

Empowerment of PRIs, an essential condition for ensuring disaster management and social justice at grassroots level

(CASA Memorandum adopted at Khurda on 20 April 2006)

As is well-known, following the 73rd Amendment of 1992, a new Part i.e. Part IX on Panchayats was added to the Constitution of India. The article 243G occurring under the said part enjoined upon a State legislature 'to endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government' by way of making suitable laws, and thereby to facilitate 'the devolution of powers and responsibilities upon Panchayats' with the twin objectives of planning for 'economic development and social justice' and 'implementation of the schemes' made there-under. As a corollary to this provision, a new schedule called Eleventh Schedule was also added to the Constitution, which contained an indicative list of 29 subjects, each having crucial significance for the life and livelihood of the rural population, in respect of whose administration the Panchayats were envisaged to play the key role. This historic constitutional reform, which promised far-reaching changes in the country's system of governance from top to bottom, aroused great expectations among the people, especially those at grassroots level about the prospect of Panchayat to emerge in due course of time as the most powerful, yet responsible body exercising its decisive influence over the multifarious concerns of day-to-day life of the teeming millions of villagers across the country.

Strange may it seem, long before the 73rd Constitution Amendment of 1992 was effected, the Orissa Gram Panchayat Act, 1965 which grants much more powers and authority to the Gram Panchayat had come into force. And it is still in force albeit some amendments thereto here and there over the years including the one made in 1994 in compliance to the requirements of 73rd amendment. Though there are some provisions and provisos in this Act which dilute the envisaged status of an empowered Gram Panchayat, the Orissa Gram Panchayat Act 1965 is still on the whole a wholesome legislation, which broadly conforms to the vision of Panchayatiraj Institutions as units of self-government as conceived under Article 40 (Directive Principle) of the Constitution. With necessary amendment, if made at appropriate places so as to remove its ambiguities, inconsistencies and contradictions, the Orissa Gram Panchayat Act 1965 can well serve as a powerful and viable guidepost for ensuring proper governance of the lowest but most crucial layer of our political system i.e. Gram Panchayat. And it goes without saying that, the Gram Panchayat, once properly empowered in terms of funds, functions and functionaries, shall prove capable enough to administer effectively and democratically almost all the affairs of the village, be it disaster management, gender justice or even land rights of the landless poor.

Besides long ten years have elapsed since the PESA Act was introduced with the objective of strengthening Panchayatiraj in areas of the country under 5th Schedule as described in the Constitution. The Government of Orissa also introduced a separate Act for adopting PESA in the selected areas of the State mostly inhabited by tribes and indigenous groups. The PESA Act is essentially meant to enable these vulnerable populations to participate in mainstream developmental processes while maintaining their own socio-cultural identity. But a critical look into the actual state of affairs in areas under PESA presents a dismal scenario about the operation of this unique law.

However the ground reality is such that the Government of Orissa in stead of moving in the direction of empowering the Gram Panchayat with further autonomy as envisaged under the Directive Principles of State Policy or 73rd Amendment of the Constitution, is seen to be stubbornly reticent to give effect to quite many existing provisions of the Orissa Gram Panchayat Act 1965, which, if operationalised, would strengthen the overall status of the PRIs and enable them to discharge their obligations towards the people in their respective jurisdictions in a more effective and just manner. And moreover, necessary legislative reform followed by suitable administrative arrangements are called for in order to enable the Panchayats to emerge as authentic, holistic bodies of people at grassroots and concurrently to perform an effective role in newer domains such as disaster management, gender equality and resource-endowment of the landless poor.

Again, the dismal state of affairs that characterizes the functioning of PRIs in the State of Orissa today is too sad a commentary on the said constitutional mandate. Not only the elected representatives of PRIs continue to behave as handmaid to the bureaucracy as ever before, but also they are found, to everybody's disgust, getting involved in internecine conflicts around petty matters of power and pelf, with the common people remaining aloof and away from them. In absence of a proper functioning of PRIs, the massive flow of money from the Centre and various international aid agencies in the name of different schemes of rural development gets mostly disarrayed from the proclaimed objects, with its major chunk being amassed by the bureaucratic overlords and the remaining scraps pocketed by the cunning leaders of PRIs themselves. Whatever mechanism prescribed in the Statutes for the functioning of PRIs, though faulty and deficient itself, is being complied with on pen and paper only, and that too through forgery and manipulations, with the people remaining mute spectators. Such an abominable situation that surrounds the PRIs today calls for a radical rethinking on the part of all those individuals and agencies within or outside the Government, who despite the dark clouds all over, do sincerely wish to see that the grassroots democracy of our country is put into the place that it deserves.

Needless to say, it is the people themselves living in the villages that do bear the brunt of any disaster as and when it strikes them. And it is equally true that the Panchayatiraj institutions, which represent these people in villages, the first respondents to any disaster, and which are so to say the epitome of democracy at grassroots, can effectively and timely manage any disaster right from the phase of response to that of rehabilitation, if only endowed with adequate authority, autonomy and resources in respect of their functioning vis-à-vis the upper two tiers of governance as at State and Centre. Again, between Gram Panchayat, Panchayat Samiti and Zilla Parishad, it is the Gram Panchayat which deserves to be empowered at the first instance, since it is not only the bottom-most layer of governance in the country's overall polity, but also fully constituted of directly elected representatives of the people in a village. It is perhaps with this perspective that the 73rd Amendment of the Constitution effected in 1992 provided for endowing 'the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level' in respect of planning for 'economic development and social justice' and implementation of schemes made there-under. A new list called Eleventh Schedule was in fact added to the Constitution, which mentioned 29 subjects, over which the Panchayat was envisaged to have ultimate control.

The 73rd constitution amendment was a matter of unique significance for the State of Orissa, which has remained since a remote time a badly disaster-prone area in the geo-climatic map of India. Especially in recent years, Orissa has been experiencing recurring bouts of natural calamities like cyclone, tidal waves, flood, drought and heat wave, the management of which has posed a formidable challenge to both Government and civil society at large. The overall lesson learnt from the experience of various countries across the world has but confirmed the stark truth that the disaster management works at its best when it is carried out with the involvement of those very segments of people, who are directly vulnerable to visitation by the disasters. As a matter of fact, the list of 29 subjects mentioned under the 11th Schedule of the Constitution, that included agriculture and animal husbandry, land and water management, health and education, women and child development, roads and bridges and above all maintenance of community assets, which the Panchayats are supposed to be entrusted with, are organically linked to the goals and strategy of disaster management.

A long span of 14 years has elapsed since 73rd Constitution amendment was legislated with its promise of devolving all necessary powers and authority in respect of funds, functions and functionaries to Panchayat bodies, and meanwhile a spate of legislative and administrative measures have also been effected both at Central and State levels including the National Disaster Management Act 2005 and Orissa State Disaster Management Policy 2005. But to our dismay, none of the above measures to this day has the necessary enabling provisions for empowering the PRIs, the holistic bodies of the people based on direct democracy, to run their own affairs including the disaster management.

Under the circumstances, the moment has arrived when a wide-scale debate across the State of Orissa with participation of the representatives of Panchayat bodies at all levels needs to be undertaken keeping in view the prime objective of transfer of all necessary powers and resources to the Panchayats for ensuring disaster management, social justice, gender equity and participatory process of development at grassroots level.