

Seminar on Empowered Tribal Women Members of Panchayati Raj in KBK district of Orissa: Roles and Responsibilities

Venue: Billenjor Village, Komna, Nuapada (Orissa)
Date: May 28th – 30th 2004

The Seminar on Empowered Tribal Women Members of Panchayati Raj In KBK District of Orissa: Roles and Responsibilities was supported by Ministry of Tribal Affairs, Govt. of India.

Thematic Area:

a) 73rd Constitution Amendment Act:

- (i) Panchayati Raj institutions, as one of the three tier of developmental administration,
- (ii) Reservation for tribal Women, as also for women in the general category, in the Panchayati Raj and
- (iii) Tribal women's participation in the developmental processes;

(b) Thematic issues

- Appropriate public policy initiatives, awareness campaign and community partnership to address the tribal women's empowerment, constitutionally approved roles and responsibilities and actual performance in the Panchayati Raj systems;
- Knowledge, skills and attitudes of tribal women members of local bodies regarding various developmental policies and initiatives, govt. schemes, rules, regulations and accounting methods, etc. vis-à-vis their literacy, outlook, occupational mobility, nature of daily works and living etc.
- Social values, Culture and Attitudes: Tribal Women's Empowerment and Panchayati Raj;
- Gender issues and Tribal Women's Empowerment;

- Tribal Women's Education and Economic Status;
- Tribal sub plan; its aims and objectives;
- Awareness Campaign regarding women members' roles and responsibilities and actual performance;
- Need for training, if any.

Participants:

- Sarapanchas and members (Women) of Gram Panchayats, Chairpersons and members (Women) of the Panchayat Samities of the KBK districts;
- Presidents and members (women) of Zilla Parishads of the KBK districts;
- State Government functionaries: Educational planners and Administrators, Teachers, Women & Child Development officials; District Collectors and Project Directors of DRDA;
- Representatives of Political parties, Professional organizations like Lawyers, Local chambers of commerce, Community based organizations, local NGOs, Cooperatives and Media.
- Coordinators of DPEP of the KBK Districts, Orissa.
- Coordinators of Total Literacy Campaign, KBK Districts, Orissa.

BACKGROUND PAPERS

EMPOWERMENT OF PANCHAYATI RAJ

This year, 2004, marks the fourteenth anniversary of the passage of the 73rd and 74th Amendments to the Constitution. But devolution of financial and administrative powers to Panchayati Raj Institutions is progressing very slowly.

Panchayats have existed in India for almost as long as India existed. They are the living proof that democracy is not imported into India; but rather it is an inseparable part of India's civilization heritage. Pandit Deendayal Upadhyay used to emphasize that decentralization is the key to both healthy democracy and for the socio-economic development. This thinking is rooted in the Indian ethos of regarding a Panch, of a biradari or of the village as Parameshwar.

Since the attainment of freedom in 1947 and the adoption of a Republican Constitution in 1950, Panchayats have become a formal part of our democratic system. It is, however, a proof of the utter disregard for the importance of Panchayats that the earlier regimes, which ruled at the Centre and in most States for many decades after Independence, did not care to make them effective instruments of grassroots governance and participative developments. The people who claimed to inherit the mantle of Gandhiji in reality did not care for the kernel of Gandhiji's political philosophy, which gave Panchayats the prime position in building the new India based on Gram Swaraj.

The Constitution Amendments, which the earlier Governments brought about, did not empower Panchayati Raj Institutions in the true sense of the term. In most States, elections to Panchayats were either not held for years together or when held, the Panchayats were routinely superseded by the bureaucracy to serve the partisan ends of the ruling party. It is a telling commentary on the neglect of the Panchayati Raj Institutions that the average annual income, from their own sources, of Gram Panchayat is only Rs.30,000 a year; that of an Intermediate Panchayat is only Rs.60,000; and that of a Zilla Panchayat is a mere Rs.12 lakh.

