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The recommendations of Fourteenth Finance Commission (FFC) are widely acclaimed, as it opens new avenues for strengthening decentralization in the country. The FFC has set apart an amount of Rs. 200,292.20 Crores to the Grama Panchayats and Rs.87,143.80 Crores to the Urban Local Bodies for the period 2015-20. The focus is on two aspects – one is the preparation of local development plan and the other spending on basic necessities. Barring a few states,a plan with people's involvement is still a distant dream. In such a situation, the Grama Panchayts and Urban Local Bodies have to understand the essentiality of preparing grassroots plans by convening the Grama Sabhas and Ward Sabhas. No doubt, the development vision of local governments should aim at economic development and social justice. The basic needs such as drinking water, sanitation, etc. are to be given priority as put forth by the FFC. As the main target is the preparing a development plan, proper environment creation in favour of decentralisation is the pre-requisite. It is important to note that most of the states have developed participatory planning methodology to suit their local needs. This will help involvement of the people at every level of planning. Inclusive growth through inclusive governance can be achieved only through people's involvement. As a result, success stories of people's participation are coming from far and wide. It may also be taken into account that the state may devolve more funds, functions and functionaries to these grassroots institutions. There is also high demand for more functional autonomy. The general notion is that the local bodies cannot sustain by merely playing the role of implementing agencies of Centrally Sponsored Schemes or State Sponsored Schemes. If they are to function as real local governments, the elected members, officials and citizens are to join hands and take the lead for strengthening democratic decentralization.

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Gram Panchayat Development Plans and Women Collectives:
Charting New Territory

The Fourteenth Finance Commission (FFC) award puts money straight into the hands of the Gram Panchayats (GPs). In that context, Ministry of Panchayat Raj (MoPR) envisages that GPs need to prepare plans through a participatory process and has initiated writeshop to evolve draft guidelines for Gram Panchayat Development Plan (GPDP). All but one have finalized their State guidelines at this point of time, and 23 States have issued the concerned Government Orders in connection with the preparation of GPDP for the utilization of FFC award. The Self Help Group (SHG) collectives of women are advantageously placed to become important participants in the GPDP formulation process. Their participation can transform the quality of delivery of programmes like Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) or Swachh Bharat Abhiyan. The convergence possibilities of SHGs can be harnessed for the local development.

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1. New Resources to Panchayats

When the recommendations of the Fourteenth Finance Commission (FFC) were accepted by the Government of India, a new horizon opened up for Panchayati Raj in the country. A total of Rs 200,292 Crores was to be given entirely to Gram Panchayats over the five year period from 2015 to 2020. (GoI, 2014). Of this, 90% fund was to be basic grant, and 10% performance grant - with regular audits and improved own source revenue being the basis of assessment of performance of Gram Panchayats. This marks an increase of nearly 500% in Gram Panchayat revenues. The funds are to be spent on basic civic services and the logic of vesting the funds with Gram Panchayats is that these services are primarily the responsibility of Gram Panchayats.

For many of the country's 2.5 lakhs Gram Panchayats, these funds could be a game changer. Panchayati Raj in most States is riddled with inconsistencies between the law and the actual implementation of it, with very limited actual devolution, weak, overlapping responsibilities between tiers of local government, and financial or administrative muscle. In many States, powers to the Panchayats translate effectively as powers to the functionaries of the Panchayat, and in most States, due to the small size of Panchayats, the State Governments find it difficult to provide personnel, and therefore Panchayat Secretaries could be in charge of 2 to 5 or even 10 Panchayats at any given moment in time.

This is what can change now. The Fourteenth Finance Commission (FFC) award puts money straight into the hands of the Gram Panchayats. The States are to transfer funds to the Panchayat's accounts within 15 days of receipt, and do not have the authority to decide on what to do with these funds, or to utilize them on behalf of the Panchayats. The Ministry of Finance has stipulated that these funds are to be spent by the Panchayats against clear plans. (GoI, 2015a). The Ministry of Panchayati Raj has gone one step further and said that these plans are to be participatory, and that they are to be realistic, converging all resources over which the Panchayat has command. (GoI, 2015b).

2. Taking on Participatory Planning at the Grassroots

To any informed observer, the resemblance with the participatory governance paradigm of local self governments in Kerala would be striking. After years of conviction that the processes of Kerala could not be replicated elsewhere in the country, there is today a belief that each State could perhaps develop its own paradigm of

participatory governance, and that on that journey, there were lessons that could be assimilated from the Kerala experience.

This was borne out in the 5 day writeshop[1] conducted at KILA for the senior officials of the Panchayati Raj Departments of the States. (MoPR, 2015). Twenty Seven States participated in what was both an orientation to the concepts and processes of participatory planning and an exercise in developing guidelines for participatory planning as relevant to the concerned State. The participants got to discuss with Panchayats the whole dynamic of the participatory planning process, including the roles of various stakeholders like standing committees, working groups, line department functionaries and civil society organisations including Kudumbashree. The possibilities of community engagement in local planning were an eye opener, but there still was healthy skepticism about just how the systems prevailing in the States would be amenable to an exercise of this nature. Notwithstanding this concern, the writeshop generated a fair deal of energy and hope that local governance processes could be strengthened by a large mobilization for participatory planning and by a readiness to take this further. This would necessitate articulating the institutional support mechanisms and arrangements that would be needed to operationalize the Gram Panchayat Development Plans (GPDP). States were exhorted to build in components of livelihoods, basic amenities and services and social sector concerns, particularly in health, education, sanitation and nutrition into the programme. As far as possible, focus on poverty reduction, women empowerment and special attention to vulnerable groups like the disabled, the aged, and to specific categories of deprived communities like the Scheduled Castes (SCs) and the Scheduled Tribes (STs) were to be factored into the GPDP.

3. GPDP and the States

In the months that were to follow the KILA writeshop, all 26 Part IX States that received the FFC funds were to prepare Guidelines for the roll out of GPDP. All States but one have finalized their draft guidelines at this point of time, and 23 States have issued the concerned Government Orders. High level Committees have been constituted to oversee the process and to ensure convergence.

The guidelines in each State generally touch upon the following:

i   The slogan and environment generation strategy of the GPDP

ii The resources which are to be converged for the GPDP

iii The nature of situation analysis to be conducted (many States have given indicative templates for capturing relevant information)

iv The responsibility for preparing the reports for the Gram Sabha

v The conduct of the Gram Sabhas (number of Gram Sabhas to be conducted varies from State to State)

    a. For environment generation

    b. For planning and visioning

    c. For prioritization and approval

vi The appraisal of projects and approval

vii Institutional support mechanisms for planning

viii Implementation arrangements

Issuance of State level guidelines in itself is a huge step forward, but for GPDP to succeed, the positioning of support structures and a vibrant capacity building initiative are critical. So too is the extent of environment generation that the State is able to create. In the analysis of the GPDP guidelines of the States, it can be seen that different States have approached this differently. Whereas in some States, it is the Panchayat committee itself that is responsible for all the grassroots processes including situation analysis; in others, the participatory planning teams under Intensive Participatory Planning Exercise (IPPE) II[2] are tasked with the responsibility. In yet others, you will find either a posse of officials undertaking the job, or full fledged working groups or task forces of community resources engaged in participatory planning.

The GPDP is an opportunity for Gram Panchayats to look beyond infrastructure and selection of beneficiaries for Central and State sponsored schemes into local problems in development and addressing these problems with the resources available to them – both financial and human. Some States see the GPDP as a catalyst for generating grassroots awareness about social evils like sex selective foeticide, drug abuse in youth, alcoholism or human trafficking, and also realize that for local action on the front, it is not the financial resources, but the level of social mobilization and engagement that are critical to success. A growing recognition of time as resource that needs to be invested in wisely has also taken shape.

4. The Challenges for Participatory Local Governance

It needs to be remembered that, it is not just institutional incapability from lack of powers and resources that plagues Panchayats. Departmental schemes and their ascendency have been able to effectively marginalize the Panchayats in the local governance space. One of the major reasons for the ascendency of schemes is the fear of elite capture, which would leave departments far more comfortable with officials down the line who can be made accountable than the Elected Representatives who they believe, cannot. There is also the problem of lack of faith in untrained, inexperienced local leadership and in a governance dispensation with weak members like the Elected Women Representatives (EWR) or the SC or ST member, who do not have the political or social muscle to make a difference. Administrative systems have developed comfort levels with patronage based systems. In a subsidy regime where the demand far outstrips supply, the less the spread of information, the easier it is to achieve schematic targets. But even where schematic targets get met, programme objectives are not, and outcomes and impacts do not go according to plan, leaving the country struggling to reach its Sustainable Development Goals (SDGs) and to improve the quality of life of its citizenry.

An informed, engaged community is therefore critical to transforming the landscape of rural development administration in the country. What stops today's citizen in the rural heartland from participating in local development? Messages are finding it hard to navigate the complex social realities, inequities, and disturbances that characterize our variegated interiors, and therefore end up not reaching all, or not reaching equally. The potential of mass communication and information explosion that mobile telephony and digital India provide are not harnessed and people do not participate in finding their own answers to local issues. The Gram Sabha is not seen as a forum for equal participation, and women especially find themselves excluded on account of multiple barriers to participation.

5. Self Help Group (SHG) Collectives and the Democratic Space

Wherever women have formed SHGs and become collectives, their access to governance processes is seen to increase. This access sometimes comes as movement into political spaces. A tribal woman Panchayat Mukhiya of Jharkhand who had been part of an SHG federation said that she fought the local body elections so that her voice would carry weight in the Panchayat. However the thrust

of the SHG programme across the country has been to focus on thrift and credit, develop the financial discipline to leverage formal loans, and improve livelihood options through increased flow of money through the network. Of late, the programmes also look to using the forum to discuss and address issues like domestic violence and nutrition through collective action and convergence. While the SHG route is seen to empower women individually, it's potential to enhance citizenship and community ascendency in local democratic processes has not been sufficiently explored. Such an engagement by the community network would widen the local discourse into addressing the concerns of women, the poor and vulnerable sections regarding inclusion in the economy and access to resources. It could also serve as catalyst for:

- addressing exclusion
- enabling participation
- claiming rights
- realizing equity

The secret to a vibrant Gram Sabha would require finding answers to some inconvenient questions that include:

- How to win trust in the wake of allegations that the priorities and discussions of the Gram Sabhas get overturned at higher levels, when projects actually roll out?

- How can the Gram Sabha be truly participative and representative, and inclusive of the voices of the weak and the marginalized with no political patrons?

- How can the power of vested interests who might override the voice of weaker sections be neutralized?

- How can the apathy and cynicism of the common citizen with regard to democratic processes be addressed and genuine discussion ensured?

The SHG collectives of poor women are advantageously placed to become important participants in the GPDP. They are in a position to enable mass mobilization of poor women and their families and bring them into the Gram Sabha. They are also in the position of encouraging internal discussions within the network on local development concerns, particularly of the families they represent, and of the women themselves, which would give a strong focus to the situation analysis done for GPDP and the development report that goes to the Gram Sabha. Their understanding of poverty and

of the families of the poor would help in focusing the attention of the Panchayat on the most vulnerable within its jurisdiction and ensuring their entitlements. They would have a very clear stake in ensuring that the institutions meant to serve the poor like the Anganwadi, the Primary School and the Health centre, as well as the programmes targeting social development like the Mid Day Meal, ICDS[3] or the National Health Mission reach them and improve their quality of life. Their interest in the future of their children would make them seek local answers to problems of water conservation and malnutrition. Their participation can transform overnight the quality of delivery of programmes like MGNREGS or Swachh Bharat Abhiyan. Community monitoring of institutions and programmes can improve birth registration, child attendance in schools, Anganwadi feeding – to name a few. From achieving targets that lead to noticeable outcomes, we would be able to witness upturn in the quality of life indices.

6. Convergence for Transformation

How would SHG collectives grow into this kind of role within GPDP? Is convergence across the community network with Panchayats and with development programmes possible? To find answers to these questions, the Ministry of Panchayati Raj (MoPR) and Ministry of Rural Development (MoRD), with the support of UNDP, jointly organized a National Workshop in December 2015 in New Delhi, bringing the State Panchayati Raj departments and State Missions of NRLM together for an intense consultation on the way forward. The workshop discussed the activity framework for convergence viz.

i   Determination of the role of SHGs and their federations in GPDP

ii   Facilitation of the participation of SHGs in the Panchayat level planning process

iii Convergence platforms between Panchayats and SHGs

iv   Policy initiatives required for enabling convergence –

    a. Space for SHGs in Panchayat Bhavans

    b. Policy on access to common property resources

    c. Institutional mechanism for engagement of Gram Panchayats and SHGs

    d. Norms for engagement of SHG collectives in service delivery at the level of the Panchayat

v   Integration of capacity building for convergence – into IPPE, GPDP and NRLM[4]

All the participating States promised to build on the road maps that they had identified for themselves in the workshop. Subsequently, a common framework for convergence was finalized by both Ministries. A detailed advisory on Gram Panchayat - SHG convergence was issued by the Ministry of Panchayati Raj on 4, February, 2016, which is available on the Ministry website. States have begun to take forward the convergence initiative. In Jharkhand, the Yojana Banao Abhiyan, which has progressed as a convergent journey of IPPE and FFC after the Panchayat elections in December, has invested in conducting *tola* (habitation) sabhas prior to the Gram Sabhas. It was seen that wherever there are SHG collectives or Mahila Mandals, the participation of women in the Gram Sabhas went up from less than 15% to over 60% in less than the two months of roll out of the campaign.

The portents for transformation are unmistakeable. If the energies of these extraordinary communities of the poor can be harnessed for the local good, it will be possible to break down traditional barriers and usher in a new age of Panchayati Raj which is true to the Constitutional Mandate of local governance for economic development and social justice.

Footnotes

[1]   The term 'Writeshop' used in place of 'Workshop', intending that the task of the programme is to write a precisely envisaged document; say guideline or manual.

[2]   To bring about participatory planning for MGNREGS (Mahatma Gandhi National Rural Employment Guarantee Scheme) under the leadership of Grama Panchayats.

[3]   ICDS-Integrated Child Development Services.

[4]   NRLM-National Rural Livelihood Mission

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Impact of Social Audit on the Performance of MGNREGS:
A Study in Tamilnadu and Karnataka

Governments are facing an ever growing demand for more accountable and socially responsible. The people are becoming more assertive about their rights to be informed and to influence Governments¹ decision making processes. After few years of effective implementation of the National Rural Employment Guarantee Act, 2005, the Government insists every State to conduct social audit to understand the financial and physical performance. Social audit has been carried out in various States on MGNREGS. In addition to the fact finding results, the social audit made tremendous impact on the creation of awareness to the beneficiaries on the provisions and entitlements of the schemes. This research was aimed to validate the process of social audit conducted, its usefulness in terms of physical and financial achievements and ultimately impact on programme implementation.

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1. Background

In India, official records of the State governments report that, majority Gram Panchayats (GPs) implementing MGNREGS are conducting social audit mandatorily as per the social audit guidelines. Few States also made further advancements by expanding conduct of social audit to other programmes. Andhra Pradesh, Tamil Nadu and Rajasthan were further ahead and created structural mechanisms for conducting social audit and institutionalized the process. On the other side, political arena and local power structures consider it as a threat, as it aims to bring out the hidden malpractices (Aiyar, Yamini and Samji, Salimah, 2009). This study was planned to understand the impact of social audit on performance of the scheme and impact on awareness of the beneficiary.

2. Social Audit

A social audit is a method of measuring, understanding, reporting and ultimately improving an organization's social and ethical performance. A social audit helps to narrow gaps between vision/ goal and reality, between efficiency and effectiveness. It creates an impact upon governance. It values the voice of stakeholders, including marginalized/poor groups whose voices are rarely heard. Further, it would be taken up for the purpose of enhancing local governance, particularly for strengthening accountability and transparency in local bodies. (Pokharel, Atul; Aiyar, Yamini; Samji, Salimahm, 2008).

The objectives of social auditing are assessing the physical and financial gaps between needs and resources available for local development, creating awareness among beneficiaries and providers of local, social and productive services, increasing efficacy and effectiveness of local development programmes and estimation of the opportunity cost for stakeholders of not getting timely access to public services. (Government of India, 2005).

Social audit has been carried out in various States on MGNREGS. The MGNREG Act provides central role to social audit as a means of continuous public vigilance. The process involves public verification of 11 stages of NREGS implementation, from registration of families to evaluation of work. To facilitate the audit, local authorities have to provide Gram Sabhas with updated data on registrations, number of job cards issued, list of people who demanded and were given/not given employment, funds received and spent, wages payments made to the workers in the scheme,

works sanctioned and started, cost of works and details of expenditure, duration of work, person-days generated and copies of the muster rolls. (Government of Andhra Pradesh, 2013).

