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Editorial

In the democratic system, governments at higher tiers rarely exercise their power directly over the issues that need immediate concern of local developments. But the Local Governments deal with peoples issues directly. The civic and regulatory services; local economic development, operation of Public Institutions like Schools, Hospitals, Health Centers, Anganwadis, etc. are such areas that Local Governments need to concentrate. Local Government has a pivotal role in all walks of life of citizens. Hence it is the responsibility of every citizen to strengthen and promote the local governance system. Through effective local governance system, livelihood issues of people including marginalised can be tackled sustainably. This is made possible through inclusive governance. Inclusive governance will pave the way for inclusive development too. Though decentralization has many positive implications, it has shortcomings too. The active participation of people in the governance system is one of the major challenges. Also the cohesion between the different players in the system. To overcome these shortcomings, debates, discussions and constructive criticisms are inevitable for the strengthening of decentralization and local governance system. Among other things, KILA Journal of Local Governance serves the purpose of virtual discourse on local governance. This issue of the Journal mainly covers areas on decentralized governance and conservation of natural resources, role of local institutions, issues of marginalised, local governance process, and e-Governance initiatives. Hope this will throws light for further discourse on the topics.

Dr.P.P.Balan
Chief Editor

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1

Democracy and Decentralization: Strategy to Tackle the Issues of Exclusion

Inclusive growth and development are the strategies to mitigate the pressing issues of social exclusion. This paper tries to analyse the social exclusion issues in the backdrop of globalization. In the process of finding solutions to solve the problems arising out of social exclusion, it is found that democracy and decentralization together emerge as a viable tool and strategy. Both democracy and decentralization have got tremendous potential. However, they also present a set of equally difficult obstacles during the operationalization of these tools. The researchers have to play a meaningful role here. Setting up of institutions and designing the processes would realistically reduce social tensions at the grassroots and for this, the researcher's contribution is significant.

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1. Introduction

Exclusion of regions, groups, communities, families and individuals from the mainstream polity, economy, governance and society is a subject of debate and intellectual discourse in the recent decades all over the world. (Nederveen Pieterse, 2001). From policy fora to practice institutions as the idea was pushed by the institutions which were behind the neoliberal policies pursued in the world. It is a hot subject for intellectual discourse as it disturbs governance, social order and harmony. Hence, it requires an urgent action at every level from the federal government to grassroots institutions as the mainstream development leaves huge mass of people without allowing them to take advantage of the economic progress achieved through the new dispensation namely the neoliberal policies. (Figueiredo, J. B, and De Haan. A (*eds.*), 1998). It is so urgent as people are restless and wanting to have their own share of cake in the development achieved by the market and the State. Although both tried to mitigate human sufferings, they could not achieve this and as a result people are being mobilized to stand against the State. It is evident from the fact that India is the 10th largest economy in the world but it is in 135th position in the Human Development Index. The conditions of the people in India are far worse than the Sub-Sahara African countries. Growing aspirations among the poor for material advancement and life comforts and equally growing aspiration to be in refined democratic regime have prompted the policy advocates to be realistic in meeting these expectations as they know what will be the implications of the process of exclusion. The modern communication system brought volumes of information to the people, which in turn make the people compare themselves with others. As a result, many of the social groups are in relative deprivation. The deprivations of the excluded are visible. In a democratic set up, they have their own role in shaping and sharing of power through the electoral process. As long as the number of the deprived groups are well within the manageable limits of the State, equilibrium of the relationship among the State, market and society will be maintained. When discontent grows beyond certain limits against the government, State has to take a serious view and act urgently to remedy the maladies.(International Commission on Peace and Food, 1988).

At present, the growing discontent among the majority against the government over the poor delivery of services draws the attention of the State. State has also admitted its partial failure in fulfilling the increasing aspirations of the masses as its capacity has not grown to the level of the increasing needs and aspirations of the people. (Chakrabarthy Bidyut and Battacharya Mohit (*eds*) 2008). State strongly feels that it needs support to meet the aspirations of the people. Knowledge community strongly believes that a vibrant market will find solution to this, as it is going to increase economic growth and provide employment to many. The reality in the past decade indicates the failure of the market also. Both the State and the market declared that they are not magic wands to change the world as society expects. But the society is not moving in the direction as State and market expect. Society as groups moves in different directions. In countries like India, managing society by the State and the market is a difficult task as it moves in different directions. In reality, crises have increased throughout the world as a sequence of development initiatives at a faster speed. (Ha – Joon Chang, 2008).

2. Globalization and its Implications

In the context of globalization the problem of inequality has been escalated and intensified. Marginalization of human groups from the mainstream development process has been intensified and activated and as a result social and political crises have been escalated. Ultimately it resulted in crisis of governance and administration. Now the problem is not localized or regionalized but globalised. Hence this problem has to be tackled globally. This scenario prompted the scholars in the West and more particularly the scholars who work for development banking institutions and bilateral and multilateral organisations have started conceptualizing the subject as the western societies have also been affected due to increasing poverty and unemployment. The World Bank has generated modicum of literature on this subject as humanity is searching for alternatives for achieving equitable development. One reason attributed for the repeated failures on the part of the State in tackling inequality and marginalization is due to poor quality of research in generating data about the household survey. Poor quality or research will be reflected in poor policy prescription for solving the problems of poverty and inequality.

The whole debate was generated not for addressing the inequalities in the world, but in fact it started more precisely in conceptualization as inequality has been increased in 1980s and 1990s in the UK. But now it has come to a stage that the human society cannot enjoy the benefits from what they have achieved through the knowledge and hard work without addressing the distress of the people and hence global thinking becomes part of the process of governance and development. The conceptualization of the subject exclusion started from solidarity paradigm of France and moved over to other paradigms like "specialization paradigm" of the US, monopoly paradigm of UK and North European countries. Basically these paradigms have been conceptualized by Hilary Silver. (Silver. H, 1994). After a detailed discourse on the paradigms and contestations on the definitions, conceptualization and methodologies and a broader agreement has been reached to understand the concept by defining it as "the process through which individuals or groups are wholly or partially excluded from full participation in the society with in which they live". (De Haan, 1998). Basically it revolves around deprivation. This broader definition has enabled the scholars of different disciplines, traditions and cultures have started pondering over the issues of approaches, perspectives, ideologies, policies, programmes and methodological nuances adopted in studying the social exclusion issues in the world. Thus poverty, income, inequality, inequity, deprivation become the core subject matter discussed. Hence this subject has both quantitative and qualitative methodological nuances to deal with the issues and to find solutions to mitigate the problems that arise out of social exclusion.

3. Solution to Exclusion

Basically the issue of exclusion stems from preventing people from full participation in the society through governance and development. Participation here connotes the broader meaning. (Ranjitha Mohanty and Rajesh Tandon (*eds.*), 2006). There are preconditions for the participation of people who are marginalized in the development and governance activities. Participation here refers to the committed involvement of the stakeholders in decision making, decision implementation, and evaluation of the above two on the matters affecting the life of the stakeholders. It is not a mere spectator role. Participation is a comprehensive role, for which planning and strategies are essential and for which stakeholders

have to be included in the planning and designing. It has got a comprehensive and deeper meaning. Thus people need enabling environment for full participation. Conventionally, State is the prime mover of development. State performs the function of distributive justice. Hence, it acquired the name Welfare State. The State tried its level best to deliver the goods as it ought to but it could not meet the growing demand and growing aspirations of the people. As a result it looked for an alternative. Market came to the rescue of the State. Market attempts to increase the velocity of economic transaction to increase economic growth and thereby development allocation could be done effectively for the well being of the poor. Market has reached its full capacity and achieved 9.5% economic growth of a country but it could not create impact in the life of the poor. As a result in human development, society has gone down. Advocates of growth theory could not explain the reason for this mismatch. There is yet another school of thought which brings forth an argument that development requires only the commitment on the part of the State and participation of the stakeholders in this process. Kerala, Sri Lanka and Cuba had demonstrated the fact that even at the low growth rate human development has been achieved considerably. While seeing the transformative process in the world one cannot argue that State alone can achieve development or market can alone achieve development. Both have to work. But both have to work in harmony and in which the role of the stakeholder is crucial.

Market is a growth engine and it has to be facilitated to achieve growth. While facilitating the market, State has to see that market in the name of growth should not exploit the society and the nature. While enabling the market to achieve growth, the State has to see the fruits of the growth have to be distributed equitably to all segments of the society. The State should not be a spectator to look at the crisis when market fetches enormous profit and goes to private hands. When market brings growth, the impact of growth could be seen in social development activities. So the role of State is crucial in performing the task of equalizer. (Nayar Baldev Raj, 2008). In the same way the State has got the responsibility to enable the market to function well and work for huge economic activities leading to growth. In this process the State has to see the market does not exploit excessively the natural resources by causing damage to the environment as environmental degradation will do

enormous harm mainly to the poor. Both market and State will perform their function only when the society is alert, aware and conscious of the roles of the market and the State. Continuous mobilization of the mass for participation in governance and development is an essential and imperative task to be performed.

4. Enabling Institutions and Practices

The problem of exclusion stems from the prevention of groups from participating in the process of governance and development in the society. How to enable the excluded groups to participate in governance and development process is the concern of everyone in the world as it needs perspective, policy, strategy, and institutional mechanism. To enable the poor, marginalised and excluded to participate in the mainstream development and governance process, two powerful instruments have been identified. They are democracy and decentralization. Democracy and decentralization have got enormous potential to bring in the excluded into the mainstream development process. Democracy has been so far operationalised through the establishment of representative institutions. (Paul Givisborg, 2009). But now it is coupled with decentralization. It requires a new mechanism which is larger and stronger than the representative democracy. Hence, all over the world a new local governance mechanism was evolved which is a combination of both representative and participatory democracy. To get the best results from decentralization and participatory democracy commensurate with conceptualization and operationalization have to be done. Operationalization refers to the designing of the local governance institutions and empowering the institutions with adequate powers and responsibilities. (James Manor, 1999). Marginalised and excluded will be empowered through the two instruments namely democracy and decentralization. Deprivation, discrimination, poverty and marginalization of the excluded will be addressed through the effective participation of the affected. The problems and living conditions of the marginalized could be changed through building a vision and planning at the grassroots and for which institutional mechanism should be in place.

