strengthening of semen banks and designing of training programmes. They should have a major say in setting up of artificial insemination centres etc. Block panchayats and Zilla Parishad both should monitor the utilisation of funds and the impact of programmes. These schemes, therefore, should necessarily be approved by appropriate level of PRI duly serviced by local technical officers.

c) In this category, the major scheme is of National Project on Rinder Pest reduction. This involves monitoring and surveillance, organisation of communication campaigns, vaccine production, quality assurance, disease investigation etc. In monitoring and surveillance, village level panchayats through gram sabha should be effectively involved with technical guidelines from veterinary officers. Similarly, in organizing communication campaign village level panchayat should be fully involved and should play a major role in designing as well as operationalising these campaigns. Zilla Parishads should be involved in scrutinizing and approving vaccine production programmes, promoting quality assurance measures, and disease investigation and reporting capabilities etc. Local technical officers would assist the concerned level of PRIs in operationalising these schemes. The PRIs should see that the programmes are properly designed and should monitor their implementation and impact.

Similarly, in case of improvement of slaughter houses and carcasse utilisation, these schemes are implemented largely within the jurisdiction of Municipalities. Therefore, the municipal bodies should be fully involved both at the planning and implementation stage. This should include identification of slaughter houses, selection of beneficiaries, preparing their modernisation plan for infrastructure development, arranging financial and other inputs, effecting market linkages and expeditiously operationalising them. They should also monitor the implementation of the project. Zilla Parishad should exercise overall control.

As regards, schemes relating to Dairy Development, the sequence of activities would include the following:

- Identification of co-operative societies.
- Preparation of projects for assistance
- Supply of inputs
- Manpower development
- Monitoring and review of activities.

Block level panchayat should select cooperative societies based on the parameters decided upon by the technical department. Block panchayat should also approve the project prepared by such cooperative societies with the assistance of technical department. Technical department should arrange for supply of inputs and manpower development. Village level panchayat where the cooperative societies are located should ensure that the assistance has been rightly distributed and received by eligible organisation. Block level panchayat should also review and monitor implementation of the programme. Block level panchayat should also integrate other

relevant schemes for the optimal utilisation of the project assistance such as development of marketing facilities, linkage with milk producers, ancillaries' activities, etc.

As regards regulatory activities such as integrated sample survey, implementation of milk and milk product orders, undertaking research studies and arranging seminars; these activities should be the sole concern of the concerned technical department. However, block panchayats should be involved in organising demonstration and training programmes for farmers, breeders and women on latest animal husbandry practices, organising of milk yield competition and regional livestock and poultry shows, arranging exhibition, gathering feedback from the beneficiary groups and other people about the impact of various sectoral programmes.

Credit and Cooperation

Major activities under this sub-sector include distribution of credit to farmers through primary cooperative societies, assistance to cooperative institutions for development projects in the form of working capital and infrastructure development assistance.

In respect of distribution of credit, village level panchayats should be involved in selection of beneficiaries on the basis of laid down norms, preparation of credit plan of primary credit societies and in ensuring that credit is made available from the society to the beneficiaries in time. The village level panchayats with the help of gram sabha should also be involved in enlarging the membership of primary societies, impressing upon credit takers to return their loan and where due to extraordinary circumstances, it is not possible to do so, to endorse their difficulties to the credit institutions. It should specifically mobilise action against willful defaulters. Block level panchayats should oversee disbursement work, develop linkage with programmes providing other inputs, mobilise creditors for return of loan and where due to adverse situation, repayment is delayed, to prepare the case for rescheduling of the loan repayment plan.

In respect of project loans from cooperative institutions, block level panchayats should identify such institutions which need assistance, help them to prepare their project reports and with the assistance of zilla parishad should ensure timely disposal of the loan applications. It should monitor the activities of such institutions to see that assistance received by the institutions is properly utilised. The block level panchayats should also identify viable development projects for strengthening cooperative institutions with a view to providing better services to local users. The block level panchayats should help such cooperative societies by arranging technical expertise for them. District level PRI should arrange timely release of sanctioned credit to primary credit societies, cooperative bank clearance, endorsement of projects relating to cooperative institutions, monitoring credit disbursement & utilisation of project assistance, and promoting effective inter-sectoral linkages and coordination.

Crop Insurance

The sequences of activities under this head include identification of beneficiaries, preparation of claims, expeditious disposal of these claims and timely receipt of the compensation amount. The village level panchayat should be involved in identification of beneficiaries under this scheme and in preparation of their claim which it should vet.

The block level panchayat / zilla level panchayat, as the case may be, should arrange to ensure that the claims are expeditiously considered and settled by the competent authority. The village level panchayat through gram sabha should ensure that amount is disbursed to the correct beneficiary and is received by him / her without any hassles. The village level panchayat should also help in arranging support / assistance through sources other than insurance to such farmers whose crops have been destroyed or lost in order that they can prepare themselves for the next season of cultivation.

Relief against natural calamities

The village level panchayats through gram sabha should identify beneficiaries eligible for seeking relief under the Relief Manual and get their claims prepared and send them to competent authority. The block level panchayat should have this claim expeditiously disposed of / settled. The village level panchayats should ensure that the compensation amount or other assistance is distributed to the proper beneficiaries under their supervision. They should also arrange to have other forms of relief distributed and, where necessary through mobilisation of concerned offices of Government and where possible through community action.

Irrigation

Command Area Development (CAD) Programme

The main ongoing Centrally Sponsored Scheme in irrigation sector is the Command Area Development (CAD) Programme. The scheme is implemented by the State Governments and funded on matching basis by the State and Centre. Amongst the eligible components of this scheme one is to promote beneficiary farmers participation through Water Users Association in irrigation management. Accordingly, States are encouraged to form as many Water Users Associations as possible for which management subsidy as per the approved criteria is provided by the Central Government to the States. The sequence of activities include motivation of farmers helping them to form association, drawing up the plan for Command Area Development, arranging inputs, management of the command including distribution of water to farmer members. Presently, a number of States are also thinking to empower such Water Users Association to collect irrigation water rates on behalf of the Government. These tasks at present are performed by bureaucratic machinery dealing with the Command Area Development. As the Command of irrigation system cut across village boundary the appropriate unit of panchayat, village panchayat where the panchayats consisting of large number of villages or the block panchayats / mandal panchayats as the case may be, may be entrusted with this task. They should motivate the farmers to form association and draw up a plan for development. In doing so it should ensure that there should be adequate representation of the tailenders / weaker sections. Command Area Development projects should be approved by the zilla parishad. It should allocate resources for this purpose. Zilla Parishads should also try to promote, foster and forge linkages with other programmes so that there is adequate convergence and optimum utilisation of water resources. The task of collection of water rates and mobilising community contribution for maintenance of Command Area should also be done by the same unit of PRI.

To give effect to this arrangement, Central Government implementing departments should change their procedure for releasing funds. Instead of releasing funds to government departments, they should release funds to Zilla Parishads as it happens in the case of Rural Development Programmes. At present, Water Users Association are organised and operate independently of PRIs. This dichotomy should end and Water Users Association should function as an offshoot of PRIs with total integration. This will help in strengthening the PRIs.

There is also a Centrally Sponsored Scheme for conducting Census of Minor Irrigation schemes with the periodicity of once in five years. This is implemented entirely by the bureaucratic formation. There is adequate rationale for such census to be carried out by PRIs with the help of departmental officers in order that there is adequate corroboration of the data collected. In the process there would also be sensitisation of PRIs about the status of minor irrigation assets and the need for their maintenance as under the 73rd Constitutional Amendment the subject of minor irrigation is allotted to panchayats. There may be some schemes of minor irrigation which may not be handled by the irrigation department like construction of dug wells, ponds, check dams and small reservoirs undertaken during relief programme, rural development programme or Employment Assurance Scheme or under Watershed Development Programme. Under all these schemes, the sequence of activities include selection of the site where the structures are to be constructed or renovated, preparing the cost estimates and design, mobilizing labour inputs (most of such schemes are labour oriented) and where necessary even mobilising community resources and then executing the programme. Subsequent to renovation of the asset is also involved the activity of equitable distribution of water flowing from it and the responsibility for maintenance of the assets. These functions should be discharged by the lowest unit of the PRI i.e. village panchayat except where under the delegated powers, the sanction of the project is done by the higher-level panchayati raj body. In the preparation of the cost estimates and design assistance could be obtained from block level engineering staff. Similarly, after the asset is constructed or during its construction, the same engineering staff would assist the Panchayati raj body in ensuring the conformity of the construction with the design, cost estimate and maintenance measures after the construction.

Education

Elementary Education

There were seven schemes relating to elementary education such as Operation Blackboard, Non-Formal Education, Teacher Education, Nutritional Support to Primary Education, Lok Jumbish, Shiksha Karmi and District Primary Education Programme. The main ingredients of these activities include construction of class rooms, provision of teaching materials, training of teachers, selection of volunteer teachers and supply of food grains for nutritional support. All these schemes are now being integrated into one scheme called Sarva Shiksha Abhiyan. It is now claimed that scheme would be implemented through Panchayati Raj Institutions.

Under the revised scheme, location of school and construction of school building should be the function of village level panchayats through the gram sabha. Selection of shiksha karmi or teachers should also be assigned to them. Training programmes for shiksha karmi / teachers should be arranged by block level panchayats. Teaching and

training material should be arranged by zilla parishads for which they should identify and promote resource centres. Nutritional programmes may be entirely managed by village level panchayats with the help of gram sabhas. Zilla Parishads should arrange for linkages in respect of supply of food grains and its transportation.

As regards secondary education, there are at present nine schemes, which include Vocationalisation of Secondary Education, Computer Literacy and Studies in Schools, Education Technology, Environmental Orientation in Schools, Improvement of Science Education in Schools, Strengthening of Boarding and Hostel Facilities for Girls, Strengthening Culture and Values in Education, Yoga in Schools and Integrated Education for Disabled Children. Some of these have been recently merged. At present, there are five schemes (i) relating to Educational Technology including Computer Education (ii) relating to School Curriculum enrichment (iii) relating to Vocationalisation of secondary education (iv) Strengthening of Boarding and Hostel facilities for Girls and (v) Integrated Education for Disabled Children.

Regarding Educational Technology and Computer Literacy, the sequence of activities include selection of teachers, supply of hardware, maintenance of hardware, training of teachers and production of teaching material. Selection of teachers should be done by block level panchayats with the assistance of block level education officers. Supply of computer hardware should be arranged by the zilla parishads. Zilla Parishads should arrange maintenance of hardware for the entire district but operational maintenance should be looked after by block level panchayats under the arrangement agreed upon by the Zilla Parishads. Training for teachers should be arranged by Zilla Parishads with appropriate assistance from Directorate of Education. Teaching and broadcasting material would be prepared by State Council of Educational Research and Training (SCERT). If the computer maintenance has been entrusted to a single agency by the State Government within the zilla parishad, the block level panchayats would seek the assistance of the concerned agency in timely maintenance.

As regards School Curriculum Enrichment Programme, the sequence of activities include development of teaching / learning material, training of teachers, supply of science kits, upgradation of science laboratories, training of science teachers, arranging of seminars and conferences and building up of infrastructure.

Training of teachers should be arranged by the zilla parishads in consultation with the Directorate of Education, association of social activists and NGOs. Selection of laboratories and libraries for upgradation and strengthening should be done by block level panchayats. Items of strengthening and upgradation should be decided upon by the zilla parishads under the overall guidance of the Directorate of Education. Identification of teachers for training could be done by block level panchayats. Centres for training should be identified by zilla parishads in consultation with the State Directorate of Education. Meeting, conferences and seminars including establishment of innovative museums etc. should be done by the zilla parishads. Development of teaching and learning material should be done by SCERT. The location of infrastructure for Yoga etc. should be decided upon by the zilla parishads. Maintenance of development infrastructure should be the responsibility of block level panchayats.

As regards Vocationalisation of Secondary Education, the sequence of activities includes vocational survey, construction of work sheds, purchase of equipments, appointment of teachers and selection of courses. Vocational survey should be carried

out under the direction of the zilla parishads with the help of District Education Officers. Block level panchayats should identify location of work shed for vocational education. It should also be given responsibility of getting them constructed. Purchase of equipment should be handled by zilla parishads. If there is centralized recruitment of teachers, these teachers should be placed at the disposal of zilla parishads who should be responsible for their placement. The selection of courses should be decided upon by the zilla parishads within the basket of courses available.

As regards scheme for Strengthening of Boarding and Hostel Facilities for Girls, block level panchayats should decide the location of places where hostels should be constructed for girls. Selection of girls for the hostels should be decided upon by the village level panchayats with the help of gram sabhas. Construction of hostels should be the responsibility of block level panchayats after the scheme is sanctioned by the zilla parishads. Maintenance of hostels should be entrusted to village panchayats where the hostels are located. Identification of NGOs for implementation of the scheme should be done by the block level panchayats with the approval of zilla parishads.

As regards Integrated Education for Disabled Children, the sequence of activities includes appointment of special teachers, training of the special teachers, construction of resource room and provision of instructional material. Appointment of special teachers should be the responsibility of Zilla Parishads within the guidelines provided by the schemes under which these teachers are to be appointed. If there are State wide guidelines from the Directorate of Education, it should be followed. Training of special teachers should be arranged / sponsored by the zilla parishads as per the requirements of the scheme. Development of resource room in the integrated schools should be the responsibility of block level panchayats. Instructional material should be obtained from the concerned institution specialized in the area of disability. Where necessary, the instructional material should be translated into local language to suite the convenience of the students.

National Literacy Mission

Sequence of activities include location of centres, identification of volunteers / instructors and development of teaching and learning material. Selection of volunteers and location of centres should be handled by the village level panchayats. Instructional material should be obtained from State resource centres or where available locally. Location of rural library should be handled by the village panchayats. Block level panchayats should have a major responsibility in social mobilization with the help of village panchayats in order that the illiterate people take the advantage of the facilities.

As regards Schemes for Continuing Education, sequence of activities include maintenance of libraries already located in the rural areas. It should be the responsibility of the village level panchayats to give requisite resources, over and above the resources allocated to it under the scheme.

As regards Schemes relating to Language Promotion, the sequence of activities include (i) appointment of teachers (ii) identification of places where centres have to be constructed (iii) construction of training centres (iv) identification of the

institutions (Madarsas) which have to be strengthened. This task should be carried out by the block level panchayats. Appointment of teachers should be done by the zilla parishads within the overall framework of the State policy. Where there is centralized recruitment for such purpose it should be followed. Teachers should be placed at the disposal of zilla parishads. The responsibility for construction of training centres should be entrusted to the block level panchayats for which funds should be placed at the disposal by zilla parishads.

There is another important scheme for Area Intensive Programme for Improving Educational Infrastructure in Educationally Backward Blocks. Under this scheme, low literacy blocks have been identified by the Government of India. The identification of NGOs which would set up educational centres should be done by the zilla parishads and requisite resources should be provided to the block level panchayats who would supervise the functioning of such centres. Block level panchayats would also mobilize village level panchayats for ensuring that people from this backward region avail of the facilities. Village level panchayat would network with gram sabhas in sponsoring students from eligible target households.

As regards Higher and Technical Education, the schemes involve transfer of funds to institutions engaged in these activities for their day-to-day running and maintenance. However, where there is any proposal to set up a new centre for technical education or higher learning or a college, zilla parishad's concurrence should be necessary. Zilla parishads should also be involved in assessing the impact of the existing technical institutions, the competence of teachers and relevance of courses so that necessary changes can be introduced in them on their request as per the need of the districts. They can enlist the services of experts (local or outside) in carrying out this task.

Under the schemes relating to Assistance to NGOs and other institutions, the selection of NGOs / other institutions should be done by zilla parishads who should also develop linkages of such NGOs with block level panchayats to ensure social accountability, convergence of programmes and preventing overlapping / duplication of services.

The scheme relating to Studies, Seminars and Evaluation should be handled by the State Governments if the focus is on the State as a whole, otherwise the Zilla Parishad should handle it.

There are many activities, which have to be carried out before effective educational services are delivered to the people. The activity mapping described in earlier paragraphs could be further refined and adapted. Participatory Research in Asia (PRIA) – a voluntary organisation had also done a similar exercise detailing scheme-wise devolution of functions to different tiers of the PRIs. It provides a good guide for activity mapping. The functional distribution prepared by PRIA is at **Annexure VIII**.

Chapter IV

Externally Aided Projects and the Panchayati Raj Institutions

In the present development scenario, a large number of programmes and projects are funded through external assistance. In social sectors particularly, a substantial component of funding is coming through external assistance since States as well as the Central Ministries face a great deal of the resource crunch in expanding their activities. These projects are either bilateral or multi-lateral but bulk of the external assistance is coming through World Bank and through its associate institutions. This assistance is funneled through specific projects, which are formulated and processed within the conceptual and structural framework determined by the World Bank and other donors as the case may be. These projects also lay down elaborate conditionalities of planning, implementation and monitoring and command a great deal of discipline about adherence to the norms and other parameters from the user agencies since the flow of resources is dependent upon their compliance. These projects, therefore, occupy a very important space in the development of the country.