3. Effects of Social Audit

Among the numerous irregularities and ways of manipulating muster rolls and wages detected by the various fact finding groups and groups of social activists, the social audit made tremendous impact on the creation of awareness to the beneficiaries on the provisions and entitlements of the schemes. There were lot of deviations of procedures found in conduct of social audit in different States and districts. This study has focused on verification of social audit process with the following parameters and issues as indicators.

a. Principles of Social Audit

- **Transparency:** Complete transparency in the process of administration and decision-making, with an obligation on the Government to *suo-moto* give the people full access to all relevant information.

- **Participation:** A right based entitlement for all the affected persons to participate in the process of decision making and validation

- **Accountability:** Immediate and public answerability of elected representatives and Government functionaries, to all the concerned and affected people, on relevant actions or inactions.

b. Stages of Social Audit

- **Planning Stage:** To ensure the Gram Panchayat Plan is need based.

- **Preparation Stage:** To ensure that estimates are proper and are in tune with the approved quantum of work.

- **Implementation Stage:** To ensure that wages are paid properly and to right people.

- **After the Completion of Work:** To ensure that quality of work is in tune with quantity and estimated cost.

c. Mechanism for Social Audit

Social Audit, by definition, is carried out by the community of stakeholders. This will include beneficiaries / participants, implementing agency, Gram Panchayat representatives etc. The entire Gram Sabha is expected to participate.

d. Preparation for Social Audit

i.   Wide publicity for schemes / programmes among local community, placing the GP plans, list of beneficiaries, plan estimates, funds receipts and expenditure etc.

ii. Formation of Village Monitoring Committees (VMC) with genuinely interested members than vested interests, allowing them to perform their assigned functions

iii. Keeping all relevant records, registers, documents etc. in proper and updated manner and making it available for anyone who wants to check and scrutinize.

iv. Public display of planned works, estimates, fund flow, expenses, status of works, etc.

4. Issues

The present study looks in to verifying the following issues:

a) Whither people aware of their rights, entitlements and obligations of the scheme and their right to participate in the ongoing process of social audit.

b) Verification of all the forms and documents for their simplicity and public display.

c) Ensure the decision-making process, especially for those decisions that are critical, vulnerable to distortions, is transparent and open and carried out in the presence of the affected people.

d) To find out all decision along with reasons as appropriate are made available to the affected people, and in a manner that makes it easy for them to comprehend.

e) Whither the arrangement made for measuring, inspection or certification, ensuring that randomly selected individuals, among affected persons are involved.

f) Also ensuring that members of the public and especially those directly affected are facilitated to inspect and verify records, works and monitor planning and implementation.

g) Verifying with people about awareness, understanding and their satisfaction on entitlement to register one's family, job card, apply for work, participate in the process of preparation of projects, get work allotted within fifteen days of application, receive full wages for the work done, prescribed rates, receive unemployment allowance.

5. Sampling and Study Regions

Multi stage sampling was used to select the study units. In each State, two districts - one social audit and one non-social were selected. The social audit districts were selected purposely based on the status of conduct of social audit. The non-social audit districts were selected by simple random by arranging the districts which are having similar socio-economic characteristics. By this procedure Villupuram as social audit district and Sivaganga non-social audit district from Tamil Nadu, Kolar as social audit district and Chikkabellapur as non-social audit district were selected in Karnataka. Altogether eight Gram Panchayats were covered for the data collection. In each Gram Panchayat of social audited districts, 20 members of Gram Sabha (who attended social audit) were selected, in non-social audited districts; respondents were selected on simple random basis from the MGNREGS beneficiaries list.

6. Findings

Important findings of the study have been presented in this section.

i.   Participation of beneficiaries in social audit of MGNREGS in the study area reported, majority were in the age group between 50-80. It is confirmed from the data only old age people take part in the social audit process. Majority of respondents are females. Majority of the sample respondents belong to the Schedule Caste.

ii.   The study reported that, 37.1 percent are illiterates, among the educated32.8 percent had studied only up to primary level. Only 32.8 percent are having land. The occupational particulars of the respondents reflect that 52.2 are agriculture labours. Among land owned 12.8 percent, respondents have below one acre. The people consider MGNREGS as a right based scheme, which attracts all sections of the people in the rural areas. The study shows even big farmers having more than 5 acres of land also participated in the scheme.

iii. There are 40.3 percent respondents having annual income between Rs. 10,001-20,000, another group of 21.3% of the sample families have annual income in the range from Rs.21,000 – 30,000.

iv.   Before MGNREGS, around 44 percent respondents earned their livelihood from agriculture. Later on, MGNREGS is the prime source of income. The scenario of labour participation in other activities has come down from 43.4 percent to 10 percent.

6.1. Awareness about Objective of the Scheme

i.   There are 70.9 percent respondents viewed about entitled provision of employment under MGNREGS is 100 days, among said respondents, 42.5 percent were from social audited district. There were 35.0 percent known renovation of traditional water bodies that are the priority works under MGNREGS, in it 26 percent from social audit district and only around nine percent from non-social audit districts.

ii. There were 59.0 percent, around 42.1 percent of social audit district and only 16.9 percent from non-social audit district respondents replied that any adult member from the family can work in the MGNREGS. But majority of respondents of non-social audit replied only head of the family or a person's whose photo affixed on the job card only can participate in the scheme.

iii. Around 55 percent of respondents i.e. 43.7 percent from social audit and only 10.6 percent from non-social audit knew about 'people participation' as an important provision under MGNREGS. But, majority respondents from non-social audit districts are not aware.

iv. There were around 33 percent study beneficiaries from social audit districts who knew the various committees functioning at the Gram Panchayat level. In non-social audit districts around 36.8 percent are not aware of the existence and functioning of various committees.

v.   In connection with the approach of officials for issue of job cards, 43.8 per cent from social audit districts and 43.1 per cent from non-social audit regions replied correctly, in case of non-provision of work within the stipulated time of 15 days, around 70 percent respondents i.e. 44 percent from social audit districts and 25 percent from non-social audit districts responded correctly. For non-payment of wages on time, only 49.1 percent i.e. 38.6 percent and only 10.5 percent from non-social audit districts have given correct responses. Awareness level in all aspects is high in social audit districts.

6.2. Eligibility under MGNREGS

i.   All the respondents from social audit districts of both States responded correctly, from non social audit districts, only around 14 percent were not aware of the eligible criteria. Responses on number of members allowed to work under MGNREGS in a day reveals, around 74 percent beneficiaries said only one

member in a family can participate in the programme. Only 26.2 percent told correctness of the scheme provision.

ii. Participation of joint families as few single families; 65.3 percent respondents, including 48.1 percent from social audit districts know the process but majority 32.9 percent from non-social audit district were not aware.

6.3. Application for Work

There were 55 percent of respondents who understood that, even an individual in a village can apply for work, not necessarily on group basis. Out of 50 percent respondents from social audit districts, 41.2 percent known the provision, but only 13.7 percent known about it in non-social audit Panchayats. In actual practice, there is no application process for request for jobs. Provision of jobs is subject to the work availability in the GP, managerial ability of scheme functionaries and availability of funds. Awareness on the registration process reflects that 61.7 percent, (42.1 percent from social audit districts and only 19.6 percent from non-social audit districts) know. But majority from non-social audit districts are not aware of the provision.

6.4. Issue of Job Card

i. Fifty five percent know that the issue of job card should be within one month. In non-social audit districts, 32.1 percent do not know the provision. The provision of possibility of addition and deletion of names of members of the family in later period was known to majority of the beneficiaries in both social audit and non-social audit districts. Provision of working of more than one person simultaneously in a day under MGNREGS is known to majority respondents in both social audit and non-social audit regions.

ii. Among the respondents, 62.5 percent, (45.3 percent from SA districts and only 17.2 percent) replied positively on complaints can be given to the officials at higher level. Eighty Seven percent of respondents were not aware of application to be submitted for job. Fifty four percent (39.6 percent social audit district and 14.7 percent non-social audit districts) have awareness on employment guarantee day, around 35.3 percent are totally not aware. There are 78.7 percent who are aware about the provision of work site within 5 k.m radius, it is 43.7 percent from social audit district and 35.0 percent from non-social audit districts.

6.5. Work Site Facilities

i.   Ninety two percent families know about the provision of work site facilities. Eighty four percent agreed they are getting medical aid for small ailments like headache, body ache, fever, small injuries, etc. Forty five percent are aware about minimum wage provision under MGNREGS. There are around 30 percent of respondents who replied most labourers in their districts have got minimum wage. The responses on awareness about a portion of wages can be paid on daily basis to look after the day to day needs of the poor beneficiaries, around 55 percent, almost equal percentage of beneficiaries from both type of districts accepted that they know the provision.

ii. Regarding the provision of compensation for delayed payment, from the non social audit district no one was aware of it but in social audited districts around 39 percent were aware. Regarding unemployment allowance all the respondents from non-social audit districts reported lack of awareness. Out of 50 percent from social audited districts 37.2 percent are well informed about this provision.

iii. More than 92 percent agreed that in their work sites display boards are erected showing the details about name of the scheme, amount of work sanctioned, period of work, etc.

7. Suggestions

i.   The State Governments have to make efforts and initiatives to encourage implementing agencies of NREGS to conduct social audit periodically. Suitable members with adequate and proportionate representation from beneficiaries of different sections have to be selected and made to understand the important responsibilities they have to perform during the social audit.

ii. Proper training of social audit facilitators as well as implementing agencies has to be arranged and periodical updation of knowledge on the issues has to be ensured.

iii. Suitable orders or instructions to be issued time and again to maintain transparency and accountability in implementation of the programme.

iv. District administration has to ensure and create suitable environment for the participation of all the sections of people.

v. Awareness on display of records and documents has to be created among the people and adequate time for scrutiny of document for the public have to be ensured.

vi. More propaganda has to be carried out by the Government institutions on the importance of social audit and its benefits for the community. The role clarity and responsibility of people while participating in social audit have to be well defined.

vii. NGOs and civil society organizations are to be encouraged to lead discussion. These organizations have to be assisted with monetary support to train the people and other stake-holders.

viii. State governments can make efforts to pressurize GPs to follow ideal social audit process for better results.

ix. District administration can take initiatives on visual documentation of the social audit proceedings.

x. Agenda for social audit could be propagated through various suitable modes with the objective of reaching all the villages of the GP.

xi. Adequate protection has to be ensured to general public for free sharing of ideas, opinions and even contradictory remarks.

xii. Social audit has to be conducted without any pressure from the local power structure, vested interests and political influence. Efforts might be taken by the district administration to ensure it.

8. Conclusion

The responses of the sample beneficiaries from social audited districts reflect that the performance of NREGS functionaries improved massively due to increased level of awareness of people on the various provisions of the scheme and beneficiary's pressure on their demand for entitlements.

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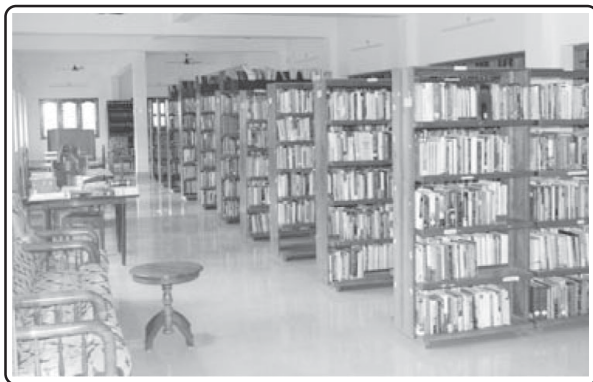
Youth Budgeting at the Local Level

In view of the demographic dividend, India has the potentials to grow more quickly than that of many other developed countries. It is viewed that youth form the basis of progress and youth development is the most cost-effective strategy for achieving growth and development in a country. Youth can play an important role in strengthening local governments. There is a need for mainstreaming youth in local governments to translate the demographic dividend effectively towards the nation's development. This paper deals with the model frame work for youth budgeting and its relevance, from the findings of a research project operationalized by RGNIYD in different parts of the country in collaboration with Academic Institutions/ Research Institutes/ Development Organisation/ Grassroot Organisations working for empowerment of the Local Government system in the respective State.

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1. Introduction

Constitutional status to Local Governments (LGs) was an important moment in the history of decentralisation of political power in India, which has brought in a paradigm shift in the operational domain of local governance in the country. These amendments have resulted in changing the dynamics and equations of power significantly at the cutting edge levels as they enabled the LGs with the power, authority and resources to function as 'units of self government'. However, the devolution of 'Functions, Funds and Functionaries' (3Fs) varies significantly both in letter and spirit in different parts of the country. Devolution of powers and functions enabled the LGs to formulate plans aiming at local economic development and social justice. And, LGs have started assuming the centre stage in ushering in people-centric governance, as they are more responsive, effective, efficient and people-friendly.

According to Census reports, the proportion of population in the productive age group 15 – 59 years increased from 53.3 percent in 1961 to 56.9 percent in 2001 with a rise of 3.6 percentage points. However, the proportion of population in the age group below 14 years showed a decline of 5.7 percentage points during the same period when the figures dropped from 41 percent in 1961 to 35.3 percent in 2001. And, the proportion of population above 60 years showed a minor rise from 5.6 percent to 7.4 percent during the reference period, showing a rise of 1.8 percentage points. The data on demographic transition during the period proved beyond doubt that there is a clear advantage in favour of the productive age group in the country, which may be termed as 'Demographic dividend'. It is characterised by the rise in working age population, out of which largely consists of youth, which is an indicator of the potentials of a country. This clearly points towards the advantage of having a sizeable youth population which could be tapped properly aiming at the nation-building. However, this dividend could be translated into positive direction only by providing proper education, adequate health care, capacitating with skills and competencies, and enabling them to secure suitable employment in line with their interests, aptitude and skills. Only such an approach to the youth is expected to enable them to contribute towards the growth and development of the country.

Demographically, youth constitute a significant segment of the total population in India. In view of the demographic dividend, India has the potential to grow more quickly than that of many other countries, including America, China and Japan. It is reported that the youth population in many developed countries is fast shrinking

with higher dependency ratio; however, India is blessed with 70 per cent of her population below the age of 35 years (Planning Commission of India, *n.d.*). Demographers report that in the year 2020, the average age of an Indian will be 27 years whereas, the average age of a Chinese and American will be 37 years, a West European 45 and Japanese 48 years. (Saraswati, 2008).

It is viewed that youth form the basis of progress and social mobilization in any country and aiming at youth development is the most cost-effective strategy for achieving growth and development in a country characterised by demographic dividend. (Gireesan, 2012). And there is no doubt that youth can play an important role in strengthening local governance as they constitute a vital segment of the population. And to translate the demographic dividend effectively towards the nation's development, there is a need for mainstreaming youth in local governance.

2. 'Mainstreaming' – What?

According to the Commonwealth Youth Programme, the word 'Mainstreaming' refers to the systematic integration of youth affairs into the work of all relevant stakeholders. For Governments, this means:

(a) Allocating a proportion of all relevant departmental budgets to youth development;

(b) Introducing a youth empowerment perspective to the work of all relevant departments;

(c) Setting up appropriate mechanisms for youth participation in policy making;

(d) Systematically monitoring and reporting progress made in youth development; and

(e) Building the body of knowledge on youth affairs. (Commonwealth Secretariat, *n.d.*)

In brief, every attempt, effort, initiative and intervention made by the State and non-State actors aimed at empowering youth by enhancing their skills, capacities and competencies to perform as an 'informed citizen' can be referred as 'Mainstreaming'.

3. Mainstreaming Youth in Local Governance

From a narrow perspective, Mainstreaming Youth in Local Governance 'refers to the activities for empowering youth to play an active role in Grama Sabha and other participatory structures at the local level, equipping them to make active contributions in the functions of Local Government and other local institutions,

giving them a space and responsible positions in different committees and other decision making forums, and equipping them with personal and social skills to function as change agents in the society'. (RGNIYD, 2013).

In a broader perspective, 'Mainstreaming' indicates 'Engage, Enable, Ensure and Empower' the target population in the development programmes, projects and other activities. And, in operational terms, 'Mainstreaming Youth in Local Governance' is viewed as:

(a) Engage the youth to play an active and constructive role in the functioning of Local Government Institutions with special reference to 'Grama Sabha and other participatory structures'; and, 'Critical engagement' of youth in local governance as observers, analysts, critics, facilitators, supporters, etc.

(b) Enable the youth with knowledge, skills, attitudes and values aiming at 'Deepening democracy'; enable to enhance their voluntary spirit and develop social capital among them; and, enable them to perform as 'Change agents' in the society.

(c) Ensure that their needs, concerns, issues and problems are addressed on priority; ensure that they have access to resources, able to make their own choice and enhance their capability; ensure that they are given due space and responsible position in decision making forums; and, ensure appropriate initiatives and interventions leading to 'Youth Budgeting'.

(d) Empower the youth to assume leadership towards bringing Inclusive Governance, Sustainable Development, E-Governance, Transparency and Accountability in the system; and, empower the Local Government Institutions and other institutions for ushering local economic development and social justice towards realising 'Good Governance at the Grassroots'.