Both democracy and decentralization have to be operationalised in their full meaning. Decentralization creates institutional mechanism at the doorsteps of the communities with an enabling

provision of including the excluded to participate in governance to decide options of development initiatives for them. The whole process of participation takes place in a full democratic mode. It brings social equality, respectability, fairness, justice, and listening to the voices of the last rung of the society. When democracy is operationalised in its fullness through the decentralized institutional mechanism, the excluded not only gets benefits both economic and social but they are also empowered. Though it operates in institutions, it should become a culture of the society.

At present, people's aspiration to democracy and material advancement has been increasing and as a result of it micro and macro movements have been formed to achieve development and democracy. The struggle for development and democracy is intense and deep rooted at present. In the process of struggle for development and democracy one can see the rising revolution to be part of democracy. In 1900 only 25 countries in the world were in minimal democracy. In 1900 no country in the world had adult franchise but today 132 countries are having democratic regime with adult franchise. Remarkable achievements have been made in democratization of politics in the world. (Hans- Dieter Kliongemann, (*eds*) 2012). The current wave of democratization is to democratize the societies which are having antidemocratic values in practice. Humanity has made equal strides in science and technology. By using science and technology in the sixty years of governance, India has reduced poverty from 56% to 36% and from 36% to 26%. Reduction of poverty is due to the effective intervention of State. Yet the poor are raising their voice against the State as their problems have only continued to grow. Obviously one could see the new trend in the world that people are relentlessly fighting against the repression of the State and dubious means adopted in the market for increasing profit ratio for the investors.

5. Decentralization and Democracy

State found out a devise to mitigate the problem of the poor and other marginalised group through decentralized governance mechanism. The new instrument and mechanism devised in the world to adopt a new mode to mobilize people to work with State and market. It is a devise to engage the mass in the development and governance activities. Apart from the creation of decentralized governance mechanism, yet another enabling provision was

created for the marginalized to participate in governance. Reservation of seats for the marginalized in governance institution is the hall mark in governance arrangements. Mere creation of institutional mechanism and institutional processes cannot help the marginalised to participate in the governance and development process. It requires some enabling conditions to the poor and marginalised to participate in the process of governance and development.

Democracy and decentralization should not be confined to institutions alone. They should become the culture of the society. Even in the western countries they took several centuries to make democracy become the culture, practice and behaviour of the society. One can imagine the conditions of the Indian society. The conditions of the Indian society are not only not conducive but antithetical to democracy. Social hierarchy, feudal mindset, agrarian culture, and fatalistic beliefs have contributed for the anti democratic practices in the society even though India adopts democratic governance and polity. Indian democracy is institutional and not behavioural. Indian decentralization is also institutional and not behavioural. The institutional democracy and decentralization have to made behaviour through a process of practicing democracy and decentralization in the institutions. It is really a struggle and for this people have to be prepared and mobilized. Of the initiatives, awareness creation among the masses about the potentials of democracy and decentralization, conscientization of the stakeholders to be part of democratization and decentralization, building the capacity of the elected leaders and more specifically the elected representatives of the marginalized groups and devising institutional mechanism for the participation of the people in the development and governance are the imperative steps. It is almost a new movement of the people to transform the existing arrangements in the society and polity. Hence, the above objective can be realized only through the synergic works of the State, market, civil society, media, and academic institutions. (Palanithurai G., 2014a). Of all the works academic works are most important as they give policy direction to the government. It is unfortunate that in India, although educational institutions are enabled to do these exercises by providing such specialized knowledge centres, the specialized knowledge centres

have neither connect with themselves, with policy makers and nor with the stakeholders.

6. Role of Researchers

Here comes the role of the researchers in academic institutions. At present, researchers have to work for analysing the transformative process of the rustic folk. What does work in their transformation and what does not work in their transformation have to be analysed. Researchers have to analyse the issues pertinent to the problems of the marginalized. (Palanithurai.G., 2014b). When they analyse the factors responsible for transformation, the researchers, through their research, have to help the State and society to induce such factors for faster social transformation. Researchers in social science have to take up the socially relevant issues for investigation and based on the research findings, solutions have to be found out that for all those issues. The solutions have to be taken to the level of policy making and to the community for practice. (Palanithurai.G., 2013a).

Those academics who claim themselves as academic activists should help the policy community to evolve suitable policies to find out solutions to the problems of marginalization. To an equal extent, they have to help the community to empower themselves through equipping themselves to make use of the opportunities created by the State to tackle the problems of the marginalized. To make use of democracy and decentralization, proper conceptualization and operationalization have to be done and for which academics and researchers have to play a predominant role. Further to enable the marginalized to participate in the process of development and governance at grassroots, academics have a role to create awareness among the stakeholders and to build their capacity and capability. By connecting themselves with the community and the State, researchers in academic institutions can play a crucial role in the transformative process of the society. Here it is to be mentioned that the Rajiv Gandhi Chair for Panchayati Raj Studies had taken steps to analyse conditions of the Dalit elected women representatives and the Dalits in Tamil Nadu. With the help of the civil society organisations, a survey was conducted in 18 districts and brought out the discriminatory practices perpetuated in the Tamil society at the beginning of the 21st century, that too in Periyar land even after forty years of governance by the Dravidian political

parties. (Palanithurai.G., 2013b). In the same way the Rajiv Gandhi Chair has conducted a study all over Tamil Nadu to find out the barriers to the legitimate performance of the elected women representatives. Based on the studies, the chair helped to form federation among the elected women representatives and elected Dalit representatives. For the practice of democracy, a guide book was prepared to conduct Gram Sabha meeting. In such a way the centre for women studies and centre for exclusion and inclusive studies help the civil society and State through research and policy advocacy.

7. Conclusion

Marginalization, deprivation and exclusion of communities and social groups are on the increase despite the growth of economy, science and technology. Having realized the vast potential of democracy and decentralization, human groups have started demanding from the State more of powers and rights for democratic participation in decision making with the active involvement of the affected. The world has witnessed unprecedented growth of people's movements both at micro and macro levels to achieve democracy, decentralization, development, equality and equity. Democracy and decentralization have to be operationalised through a process of setting institutions, and practices. Operationalising democracy and decentralization at the ground needs much work, vision and commitment. The role of the researchers and sensitized academics in the higher learning institution is to enable the affected to make use of new opportunities that are emerging out of the micro and macro movements. Continuous research on these issues and policy advocacy actions based on the research report are the need of the hour at present.

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2

Backward Region Grant Fund (BRGF): A Re-look

Spates of programmes are launched by various Ministries as part of the propoor development planning, through Panchayat Raj Institutions (PRIs). Of late, the promotional strategy is convergence, and it is the Gram Panchayat visualised as an anchor. The ground truth being that convergence both as a concept and strategy is not easily comprehensible to both cutting edge officials and Elected Representatives. At this juncture, both Mahatma Gandhi National Rural Employment Scheme and Backward Region Grant Fund are visualised as fitting programmes; the former for its voluminous investment and the later for the inbuilt mechanism to redress regional imbalances in development. Apart from these programmes, policy makerss have acknowledged the growing left wing extremism and designed the Integrated Action Plan for selected Tribal and Backward Districts under the BRGF programme, covering 78 districts. This article attempts to articulate the need to facilitate organisational channels and reduce procedurally the shortcomings.

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1. Introduction

The Backward Region Grant Fund (BRGF) was launched in February, 2007 funded by Government of India (GoI) and managed by Ministry of Panchayati Raj (MoPR) to redress regional imbalances in development, bridge critical gaps in local infrastructure, and other development requirements that are not being adequately met through existing inflows, provide financial resources for supplementing and converging existing developmental inflows into 272 identified districts. (Ministry of Panchayati Raj, 2007). A majority of the districts are in Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Rajasthan, Uttar Pradesh ,Uttarakhand; and Odisha. MoPR constituted National Advisory – cum Review Committee, chaired by V.Ramachandran, in May 2009 to assess the overarching objectives of the programme, plans prepared, and the need for modification.

2. Backward Region Grant Fund (BRGF): Funding Windows and Operational Issues

BRGF had to end by 31st, March 2012, but subsequently forwarded into the Twelfth Plan with an enhanced allocation of 'Rs 12,040 crores in 2012-13, an increase of about 22 per cent over Budget Estimates (BE) of 2011-12. This includes the State component which covers projects in backward areas in Bihar, West Bengal and the Kalahandi-Bolangir-Koraput region of Odisha, development projects for drought mitigation in the Bundelkhand region and projects under the Integrated Action Plan (IAP) to accelerate the pace of development in selected tribal and backward districts. An important limitation of BRGF is its small budget. The program allocation was only 0.4% of the GoI budget and spread thinly across a large number of Panchayat Raj Institutions (PRIs) and Urban Local Bodies (ULBs). per capita allocation of BRGF was meager, the national average is Rs 103, with 75% of BRGF districts receiving less than Rs 176 per capita. Most Grama Panchayats (GPs) get Rs 2 to 6 lakhs per annum. The very small size of allocation per PRI/ ULB unit curtails both the volume of investments and choice of possible types of investments. (Planning Commission, 2010).