The subjects covered by a large number of these projects touch upon various facets of the social sector such as education, health, nutrition, family welfare, drinking water, poverty alleviation and watershed development etc. all of which fall within the domain of the functions allotted to Panchayati Raj Institutions as specified under the 73rd amendment of the Constitution. Accordingly, consistent with the both letter and spirit of this Constitutional provision followed by transfer of powers effected by the state governments to these bodies through state legislation, these externally aided projects should, in normal course, be implemented through PRIs. There are also additional reasons why this should be so. Most social sector projects cover very large segments of population spread all over the country and are not confined to a small area or small group of people. Further, these projects are not by and large for infrastructure creation but have a beneficiary orientation and therefore have to target specific segments of population. Because of these reasons the linkages with PRIs should not merely be mandatory but also desirable because it is only through these bodies that participation of beneficiaries on such a large scale can be promoted.

The situation that obtains in this regard is, however, quite contrary to what ought to be the position. All externally aided projects without exception have totally bypassed Panchayati Raj Institutions. This is despite the overt rhetorical commitment of the World Bank and donor agencies to democratic decentralization, peoples' participation and community mobilization. The conceptualization of project design, modalities of project implementation, the structure of monitoring and evaluation nowhere get dovetailed with the existing processes of decentralized decision making as enshrined in the Constitutional amendment relating to Panchayati Raj Institutions. This is exemplified by the following features of the externally aided projects, which are shared by almost all such projects.

(a) The Externally Aided Projects (EAPs) have laid down elaborate verticalised decision-making processes exclusive to specific project. This implies that each project tries to create a structure of decision making from the apex level to the lowest organizational level separately and exclusively for the project rather than

operating through the existing formations and decision-making apparatus at the Centre, State, District and Sub-district (Block for instance) level.

(b) The projects have created autonomous structures outside the Government in the shape of registered societies, organisations, committees and other such bodies for handling the project and taking decisions thereon despite the fact that on matters not falling within the domain of the project but still connected with the subject / area of activity covered by the project, decision making takes place in an integrated manner through existing structures of Government, at various levels. Thus the projects apart from bypassing the Panchayati Raj Institutions also tend to militate against the integration of decision-making system in the existing organisation.

(c) The projects are entirely implemented through bureaucratic formations and make no attempt whatsoever even to create linkages with the existing PRIs at an appropriate level such as the gram sabhas, village panchayats, block panchayat samities or the zilla parishads. This is despite the fact that the subjects handled by these projects fall within the domain of the appropriate level of PRIs and legal & political requirements should ordinarily require it that way. This manner of structuralisation of project design and implementation eliminates any possibility of peoples' participation or even the involvement of beneficiaries.

(d) The projects create separate and elaborate monitoring mechanisms exclusive to themselves as also modalities of evaluation and interventions on that basis. This is despite the fact that there are existing mechanisms for monitoring of programmes and projects in each organisation of the Government pertaining to specific programmes / projects covered by an identified allied area of activities. Even in this process of monitoring for EAPs there is no attempt at all to involve the PRIs or even to seek their co-operation or feedback.

(e) In the Externally Aided Projects the involvement of `community` and `participation of people`, where included in its design, is conceptualized through engagement of NGOs funded through the project. Thus, the entire apparatus of PRIs elected democratically by the people having a Constitutional mandate about their existence and legitimacy about powers they should exercise in respect of certain subjects lies unused. The EAPs do not trust them and are therefore deprived of vast space, support and cooperation which otherwise could have been available for the benefit of the projects. Even the involvement of NGOs funded through the project is not brought within the ambit of transparency and accountability to the community through appropriate linkages with the PRIs.

(f) These features of the EAPs have the inevitable effect of `inefficient` utilization of available resources and manpower besides leading to duplication and overlapping since project specific structures and mechanisms cannot bring about any integration with similar / allied programme or other programmes outside its ambit association with which may have relevance and utility for the projects themselves.

(g) The greatest disadvantage to the Government as well as the targeted beneficiary group is the total lack of convergence of related programmes for optimal utilization of resources and delivery of more effective services to the targeted population.

These features of the EAPs, therefore, not merely ignore the existing legal provisions about the authority, powers and responsibilities of the PRIs as well as policies related to democratic decentralization, they also have the effect of alienating PRIs from the activities covered by them. The resultant loss is not merely of the PRIs in terms of lack of participation and control but is even more glaring to the projects. The latter aspect should normally be a matter of concern to the funding agencies, since the vast potential for peoples' mobilization for project related activities for building support systems remains untapped. The objectives of projects would be achieved ineffectively in such circumstances. Further in the absence of democratic accountability of bureaucratic structures by bypassing the PRIs, the projects get deprived of the independent feedback on their activities, impact on the people and other related problems.

As a result funds under the projects and the targets fixed often remain under utilized and the facilities created sub optimally used. The investments made in these projects, therefore, do not result in optimum and effective output from its activities. A large number of target group beneficiaries may even miss being covered by the programme activities since the reach of the bureaucratic formations is constrained by several factors, such as inadequate mobility, lack of empathy and inability to relate to other institution / agencies. Thus a great opportunity for receiving cooperation from such a vast network of institutions spread over every nook and corner of the country is lost to the project.

One of the papers (outcome of a sponsored study) produced by the World Bank on `Rural Decentralization` in India recently for a seminar gives the impression that the Bank's project and policy work across sectors are increasingly coming to grips with the reality of the panchayati raj institutions in rural areas. It also makes a solemn assurance that `future bank assistance, be it in education, health, rural development or economic restructuring will take place within this reality`. The paper suggests that bank assistance strategy needs to consider the opportunities created by PRIs to bring about more effective rural development. However, the reality today is that there is no recognition either in the projects already under implementation or in the projects, which are in the pipeline about the need to work through PRIs and to revise the project design guidelines appropriately for this purpose. There have been occasions when Government agencies such as the Planning Commission have specifically advised on the need for dovetailing project planning, implementation and monitoring mechanisms of the projects within the PRI set up consistent with the spirit of the 73rd Amendment and the transfer of powers in pursuance thereof by the State Governments. However, the implementing ministries of the central government have shown no interest in complying with this advice and the funding agencies have given no direction to this effect to them. Thus, the EAPs are not only reinforcing and intensifying bureaucratic stranglehold over programmes (in fact, intensifying it) quite contrary to the existing legal provisions and policy framework, they are also frustrating these democratic bodies in exercising their legitimate rights and powers. The State Governments also feel helpless in the matter and are reluctant to tinker with the project mandated arrangements for the fear that the donor agency may stop flow of assistance in case of deviations.

In fact, it has been observed that the World Bank is merely not utilizing the framework of democratically elected PRIs for their project work, they are even encouraging / promoting creation of separate and parallel participatory mechanisms

such as beneficiary / user associations/groups in several EAPs such as for watershed programme / irrigation programme, self-employment programmes etc. The beneficiaries are organized into separate interest groups and operate as autonomous bodies for various purposes. These bodies even though they deal with the subject transferred to PRIs make no attempt to relate themselves to the existing PRI set up at any level. This has given an opportunity to the interested political forces to undermine the authority and the status of the PRIs under the guise of directions emanating from the project design. Thus the EAPs are emasculating the functioning of PRIs and enabling parallel power structures to emerge in the rural areas. This has already created a great deal of confusion in the beneficiary groups and people at large since multiple agencies have sprung up in the same area covering different components of development touching upon the lives of broadly the same segment of beneficiaries. This has a very negative effect on participation of the beneficiaries and has generated immense intra-societal conflicts, which are exploited by those who have no empathy with the poor for their ends. A similar situation obtains where under the directions of donors, separate societies / organisations are created for institutional / management of EAPs by passing the existing units of organizational hierarchy in a sub-sector. This has thrown up problems of accountability, intra-organisational tensions, and dysfunctions besides problems of coordination. The unequal prestige, power and financial / administrative autonomy enjoyed by these favoured structures have tended to alienate service providers who are left outside their ambit but all the same involved in implementation of other vital programme in the sector. The loss of morale is counter productive for implementation of sectoral programmes as a whole.

The various studies sponsored by the World Bank on rural decentralised user groups and effectiveness of panchayat system in India, there is an attempt to suggest that elected PRI representatives at every level feel marginalised. In general PRI representatives of the people and have formed various panchayat-working committees as per various State Acts. These representatives feel that the real powers remain with the bureaucracy at all levels and the State politicians. It has also been observed in the studies that since a large degree of discretion has been left with the State Governments on translating the intended objectives of legislation in the 73rd and 74th Amendments, especially on such a crucial aspect of power and authority, it has enabled the continued control of third power i.e. PRIs etc. by the second power i.e. State.

While most State Acts at the design level have broadly defined powers and functions to be devolved to PRIs, the criteria however, in most cases, for arriving the decision of devolution is unclear. There is no clear demarcation of functions between three tiers of panchayats generating confusing and uncertain situation and threatening accountability. Even where roles are defined few States have matched responsibilities with necessary administrative rules etc. The roles of the state bureaucracies have not changed noticeably towards new thrust of decentralisation nor are there clear strategies for redefining their functions in a decentralized framework. The implementation of fiscal decentralization is not happening. Only minimum fiscal devolution has taken place, thereby making PRIs heavily dependent on State Government and consequently reinforcing the control of bureaucracy.

In this background it would be evident that EAPs have contributed in no mean measure towards the marginalisation of PRIs. While a great deal of blame has been thrust on the State Governments for not devolving powers, the international funding

agencies are responsible for preventing such devolution even where the State Governments are willing to do so. As yet no initiative has been taken by the World Bank or other donor agencies to direct implementing agencies to involve PRIs and to transfer project implementation work and resources relating to it to these agencies. It has not even suggested that the appropriate changes may be made within the project design to this effect. Thus it has aided and abetted bureaucratic stranglehold over implementation of programmes. As a matter of fact, if World Bank etc. had pursued the objective of involvement of PRIs in their programmes and projects, their empowerment would have proceeded faster because State Governments would have been more willing and forth right in resisting political pressures against devolution of power, resources and authority to them. Once such devolution was achieved under EAPs it would have got extended to other programmes of the sector / sub-sector since State Governments would not have permitted two different arrangements to operate in respect of EAPs and Non EAPs areas. Thus EAPs could have been instrumental in accelerating the pace of democratic decentralisation.

In this background it is suggested that Central Ministries should immediately take up the matter with Donors and insist, that all projects and programmes the subjects of which stand transferred to PRIs in the 73rd Constitutional Amendment Act or the urban local bodies under the 74th Constitutional Amendment must be implemented through them. They should immediately enter into a dialogue with the donor agencies and prepare a set of directions / instructions for appropriately transferring powers / responsibilities, authorities and resources to these bodies which at present are being handled by bureaucratic formations. Further, no project currently under negotiation or designed in future should be prepared which does not envisage working within the domain of PRIs at appropriate levels. There is no short cut to exercise of powers and responsibilities. There should be unequivocal commitment to transfer of powers, authority and resources to these bodies for this purpose. In case of EAPs, the initiative for such a step does not lie with the Central Government or the State Governments; it exclusively lies with the donor agencies in view of the conditionalities contained in the project documents. Therefore, the commitment of the World Bank and other donor agencies that these democratically elected bodies should be effectively utilised should be tested by effecting appropriate changes in the guidelines and implementing mechanisms of existing projects.

Chapter V

Flow of Funds to the Panchayati Raj Institutions

Panchayati Raj Institutions are Constitutional entities. In order to enable PRIs to discharge responsibility entrusted to them under Schedule XI, they require both financial and functional autonomy. PRIs receive funds mainly from three sources: - (i) From Consolidated Fund of the State as per the recommendations of the SFCs; (ii) From Central Government via Centrally Sponsored Schemes (CSSs); and (iii) Grants-in-Aid as per the Central Finance Commission award.

The State Finance Commissions (SFCs) were set up with the objective of making specific recommendations for making the panchayats financially viable. All States barring Arunachal Pradesh and NCT of Delhi have constituted SFCs but in some States, the recommendations are still under consideration of the State Governments. The recommendations of the State Finance Commissions can be divided into three categories: (i) assignment of taxes, duties, levies and tolls to local bodies; (ii) sharing of revenue proceeds; and (iii) transfers on account of grant-in-aids and other financial assistance. It is hoped that State Governments implement the SFC's recommendations expeditiously.

Generally, the PRIs have a poor fiscal base. The resource mobilisation by the PRIs is limited as the taxes like land revenue, house tax etc transferred to them by the State Governments are less buoyant in nature. More buoyant taxes like excise are kept out of the purview of the PRIs. Further, the responsibilities regarding collection of most of these taxes have been assigned to gram panchayats, which have no support system to levy and collect them. The PRIs have paid little attention to the issues pertaining to financial autonomy & management and auditing procedures, as they are not generally aware of these issues.

In view of this, it is imperative to provide PRIs with revenue raising powers of their own in order to reduce their excessive dependence on the Centre and State Governments. Many States have taken steps to strengthen the financial position of the PRIs. In case of West Bengal, the SFC has recommended that a substantial part of the plan expenditure be given to districts in the form of untied funds, for this a formula has been developed by the SFC to work out the 'entitlement' of each local body. In addition, grants for specific schemes entrusted to the panchayats will be given to them by the State Government. Funds from CSSs will also be in the form of a grant but those would not be a part of the untied pool. Sixteen per cent of the net proceeds of all taxes collected by the State in a year will be transferred to local bodies. Certain taxes like entertainment tax will be handed over to them. Irrigation rates would be collected by zilla parishads and resources generated in regulated markets will be brought within the purview of District Planning Committees (DPCs). Further, the three tiers of panchayats have been empowered to raise taxes, levies and tolls on a variety of activities. Incentive schemes have been suggested to provide matching grants as an incentive for PRIs to increase their resources. These are some of the ways in which the resource position of panchayats could be strengthened. In Kerala too untied funds have been provided to each gram panchayat / block panchayat and municipalities. Here too, certain taxes

have been assigned to village bodies and municipalities and apportionment of a certain proportion of some other taxes to them. Madhya Pradesh has recently transferred the accrual of income from minor minerals, fisheries etc. to the panchayat. Untied grants to panchayats by sharing of tax and non-tax revenues and the flow of programme funds to the panchayats has been mandated. Various forms of cesses on land revenues, agriculture and other fees have also been earmarked for PRIs.

It is imperative that the PRIs raise their own resources. But until such time that they are financially dependent on funds from the State Government, these should be in the form of untied funds. The State budgets should specify the amount earmarked for district sector plan under PRI as also the distribution of this among the three tiers. It is suggested that 30-40% of the State's Plan can be devolved on local bodies as untied funds as it has already been done in the State of Kerala.

In so far as CSSs are concerned, there is a need to ensure that funds under all CSSs should flow to the PRIs and implemented through them. This would be an ideal situation. At present only rural development programmes are being implemented through the PRIs. Under the Jawahar Gram Smaridhi Yojana (JGSY), funds flow directly from the District Rural Development Agencies (DRDAs) to the panchayats and programme is being implemented only at village level by the gram panchayats. The Central Ministries / State Governments may take some time to devise a mechanism for direct flow of funds to PRIs under their CSSs. A beginning should be made to route the funds through the Zilla Panchayats under all the CSSs that fall in the domain of PRIs. The funds may be placed at the disposal of the block and gram panchayats by the Zilla Panchayat in phases in a time bound manner. The funding pattern under the JGSY can be one of the models that can be followed by the other Ministries / State Governments, wherever feasible, with such adaptations as may be necessary taking into account the nature of the scheme and disaggregation of its allotted functions to village panchayats.

Such devolution of funds to PRIs would create greater awareness among the people and help to empower the panchayats to plan and implement programmes of economic development and social justice at the local level in effective manner.

The flow of resources to PRIs though not very substantial, at present, is likely to increase considerably in future as the 73rd and 74th Constitutional Amendment Acts get operationalised in full. The Eleventh Finance Commission (EFC) taking note of these developments has raised serious concern regarding maintenance of accounts and their audit under the PRI set up. The EFC had recommended:

- (i) States should review the existing accounting heads under which funds are being transferred to the local bodies. For each such major head / sub major head, six minor heads should be created – three for the PRIs and another three for the ULBs – so that a clear picture of transfers to each category of local bodies is readily available. In addition, specific demand heads should be created in the State Budgets for the rural and the urban local bodies, respectively, wherein transfers to these bodies under various detailed heads of account are enlisted. This may be done in consultation with the Comptroller and Auditor General (C&AG) and the Controller General of Accounts, to ensure uniformity among the States.