The operational aspects of 'Mainstreaming Youth in Local Governance' discussed above are only suggestive in nature and subjected to appropriate variations in the changing context. In brief, every attempt, effort, initiative and intervention aimed at empowering youth by enhancing their capacities, competencies and skills to perform as 'informed citizens' and empowering Local Government Institutions and other institutions, can be viewed as 'Mainstreaming Youth in Local Governance'.

In view of the aspects discussed before, it needs no emphasis to say that youth assume an important role in the systems, institutions and practices of local governance. The programmes initiated and implemented by the Local Governments should take

care of the specific needs, concerns, interests and priorities of youth from the geographical area. In addition, the Local Governments could utilize the competencies, dynamism, energy and skills of youth in planning, implementing and monitoring of programmes and projects. To make this happen, more and more youth should participate themselves in the activities of the Local Governments. Youth organizations, both political and non-political, could play a crucial role of recruiting able youth to the development politics of local government system. In addition to extending support to the Local Governments in its functioning, youth can also become the 'Change Agents' aimed at bringing 'Good Governance at the Grassroots'.

However, interactions with the elected members and other key functionaries of Local Governments, deliberations with the experts and practitioners, discussions with the representatives of youth organisations and reflections from the field indicate that youth participation in local governance is not happening to the desired extent. However, a positive trend has been noted in the recent years regarding the rise in percentage of young members getting elected to local leadership in many parts of the country. Elections to the Local Governments in many States of India indicate that there is a significant rise in the percentage of voting by the youth also. The elections to Indian Parliament held in 2014 reiterate this trend. It is widely acknowledged that youth are in the forefront of many activities at the local level. However, it is yet to be ascertained whether the rise in percentage of young elected members and the rise in voting share of young citizens have genuinely resulted in 'Mainstreaming Youth in Local Governance'. The learnings form the RGNIYD's the action research project titled as 'Mainstreaming Youth in Local Governance' in the selected areas of 27 States and one Union Territory (UT) across the country, a model for youth budget is developed, described below;

4. 'Youth Budgeting' at the Local Level – A Model Framework

Budget is one of the main instruments of the Government/ Institution/ Organisation/ Agency to achieve its goals/ objectives. It represents the preferences and priorities of the Department/ Institution. The process of arriving at a budget involves important political decisions regarding how resources should be raised and allocated over a specified time period. Generally the term 'Budgeting' refers to financial aspects like anticipated revenues and expenses within a specific time period and could be even regarded as 'Financial Budgeting'.

The budget cycle covers formulation, analysis, execution, monitoring and evaluation. And, towards carrying out a meaningful analysis of the budget, the entire process shall be documented. Feedback from the target group of population on the initiative/ intervention is essential towards making appropriate changes.

Youth budgeting can be seen as a methodology to support integration of 'Youth development perspective' into the budget. It is visualized here as 'Social Budgeting'. It is the process in which the goals, interests, aspirations and priorities of the entire population or a specific social category are better reflected through budgeting. In the model framework suggested here for youth budgeting, the thrust is on understanding and gathering the needs, concerns, issues, problems and priorities of youth; mapping the initiatives and interventions undertaken by the State and Non-State actors over a specific period for addressing them; and to make a comparative analysis of these aspects through different stages.

As part of the project, the needs, concerns, issues, problems and priorities of youth were analysed through different dimensions like Educational, Social, Economic, Political, Psychological and Cultural. These dimensions are just suggestive in nature. Depending upon the unique features, aspirations and expectations of youth from the specific area/State, some more dimensions could be added. And, it is noted that the needs, concerns, issues and problems are in the order of 'increasing level of intensity' from the perspective of youth when one leads to another in the event of non-realisation, as given below.

* When the 'Need' of youth on any specific dimension as indicated above does not get realised, it becomes a Concern;

* When the 'Concern' does not get addressed, it becomes an 'Issue';

* When the 'Issue' does not get resolved for a long time, it becomes a Problem'.

And in personal or professional life of any human being, when s/he encounters number of problems simultaneously, you need to think of a 'Priority' to take up and evolve strategies to address them.

The framework for Youth Budgeting has been visualized through the following aspects.

(a) Resource mapping and planning in a participatory manner.

(b) Spatial mapping of the resources – physical and human-made.

(c) Review of initiatives and interventions by the Local Government and other agencies.

(d) Review of existing programmes, schemes and projects, aiming at youth development.

(e) Appraisal of new programmes, schemes and projects from the youth perspective.

The functional domain of the suggested model framework has been confined to the field unit of the Local Government only. Hence, it is termed as 'Youth Budgeting at the local level'. Here, the analysis has been limited to a short duration of three years only.

The following Table provides the framework for youth budgeting at the local level, where a qualitative analysis could be made through different stages.

Youth Budgeting at the Local Level – A Model Framework

Desription	Stage wise information
Conduct of youth status study in the field	Documenting the needs, concerns, issues, problems and priorities of youth from the field
Documenting the initiatives and Interventions for youth development in the area	Initiatives and interventions for youth development will be documented and examined in the following stages: Stage I: To examine whether the needs, concerns, issues and problems of youth have come to the agenda of the LG and other organisations functioning in the area. Stage II: To examine whether these aspects have been crystallised into any project. Stage III: To examine whether administrative and technical sanction for these projects have been obtained. Stage IV: To examine whether these projects have been launched. Stage V: To examine whether these projects have been implemented. Stage VI: To examine whether these projects have been implemented completely. Stage VII: To examine whether the project interventions have reached to the youth. Stage VIII: To examine whether the youth are satisfied with the interventions.

Here, the analysis needs to be done right from the entry of the specific item/aspect in the agenda of the Local Government, up to the stage of recording the feedback from the youth. It is visualized that though this mode of analysis appears to be a long drawn one, it is expected to provide a comprehensive assessment of each item and to identify the delay or lapse, stage-wise. As no special provision or fund was made available or allocated for the purpose of youth development in the area during the period of study, youth budgeting could not be taken up.

5. Summing up

The action research project initiated by the RGNIYD across the country enabled it to understand, analyse and document the status of youth to a certain extent. And the 'Learning Journey' through each locality in these areas enabled the researcher to realise, revisit, refine, redefine and rejuvenate the measures adopted in the area for mainstreaming youth in local governance. And on similar lines, the inputs gathered from different parts of the country could also provide sufficient evidences from the field about this pioneering initiative.

Experiences gained from the field realised during the action research project 'Mainstreaming Youth in Local Governance' definitely enabled to document the needs, concerns, issues, problems and priorities of youth on various important dimensions. At the same time, the initiatives and interventions for youth development in the area also could be examined at a micro level. The outline developed for ascertaining youth budgeting at the local level could be suitably used for taking up appropriate policy initiatives and operationalization of programmes for youth development subsequently.

Similar initiatives could be taken up elsewhere, by making necessary temporal and spatial changes as per the local context. Such micro level initiatives, with thrust on rejuvenating the practices of democratic decentralisation, have the latent potentials leading to 'Good Governance at the Grassroots' with more active involvement and participation of youth. It is hoped that understanding, analysis and dissemination of such micro level studies in a country would help to shape up the post-2015 Development Framework and also to realise 'Localization of Sustainable Development Goals' anywhere by making context-specific changes, and to transform the goals, objectives, programmes, activities and outcomes of youth development truly as 'Youth-centric, Youth-friendly and Youth-led'.

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Pluralism and the Inclusiveness:
Emerging Challenges for Governance in North East India

Dr Biswajit Mohapatra*

In an era where a lot is being talked about Pluralism and the need for an inclusive society, where despite there being constitutional provisions, the tribal people are still being neglected by the existing institutions of governance in India. This is in spite of the Sixth in the Schedule in the constitution. The North-East region of India is well known for being inhabited by a multitude of diverse tribal communities. The emerging challenges for governance in North East India is analyzed here and suggestions made towards effective governance, for the benefit of people in this region.

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1. Introduction

In the recent challenging times, the word Pluralism is used in different ways across so many phenomena that it has become a significant issue of concern amongst the academics and others. However in simple terms, it merely denotes a diversity of views and positions as opposed to any particular position, approach or method of interpretation and beliefs. As far as our discipline is concerned, Pluralism, within the realm of political philosophy, signifies the acknowledgment of a diversity of political systems and in political theory, the belief that there will have to be diverse and competing centers of power in our society, so as to obviate the possibility of any singular idea becoming dominant all over. Pluralism also stands for the recognition of a multiplicity of legitimate interests and stakeholders in our society.

Over the years, Pluralism, also known as multiculturalism has become very important value, more particularly in the context of democratic societies. It has come to be based on the strong recognition that there can be unity and strength through diversity, and particularly that each individual is equal and certainly has a right to participate as a full member of society. Hence the accommodation of regional, ethnic, linguistic and religious diversity has been accorded priority, and issues pertaining to freedom, democracy and human rights have been attempted to be addressed through a sustained dialogue among different cultures and communities. Pluralism is also regarded as a concept that is historically and ideologically produced in a particular society, as a doctrine that is strongly embedded within a range of political, civic, and cultural institutions in any society.

In the context of our country, it has also come to be regarded that our Society is composed of diverse groups who come together to lobby for and demand for representation of their interests before Government. Further this diversity of interests can balance as well as give strength to the overall society as all voices can potentially be heard. Despite the multiplicity of groups in our society, no single group can ever dominate any particular issue all of the time as the power of groups to represent their interests will almost be roughly equal. The achievement of fair and just compromises to competing claims not only becomes possible but also meaningful in the case of our democratic society.

Over the last two years the fact that people's rights have occupied centre stage cannot be denied. India being multi-ethnic, multi-religious, multi-linguistic and multi-cultural societies and also

having long traditions of constitutional democracy is expected to undertake various initiatives for the promotion and protection of the rights of its people irrespective of their political opinions, howsoever minority or dissent it may be. Despite considerable amount of attention upon this aspect by the framers of our Constitution and subsequent provision of constitutional safeguards, the issue of unresolved minority grievances yet has not gone away from the public domain. The various section of population yet complains of prejudice and discrimination and hence of dispossession as they feel they have not been the beneficiary of welfare schemes of the Government due to their differences with the ruling party. This has caused them not only economic hardship but also hampered their social status. As these grievances seem to be related to the functioning of State agencies and question our overall democratic governance, the so-called problems of dissent and deprivation need to be relooked at, to guarantee free and equal status to all groups and communities in our society and to reduce the hegemony of any one community or the Nation-State.

2. North Eastern India and the Self-Governing Institutions

The North Eastern region of our country is well known for being inhabited by a multitude of diverse tribal communities. Significantly it is markedly seen that most of these communities have continued with the self-governing village councils and are also organized as tribal chiefdoms now as they used to maintain them during the late British period. This emerges as a very unique phenomenon given the fact that the idea of Nation and State formation was almost absent in the most advanced area of the region, ruled by the Ahoms and also in the rest of the region, before the arrival of the British. The continuation of the traditional tribal institutions is perhaps recognition of the fact that the region certainly underwent change, albeit slow in the direction of development and consequently sharpening of identities in their immediate context

After India's winning of Freedom, at the time of drafting our Constitution, the framers of the Constitution expressed support for the notion of tribal self-rule, for the tribal communities of the region and also to ensure the democratic traditions and cultural diversity of its people, Hence the Sixth Schedule to the Constitution of India, was incorporated to enable the tribal communities to continue with their own systems of governance, which had by then gained wide acceptance. The systems of local-governance promoted

under the Sixth Schedule, in the last several decades, have guaranteed political dominance for these socio economically backward groups along with assurance of acceptable local governance at the community level and ethnic security for those who feel threatened by large scale influx of illegal migrants and settlers from other parts of India.

This process however is also seen to have become quite a competitive process as it has both influenced and in turn got influenced by the presence of ethnic cleavages within the communities. This is a contrast as the indigenous tribal population of the region, compared with the rest of India, was incorporated much later into the colonial state and political economy under British rule at different levels. However, the ethnic divisions, though existed in the region, amongst the numerous tribes, were never institutionalized, as can be seen in the post independent India, which has consequences for the politics of the region. Further along with the attempted process of building up a national polity, the existence of both traditional institutions by the side of modern political institutions has also been both a cause for tension, as both now serve as means to integrate the various ethnic groups into the State and also have become means for perpetuation of ethnic cleavages in the region. As such, the region can be seen to have been overtaken by ideologies of indigenous paramountcy and individual progress. Any time an attempt is made to expedite a political dialogue to solve the problems besetting the region, the fact of competitiveness amongst the various tribal groups, is said to be obstructing the course. The display of different conceptions of political rights by various tribal ethnic groups for their respective groups and about other individuals and ethnic groups has not only sharpened these differences bordering on ethnic conflicts, thus complicating the existing volatile situations in the region. Such an attitude bordering on open vengeance has also often proved to be a problem in the creation of a congenial climate for a fruitful negotiation for acceptance of a common political destiny and effective political institutions.

3. Autonomous Self-governance

In this region, the challenges are arising out of the ideology of paramountcy and its articulated incompatibility with equality are not only serving as the trigger points for the rise of militancy but also various civilian agitational activities which often are aimed at destabilizing the nascent democratic institutions working in the region. The recurrent political instability has severely impeded

the region's political and economic development but also the social stability.

The provision of special administrative machinery in the form of the Sixth Schedule, in the post independence period, providing for District and Regional Councils for administration of these erstwhile excluded areas were seen to be way out not only in terms of ensuring good governance as to be self governed and also in producing able leaders to cope up with several challenges emerging out of the changing global politico-economic order. These institutions were also assigned the task of protecting both tribal cultures and customs besides undertaking development tasks for the benefit of their population. It was also hoped that they would integrate these areas with the modern system of administration while ensuring preservation of the traditional autonomy and local self-governing institutions of the tribal people.

According to critics, this arrangement has only partially succeeded in giving some kind of autonomous self-governance but completely failed to bring out people from economic backwardness as the region seems to be lagging behind in terms of economic growth. This has become an additional concern since a high percentage of people continue to live under poverty, even though one can take pride in the fact that the communities have been able to preserve their lands and tribal traditions under the protection of constitutional provisions of Sixth Schedule.

4. High Expectations

The high expectation that with the inclusion of the constitutional provisions of Sixth Schedule, these social groups could easily have equal access to the services provided by the State and equal opportunity for upward economic and social mobility as being self ruled has also not turn out to be true. Further the hope that they would further pursue a model of inclusive development, with the emergence of educated elites, whereby they can prevent any kind of discrimination against any section in the society, as STs, is also far from being true as the tribal population seem to be at present quite disadvantaged and vulnerable, as they have historically been, due to non provisioning of the capability approach (Nussbaum and Sen, 1993).

Despite the provision of protective measures and developmental efforts, the tribal societies at present characteristically continues to manifest increasing tribal alienation on account of decreasing economic resources, particularly land and forest, common property

resources, escalating atrocities connected with assertion of rights by certain groups, meager advancement through planned development efforts and above all being threatened with displacement and dispossession from their livelihoods due to growing clout of market forces. Even after several efforts made to strengthen these instruments of political government within the framework of Indian Constitution, the prevailing practice of self-governance in the region has failed to confront the forces advocating disintegration.

As the prevailing scenario in the region has become a cause for concern, this probably can be tackled by incorporating a new strategy of empowerment in terms of a major shift towards entrusting, enabling and empowering the people, who would then be able to look after their own welfare and address issues of development by their own initiative with the greatest degree of individual community independence in terms of decision-making and imple-mentation for the greatest good. Benjamin Barber has advocated powerfully for a government in which, "all of the people govern themselves in at least some public matters at least some of the time".(Barber, Benjamin R 1994, xiv). This can be suitably achieved if we are to adopt policies for strengthening of the existing institutions with which people are so emotionally attached much in the manner of them being an inseparable part of their daily lives from time immemorial and also replacement of these institutions is fraught with grave danger as it would cause distrust amongst them.

5. Strengthening of the Traditional Tribal Institutions and New Reforms

Globalization is "global governance without global government" (Stiglitz, 2002). But in our particular context, globalization can be seen to have deep economic, political, cultural and technological aspects, which are closely intertwined, these aspects are regarded to be holding the key to individuals' quality of life and their ability to impact their existing political institutions in their respective societies. Their capability would also decisively determine, whether the poor communities in any society, be it tribal or otherwise, will survive or perish under the daily assault of globalization process.

The social benefits and costs brought upon them by globalization has given rise to a strong debate as regards the consequence of globalization in poor societies and the prevailing raising relationship that exists between the sources of social power and increasing globalization (Mann. M, 2013). It also has called for

intense attempts to strengthen the system of governance model by way of reforming the traditional political institutions and for working out a new but reformed model of these institutions to make them more democratic and inclusive. Such mechanism, it is believed can help the indigenous tribal population, who have been identified as the least beneficiary of the unfurled globalization process and hence the weakest link in the chain of events surrounding the ongoing globalization process and threatened with much reduced significance and extinction.

In the era of rapid globalization, it is felt that the Sixth Schedule of the Indian Constitution though offers them local autonomy through the system of autonomous district and regional councils which have extensive legislative as well as executive powers to protect land and tribal traditions and allows these constitutionally mandated Councils to oversee the traditional bodies of various local tribes now appear to be somewhat inadequate to meet the requirements of wellbeing and freedom. (Dreze and Sen, 2002). As far as provision of social opportunities and economic development is concerned, the situation is no different, particularly in the context of India's efforts at fast economic integration of the country's economy with the global economy.