One finds sustained political commitment to curb rural unrest and violence in backward districts, positioned development schemes as an investment and an integral part of socio-economic development making this transformational change possible with

interventions truly effective. There is an attempt to scale up investments in these areas through special programmes, one such is the IAP. It is supposed to be a comprehensive approach to supplement infrastructure deficit in the left wing extremist districts, covering 78 selected Tribal and Backward Districts under the BRGF programme. (World Bank, 2010). There are 66 districts in nine States covering both BRGF and IAP. It is implemented with a block grant (untied fund, with no prescribed break up for expenditure) of Rs. 25 crore and Rs.30 crore per district during 2010-11 and 2011-12 respectively. A Committee headed by District Collector/District Magistrate, District Superintendent of Police and the District Forest Officer is squarely involved in implementation. It has the flexibility to draw up a Plan for public infrastructure and services viz., School Buildings, Anganwadi Centres (Pre-school centres), Primary Health Centres, Drinking Water Supply, Village Roads, Electric Lights in public places such as Public Health Centres (PHCs) and Schools etc. Simultaneous implementation of these schemes needs to dovetail, and to a fairly desirable extent succeed in terms of achieving its stated objectives, more importantly inclusive growth. A completely different rhythm is essential to channel both the programme resources in order to have some tangible gains in these areas.

There is a need to connect both the policy endorsements and the huge gaps in implementation. Although both BRGF and IAP have fairly a common geographical terrain to implement yet the organisational and administrative arrangements differ. Former channelled through Panchayati Raj elected representatives and with the formal stamping of District Planning Committee (at times more ornamental than functional) whereas the latter has no space for PRIs, nor compliance with the Forest Rights Act 2006 and the Panchayats Extension in Scheduled Areas (PESA) Act of 1996. A series of committees were constituted both by National and State governments, coupled with policy pronouncements to address in a logical and meaning manner.

3. Historical Perspective

Regional disparities is a common phenomenon prevalent across the globe irrespective of its economies and our first imitative towards identifying indicators dates way back to 1960. In 1960, the Committee on Dispersal of Industries (1960) identified

unemployment, similarly the Patel committee (1964) identified six major indicators viz. (a) Per capita Agricultural output in rural areas and yield per acre of principal crops; (b) available irrigated area; (c) identified the overall industrial development of the region taking the percentage of population dependent on industries and related per capita income; (d) access to basic need viz., education, health; (e) road connectivity in terms of mileage, and (f) electrification in the region. The Planning Commission (1966-71) study clearly articulated by categorising regions into (a) Desert regions, (b) Areas chronically affected by droughts, (c) Hilly areas –including border areas, (d) Tribal pockets, and (e) High population density areas lacking employment opportunities, alternative livelihoods and low levels of income. Pande Committee (1968) identified industrial backwardness and Wanchoo Committee (1968) recommended concession package on procedural, fiscal and financial aspects. For the first time, 101 districts were identified as Backward Areas for Central Investment Subsidy Scheme and Industrial licensing in 1969. In 1972, although, Professor Sukuma Chakravarthy Committee recognised both partial indictors of development and under development, yet the report was not submitted. Way back in 1978 the National Committee on the Development of Backward Areas felt that Block needs to be identified as backward areas. With the State re-organisation, it was essential to identify backward districts and Hyderabad-Karnataka Development Committee (1980) identified 22 indicators for measuring inter -district variations in the region. In 1984 two committees were constituted; V.M. Dandekar Committee and Committee for the Development of Backward Areas), the former identified nine indictors viz. (a) Per capita net domestic product; (b) Per capita Consumer expenditure; (c) Per capita net domestic product from agriculture; (d) Per capita net domestic product from registered manufacturing, (e) Proportion of urban population, Proportion of weaker sections (Scheduled Castes, Scheduled Tribes and Agricultural labour (f) Proportion of workers in non- traditional occupations, (g) Electricity consumption in the area, (h) Per capita bank credit, and (i) Literacy levels. Jawahar Rozgar Yojana (JRY) launched in 1989, emphasized upon 50 percent weightage to rural SC, ST population and 50 percent to inverse of per capita agricultural productivity. In 1997 the Sarma Committee Report for identification of 100 most backward and poorest districts, broadly identified human deprivation, infrastructure, economic activities and quality of life.

The Government of Karnataka appointed a High Power committee for Redressal of Regional imbalances which identified 35 indicators across sectors –agriculture and allied; industry, trade and finance, economic infrastructure and population characteristics. In Andhra Pradesh, a World Bank supporting Rural Poverty Reduction Project was launched in 2002 and a Society for Elimination of Rural Poverty (SERP) identified backward Mandals (Blocks/Taluks) on the basis of (a) Human development, (b) Economic development, and (c) Infrastructure development. Several authors identified household expenditure, poverty line in monetary terms and percentage of population below poverty line as district level deprivation indicators. A study on classification of districts of Rajasthan according to level of development using multivariate indicators and the composite indices of development were worked out based on 33 indicators representing demographic, social, economic, agricultural, infrastructural and industrial factors. Similarly, a study on Regional disparities in India is a narrative presentation from Mughal period to Post Independence planned efforts. The analysis is based on 15 States based on key parameters having a bearing on social and economic development coupled with gender and equity issues. The analysis highlighted profile of regional disparities for different growth scenarios till 2025 and impact on political, social and economic stability. The Cowlagi Report (2004) identified 44 indicators and identified 62 most backward Taluks in Gujarat. The government of Andhra Pradesh (2006) identified backward villages across States in order to facilitate 8 schemes viz., Housing, Roads, Individual Sanitary Latrine (ISL)–Sanitation, Drinking water, Electricity, Primary education, Child development, Health and Eradication of child labour. A recent study -Regional Income Disparities in India and Test for Convergence – 1980 to 2006 based on the neo-classical framework used panel data estimation method. The study is an outcome of a rigorous analysis of 25 State economies. The study concludes that structural reforms had accelerated convergent trend in regional incomes, conditional upon growth rates on inputs and rate of technological progress during 1992-2006. In the Study on Measuring Regional Backwardness: Poverty, Gender and children in the districts of India, the analysis was based on comparable published data on 6 indicators - poverty rate; food scarcity rate; gender-sensitive literacy rate; infant mortality rate; immunisation rate; and the sex ratio for 0-6 year olds for 593 districts. It was

brought out that it is ideal to focus on pockets of deprivation within States rather than viewing deprivation as a phenomenon affecting a State or a region in its entirety.

3.1. Pre 73rd Constitutional Amendment – Committees and Recommendations

During formulation of the 1978-83 plans, it was felt that a suitable strategy for the development of Backward areas be formulated coupled with the need to review various programmes. The Planning Commission, therefore, decided to set up the National Committee on the Development of Backward Areas (Planning Commision,1981) which identified three key characteristics; (a) potential for development; (b) inhibiting factor preventing this potential from being realised; and (c) a need for special programmes to remove or mitigate the inhibiting factor. In1984, Hanumantha Rao Committee (District Planning) developed guidelines for district plans, G.V.K. Rao Committee (1985): L.M. Singhvi Committee (1986) focussed on Revitalization of Panchayati Raj Institutions (PRIs), articulated for devolving more economic powers and resources in order to render them financially autonomous and self-reliant. A majority of the experts committees captured the starkness of the situation focused on structural inadequacies, organisational arrangements, allocating resources and last but not the least on capacity development.

3.2. Post 73rd Constitutional Amendment – Reforms and Initiatives

The Second Round Table Meeting (2004) of State Ministers of PR emphasized the need to constitute DPCs in all States by 2004-05, and the States were required to provide resources (untied). Similarly, Eleventh Five Year Plan (2007-12) emphasized on consolidation of district plans prepared by DPCs. In 2006-07, Planning Commission communicated to States that the Annual Plan proposals for 2006-07 will be contingent upon the Constitution of DPCs in all districts. They were asked to give details of total fund availability from various sources down to Panchayat level, indicate detailed deployment of funds received from various sources, and explain criteria for allocating resources. The Expert Group for Planning at the grassroots level (V.Ramachandran, 2005), laid out modalities of preparing perspective Five year & Annual plans, gave suggestions to strengthen DPCs as a nodal agency, having

permanent institution with a Secretariat. Manual for Integrated District Planning (Planning Commission, 2008) provides standard processes and guidelines to garner the capacities of line departments and experts and facilitate planning at the local level. Guidelines on Convergence with NREGS (MoRD, 2009) focused on next generation issues of NREGA, with guaranteed resource support, ensuring transparency and accountability and Gram Panchayats in particular as a major implementer of the programme and PRIs can play a pivotal role and provide institutional mechanism for convergence.

4. Initiatives to Mitigate Backwardness and Extremism

The Rastriya Sama Vikas Yojana (RSVY) was a Planning Commission initiative in Backward districts launched in 2003 to bridge critical gaps, in physical and social infrastructure, unemployment and low agricultural productivity. Incidentally this programme covered some Left Wing Extremism affected districts too and emphasised on district plans. A great degree of political will seems to be prevailing to address the LWE issue in a coordinated and efforts are made to put in place workable and effective institutional mechanisms. In most of the States, with strong departmentalisation system there is acute shortage of both technical personnel and cutting edge level functionaries at the sub- State level-district and below. The Ministry of Rural Development decided to deploy two young professionals in each of the districts under the Prime Ministers Rural Development Fellows (PMRDF) to assist the District Collector as a developmental facilitator by analysing the situation and working out alternative strategies to handle them by adopting a district programming approach with three key strategies viz. Strengthen the district resource base, strengthen systems by exploring alternative ways of delivering services, and trigger processes which would support the changes. They are visualised as change agents and simultaneously building the capacity of District and Block level officials, facilitate social audit, Gram Sabha, Vigilance Committees, and build working relationship with Panchayats. Enabling IAP districts to have effective governance systems, access services and move towards equity and social justice simultaneously promote formal institutions of governance with an optimally poised role for traditional institutions.

The Report of the Inter – Ministry Task Group on Redressal of Regional imbalances (Planning Commission, 2005) identified 170 most backward districts, including 55 extremist affected districts. A proposal to have a Backward Region Grant Fund and redressal of regional imbalances through district planning and preparation of composite village plans was adequately addressed by the report. The MoPR came up with consolidated guidelines for effective implementation of PESA in the context of prevailing extremism.Report of an Expert Group (D.Bandhopadhyay, 2007) constituted by Planning Commission recommended on these major issues.

