

To
Mr. Krushna Chandra Mohanty
Director, Dept. of Panchayat Raj
Govt. of Orissa
Bhubaneswar

Sub: Suggestions for removal of bottlenecks in the field of functioning of Panchayati Raj System and for some enabling provisions to make the PRIs function as units of self-government in the State.

Sir,

We the social activists, experts and Panchayat representatives of the State like bring to your notice the following issues relevant to the need for independent functioning of Panchayati Raj System in our State.

A. The avowed objective of the 73rd Constitution Amendment was to enable the Panchayat to function as a unit of Self- Government. Accordingly, Gram Sabha is supposedly empowered to take the final decision in respect of matters starting from selection of beneficiaries to planning and final approval of the projects. But the guidelines issued by the Govt. from time to time to carry out the works under various schemes do contradict the said authority of of Gram Sabha. It is seen that the Block Officials force the Panchayat representatives to carry out the works chosen by them, taking the excuse of the the guidelines from above. Such an ambivalent practice creates a lot of confusion among the Panchayat representatives at grassroots level.

B. Supposedly to carry out various provisions of the various Acts and Rules relating to Panchayati Raj, the State Govt. keeps on issuing circulars to the District Collectors, PDs of DRDAs, and also at times to BDOs. These circulars are mostly written in English. As you know, most of the Panchayat representatives being lowly literate can't possibly go through them. As a result, the cunning GP Secretaries get a scope to manipulate its reading in such away as to suit their vested interests. Secondly, the circulars meant for the consumption of Panchayats are being sent through a long chain of intermediaries. For instance, these circulars are first sent to the district offices, then from there to the block offices, and again from there to the Panchayat offices, but never directly to the Panchayats. Many times, it depends on the sweet will of the district or block office to arrange for their onward transmission to the Panchayats. In course of the deliberations made in our training programmes on PRI system, it was discovered that even the Panchayat representatives and secretaries in an advanced Block like Satyabadi Block were not aware about certain crucial circulars relating to transfer of powers to Panchayats. The representatives made a complaint that they were not informed about these circulars, since the BDO hadn't circulated the same to them.

C. As the Section 6 of OGP Act 1965 says, quorum for the Gram Sabha meeting requires only 1/10th of the total membership of a Gram Sasan. Further, if the first meeting lacks quorum and is therefore postponed, the second meeting shall not require any quorum at all. The unscrupulous Panchayat representatives abuse this provision for their selfish ends. Ensuring quorum and thereby making a Gram Sabha meeting successful should be the bounden responsibility of the Panchayat Representatives themselves. But as the matters stand now, using the loopholes in the OGP Act, the Panchayat representatives are deliberately ignoring and discouraging the participation of the people in the meetings and taking suo moto decisions on behalf of respective Panchayat bodies involving only a coterie of their close aides.

D. A lot of problems also arise in the Palli Sabha meetings because of the peculiar loopholes in the rules governing them. For example, a Ward Member who presides over the Palli Sabha meetings can leave it without putting his signature on the resolution as and when he finds the resolution so taken going against his interest. The BDO declares the resolution null and void on account of the lack of Ward Member's signature on it. Again, it has also been found that the BDO suo moto declares a Palli Sabha meeting as null and void, simply because no official from the Block attended the meeting. These typical problems surfacing in course of the functioning of Panchayati system at ground level do impeded its democratic process.

E. Though a lot of hue and cry has been created around the so-called planning by the Panchayat, the ground reality tells an altogether a different story. As a matter of fact, a Gram Panchayat can't produce any plan worth the name for the Gram Sasan, if it doesn't enjoy real control over the common propert resources like land, water and vegetation. Unless such resources are transferred to the Panchayat from Revenue, Forest, PWD, Water Resources and other line Departments of the Government, how can it make a plan? Moreover whatever funds are allotted to the Panchayat under any developmental scheme, specific guidelines are tagged onto them, and Gram Panchayat has no power to deviate from the said guidelines. Thus, dispossessed of the real resources lying within its own area, the Panchayat finds itself practically handicapped in making any plan for the village.

F. The people and Panchayat representatives across the State have been making complaints against the organised corruption otherwise called 'pc' pervading each and every work undertaken by the Panchayat. Specifically speaking, the Block officials cause harassment to the Panchayat representatives, if not offered bribe from them. As reported by the Panchayat representatives, it takes months on end to hear the complaints and redress them at the level of the concerned authorities. Lack of timely enquiry and timely action by the concerned authorities as against the accused persons encourages the corruption to thrive and spread further both at Panchayat level and at Block level. An open-hearted debate involving all players of Panchayati Raj is barely warranted to find out how such massive-scale corruption persists even if every body despises it and also to find out how it can be minimised, if not eradicated.

G. The circular issued by the Dept.of Panchayati Raj regarding 'no payment of any advance to the beneficiaries under IAY' has given rise to some complex, unwarranted problems. The beneficiaries being poor and having no sizable fund ready with them to invest after the construction of a house under IAY, it has been observed that the new dispensation has prepared the ground for the contractors to enter into the field through backdoor. The contractors are now found to be taking up the work of construction under IAY. As is well-known, the net result is low-grade work and misappropriation of IAY money by the contractor-official clique.