Its incumbent upon us to identify the drawbacks in the existing constitutional framework and to appropriately reorient the existing local institutions of governance, by way of decentralization and devolution of power by the Constitution, which are the most important avenue where, the poor, women and minorities can participate in governance and articulate their interests and needs, mediate differences and exercise rights and obligations and strengthen their capacity to manage the opportunities and responsibilities of promoting inclusiveness and accountability in accordance with their given culture. (Landes, 1999). The Centre's move to seek an amendment to the Sixth Schedule, though is primarily aimed at implementation of peace accords signed with various Northeast outfits, yet is a much delayed attempt to devolve more powers to the grassroots, which needs our due consideration.

6. Conclusion

The various problems that are faced by the people are related mostly to the lack of effective functioning of various State agencies and quality of democratic governance in the region. Though considerable amount of attention upon this aspect is often claimed to have been paid by the framers of our Constitution and subsequent provision of constitutional safeguards, yet the issue of

these grievances surely call for their immediate resolution, so that any feelings of prejudice, discrimination and hence of dispossession are not left to simmer. Since the objective of democratic governance is to provide people with good and effective governance that would benefit the people the most, effective democratic decentralization can go a long way in not only redressing the people's grievances but also will help to promote the feeling of inclusiveness amongst the diverse population of the region while equipping them with adequate mechanisms to tackle the problem of economic hardship and exclusion along with the guarantee of free and equal status to all groups and communities, howsoever minority or different it may be in the society.

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Local Government System in India, Pakistan, and Bangladesh:
A Comparative Study

Decentralization is a widely used concept, and it is closely linked with democracy, development and good governance. Many research findings clearly demonstrate that decentralization provides an institutional mechanism through which citizens at various levels can organize themselves and participate in the decision making process. The present study examines the dimension of the decentralization process and local government system in India, Pakistan and Bangladesh from a comparative perspective.

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1. Introduction

The idea that governance should be decentralized is now universally accepted. Cutting across geographical, ideological and disciplinary divides, this idea enjoys support from all walks of life. The idea of decentralization has now become an important governance principle in the transition of a State to a technocratic managerial State. It has now become a "fluid and flexible discourse that can be utilized by different ideological interest" (Mohan and Stake, 2000). The discourse on decentralization evolved in the world in the context of reform of public administration or for making development and governance of the State more participatory in nature bringing it closer to people. Recently this democratization process of decentralization has become the primary concern of the south Asian countries specifically India, Pakistan and Bangladesh. This paper tries to make a comparative assessment of these three countries from the perspective of decentralization.

2. Theory of Decentralization

The concern for federalism as a political system where the power of government are divided between central government and the federated provinces, having a distinct and codified power sharing, has been debated by philosophers, politicians, and economists, throughout the 19th and 20th centuries, through its prevalence is seen in the early world history. During the colonial period, federalism was seen as a solution to resolve the political problems in the colonies later there nations, which have been previously ruled by colonial powers, after achieving independence, found federalism to be a perfect governing mechanism to develop these newly found state internally. Indeed such rhetoric has only gained prominence since the 1970s as a wave of decentralization spread across the world.

By definition, decentralization distributes power, resources, decisions, and capacities from central to sub-national governments and communities. The process of decentralization focuses on the "formal institutions of government", both political and administrative. It has come to be widely regarded as an important instrument for supporting the factors needed to create effective local governance and promote grassroots development. According to UNDP, "Decentralization, or decentralizing governance, refers to the restructuring or re-organization of authority so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiary, thus increasing the authority and capacities of sub-

national levels. Decentralizations could also be excepted to good governance such as increasing people's opportunities of participations in economic social and political decisions; assisting in developing people's capacities; and enhancing government responsiveness, transparency and accountability" (UNDP, 1997). Thus decentralization facilitates to translate the agenda of principles of federalism into operation and bring the different social sections and bring the different social sections into democratic actions. Decentralization therefore assists to make the federal system more constitutionally legitimate and democratic.

Recent study on the south Asian countries has adapted decentralization with varying degree of success in public participation (Azis and Arnold, 1996). For a long time, local democracy was not taken seriously by south Asian elites. But with the emergence of modernization paradigm the south Asian government from the 1950s was initially convinced by the importance of local government with the top-down projects. At that point of time the term decentralization was used to refer to the structure and functions of the local elected bodies.

Presently many developing countries are engaged in the re-structuring and re-inventing governments. Among these south Asian developing countries, India and Pakistan happens to be the leading proponents. One has been decentralized by the parliamentary democratic system and the other has received its decentralized character by the military regimes.

3. Decentralization in India, Pakistan and Bangladesh

3.1. India

In case of India the most enduring image decentralization is Gandhi's vision of village governance. But since independence various committees have been introduced by the governments led by Jawaharlal Nehru, Indira Gandhi, Rajeev Gandhi, and P.V.Narasimha Rao have inspired contemporary thinking about decentralization in India. Perhaps the most important among these were the B.R.Mehta Commission of 1978 and the G.V.K.Rao Committee of 1985. An enduring issue that featured in all of these assessments was the notification that the Panchayats had been weakened or undermined on three fronts:

1. States that were unwilling to devalue substantive power;

2. A resistant bureaucracy, and

3. The power of local elites.

Such realisations were instrumental in the drive to give the Panchayats constitutional status in the 73rd Amendment. Similarly, the 74th Amendment was passed, to grant the constitutional status to the local municipal bodies. That Amendment ensures the decentralised form of government in the urban areas.

The 73rd constitutional amendment in 1992 have ushered in the present phrase where Panchayats are described as institutions of local government, and are expected to prepare plans for economic development and social justice. The Act stipulates some very vital measures for something panchayati raj institutions, and besides constitutional power, the prominent among them are: time-bound elections, powers to Gram Sabha, devolution of power and funds, transfer of functions. On the other hand, in addition to ensuring constitutionally validity of urban local bodies, 74th constitutional amendment also aims at broadening the range of powers and functions of municipal government. The important provisions specified in the Act include constitution of three types of municipalities, devolution specified in the types of three types of municipalities, adequate representation of weaker section and women in municipalities, regular and fair conduct of municipal elections, and constitution of word communities, metropolitan planning committees and State finance commissions. Hence decentralization of polity has attained increased attention in India with the introduction of the 73rd and 74th constitutional amendments. The democratic base widened after 1994 enabling the local governments for horizontal planning and implementation. As a result planning is done at many layers of Government – Centre, State, district, block and village. This democratic decentralization process enlarged the democratic potential of local governments, empowered them and helped to emerge as true self- governing institutions.

3.2. Pakistan

Pakistan from its very genesis is federalism. The Constitution of 1973 defines the State to be, "the federal government, Majlis-e-shoora (Parliament), a provincial government, a provincial assembly and such local or other authorities in Pakistan as are by law empowered to impose many tax or cess". Articles 32 of the constitution say that the state shall decentralize the government administration so as to facilitate expeditions' disposal of its business to meet the convenience and requirements of the public.

Pakistan is federation of four provinces of Baluchistan, north-west frontiers province (Khaibar Paktunkhaya), Punjab and Sindh. The

federal government also administers the federally administered tribal areas, which are usually known as Federally Administered Tribal Areas (FATA). The four provinces of Pakistan have three levels of local government – district (Zilla), tehsil, and union.

Local government in Pakistan was not given a serious thought after independence in 1947 until military regime in 1959 established it under basic democracies ordinance. Reminiscent of the colonial local government system it was the only acceptable political system, after dismantling politics at provincial levels and which consisted of four tiers wherein members to the first tier were elected by adult franchise who in turn elected the rest of the members of three tiers, with the exception of those technocrats appointed directly by the State.

After the end of military rule in 1969 the local government system was revived again in 1979 by another military ruler with similar intentions of legitimising military rule at the local level only as Zia ul Haq regime sought to manufacture a new class of political leadership through it. Like Ayub Khan's experience of local government, it was imposed in a top – down manner by a non elected government without any consultation. Yet the popular protests in late 90's had changed the picture and this time direct non party elections were to be held at all levels of local government and members were given some autonomy.

Next in series and most recent and important one is devolution plan introduced in 2000 by another military regime ruled by General Musharraf. The most important characteristic of the plan was to bring the district administration under an elected person. Similarly, devolving some of the expenditure and administrative matters down to the local level, direct election of the majority of its members and even heads of different tires of people, reserving one-third seats for the previously marginalised sections like women and peasants and constitutional safety were its important features.

3.3. Bangladesh

Bangladesh surfaced as an independent State in the global map following a historic war of independence in 1971. A political party, called the Awami League (AL), came to power under the leadership of Sheikh Mujibur Rahman (1971-75) and avoided any radical reform in the local institutions and administration that existed before independence. In June 1975, the multi-party parliamentary system was replaced by a single party presidential system and Mujib became the all-powerful president of the country. The Sub-Divisions

(*Mohokuma*) were upgraded to Districts, which were to be headed by Governors directly appointed by the President.

Mujib's eventual successor, General Ziaur Rahman (1976-81), used local government and decentralization in an attempt to generate mass support for his regime (Siddiquee, 1997). Zia's Local Government Ordinance of 1976 provided for the creation of a tree-tier local government system, consisting of Union, *Thana* and *Zila Parishads* (district councils). Besides, a new institution, called the *Swanirvar Gram Sarkar* (self-reliant village government), was launched in 1980. The major studies on *Gram Sarkar* concluded that the subterranean agenda of this institution was to create a political support base for Zia and it was managed by a vested alliance of rural elites, patronised by the central State (Khuda 1981, Siddiquee 1997).

The next major phase in the process of evolution of decentralization and local governance in Bangladesh is the era of General Hussain Mohammad Ershad (1982-91). Immediately after assuming the power, Ershad set up the Committee for Administrative Reform and Reorganisation (CARR) and following the recommendations of the CARR, the government upgraded 460 *Thanas* to *Upazila* (sub-district*).* A typical conclusion, echoing the major studies on *Upazila,* is proffered by Siddiquee (1997:266-267): "The *Upazila* decentralization programme has largely failed to achieve the objectives it claimed to pursue. It did not improve the delivery of local services nor did it make local administration more responsive and accountable to local populace".

Begum Khaleda Zia (1991-1996) succeeded Ershad and abolished the *Upazila* system in November 1991. The new government formed the Local Government Structure Review Commission, which recommended a two-tier system of local government: District and Union councils. Besides, the *Thana* development and Coordination Committee was suggested to coordinate developmental activities at the *Thana* level. Beyond these cosmetic changes, Khaleda's government hardly attempted to bring about any qualitative or meaningful reform in the decentralization and local governance policies. Indeed, Khaleda's government did not execute any elected form of local government at the District and *Thana* levels.

During the government of Sheikh Hasina (1996-2001) the decentralised regime in Bangladesh envisages a four-tier rural local government system comprising of District, *Upazila*, Union and Village *Parishads*. Besides, there are about 129 *Pouroshovas* (municipal councils or 'municipalities') and four City Corporations

in the urban Bangladesh. Additionally, there was a third form of local government for the regions designated as 'special areas', such as the Hills Districts of Chittagong Hill Tracts. Nevertheless, this system did not last long because the BNP Government (2001-2006) introduced changes in the local government structure once more after coming to power in 2001. Specifically, it introduced Gram Sarker (GS) in place of Gran Parishad at the ward levels. However, after coming to power on 11 January 2007, the army backed the caretaker government (CTG) headed by Dr. Fakruddin Ahmed, and it abolished Gram Sarker on 20 April 2008. Later on when AL government came to power in 2009 the Union Parishad (UP) Act 2009 was passed unanimously in the Parliament according to which it became mandatory for the Ups to follow the suggestions of local MPs. In that way, the Government has strengthened the control of the MPs over their respective UP, which is contrary to the basic principle of democracy, decentralization, and good governance. (Govt. of Bangladesh, 2009).

At present, there are two distinct kinds of local government institutions in Bangladesh: one for rural areas and the other one for urban areas. The local government in rural areas represents a hierarchical system consisting of three tiers: Union Parishad, Upazilla Parishad, and Zilla Parishad, while the urban local government consists of Pourashavas and a municipal corporation.

4. Conclusion

During the past three decades, governments in developing countries have attempted to implement a variety of decentralization policies. Some have been comprehensive in scope and designed to transfer development planning and management responsibilities to local units of government. Others have been more narrowly conceived; they simply concentrated or reallocated administrative tasks among units of the Central Government. Whatever the motivations for the decentralization policies that were enacted in developing countries over the past few decades, there is a wide gap between objectives and results achieved. Only in those countries where decentralization was defined more narrowly and the scope of policies was limited to reallocating functions among units of the Central Government, did developing countries achieve their intended goals.

While comparing the characteristics of decentralization in India, Pakistan and Bangladesh the first thing which can be easily recognized is, because of the common heritage and the circumstances of creation, some local government characteristics

are similar, but there has been some even sharper turn away from earlier nations. However many of the decentralizations politics that have been tried in India, Pakistan and Bangladesh till 1980s either has been inefficiently implemented or have produced disappointing results. But in 1990s, India was able to implement decentralisation policies in a huge manner. At that point of time Bangladesh also achieved some success to implement decentralization policies, which Pakistan failed. But in 2000 during general Musarraf's regime Pakistan launched several programs making several new take offs in the presses of decentralization and by end of first decade of new millennium Bangladesh succeeded to trickle down to the local level of government. Nowadays, new policies are also immerging- whether this will be for the better or worse remains to be seen.

It has been seen that whenever there is any sort of political or economic turmoil in the domestic polity, the mechanisms governing the grass root governmental structure fail to perform as desired. Rather they simply ignore the power of the Central Government or turn into puppets of local chiefs especially in a semi-feudal setup like that of India, Pakistan as well as Bangladesh, where the essence of democracy remains to be an alien concept. That is why, in comparison to that of India, which rather has more stable democratic structure, Pakistan and Bangladesh even with all the good intentions of their respective leaderships have failed to initiate the proper process of decentralization as intended. Only with a proper and stable democratic mechanism in the Centre can a stable democratic, transparent and accountable federal polity with decentralized governing mechanisms be established in the true sense.

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Livelihood Promotion of Persons with Disabilities:
Community Based Rehabilitation

The Persons with Disabilities Act envisages equal opportunities and full participation to persons with disabilities. Yet disabled people continue to be excluded and marginalized. Mainstreaming the disabled into critical areas such as employment, education, livelihood and barrier-free access remains lacking. The economic empowerment of people with disabilities is the key to independent living and sustainable livelihoods. This paper examines the possibilities to improve the living condition of the persons with disabilities by providing livelihood oppurtunities & trainings through intervention programmes. The programmes enabled the participants to enhance their livelihood through the income generation activities. The results of the study reveal that, there is a remarkable improvement in promotion of rights and livelihood of Persons with Disabilities through Community based Rehabilitation.

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1. Introduction

Non-discrimination in all spheres lies at the heart of the Constitution of India. The Persons with Disabilities Act 2005 envisages equal opportunities and full participation to persons with disabilities. A recent draft of the Social Assessment Report on National Rural Livelihood Project, 2011 clearly mentions, 'some groups are more disadvantaged than others. Analysis shows clearly that Scheduled Tribes, Scheduled Castes, some religious minorities such as Muslims, women, and people with disabilities are amongst the poorest groups. (Government of India, 2011). United Nations Convention on the Rights of Persons with Disabilities, 2007 mentioned that *Community Based Rehabilitation* (CBR) is an approach based on human rights that can be used to guide the strategies and implement community based programmes and projects for persons with disabilities. (World Bank, 2007).

2. Rationale of the study

Persons with disabilities are amongst the poorest, vulnerable and most disadvantaged groups. Their presence is largely invisible or they happen to live on the peripheries. It is also a well-known fact that the disabled or physically/ mentally challenged often have limited access to education, employment, livelihood, rights and advocacy and public services. Three major types of barriers that is negative attitudes, lack of access to education and training, inaccessible environments. While some barriers are institutional such as discriminatory practices and still others are attitudinal such as stigma and bias. People with disabilities are caught in a damaging circle of low expectations and low achievement. (Leymat, Anne *et al*, 2006). The most significant is low expectations, especially by families and employers. The best way to counter negative attitudes is by demonstration of ability. Moreover, very few diagnostic and intervention services are found in remote areas especially related with livelihood issues. To tackle the above mentioned issues Nirmala Sadan, Muvattupuzha has adopted CBR for empowering the Persons with Disabilities (PWDs).

3. Objectives and Methodology

This article examines the impact of intervention programme for livelihood improvement among PWDs conducted at three Grama Panchayaths such as Pallarimangalam, Pothanicad and Nellikuzhy of Kothamangalam Taluk, Ernakulum District in Kerala State. An intervention programme commenced with five phases, first phase was for nine months and other phases were for two years. The

services were for screening, detection, assessment, training, management, care, vocational training, job placement and income generation programmes for PWDs at the grass root level. Initially awareness programmes and motivational camps were conducted in the villages to sensitise the PWDs, family members and community about CBR and the importance for the formation of Community Based Disabled Persons Organizations (CBDPOs) in the Panchayaths. Then the PWDs were mobilized to form different CBDPOs. One CBDPO consists of the range of 9-20 members.