With such meager internal resources, how can Panchayats be expected to discharge their responsibilities in as many as 29 subjects - ranging from primary health to primary education, from minor irrigation to minor forest produce, from sanitation to community lighting - that have been mandated to them by the Constitution?

There are some of the positive outcomes of the 73rd and 74th Amendments. In particular, they have partially promoted the ideals of social justice and women's political empowerment. This is borne out by the fact that of the 34 lakh elected representatives of our Panchayati Raj Institutions, 10 lakh are women and 6 lakh belong to Scheduled Caste and Scheduled Tribes. However, even these positive

developments have been largely negated by the lack of financial and administrative powers to Panchayats. After a decade of the passage of the Constitution Amendments it is universally and acutely realised that the empowerment of Panchayati Raj Institutions cannot be complete without devolution of adequate rightful financial and administrative powers to them.

In particular, the Government needs to devise new and innovative ways of making non-budgetary resources available to Panchayats. It is time to think in terms of earmarking funds specifically for various tiers of Panchayati Raj system without giving scope for any diversion or delay in reaching the funds.

PANCHAYATI RAJ

April 24, 1993 is a red-letter day in the history of Panchayati Raj in India as on this day the constitution (73rd Amendment) Act, 1992 came into force to provide constitutional status to the Panchayati Raj institutions.

73rd Amendment Act, 1992

The salient features of the Act are :-

- To provide 3-tier system of Panchayati Raj for all States having population of over 20 lakh.
- To hold Panchayat elections regularly every 5 years.
- To provide reservation of seats for Scheduled Castes, Scheduled Tribes and women (not less than 33%)
- To appoint State Finance Commission to make recommendations as regards the financial powers of the Panchayats.
- To constitute District Planning Committee to prepare draft development plan for the district as a whole.

Powers and Responsibilities

According to the Constitution, Panchayats shall be given powers and authority to function as institutions of self-government. The following powers and responsibilities are to be delegated to Panchayats at the appropriate level :-

- Preparation of plan for economic development and social justice.
- Implementation of schemes for economic development and social justice in relation to 29 subjects given in Eleventh Schedule of the Constitution.
- To levy, collect and appropriate taxes, duties, tolls and fees.

Gram Sabha

In the Panchayati Raj set up, the Gram Sabha, the general assembly of villagers, has a key role for effective functioning of Panchayats. In the Gram Sabha meeting, the rural poor, the women and the marginalised people would now get an opportunity to join in decision making on matters affecting their lives. Active functioning of the Gram Sabha would ensure a participatory democracy with transparency, accountability and achievement.

- Gram Sabha should meet at least in each quarter preferably on Republic Day, Labour Day, Independence Day and Gandhi Jayanti.
- Decide developmental work to be undertaken by Panchayats based on needs assessment.
- Suggest remedial measures for economy and efficiency in the functioning of the Panchayats.
- Question and scrutinise the decisions of Panchayats in the meeting of Gram Sabha.
- Discuss the Annual Financial Statement of Gram Panchayats.

The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996

This Act extends Panchayats to the tribal areas of eight States, namely Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. This has come into force on 24th December, 1996. Except Rajasthan and Bihar all States have passed laws to give effect to the provisions contained in the Act, 40 of 1996.

Under the Act, Gram Sabha has been vested with powers for :-

- Ownership of Minor Forest Produce
- Development plans approval
- Selection of beneficiaries under various programmes
- Consultation on land acquisition
- Manage minor water bodies
- Control mineral leases
- Regulate/Prohibit sale of intoxicants
- Prevent alienation of land and restore unlawfully alienated land of STs
- Manage village markets
- Control money lending to STs
- Control institutions and functionaries in all social sector.

Training and awareness generation programme

The Ministry of Rural Development extends limited financial assistance to the States in their effort to train and create awareness among the elected members of Panchayats and functionaries. The State Governments are being asked to conduct such training courses. The Ministry has also been providing financial

assistance through the Council for Advancement of People's Action & Rural Technology (CAPART) to the non-governmental organisations for conducting training and awareness generation programmes on Panchayati Raj. This Ministry also commissions research and evaluation studies related to Panchayati Raj from voluntary organisations/institutions.