H. It has been further observed that the Panchayat representatives wait for a long period to get their bills and vouchers passed by the concerned Block officials. As it happens, the Overseer or Junior Engineer placed at the Block deliberately causes inordinate delay in the matter of measurement of the completed works just in order to harass the Panchayat representatives. As the JE is not under the control of Panchayat, they are virtually forced to pay bribe to him to get their papers cleared.

I. To maintain transparency and accountability in development work, the Govt. has issued an order for undertaking of a social audit of any developmental work by the concerned Palli Sabha. But mostly this order is not being implemented. There is no legal compulsion either to implement it. Even many Panchayat

representatives are not quite aware about it. The order, which is otherwise a wholesome one is left to gather dust only in the Block offices.

J. It is also observed that the Resolution made by a Gram Sabha is often ignored by the BDO, and the latter also makes great delay in giving administrative approval to the works undertaken at Palli Sabha level. In a similar fashion, the JE of the Block plays hide and seek with the Panchayat representatives i.e. by way delaying his technical clearance to any project executed by the Panchayat. In this vicious process, the Panchayat representatives are being forced to run for days and months to the Block office just to get the pending clearance and accompanying sanction of the funds. The net result of all this is that the public work gets stuck up midway. The self-respecting lot among the Panchayat representatives hesitate to come to the Block office time and again for the selfsame purpose. Again, the net result is that the work itself suffers. Such an archaic and abominable system, where the elected Panchayat representatives are being compelled to depend on the Block employees for any damn thing they do at Panchayat level must go lock, stock and barrel, and sooner the better.

K. Many Panchayats are not equipped with the Panchayat Manual, which is otherwise considered an everyday reference material for any Panchayat representative. It has not either been provided to the Panchayats by the State. Due to lack of a ready reference manual with them, the ill-equipped Panchayat representatives are most of time being misguided by the Block employees, who seem to boast of their encyclopedic wisdom on Panchayat matters.

Keeping in view the above issues of operational significance, we recommend the following selective measures for your kind consideration in the interest of streamlining and strengthening the Panchayati Raj system in the State.

1. Guidelines issued by the Govt. should not be construed as binding and compulsory for the Panchayats to strictly adhere to, but just as some guiding principles, that could be flexibly put to work depending upon the specific nature of the case. It should be left to each Panchayat to interpret the guideline in the manner they comprehend it and to arrive at a decision on each case in the Gram Sabha based upon such interpretation.
2. Any circular or order issued by the Govt. from time to time for operationalizing the various provisions of the Acts or Rules should be in Oriya and sent directly to every Gram Panchayat, avoiding the time-consuming detour through intermediary agencies like DRDA and Block.
3. In order to ensure the successful holding of a Gram Sabha, there should be a legal obligation incorporated attendance of members in the first meeting of Gram Sabha itself, and thereby make it successful. The proposed Amendment should further provide If the concerned Panchayat representatives fail to ensure the given quorum for attendance, then the legal proceeding need be initiated against the concerned Sarapanch and Ward members. Such a legal provision shall serve as deterrent against those dishonest Sarapanchs who actuated by their hidden agenda don't want the Gram Sabha to be held with quorum.
4. Similarly, a detail procedure should be prescribed under Orissa Gram Panchayat Rules for conduction of Palli Sabha, so that those Panchayat representative who fail to conduct Pali Sabha meetings successfully shall be subject to legal proceeding.

5. Steps should be taken to hand over the resources and financial powers to the Panchayat, which are barely necessary for enabling a Panchayat to work as unit of self-governent. Resources like land, forest and water lying under different departments should be handed to the Panchayat. Secondly, adequate power of taxation should be given to the Panchayat. Sections 44 to 55 of Orissa Gram Panchayat Act 1965 should be implemented in letter and spirit.
6. As a growing number of complaints and allegations on corruption in Panchayat works is piling up every day and from various quarters, an independent grievance redressal mechanism should be set up to hear and dispose of them, each within a stipulated deadline.
7. The provision of advance payment under IAY scheme, which ha recently been abolished should be restored in the interest of beneficiaries. Lack of advance payment not only disables the beneficiaries but also encourages corruption and misfeasance in the transactions relating to the works along with dependency of the beneficiaries on contractors.
8. It is now high time to withdraw the authority of administrative approval of the BDO in respect of different developmental works. And the power of technical clearance as currently vested the Junior Engineer should be qualified by a time limit for issue of such clearance, failing which legal proceeding can be initiated against him.
9. Special directive with legal back-up should be issued for social-audit of the development works being undertaken by the Panchayat. As the current provision goes, a Panchayat is bound to undertake social audit of a development within 15 days of its completion. A new provision should be made so that no funds for a new project shall be provided to a Panchayat, until and unless the social audit of a particular project is completed.
10. Each Panchayat should be provided with a bilingual Panchayat Manual (both in Oriya and English) to be used as a ready reference material by the Panchayat Representatives and the people in general.