- (ii) The C&AG should be entrusted with the responsibility of exercising control and supervision over the proper maintenance of accounts and their audit for all the tiers / levels of panchayats and urban local bodies.
- (iii) The Director, Local Fund Audit or any other agency made responsible for the audit of accounts of the local bodies, should work under the technical and administrative supervision of the C&AG in the same manner as the Chief Electoral Officers of the States operate under the control and supervision of the Central Election Commission. In no case should the Director for Panchayats or for Urban Local Bodies be entrusted with this work. The prescribed authority entrusted with the audit and accounts should not have any functional responsibility in regard to the local bodies, so as to ensure his independence and accountability.
- (iv) The C&AG should prescribe the format for the preparation of the budgets and for keeping of accounts for the local bodies. Such formats should be amendable to computerisation in a net worked environment.
- (v) Local bodies particularly the village level panchayats and in some cases the intermediate level panchayats, that do not have trained accounts staff, may contract out the upkeep of accounts to outside agencies / persons. For this purpose
 - (a) The C&AG may lay down the qualifications and experience for the agency / person who could be contracted out the work of maintenance of accounts. The Director, Local Fund Audit or his equivalent authority may do the registration of such agency / person.
 - (b) A group of local bodies may be entrusted to an agency / person for upkeep of accounts on payment of remuneration as may be fixed by the C&AG in consultation with the State Government.
 - (c) The Director, Local Fund Audit or his equivalent authority under the direction of the C&AG, may do the supervision over the quality of work of such agency / person.
 - (d) Non-compliance or poor performance should lead to deregistration of the agency / person entrusted with such task.
- (vi) Audit of accounts of the local bodies be entrusted to C&AG who may get it done through his own staff or by engaging outside agencies on payment of remuneration fixed by him. An amount of half-a-percent of the total expenditure incurred by the local bodies should be placed with the C&AG for this purpose.
- (vii) The report of the C&AG relating to audit of accounts of the panchayats and the municipalities should be placed before a Committee of the State Legislature constituted on the same lines as per the Public Accounts Committee.

In this regard, EFC had also recommended an allocation of Rs.2.37 crore per annum for maintenance of accounts at village level and intermediate panchayat level.

Department of Expenditure, Ministry of Finance has issued detailed guidelines for operationalisation of EFC recommendations in regard to PRIs. The guidelines provide for a proportionate reduction in the State allocation in the event of delay in holding local bodies elections. In addition, twenty five percent of the grants meant for PRIs could be withheld from States, which do not transfer functions, functionaries, and resources as recommended by the State Finance Commission to the local bodies. The funds released to the State Government for PRIs would be treated as earmarked funds. To encourage States to empower the PRIs, it has also been decided to withhold share of States which have not been released full allocation "in trust on a non-lapsable basis" during 2000-05. Grants which could not be released to the States either on account of delay in holding elections or for delay in transferring functions and powers to PRIs would be credited to an incentive fund which would be created in the year 2000-05. The proceeds of this fund would be released to other States based on their fiscal performance.

The guidelines also provide for a monitoring agency at the State level headed by the Chief Secretary for coordination and monitoring of utilization of funds released to PRIs. A Central Monitoring Committee will also be constituted to review not only the progress of implementation of the scheme but also the extent of devolution of functions, functionaries and finances.

Chapter VI

Panchayati Raj Institutions – Non Government Organisations Interface

Non Government Organisations (NGOs) / Voluntary Organisations (VOs) have been involved in the process of development for a long time. Initially they were largely operating in the field of social welfare, but in last decade they have been playing an active role in building up people's awareness and in providing support for development works and programmes.

People's initiatives express themselves in several ways – NGOs, Citizen Groups, Pressure Groups, Self Help Groups (SHGs), Pani Panchayats, Watershed Associations, Water Users Associations, Joint Forest Management Committees (JFM), Village Education Committees (VECs) are examples of some of the successful Voluntary Associations/Agencies (VAs). However, in terms of numerical strength and operational reach, NGOs cannot be compared with the PRIs. The programmes of the NGOs rarely cover all the districts of the State, while the PRIs as institutions of local self-government exist at village / block / district level throughout the country. The NGO funded by Centre, State Governments and through voluntary donations, perform important roles in local community. However, they are no substitute for community's effort and participation which can only be ensured through panchayats.

With the emergence of PRIs as a third tier of governance, often there are problems between these two institutions at the field level. The NGOs find it difficult to relate to the panchayats, which they consider a political entity. Panchayats are gaining strength in terms of overall supervision of development activities at the district and sub-district level. It is important that the NGOs and PRIs work in tandem complementing each others efforts.

NGOs in rural areas work with the people, who are all members of the Gram Sabha. They could assist the people in gram sabha in capacity building, access to information, organization into groups thereby improving their awareness and capabilities. People could be assisted in identification and prioritization of needs as per their felt needs and in their empowerment. The people through the gram sabhas would then take up their demands with the gram panchayats and higher tiers of panchayats and Government and also review the implementation of the programmes. NGOs can also be nominated to the District Planning Committees (DPCs) so that they can contribute to planning at the district and sub district levels as also provide technical and other expertise. The role of the Kerala Shastra Sahitya Parishad (KSSP) in supporting PRIs in the State of Kerala is a case in point.

There are two schools of thought regarding NGO-PRI relationship. According to one school, NGOs have full right to work / function independent of the PRIs. As per the second school of thought, though NGOs do deserve certain degree of functional autonomy, they cannot be independent of accountability mechanism of locally elected political institution (i.e. PRIs), more so when the Subjects handled by them fall in its domain and are being funded by public funds.

While the NGOs cannot work as subordinate to the PRIs they need to work in close collaboration with them. The NGO - PRI relationship should not be adversarial, but complementary. NGO - PRI relationships would have to be based upon one basic premise that neither NGOs nor the PRIs should consider the other as contenders to their respective position. Primacy of the panchayats, as a distinct tier in the system of representative system of governance has to be accepted by the NGOs. Similarly, the superiority of the NGOs in terms of access to knowledge, latest technological advancements as well as their capability to deliver has to be appreciated by the PRIs.

Therefore there is a need to conceptualise the relationship between PRIs and NGOs and establish a linkage between them. NGOs should work under the direction and supervision of the PRIs especially if Subjects dealt with by the NGOs fall under jurisdiction of the Panchayats as they are financed by the public funds.

The delineation of areas where NGOs and PRIs can help each other keeping in view the larger interests of the poor, will have to be done. NGOs can help PRIs (i) in capacity buildings through training, exchange programmes and information sharing with PRI functionaries; (ii) play a vital role in the exercise of District Planning especially in village planning, resource mapping, identification of schemes for development; (iii) in activating the gram sabha which is the basic tier of panchayati raj structure.

NGOs can benefit from closer co-operation with PRIs in a number of ways. For example:

- (i) PRI can identify NGOs and provide them better opportunities to get involved in development processes;
- (ii) NGOs can be made directly answerable to the gram sabha. This will give gram sabha / gram panchayat an opportunity to assess the competence of these organizations in the field of delivering development benefits;
- (iii) Panchayats with their regulatory functions and emphasis on policy making can also entrust implementation of some of these development programmes and plans like agricultural marketing, dairing development etc. to the NGOs;
- (iv) The PRIs can help the NGOs in providing sustainability to the NGOs initiatives. For instance, reviews of a number of watershed development programmes already implemented have shown that they have become unsustainable after a period of time, owing to lack of maintenance. Unless they are brought under the overall supervision and management of the panchayats, which are permanent in nature, the assets created under most of these projects cannot be put to use effectively over a period of time;
- (v) As a general policy, it may perhaps be desirable to get assets built up through the community with NGOs assistance and thereafter transfer them to the local bodies for maintenance at the end of the project. West Bengal Government has decided to transfer the assets created under their scheme for construction of dug wells, shallow wells, tube wells and river - lift irrigation schemes (taken up with World Bank assistance) to the panchayat for maintenance. This experiment needs to be evaluated for evolving a clear policy on the question of maintenance of assets.

- (vi) NGO implementing different development programmes of the Government should report to the basic tier of the Panchayati Raj structure namely the gram sabha. This would not only strengthening the gram sabha but ensure proper implementation of the programmes.

NGOs working in the area should inform the local village panchayats and block panchayats of their area of activities, source / sources from which the assistance has been received and components of programmes implemented by them. Where the area of activities of a NGO covers more than one village, all concerned village panchayats should be informed. In case of larger NGOs, the local block panchayats as well as zilla panchayats may also be informed. NGOs may seek assistance of panchayat in forging linkages with various development programmes in order to provide optimal benefits of their activities to beneficiary individuals / areas. NGO should offer assistance or indicate the assistance they can render to local PRI bodies in respect of training, capacity building, social mobilisation, monitoring impact of programmes, social audit and creation of awareness.

In Annual / biannual meetings of the Executive Committee which reviews their activities the NGO should invite the representative of the village panchayat. Simultaneously, whenever the block panchayat or the village panchayat is discussing sectoral programme, which touches upon the areas of activities of the local NGO, the concerned panchayats should invite the NGO and NGO should attend such meetings. Where the panchayati raj body at any level has some grievance relating to activities of a NGO it should invite the concerned NGO for discussion to sort it out. Similarly, if a NGO faces any problems in carrying out the activities it should seek cooperation of appropriate level of PRI for sorting it out. In the event of major complaints being received in respect of NGO and which have been verified by a block level panchayati raj institution, the matter should be taken through district level PRI with the concerned funding agency. Where funding agency has taken a decision to discontinue providing funds to NGO on the basis of certain reports, the assets built up with such assistance should be entrusted to the block level PRI for management which may also seek continued assistance from funding agency in order not to disrupt the activities.

District level PRI should arrange consultation and interface with NGOs working in their jurisdiction on development matters. It should also facilitate networking among various NGOs and promoting linkages with government departments and other development programmes in order that optimum benefits accrue to individuals / areas covered by the scheme / schemes. Funding organizations should also seek comments of district level PRI in addition to any other agency relied upon to assess the working of NGOs and the impact of their activities for release of assistance.

NGOs should also assist the village / block level PRIs in setting up / promoting new NGOs which can operate autonomously and seek funding assistance under various programmes.

Chapter VII

System of Checks and Balances over Panchayati Raj Institutions

Pursuant to the 73rd Constitutional Amendment Act, panchayats are required to play an active role both in terms of planning as well as implementation of development programmes. Therefore, to avoid the mal-practices and misuse of powers by panchayats, all State Governments have provided necessary legislative provisions in their Panchayati Raj Acts in this regard.

Broadly, the checks and balances in terms of State control over the PRIs can be categorised as follows: (1) Powers to cancel / suspend resolution; (2) Power to take action in default of a gram panchayat; (3) Power to remove elected representatives; (4) Power to dissolve the PRIs; (5) Power to give direction to PRIs; (6) Power to call for records and inspection; and (7) Power to conduct enquiry. Information on these seven issues is summarized below in Table.

SI	Items	States
1	Power to cancel/suspend resolution	Andhra Pradesh, Himachal Pradesh, Kerala, Madhya Pradesh, Manipur, Orissa, Rajasthan, Sikkim, Tamil Nadu
2	Power to take action in default of a Gram Panchayat	Andhra Pradesh, Orissa
3	Power to remove elected representatives	Andhra Pradesh, Orissa, Sikkim, Tamil Nadu, Uttar Pradesh
4	Power to dissolve PRI	Andhra Pradesh, Arunachal Pradesh, Assam, Gujarat, Himachal Pradesh, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Sikkim, Tamil Nadu, Tripura, West Bengal
5	Power to give direction to PRI	Arunachal Pradesh, Bihar, Himachal Pradesh, Sikkim
6	Power to call for records and inspection	Arunachal Pradesh, Assam, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tripura, Uttar Pradesh, West Bengal
7	Power to conduct enquiry	Assam, Bihar, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Orissa

The detailed Statewise provisions are given at **Annexure – IX**.

Under the State laws, wide powers of suspension and dismissal vested in the State bureaucracy have straightaway placed PRIs in a position of disadvantage vis-a-vis even middle rung functionaries of the State Governments. It also takes away the essential characteristic of PRIs as elected representative bodies and directly hurts the

concept of democratic decentralisation on the one hand and the autonomy of the PRIs on the other.

The role of the PRIs in the process of development is likely to increase over time with the spread of education and awareness and with the greater involvement of people in decision-making at the local level. In fact, the success of PRIs will depend on the extent to which they are able to improve delivery of programmes which is possible through participation, transparency and accountability.

One of the major strengths of the new dispensation is the greater participation of women and scheduled castes and scheduled tribes in the process of development through reservations in the panchayats. Once again, it may take time for these disenfranchised groups to wrest power from the existing elites. But evidence suggests that overtime these groups would have a greater role in the decision making process. Clearly, there is a need to build up the capacity and organizational ability of the panchayat members to enable them to perform their tasks efficiently and in a cost effective manner.

In order to bring about greater transparency and accountability, a system of social audit by the Gram Sabhas must be put into place. To facilitate this, the Ministry of Rural Development is proposing to issue some instructions which would include the following: (i) a mandatory special meeting of the gram sabha during the last quarter of every financial year, for social audit of all works completed or in progress; (ii) if the majority of the gram sabha express dissatisfaction this must be recorded and communicated to the village, block and district panchayats and within one month a special gram sabha meeting be convened for a detailed audit. This meeting would be presided over by a member of the gram sabha who is not an elected member of the gram panchayat. Similarly, the Secretary for this meeting need not be the regular gram panchayat Secretary. The proceedings would be recorded and approved by the Gram Sabha, (iii) copies of all documents including estimates, bills, vouchers, and muster roll must be pasted on the notice board of the gram panchayat office; (iv) all records must be available for inspection and certified copies available on payment of fees. This concept of the right to information as in Rajasthan is essential for greater transparency and accountability. Social audit is not only limited to development works, Dissatisfaction of the gram sabha about the PRI performance and corrective action by the gram sabha in terms of "right to recall" as provided for by the Madhya Pradesh could be adopted by other State Governments to act as a deterrent to check the abuse of power by elected representatives.

Chapter VIII

Agenda for Action for the Tenth Five-Year Plan

- Panchayat Elections: Holding of panchayat elections every five years is one of the mandatory provisions of the 73rd Constitutional Amendment Act 1992. However, in some of the States like Assam and Arunachal Pradesh, not even the first round of panchayats elections have been held since the enactment of Act in 1992. The State Governments have postponed / delayed PRI elections on one pretext or another. Therefore, it is suggested that holding of panchayats elections should be made mandatory before expiry of five year or within six months of dissolution on the pattern of elections to State Legislature and Lok Sabha. Further, State Election Commissions should be strengthened and their report should be laid on the table of the State Legislature to make State Governments accountable for non holding of panchayats elections on time.
- District Planning Committees (DPCs): As per the 74th Constitutional Amendment Act, State Governments are required to set up DPC in each district to prepare composite plans covering both urban and rural areas. However, in majority of the States, progress on constitution of DPCs has been unsatisfactory. The State Governments have certain reservations regarding territorial jurisdiction of Zilla Parishad, which is confined to rural areas of a district. Parallel planning bodies like District Planning Boards in Gujarat have been in existence in other States as well. Further, in many States, Minister in charge of the district is the Chairperson of the DPCs.

The setting up of DPCs, which is a mandatory provision, must receive top priority of State Governments so as to give genuine fillip to grass root planning. Necessary amendments in the State Acts may be made to enlarge the Zilla Parishad territorial jurisdiction to cover both rural and urban areas in a district. This would facilitate Zilla Parishad's Chairman to become Chairperson of DPC.

- PESA: The provisions under Central Act 40 of 1996 i.e. Provision of the Panchayats (Extension to the Scheduled Areas) Act 1996 (PESA) are specific and leave no scope for discretion of the State Governments. The Ministry of Environment and Forests should re-examine the issue of implementation of their afforestation and other forestry sector schemes in the light of the PESA and revise them appropriately. The State Governments should also reconsider their policies, which are contrary to the spirit of PESA and revise them in consonance with the PESA

Consultation with gram sabha should be made compulsory before acquisition of land by State for any purpose in Scheduled Areas as well as in non-Scheduled Areas. Recommendations made by the gram sabha in this regard, shall be mandatory for State Government to follow under all circumstances.

In order to implement Central Act 40 in true spirit, State Governments should rescind all laws and administrative instructions which contravene its provisions.

- Gram Sabha: The State Governments should take all necessary steps to strengthen gram sabha so that it can play substantive role in the functioning of the PRIs particularly gram panchayats. Only strong gram sabha can act as a watchdog to protect community interest and common property resources through social audit. Therefore, to ensure greater transparency and accountability, a system of social audit by gram sabha and right to Information must be put in place by State Governments. For this State Governments should issue orders highlighting following factors:(i) PRIs should display all vital information pertaining to development projects especially receipt of funds and how they are being spent, in the Panchayats Offices for the information of the public, (ii) All relevant records should be opened to inspection, (iii) Members of public should also be able to obtain photocopies of documents pertaining to development projects as also matters of general public interest by paying nominal charges.