4. Results and Discussion

The results of the study reveal that, there is a remarkable improvement in promotion of rights and livelihood of PWDs through CBR. The findings are based on data collected from three Grama Panchayaths through primary & secondary sources, field visits and intervention programme for nine years. The key results of the study through the data collected by door to door survey are summarized below:

4.1. Impact on Economic Status

Nirmala Sadan believes that livelihood and self reliance is possible only through capacity building. It is with this focus; Nirmala Sadan has conducted three months Viklang Bandhu training programme with the financial support of Rehabilitation Council of India for 20 CBR workers as a Viklang Bandhu and community awareness programmes in first phase of the programme. They worked with the support and cooperation of Grama Panchayath, organised door to door survey and distributed aids and appliances for the PWDs and empowered them. The researcher could enrich network and linkage with Social Welfare Department, Social Welfare Board, Kerala State Handicapped Welfare Corporation, Thiruvananthapuram and Ernakulam, National Handicapped Financial Development Corporation (NHFDC) New Delhi, three tire Panchayath Raj system, Krishi Bhavan, Industrial Office, Village Extension Officers (VEOs), Community Development Societies (CDSs), Area Development Societies (ADSs), Kudumbasre members, Community Based Organisations (CBOs), the society, PWDs and professionals in different fields could provide various services especially financial and social support to the PWDs and families.

The researcher conducted awareness programmes for PWDs, caretakers, women with disabilities and family members of Micro credit, Government Schemes and subjects related with livelihood.

The schemes that have been identified and given awareness to the people with disabilities are the following: Swarnjayanti Gram Swarozgar Yojana, Sampoorna Grameen Rozgar Yojana, Mahatma Gandhi National Rural Employment Guarantee Act, Swarna Jayanti Shahari Rozgar Yojana, Prime Ministers Employment Generation Programme, and inputs on Legislations related to Persons with Disabilities. These awareness programmes helped to understand the need of PWDs.

The researcher organised vocational training and income generation programes with the technical support of National Association for the Blind, Paravoor, Jan Shikshan Sansthan, Ernakulam and Social Welfare Board especially with the full support of three Grama Panchayaths. Income Generation Programmes such as tailoring, artificial jewellery work, preparing detergent items, pain balm, agarbathi, book binding, screen printing, office files, flower and flower basket, wooden duster, different kinds of carry bags ,writing pad, cloth flex printing , different types of envelopes, vests (baniyan) waste segregation, provision store, asola & mushroom cultivation, petty shop, auto rickshaw, cow and sheep rearing, sales of lottery, photostat-shop, poultry farm, fish rearing, carpentry and so on. Persons with Disabilities and also general public participated in different programme at different places of the study area. 122 PWDs received training certificate from Jen Shiksha Santhan and it helped for bank loans. The training improved their skills, efficiency, earning and became self sufficient.

Linkage with Kerala State Handicapped Welfare Corporation has facilitated self-employment for 87 PWDs through bank linkage and facilitated to receive the grant of Rs. 5000 each; among them 54 are women PWDs. In addition to that 157 Persons with Disabilities started Income Generation Programmes (IGP) with the support of revolving fund from Panchayath Raj Institutions (PRIs). Vocational training and distribution of Sewing Machines could promote self-employment among 18 women PWDs. At District Employment Exchange, 19 PWDs have been facilitated to register at. Small-scale agriculture, petty traders, home-based enterprises also started with the help of DPOs fund. Employment; under NREGA (100 days) sensitized and motivated the PWDs and family members, Panchayaths distributed the work card and job. Five Income Generation Programme groups (20x5=100PWDs) were registered with Bharath Sevak Samaj for Baniyan thread segregation and waste paper segregation. PWDs could improve their interest in IGPs and earnings. Job opportunities accessed to the PWDs in village office, BSNL office, Ration Supply Office, Grama Panchayath Office,

Bank, Pain & Palliative Care Unit of Grama Panchayaths and Special educators & helpers in Community Based Rehabilitation centres. It provided them income as well as their social sustainability. Revolving fund, bank loans, Jilla Mission loans, Viklanga Corporation loans, effective family support, increased economic condition of the persons with disabilities. Availability of schemes for poverty alleviations, BPL/APL schemes are functioning smoothly. Availed IAY/EMS Housing Project for 149 PWDs, 54 PWDs included in Ashraya kit, 48 PWDs included Aswasakiranam project. These schemes and IGPs helped the beneficiaries to find additional income to their families. Helped the persons with disabilities to get their rights through Panchayath Raj Institutions (PRIs) for improving their living and enriching the economic conditions. Facilitating to engage more and more PWDs & caregivers into livelihood activities have improved their social and economic status. Self-employment of PWDs could make them feel self-reliant and independent. Social involvement of the PWDs and their family members has also been increased. Moreover, the livelihood programmes through Community Based Rehabilitation helped the PWDs for improving their self confidence, self knowledge, self acceptance and love. The community developed positive attitude towards PWDs. The PWDs became independent and could come to the mainstream of the community. From the feedback received from the PWDs, family members and the society; we could assess the improvements status of PWDs.

4.2. Impact on Rights of Persons with Disabilities

Motivated PWDs form 30 SHGs for PWDs, within these 26 were special DPOs. It helped the sustainability of the CBR programme and nourished the rights of the PWDs. It led self sufficiency of the PWDs and family members and also the community could understand the ability of the PWDs. VEOs and CDSs facilitated SHGs registration and grading. Access to revolving fund from Grama Panchayath for registered DPOs. All these provided the PWDs an opportunity for learning and started livelihood programmes, resource mobilisation for its sustainability and ensured their rights.

4.3 Impact on Minimisation of Financial Problems

Motivated PWDs for filling the RTI for 3% fund for persons with disabilities, front office in Panchayath, organised special Grama Sabha and PWDS inclusion in working group. Participation in the Grama Sabha, working group, developmental programmes etc., increased the acceptance of the PWDs in the community. Formed 26 DPOs exclusively for PWDS, awareness about the needs of DPOs,

opportunity for sharing the emotional feelings and they could console each other. Understood the strength of the unity of PWDs, learned the importance of savings by depositing a small amount to DPOs, the tendency to help each other, DPOs affiliated to Kudumbasree gave them opportunity to network with other CBOs. DPOs received the revolving fund and started IGPs. Banyan waste, thread segregation, detergent items, paper waste segregation, paper carry bag etc. increased their earrings, income and economic stability.

4.4. Empowerment of Persons with disabilities

PWDs and community members are now actively engaged in the community activities. They are also active in participating and involving in the rehabilitation process of the PWDs. Information regarding PWDs were transferred to community through the women groups. The Persons with Disabilities Act 1995, has ensured a reservation of three percent of jobs for PWDs in the formal sector as well as in various poverty alleviation programmes and schemes, both in rural and urban areas (Government of India, 1995). Some of these schemes provide three percent reservation for PWDs as a means to livelihood and hence are incorporated in the CBR programme to ensure the livelihood to PWDs.

With the purpose of IGP they could develop own programmes, link with other DPOs, banks, PRIs, and National Handicapped Finance Development Corporation. Networking and resource mobilization is done with Grama Panchayath, Kudumbasree, Village office, Bank, other NGOs such as Santhigiri, Nehru Yuva Kendra, National Association for the Blind, Jan Shikshan *Sansthan North* Paravoor, and Bharath Sevak Samaj for resource mobilization. Income generation programmes provided opportunities for social and economic participation, which greatly enhanced personal fulfilment and a sense of self-worth. Vocational training programmes could develop their skills and knowledge. The PWDs found out that they are also able, skilled and worthy. Personality and income enrichment of the PWDs and their family members were promoted and positive environment has been provided. It created among the family members of the PWDs with opportunity for self employment.

Work and employment gives an individual economic independence and recognition in the society. UNCRPD (2006) Article 27 states, parties recognize the right of persons with disabilities to work on an equal basis with others. This includes the right to opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.

From the study, it is explicated that there is no effective utilization of funds allotted to persons with disabilities by the Government before the CBR programme. PWDs were less motivated and unaware of their needs and rights. Almost all the PWDs received Career Guidance support/counselling. Most of the livelihood programmes was inaccessible to the PWDs before the CBR programme but after the programme there were a dramatic change in the matter of livelihood. Within 537 PWDs 26 DPOs were linked with PRI and 18 DPOs received revolving funds from PRIs. PWDs received the concept of DPOs through the CBR staff and other resource persons. Of the 424 PWDs participated in Grama Sabha and Special Grama Sabha, 21 PWDs became the members of Working Groups.

5. Suggestions

This study has drawn up a set of recommendations on possible ways of livelihood improvement for PWDs which will be useful for policy makers, Panchayaths, Government officials, social workers, rehabilitation specialists, and other agencies and practitioners working in the field of disabilities.

5.1. Suggestions to Panchayaths

i.   Through CBR programmes, the Panchayath needs to identify and promote opportunities for disabled individuals to learn all types of skill, in the family and the community by providing appropriate training.

ii. Similarly, 5% of the total plan fund must be set apart for the development of special category, such as children, aged and disabled with the support of appropriate GOs and NGOs.

iii. The monitoring agencies are needed for proper functioning of three tire panchayath fund for the livelihood of persons with disabilities. Monitoring agencies should be from the same village such as DPOs, existing NGOs, ICDS, PHCs, Asha workers, Jagratha Samithi, Kudumbasree and other CBOs working in the field should take the responsibility for the upliftment of livelihood programmes of PWDs and channelize the funds in a proper way and utilize the fund for sensitization, education & training and livelihood programes of the PWDs. This is done so that they get acceptance and it is easier for follow up activities.

iv. In addition, the DPOs could be affiliated to Kudumbasree and can provide loans to DPOs for starting IGPs. Thus Panchayath Raj can play a vital role in imparting knowledge, enhance the capacities and support the livelihood programmes to the PWDs.

5.2. Suggestions to Government

Though the rules are made by the Government, in favour of the PWDs, the Government should ensure that those rules are put into practice by proper inspection and monitoring or similar methods.

i.   In general, there is little legislative support for PWDs and wherever, protective laws exist, they are poorly enforced. Hence, they should be enforced properly.

ii. Including disabled people in the National Rural Livelihood Project (NRLP) would require these – and other – issues to be squarely addressed.

iii. While mentioning the strategies, the report emphasizes that PWDs face immense challenges and both poverty reduction and human rights programmes have a lot of ground to cover.

iv. CBR Programmes have typically addressed disability through sub-project level interventions that are geared toward vulnerable groups such as the disabled, elderly, and children/ youth at risk.

v.   People with disabilities have an equal right to social protection measures available to citizens generally. Since, they are disproportionately represented among the poor and most marginalised; people with disabilities must be effectively included in all poverty reduction strategies and programmes, including livelihood and social assistance.

vi. Bringing about changes to existing infrastructure is a key need to improving access for the physically disabled, with employers also often reluctant to provide accessibility and supportive facilities.

5.3. Suggestions to Professionals working in Communities

i.   Special care, protection and service must be rendered as to enable them to return to the mainstream of the socio-economic life of the community. It is the inescapable responsibility of sociologists, psychologists, vocational counsellors, doctors and others concerned rehabilitation professionals to work with the disabled.

ii. Social workers must be qualified and should able to work with people with disabilities. With the cooperation of Gram Panchayaths social workers can utilize the funds in a proper way for empowering persons with disabilities.

iii. Social workers who are working in rural areas or in communities are multi-purpose rehabilitation professionals. They have to provide information about services, schemes and statutory provisions (linking with Block Development schemes, Gram Panchayath activities, and other community level resources), sensitize family and community about disabilities, provide counselling and support to persons with disabilities, family members as well as their relatives and neighbours.

iv. Social workers should collect information about persons with disabilities. They can also provide skill training programmes and can help for income generation programes and it can improve the quality of life of persons with disabilities.

6. Conclusion

The lessons in this study can help Government, to design new strategies to enhance sustainable livelihood opportunities for the PWDs that will go a long way in enhancing their self-esteem and make them equally productive citizens of our country. In order to ensure that PWDs are able to earn a livelihood and lead a life of dignity, contribute to the economy of the country and become respected citizens, it is imperative that a right-based approach is adopted while framing policies and developing programmes. Also the study will be useful for the researchers, activists and policymakers, and also who are working in the field of livelihood of persons with differently abled. If we work together with same purpose, we can overcome the challenges and ensure the livelihood and rights for all particularly in persons with differently abled. UNCRPD (2006) Article 28 articulates that, "parties recognize the right of PWDs to social protection and to the enjoyment of that right without discrimination on the basis of disability and shall take appropriate steps to safeguard and promote the realization of this right".

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Focusing on Gandhi Gram Swaraj, the Art Gallery set up in KILA recently attract people from far and wide. It is first of its kind in India, spreading Gandhiji's messages on Grama Swaraj through splendid paintings.

7

Panchayath Raj Institutions and Janani Suraksha Yojana:
Some Ground Realities

The National Rural Health Mission (NRHM) introduced the Janani Suraksha Yojana (JSY) with the purpose of plummeting material and neonatal mortality by promoting institutional delivery among poor women. The purpose of JSY is to reduce maternal and infant mortality by supporting pregnant women to deliver in hospitals. The basic objective of JSY is to increase institutional delivery among the poor pregnant women including post-partum care. JSY is a 100 % centrally funded scheme and it provides funding support of delivery and post-delivery care for the young mothers who are in the below poverty line. In rural areas, Panchayaths have been assigned major responsibility to implement this scheme. This paper is about role and problems of Panchayath dealing with JSY.

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1. Background

India is at present witness for two dimensions that have the capacity to considerably improve the health of its citizens. First and foremost is the rising recognition that the structure of public delivery of health services in India is in deep crisis. And the second is India's brave efforts to reinforce the voice of the rural poor through decentralization to Panchayat Raj Institutions (PRI). It is argued that that these two presumably separate trends can converge to generate real reforms in the health sector in India through the potential for increased accountability that local governments can provide. (Gupta and Pal, 2011). The argument is that decentralization brings governments closer to people thereby allowing them to respond more effectively to local health needs and preferences. In the health sector, decentralization has been explicitly conferred a crucial role in the chain of service delivery under the National Rural Health Mission (NRHM). Thus efforts at rural decentralization (73rd amendment) have been undertaken within the context of strengthening accountability in governance structures. Moreover, closeness pushes enhanced supervision and enforcement. In the accurate outline of the health sector, a decentralized institutional apparatus that focus a bottom up, participatory system can positively assist to rectify some of the key failings in the sector such as absenteeism and corruption by strengthening accountability through NRHM programme focusing on Decision Space, Capacity, Accountability, Strategic and Operational Planning ,budgets, Governance, monitoring evaluation etc. Through NRHM, decentralization has further moved in two directions: (1) further delegation of powers and capital to local bodies, and (2) deconcentration of powers and resources to the districts and lower levels of health management system. (Vaishali and Shekar, 2009).

As the assignment describes, the PRI plays a major role in implementing NRHM. It is through PRIs the community contribution is possible. Hence PRI as an institution for NRHM has a noteworthy role.

2. The Janani Suraksha Yojna (JSY)

The Janani Suraksha Yojna (JSY) is a Government of India's vital scheme for speedy decrease in maternal and infant mortality rates with a specific focus on escalating institutional and safe deliveries for the families belonging to the below poverty line (BPL) category in the country. JSY is a part of National Rural Health Mission

(NRHM) covering all pregnant women who belong to the true BPL group, are over 19 years of age or those who have had two live births. Actually JSY was launched in the year 2003 and was likely to modify the current National Maternity Benefit scheme, which provides improved diet for the pregnant women below the poverty line. Apart from supplying a healthy diet plan for pregnant women, the JSY actually provides antenatal care and help in the form of cash during pregnancy stage. In general, it is designed as the programme begins at a sub-centre but moves on to the next higher level and finally the plan for district is compiled and consolidated. (NHFW, 2011; 2013).

For the purpose of the scheme and its better implementation, as per the guidelines of JSY, the aim will be achieved through the payment of a cash incentive to the woman if she delivers in a Government hospital or in an accredited private medical center. According to the existing eligibility criteria, any woman from the low performing States (LPS), irrespective of poverty status, number of births and age is eligible for these cash incentives. Further, in case of high performing and developed States (HPS), normally a woman has to be over 19 years of age and should be below the poverty line (Thansia and Seemanth 2009).

Recently Health ministry as reply to the parliament says: "The effect that the number of beneficiaries under Janani Suraksha Yojana has increased manifold i.e. from 7.38 lakhs beneficiaries in 2005-06 to 106.48 lakhs in 2013-14, itself is an indicator of high awareness levels among the pregnant women about the scheme. Further, large majority of JSY beneficiaries are from rural background as out of the total beneficiaries reported in 2013-14, nearly 87% women belong to rural areas and to say that a large segment of pregnant women in the rural areas of the country are not aware of the scheme and deprived of the benefits under the scheme may not hold true". This paper describes the perception of JSY scheme of the Panchayat members and the problems and prospects of the Panchayats in implementing the scheme.