The reason for failure of developmental schemes in preserving and promoting traditional indigenous culture, practices, and systems and also the collapse of governance need to be analysed. There is always demand from tribal areas for construction of smaller dams, culverts, bridges, improve road connectivity and ensure food security in these pockets. Most importantly, one needs to address issues related to displacement, caste equations, Special Economic Zones and retail businesses. People in these pockets feel that the space available to citizens to participate (Gram Sabha) is hardly effective in key decisions regarding environmental destruction and social development (mining, SEZ, sand mining, quarrying, coal mining, industries, dams). By and large, there has always been a disconnect between administration and masses, more so in these pockets.

5. Deepening Democracy and Convergence

The process of deepening democracy by way of strengthening Panchayati Raj Institutions (PRIs) was to facilitate participation in decision making process and echo the felt needs of the people. This analysis broadly highlights the recommendations made in earlier reports to strengthen democratic decentralisation and the lack of "political will" to fulfill the constitutional mandate of district planning (Article 243 ZD). States are not that imprudent to brush aside these pre-requisites and confirm to the near real situation by adhering to these mandatory provisions by constituting committees which are more ornamental rather than functionally effective. One such glaring contradiction is Minister heading the DPC. The DPC's size and performance levels seem to vary depending upon the role visualized for District Panchayats in the respective

States. DPC as a unit primarily attempts to address the felt needs right from the Gram Sabha level to higher functioning units and also weaves them together into a composite plan by consolidating rural and urban development plan. However, a significant aspect in BRGF is to strengthen Panchayats and Municipality level governance with more appropriate capacity building, facilitate participatory planning by identifying local felt needs and providing professional support, decision making, implementation and monitoring their plans.

In a country with approximately 133 Centrally Sponsored Schemes (CSSs) across Ministries and out of which 70 percent of funds under CSSs are allocated to major flagship programmes and these flagship programmes fall under the purview of PRIs. At this juncture, BRGF was initiated to rebuild the dormant structures of grassroots level planning. It opened up a new window for debate and also to document ground truth. One such documentation was the First Independent Review of BRGF. (World Bank, 2010). National Informatics Centre (NIC) developed the Plan Plus software for the MoPR, to simplify and strengthen the decentralized planning process. Several districts are entering and up-loading their previous plans in the system to establish base-lines and data focal points but they are not using it as a planning and prioritization tool. Similarly, Line department plans and allocations are not entered into Plan Plus.

As both BRGF and IAP address similar issues, there is a need to have a coordinating and monitoring mechanism at the District and Block level to collectively garner both human and financial resources of not only these two schemes but also major flagship programmes such as: Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), Sarva Shiksha Abhiyan (SSA), National Rural Health Mission (NRHM), Integrated Child Development Scheme (ICDS), Mid day Meal (MDM), Total Sanitation Scheme (TSC), National Social Assistance Programme (NSAP), and BRGF sectoral departmental efforts. The issue is often flagged that Block may be identified as unit rather than the district both in BRGF and IAP districts. With the proliferation of schemes and also those exclusively designed to meet specific area needs, be converged with acceptable compromises across Ministries, Departments and Stakeholders. The recent Report of the Expert Group (D.Bandhopadhyay, 2007) recommended the dire need to

upscale investments and increase the volume of works to meet the demand . It was observed by none other than the Minister for Rural Development that road connectivity is the prime need, and proposes to address them through PMGSY, by providing an additional amount of Rs 35,000 crores and also relax the rider of minimum 250 population for a habitation. Also, efforts are made to computerize land records under the National Land Records Modernisation Programme. Only 11 districts have been covered till now. They also propose to create a network of paralegal institutions in the Gram Panchayats to resolve local disputes and conflicts. The National Rural Livelihood Mission proposes to involve public – private partnership initiatives for value addition in minor forest produce by involving self help groups. There is ample evidence to prove that in LWE districts, formation of SHGs is not an acceptable intervention as they feel both women and youth form their organisational base. All these measures establishes that a serious and sincere effort to improve economic growth, social equity and environmental protection in these districts is envisaged; provided fragmented and uncoordinated management is checked and tackled in a right perspective.

A combined effort was made by UNICEF, PRAXIS and CENCORED in Vaishali district of Bihar, and they conducted the visioning exercises both at the Block and Gram Panchayat level. They created a Panchayat data base and prepared a people's plan ratified by the Grama Sabha but the biggest challenge is fulfilling peoples' aspirations. Similarly, in Chattisgarh- Government of India –UN Joint Convergence programme at North Bastar Kanker and few more districts were taken up in which integrated village micro planning in two Panchayats (Tarasgaon, and Rawurwahi Gram Panchayats) were prepared with the combined effort of elected representatives and officials from line departments and a civil society organisation was involved too. They addressed seven sectors viz., Health, Education, Livelihood, Nutrition, Infrastructure, Energy and Civil Rights.

Although, Gram Panchayat plans are ready, the implementation of the activities is yet to take off. Hence, a conscious effort needs to be made to structurally design administrative arrangements by ensuring that they do not impinge on their flexibility during implementation. A guideline may be designed keeping in view the available funds across major flagship schemes, State

schemes(similar supplementing schemes), functionaries deployed and actual requirement, and probable convergence (technical support, human resource, funds). It is important more so in backward regions in order to promote both human development and better livelihood options which in turn will enable the "critical mass" to have a decisive influence on developmental issues and move towards meaningful convergence.

Note

PRAXIS AND CENCORED are Civil Society Organisations based in Patna.

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3

Democratic Decentralization and the Marginalized: The Case of Scheduled Tribes in Kerala

The major argument in favor of democratic decentralization had been that it multiplies the participation possibilities of traditionally marginalized segment of the population, and to effectively negotiate with local democratic institutions. However, neither the theoretical studies nor the empirical evidences delivered clear evidences so far to substantiate the claim. Against this backdrop, the paper mainly seeks to identify the inter-linkage between the process of democratic decentralization and participation possibilities of the marginalized by focusing on the Adivasis (STs) of rural Kerala. Although there is a strong positive correlation between the reservation of seats and inclusion of tribes in local governments, there is no equity in capturing the new political opportunities by different ethnic tribal groups in Kerala. It has been further attested that, a few socio- economically and politically elite tribal groups cornered the maximum benefit of tribal reservation, and the under privileged and excluded segments gained a little.

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1. Introduction

In their quest for responsive, responsible and accountable public governance, a large number of countries have recently taken steps to re-examine the roles of their various levels of government. This re-examination has resulted in a silent revolution that is slowly but gradually bringing about re- arrangements that embody diverse forms of supra nationalization, centralization and decentralization (Shah, 2006). However, decentralization of the authorities of the State to lower tiers of elected local bodies has been a major trend in this shift over the last several decades.

The 73rd Constitutional Amendment Act (CAA), 1993, set the stage for creation of a newly decentralized system of local governance in rural Kerala. Based upon the CAA, 1993, the State legislature passed "The Kerala Panchayati Raj Act, 1994", to introduce the new system of rural local governance in Kerala. The new Act envisaged the transfer of a large number of powers and functions of the State governments to Panchayati Raj Institutions (PRIs) at three levels, Gram, Block and District. Presently, unlike almost all other States, most of the authorities and resources that improve the lives and livelihood of tens of millions of rural people are under the possession of local governments in Kerala. Against this backdrop that Jain (2005) noted: "Kerala had taken the longest stride than any other State in putting Panchayati Raj in the ground and more importantly in the hands of the people".

2. Backdrop

The Scheduled Tribes (STs) are the ethnic minority groups in Kerala; they constitute around 1.45 percent of the total population with a population close to five lakhs. (Government of India, 2011). There are 36 Scheduled Tribe Communities in Kerala, and each group possesses a distinct identity. The Western Ghats and its peripheries form their main abode in Kerala. Tribes and their problems had been a major conundrum for development planners and administrators of Kerala for long time. The long years of interventions by the State have had marginal impact on their socio-economic conditions. Indeed, they are living in the outskirts of so-called 'Kerala model' of development achievements in social field. No doubt, they are the most disadvantaged section among the major outlier and marginalized communities in Kerala.

It is argued as decentralization entails chiefly two values; both intrinsic as well as instrumental values. The major argument in favor of democratic decentralization has been that it enhances the quality of citizenship and building capabilities in people to participate. Equally significant was its instrumental importance for freedom and development. However, neither the theoretical studies nor empirical analysis provided absolute evidences that decentralization process always enhances the quality of life, building capacity to participate effectively, and leads to development and freedom particularly in the case of marginalized sections like Scheduled Tribes. This requires further empirical explorations to testify the above arguments with *de facto* evidences, and hence, the objectives of this study are set into that direction. This paper is an upshot of a study conducted to analyse the extent and equity of inclusion, of different ethnic tribal groups and to expose the presence of elite capturing if any, among the group.

The present study was solely limited to capture insights about the inclusionary effects of decentralization in the context of the Village Panchayats (Grama Panchayats), the cutting edge democratic institutions in rural Kerala. To get a rich and deeper understanding on the process and impact of decentralization between two tribal groups, efforts were made to elicit the story of a single tribal Village Panchayat namely Kanichar, which is situated in the eastern highlands of Kannur district and bordering with Wayanad district. The present study was mainly centered on two culturally divergent tribal groups in Kerala namely the Paniyan and the Kurichiyan. These two groups are the largest tribal groups in the State and they belong to different ethnic stocks, have different pattern of economy, technology and belief system and practices. The great keenness to know how decentralization works among different segments of tribal population moved this study into that direction.