ROLE OF PANCHAYATI RAJ INSTITUTIONS IN THE RURAL DEVELOPMENT PROGRAMMES

SAMPOORNA GRAMEEN ROZGAR YOJANA(SGRY)

The objectives of the Sampoorna Grameen Rozgar Yojana is to provide additional employment in the rural areas as also food security, alongside the creation of durable community, social and economic infrastructure in the rural areas. The programme is self-targeting in nature with special emphasis to provide Wage Employment to women, SCs, STs and parents of children withdrawn from hazardous occupations. This Programme is being implemented into two streams :-

- The First Stream of the Programme will be implemented at the District and Intermediate level Panchayats. 50% of the funds are earmarked out of the total funds available under the SGRY and distributed between the District Panchayat and the Intermediate Panchayats in the ratio of 40:60.
- The Second Stream of the Programme will be implemented at the Village Panchayat level. 50% of the SGRY funds are earmarked for this Stream. The entire funds are released to the Village Panchayats through the DRDAs/District Panchayats.

SWARNJAYANIT GRAM SWAROZGAR YOJANA(SGSY)

The objective of SGSY is to bring the assisted poor families above the poverty line by providing them income generating assets through a mix of bank credit and government subsidy. The families of below poverty line (BPL) including artisans, identified through the BPL Census are eligible for assistance under the Scheme. While selecting the new activities priority may be given to those having inherent skill which is primarily constituted by the rural artisans.

The role of PRIs in the implementation of this Scheme are as under:-

- The Gram Sabha will approve the list of BPL families.
- The list of key activities and the list of villages identified under the scheme in the Block should be approved by the Intermediate Panchayat.
- The list of swarozgaris finally selected should be made available to the Gram Panchayat for placing it before the next Gram Sabha.
- The Gram Panchayat would actively monitor the performance of the Swarozgaris particularly repayment of loan.
- The District Panchayat will review the performance under this scheme in its General Body Meetings.

PRADHAN MANTRI GRAM SADAK YOJANA(PMGSY)

This is a 100% Centrally Sponsored Scheme. This Scheme seeks to provide connectivity to all unconnected habitations in the rural areas with a population of more than 500 persons through good All-weather roads by the end of the Tenth Plan. In Hill States and Desert Areas, the objective would be to connect habitations with a population of 250 persons and above.

The role of PRIs in implementation of this scheme are as under:-

- The District Panchayats (or DRDAs where the District Panchayats do not exist) shall be the competent authority to select the variable best suited for the District, categories them and accord relative weightage to them and shall communicate it to all concerned.
- The Plan should be finalized by the Intermediate Panchayat. Any changes made by the Intermediate Panchayat should be separately mentioned and reasons, thereof, should be indicated.
- The Draft District Rural Roads Plan would be presented to the District Panchayat by the Chief Executive of the District Planning Committee. It should be discussed and adopted by the District Panchayat, with such changes, as may be considered appropriate, but strictly within the framework of the Manual.
- The Rural Raods constructed/upgraded under this Programe will be maintained by the concerned District/Intermediate Panchayat. Efforts will be made to involve local peoples' participation in the maintenance of Rural Roads.
- All the Road Works will be subjected to Social Audit by way of discussion in the Gram Sabha and the relevant information in this regard will be made available to the Gram Sabha.

INDIRA AWAAS YOJANA (IAY)

This scheme provides assistance primarily to the BPL rural households belonging primarily to SCs/STs and freed bonded labour categories. Benefits of

the scheme have also been extended to families of servicemen of the armed and paramilitary forces killed in action. 3% of the houses are also reserved for BPL physically and mentally challenged persons living in rural areas.