3. Result and Discussion

Various questions were posed to the surveyed members to get information about their basic knowledge regarding JSY scheme. Of these, 33.7% members opined that JSY scheme is for institutional delivery only, while 18.0 % of them said JSY is about maternal health programme, and 20.4% of them felt it is a type of child and mother health programme by the Government. Whereas 12.8% of the total respondents said JSY is a women health

development scheme and almost 7.2% of the members said that they have no idea about this scheme and 8.4% of them said they never heard about JSY scheme. For the question, major problems with Panchayath in promoting and implementing JSY scheme, it is found that 24% of the members opined delay in releasing fund from the Government while 21.6% of them felt Panchayhats members are unskilled whereas 9.6% of them said malpractices in disbursements of money and 10.8% of the members said no facility for capacity building of ASHA workers and 13.2% of them opined lack of reserved fund and 15.6% of the members said village health and sanitation committees are dysfunctional. Next for the question, good strategy for promoting JSY at village level, it was found that around 12% members opined that promotion through NGOs and SHGs whereas 13.7% felt ASHA workers need more support from Panchayaths while 28.8% felt regular workshops/meetings at each village level is a must. Next, more than 25.3% of them felt awareness through wall paintings at all SC/PHC/CHCs is required. About 4.8% members felt advisory board at Panchayath level is essential while 4.8% of them opined PHCs/CHCs/District Hospitals and the sub-centres should co-ordinate and must display names of such private health institutions if required.

For the question what should be the role of ASHA workers we found that around 27.7% members said ASHA should create awareness on health and its social determinants while 25.3% of them felt ASHA must counsel women on birth preparedness, where as 19.2% felt ASHAs should get more performance-based incentives and 15.6% of them opined ASHA should be a resident of the local village only. Finally 12.0% of them felt ASHA must mobilize the community and facilitate. For the question, what is your idea about village health infrastructure for JSY scheme, it was found that 30% of the members said PHCs/CHCs needs to be upgraded while 14.4% of them said good transport is required where as 15.6% of them said required number of doctors is essential and 27.7% of them mentioned all facilities must be given to each village hospital and 12% of them said more health decentralization aspects is must.

NRHM visualize the provision of decentralized health care at grass roots level and for this participation of Panchayati Raj Institutions was measured to be imperative. In order to give a sagacity of ownership, it has been envisaged to create solid stage to engage Panchayati Raj Institutions (PRIs) and the local communities to administer the primary health programme and infrastructure and

various Government health schemes. However, this scheme has still has some lacunas in reaching the needy especially in rural part of the country because of ineffectiveness on part of the PRIs. It is felt this has been ascribed to a malfunction in creating mass awareness and also by making the procedures more complicated and problems with the local Panchayath. This study has shown that significant number of the PRI members does not even know about JSY scheme till today. Today almost all PRIs are facing various problems in implementing the JSY programme.

The PRIs are the decentralized level policy makers to decide the services at the village level. Village Health Plan is counted as the policy structure for the completion of JSY. Having a Village Health Plan is one of the major role of PRI as is to implement various Government health schemes including JSY according to the local needs. Also Village Health and Sanitation Committee (VHSC) can play a vital role in the effective implementation of the JSY scheme. The NRHM should try to bring in an institutional framework and empower Panchayath for a sustainable JSY movement. There is a need to educate elected local government functionaries on the need to support and encourage the movement, with local NGOs. The State Government should give more budgets which should be mainly used to train doctors, nurses and volunteers, and the Panchayath functionaries to hold JSY awareness programme for people and to establish a network of facilities to promote institutional deliveries.

Also number of NGOs, Community Based Organizations (CBO), Self Help Groups, User Groups, Mahila Mandals etc are working in the villages. Very often these organizations are involved in implementing various State /Central Government health schemes. It is high time to establish relationship between them and the PRIs for the effective implementation of JSY scheme. Finally this is the time to find out strength of Panchayat Raj Institutions to manage the JSY effectively and to find out whether the degree of decentralization under the NRHM further needs any rearrangement. Further, this study will generate geographically and culturally specific data to assist in identifying how PRI institutional delivery can be mobilized for sustainable and speedy success of JSY in the border spectrum of NRHM. More over harmonization between PRI and key village level functionaries like ASHA, AWW and ANM and participation of VHSC can bring around an effectual junction in terms of antenatal care, post natal, delivery complications, if any.

4. Conclusion

Against this backdrop, aim of any research study must be to find out capacities of Panchayat Raj Institutions and the Public health institutes to manage the grass roots level health system focusing on health systems, strategic and operational planning, budgeting, human resources, service delivery, and monitoring and evaluation of JSY programme and to find out whether the degree of decentralization under the NRHM correlate strongly with perceived decision space of health officials and PRI members at the district level and below. Further, that study must generate recent geographically specific data to assist in identifying how PRIs institutional delivery can be mobilized for sustainable and speedy JSY management in the border spectrum of NRHM.

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Forest Land Allotment for Traditional Forest Dwellers:
A Study of Marvahi & Gorella Block (Chhattisgarh)

This paper attempts to study the Decentralization process, its conceptual and theoretical understanding. It is based on the assumption that Decentralized Governance –towards Forest Resources Governance frameworks leave a lot of scope for reforms (FRA) under Forest Rights Act. The paper look into the process towards Forest Land Allotment for STs and Tradition Forest Dwellers and their linkages with governance institutions which have not been able to sufficiently create / address/ promote the well-being process and livelihood. It also looks into the distinctive nature of FRA against the dominant forces of State and the nature of relationships of NGOs leading towards collective interests and norms that shape the quality and quantity of Tribes and Other Traditional Forest Dwellers within society.

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1. Introduction

In India, forest covers twenty three percent of the total geographic area and approx. 200 million citizens of India reside around these dense forests. They all depend on their forest resources for their livelihood, live in isolation from the larger Indian society. They enjoy autonomy of governance over the territory they occupy to preserve cultural identities. In India, the concern of forest rights is from colonization. The privileges of tribes and other forest dwellers on forests have been withdrawn through various legislations and State regulations.

2. Decentralized Governance

In India, 73rd and 74th Constitutional Amendments have widened the scope of decentralised governance. 'A multifaceted approach was adopted, with particular emphasis being laid on the implementation of the 73rd and 74th Constitutional Amendment Acts, 1992, which gave Constitutional status to Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) respectively, in both letter and spirit in order to bring about greater decentralization and increase the involvement of the community in planning and implementing schemes and, thus, increase accountability'. (Mathur, 2008). The notion of governance is associated with the linkage of three actors i.e. State, market and civil society. It is a procedure where State likes to pose its drive but the recognition will rest on agreement and act of other actor as well, as one actor has dependency on the other. Decentralization occurred as substantial component of governance in the present scenario. 'In the governance discourse, it means dispersion of power at the local level and control by self-governing communities. In India, then decentralization began to mean dispersion of power not only to rural and urban self-government but also self-help groups, local communities and NGOs. Decentralized Governance is playing vital role to alleviate various community problems. Participation of community, self-help and non-governmental organizations, the private/corporate sector and other members of civil society is necessary to realize the potential power of decentralization process for social advancement of the each and every individual of the society.

3. Decentralized Governance of Forest Resources: An Overview of Policy Shift

Theoretically, decentralization is a tool for promoting development and is aimed at increasing efficiency, equity, and democracy'.

(Larson, 2005). Efficiency in this context can be defined to enhance participation at bottom level so policy formulation and implementation will take place. Equity and Democracy co-relate when the issue of social justice is highlighted and equal opportunity provided to the indigenous people in their regimes. Decentralization of forest resource also results in the construction of different institutions as the Central Government delegates' rights and powers to new actors of governance who shrink the role of State and can make decisions about the disposition of these resources.

'In India, in order to fulfill the objectives of decentralization as mentioned above, the three-tier Panchayati Raj system has been implemented and in that direction, the 73rd Constitutional Amendment Act and Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) have been enacted. 'In the last two decades, forest management in India has followed a continuous process of decentralization, empowering village level institutions with more control over their resources'. (Ghate, 2009). 'The forest decentralization process in India began with the National Forest Policy of 1988, and through the 1990s with the Joint Forest Management programme'. (Ostrom, 2001). 'A number of factors lead to the enactment of the Forest Right Act. Some of these factors include the shifting forestry under the Ministry of Environment and Forests; mobilization of marginalized groups; forest dwellers gaining importance as a political 'vote bank' for parliamentary parties; the failures of the Forest Department; pressure from multilateral and bilateral donors; and efforts of NGOs'. (Springate Baginski, 2009). 'The recent trend of decentralization in forestry has come after almost 150 years of systemic centralization and consolidation of authority for commercial gains in both colonial and post colonial India. The law was a tool used to facilitate the use of forest resources, such as timber, for the imperial projects'. (Guha, 1983). The reference in the FRA preamble to "historical injustice" during the colonial and post colonial periods sends a powerful political message to all State governments in India with regard to forest management'. (Perera, 2009).

'The Forest Rights Act 2006 (FRA) is the product of an unprecedented historical conjuncture which brought the historical injustice of the non-recognition of the rights of forest dwelling communities to the centre stage in Indian national politics. The Act does not provide for the State to magnanimously 'grant' rights as an act of benevolence. Rather it provides for pre-existing (often customary) rights, which were not recognized during the unsound processes of state appropriation of forested landscapes, to finally be

recognized'. (Govt. of India, 2007). 'In the Indian context, critiques of Forest Rights Act use the failure of Joint Forest Management like programs to assert that people do not want to participate. Instead of generalizing on the basis of any one program, it would be rather appropriate to look into the aspects of attitudes and incentives that exist for communities as well as the implementing agency, in a particular program.

3.1. Essence of Forest Rights Act, 2006

'The Act has defined forest land as land of any description falling within any forest area and includes most types of forests. The law provides for recognition and vesting of forest rights to Scheduled Tribes in occupation of forest land prior to 13 December 2005 and to other traditional forest dwellers who are in occupation of forest land for at least three generations, i.e. 75 years, up to a maximum of 4 hectares. These rights are heritable but not alienable or transferable. Forest rights include among other things, right to hold and live in the forest land under individual or common occupation for habitation, self-cultivation for livelihood, etc. Besides, the Act recognizes the rights over "community forest resource" that it defines as customary common forest land within the traditional or customary boundaries of the village including protected areas. Moreover, one of the most crucial aspects of the Forest Rights Act is the realization of forest rights within a protected area through declaration and demarcation of the "critical wildlife habitat". (*Ibid.*). 'The FRA recognizes and vests forest-related rights in scheduled tribes and other traditional forest-dwelling communities, both of whom have traditionally been living in or depending on forest land for their livelihood needs. Members of Scheduled Tribes (in States where they are scheduled) can claim rights under this Act if they have been residing in or dependent on forests prior to 13 December, 2005. However, other traditional forest dwellers can only claim rights if they have been in residence for at least three generations (75 years) prior to 13 December, 2005. Hence 'as per the Forest Rights Act, 2006 (FRA), the Gram Sabha has been assigned substantial role for implementation of the provisions of the Act.

4.2. Forest Land Allotment (Recognition of Forest Rights Act, 2006) among Tribes and Tradition Forest Dwellers

In India the concern of forest rights are from colonization and pre-independence. The privileges of tribes and other forest dwellers above forests have been withdrawn through various legislations and State regulations in different laws and policies by the State

are in the direction to prevent exploitation of forest resources. This matter of forest resources has emerged and strengthened after independence through strong forest laws and policies for forest protection and management. All these laws and policies formulated have overlooked the basic rights of indigenous peoples and other communities depended on forest resources. Hence the shift in policy paradigm Forest Right Act 2006; is enacted namely (Recognition of Forest Rights) Act 2006, for Tribes and Tradition Forest Dwellers. The inception behind the enactment of this Act was to acknowledge and untie the injustice of historical difficulties of aboriginal people and how society often perceive them as a social problem in need of Government intervention.

4.3 General Profile of the Respondents

The STs and Traditional Forest Dwellers in the study belong to the lower strata of the society and they live in the villages located at outskirts. More than three fourth of the respondents (85%) are dependent on agriculture and other associated activities related to agriculture and the rest of (15%) respondents are engaged in their traditional profession along with pursuing a job of labour. Approximately three fourth of the (72.2%) of the respondents are married and one third of them (24.8%) are unmarried and rest (3%) have status of being widow/widower. The educational status is also not very satisfactory among the STs and Tradition Forest Dwellers among them approx. half (44.4%) of the respondents have not completed their primary education while less than half (38.9 %) are illiterate and only few of them (11%) have studied higher than secondary level. But among students group who are engaged in this study more than half (68%) have completed their secondary level/higher secondary level and rest of are pursuing it. Most of the respondents (96%) earn up-to Rs1200-1500 per month. It may rise up-to Rs 2000-2500 as per the time they spend in other part-time work. About 5.6 % belongs to the rest group of respondents earning up-to Rs. 1000-1200. Total forest land available for allotment (under Forest Rights Act, 2006) for Tribes and Tradition Forest Dwellers is *1393 Acre* in two Blocks- Marvahi and Gorella.

4.4. Percentage of Allotted Land

Out of 871 families interviewed during the research only 244(32 percent) have allotted forest land (under Forest Rights Act, 2006) which is very less and depict the apathy of Tribal and other forest dwellers under the legislative provision formulated for them after giving up their autonomy from their natural habitation.

Total land available for allotment under Forest Right Act 2006 in 18 villages in two blocks is 1393 acres, and only 38 percent (536 Acres) is allotted, rest of the land is not allotted yet, Hence 490 families have applied for land allotment.

4.5. Information provided by NGOs/Gram Sabha

Out of 871 families interviewed during the research, only (15 percent) responded that they have been motivated and facilitated by Gram-Sabha in the process of Forest Land Allotment and (23percent) responded that some Non-Government Organization helped them in the facilitation process as well as motivated them for applying. More than half of the families (63 percent) replied that nobody has motivated/made them aware/facilitated to apply/ receive the forest land on lease.

5. Suggestions

At ground reality, people belonging to forests have to demand individual cultivation rights (regularization), because very few people have appealed for forest use and management rights. There is lucidity on sustainable harvesting which can promote livelihood. The mechanism on managing community forest resources is not channelized properly. There is no proper legal framework for indigenous people to exercise, revive and protect their community forest resources. Formal mechanism which is available to community based forest governance is not effective. Also, there should be clarification in the section of FRA because ambiguity creates chaos in implementation process, for instance, as Section 2(c) and 2(o) of FRA; Implications of the phrase "primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs" there should be clarification that the repercussion of applying word "Primarily" is to include the Scheduled Tribes and other Traditional Forest Dwellers who have also tenancy, or areas of land for self-cultivation for livelihood, and hence, they will be primarily spending most of their time either in temporary make-shift structures or working on patches of land in such areas, irrespective of whether their dwelling houses are outside the forest or forest land. Section 3(1) (c) of FRA confers ownership rights over Minor Forest Products to forest dwelling STs and Other Traditional Forest Dwellers. There should be ownership rights over Tendu/ Kendu[1]

Endnotes

[1] Kendu leaf is also a nationalized product like Bamboo and Sal seed. It is called green gold of Odisha. Botanical name of Tendu (Kendu) leaf is *Diospyros Melanoxylon*. Tendu leaf is one of the most important non-wood forest products of Odisha. The valuable leaves are used for wrapping Bidis, popular smoke especially among poor natives. The states producing BIDI

leaf in India comprises mainly MP, Chhattisgarh, Odisha, AP, Jharkhand, Gujarat and Maharashtra.

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9

MGNREGS:
Towards Natural
Resource Management
and Agriculture
Development

Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) is a flagship poverty alleviation programme of the Central Government, intending to generate demand for productive labour force in villages. The studies show that the NREGS succeeded to provide livelihood by making available environmental services to increase crop production. Thus it serves the dual purpose of natural resource management and agricultural production. The choice of work seeks to address the causes of chronic poverty, such as drought, deforestation, and soil erosion. If effectively implemented, the employment guaranteed under the Act will have the potential of transforming the existing geography of poverty into prosperity. Many studies support the fact that, MGNREGS implementation has made remarkable achievements.