3. Paniyan and Kurichiyan: A Contour

3.1. The Paniyan

The Paniyan is Kerala's largest tribe, constitutes a little above 90 thousand population, and shares 22 percent of the total tribal population in the State. They live over a wide area of erstwhile Malabar regions, particularly in three districts, Wayanad, Kannur and Malappuram. They are one of the earliest inhabitants of the

highlands of northern Kerala. The etymological meaning of the term *'Paniyan'* indicates that they used to earn their livelihood from labor. Traditionally they were engaged in bonded labor under the local chieftains and land-lords .Today, the Paniyan are primarily laborers except for a few families who possess some land holding. They still stand at the lowest level of socio economic and educational development. To quote Panoor (1999): "All Tribes are misfortunate. However, Paniyan is the most misfortunate among the misfortunate". No remarkable change could be located even now and they still stand as one of the least powerful sections in Kerala polity.

3.2. The Kurichiyan

The Kurichiyan, the second largest tribal groups in Kerala are mainly found in three northern districts of Kerala, Wayanad, Kannur and Calicut. Their total population is little above thirty thousand constituting about 9 percent of the total tribal population in the State. Traditionally, the Kurichiyan were a hunting gathering group. However, they are mostly settled agriculturists and agricultural laborers nowadays. According to Aiyappan (1990),"they were the first agricultural tribe to have settled in Wayanad district of Kerala". The Kurichiyan claim an aristocratic social status among all other tribal people of Kerala. Until recently, they practiced untouchability with almost all other social groups except Brahmins. A Paniyan would have polluted a Kurichiyan even at a distance of thirty feet, and physically and culturally, they differed from Paniyan. Unlike the Paniyan, political awareness has been well marked among them .Many of the members are actively involved in local party politics. Contrary to other tribes, they have relatively better representation in almost all decision-making bodies including State legislature.

4. Decentralization and Reservation for the Tribes in Panchayats

The most revolutionary provision of 73rd CAA was the reservation of one third of the seats for woman in local bodies, along with reservation of seats for Scheduled Castes and Scheduled Tribes in proportion to their population at micro levels. During 2010-15 periods, 289 seats have been reserved for STs, and it constitutes 1.33 percent of total seats (21682) in local governments. Similarly, sixteen Presidential posts have been reserved for STs, and it constitutes 1.3 percent of total local self government institutions

(1209) in Kerala. The above data shows that, they have been provided a slightly higher share against their population percentage (1.14) during 2001. (Government of India, 2002)

4.1. The Case of Kannur District

Though there are total eighty-one Village Panchayats in Kannur district, seats reserved for STs had been limited to twenty Village Panchayats. Based on the delimitation records of 2010 maintained by the State Election Commission of Kerala, total twenty-three seats were reserved for STs in 2010 local body election to village Panchayat Councils and out of this, three seats were reserved exclusively for ST women candidates. However, there are twenty-six tribal members representing during the current term (2010-15). It shows that, certain tribal members got the opportunity to contest from general constituencies.

The tribe-wise data revealed that, the Kurichiyan Community claims maximum number of elected members from the Kannur district. Out of the total twenty-six tribal elected members, eleven belong to Kurichiyan Community. Their share in district tribal population is around 24 percent (Government of Kerala, 2011) where as they hold 42 per cent of total elected tribal members in the village Panchayat councils of the district. Next to Kurichiyan comes Karimpalan tribe and they represent 35 per cent of total tribal elected members in the district. However, their share in district tribal population is close to 27 per cent. Although the Paniyan is the single largest tribe with 33 per cent of the total tribal population in the district, they stand in third position with a share of only 15 per cent of total tribal elected members from the district.

4.2. The Case of Wayanad District

The district claims the highest tribal concentration in the State and includes eleven ethnic tribal groups. There are total twenty-five Village Panchayats in the district, and unlike in Kannur district, seats for STs had been reserved in all Village Panchayats. As per the delimitation records (2010) maintained by the State Election Commission, 84 seats had been reserved for ST members in the district. However, after the general elections, their actual representation increased to ninety-two; it constitutes around 20 percent of the total elected members from the district**.** It indicates that, in certain Panchayats, they contested from general

constituencies and got elected. The tribe- wise data reveals that, 82 per cent of the tribal PRI members belong to two tribal groups, the Kurichiyan and the Kuruman, and 45 per cent of the elected members belong to Kurichiyan tribe. They represent close to 16 per cent of the total tribal population in the district. It shows that, Kurichiyan occupies three times more representation compared to their population in the district.

As in Kannur, the Paniyan is the single largest tribal groups in Wayanad; they constitute 45 per cent of the district tribal population. However, only around 10 per cent of the tribal elected members represent Paniyan tribe. The field data exemplify that, the situation in Wayanad is not so different from Kannur. Also, it stiffens the argument that, in the case of tribes, numerical strength in local population is not a main decisive factor to be included in local power structure. Otherwise, the Paniyan should have claimed more elected members.

4.3. Tribal Inclusion: Case of Kanichar Panchayat

Scheduled Tribes constitute 11 per cent of the total village population of Kanichar Gram Panchayat. As they have sizeable number of population, a minimum one electoral Ward had been reserved for Scheduled Tribes in every Panchayat election since 1995; and on all occasions, except in 2010 general elections, their representation was limited to a single tribal member, who was elected from the wards reserved for STs. Contrary to earlier occasions, in 2010 election, even though single electoral ward was reserved for STs, three Scheduled tribe members were elected; one member from the reserved constituency and two others from the general constituencies. However, field data conspicuously revealed that, since the first general election in 1995, a single tribal community got the opportunity to represent the Village Panchayat Council and it was none other than the Kurichiyan. While distilling the empirical evidences, it has been confirmed that, the other major tribe in the Panchayat, Paniyan, never had a chance to participate in Village Panchayat Council. Moreover, the Panchayat records reveal that, a Paniyan Community member has never got an opportunity to contest in the election; dominant political parties in the Panchayat, neither the Congress nor the Communist parties, had ever taken any sincere efforts to field a candidate from the Paniyan community. In addition, not a single

Paniyan from this village came forward independently as a candidate.

5. Disparity in Tribal Inclusion

Based on the micro-macro field realities, it can be argued that the process of democratization efforts in rural Kerala, in no way, created a niche for equity in political representation among different tribal groups in rural Kerala. There is no equity in capturing the new political opportunities between different tribal groups. Certain 'powerful Communities' have captured inordinate representation in the name of tribal reservation. In the present case, the Kurichiyan comes first particularly in the context of Kannur and Wayanad Districts. Though numerically predominant, the Paniyan stands on lower rung. Nearly two decades long political decentralization process has not met the expected level to include the hapless and voiceless sections among the tribal groups. The idea of '*elite capturing'* assumes importance in this context. Some sort of '*elite capturing'* continues as, a handful section of socio-economically and politically elite tribal groups captured relatively more.

In the light of the present enquiry, it can be summed up that the new opportunities created by the local democratic institutions has in no way enabled the least powerful sections like the Paniyan to be included in the rural power structure. The present study confirms the explorations of Shah and *et.al.*, (1998) that in situation of sharp inequalities, decentralization sometimes heightens the concentration of power, and discourages rather than fosters participation among the under-privileged. The present findings also corroborate with the observations made by Vijayalakshmi (2001) that reservation of seats for Tribal communities has in principle ensured equality in political opportunities. However, despite institutional changes, which were intended to facilitate political equality, the outcome for different tribal groups has not met expectations. Opportunities of political inclusion alone are not a solution to the earlier exclusion of different ethnic tribal groups from the pitch of local governments in Kerala.

6. Revisit the Basics of Reservation

As a society of multi- ethnic people and cultures, recognition of multiple cultures and their identities shall have paramount

importance and the process of decentralization should inexorably uphold these values. To ensure the participation of socio-economically and politically powerless sections in local governments, a certain number of seats should be set apart for this section at least at the Village Panchayat levels, according to their numerical strength. For example, if the Paniyan constitutes 20 percent of the total tribal population in the Panchayat, at least 20 percent of the total seats reserved for the STs (electoral Wards) are to be sub-reserved for the Paniyan. The same strategy shall be applied to other deprived tribal groups as well. In the backdrop of the dismal rate of political inclusion, it is certain that, legislation along this line would definitely reduce the prevailing democratic deficit faced by the least powerful segments of the tribal population in Kerala.

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4

Status of Communes and Urban Local Bodies in Puducherry

After implementation of 73rd Amendment, election to the local bodies was not conducted immediately in Puducherry. By the direction of Madras High Court after one decade, the first election to the Local bodies was conducted in 2006. The term of five has been completed in 2011 and the election to the local bodies is not yet conducted. Since 2011 the seats to the local bodies remain vacant. It is the role of State government to conduct the local body election on time but the Government of Puducherry has violated Constitutional mandatory. Despite the High Court and Supreme Court directs to conduct election there is no progressive sign in conducting the election. Thus the study has made an attempt to sort out the problem in conducting the Panchayat election in Puducherry.

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1. Introduction

In the democratic polity, representatives at all the levels are important in bringing out the views of people. Through the medium of election, the representatives are selected periodically and continuously. If there is any discontinuity in conducting the election to the local bodies, there the concept of democracy fails. Panchayats are formed at the local level ensuring people participation. This study deals with the Puducherry Panchayat in relation to the election. This study is an attempt to sort out the status of the Panchayat Raj System in Puducherry and reasons for delay in conducting election to the local bodies.

2. Genesis and Establishment of Local Government

Puducherry is famous for its local body institution. After the merger in 1954 from France, elections to the Commune and Village Panchayats have not taken place from 1968 till July 2006, despite a lot of changes taken place like implementation of Puducherry Panchayat Act 1973 and Municipality Act 1973 which came into force on 26 January 1974. The Panchayati Raj System in Puducherry is governed by the provisions of the Pondicherry Village and Commune Panchayats Act, 1973 which has devolved several powers to the Village and Commune Panchayats. The legislation was further amended in 1994, so as to confer to the 73rd Amendment in the Constitution. Through special notification issued by the Government of India the provisions of Article 243B as applicable to Puducherry provides for the constitution of the Commune Panchayats at the intermediate level in place of the District Panchayat. Provisions have also been made in the law in 1994 for the constitution of the District Planning Committee. Local bodies were well functioned before independence in Puducherry, the commune system were followed similar to the system existed in France.