The role of PRIs in implementation of this scheme are :-

- The Zilla Parishads or DRDAs on the basis of allocations made and targets fixed shall decide the number of houses to be constructed/upgraded Panchayat wise under IAY, during a particular financial year.
- The Zila Parishads/ DRDAs shall intimate the same to the Gram Panchayat. Thereafter, the Gram Sabha will select the beneficiaries from the list of eligible households, according to IAY Guidelines as per priorities fixed, restricting this number to the target allotted.
- Panchayat Samiti's approval is not required. The Panchayat Samiti should however, be sent a list of selected beneficiaries for their information.

PRADHAN MANTRI GRAMODAYA YOJANA(PMGY)

This scheme envisages allocation of Additional Central Assistance to the States/UTs for providing /improving the outlay of Basic Minimum Services including "Rural Shelter" in the rural areas. The funds under this Scheme are released by the Ministry of Finance/Ministry of Home Affairs on the basis of recommendations made by the Ministry of Rural Development, being the nodal Ministry for implementation and monitoring of the scheme.

The role of PRIs in implementation of this scheme are :-

- The Zilla Parishads/DRDAs will decide the number of houses to be constructed, Panchayat-wise, and the same will immediately be intimated to the Gram Panchayat.
- The Gram Sabha will select the beneficiaries from the list of eligible households, restricting this number to the target allotted.
- The Intermediate-level Panchayat (Panchayat Samiti) will invariably be sent a list of selected beneficiaries.

CREDIT CUM SUBSIDY SCHEME

This Scheme targets rural families having annual income upto Rs.32,000/-. While subsidy is restricted to Rs.10,000/-, the maximum loan amount can be availed upto Rs.40,000/- under this scheme.

The role of PRIs in implementation of this scheme are :-

- One of the Agencies for implementing the scheme is Zilla Panchayat. The identification of the most appropriate implementing agency under the Credit-cum Subsidy Scheme shall be left to the State Government.

SAMAGRA AWAAS YOJANA

This is a comprehensive Housing Scheme with a view to ensuring integrated provision of shelter, sanitation and drinking water. This is being implemented in one block each off 25 districts of 24 States and one UT.

The role of PRIs in implementation of this scheme are :-

- The Zila Parishad, the Block Samiti and the Gram Panchayat will be fully involved in the implementation of this Scheme.
- The special IEC funds of Rs. 5 lakh per district and habitat development funds of Rs. 20 lakh will be routed through DRDAs. DRDAs/ZPs and Public Health Department will be the main implementing agencies.

INNOVATIVE SCHEME FOR HOUSING AND HABITAT DEVELOPMENT AND RURAL BUILDING CENTRES

The innovative scheme for housing and habitat development has been designed for standardizing and popularizing/ replicating/propagating cost-effective, environment-friendly housing construction technologies, designs and materials and evolving ideal types of sustainable rural human settlements consistent with agro-climatic variations and natural disaster proneness. The Rural Building Centres Scheme is inter alia designed with the purpose of technology transfer and information dissemination, skill up gradation through training and production of cost effective and environment friendly material components.

- Panchayati Raj Institutions are one of the Implementing Agencies under these schemes.

ANNAPURNA

The Annapurna Scheme aims at providing food security to meet the requirement of those senior citizens who though eligible have remained uncovered under the National Old Age Pension Scheme.

The role of PRIs in implementation of this scheme are :-

- The Panchayats identifies the Beneficiaries and communicate the same to Collector/CEO.

- The Gram Sabhas are required to select the Beneficiaries for the Scheme and the lists of beneficiaries so selected by Gram Sabha will be displayed by the Gram Panchayats.
- The Gram Panchayats distribute the Entitlement Cards to the Beneficiaries in Gram Sabha Meetings.
- The Gram Panchayats will give wide publicity to the Scheme and will also be responsible for dissemination of information in regard to the procedure for securing benefits under the Scheme.