Powers enjoyed by the gram sabha in Scheduled areas should be extended to non-scheduled areas also to make them real fulcrum of panchayati raj system.

- Devolution of three Fs (i.e. Functions, Functionaries and Funds): The decentralization should be implemented in true spirit of the Constitution Amendment Act by devolving three Fs i.e. Functions, Functionaries and Funds to the PRIs and ensure that all development programmes pertaining to 29 Subjects should be implemented through PRIs and not by the State bureaucracy. Pro PRI initiatives in respect to devolution of three Fs to panchayat taken by Madhya Pradesh, Kerala, and Uttar Pradesh etc. need to be taken up by all the States and Union Territories if Panchayats are to be established as true institutions of local self-government.
- Each PRI has a whole range of functions to perform – information obtaining, information giving, opinion / suggestions giving, concurrence giving, resource contributing, partnering with Government, managing and acting as an autonomous unit. The exact role of PRIs would vary from scheme to scheme as well as subject to subject. State Governments have to develop clarity on which role the PRIs have to perform under each function.
- The Central Ministries / Departments should simplify their programme's guidelines and clearly spell out the role of PRIs granting full freedom to PRIs to implement them. This would facilitate the local administration as well as the members of the PRIs to master the guidelines to implement the programmes in consonance with the spirit of 73rd Constitutional Amendment Act.
- A beginning should be made by State Governments articulating the role of PRIs in existing development programmes. In respect of CSSs, which are within the purview of the Eleventh Schedule of the Constitution, instructions should be issued that the flow of funds through the States to the PRIs must be ensured. More specifically in case CSSs are transferred to the States with funds, these should be earmarked for the PRIs within the broad sectoral grouping without any reference to specific schemes. The States would have flexibility in selecting / evolving schemes that are suited to their situation. This would reduce the existing overlap among the schemes and should help to rationalize the numerous schemes with separate guidelines but similar objectives. Jawahar Gram Smaridhi Yojana (JGSY) model could be adopted by Central Ministries and State Governments for their schemes also or they may

evolve any other model as per their requirements to ensure the devolution of funds to the PRIs.

- PRIs have been bestowed with a wide gamut of responsibilities. For effective discharge of these responsibilities, the importance of training of PRI functionaries cannot be over-emphasised. The training programmes conducted for elected representatives of the PRIs have been for a short duration and failed to sensitise them regarding their social responsibilities. They have tended to concentrate more on infrastructure creation and construction oriented governmental schemes. However, the social concerns of an area such as health, education, sanitation and food security require greater attention. Training programmes, therefore, have to internalize social issues. The periodicity of the training also needs to be increased. Training of PRIs on such a vast scale cannot be handled only at the district level. Training at panchayat samitis and even mobile training units to provide in-situ training, would have to be created in the Tenth Plan period to take up this enormous task. Similarly, the Government functionaries who have till now been the instruments for implementation of centrally sponsored schemes, have to be sensitized about the need to effectively transfer powers and functions to PRIs. This calls for extensive training programmes. Though a number of training institutions exist in the country for training PRI functionaries, these are clearly inadequate to address the problem. The Central / State Government may direct Ministries / Departments to earmark certain proportion of funds in each scheme for training PRI functionaries as well as the bureaucratic formations dealing with these programmes.
- There are several organisations at the district level like DRDA, BFDA, FFDA, Blindness Control Society etc. These should be brought under the control of district panchayats. Normally, these organisations have a political / democratic decision making component and a professional implementing unit. What is suggested is that the political component should be supplemented by the district panchayat or a group of PRIs democratically formed, the professional unit can function as such.
- The guidelines of the programmes of MORD define the role of PRIs in planning, implementation and monitoring of the different centrally sponsored rural poverty alleviation programmes. However, there is a need to clearly define the functions and responsibilities of each tier of the panchayats to avoid the overlap and duplication. Further, the MORD has to play pro-active role to force the State Governments to operationalise the provision of 73rd Constitutional Amendment Act and PESA to empower the gram panchayat / gram sabha in a true sense. Further, being a nodal Ministry for PRIs, MORD has to set an example for other Central Ministries/Departments and State Governments by setting up of institutional mechanisms for empowerment of PRIs so as to strengthen the democratic decentralisation in the country.
- Involvement of PRIs in the Health and Family Welfare Programmes could take place at multiple levels. Zilla Parishad / District Panchayats can play crucial role in (i) management of health institutions; (ii) inter-sectoral coordination and community participation in planning, monitoring and management of the family welfare programmes; (iii) coordinate activities of workers of different departments such as Health, Family Welfare, Social Welfare and Education etc. functioning at district level. Gram Sabha / Gram Panchayat and Panchayat Samiti can play important role

in (i) management and supervision of functioning of health care related infrastructure and manpower such as Sub Centres (SCs), Primary Health Centres (PHCs) and Aganwadis; (ii) coordinate activities of workers of different departments such as health, family welfare, social welfare and education etc. functioning at village and block level; (iii) improve the acceptance of different components of the programme through increased community participation e.g. increase in the participation in routine as well as pulse polio immunization, improving referral services by arranging transport for patients to the centers where appropriate care could be provided; (iv) 100% registration of the births and deaths in the villages so that this vital information is available for planning and monitoring of the RCH programme.

- Central Act 40 of 1996 has extended to provision of 73rd Constitutional Amendment Act pertaining to constitution of panchayats in Scheduled V areas. The welfare and development programmes for tribals are implemented through Tribal Sub Plan (TSP) strategy involving distinctly demarcated tribal areas and functional administrative mechanism such as Integrated Tribal Development Projects (ITDPs), with proper coordination, convergence and integration of various sectoral development programmes. However, at present, ITDP is not implemented through the PRIs in any State. The PRIs could be involved in implementation of ITDP projects and should have a decisive say in utilization of resources under TSP. Further special / enhanced powers should be provided to gram sabha / panchayat for implementation of development programmes in view of the PESA.

The Central as well as State Governments should strengthen the PRIs so as to enable it to play important role in socio – economic and educational development of weaker sections of the society i.e. SCs / STs / OBCs. Further role of PRIs in respect of social justice and protective measures such as effective implementation of PCR, 1955 and POA, 1989 cannot be overemphasised.

- In respect of various schemes / activities related to Women and Child Development, efforts should be made to strengthen the PRIs so that the zilla parishad and panchayat samiti are able to provide maximum support by mobilising gram sabha for financial and material contribution from the community for the coverage and quality of different programmes.
- People's participation through Joint Forest Management Committee (JFM) or equivalent at the village level also needs to be reconsidered because it cannot replace or be a substitute of PRIs as the JFM is a nominated body by the Government and not an elected body as the PRIs are. Therefore, JFM should be made accountable to the gram sabha / gram panchayat and should work with PRIs in tandem.
- In the Agriculture & Allied Sector, number of central sector schemes are related to the activities of the organisations, which function independently of PRIs. However, it is desirable that in districts where these institutions are located, the Zilla Parishads should be associated with their activities so that, if necessary, they can seek their help for benefiting the people through training, dissemination of knowledge / research findings, getting inputs etc. The institutions can also seek the help of PRIs

wherever the research and production activities need people's cooperation or support of local administration.

In so far as schemes having distributional angle and extension work or provision of subsidy like crops development, land / watershed development, National Project on Cattle and Buffalo Breeding, National Project on Rinder Pest reduction etc, PRIs should have a major say in planning, formulation, implementation of the plans and monitoring the impact of programmes on beneficiary. The local technical officers should work closely with PRIs.

- Under the Command Area Development Programme, the appropriate level of Panchayati Raj Institutions should be entrusted the role of promoting farmers' participation in irrigation management. The State Governments should ensure that PRIs are involved in formation of farmers' association, formulation, approval and implementation of development plans, collection of water rates and mobilization of community contribution towards maintenance of command area. Central Government should release funds to Zilla Parishad instead of Government department as it happens in case of rural development programmes. The dichotomy between Water Users Associations and PRIs should end and it should function as an offshoot of PRIs.

Further, the centrally sponsored scheme for conducting census of minor irrigation schemes every five years should be carried out by PRIs with the help of departmental officers. This would sensitize the PRIs about the status of minor irrigation assets and the need for their maintenance. All functions / works related to minor irrigation which is not handled by Irrigation department like construction of dug wells, ponds, check dams, small reservoirs etc. should be entrusted to village panchayat except where under the delegated powers, the sanction of the projects is done by higher level panchayati raj body.

- Schemes for spread of elementary education which are proposed to be clubbed under an umbrella scheme called 'Sarv Shikshan Abhiyan' would be implemented through the PRIs. Location of schools, construction of schools in the villages, supervision of teaching staff etc. are activities which should be handled by the village panchayat. In schemes for secondary education and vocational training block panchayat and zilla parishads should have a greater say. It is imperative to involve PRIs in providing efficient and effective education to people.
- International Development / Donor agencies are committed to decentralization, yet there is no clear approach to decentralization followed by them. For some agencies like UNICEF decentralization involves working closely with Panchayati Raj Institutions and Urban Local Bodies (ULBs) while for agencies like ILO, it means working with NGOs and CBOs. For some agencies, location of their offices in States is a part of decentralization. Further, it has been observed that the International Agencies not only undermine the authority of democratic elected PRIs in the implementation / operation of projects but also encourage creation of separate and parallel mechanisms like user groups / association in project like watershed / irrigation programmes / employment programmes.

In order to avoid the marginalisation of elected panchayati raj bodies in the implementation of EAPs, it is suggested that Central Ministries should insist that all projects and programmes pertaining to subjects listed in XI and XII Schedule should be implemented through PRIs. A set of directions/instructions for appropriately transferring powers/responsibilities, authority, resources should be framed in consultation with donor agencies. There should be unequivocal commitment on part of all parties i.e. Central Government, State Governments and donor agencies to transfer powers, authority and resources to the elected panchayati raj bodies.

At least District Panchayats should be involved in the implementation, monitoring of the EAPs and even funds should flow through Zilla Parishads as far as possible. The Societies responsible for implementation of the EAPs should be brought within the purview of the PRIs. The Central Ministry should issue the necessary instructions / guidelines to this effect.

- PRIs cannot become effective institutions of local self-government unless they have strong financial base with clearly defined sources of revenues. For this, it is suggested that States should have a separate Budget document for PRIs and ULBs respectively indicating transfer of resources under Plan and Non-Plan Head, tied and untied funds to these bodies.

PRIs should have enough powers to raise resources from local resources. State Government should provide one third of the total Plan size to the PRIs as an untied funds. Furthermore, States would be required to earmark resources out of the total plan of the States for decentralized planning; and the State Governments should create a separate Budget Head “**Panchayats**” under which all the funds from Centrally Sponsored Schemes (CSSs) as well as from the State Budget should be pooled together at least at the district level from where the district panchayats distribute the funds to different tiers as per their felt needs.

Monitoring of the financial performance can be ensured through review of annual performance reports and through Audits. Audit of panchayats are to be provided by the State Legislatives. The Director, Local Fund Audit or any other agency viz; Professional Auditors / Chartered Accountants etc. may be made responsible for audit of accounts of the panchayats. They should function under the technical and administrative supervision of the Comptroller and Auditor General. To ensure independence and accountability, the Director for Panchayats should not be entrusted with this work. Further, Monitoring Agency under the chairmanship of Chief Secretary to review the utilization of funds, maintenance of accounts by PRIs etc should be constituted at State level.

- The PRI – NGO relationship should not be adversarial but they should complement each other's efforts. NGOs have to accept the primacy of PRIs, while Panchayats should appreciate the role of NGOs in terms of their access to knowledge, technology and capacity to deliver.

There is a need to conceptualise the relationship between PRI and NGOs and establish a linkage between them. NGOs should work under the direction and supervision of the PRIs especially if Subjects dealt with fall under jurisdiction of the panchayats and are financed by the public funds. The delineation of areas where

NGOs and PRIs can help each other, keeping in view the larger interests of the poor, will have to be done.

District level panchayat can inter face with NGOs working in their jurisdiction on development matter, facilitate networking among various NGOs and promote necessary linkages with Government departments in order to achieve optimum results under development programmes, whereas NGOs can render assistance to all three tiers village / block / district level panchayats in respect of capacity building of both elected representatives and Government officials through training, social mobilization, monitoring, implementation of programmes and its impact, social audit and creation of awareness.

- 73rd Constitutional Amendment Act 1992 aims at to establish democratic decentralized development process through people's participation in decision-making, implementation and delivery. To achieve this, panchayats are required to play an active role in the preparation of plan and its implementation for economic development and social justice. However, State Governments have vested wide powers of suspension and dismissal of elected PRI in the State bureaucracy under their Panchayati Raj Acts. This has placed PRIs at disadvantaged position vis-à-vis State bureaucracy and hurts the concept of democratic decentralized administration and autonomy of the PRIs. Therefore, State Governments are required to repeal all orders / instructions that make PRI subordinate to state bureaucracy and make necessary amendments in the Panchayati Raj Acts so that autonomy of elected panchayati raj bodies can be maintained and they function as a unit of local self government.
- While preparing the Tenth Plan the Planning Commission may issue instructions at least to have a formal consultation with PRIs by State Governments before finalisation of the Plan. Also just as SCP and TSP are shown separately, the local Government component of the Plan should be indicated separately.

The Task Force has reviewed programmes and schemes of different Ministries and made recommendations for involvement of the PRIs in implementation and monitoring of development programmes. In addition, PRIs need to be associated with the regulatory functions of the State much more closely. The State Governments need to examine the regulatory functions and provide for association of PRIs in consonance with their constitutional mandate as the institutions of self-government. Rules and regulations need to be modified and guidelines issued to the administrative machinery of the State for greater involvement of PRIs even in regulatory functions.

Annexure - I

No. P-12025/5/98-RD
 Government of India
 Planning Commission
 (Rural Development Division)

...
 Yojana Bhavan, Sansad Marg
 New Delhi-December 30, 1998

ORDER

Subject: Task Force on Panchayati Raj Institutions

In pursuance of the decision taken in the Planning Commission, it is proposed to set up a Task Force on Panchayati Raj Institutions (PRIs)

II. The composition of the Task Force will be as under:

- | | | |
|-----|---|------------------|
| 1. | Shri K. B. Saxena
Principal Adviser, Planning Commission | Chairman |
| 2. | Shri S.S. Meenakshisundram
Joint Secretary, Prime Minister's Office | Member |
| 3. | Ms. Sudha Pillai
Joint Secretary (PR)
Department of Rural Development | Member |
| 4. | Dr. George Mathew
Director
Institute of Social Sciences, New Delhi | Member |
| 5. | Secretary
Panchayati Raj, Government of West Bengal | Member |
| 6. | Secretary
Panchayati Raj, Government of Kerala | Member |
| 7. | Secretary
Panchayati Raj,
Government of Madhya Pradesh | Member |
| 8. | Secretary
Panchayati Raj, Government of Uttar Pradesh | Member |
| 9. | Secretary
Panchayati Raj, Government of Gujarat | Member |
| 10. | Dr. Rohini Nayyar | Member-Secretary |

Adviser (RD), Planning Commission

III. The Terms of Reference will be as follows:

1. To evolve the modalities/instrumentalities to ensure that the programme relating to 29 identified items in the XI Schedule of the Constitution implemented by the Central Government are in reality brought within the purview of the Panchayati Raj Institutions (PRIs).

2. To identify schemes which could/should be implemented at village, block and district levels respectively in order to place responsibilities on that level of PRIs and to avoid overlap in the implementation of programmes.

3. To ensure regular and continuous flow of funds to PRIs.

4. To lay down modalities of relating Panchayati Raj Institutions (PRIs) to Non-Government Organisations (NGOs) working in their jurisdiction consistent with their responsibilities.

5. To assess the adequacy of the legislative provisions and executive instructions with a view to ensure a system of checks and balances for the PRIs.

IV. The Task Force may co-opt one or two members from outside, if required.

V. The expenditure of the Members on TA/DA in connection with the meeting of the Task Force will be borne by the parent Department / State Government / Ministry / Organisation. The expenditure, if any, in respect of Non-Official Members will be borne by the Planning Commission as per rules and regulations of TA/DA applicable to Grade – I Officers of Government of India.