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1. Introduction

Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) is a landmark in the history of the social legislation in the country. The National Rural Employment Guarantee Act (NREGA) has been able to bring about sustainable change in the livelihood of rural communities. The convergence of NREGS with existing programmes has also happened to some extent. Workforce provided by NREGS was employed for natural resource management and preparation of land for agriculture. Forest Department has availed NREGS for making trenches and fire lines along forest border areas and pits for planting saplings in social forestry schemes. There are possibilities of convergence, if the Grama Panchayats could plan and implement with proper vision. The Act, inter alia, provides ample scope for the natural resource management vis-à-vis agricultural development through the works that can be taken up to ensure basic employment guarantee in rural areas. Paragraph 1B of amended Schedule-1 of MGNREG Act provides that the focus of the Scheme shall be on the following works and the order of priority shall be determined by each Gram Panchayat after the meeting of Gram Sabha. The works included in Para 1B Schedule I of MGNREG Act are:

i. Water conservation and water harvesting

ii. Watershed management

iii. Drought proofing including afforestation and tree plantation

iv. Irrigation canals, including micro and macro irrigation works

v. Provision of irrigation facility, dug out farm pond, Horticulture, Plantation, farm bund and land development on land owned by households specified in paragraph 1C of Schedule 1 of the Act.

vi. Renovation of traditional water bodies including de-silting of tanks

vii. Land development

viii. Flood control and protection work including drainage in water logged areas

ix. Deepening and repairing of flood channels, construction of storm water

x. Rural connectivity to provide all weather access, including culverts and roads within a village, wherever necessary.

xi. Drains for coastal protection; fisheries related works, such as fisheries in seasonal water bodies on public land; works in coastal areas, such as fish drying yards, belt vegetation.

xii. Rural drinking water related works, such as soak pits, recharge pits

xiii. Rural sanitation related works

xiv. Solid and liquid waste management

xv. Construction of Anganwadi centers and play fields

xvi. Any other permissible works which may be notified by the Central Government in consultation with the State Government (Mahatma Gandhi NREGA 2005).

2. Agriculture Development

Agriculture, livestock production, etc. are largely vulnerable to drought, lack of rainfall, lack of irrigation facility, and soil infertility. The MGNREGS works reduce the vulnerability of agricultural production and livelihood. This reduction reinforces the strength of natural capital. The public works such as water conservation, water harvesting, construction of ponds, etc. help to improve water storage, water availability for irrigation, and soil fertility. They help to enhance the agricultural productivity of land. Also, environmental services are made available for increased crop and livestock production. Moreover, the scheme has also been found to reduce the vulnerability of crop production, water availability, and livelihoods to uncertain and low rainfall, low water availability, and poor soil fertility.

There is a large number of the agriculture related works under MGNREGS such as water conservation and water harvesting, renovating of traditional water bodies, drought proofing, micro irrigation activities, small and large level watershed interventions, etc. Total expenditure on agriculture development activities since the inception of NREGS is Rs. 465249.16 lakhs, expenditure on direct intervention on agriculture field Rs. 408793.82 lakhs, agriculture allied activities for Rs. 44902 lakhs and for the irrigation works Rs. 218798.07 lakhs in Kerala. (MIS data: www.nrega/agri_exp-all 2015-16).

3. Natural Resource Management

The Act is an important step towards ensuring the right to work, guaranteed by the Indian Constitution. But the components of the Scheme also provide ample scope for natural resource management, which is a major concern of the time. The choice of works seeks to address the causes of chronic poverty, such as drought, deforestation, and soil erosion. If effectively implemented,

the employment guaranteed under the Act will have the potential of transforming the existing geography of poverty into prosperity.

The twin-interlinked benefits of natural resource management and agriculture development in rural areas such as renovation, irrigation of canal and channel, creation and renovation of water bodies like tanks, ponds and wells, rainwater harvesting, improved water resources, maintenance of road, etc. will ensure sustainable development. The work taken up by the Panchayats have brought many radical changes. Land preparation and watershed management activities enhance the productivity of land and also help to increase the yield. The soil and water conservation activities helped in recharging the ground water, which in turn result in improved irrigation facilities (Prugh, 1999). The clearance of drainage channels helped easy flow of water and the draining of the excess rain water. The road work, which has been carried out, enabled the Panchayats to develop better connectivity between villages and urban centers.

Watershed management activities like water conservation and water harvesting at the village level are important work under the scheme. Protection of micro watershed, relevant river baseline construction, and similar water conservation work leads to the creation of assets from nature and society. Under the scheme, mini check dams and irrigation canals are constructed in different part of the State. These types of NREGS work ensure the quality of natural resources such as aqua resources like drinking water sources, agriculture land, etc. (Centre for Science and Environment, 2008).

The Grama Panchayats in Kerala have identified minor and major watersheds to prepare the shelf of projects for periodical implementation. This task is handled by Grama Panchayat with the help of expert agencies, NGOs, and Kudumbasree. They visit each and every part of the village, and collect information such as soil nature, numbers of plants, availability of water facility, livestock ownership, ownership of farm area, etc. The collected information is coded and main watersheds are identified and the work is planned and listed on priority basis. The different types of work under the scheme, during the financial year 2015-16, are 2872 works related to flood control, 727 works related to rural connectivity, 93355 works related to water conservation and water harvesting, 7982 works under renovation of traditional water bodies, 1531 works under drought proofing, 3257 irrigation canals build, 20394 works on irrigation facility for IAY, SC/ST households, 8831 works on land development activities under small and

marginal farmers land, 125 works are related to development of rural drinking water facilities, 247 works under rural sanitation, etc. (MIS Report: www.nregs.nic.in).

4. Experience from Kerala

Many studies support the fact that, in Kerala, NREGS implementation has made remarkable achievements in India (NCAER, 2009; Jos Chathukulam and Gireesan, 2008). Through the different level of activities under NREGS in the last ten years such as, decentralized planning, impact on rural economy and household livelihoods, women participation, financial inclusion, transparency etc, the success of NREGS is evident in rural Kerala. Panchayat Raj Institutions and Kudumbasree SHG take more initiative in the planning and implementation of NREGS work. NREGS is an alternative source of enhancing rural livelihood security. It has impact on rural – urban migration and the eradication of rural poverty. It also plays a major role in making rural villages self-sustaining through productive work. The NREGS, as a wage employment programme, has been considered as the largest poverty alleviation programme.

With more than a decade of experience in local planning and development, the PRIs of Kerala were in a vantage position to take over full responsibility for implementation of a rights-based, pro-poor programme of large magnitude like NREGS. The Government consciously decided to internalize its operationalization into the Panchayati Raj System to further empower it. To enhance the quality of environment using NREGS, a policy decision has been taken to focus on natural resource management in forest areas, river basins, and watershed areas in agricultural land. To prevent NREGA from being seen as an externally centrally sponsored scheme, the processes and procedures were designed in such a way that they could be woven seamlessly into the fabric of the administrative operating systems now existing in Panchayats. MGNREG Act 2005 has special provisions for the land preparation activities for the purpose of agriculture in the land of SC, ST, and other small/marginal farmers. Through this scheme, works such as creation of ponds, check dams, and social forestry activities are carried out. These activities help to rejuvenate the natural resources at large level. After the implementation of MGNREGS, most of the poor farmers and land holders tend to cultivate their land. Thus the agricultural productivity and household income are enhanced. (Ministry of Rural Development, 2012).

Ownership of livestock indicates the strength of natural capital at household level, which includes cattle (cow, bullock, and buffalos), goats and sheep, pigs, poultry and others. Rearing of livestock is the main occupation and major income source of the farm households in the rural area. Majority of them are farmers and agricultural labourers, who largely depend on natural resources for their livelihood.

During the Financial Year 2015-16 in Kerala, 8770 works on water conservation are completed under natural resource management and 47356 works are ongoing. On watershed management related works, 679 are completed and 3504 works are ongoing. On Irrigation activities, 3065 works are completed and 18305 works are ongoing. During the period, 7982 water bodies are rejuvenated and rejuvenation of 28529 traditional water bodies is in progress. On work related to afforestation activities, 900 works are completed and 29500 works are ongoing. A total of 66596 works are undertaken on land development activities, 8749 works are completed and 57847 works are ongoing status. The assets generation activities under private land, especially individual assets for vulnerable sections, planned a total of 135890 works. Of this, 19570 works are completed and 116320 works are ongoing. The works under implementation of common infrastructure for NRLM component for self-help groups, 240 works are completed out of 1174 works undertaken. (MIS Report: www.nregs.nic.in).

5. Conclusion

The studies show that the NREGS succeeded to provide livelihood by providing environmental services to increase crop production. Thus it serves the dual purpose of natural resource management and agricultural production. The favourable impact of MGNREGS are on natural capital, the individual farmers participate actively in this scheme and they work in the farm, which was not made use of in the earlier period. The barren lands, which were not used for cultivation earlier, are brought under cultivation after the implementation of land development activities under the MGNREGS. Factors such as the low agriculture production and livestock productivity, lack of irrigation facilities and shortage of productive land leads to rural poverty; this may result in the degradation of natural resources too. The only way to provide the higher level of environmental services is by increasing and sustaining crop and livestock production. The NREGS can be a tool for ecological regeneration and ensuring food security through increased agricultural production.

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South Asia School of Local Governance (SAS)

South Asia School of Local Governance (SAS) is established in KILA with the objective of conducting regular programmes for the capacity building of local governments in South Asia. Programmes for countries in South Asia are conducted on demand basis.

The short term programmes for national and international participants are conducted, by applying participatory methodology. The sessions are interactive in nature and field visit is integral part of every programme.

The facilities of the SAS include the AC Classrooms, Canteen, Guest House having 24 AC double occupancy rooms and four Suite rooms, WiFi connectivity and Library.

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MGNREGA and Local Governance in Rajasthan

MGNREGA was launched as a wage employment programme to strengthen the livelihood resource base of the poor. It equally aims to strengthen grassroot democracy by giving Gram Sabha all the powers related to planning, implementation and monitoring of the work under it. This study finds that in Rajasthan this programme continues to be supply driven and the participation of marginalised groups like scheduled castes, scheduled tribes and women is high. But their participation in democratic forums where decisions are taken is very low. In Gram sabha it is upper castes who dominate discussions and decisions. Real participation in taking key decisions which empowers people and which gives them a sense of ownership of the programme has not happened in the study area.

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1. Introduction

The term, '*governance*' was coined by the World Bank in its report on sub-Saharan Africa in 1989, in which the World Bank argued that "Underlying the litany of Africa's development problems is a crisis of governance". Chakrabarty (2008) cites the changing perspectives in public administration from traditional Public Administration which was bureaucracy and State centric to new Public Management which emphasised Neo-liberal ideology, downsizing and brought out debates on State versus Market and Productivity versus Efficiency to Governance which stresses the role of multiple actors, ethical concerns, responsiveness, accountability and transparency in the delivery of public goods and services.

UN Economic and Social Council define development governance as that which pertains to planning, budgeting, monitoring and accountability of socio-economic development policies and programmes. *Participatory governance* is one of the many institutional strategies of development governance. *Citizen engagement* is the desired outcome or logical end of participatory governance. (www.un.org).

The voices of the poor report prepared for the World Development Report (2001) finds that poor people across the globe feel the gap between them and institutions of governance and these institutions are perceived as corrupt and unaccountable. (The World Bank, 2001) . The work done by Robert Putnam in US points to the decline in civic participation and the enlarging gap between citizens and State institutions. (Putnam.R, 1993). According to Article 243(G) of the Constitution, '*Panchayats* shall be given powers and authority to function as institutions of self-government'. This would be done by delegating powers and responsibilities to *panchayats* for preparing development plans in *gram sabhas* and also implementing them. (Panchayat.gov.in).

National Rural Employment Guarantee Act is the largest wage employment programme in the world implemented by the Local Self Government Institutions. Since it became functional all over the country only in April 2008, research studies on MGNREGA and local governance are unavailable or at a nascent stage specially in social work discipline. This study was in two districts of Rajasthan namely Dungarpur and Karauli. This study was done to understand the governance of Panchayats at the local level in Rajasthan, to assess the level of participation of Women, Scheduled Caste, Scheduled Tribes and other vulnerable groups in MGNREGA

through Panchayats and to analyse the impact of governance on the performance of MGNREGA.

2. Key Findings

2.1. General Functioning of MGNREG

In the study area in both districts, women constitute majority of workers that is 71% of total workers which is a positive sign of participation of women in this rights based programme. When one looks at caste wise representation from both districts, general category respondents constitute 4.7%, OBC constitute 15.3%, Scheduled Caste constitute 28.7% and Scheduled Tribe constitute 51.3% of total respondents. In keeping with the self-targeting nature of the programme, poor among Scheduled Caste and Scheduled Tribe constitute the majority of workers in both districts. In Karauli District, none from general category worked in MGNREG work. There is lack of adequate staff in *Panchayats* in both districts. In Dungarpur, one Secretary is incharge of two *panchayats*. This increases their workload and affects the entire implementation of MGNREG work. Providing adequate manpower at the *panchayat* level is urgently required.

2.2. Governance at the Local Level

Field data in both districts about regularity of *Gram Sabha* meetings is not very satisfactory, 24% respondents in Dungarpur and in Karauli 10% respondents replied that *Gram Sabha* is organised regularly in their *Panchayat* whereas 41.3% in Dungarpur and 62% in Karauli replied that *Gram Sabha* is not organised regularly in their *Panchayat*.

In *Gram Sabha,* decision must be taken by a proper discussion which ensures the participation and representation of all in *Gram Sabha*. So compared to 5.3% respondents in Karauli, 48% respondents in Dungarpur replied that participation of people in *Gram Sabha* has increased after MGNREG. So as far as participation of people in *Gram Sabha* is concerned Dungarpur is doing better than Karauli. Since Dungarpur is a pre-dominantly tribal district, STs constitute majority of the workers but the participation of SC is low at 13.3%. This reflects discrimination in giving work to Scheduled Castes.

When one looks at the data on participation of beneficiaries in social audit, it is clear that in Dungarpur 20% respondents participated in social audit and 80% respondents did not participate in social audit. In Karauli, 4.7% respondents participated in social audit and 95.3% did not participate in social audit. Though

participation of people in grama sabha has increased since the implementation of MGNREGA, it has not strengthened the voice of the poor in decision making . Therefore people are not interested in participating in Social Audit .This gives rise to big doubts on the efficiency of social audit and the suitability of mechanism designed for social audit.

If one looks at caste wise participation of respondents in social audit, one finds that in Dungarpur, 42.9% respondents from general category participated in social audit but their participation as workers is only 9% where as the participation of STs is 73% as workers but their participation in social audit is only 19.1%. This reflects the interests and influence of upper castes in participatory bodies and forums.

Participation of SC is very low in Dungarpur and in Karauli there is no participation of SC in social audit. This finding points towards the exclusion of Schedule Caste from social audit which definitely weakens the Social audit process as well as enforcement of participatory governance in MGNREGA work.

Having a say in the decision making is an important indicator of empowerment as well as participatory planning and governance. So in Dungarpur district, 25.6% men and 16.8% women replied that their view was also heard and given due weightage while taking decision in planning for MGNREGA work. In Karauli district, inclusion of worker's view in decision making is very less, men 2.3% and women 1.9%. Again in Karauli district, inclusion of respondent's view in the decision making is very less and opportunity for women to have a say in the decision making is lesser than men.

Caste is an important criterion of social organisation of Indian society and caste has led to social exclusion and marginalisation of certain sections of Indian society. Caste based exclusions have also excluded them from the development process. When one looks at the caste wise participation of respondents in the discussion of annual plan of NREGA in *Gram Sabha* it makes it clear that though the participation of upper caste is less as workers, their participation in decision making bodies is highest. It is the upper caste local elites who take decisions in the discussion of annual plan of MGNREGA. In Dungarpur, some participation is happening but in Karauli participation of people is so low that it is in effect no participation at all.

As mentioned earlier, having a say in the decision making is an important criterion of empowerment of people. Compared to

Dungarpur, in Karauli very less and negligible number of respondents replied that they had a say in the decision making. This data also revealed that the upper caste are preponderant in decision making but Scheduled Caste respondents are excluded from the decision making process which is not a good sign as far as participatory planning is concerned. Formation of association of workers help in ensuring participatory planning and governance, it ensures that everybody's interest is included in the final decisions which are taken which affect their livelihood and their future. The data from the field makes it clear that no association of workers have been formed and this means that *Panchayats* are not interested in the welfare of workers and this compromises participatory governance in both districts.

3. Discussion and Conclusion

Participation of marginalised groups, like Scheduled Castes, Scheduled Tribes and women are high as workers in MGNREGA work but their participation in democratic forums where decisions are taken is very low. Upper castes own large chunks of land and find it below their prestige to work as labourers along with lower castes as workers. Wherever they have registered as workers, their name is on the muster roll, they do not work but they get wages in their accounts. This also reflects the malpractices in the functioning of MGNREGA. But they have presence in the decision making bodies like *gram sabha* and in the preparation of annual plan of MGNREGA. They have their interest here, they ensure that if a road has to be constructed it is constructed in the locality of upper castes first. In order to pay wages to the upper caste who do not work, those who work full time are paid only half wages. When the researcher asked this question to a mate, he got the reply and openly accepting that "*sab adjust karna padta hai*" (Regular workers are paid half wages in order to adjust for the wages which are paid to Upper Caste Non-Workers). This is an example of elite capture of a rights based programme.