WATERSHED DEVELOPMENT PROGRAMMES UNDER DPAP AND DDP

The Drought Prone Areas Programme (DPAP), Desert Development Programme (DDP) and Integrated Wasteland Development Programme (IWDP) are being implemented on watershed basis and aim at drought proofing and controlling desertification by regeneration of depleted natural resource base. All these three programmes were brought under the Guidelines for Watershed Development with effect from 1.4.1995.

The role of PRIs in implementation of this scheme are :-

- The District Panchayats and other Panchayati Raj Institutions shall have very important role to play in Watershed Development Programmes.
- The PRIs shall have the right to monitor and review the implementation of the programme and provide guidance for improvements in the administrative arrangements and procedures with a view to ensure convergence of other programmes of Ministry of Rural Development such as SGRY, SGSY, IAY, CRSP, Rural Drinking Water Supply, etc.
- At the Village level, the Gram Panchayat shall be fully involved in the implementation of the programme, specially community organization, formation of SHGs and training programmes.
- Gram Panchayat will be responsible for operation and maintenance of assets created during the project.
- The Watershed Action Plan should have the approval of Gram Sabha and it should be a part of annual action plan of Gram Sabha.
- The District Panchayat/DRDA in whose favour the project has been sanctioned will be entitled to affect recovery of funds from any institutions/ organization/ individuals and take appropriate action under law if the project is not properly implemented for funds are misutilised or not spent as per Guidelines.
- The Panchayats at any level are also entitled to take on the responsibility of implementing a cluster of watershed projects in the capacity of Project Implementation Agencies(PIAs), if they so desire.
- PIAs will motivate the Gram Panchayats to pass necessary resolutions to make public contribution, conduct Participatory Rural Appraisal (PRA) exercises, prepare the development plans for the watershed, undertake community organization and training for the village communities, provide

- technical guidance and supervision of watershed Development activities, inspect and authenticate project accounts, undertake action research to adapt low-cost technologies and /or validate and build upon indigenous technical knowledge, monitor and review the overall project maintenance and further development of the assets created during the project period.
- Under the new initiative 'Haryali', the watershed programmes are to be executed by the Gram Panchayats by facilitating project funds to them. The District and Intermediate Panchayats are to act as PIAs

COMPUTERISATION OF LAND RECORDS (CLR) AND STRENGTHENING OF REVENUE ADMINISTRATION & UPDATING OF LAND RECORDS

Under these Schemes funds are released to Revenue Department of the States/UTs for implementation in various districts of the State and not to Panchayati Raj Institutions of State Governments.

- The Panchayati Raj Institutions are not being involved in the implementation of these two Schemes.

ACCELERATED RURAL WATER SUPPLY PROGRAMME (ARWSP)

Under ARWSP, the Central Government is to supplement the efforts of the State Governments in providing access to safe drinking water to all rural habitations of the country.

The role of PRIs in implementation of this scheme are :

- Panchayati Raj Institutions should be involved in the implementation of schemes particularly in selecting the location of standpost, spot sources, operation and maintenance, fixing of cess/water tariff, etc.
- The implementation of the Sector Reform Projects in the identified pilot districts, are also to be carried out either by the District Panchayats or through the District Water and Sanitation Missions (DWSM), which are to be registered societies under the supervision, control and guidance of District Panchayat.
- Wherever PRIs are themselves firmly in place and willing to take up the responsibility and are strong enough to do so, they implement the projects themselves instead of DWSM.
- At the village level, the individual Rural Water Supply Schemes are to be implemented through Village Water and Sanitation Committees which should be committees of Gram Panchayats.
- Drinking water supply assets are transferred to the appropriate level of Panchayats and such Panchayats are to be empowered to undertake operation and maintenance of drinking water systems.

CENTRAL RURAL SANITATION PROGRAMME(CRSP)

This programme aims at improving the general quality of life in rural areas; accelerating coverage in rural areas; generating demand through awareness creation and health education; and controlling incidence of water sanitation related diseases.