VI. The Task Force will submit its final report by March 31, 1999.

(Diwan Chand)

Under Secretary to the Government of India

Copy forwarded to:

Chairman and all Members of the Task Force

Copy also to:

PS to Deputy Chairman, Planning Commission
 PS to MOS (P&PI), Planning Commission
 PS to Member, Planning Commission
 PPS to Member-Secretary, Planning Commission
 Heads of all Divisions
 All Officers of the Rural Development Division
 PA to Director (Administration)
 Under Secretary (GA)/SO (Admn-I)

(Diwan Chand)

Annexure – II

Highlights of major recommendations of First State Finance Commission – State wise

SI	States	Recommendation on Devolution	Recommendation on Grants	Recommendation on Own Taxes
1	2	3	4	5
1	Andhra Pradesh	<p>Average per capita requirement for each of the following three regions.</p> <p>Andhra Region – Rs. 50.14 crore Rayalaseema Region-Rs.78.79 crore Telangana Region – Rs.64.99 crore</p> <p>The share of surcharge on Stamp Duty was increased from 5% to 10%.</p> <p>Increment was also recommended for the share of transfer of surcharge on Sales taxes to the PRIs.</p>	<p>A grant of Rs.41.52 crores for each PRI has been recommended by the Commission.</p> <p>Pension grant of Rs.23 crores per PRI has been suggested.</p> <p>Profession tax compensation of Rs.8.89 crore per PRI is suggested.</p> <p>An infrastructure grant of Rs 2 crores has been recommended per PRI by the Commission.</p>	<p>No taxation powers for Mandals and Zilla Parishads.</p> <p>Taxes to be collected by the Gram Panchayats (GPs) – House tax, Kolagram tax, Advertisement tax, Water tax, Drainage tax and Lighting tax</p> <p>Profession tax existed till 1987 was taken over by the State Government.</p>
2	Assam	<p>Devolution of 2% of State taxes and 10% of the Motor Vehicle tax to PRIs</p>	<p>The Grants-in-aid of Rs.147.56 crores to be equally distributed to all the local bodies (rural and urban) between 1996-97 and 1999-2000.</p> <p>Out of the total of Rs.147.56 crores, Rs.133.36 crores were meant for the PRIs.</p> <p>Grants were also</p>	<p>Fees for the preparation of various certificates to be collected by the Gram Panchayats.</p> <p>House tax to be collected on the basis of the floor area</p>

			recommended for the PRIs for preparation of registers and forms @ Rs.1000 per PRI during 1997-98 and @ Rs.500 per PRI during 1998-99 to 2000-2001.	
3	Himachal Pradesh	Devolution of Rs.1006 lakhs per annum for the PRIs.	A grant worth of Rs.4022 lakhs have been recommended for the PRIs for the five year period starting from 1997-98.	Taxes-House tax, property tax and land revenue etc. Fees-Judicial fee, certificate fee, cattle fee and ration card fee etc. Non Taxes – rent, interest, proceeds from auction, fees from fairs and festivals.
4	Karnataka	Devolution of 36% of the total non-plan gross own revenue receipts of the State to local bodies. Of the 36%, 85% should go to the PRIs. This recommendation is valid for the financial years from 1996-97 till 2000-01. The shares of Zilla Parishads, Taluk Panchayats and Gram Panchayats is at a ratio of 40:35:25	Provision of a grant of Rs.4380.93 crores to the PRIs @ of Rs.100 per capita over a period of four years starting from 1996-97. Rs. 1 lakh grant to Gram Panchayats under Section 206 of the KPR Act 1993 should continue. Specific earmarked grants for reconstruction, improvement and repair of specified assets of the PRIs, particularly health centres, primary schools, hospitals and upgradation of rural water supply (WS) in rural Karnataka.	No taxes to be levied and collected by Zilla Panchayats. Taxes to be levied by the Gram Panchayats – House tax, vacant land tax, tax on animal drawn vehicle, tax on shandies and pilgrims etc.
5	Kerala	Devolution of the	Non-plan grants may	The Gram

		<p>non-plan:</p> <p>-25% of the Basic tax to the GPs after deducting collection charges</p> <p>- 25% of the Surcharge on Stamp Duty</p> <p>- Motor Vehicle tax collected by the State Government is shared with the local bodies.</p> <p>A portion of the income from sale of Court fee Stamps should be earmarked for the local bodies</p> <p>Local bodies should be made eligible for 50% of the Building Exemption Fee.</p>	<p>be used according to the own priority and perception of the local bodies.</p> <p>Non statutory non plan grants to Gram Panchayats may be fixed at 1% of the State revenue as consolidated grants.</p> <p>State level fund for the village panchayat</p> <p>The local bodies should continue to collect the Library Cess called the Rural Pool may be constituted.</p> <p>Maintenance grants should be based on current cost of construction and not on historical costs.</p>	<p>Panchayats levy the following taxes – Building tax, Profession tax, Entertainment tax etc.</p> <p>It also has income from properties and license fees as non tax sources</p>
6	Madhya Pradesh	<p>The limit of administrative expenditure on the collection of revenue would be limited to a maximum of 10% of the gross revenue.</p> <p>2.91% of the total tax and non tax revenue of the State Government collected during the preceding year to be devolved or an amount equal 3.24% of net proceeds of the total revenue of the preceding year to be released.</p>	<p>A general purpose grant of Rs.14.65 crore and Rs.1.50 crores to be released in 1995-96 with a 10% increase every year.</p> <p>The PRIs should be paid 2.5% of the total provision for sponsored programmes as 'agents grants'.</p> <p>Rs.67.76 crores of committed expenditure should be released in the form of 'establishment grant-in-aid'.</p>	<p>The Gram Panchayats levied the following taxes – property tax, tax on latrines, Light tax, profession tax and the following non taxes – market fee and Fee for registration of cattle.</p>

			<p>The State Government should sanction one time non recurring grant for furnishing and mainlining offices of the PRIs</p> <p>Incentive grants for the recovery of the fixed targets of revenue by the Panchayats.</p> <p>Present system of providing grants-in-aid to PRIs should be abolished.</p>	
6	Manipur	<p>Devolution of 5.23% of State share of Union taxes recommended.</p> <p>- 50% sharing of land revenue for 166 GPs @ Re.0.30 lakh per GP</p> <p>House tax to be allocated @ Re.0.10 lakh per GP</p> <p>Other taxes to be allocated @ Re.0.30 lakh per GP</p>	<p>Establishment share from State share in Union taxes of Rs.2.91 lakh per GP @ Rs.58.20 per capita.</p> <p>Development grants of 0.97 lakh per GP @Rs.19.40 per capita.</p> <p>Upgradation grant @ Rs.50,000 per GP for materials with 50% labour component.</p>	<p>A house tax @ Rs.10 per annum is levied by the GPs.</p> <p>A cremation fee is also levied by the GPs.</p> <p>A fee on wholesale and retail trading is levied by the GPs.</p>
8	Punjab	<p>20% of net proceeds of the following State taxes to be devolved to PRIs</p> <p>- Stamp Duty - Motor Vehicle Tax - Electricity Duty</p>	<p>Weak GPs, having less than Rs.100 per capita, be given grants to bring the income up to Rs.100 per capita.</p> <p>Grants for street lighting be given to</p>	<p>Mandatory tax on professions, individuals, traders, commission agents and shop keepers based on the income slabs be levied by GPs.</p>

		<p>- Entertainment Tax - Entertainment Tax (cinematography)</p> <p>Total Land Revenue to be devolved to the GPs so also the land revenue cess when recommended by the Zilla Parishads to the PRIs.</p> <p>Auction money of PMLV raised from 7% to 10% and excise duties on IMFL from 16% to 20% transfer in lieu of Liquor tax.</p>	<p>weak GPs varying between 25 to 50% of electricity bill.</p> <p>GPs and PSs be given incentive grants for efforts to raise resources as per parameters laid down by the Commission.</p>	<p>GPs to levy tax on advertisements and hoardings.</p> <p>GPs to levy house tax and non tax revenue, particularly auction money.</p> <p>PSs to collect the income from property.</p> <p>ZPs to collect a part of the income from property and fees and fines.</p>
9	Rajasthan	Devolution of 2.18% of the net State taxes	<p>A share of Rs.42.81 crores out of a 'divisible pool' of Rs.55.40 crores to the PRIs in 1995-96 which is likely to increase to Rs 82.6 crores in 1999-2000.</p> <p>Rs.5000 per panchayat is recommended as maintenance grant from the State Government.</p> <p>A one time start up grant of Rs.0.93 crore for infrastructural development.</p> <p>A sum of Rs.5.45 crore recommended as incentive grant for 5 years @ Rs.1.09 crore per year.</p> <p>A development grant of Rs.53.05 crore to</p>	<p>The State Government may consider vesting the powers of imposition of land revenue on <i>baraniland</i> to the PRIs.</p> <p>10% tax on land rents to be imposed by the Panchayat Samiti.</p> <p>A surcharge of 1% to be levied on the sale of land in rural areas to be collected by the ZPs.</p> <p>1/2% of the market fees to be collected by the Zilla Parishads</p> <p>The Panchayats should levy taxes, fees on dhabas, hotels, automobile servicing and repair shops, petrol/diesel</p>

			<p>be transferred for the year 1996-97 and 1997-98 and Rs.53.06 crore for the next two years.</p> <p>The devolution under the general purpose grants amounts to Rs.127.32 crores per year.</p>	<p>pumps etc. situated on the national/state highways.</p>
10	Tamil Nadu	<p>Entertainment tax, local cess and Seigniorage fees are payable to the PRIs from the State Government as assigned/shared revenue.</p> <p>On an average, it is recommended that Rs.42.26 crores should go as shared/assigned revenues per annum for the PRIs which basically comes from Surcharge on Stamp Duty, Local Cess, Entertainment tax and taxes on mines and minerals.</p> <p>Devolution from States tax revenue – 8% during 1997-98, which is to increase to 12% during 2001-02, 15% of the above to be set aside as reserve fund to meet post devolution conditions.</p>	<p>Statutory grants as local cess surcharge matching grants and local road grants are recommended by the SFC for the PRIs.</p> <p>Several other non-statutory grants are also recommended as grants for Maternity Centers and grant for maintenance of dispensaries.</p>	<p>The only source of own tax relevant to the Panchayat Union is the Local Cess Surcharge.</p> <p>The Village Panchayats levy the following taxes –</p> <p>House tax Library Cess Water tax Profession tax Vehicle tax Tax on Agricultural Land Pilgrims tax</p> <p>Village Panchayats only source of non tax revenue is fees and fines.</p>

11	Tripura	<p>The State Government should share 20% of the States share of Central taxes with the PRIs.</p> <p>Transfer of resources to the PRIs is to be made notionally and attempts should be made to transfer the resources physically to the PRIs over the next five years.</p> <p>10% of the State share to Central taxes to the Zilla Parishads (ZPs) 8% to the Panchayats Samitis (PSs) and 2% to the Gram Panchayats (GPs)</p> <p>50% of the revenue earned from sales tax, additional sale tax, purchase tax and luxury tax may be passed on to the PRIs @ 30% to GPs, 15% to PSs and 5% to ZPs.</p> <p>35% of the Professional tax may be provided to the PRIs.</p> <p>32% of the collection from the agricultural tax and land revenue to be passed on to the PSs at a uniform rate of 2% per PS.</p>	<p>Besides transfer of schemes, the Panchayati Raj Institutions (PRIs) may be given untied grants for taking up innovative and location specific schemes.</p> <p>The Gram Panchayats may be provided grant @ Rs.100 per head.</p> <p>The PSs may be provided a grant worth Rs.60 per head and the ZPs at the rate of Rs.40 per head on the basis of total population living in each unit on a permanent basis.</p>	<p>The Zilla Parishad may levy taxes on roads and bridges.</p> <p>The Gaon Panchayat may levy taxes @ 1% per annum of the value of land and building and 1% additional stamp duty on all transfer of immoveable property.</p> <p>The GPs may collect fees not exceeding Re. 1 per adult visiting places of worship, pilgrimage fair etc.</p> <p>Fees not exceeding Rs.10 on marriages solemnized in the panchayat area.</p> <p>Taxes may be collected from the persons running wholesale retail trades prescribed at the Government rates.</p> <p>The Panchayat Samitis (PSs) may levy licence fees from shops/merchants occupying haat/market etc. run by it at the rate not exceeding 5% of the total turnover.</p> <p>It may also collect Rs.100 per annum per household (HH) from families availing piped drinking water.</p>
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		15% of the forest revenue may be passed to the three ZPs @ 5% each.		
12	Uttar Pradesh	<p>3% of the net proceeds of the State's total tax revenue in 1996-97 should devolve to the three tier PRIs. The ratio by which the amount to be distributed among the ZPs and the GPs should be 1/5 is to 4/5.</p> <p>The SFC recommends a per capita devolution of Rs.16.73 for the Rural Local Bodies (RLBs) hill region and around Rs.11 for western, eastern, central and Bundelkhand region.</p> <p>Some portion of water tax, electricity tax and some other taxes be devolved to the Kshetra panchayats on the basis of the extent of work undertaken by them in these spheres.</p> <p>The amount of land revenue earmarked for PRIs partly on non plan account and partly on plan account should be done away with.</p>	<p>A total of Rs.379.76 crore per annum should be given to the RLBs by the State Government.</p> <p>The same amount should also be made available for the State Annual Plan and 20% of the same should go to the ZPs and 80% to the GPs for District Planning.</p> <p>In relation to the CSSs, the existing system of grants-in-aid should continue.</p> <p>An amount of Rs.189.88 crore should be made available to the RLBs.</p> <p>The Commission recommends that the present system of discretionary grants-in-aid should be done away with.</p> <p>The Commission recommends that provisions for grants-in-aid for non-plan purposes in the budget to the RLBs is to be done away with.</p>	<p>The Commission recommends following rate of property taxes – Property tax @ 2.5% of the ARV Water tax @ 2% of ARV Latribe or Sewerage tax @ 2% of the ARV.</p> <p>In addition, the RLBs have various non tax sources of income, particularly fees for registration of animals for use of slaughter houses.</p> <p>The PRIs also have been provided the power to levy all the taxes in the Clauses (a) and (b) and all non taxes in Clauses (c) , (d), (e), (f), (g), (h), (i) ,(j) and (k) of the Section 37A of the UP Panchayati Raj Act, 1947 as amended up to 1994.</p>

13	West Bengal	<p>In lieu of sharing individual taxes, 16% of the net proceeds of all taxes collected by the State in a year should be transferred to the local bodies.</p> <p>The funds so transferred will be untied funds at the disposal of the local bodies.</p> <p>Taxes on entertainments now collected by the State should be handed over to the local bodies.</p> <p>Collection of irrigation rates along with the related responsibility of water management and routine maintenance should be handed over to the concerned ZPs.</p>	<p>Most of the non-plan expenditure is to be recovered from the grants from the State Government.</p> <p>Most of the plan expenditure is to be undertaken from the untied funds and a substantial is to be financed from grants.</p> <p>The State and Central releases for the CCSs should continue to be grants.</p>	<p>Taxes on entertainment now collected by the State should be handed over to the local bodies.</p> <p>Collection of irrigation rates along with related responsibility of water management and routine maintenance should be handed over to the concerned Zilla Parishads (ZPs).</p> <p>The West Bengal Panchayat Act has empowered the three tiers of panchayats to raise taxes, levies and tolls from a wide range of fields. These efforts should be stepped up.</p>

29 Subjects as per Eleventh Schedule (Article 243G)

1. Agriculture including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation
3. Minor irrigation, water management and watershed development
4. Animal Husbandry, dairying and poultry
5. Fisheries
6. Social forestry and farm forestry
7. Minor Forest Produce
8. Small Scale industries including food-processing industries
9. Khadi, village and cottage industries
10. Rural Housing
11. Drinking Water
12. Fuel and Fodder
13. Roads, culverts, bridges, ferries, waterways and other means of communication
14. Rural electrification including distribution of electricity
15. Non-conventional energy sources
16. Poverty alleviation programmes
17. Education including primary and secondary schools
18. Technical training and vocational education
19. Audit and non-formal education
20. Libraries
21. Cultural activities
22. Markets and fairs
23. Health and Sanitation including hospitals, primary health centres and dispensaries
24. Family Welfare
25. Women and Child Development
26. Social Welfare including welfare of the handicapped and mentally retarded
27. Welfare of the weaker sections and in particular of the SCs and STs
28. Public Distribution System
29. Maintenance of community assets.