Participation of women as workers is highest in both districts but their participation in *gram sabha* is very low. Women are participating as workers but their low participation in *gram sabha* where decisions are taken means they are not encouraged by *panchayat* to participate in *gram sabha* and they are excluded from the decision making process. Their less visibility and participation in democratic and public forum like *gram sabha* is in line with the patriarchal nature of society in the State. Though Dungarpur is a pre-dominantly tribal district where sex ratio was positive in favour of women in 2001, here also participation of women is less in *gram*

sabha. Sex ratio of Karauli is very low, it is 861 women per thousand men. This indicates male preference and patriarchal nature of society despite the fact that the Panchayat Presidents are women. People seem to have lost interest in participating in *gram sabha* because their views are not heard. They are told *"Tumhe jyada pata hai ya mujhe"* (We (Authorities) have more knowledge and awareness than you (workers)) and silenced. So, even if they are asked to attend *gram sabha* to complete the quorum they are not interested in attending *Gram Sabha.*

MGNREGA is a rights based programme and it was formulated to strengthen participatory democracy at the grassroots level. *Gram sabha* has been vested with all the powers to take decisions regarding all aspects of implementation of MGNREGA work. To empower people and to give them a sense of ownership of the programme, MGNREGA made it mandatory to hold *gram sabha* regularly. That is why provisions like pro-active disclosure of information by *panchayats* was made mandatory, right to information is an integral part of the programme and social audits which ensures the accountability of implementing authorities and empowers the people was made compulsory in the entire process of MGNREGA work implementation. This study brings out that Social audits are also done symbolically to fulfill the formality; it is not done by NGOs. And *Panchayat* Presidents have ensured that NGOs do not participate in any work related to MGNREGA work implementation. It can be concluded that social audits are sham. Though there is some participation of people in social audit in Dungarpur district, in Karauli district, the participation of people in social audit is negligible. The entire process of ensuring accountability of implementing authorities and thereby empowering the people stands compromised. MGNREGA as a rights based programme continues to be supply driven.

It can be concluded that finally social structure of the State, where caste system is still entrenched and patriarchy prevails has ensured that marginalised sections of society though they are given work as workers, they are not allowed any say in the key decision making bodies and forums like *gram sabha.* Women, Scheduled Castes and Scheduled Tribes have been excluded from the decision making process and also from the process of social audit which ensures the accountability of implementing authorities and empowers people. There is some participation of people in *gram sabha* and social audit in Dungarpur but in Karauli district, participation is almost negligible. Some participation of workers which is happening in Dungarpur too happens to complete the

quorum of holding *gram sabha.* Real participation in taking key decisions which empowers people and which gives them a sense of ownership of the programme has not happened in both districts. Participatory planning in the real sense is not happening. So NGOs like MKSS, Aastha etc. who have experience and expertise in this field must be involved in generating awareness about MGNREGA and training of *panchayat* functionaries. NGOs must also be involved in ensuring participatory planning of MGNREGA work as well as in conducting social audit.

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Research Center Affiliated to Central University of Kerala (CUK)

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Disciplinary Jurisdiction Of Municipal Secretary:
Need For A Relook

The administration of urban local bodies in Kerala is based on the Kerala Municipal Act of 1994, which have created entities called The Municipal Council, Chairman and the Secretary for the decentralised functioning. The Kerala Municipal Act of 1994 entrust the disciplinary jurisdiction among the said three entities for the effective functioning of Municipal Council. The parameters of effective administration are reflected in a system having functional subordination with adequate disciplinary jurisdiction over its employees. The present article forensically analyse the jurisdiction of three entities and suggest for a relook to improve the system of municipal governance.

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1. Introduction

The Municipal administration in Kerala can be seen in a spectrum of more than 150 legislations spread across different subjects. The Kerala Municipal Act of 1994 (herein after referred as Municipal Act) therefore establishes the office of Chairman at the helm of administrative authority and the Municipal Secretary as the executive officer or chief operating officer of a Municipality. In other words, it is an officer, who is legally authorised to represent Municipality in all matters. Therefore it is important to have a unity in command and discipline for the effective functioning of the urban local bodies. To be precise, it is important to have an administrative control for the implementation of the Municipal Act and allied 150 legislations connected with day to day administration and Management; otherwise the executive officer will be left with the choice of requesting the subordinate staff despite having the power to command.

The Kerala Municipal Act empowers three entities with such power of disciplinary action. They are;

i.   The Municipal Council

ii. The Chairman

iii. The Secretary

The disciplinary jurisdiction can be invoked by the procedure laid down in the Kerala Municipality (Control over Officers) Rules, 2011. The Rules of 2011 further discuss the application of Kerala Services Rules of 1959, The Kerala Civil Services (Classification, Control and Appeal) Rules of 1960 and Kerala Government Disciplinary Proceedings Manual. The Kerala Services Rules, 1959 [Part I, Rule 55] is read into the Rules of 2011 for the purpose of calculating subsistence allowance during the period of suspension and for the purpose of recalling of suspension order and calculating the period of suspension [Part I, Rule 56].

The Kerala Civil Services (Classification, Control and Appeal) Rules of 1960 is the jurisdiction of Secretary in the case of disciplinary proceedings. The Rules of 2011 enables the Secretary to take recourse to the Rules of 1960. In other words the Rules of 2011 are the spotter and the Rules of 1960 are the shooter.

The question as to the breach of duty or dereliction of duty is discussed mainly in,

i.   Kerala Municipal Act, 1994 and Rules framed thereunder.

ii.   Manual of Office Procedure

iii. The Kerala Finance Code

iv.   The Kerala Government Servants' Conduct Rules, 1960.

v.   Other Government Orders.

The present article analyse different roles of the above mentioned authorities and their powers in terms of control in the municipal administration.

2. Municipal Council

The Municipal Act explains the powers of Municipal Council over the establishment in two instances.

Firstly, Section 29 of Municipal Act vest the administration of Municipality with the Council and the Council may exercise the functions expressly assigned by or under the Municipal Act or any other law to the Chairman, the Secretary, a Standing Committee or any other Committee subject to the provisions of the Act.

Secondly, Section 509 vest the Council with the powers of appeal and revision. The provision says an appeal may be preferred to the Council against any notice issued or any order passed or action taken by the Chairman or the Secretary under any of the provisions of this Act other than Section 390[Period within which approval or disapproval shall be intimated], Section 391 [Period within which Secretary is to grant or refuse to grant permission to execute work], Section 395 [Power of Secretary to require alteration in work], Section 406 [Demolition or alteration of building work unlawfully commenced, carried on or completed] and Section 408 [Order of stoppage of buildings or works in certain cases] or the rules or bye-laws or regulations made thereunder. Section 227(6) of the Municipal Act, by a *non obstante* clause empowers the Council to impose minor penalties on any officer or employees referred to in sub section 1 of Section 227, that is to say the officers and employees so transferred shall be under the control and supervision of the Municipality.

Being it is said so, the Council's power or direct control over the establishment or officers or employees is not specific and not a stipulated one under the Municipal Act, the power of control is focussing on two entities called The Chairman and The Secretary. Albeit the position is said so, the disciplinary jurisdiction of Council is devolving from the rules framed under the Act, Kerala Municipality (Control over Officers) Rules, 2011.

The Rule 4 explains the penalties such as censure, fine, withholding of increment, temporarily, withholding of promotion, and recovery from pay. The clause 5 of Rule 4 empowers the Council to authorise the Secretary to take adequate disciplinary action against the defaulters. Rule 5 empower the Council to issue a charge memo and Rule 7 deals with imposition of minor penalties. When the Council decide to impose a major penalty, Rule 10 will be applicable.

The Rule further says that if the procedure mentioned in Rule 4 to 10 is not addressing the issue at hand, then the disciplinary authority can take recourse to the procedure laid down in The Kerala Civil Services (Classification, Control and Appeal) Rules of 1960 and Kerala Government Manual for Disciplinary Proceedings. If the Council decides to take recourse to the procedural part by invoking the Kerala Civil Services (Classification, Control and Appeal) Rules of 1960, the suspension of an employee will be governed by Rule 10 and can impose penalties mentioned under Rule 11 which includes censure, fine, withholding of increments or promotions temporarily, recovery from pay, reduction to a lower rank in the seniority, withholding of increment with cumulative effect, compulsory retirement, removal from the civil service, dismissal, reduction of pension. Rule 15 deals with major penalties and the procedure for imposing minor penalties covered under Rule 16. Therefore it is pertinent to see that the enlargement of disciplinary jurisdiction of Council is indebted to the Kerala Municipality (Control over Officers) Rules, 2011. The Rules of 2011 act as an "enabler" for the application of other disciplinary laws. The paradox is that the conventional parliamentary system empowers the Speaker of the house with the disciplinary jurisdiction and the reflections of house will be well taken care of by the sentinel of house, that is the Speaker and in the Local Self Government, the power is with Council and the Speaker (Chairman) is limited with a role of reporting to the Council for further action. This was not the position when the Kerala Municipal Act of 1994 was enacted. The Act empowers the Chairman to take disciplinary action independent of the Council. The paradigm shift happened with the introduction of Rule of 2011, which made it mandatory to place the disciplinary matters in the Council.

3. Chairman/Chairperson

The Kerala Municipal Act Section 15(6) define the ambit of disciplinary jurisdiction of Chairman, which says that, the Chairman shall have the power to suspend from service any Officer or Employee in the service of Municipality if necessary, other than

the Secretary and other Government Officers in the Gazetted rank, transferred to the service of the Municipality, where disciplinary action have to be taken against them, on grounds of gross negligence of duty, dereliction of duty and violation of rules and standing orders: Provided that the Chairman shall place the order of suspension before the Council in its next meeting and get the order ratified by the Council, failing which the order shall stand invalid.

Section 226 of the Act defines the Control of Chairman over Health Officer, says that, clause (1) Notwithstanding anything contained in Travancore-Cochin Public Health Act, 1955 (XIV of 1955) or Madras Public Health Act, 1939 (Madras Act HI of 1939) the functions vested in the Secretary under this Act relating to public health matters and which are conferred upon the Health Officer by Section 14 of the Travancore-Cochin Public Health Act, 1955 (XIV of 1955), or Section 16 of the Madras Public Health Act, 1939 (Madras Act III of 1939), except the functions involving expenditure from the Municipal fund, shall be exercised by the Health Officer subject to the control and supervision of the Chairman.

According to Clause (2), where there is no Health Officer in any Municipality the Senior Medical Officer of hospital, or public health centres or dispensaries under the control of that Municipality, shall be the Health Officer ex-officio of the Municipality.

Section 229 discusses about the power of Chairman over establishment, The Chairman shall exercise supervision and control over the work of all officers and staff under the Municipality, including the Government officers and employees who have been transferred to the Municipality by the Government under Section 30, or Section 52, or Section, 227; and may require the Secretary, to make available all necessary reports and informations relating to their work and shall have authority to issue all directions necessary for the speedy implementation of the decisions of the Council, or a Committee thereof.

A conjoint reading of Sections 15(6), 226 and 229 is self explanatory as far as the disciplinary jurisdictional powers of Chairman are concerned. But when it comes to the procedural part that is to say the, Kerala Municipality (Control over Officers) Rules, 2011, to the contrary, the powers are more concentrated on two entities called Council and Secretary. The powers of Chairman are confined to Suspension under Rule 8, which is subjected to the ratification of Council.

The power to suspend provided under Section 15(6) of Municipal Act of 1994 is procedurally routed through the Rule 8 (power to suspend) of Kerala Municipality (Control over Officers) Rules, 2011 and connected to the Councils disciplinary jurisdiction. The Rules of 2011(child Act) therefore restrict the scope and ambit of the provisions of Kerala Municipal Act (parent Act) which empowers the Chairman to control the administration effectively.

4. Secretary

Section 48 of the Act clearly defines the role of a Secretary and the chain of command in the hierarchy, says that, for every Municipality there shall be a Secretary appointed by the Government, in consultation with that Municipality, who shall be an officer of the Government borne on such cadre, as may be prescribed, and shall be the Executive Officer of the Municipality and the other officers and employees of the Municipality shall be subordinate to him. The disciplinary jurisdiction of the Secretary is defined in Section 49(1)(k), which says that, subject to the provisions of this Act and the rules made thereunder, the Secretary shall, take disciplinary action against the Municipal employees with the knowledge of the Chairman. The "knowledge of Chairman" is an ambiguous term which is not defined properly. The point is that the whether the Knowledge can be equated with concurrence, approval, or mere knowledge.

Section 227(1) of the Act says that, subject to the terms and conditions as prescribed, the Government may transfer their officers and employees to the service of the Municipalities for the implementation of schemes, projects and plans entrusted or vested in the Municipality under this Act.

Clause (1A) to Section 227 says that, the Government officers and employees transferred to a Municipality under sub- section (1) shall perform, in addition to their normal functions, any other connected functions assigned to them by the Municipality as if they are officers and employees of the Municipality.

Clause (1B) to Section 227 says that, the officers and employees so transferred shall be under the control and supervision of the Municipality, and the terms and conditions in regard to their services including disciplinary actions, shall continue to be the same as that applicable to them under the Government subject to the other provisions of this Act.

To add further, Section 228 says about the control of Secretary over establishment, that is, subject to the provisions of this Act

and bye-laws and regulations for the time being in force, the Secretary shall specify the duties of the officers and employees of the municipal establishment and Secretary shall exercise supervision and control over them.

The legislative intention as to the Sections 48, 49(1)(k), 227, 228 and a conjoint reading of Rule 4(6) of Kerala Municipality (Control over Officers) Rules, 2011 logically conclude that the Secretary can be directed by the Chairman, if the Council decides to initiate disciplinary proceedings against the employees.

The Kerala Municipality (Control over Officers) Rules, 2011 by virtue of Rule 4(5) laid down the procedure for disciplinary action by the Secretary which stipulates to take recourse of The Kerala Civil Services (Classification, Control and Appeal) Rules of 1960.

The Rule 11 of The Kerala Municipality (Control over Officers) Rules, 2011 further says that if the Procedure mentioned in Rule 4 to 10 is not addressing the issue at hand then the disciplinary authority can take recourse to the procedure laid down in the Kerala Government Manual for Disciplinary Proceedings.

The Kerala Civil Services (Classification, Control and Appeal) Rules of 1960 empower a controlling officer/Secretary with the following powers, namely,

1. Power to Suspend(Rule 10)
2. Power to impose Minor and Major Penalties (Rule 11 to 15)
i. Censure
ii. Fine
iii. Withholding of increments or promotions temporarily
iv. Recovery from Pay
v. Reduction to a lower rank in the seniority
vi. Withholding of Increment with cumulative effect
vii. Compulsory Retirement
viii. Removal from the Civil Service
ix. Dismissal
x. Reduction of Pension
3. Procedure for imposing minor Penalties (Rule 16)

The penalties listed above are within the exclusive domain of Government which is not yet delegated to the Municipalities, except the minor punishments. While considering the disciplinary jurisdiction of Secretary, it is pertinent to say that the jurisdiction

originate from the Act of 1994(substantial law) and the procedural part is added by the operation of Rule 4(5) of Kerala Municipality (Control over Officers) Rules, 2011 and the Kerala Civil Services (Classification, Control and Appeal) Rules of 1960 (Procedural law), which ensure the procedural part to be just, fair and reasonable. From the view point of Secretary the Rules of 2011 is an "enabler", which help the Secretary to follow the broad principles envisaged under the Rules of 1960.

4. Conclusion

To conclude, while appreciating the disciplinary jurisdiction of Council, Chairman and the Secretary, it is pertinent to note that the powers of Secretary are independent of the powers of Council and the Chairperson. When the Secretary invoke a disciplinary jurisdiction under Section 49(1)(k) of the Act there will be a switching over of procedure laid down in The Kerala Municipality (Control over Officers) Rules, 2011 to The Kerala Civil Services (Classification, Control and Appeal) Rules of 1960 by virtue of Rule 4(5) of The Kerala Municipality (Control over Officers) Rules, 2011. Having said so, the present issue confined to a single issue called misquoting of Section 49(1)(j) instead of Section 49(1)(k) of the Kerala Municipal Act in the Rule 4(5) of the Kerala Municipality (Control over Officers) Rules, 2011. The present position of Kerala Municipality (Control over Officers) Rules, 2011 as notified on Kerala Extra ordinary Gazette dated 01.02.2011 SRO No.83/2011 [G.O.(P) No. 26/2011/LSGD dated 28.01.20111] have a wrong quoting of 49(1)(j) of the Act which says about, *keep the records in respect of the meetings and proceedings of the Council, Standing Committees and other Committees* in the Rule 4(5) of the Kerala Municipality (Control over Officers) Rules, 2011 instead of Section 49(1)(k) of the Act which says about, *take disciplinary action against the Municipal employees with the knowledge of the Chairman.* Being an Executive Officer entrusted with the administration and enforcement of more than 150 legislations, the independent jurisdiction has to be ensured by amending the discrepancy crept into the law for the existence and smooth functioning of the executive part of the Local Government.

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➢ Gandhiji Grama Swaraj , Decentralization: Cnotext &Content- November 2014		✓
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- *Innovative Sanitation Models- ChalakkudyMuncipality (June 2014)* ✓
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