During the French rule, communes functioned well, their duty was to look over local affairs and there were no Village Panchayats existing during those periods of time. Mayor is head of the commune and there is no provision to disqualify him from the post, government cannot disqualify him and even he cannot resign his job. The main aim is that, he has to do his duty completely until his duration as Mayor is completed. All the administration is performed by him. Mayor is considered as the first citizen in the

village. Revenue Department, Police, Law and Order come under the control of the Mayor. The Mayor is the Sole authority to issue certificates like Birth Certificate, Caste Certificate, Marriage Registration Certificate; he will issue certificates to villagers on confirmation with the ward member. So he is liable to have all the function as State possesses. (Joseph Victor Raj, 2010). Hence, the role played by the Mayor is more significant.

Nearly after three decades, there was a sign of people movement and NGOs concerning about Panchayat election. Significantly, after implementation of the Panchayat Raj Act (PRA) in 1992, these movements were more vibrant. After implementation of PRA also, many of the States have taken measures to establish Panchayats at their State, but in Puducherry, it took nearly one decade to conduct an election for the local bodies by the Puducherry Government

There were several agitations conducted by the social movements and peoples of Puducherry, emphasizing the need to conduct the election for local bodies. Soon after the pressure, Puducherry government has announced to conduct elections in 1996. In that election, Head and Member post were reserved for backward communities. The system of reservation was not accepted by the social movements, they agitated against the reservation provided and accentuated to reconsider it by referring census (*Ibid*). Thereafter, the government activities towards this issue are not satisfied the activists. The writ petition was filed in Madras High Court on 2005 (Perumal V., 2005), High Court of Madras ordered the Puducherry government to conduct Panchayat election. Prof. M. Ramadass, Member of Parliament of Puducherry raised the issue in Parliament that, as Pondicherry happens to be a Union Territory, Government of India has the sole responsibility of holding Panchayat elections there. Prolonged delay in holding elections appears to be a Constitutional violation. Therefore, it should issue immediate orders to the Union Territory Administration for holding elections before the Assembly elections due in May 2005. This is the view of the large majority of the people of Puducherry and the Government of India should respect the feelings of the people. Development and democracy would get a boost at the lower level after 37 years and the people would feel the benefit of economic development and decentralization. (Indian Kanoon, *nd*).

Subsequently, Government of Puducherry announced to conduct election in 2006. Election was held and local bodies were elected and given office. At present, there are ninety-eight Village Panchayats in this Union territory. There are seventy-one Village Panchayats in Pondicherry region and twenty-seven Village Panchayats in Karaikal Region. The administration of the Village Panchayats lies in the hands of the Panchayat President, elected members and the executive authority. Totally, 815 (eight hundred and fifteen) Village Panchayat members were elected from all the regions of Puducherry.

3. Devolution of Powers, Functions and Functionaries

Despite elections conducted, Puducherry government was not interested in devolving functions as per the 73rd Amendment Act. Significantly, there were so many agitations that took place. Thiru. A. Jaganathan, President, Village Panchayats President Association led the struggle on various occasions, they went for hunger strike, and they represented this issue to Puducherry Lieutenant Governor Mukut Mithi on November 2006. Succeeding this, the government notified in the gazette to devolve finance, functionaries and allowance to Panchayat President. After a series of struggle, Sri. Mani Shankar Iyyar,Panchayat Raj Minister and Sri. Rangasamy, Chief Minister of Puducherry passed a Memorandum of Understanding to devolve powers to Panchayat in Puducherry but this agreement did not make any significant changes in the functioning of local government. In September, 2007, a team headed by Prof. Ramadass, MP, Puducherry, met the President, Prime Minister, Home Minister, Panchayat Raj Minister and Urban Development Minister of India (*opcit.*,). They insisted them to take necessary action. Subsequently, some changes happened however the objective of the Puducherry Panchayat Association was not attained.

After the election, Holistic Approach for People Empowerment (HOPE) NGO, Puducherry organized training programmes to develop the skills of elected representatives. They organized not less than 11 programmes to provide training in various aspects. This NGO had an important role in promoting local self-government in Puducherry.

4. Committees and their Recommendations

The major changes occurred in Puducherry local government is through the appointment of two committees. A three member committee is appointed by the Government of Puducherry on 2nd July 2007 under the chairmanship of P.R. Ramanathan, (Government of Puducherry, 2007). The task of this committee was to identify the activities under each of the 29 subjects listed in the 11th Schedule in the Constitution and make specific recommendation of sharing of powers with the elected representatives of the local bodies. As per the recommendation of this Committee, the government of Puducherry devolved twenty-two functions out of twenty-nine subjects on 5th January 2009. The 22 subjects are: (i) Social forestry and farm forestry, (ii) Minor forest produce, (iii) Fuel and fodder, (iv) Non-conventional energy sources, (v) Adult and non-formal education, (vi) Cultural activities, (vii) Markets and fairs, (viii) Maintenance of community assets, (ix) Land improvement, implementation of land reforms, land consolidation and soil conservation, (x) Minor irrigation, water management and watershed development, (xi) Animal husbandry, dairying and poultry, (xii) Small scale industries, including food processing industries, (xiii) Khadi, village and cottage industries, (xiv) Drinking water, (xv) Roads, culverts, bridges, ferries, waterways and other means of communication, (xvi) Rural electrification, including distribution of electricity, (xvii) Poverty alleviation programme, (xviii) Education, including primary and secondary schools, (xix) Technical training and vocational education (xx) Libraries, (xxi) Health and sanitation, including hospitals, Primary Health Centers and dispensaries, (xxii) Welfare of the weaker sections, and in particular of the Schedule Castes and the Schedule Tribes. Based on the first report given by Ramanathan Committee, powers were devolved to local bodies but the Committee has not yet submitted its full report.

Second Committee was under the chairmanship of Sri. Edward Kumar constituted on 7th July 2009. The purpose of this Committee was to prepare a new draft legislation of the Municipalities of Panchayats but it has not submitted its report.

5. Violation of Constitution

Constitutionally, duration of the Panchayat is five year term, the term of five years has been completed. Further, next election

must be conducted to the Panchayat (i) before the expiry of its duration of five years or (ii) in case of dissolution, before the expiry of a period of six months from the date of its dissolution. There were steps taken to conduct 2nd local body election but it was stalled due to various reasons. The petition was filed in the High Court of Madras on 22ndAugust 2011 by Mr. V. Perumal (Perumal V., 2011), it was filed under Article 226 of the Constitution of India seeking for the issue of a writ of mandamus directing the respondents herein to immediately hold the elections to local bodies in the Union Territory of Puducherry and enforce the Constitutional mandate enshrined in part IX of the Constitution of India. The judgment of High Court of Madras has directed to initiate the process of conducting the election and declare the result as expeditiously as possible, latest by, six months from the date of judgment, therefore, from August, 2011. On 3rd December 2012, in the press release, the election commission had announced to conduct the election under three phases.

On December 13, 2012, the Madras High Court (Writ Petition No. 30477 of 2012, passed an order on 13-12-2012) directing that, the Puducherry Government was to obtain 2011 census data, preferably within two months and on obtaining the approved final census of 2011, the Government of Puducherry shall carry out the delimitation of Municipal wards and Village wards and the reservation for backward classes. After completion of the delimitation process and reservation, notification shall be issued and forwarded to the State Election Commissioner, Puducherry, who shall proceed to notify the elections to the civic bodies in the Union Territory of Puducherry (Government of Puducherry, 2013). In the above judgment, High Court has not fixed any time frame for the delimitation process but the Judgment of Supreme Court has directed Puducherry government to complete delimitation of Municipal and Commune Panchayat wards within two months of getting the census data.

Puducherry government has constituted a Committee in the month of May 2013 under the chairmanship of Sri. G. Panneer Selvam and it has been decided by the Government to carry out delimitation of Municipal wards, Commune Panchayat wards and Village Panchayat wards, to fix the number of seats to be reserved for Scheduled Castes, women and backward classes under the

Puducherry Municipalities Act, 1973 and the Puducherry Village and Commune Panchayats Act, 1973, on the basis of the 2011 census. The Committee has not yet submitted its report.

6. Conclusion

In concluding remarks, prolonged delay in conducting election puts us on the wider debate in the two aspects, primarily the indecisiveness of the government in conducting election and secondly the supremacy of compulsory provision in Panchayati Raj Act. Government of Puducherry has not concerned about local bodies election and not followed Constitutional mandates and has not even followed the High Court and Supreme Court judgment. Initiatives taken by the government have no sign of progressive steps in conducting election to the local bodies. There is flaw in the Act itself; otherwise the election would have been conducted by the government. To ensure the people's participation in the process of governance, local bodies must be elected. For three years the office of the local bodies are vacant and it is hoped that the election to the local bodies will be conducted in the upcoming years.

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Research Center Affiliated to Central University of Kerala (CUK)

KILA has collaboration with Central University of Kerala, which was established in 2009. KILA has gained the status of Research Centre of the Department of International Relations and Politics, under the School of Global Studies in CUK. The five faculty members of KILA (including Director) have been provided guideship by CUK and alloted 20 PhD seats in KILA.