Annexure - IV**Status of Devolution of Departments/Subjects with Funds, Functions and Functionaries to Panchayati Raj Institutions - Statewise.**

Sl	States/UTs	No. of Departments/Subjects Transferred to Panchayats with			No. of Departments/Subjects Yet to be Transferred to Panchayats with		
		Fund	Function	Functionary	Fund	Function	Functionary
1	Andhra Prd	05	13	02	24	16	27
2	Arunachal Pradesh	-	-	-	29	29	29
3	Assam	-	-	-	29	29	29
4	Bihar	-	-	-	29	29	29
5	Jharkhand	-	-	-	29	29	29
6	Goa	-	-	-	29	29	29
7	Gujarat	-	-	-	29	29	29
8	Haryana	-	16	-	29	13	29
9	Himachal Pr	02	23	07	27	06	22
10	Karnataka	29	29	29	-	-	-
11	Kerala	15	29	15	14	-	14
12	Madhya Pr	10	23	09	19	06	20
13	Chattisgarh	10	23	09	19	06	20
14	Maharashtra	18	18	18	11	11	11
15	Manipur	-	22	04	29	07	25
16	Orissa	05	25	03	24	04	26
17	Punjab	-	07	-	29	22	29
18	Rajasthan	-	29	-	29	-	29
19	Sikkim	29	29	29	-	-	-
20	Tamil Nadu	-	29	-	29	-	29
21	Tripura	-	12	-	29	17	29
22	Uttar Prd	12	13	09	17	16	20
23	Uttranchal	12	13	09	17	16	20
24	W.Bengal	12	29	12	17	-	17
25	A&N Islands	-	-	-	29	29	29
26	Chandigarh	-	-	-	29	29	29
27	D&N Haveli	-	03	03	29	26	26
28	Daman&Diu	-	29	-	29	-	29
29	NCT Delhi	Panchayati Raj System is yet to be revived					
30	Laksha-dweep	-	06	-	29	23	29
31	Pondicherry	-	-	-	29	29	29

The provision of the 73rd Constitution Amendment Act 1992 are not applicable to the States of Jammu & Kashmir, Meghalaya, Mizoram and Nagaland

Source: Ministry of Rural Development

Annexure – V

Report on setting up of Village Development Committees (VDCs) in Haryana

The Government of Haryana has recently set up VDCs in the State. The constitution of the VDC is as under:

1. Sarpanch	Chairman
2. A Mahila Member	Member
3. A Panch belonging to SC Community	Member
4. A Panch belonging to backward classes	Member
5. An Ex-Serviceman of the village (to be nominated by Gram Sabha)	Member
6. Two residents of Gram Panchayat (to be nominated by Gram Sabha)	Member

The VDC is very much like Panchayats of the pre 73rd Amendment period when one person each from the marginalized sections of the village community would be co-opted. In this case, a specific objection to the composition of the VDC would be that the presence of women has been reduced to one seventh from not less than one third in Panchayats. Further, 3 out of 7 members are un-elected persons who are to be ostensibly nominated by the Gram Sabha. Considering the fact that Haryana Gram Sabha meetings are not being held properly this nomination may be non-representative.

The various modalities of the functioning of these Committees have been worked out by the State Government. It has been specified that this Committee will handle only those schemes which pertain to Haryana Rural Development Fund Administration Board, Decentralised Planning or other schemes which may be specified by the State Government. In other respects, the right to incur expenditure with regard to other schemes and the village fund will continue to vest in the Gram Panchayat. Under this initiative, however, a Village Development Fund Account will be opened and will be operated by the Sarpanch and any two nominees authorized by the Gram Sabha. The VDC will supervise the works taken up in the village and will authorize any three members of the Committee to procure materials at reasonable rates. The Engineering Wing of the Panchayati Raj Department will assist the VDC in technical matters. The Junior Engineer of the Department will remain on the site at the time when the foundation is laid and certain other crucial times. After the work is completed, the VDC will entrust all the records to the concerned Block Development and Panchayat Officer.

State Government has set up Village Development Committees (VDCs) recently only with the intention of taking care of funds under certain schemes such as Haryana Rural Development Fund, Decentralised Planning Scheme etc. It is only in respect of this fact that the VDC has been constituted. In fact, the funds which were earlier being given to BDOs and State Public Works Department will now be placed at the disposal of the VDC. The move to set up these Committees, therefore, seems to be well intentioned. However, the representation of women should not have been less than one third. On the contrary, the instructions for the setting up of a Committee are such that they cannot be more than one woman in the Committee. Usually, a lone woman will not speak up in meetings. Such a provision, therefore, likely to reduce the women

member to a silent spectator. There is also a strict instruction on the representation of only one SC person. There is every possibility that the elected panchayat may become subservient to the VDC, which may be captured by elite males of the village. Since the State Government reserves the right to entrust other schemes to the VDC in time this Committee may grow very powerful and Panchayats may be divested of all their powers – small as these are, at present.

A total of 6020 VDCs are constituted in the State. Out of these, 5929 have already been set up.

Annexure-VI

Central Act 40 – Provision of the Panchayat (Extension to the Scheduled Areas) Act, 1996- Functional Devolution on Panchayats

Sl	Component s	Mandatory Provision	Status
1	2	3	4
1.	Definition of Village	A village consists of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs	All States adopted this definition except Maharashtra, which is silent on this subject.
2.	Status and Functions of Gram Sabha	Every village will have a Gram Sabha which will be competent to safeguard and preserve the traditions and customs of the people, their cultural identity.	All State Acts follow the Central Act. However, regarding customary mode of disputes resolution Andhra Pradesh Act puts a condition that it will be subject to `without detriment to any law for the time being in force. The Orissa Act adds that it should be consistent with the relevant laws in force and in harmony with the tenants of the Constitution and Human Rights.
3.	Constitution of Panchayat	Panchayats will be constituted at village level with reservations for Scheduled Tribes in the manner prescribed in Part IX of the Constitution.	Andhra Pradesh and Himachal Pradesh Acts have extended the reservation of elective seats and Chairpersons to both Gram Panchayats and Mandal/intermediate Panchayats. The Maharashtra Act does not mention it.
4	Acquisition of land for development projects and resettlement of displaced persons	Prior consultation with Gram Sabha or Panchayats at the appropriate level shall be made mandatory	In Andhra Pradesh, Gram Sabhas have no role. Gujarat assigned this power to Taluka Panchayat, however, no provision relating to coordination of such projects at State level. Orissa assigned the power to Zilla Panchayat with no role for the Gram Sabha/Gram Panchayat
5	Planning and Managemen	Entrusted to Panchayats at the appropriate level	Maharashtra Act does not make any mention of it. Orissa assigned power to Zilla Parishad

	nt of Minor Water Bodies		instead of Gram Sabha/Gram Panchayat
6	Grant of Prospecting licence or mining lease for minor minerals	Prior recommendations of Gram Sabha or the Panchayats at the appropriate level shall be made mandatory.	Andhra Pradesh-gives primacy to Gram Panchayat in place of Gram Sabha. Gujarat-does not make mention of it. Himachal Pradesh-retained primacy of Gram Sabha but term `shall be made mandatory' has been replaced by `shall be taken into consideration'. Madhya Pradesh – No mention in the Madhya Pradesh Panchayat Act but the relevant Subject Act Mines and Minerals (Regulation and Development Act) 1987 amended to assign powers to Gram Sabha and Panchayats at appropriate level. Maharashtra-assign powers to Gram Panchayat. Gram Sabha has no role in the matter. Orissa - give powers to Zilla Parishad.
7	Grant of concession for exploitation of minor minerals by auction.	Prior recommendation of Gram Sabha or Panchayats at appropriate level shall be made mandatory.	Andhra Pradesh and Maharashtra assigned the function to Gram Panchayat in place of Gram Sabha, Gujarat-No mention of it. Madhya Pradesh-Madhya Pradesh Panchayat Act does not make mention of it but the Subject Act Mines and Minerals (Regulation and Development) Act, 1987 amended to assign the power to Panchayat at appropriate level. Orissa- assigned the power to Zilla Parishad.
8.	Enforce prohibition/ regulate or restrict sale & consumption of any intoxicant	Panchayats at the appropriate level and the Gram Sabha to be endowed with the powers	All State Acts followed the Central Act except Madhya Pradesh which does not make provision for it in its PR Amendment Act. However, the Subject Act - Madhya Pradesh Excise Act 1915 has been amended to give powers to Gram Sabha.

9.	Ownership of Minor Forest Produce (MFP)	Panchayats at the appropriate level and the Gram Sabha endowed with the powers of ownership	All State Acts follow Central Act by assigning this power either to Gram Sabha or to the Gram Panchayats
10	Prevention & Restoration of Tribal Alienated Land	Panchayats at appropriate level and the Gram Sabha to be endowed with this power.	Gujarat, Himachal Pradesh, Madhya Pradesh Panchayati Raj Amendment Act do not make provision for this. However, in case of Madhya Pradesh, the Madhya Pradesh Land Revenue Code, 1959 has been amended to give power to Gram Sabha.
11	Manage Village Markets	Panchayats at appropriate level and the Gram Sabha to be endowed with this power.	Gujarat and Maharashtra Amendment Acts are silent on this matter.
12	Money lending to the Scheduled Tribes	Panchayats at appropriate level and the Gram Sabha to be endowed with this power.	Madhya Pradesh Amendment Act does not make a mention of this subject.
13	Exercise control over institutions and functionaries in all social sectors.	Panchayats at appropriate level and the Gram Sabha to be endowed with this power.	All State Acts except Madhya Pradesh assign this power either to Gram Panchayat or Panchayat Samiti/Mandal Parishad. The Madhya Pradesh Amendment Act has given this power to the Gram Sabha and the Janpad Panchayat or the Zilla Parishad.
14	Control over Local Plans and Resources including Tribal Sub Plans	Panchayats at appropriate level and the Gram Sabha to be endowed with this power.	State Acts of Andhra Pradesh, Gujrat, Himachal Pradesh, Orissa have assigned the power to panchayat Samiti/Taluka Panchayat/Mandal Parishad while the Madhya Pradesh and Maharashtra Acts assign this power to Gram Sabha.

Annexure- VII

Success stories of Sarpanches of Panchayats in various States

I: Shri Hardevsingh Jadeja, Sarpanch, Rajasamadhiala Village, Gujarat.

- Shri Hardevsingh Jadeja, Sarpanch has transformed the village Rajasamadhiala into a model village, totally crime free and characterised by self-reliance, inter-caste amity and active community participation.
- Nobody in village ever locks his house, even the shopkeepers do not lock the shop to take their afternoon siesta. People can buy / help themselves unattended by the shopkeeper to any commodity and leave the money in a matchbox, which is also unattended/unguarded.
- Shri Hardevsingh Jadeja has succeeded in convincing the village people that manding or begging from the Government is not the solution to their problems but joining hands and working laziness and petty bickering to evolve high community standards. About Rs. 100 million has been earned in 15 villages due to better irrigation through the small dams built by the village people themselves with very little Government help. He has managed to even convince the people that it was better to build a school or a playground for children than a temple.

II: Smt. Kamala Mahato, Pradhan, Bandoan Village of Purulia District, West Bengal.

- Smt. Kamala Mahato is one of 186 women Panchayat Pradhans in a State of 3,222 Village Panchayats.
- Bandoan village is a poor village in one of the poorest districts, Purulia. The village comprises a mix of tribal and non-tribal population, most of whom are agricultural labourers. Scarcity of water was the major problem of the village. Smt.Kamala Mahato had 10 tubewells dug in the village in the 5 years since her taking over as Pradhan, besides other wells and irrigation wells in the village.
- Smt. Kamala Mahato felt that women of the village should have income of their own. To achieve this, she vigorously implemented IRDP programmes and the women now have income of their own, profitably engaged in poultry, dairy, livestock and frying muri. Women no longer are as helpless as they used to be earlier. They are able to help themselves and even attend to cleaning of wells and repair of tubewells etc. The Panchayat led by her has also been successful in settling cases of domestic violence without the help of the police.

III: Shri Rajinder Kumar, Sarpanch, Village Chamaund, Hisar District, Haryana.

- None of the 1,200 persons from this village has ever approached the police or any court of law for redressal. Even the most contentious issues are resolved by the Panchayat by consensus. Casteism has been relegated to the background and universal brotherhood prevails in this little village.
- Grants of over Rs.35 lakhs received by the Panchayat have been spent on construction of a village school, dispensary, drains and other similar development works. Watershed development has also been taken up in a big way.

- Almost every child including girl children of the village goes to school, which resulted in higher literacy rate in the village than that of other nearby villages. Most of the men are reported to be able to even spell their names in English.

IV: Fatima Bi: Success Story of a Woman Sarpanch

- Fatima Bi, Sarpanch of Kalva village in Kurnool district, Andhra Pradesh, who received the United Nations Development Programmes's Race Against Poverty Award for the Asia - Pacific Region is an illiterate woman.
- She was an ordinary housewife when she became the Sarpanch as the seat of Sarpanch of her village was declared reserved for women.
- Fatima Bi overwhelmed by Vijay Shanti, who played the role of an angry woman fighting for justice in the Telugu blockbuster Ramuluamma and inspired by the District Collector and the UNDP Project Director, she has started working as Sarpanch of the village.
- A new Fatima Bi thundered in the first session of training for Panchayat women: Where are the village records? The Mandal officials promptly promised to provide her all the records. Then she called a meeting of the village women and asked them to join hands with her to undertake development of the village. That was the beginning of an inspired leadership. A metal road was laid, check dams were built, a new school building constructed and the old school building repaired. Under the Chief Minister's Janma Bhoomi programme village women raised Rs 30,000. A Rs 2 lakh scheme of digging a 5 Km. irrigation drain and clearing 500 acres of fallow land for paddy cultivation was taken up. Fatima Bi led the womenfolk to join the 'Podupu Lakshmi' groups and urged them to save a small amount of money every month. Within a year, 40 Thrift and Self-Help Groups with 300 women members saved Rs. 2 lakh. The UNDP was impressed by this achievement and granted Rs.12 lakh as an interest - free loan to the Village Development Organisation - an umbrella organization of Kalva. The organisation is now run by a women committee consisting of representatives of Self-Help Groups with Rs. 20 lakh at its disposal. The loans granted by it have helped many families to undertake small businesses and improve their living conditions. The enterprising women of Kalva have now started helping the neighbouring villages with loans.
- Once poor and backward, Kalva is now a completely transformed village with happy faces, all around and modern amenities in almost all houses. Child marriages are thing of past. The women who have suffered injustice in social spheres all along are now standing by the side of their daughters. "No more illiteracy and no more inaction" has become their motto. Credit goes to the hard working woman Sarpanch who won the title of Uttam Sarpanch and received an award on Independence Day this year. She is now planning a hospital and a ring road around her village to connect it to the bus stand.

Annexure-VIII

Schemewise Allocation of functions to different tiers of the PRIs - Education

Education including Primary and Secondary Schools

Activity	Distribution of functions – Tier wise		
	Zilla Panchayat	Panchayat Samiti	Gram Panchayat
1. Expansion and development of educational facilities	(i) to assess the requirements of schools, teachers, equipments, etc. in the district and plan for them (ii) maintenance of school buildings and related infrastructure (iii) supervision and monitoring the quality of educational services (iv) campaign for full enrolment and reduction of drop outs.	(i) to supervise the functioning of primary and upper primary schools (ii) supply and distribution of material and equipments to the schools. (iii) to assess the drop out position and initiate appropriate action to reduce it.	(i) ensure full enrolment of school age children (ii) maintenance of school buildings, play grounds etc. (iii) vigilance on regular attendance of teachers and students and reporting to the concerned.
2. Establishment and maintenance of hostels, and others welfare measures for target group students.	(i) assessment of requirements for hostels to target group students and plan for them. (ii) maintenance of hostels. (iii) supply of school uniforms, books etc. for target group students.	(i) distribution of school uniforms, books and other material to the target group students. (ii) assist in the maintenance of hostels.	(i) assist Panchayat Samiti in the distribution of study material to the target group students.

Technical Training and Vocational Education

Activity	Distribution of functions – Tier wise		
	Zilla Panchayat	Panchayat Samiti	Gram Panchayat
1.Establishment and maintenance of ITIs	(i) establishment and maintenance of ITIs. (ii) assessment of the need for technical training and plan for the same. (iii) assess vocational education needs and promotional activities. (iv) supervision and monitoring the functioning of ITIs	(i) aptitude test for selection of students under various trades and recommendations for admission and placement of ITIs.	
2.Promotion and identifying suitable courses for vocational education according to the needs and potential of different areas in the district	(i) selection of courses for vocational education and identifying schools / centres for important courses (ii) motivate students for vocational education.	(i) assist in the promotion of vocational education in the schools / centres. (ii) selection of candidates / students for vocational courses.	(i) assist in the identification and recommendations of eligible candidates for vocation education / training centers

Adult and Non-Formal Education

Activity	Distribution of functions – Tier wise		
	Zilla Panchayat	Panchayat Samiti	Gram Panchayat
1.Planning and implementation of Adult and Non Formal Education including Total Literacy Campaigns (TLC)	(i) Identification of suitable locations for establishing adult education centers. (ii) selection of volunteers and supervisors for teaching and maintenance of centers. (iii) supervision and monitoring of the activities. (iv) organizing total literacy campaigns	(i) implementation of adult, non formal education programmes and total literacy campaigns (ii) distribution of material to the centers. (iii) supervision and monitoring the functioning of the centers.	(i) help in mobilizing people for participation in adult education and TLC. (ii) supervise assist in functioning of centres and ensure regularity of learners and volunteers.