The role of PRIs in implementation of this scheme are :-

- Total Sanitation Campaign (TSC) is a community based programme where Panchayati Raj Institutions are in the forefront.
- As per TSC Guidelines, the implementation at the district level is to be done by the District Panchayats. Panchayats at block and village level are to be fully involved for implementation of the programme.
- Where District Panchayat is not in a position to implement the programme, it is being implemented by District Water & Sanitation Mission which is chaired by Chairperson of District Panchayat and the Village Committees are chaired by the Chairpersons of Gram Panchayats. In the later case, the Village Water & Sanitation Mission are part of the Gram Panchayat.

SWAJALDHARA

This programme aims at providing Community-based Rural Drinking Water Supply. The key elements of this programmes are namely, (i) demand-driven and community participation approach, (ii) panchayats / communities to plan, implement, operate, maintain and manage all drinking water schemes, (iii) partial capital cost sharing by the communities upfront in cash, (iv) full ownership of drinking water assets with Gram Panchayats and (v) full Operation and Maintenance by the users/ Panchayats.

The role of PRIs in implementation of this scheme are :-

- Gram Panchayat shall convene a Gram Sabha Meeting where the Drinking Water Supply Scheme of People's choice including design and cost etc. must be finalized. Gram Panchayats are to undertake procurement of materials/services for execution of schemes and supervise the scheme execution.
- A resolution must be passed in the Gram Panchayat meeting calling for users/beneficiaries to contribute 10% of the capital expenditure. However, GP can remit towards community contribution from its tax revenue (Not from Government Grants) with the approval of Gram Sabha.
- Gram Panchayat will decide whether the Panchayat wants to execute Scheme on its own or wants the State Government Agency to undertake the execution.
- After completion of such schemes, the Gram Panchayat will take over the Schemes for Operation & Maintenance(O&M).

- Panchayat must decide on the user charges from the community so that adequate funds available with Panchayat to undertake O&M.

INFORMATION, EDUCATION AND COMMUNICATION(IEC)

Information, Education and Communication plays a pivotal role in creating awareness, mobilizing people and making development participatory through advocacy and by transferring knowledge, skills and techniques to the people. The IEC efforts aim at creating awareness and disseminating information on the Rural Development Programmes of this Ministry primarily to the target groups in rural, to the opinion makers and also to the public at large.

- The Panchayati Raj Institutions are not being involved in the implementation of the Schemes under IEC Division.

TRAINING DIVISION

The Ministry of Rural Development provides funds to National Institute of Rural Development, State Institutes of Rural Development and Extension Training Centres for providing training to the elected representatives of Panchayats as well as Rural Development functionaries. Funds are also being released under this scheme for holding training courses, seminars, workshops etc on subjects relevant to rural development.

- The Panchayati Raj Institutions are not being involved in the implementation of the Schemes under Training Division.

PANCHAYATI RAJ

PR Division has been releasing funds to NGOs/Institutions for Action Research Studies and Workshops/Seminar on Panchayati Raj.

- The Panchayati Raj Institutions are not being involved in the implementation of the Schemes under Training Division.

ORISSA

Acts:

- 73rd Amendment Constitution of India, 1992
- Panchayat Extension to Schedule Areas Act (PESA), 1996
- Orissa Zilla Parisad Act, 1994
- Orissa Panchayat Samiti Act, 1959
- Orissa Gram Panchayat Act, 1964

Rules:

- Orissa Zilla Parisad Rules 2001
- Orissa Zilla Parisad Standing Committee Rules 2002
- Orissa Panchayat Samiti (Conduct of Business) Rules 2002
- Orissa Panchayat Samiti Accounting Procedure Rules 2001
- Orissa Panchayat Samiti Standing Committee Rules 2002
- Orissa Gram Panchayat Standing Committee Rules 2002
- Orissa Gram Panchayat Rules 2002
- Orissa Minor Forest Produce (Administration) Rules 2002