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5

Ground Water Governance in Kerala

This paper intends to appraise groundwater governance issues of the Kerala State. Ground water is a common property resource and its indiscriminate exploitation by individual household users, homesteads, industries, agriculture, government drinking water & irrigation schemes etc raise serious concern. Unscientific construction of tube wells and unscientific pumping of water from these tube wells causes imbalances in aquifers and non availability of water. This affects common open dug wells which is the most important water resource of Kerala households. Government machinery is not equipped to monitor private indiscriminate drilling operations at the grassroots levels. Unqualified technical personnel of private drilling agencies and their wrong advice seem to be creating maladies in the ground water sector of Kerala. This causes social upheavals and water inequality for the common man. Much discussed multinational Plachimada Cocoa-Cola ground water extraction maladies is only the tip of the ice berg.

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1. Background: Troubled Waters of Kerala

Kerala is generally said to be a water rich state among Indian states. But the situation has been changing for the last couple of decades due to the population pressure on this tiny landscape with its density of 819 persons per sq.km. (Government of India, 2000). It had an abundant rainfall of 3000 mm which is dwindling for the past few decades. Preference for homestead human settlement pattern in the State made severe pressure on forests and wet lands (paddy fields) for want of habitable land plots resulting in land scarcity. Consequently this makes multiplier impacts on water scenario viz. land to hold the water reduces spatially. Water demands met by homestead open wells which are the precious source of water for Keralites are finding it difficult to cope up with the supply requirement of water. The State claimed public water supply coverage (Government of Kerala, 2005) of 67.52% is far from satisfactory especially during summer. Rivers of Kerala are exhausted by indiscriminate sand mining for building construction sector. Clay from the paddy fields is also over mined for brick making and building construction makes the situation worse.

Generally, Indian human settlements are in the form of a cluster of houses in the villages whereas such clusters are not common in Kerala. Here the people have separate homesteads with clear cut boundaries made up of vegetative fencing or some traditional constructions / compound walls. Kerala has nearly 180 to 200 open wells in a square kilo meters on an average. It is estimated that State has nearly 45 lakhs of open dug wells. (CWRDM, *n.d.*). Still the fact that Kerala faces acute water shortage in the summer stands like a paradox. Kerala homesteads were self reliant with homestead open wells and ponds. Now the water scenario altogether changed after the year 1983 in which Kerala faced severe drought in the recent past history.

Reasons behind Water Scarcity in Kerala are numerous. Traditional agricultural practices at local level with water conservation measures is a thing of past in many parts of Kerala especially in rural –urban continuum parts of the state. Nuclear family system requires separate homesteads that fragmented many cultivable lands into small pieces of 0.10 to 0.20 acres or lesser. Levelling of paddy fields for house constructions destructed natural eco systems and this destruction and construction activities

necessitated the uncontrolled sand mining from rivers for house and other construction works. Consequently, open wells near to the rivers depleted and further, levelled paddy lands gave scope for floods as well (CDS, 2001). Farmer's collective efforts in the form of cleaning ponds, building minor earthen check dams across the streams at the end of monsoons and other similar activities are now termed as the duties of local governments. As local governments have been entrusted with enough powers and funds for such activities, farmers' neither interested in such activities nor local governments may do it keenly or timely. The reasons for such negligence could be multifarious. (Raphael, Jos. C, 2004). Kerala homesteads were keen enough to conserve the rainwater they get in their own homestead garden soil in the past. This has been changed upside down to "flush out" all rainwater from their homestead compounds resulting in inadequate water in their homestead open wells particularly in summer. (*ibid*.). Thus the modern practices of homesteads restrict the conservation of rainwater.

Modernization, dams and government water supply systems made people dependent upon government water supplies. The ponds were levelled to sell off their land and perennial open wells were often converted to deep toilet pits in many urban centres to accentuate the agony since they get public supply of water. The lavish water habits of Keralites is known as they get rain for nearly six months from June to November from South West and North East Monsoons. It is often said that keralites think about water scarcity and conservation during summer and the subject will be in deep slumber once mid summer shower falls in. This has been happening almost every year that pave the way for crores of drought assistance and flood assistance from Central government and millions from International Development Agencies as loans (nearly 2000 crores) due to the sheer water illiteracy of Keralites. (Bhatathirippad, T.N.N., 2004). The annual State expenditure on drinking water project through Kerala Water Authority is on an average Rs.400 crores in the last few years. (Government of Kerala, 2005). Often the Contractors, bureaucracy and full time political activists may reap the fringe benefits of such assistance. Over to the quality of water, the situation is worse than the quantity due to co-existence of deep pit toilets and open dug wells of homesteads together. Coli form bacteria found in the open dug wells are often

beyond permissible limits in many parts of the State. This invites troubles for Kerala Waters. However, this paper is making an attempt to appraise the quantity of water available in summer through the "homestead open dug wells and deep tube wells" from the common property resource of ground waters in Kerala. The ground water is defined as the water which exists below the surface of the ground at any location or at any particular category of locations. (Government of Kerala, 2002).

2. Hydro-geological Conditions

The topography of the State can be divided into three zones namely, the coastal planes, the mid lands, and the hilly ranges. The major portion of the State is underlain by crystalline rocks of Archean ages. Sedimentary formations of Eocene to recent overlie these crystalline rocks along the coastal belts. The yield of tube wells in the crystalline rocks can be between 6-10 m3 / hr. The midland area is covered by laterites where the yield of tube wells may vary from 10-15 m3 / hr. In the coastal belts where tertiary formations possess promising aquifers, the tube wells can yield 12-15 m3 / hr under free flow conditions. The statistics shows that net annual groundwater availability is 6.23 BCM /Yr. and annual ground water draft is 2.92 BCM / Yr. The stage of ground water development is 47%. (Government of India, 2006).

2.1. Ungoverned Groundwater Sector

Groundwater is a common property resource. The non realization of this fact by the public causes concern for water security of each family. The present paper thus deals about ground water sector which normally is not governed by government or people's body but separately handled by individual households or firms. If a society is affected by the ground water extraction by a family or business firm, that cause and concern is rooted in poor governance by government or the society on the ground water sector.

2.2. Governance in the Related Water Sectors

There are a plenty of government schemes which have social capitals that manage mini piped water supply systems such as World Bank aided *Jalanidhi*, centrally assisted *Swajal Dhara*, local governments' schemes, Dutch aided Community Irrigation Water User Associations, Command area development schemes etc. It

seems *Jalanidhi* and community Irrigation schemes have got a better project organizational set up than all other schemes. Other schemes are managed in indifferent manner by bureaucracy and farmers. Still there exists governance set up either by government systems or by people's bodies and they are recognized. (Raphael, Jos C, 2004).

2.3. Issues and Problems with Private Drilling

Nearly 30 private drilling agencies operate in each sample district of this study. It is quite interesting to study how tube well operators manipulate the facts over households or tube well owner. Once the rate and location fixed by the private drilling agency and tube well owner accepts the terms, drilling machines starts operating. The drilling produces its usual noise and dust that drives away the people around. The most interesting part is the case with assured water. The principle is if no water is struck while drilling, no money is assured for the drilling agency. And therefore, drilling agency will see that water is assured somehow while drilling the tube well. Hence they are very meticulous to see that water is pumped from tube well some how to get money for their effort. This leads to unscientific tube well drilling that affects the open dug wells nearby and society at large.

As per the scientific drilling process, the casing pipe of deep tube well has to be inserted two to three feet down to the hard rock to pump up the water from the tube well. This way the aquifer that holds fresh water for open dug well located above the tube well aquifer unaffected while pumping the water from tube well. The open dug well aquifer zone is normally located about 10 to 40 feet below in the soil whereas tube well aquifer zone is located much deeper of 200 to 500 feet at the hard rock. Suppose a drilling agency start drilling the tube well and struck no water in the hard rock, the casing pipe of the tube well will be fixed above the hard rock. There appears a gap between the casing pipe and hard rock (weathered rock space) through which the water from nearby open dug wells around seeps down to this tube well. Under this circumstance, if a powerful pump is installed and pumps up the water from this tube well, the water from the aquifers of nearby open dug wells will seep down to this tube well. The lowering of water table causes social costs including from the government systems to supply water for all in the summer through pipes. Apart

from this social evil, the particular tube well may be collapsed if there exists a gap between casing pipe and hard rock after few years depending upon the hydro geological movements or seismic activities.

Currently there are five Development Blocks of the State and they are over exploited as per the statistics of Central Ground Water Board.They are as follows with their districts in bracket: Athiyannur (Trivandrum), Chittur (Palghat), Kodungallur (Trichur), Kozhikode (Kozhikode) and Kasargode (Kasargode). Moreover, 15 other Development Blocks are in critical conditions and 30 development blocks are under semi critical stage of over exploitation in the State. Over to the quality, Ernakulam, Trichur and Alleppy districts are affected by saline intrusion in the coastal belts and traces of fluoride contaminated ground water are observed in the Palghat district. (Government of India, 2006).

3. Who Governs Groundwater?

This is a stage of zero governance for groundwater sector. Though the digging activities either for tube well or open dug wells require permission in five notified development blocks of the State, it is not keenly attended either by public or the government. The fact remains that the poor households depends upon their own neatly maintained open dug wells losing water or in other words ground water table goes down at an increasing pace to the extent of half a meter yearly. It costs them further to dig down to maintain the water levels or they need to go for alternatives like collecting water from public supply or joining with Water User Associations or to dig a tube well at their homestead. It costs each user for initial investments and recurring charges and in turn this high pumping causes to lower the ground water table in the area that adds further problems. The governments' effort to replenish the ground water tables through watershed development schemes are nullified by the excessive pumping from tube wells and open dug wells. Already there are several instances of spending the fund of watershed development schemes over productive sectors of any sort, without the focus on soil and water conservation component by the People's Planning Programme carried through local governments. Why this is happening around highly literate Kerala is because of public negligence and ignorance and it creates the high rain-low water paradox. The staff of Government Ground Water Department knows

about this malpractice yet remain silent as they are afraid to come out considering the difficulty in getting permission to speak out from Heads of Departments. Rather drilling operations of private drilling agencies is considered a blessing at large since the government groundwater department is unable to provide the facilities on upcoming demand in time.