Libraries

Activity	Distribution of functions – Tier wise		
	Zilla Panchayat	Panchayat Samiti	Gram Panchayat
1.Estabilishment and maintenance of libraries	(i) planning for establishment of new libraries and improving the existing libraries. (ii) maintenance of libraries (iii) procurement and supply of books, reading material and popular literature.	(i)assistance in the maintenance and functioning of libraries.	(i)assist in the construction of library building. (ii)up-keep of library. (iii)raise donations and collections of books for library. (iii)subscribe vernacular newspapers and magazines.

Cultural Activities

Activity	Distribution of functions – Tier wise		
	Zilla Panchayat	Panchayat Samiti	Gram Panchayat
1.Promotion of Cultural Activities	(i) to guide, encourage and organise cultural programmes (ii) utilize available popular media for cultural affairs. (iii) to organise youth festivals, sport events on dates of national and state importance. (iv) establishment of sports complex, theatre and other infrastructure. (v) identify and mobilize sponsors for cultural and sports events and youth festivals. (vi) maintenance and supervision of the functioning of Nehru Yuvak Kendras	(i) organizing local festivals with the help of Gram Panchayats. (ii) to plan and organise sports and cultural meets with the help of local organisations and voluntary efforts.	(i)organizing sports, festivals and cultural events in the villages. (ii)using folk media for strengthening of national integration, family planning campaign, literacy, sanitation etc.

Source: Participatory Research In Asia (PRIA)

Annexure - IX

Legislative Provision in contravention to 73rd Constitutional Amendment Act - Statewise

ANDHRA PRADESH

1. Power to Cancel or Suspend Resolution of a Gram Panchayat, Mandal Parishad or a Zilla Parishad

The Government may either suo motu or on a reference made to them by the Executive Officer or Mandal Parishad Development Officer or as the case may be, the Chief Executive Officer, in the manner prescribed by order in writing cancel any resolution passed by a Gram Panchayat, Mandal Parishad or a Zilla Parishad or any Standing Committee of a Zilla Parishad if in their opinion such resolution

- (a) is not legally passed; or
- (b) is in excess or abuse of the powers conferred by or under this Act or any other law; or
- (c) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

2. Power of Government to take Action in Default of a Gram Panchayat, Mandal Parishad or a Zilla Parishad

If at any time it appears to the Government that a Gram Panchayat or the Sarpanch thereof or the Mandal Parishad or the President thereof or the Zilla Parishad or the Chairman thereof or any Standing Committee of the Zilla Parishad has made default in performing any function or discharging any duty imposed by or under this Act, or any relevant law for the time being in force, the Government may, by order in writing fix a period for performing such function or discharging such duty.

3. Powers of Government to remove Sarpanch, President or Chairman, etc.

If in the opinion of the District Collector the Sarpanch or the Up-Sarpanch and in the opinion of the Government the President or the Vice-President or as the case may be, the Chairman or the Vice-Chairman.

- (i) willfully omitted or refused to carry out the orders of the Government for the proper working of the concerned local body; or
- (ii) abused his position or the powers vested in him; or
- (iii) is guilty of misconduct in the discharge of his duties; or
- (iv) persistently defaulted in the performance of his functions and duties entrusted to him under the Act to the detriment of the functioning of the concerned local body or has become incapable of such performance.

4. Powers of Government to Dissolve Gram Panchayat, Mandal Parishad or Zilla Parishad

If, at any time, it appears to the Government that a Gram Panchayat, Mandal Parishad or Zilla Parishad is failed to exercise its powers or perform its functions or has exceeded or abused any or the powers conferred upon it by or under this Act, or any other law for the time being in force, the Government may direct the gram panchayat, Mandal parishad or as the case may be, Zilla Parishad to remedy such incompetency, failure, excess or abuse or to give a satisfactory explanation therefore and if the Gram Panchayat, Mandal Parishad or the Zilla Parishad fails to comply with such direction, the Government may dissolve it with effect from a specified date and reconstitute it either immediately or within six months from the date of dissolution.

ARUNACHAL PRADESH

1. Directions from Government

Notwithstanding anything contained in this Ordinance it shall be lawful for the Government to issue directions to any Gram Panchayat, Anchal Samiti and Zilla Parishad, in matters relating to the State and national policies, and such directions shall be binding on the Gram Panchayat, Anchal Samiti and Zilla Parishad.

2. Powers of Deputy Commissioner to call for record relating to tax or fee and make suggestions

The Deputy Commissioner may, at any time call for the records of a Gram Panchayat or an Anchal Samiti or Zilla Parishad relating to taxes or fees levied within its area and may make suggestions for alteration, addition or modification, of any tax or fee so levied or the rate thereof.

3. Dissolution of Gram Panchayat, Anchal Samiti and Zilla Parishad

If, in the opinion of the Government Gram Panchayat or Anchal Samity or Zilla Parishad:

- (a) exceeds or abuses its powers, or
- (b) is incompetent to perform, or makes willful and persistent default in the discharge of the functions imposed on it by or under this Ordinance or any other law for the time being in force; or
- (c) persistently disobeys the order of the Deputy Commissioner or the officer under sub-section (i) of section 131.

ASSAM

1 General Powers of Government

The Officers as are empowered by the Government in this behalf shall have general powers of inspection, supervision over the performance of the administrative duties of a Zilla Parishad, Anchalik Panchayat or Gram Panchayat.

2 Inquiry into the Affairs of the Panchayats by the Government

The Government may any time for reason to be recorded, cause an enquiry to be made against any of its Officers in regard to any Gram Panchayat, Anchalik Panchayat or Zilla Parishad on matters concerning it, or any matters with respect to which the sanction, approval, consent or orders of the Government is required under this Act.

3 Dissolution of Panchayats

If in the opinion of the Government, a Gram Panchayat, Anchalik Panchayat or Zilla Parishad exceeds or abuses its powers or is not competent to perform or make persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the Government may, by an order published in the official Gazette dissolve such Gram Panchayat or Anchalik Panchayat or the Zilla Parishad as the case may be.

BIHAR

1. Enquiry into the affairs of the Panchayats by the Government

The Government may, at any time for reasons to be recorded, cause an inquiry to be made by any of its officers in regard to any Gram Panchayat, Panchayat Samiti, or Zilla Parishad on any matters with respect to which the sanction, approval, consent or orders of the Government is required under this Act.

2. Directions from Government

Notwithstanding anything contained in this Act it shall be lawful for the Government to issue directions to any Panchayat in matters relating to State and National policies and such directions shall be binding on the Panchayat.

The Government may:

- (a) call for any record or register or other document in possession or under the control of any Panchayat;
- (b) require any Panchayat to furnish in return, plan, estimate, statement, account or statistics; and
- (c) require any Panchayat to furnish any information or report on any matter connected with such Panchayat.

GUJARAT

1. Powers of Officer of State Government regarding inspection

An officer authorized by the State Government in this behalf by a general or special order may enter on and inspect or cause to be entered and inspected, at all reasonable times any immovable property occupied by any panchayat and inspect any record, register or other documents kept therein and the panchayat shall comply with the inspection notes, if any, made by such officer.

2. Default in performance of duty

If at any time, it appears to the district panchayat that any panchayat subordinate to it, has made default in the performance of any duty imposed on it by or under this Act, it may order the duty to be performed within a specified period, and if the duty is not performed with the period specified, the district panchayat may appoint a person to perform it, and direct that the expense of performance shall be paid by the defaulting panchayat within such period as the district panchayat may fix.

3. Dissolution of or supersession of Panchayats for defaults

If, in the opinion of the State Government, a panchayat exceeds or abuses its powers or is incompetent to perform or makes persistent default in the performance of, the duties imposed on it or function entrusted to it under any provision of this Act or by or under any other law for the time being in force, or fails to obey an order made under this Act by the panchayat superior thereto or by the State Government or any officer authorized by it, under this Act or persistently disobeys any of such orders, the State Government may, after consultation with the district panchayat in the case of a panchayat subordinate to it and after giving the panchayat an opportunity of rendering an explanation, by order in the Official Gazette.

- (i) dissolve such panchayat, or
- (ii) supersede such panchayat for the period specified in the order.

4 Inquiry by officers of Panchayat

The State Government may from time to time cause inquiry to be made by way of its officers in regard to any panchayat or matters concerning it or to any matters with respect to which the sanction, approval, consent or order of the State Government is required by this Act.

HIMACHAL PRADESH

1. Power to Suspend Execution of Orders, etc.

The State Government or the prescribed authority may, by an order in writing and for reasons to be stated therein, suspend the execution of any resolution passed, order issued, license or permission granted or prohibit the performance of any act by a Panchayat.

2. Powers of State Government to issue order directing Panchayat for execution of works in certain cases

The State Government or the prescribed authority may, by an order in writing, direct any Panchayat to execute any such work as is not being executed by it and the execution thereof by such Panchayat at is, in the opinion of the State Government or prescribed authority, necessary in public interest.

3. Power of State Government to dissolve Panchayats for default, abuse of power, etc.

If at any time it appears to the State Government or the prescribed authority that a Panchayat is persistently making default in the performance of the duties imposed on it by or under this Act or under any other law for the time being in force, or exceeds or abuses its powers or fails to carry out any order of the State Government or the competent authority, the State Government or the prescribed authority, the State Government or the prescribed authority, may, after such enquiry as it may deem fit, by an order dissolve such Panchayat and may order afresh constitution thereof.

4. Inquiry into affairs of Panchayats

The State Government may, from time to time, cause an inquiry to be made by any of its officers in regard to any Panchayat on matters concerning it or to any matter with respect to which the sanction, approval, consent or order of the State Government is required by or under this Act or the rules made thereunder or under any law for the time being in force.

5. Removal of office-bearers of Panchayat

The State Government or the prescribed authority may after such enquiry as it may deem fit to make at any time, remove an office bearer:

- (a) if he has incurred any disqualification under this Act;
- (b) if he has been guilty of misconduct in the discharge of his duties;
- (c) if he refuses to act or becomes incapable of acting or is adjudged an insolvent; and
- (d) if his continuance in office is undesirable in the interest of the public.

6. Powers for Call for Record

The State Government, may at any time for the purpose of satisfying itself as to the legality or the propriety of any resolution passed or order made by a Panchayat or any order purported to have been made under the provisions of this Act or the rules or the bye-laws made thereunder, call for and examine the record relating to such resolution or order, as the case may be, and may pass such order in reference thereto as it think fit.

KARNATAKA

1. Power of Inspection and Supervision

The Secretary, Rural Development and Panchayati Raj Department or the Commissioner in case of the Zilla Panchayat, Chief Executive Officer in case of Taluk Panchayat and the Executive Officer in case of the Gram Panchayat may:

- (i) inspect the offices or premises of or works taken up by, and Zilla Panchayat, Taluk Panchayat or Gram Panchayat and for this purpose examine or cause to be examined the books of accounts, registers and other documents concerned the Zilla Panchayat, Taluk Panchayat or Gram Panchayat concerned shall comply with the instructions issued after such inspections;
- (ii) call for any return, statement, account or report which he may think fit to require the Zilla Panchayat, Taluk Panchayat or Gram Panchayat concerned to furnish.

2. Technical supervision and inspection

The Head of Departments concerned and the Officers incharge of the Departments at the Divisional level may inspect works or development schemes relating to that department under the control of any Zilla Panchayat, Taluk Panchayat or Gram Panchayat and also to inspect relevant documents pertaining to such work or development scheme in the matter specified by the Government.

3. Inquiry into affairs of Gram Panchayat, Taluk Panchayat, Zilla Panchayat by the Government

The Government may, at any time for reasons to be recorded, cause an inquiry to be made by any of its officers in regard to any Gram Panchayat, Taluk Panchayat, or Zilla Panchayat on matters concerning it, or any matters with respect to which the sanction, approval, consent or orders of the Government is required under this Act.

4. Government's power to specify the role of Panchayats

The Government may, by general or special order, specify from time to time, the role of Gram Panchayat, Taluk Panchayat and Zilla Panchayat in respect of the programmes, schemes and activities related to the functions

specified in Schedule I, II and III, in order to ensure properly coordinated and effective implementation of such programmes, schemes and activities.

KERALA

1. Power to inspect records, etc., of Panchayats

The Government or any officer empowered by the Government in this behalf, may:

- (a) call for any record, register or other document in the possession, or under the control of any Panchayat;
- (b) require any Panchayat to furnish any return, plan, estimate, statement of accounts;
- (c) require any Panchayat to furnish any information or report on any matter connected with such Panchayat;

Government cannot cancel any resolution taken by a Panchayat directly. If Government feels that a resolution is illegal or is in excess of a PRI it can temporarily suspend the resolution and refer it to the Ombudsman for advice. Only, if the Ombudsman finds it illegal or in excess of powers can Government cancel it.

2. Administration reports of Panchayats

Every village panchayat and block panchayat shall submit to the district panchayat a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form and with such details as may be prescribed.

3. Dissolution of Panchayats

If the Panchayat persistently makes default in performing the duties imposed on it by law or in carrying out the orders lawfully issued by the Government or exceeds or abuses its power or majority of its members has resigned or has been removed from office, the Government has to frame a charge sheet and obtain PRI's response. This has to be then referred to the Ombudsman and a final decision by the Government is based on the advice of the Ombudsman. However, PRIs which cannot pass their budget before the 31st of March stand automatically dissolved.

MADHYA PRADESH

1. Inspection of works of Panchayats

- (1) The officer of the State Government duly authorized by the State Government in this behalf may, subject to such terms inspect the proceedings of a Panchayat.
- (2) The office bearers, and the officers and servants of the Panchayat shall be bound to afford access to all such information and records as may be demanded by the inspecting authority.

2. Power to suspend execution of Orders, etc.

The State Government or the prescribed authority may by an order in writing and for reasons to be stated therein suspend the execution of any resolution passed, order issued, license or permission granted or prohibit the performance of any act by a Panchayat, if in his opinion:

- (a) such resolution, order, license, permission or act has not been legally passed, issued, granted or authorized; and
- (b) such resolution, order license, permission or act is in excess of the powers conferred by this Act or is contrary to any law.

3. Power of State Government to dissolve Panchayat for default, abuse of powers, etc.

- (1) If at any time it appears to the State Government or the prescribed authority that a Panchayat is persistently making default in the performance of the duties imposed on it by or under this Act or under any other law for the time being in force, or exceeds or abuses its powers or fails to carry out any order of the State Government or the competent authority, the State Government or the prescribed authority, may after such enquiry as it may deem fit, by an order dissolve such Panchayat and may order a fresh constitution thereof.
- (2) On dissolution of Panchayat under sub-section (1), the following consequences shall ensure, namely:
 - i. all the office-bearers, shall vacate their offices with effect from the date of such dissolution;
 - ii. all powers and duties of the Panchayat shall, until the Panchayat is reconstituted, be exercised and performed by such person or committee of persons as the State Government or the prescribed authority may appoint in this behalf and where a committee of persons is so appointed, the State Government or the prescribed authority shall also appoint a head of such committee.

4. Inquiry into affairs of Panchayat

The State Government may, cause an inquiry to be made by any of its officers in regard to any Panchayat on matters concerning it or to any matter with respect to which the sanction, approval consent or order of the

State Government is required by or under this Act or the rules made there under or under any law for the time being in force.

5. Delegation of Powers

In the event of any dispute arising between two or more Panchayats or Panchayat and any other local authority in any matter in which they are jointly interested such dispute shall be referred to the State Government and the decision of the State Government thereon shall be final.

6. General power of Control

In all matters connected with this Act or the rules made there under all officers empowered to act by or under this Act shall be subject to the same control by the same authority under whose administrative control they normally perform the functions of this office.

MAHARASHTRA

1. Inquiry in affairs of Zilla Parishad

The State Government may cause an inquiry to be made by any of the officers not below the rank of Commissioner in regard to any Zilla Parishad matter.

2. Power to dissolve or supersede Panchayats

If in the opinion of the State Government a Zilla Parishad exceeds or abuses its powers or is not competent to perform or make persistent default in the performance of its duty, the State Government may after giving the Zilla Parishad an opportunity for explanation by order dissolve or supersede the Zilla Parishad.

3. Power of Inspection

(1) The Commissioner or any other officer duly authorized by the State Government may enter on and inspect any immovable property occupied by Zilla Parishad.

(2) Call for any extract from the proceedings of any Zilla Parishad or any Committee or any Panchayat Samiti or call for or inspect any book or document.

4. Power of Collector

The Collector may on being required by the State Government call for any information which he may consider necessary from the Zilla Parishad.

5 Power to dissolve or supersede Panchayat Samiti

If in the opinion the State Government a Panchayat Samiti exceeds or abuses its powers the State Government after giving due opportunity of explanation to the Panchayat Samiti shall by order dissolve or supersede the Panchayat Samiti.

MANIPUR

1 Inquiry into the affairs of the Panchayats by Government

The Government may, at any time for reasons to be recorded in writing cause an inquiry to be made by any of its officers in regard to Gram Panchayat or Zilla Parishad on matter concerning it, or any matters with respect to which the sanction, approval, consent or orders of the Government is required under this Act.

2 Zilla Parishad's power of suspending the execution of order, etc., of Gram Panchayat

If in the opinion of the Zilla Parishad the execution of any order or resolution of a Gram Panchayat or any order of any authority or Officer of a Gram Panchayat or the doing anything which is about to be done, or is being done, by or on behalf of a Gram Panchayat is unjust, unlawful, improper is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace, it may by order suspend the execution of or prohibit the doing thereof.

3 Governments' power of suspending execution of unlawful order or resolution

If on the receipt of a report from the Chief Executive Officer in this behalf or otherwise the Government is of the opinion that execution of any order or resolution of Zilla Parishad or the doing of anything which is about to be done or is being done by or on behalf of a Zilla Parishad is unjust unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace it may by an order suspend the execution or prohibit the doing thereof.

ORISSA GRAM PANCHAYAT

1 Control Over the Gram Panchayat

Subject to the provisions of this Act and any special or general order issued by the State Government the Collector or such other officer authorized by the State Government shall exercise general powers of

inspection, supervision and control over the exercise of powers discharge of duties and performance of functions by the Gram Panchayat.

2 Gram Panchayat to afford facilities for inspection

Subject to such rules as may be made in that behalf the Gram Panchayat its Sarpanch, Naib Sarpanch, officers and employees shall at all reasonable times be bound to afford to the Collector or other officers or person or member of the State Legislature such access to the property, institutions or premises of the Gram Panchayat and to all registers, documents and records.

3 Suspension and removal of Sarpanch, Naib Sarpanch and Member

If on the report of the SDO, the collector is of the opinion that circumstances exist to so that the Sarpanch or Naib Sarpanch of a Gram Panchayat willfully omits or refuses to carry out or violates the provisions of this Act or abuses the powers, rights and privileges vested in him, or acts in a manner prejudicial to the interest of the inhabitants of the Gram and the continuance of such person would be detrimental to the interest of Gram Panchayat, he may be order suspend the Sarpanch or Naib Sarpanch as the case may be and report the matter to the State Government.

4 Dissolution and reconstitution of Gram Panchayat

If in the opinion of the State Government a Gram Panchayat at is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its power, they may direct by notification that the Gram Panchayat be dissolved and immediately reconstituted.

5 Supersession of Gram Panchayat

If after the fresh election held under the last preceding section the Gram Panchayat continues to be incompetent to perform or abuses its powers, the State Government for all or any of the reasons specified in sub-section of section 16 may, supersedes it for a specified time.

ORISSA ZILLA PARISHAD

1 Inspecting and Superintending Officers of Parishad

It shall be the duty of the Government and such officers or authorities as may be authorized by the Government to see that the proceedings of Parishads are in conformity with the provision of this Act and the rules, and that the implementation of the decision taken therein and all actions taken by the Parishads for carrying out the provisions of this Act and the rules are free from fraud, misappropriation, embezzlement and other criminal bearings.

2 Power of entry of Inspecting Officers

- (1) The Director of Gram Panchayats as defined in the Orissa Gram Panchayats Act, 1964 shall be the Director of the Parishad Administration in the State (hereinafter referred to as the Director).
- (2) The Director or any officer whom the Government may authorized in this behalf may at any time enter upon and inspect or cause to be entered upon and inspected.
 - (a) any immovable property; or any work in progress, under the control of any Parishad;
 - (b) any school, hospital dispensary, vaccination station, choultry, dharamsala or other institutions maintained by or under the control of any Parishad and any records, registers or other documents kept in such institution, and
 - (c) the office of any Parishad and any records, registers or other document kept therein.

3 Powers to suspend or to cancel resolutions and orders

The Government may, by order in writing, cancel any resolution or order passed by a Parishad or by any of the authorities of such Parishad if, in their opinion such resolution or order is not legally passed; or is in excess or abuse of the powers conferred by or under this Act or is against the public interest; or on its execution, is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

4 Government's Powers to take Action in Default of a Parishad or its President

If at any time, it appears to the Government that a Parishad or its President has made default in performing any duty imposed by or under this Act or any other law for the time being in force they may, by order in writing, fix a period for the performance of such duty.

5 Removal of President and Vice President of Parishad

If, in the opinion of the Government, the President or Vice-President the Parishad willfully omits or refuses to carry out or violates the provisions of this Act or any rules, bye-laws or orders, made or issued there under or abuse the powers vested in him and the Government are satisfied that further continuance of such person in office would be detrimental to the interest of the Parishad, they may, by order published in the prescribed manner, remove such President or Vice-President from office.

6 Dissolution and reconstitution of Parishad

If in the opinion of the Government a Parishad is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers they may, by notification published in the prescribed manner, direct that the Parishad be dissolved and immediately reconstituted, the notification shall specify the time within which the Parishad shall be reconstituted.

7 Supersession of Parishad

If after the fresh election held under Section 28, the Parishad continues to be incompetent to perform or abuse its powers for all or any of the reasons specified in sub-section (1) of the said section the Government may, by notification published in the prescribed manner, supersede it for a specified period, not exceeding six months.

PUNJAB

1. Power to cancel or suspend resolutions of Panchayat

The Director may, by order in writing cancel any resolution passed by a Panchayat if, in his opinion, such resolution:

- (a) is not legally passed; or
- (b) is in excess or abuse of the powers conferred by or under this Act or any other law; or
- (c) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

2. Power to call for proceedings of Panchayat

The State Government may call for and examine record of proceedings and the record of any executive order of any Panchayat or any officer or authority of the Panchayat for the purposes of satisfying itself as to the legality and propriety of any executive order passed therein and may confirm, modify or rescind the order.

3. Emergency powers of the State Government

If at any time the State Government is satisfied that situation has arisen that purposes of this Act cannot be carried out in accordance with its provisions the State Government may declare that the functions of a Panchayat shall, to such extent as may be specified in the notification, be exercised by such person or

authority as it may direct; or assume to it all or any of the powers vested in or exercisable by the Panchayat.

4. Inquiry into affairs of Panchayat

The State Government may at any time cause an inquiry to be made by any of its officer into the affairs of a Panchayat at in regard to any matter concerning it.

RAJASTHAN

1. Power of canceling or suspending resolution of a Panchayati Raj Institutions

The State Government shall be the Chief Superintending and Controlling Authority in respect of all matters relating to the administration of Panchayati Raj Institutions and may, by an order in writing cancel any resolution or order passed by a Panchayati Raj Institutions or any Standing Committee thereof if in its opinion such resolution is not legally passed or is in excess or abuse of the powers conferred by or under this Act or under any law for the time being in force, or if its execution is likely to cause danger to human life, health or safety of person or property or is likely to cause a breach of the peace.

2. Power of Government to dissolve a Panchayati Raj Institution

If at any time Government is satisfied that a Panchayati Raj Institutions is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or has exceeded or abused its powers, the Government may by an order published, along with the reasons thereof, in the Official Gazettee, declare the Panchayati Raj Institution to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and may dissolve such Panchayati Raj Institution on and from a date to be specified in the order of dissolution.

3. Inspection and enquiry by State Government

The State Government or any other person generally or specially authorized by the State Government in this behalf may:

- (a) inspect or cause to be inspected any immovable property owned and used or occupied by a Panchayati Raj Institution or any work in progress under the direction of such Panchayati Raj Institution;
- (b) by an order in writing call for and inspect a book or document in the possession or under control of a Panchayati Raj Institution; and
- (c) institute an enquiry against any member, chairperson or deputy chairperson of a Panchayati Raj Institution in respect of any matter relating to such Panchayati Raj Institution.

SIKKIM**1. Power of State Government to rescind or suspend resolution of a Gram Panchayat or Zilla Panchayat**

The State Government may by order in writing, rescind any resolution passed by a Gram Panchayat or Zilla Panchayat, if in its opinion such resolution:

- (a) has not been legally passed; or
- (b) is in excess or abuse of the powers conferred by or under this Act or any rules made thereunder; or
- (c) is likely to cause, if executed, danger to human life, health or safety or is likely to lead to breach of the peace.

2. Direction by State Government

In the discharge of their functions of the Gram Panchayat and the Zilla Panchayat shall be guided by such instructions or directions as may be given to them by the State Government from time to time in conformity with the provisions of this Act.

3. Power to remove Sabhapati; Up Sabhapati, Sachiva of Gram Panchayat and Adhyaksha or Up Adhyaksha of Zilla Parishad

- (1) The State Government may, notwithstanding anything contained in sub-Section (2) of section 17; sub-section (4) of section 31 and effect from a date to be specified in the order any Sabhapati or Up-Sabhapati or any Sachiva of Gram Panchayat, any Adhyaksha or Up-Adhyaksha of Zilla Panchayat from his office, if in its opinion, he willfully omits or refuses to carry out the provisions of this Act or of any rules or orders made thereunder or abused the powers vested in him under this Act.
- (2) The State Government shall, before making any order under sub-section (1), give to the person concerned an opportunity of making a representation against the proposed order.

4 Power of State Government to supersede a Gram Panchayat or Zilla Panchayat

If, in the opinion of the State Government, any Gram Panchayat or Zilla Panchayat:

(a) has shown its incompetence to perform or has persistently made default in the performance of the duties imposed on it by or under this Act or any other law; or

(b) has exceeded or abused its powers, the State Government may, by order stating the reasons therefore, supersede the Gram Panchayat or Zilla Panchayat and direct that it be reconstituted within such period not exceeding the maximum period of one year as may be specified in the orders.

Provided that the State Government shall, before making any order give the Gram Panchayat or the Zilla Panchayat, as the case may be, an opportunity of making a representation against the proposed order.

TAMIL NADU

1. Power to suspend or cancel resolution, etc., under the Act

The Inspector may, by order in writing;

- (i) suspend or cancel any resolution passed, order issued, or licence or permission granted,; or
- (ii) prohibit the doing of any act which is about to be done or is being done, in pursuance or under this Act, if in his opinion;
 - (a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized; or
 - (b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law or an abuse of such powers or is considered by the Inspector to be otherwise undesirable.

2. Removal of President

The Inspector:

- (a) of his own motion; or
- (b) on a representation in writing signed by not less than two thirds of the sanctioned strength of the village panchayat containing a statement of charges against the President and presented in person to the Inspector by any two of the members of the village panchayat.

3. Removal of Chairman of Panchayat Union Council

The Government:

- (a) on their own motion, or
- (b) on a representation in writing signed by not less than two-third of the strength of the panchayat union council containing a statement of charges against the Chairman of the panchayat union council and presented in person to any officer appointed by the Government in this behalf by any two of the members of the panchayat union council remove the Chairman as per prescribed procedure.

4. Removal of Chairman of District Panchayat

If the Government:

- (a) on their own motion, or
- (b) on a representation in writing signed by not less than two-thirds of the strength of the district panchayat containing a statement of charges against the Chairman remove the Chairman as per prescribed procedure.

5. Dissolution of Village Panchayat

If in the opinion of the Government, a village panchayat is not competent to perform or persistently makes default in performance the duties imposed on it by law, or exceeds or abuses its powers, they may, by notification, direct that the village panchayat be dissolved with effect from a specified date and reconstituted with effect from a specified date which shall be within a period of six months from the date of such dissolution.

6. Dissolution of Panchayat Union Council

If in the opinion of the Government a panchayat union council is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers, they may, by notification:

- (a) dissolve the panchayat union council from a specified date; and
- (b) direct that the panchayat union council be reconstituted with effect from a date which shall not be later than six months from the date of dissolution.

7. Dissolution of District Panchayat

If, in the opinion of the Government, a district panchayat is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers, they may, by notification:

- (a) dissolve the district panchayat from a specified date; and
- (b) direct that the district panchayat be reconstituted with effect from the date, which shall not be later than six months from the date of dissolution.

TRIPURA

1. Powers of State Government to dissolve Gram Panchayat, Panchayat Samiti or Zilla Parishad

If in the opinion of the State Government any Gram Panchayat, Panchayat Samiti or Zilla Parishad;

- (a) has shown its incompetence to perform, or has persistently made default in the performance of the duties imposed on it by or under this Act or any other law;
- (b) has failed to carry out or implement the direction given by the State Government under Section 193; or
- (c) has exceeded or abused its powers, the State Government may, by order, stating the reasons therefore, dissolve the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, and direct that it be reconstituted within such period not exceeding six months as may be specified in the order.

2. Inspection

The State Government shall appoint a Director of Panchayats and such other officers as it may consider necessary for the purpose of inspection or superintending the work of all, or any of the Gram Panchayats, the Panchayat Samities or the Zilla Parishads.

The State Government may;

- (1) Cause to be inspected any immovable property owned by a Gram Panchayat.
- (2) Institute any enquiry in respect of any matter relating to a Gram Panchayat or Nyaya Panchayat
- (3) Suspend or supersede or dissolve any Gram Panchayat
- (4) Suspend a Pradhan or Up Pradhan or a member of a Gram Panchayat.
- (5) Remove a person, if having been elected as a Pradhan he does not possess the required qualification.

3. Removal of Pramukh or Up-Pramukh

If in the opinion of the State Government the Pramukh or any Up-Pramukh of a Kshettra Samiti willfully omits or refuses to perform his duties and functions under the Act or abuses the powers vested in him after giving the Pramukh or such Up-Pramukh as the case may be a reasonable opportunity for explanation and after consulting the Adhyaksha of the Zilla Parishad may order the removal.

WEST BENGAL

1. Inspection

The State Government shall appoint a Director of Panchayats and such other officers as it may consider necessary for the purpose of inspecting or superintending the work of all, or any class of Gram Panchayats, Panchayat Samities or Zilla Parishad.

2. Powers of State Government to supersede a Gram Panchayat, Panchayat Samiti or Zilla Parishads

If, in the opinion of the State Government any Gram Panchayat, Panchayat Samiti or Zilla Parishad:

- (i) has shown its incompetence to perform or has persistently made default in the performance of the duties imposed on it by or under this Act or any other law; or
- (ii) has exceeded or abused its powers.

The Government may supersede such Panchayat.

Acronyms

AIDS	Acquired Immune Deficiency Syndrome
ANM	Auxillary Nursing Midwife
ARWSP	Accerlated Rural Water Supply Programme
CAG	Compprtroller & Auditor General
CAPART	Council for Advancement of People's Action and Rural Technology
CHC	Community Health Centre
CPR	Common Property Right
CSS	Centrally Sponsored Scheme
CPR	Common Property Right
CICEF	Central Institute of Coastal Engineering for Fisheries
CIFNET	Central Institute of Fisheries, Nautical Engineering and Training
DRDA	District Rural Development Agency
DPC	District Planning Committee
DPAP	Drought Prone Area Programme
DDP	Desert Development Programme
EFC	Eleventh Finance Commission
EAS	Employment Assurance Scheme
EAP	Externally Aided Project
EEZ	Exclusive Economic Zone
EFC	Eleventh Finance Commission
GS	Gram Sabha
GP	Gram Panchayat
ITDP	Integrated Tribal Development Project
ICDS	Integrated Child Development Scheme
IFC	Integrated Fisheries Project
IWDP	Integrated Wasteland Development Programme
JGSY	Jawahar Gram Smaridhi Yojana
JFM	Joint Forest Management
JRY	Jawahar Rozgar Yojana
KSSP	Kerala Shastra Sahitya Parishad
MORD	Ministry of Rural Development
MFP	Minor Forest Produce
MP	Member of Parliament
MLA	Member of Legislative Assembly
NGO	Non Governmental Organisation
NHFDC	National Handicapped Finance and Development Corporation
NWDPRA	National Watershed Development Project for Rainfed Areas
NSAP	National Social Assistance Programme
PMGY	Pradhan Mantri Gramodaya Yojana
PRI	Panchayati Raj Institution
PESA	Provision of Panchayats (Extension to the Scheduled Areas) Act
PRIA	Participatory Research in Asia
PS	Panchayat Samiti
PHC	Primary Health Centre
PCR	Protection of Civil Rights
POA	Prevention of Attrocities
PTG	Primitive Tribal Group

PD	Prevention of Disabilities
RCH	Reproductive Child and Maternal Health
RCRSP	Restructured Centrally Sponsored Rural Sanitation Programme
SFC	State Finance Commission
SHG	Self Help Group
SC	Scheduled Caste
SGSY	Swarnajayanti Gram Swarozgar Yojana
ST	Scheduled Tribe
SCP	Special Component Plan
SCERT	State Council of Educational Research and Training
SCFDC	Scheduled Caste Finance and Development Corporation
SC	Sub Centre
SLP	Special Leave Petition
STD	Sexually Transmitted Disease
TSP	Tribal Sub Plan
UT	Union Territory
VTC	Voluntary Technical Corps
VO	Voluntary Organisation
VA	Voluntary Association/Agency
VEC	Village Education Committee
WDC	Watershed Development Committee
ZP	Zilla Parishad