Now let us look at the competencies of private drilling agencies to cope up with the ever increasing demands of public for tube wells. Private drilling agencies do not necessarily have any scientific knowledge to fix the tube well location for ground water extraction. Government has not sought any specific qualifications for private drilling operators and their water diviners. They need not go on as per the guide lines of government.

3.1. On to Scientific Pumping

The scientific pumping from tube well is based on the pump test from a tube well to fix the capacity and optimum pumping rate from a tube well. As per this, a pump test has to be conducted after drilling using a pump test machine that looks almost like a drilling rig. Twenty four hours of continuous pumping is often seen as recommended to finalise the optimum pumping rate from a healthy tube well in the dry season. This will help the user to switch on the pump for fixed time with regular intervals which may enhance the water source replenishment in the deeper aquifer. A tube well water resource can be maintained in sustainable manner by optimum pumping. Unfortunately, Kerala Government has only one pump test machine to conduct the test which is highly inadequate. Currently, optimum pumping is fixed on the basis of drilling time of the tube well water discharge which is rather a guess work or unscientific activity. If this is the position of government system, worst is the experience from the private drilling agencies.

The Ground Water Department of Kerala Government has constructed and identified 864 observation wells for well monitoring which is inadequate, says the officials of Ground Water Department. They opine that since the well density is very high in Kerala, perhaps the highest in the world, the present observatory wells for monitoring is inadequate. True that rain gauge exists to measure the available rainwater in the State and no sufficient mechanism is in existence to measure the ground water draft from the underground. This is a huge information gap in the water resources

planning of Kerala. All that we know is half a meter of ground water table is going down yearly in many places of Kerala.

4. Kerala Ground Water (Control and Regulation) Act, 2002

This led to the enactment of Kerala Ground Water (control and regulation) Act 2002. The Act has several aspects of ground water management but silent about unscientific construction of tube well and unscientific pumping for unknown reasons. Formation of the Kerala Ground Water Authority is one among the important article in the Act. With the nominal implementation of this article, name of the department is changed to an authority.

The most important section envisaged in the act is the "well registration" by the well owners at the district level Ground Water Office to rectify the information gap of ground water extraction. As per this the open dug well owners who make use of electric motor pump with more than 1.5 HP are to register their wells in the District Ground Water Office concerned. Same way the owners with tube well having motor pump of above three HP are to register in respective District Ground Water Offices. The law enforced from March 2003 is limited with usual governmental publicity. The well registration is very poor to the tune of nearly 5000 Nos. across Kerala where Palghat district tops the list among the districts. In a nutshell, hardly one per cent of the well owners so far have registered in the District Ground Water offices in Kerala. Why this happens is worth exploring and it is found that the information dissemination of this important water law is very poor. It was merely in the nature of pasting the said public notice in the Grama Panchayat Notice Board or on the window panes and wall. People of below poverty line normally visit the Grama Panchayats since the most of the local government schemes are for the poor. Many of them might not have such pumps perhaps. Public awareness over the media also was very low. Maybe the elected representatives were not willing to insist the well owners for registration since it may affect their votes.

Ultimately, the intention of the Kerala Ground Water (Control & Regulation) Act of 2002 to make a control on the over-exploitation of ground water use remains only on paper, thereby underlining the status of zero groundwater governance in Kerala. The upcoming water policy of Kerala State also (draft policy) has not considered

the issues of unscientific tube well construction by private drilling agencies and unscientific pumping of ground water by all types of water users. Poor observance of Kerala Ground Water Control Act by the public, its poor monitoring by the government and low media publicity for its public awareness require serious attention by the planners and policy makers for good ground water governance in the State.

5. Recommendations

The major recommendations based on the above lessons to fix the mismatches and fill up the lacunas in the ground water scenario of Kerala are;

i. Registration of private bore well drilling agencies be mandatory by incorporating the laws through amendment with 2002 Act.

ii. Insist technical competency and qualification of staff with private drilling agencies to avoid irrational water diving and construction of tube wells.

iii. Ground Water Authority and the district level offices must be equipped with adequate staff and vehicles to implement the guideline.

iv. Pump Test for tube well to be made mandatory including for the government schemes.

v. Private agencies may be allowed to conduct pump testing in the prescribed manner as directed by the ground water authority.

vi. District Ground Water Office should be equipped with adequate pump test machines in every district with adequate pump technicians.

vii. The fixation and installation of motor pumps in the tube wells should be scrutinized in consultation with ground water offices after the submission of well completion reports and pump test reports from private agencies which may be verified after random inspections.

viii. Well registration to be mandatory for the notified pump users with adequate public information dissemination systems. Krishi Bhavan may insist upon well registration documents from farmers while supply subsidies from the government.

ix. Sufficient number of observatory wells has to be either constructed or have to be identified for well monitoring.

x. Elected representatives and police are to be given training upon the existing mal practices in the sector, technicalities and possible solutions for the good groundwater governance in the State.

xi. Total number of tube wells and filter points of coastal areas are to be measured in census mission formats which remain as a serious information gap for ground water sector in the State.

6. Conclusion

Ultimately, Kerala Ground Water (Control & Regulation) Act of 2002 intends to make a control on the over-exploitation of ground water use. But that remains only in writing thereby underlining the status of zero groundwater governance in Kerala. The upcoming water policy of Kerala State also (draft policy) has not considered the issues of unscientific tube well construction by private drilling agencies and unscientific pumping of ground water by all types of water users. Poor observance of Kerala Ground Water Control Act by the public, its poor monitoring by the government and low media publicity for its public awareness require serious attention by the planners and policy makers for good ground water governance in the State. It is essential to take necessary steps to redraft the KGWA, and do close monitoring and evaluation of the water table and quality of water.

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6

Decentralised Forest Governance and Politics of Environment in India: A Study of Odisha

The politics of environment have emerged as a key area in the forest policy process in India and is vigorously discussed in the context of increasing environmental concern in the country. In Odisha, a number of policies have been formulated in order to address the environmental issues. The policy process has contributed to the emergence of the politics of contestation and collaboration in the State. The emergence of the non-State actors and their interface with the law making bodies has influenced the policy process in a positive way. The present paper examines the evolution of the environmental policies and politics in Odisha and argues for pro-people approach in environmental policies and law.

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1. Introduction

The decentralised forest governance in the present context of environment policy discourse has received enormous attention. Decentralisation can be defined as the transfer of powers and resources in a political system in three different forms including decentralisation or administrative decentralisation, fiscal decentralisation and devolution or political decentralisation (World Bank, 2002). With the expansion of the scope of the forest policy studies from forests to associated disciplines such as environment, the focus on decentralisation has received heightened importance while vigorously arguing "that decentralisation can improve efficiency, equity, and democracy in the policy making and implementation process". (Mohapatra, 2014). However, the decentralised governance and policy in forests and environment in the present order of world economy have also faced multiple challenges. Failure of the representative democratic system, flounder of the State economy under the canopy of globalisation and the rampant exploitation of natural resources particularly forests for the different development projects have enhanced the issue of environments and questioned the current policy process mechanism to address the environmental issues. The emergence of the multiple actors in the policy process and their influence on the policy decision making processes has posed a critical question of "whether policy process is a rational or a political process". As a result of this "the politics in policy process" has emerged as a key area in the study of forest policy and associated disciplines such as environment.

The present paper aims to understand the dynamics of policy process from forests to environments and politics of environment in Odisha, a State in the eastern part of India. In the case of Odisha, forest governance is believed to have coincided with the emergence of the neo-socio-political orders, emerging economic and ecological concerns, institutional arrangements and behaviour of the actors and believed to be evolved over the time in the tune of decentralisation (*ibid.*). Since 1980, the politics of environment has taken a new shape with the emergence of the mass environmental movements in the State. With the establishment of a number of mega projects such as dams, power plants, and steel plants, the government of Odisha gradually entered into the neo-liberal economic era, which has also resulted in the massive

destruction of forests, common lands and other common property resources. As a result of this, the issues of environment have received significant attention and witnessed a new era since 1980s in the context of enactment of some legal provisions. However, the environmental hazards continue in the State because of the politics of double standard.

2. Materials and Methods

The present paper is based on the analysis of secondary data, extensive field visits and interactions with the key actors of the State. The study has particularly tried to systematically look at the emergence of the legal provisions with regard to address the environmental issues in the State. Two crucial phases of policy process such as pre-independence phase (before 1947) and the post-independence phase (1947 onwards) have been covered to understand the environment policy process and politics within such process. The paper has also examined critically the politics of environment in the State forest policy process while focusing on the political decision-making process, involvement of the formal and informal institutions and implications of such policies on the process of environmental governance and development projects. Considering environmental policy as part of the forest policy process, this paper has been attempted to understand how and at what context environmental laws emerged in the State. The study was carried out using primary data and secondary data. The analytical framework of the study is based on three important components such as politics-policy-governance.

3. Results and Discussion

The forest governance system emerged during the pre-independence period with the enactment of a set of legal provisions with an intention to control the vast forest resources for the commercial purpose. During this period, the issue of environment attained least priority as the focus was on timber extraction. However, the institutionalization phase also slowly started with the emergence of the formal forest bureaucracy. But there was no separate administrative system to deal with the environmental governance and management. Commercial motive and business mindset of the colonial rulers dominated the policy process undermining the issues of environments.

The post-independence era of forest governance and policy process was started with the implementation of the 1st National Forest Policy in 1952 (12th May, 1952). The process of governance reforms and decentralisation system was taken up as part of the process to control the vast forest resources of the State. But environmental issues were never mentioned in this policy document. The National Forest Policy was more focused on to 'increase government revenue from forests' which led to massive destruction of forests. Further, mega projects were established during this period, which also paved the way for the loss of forest covers. (Government of Odisha, 1959).

The issue of environment emerged during the 1980 when it was felt by the policy makers that the State has already lost half of its forest cover because of the mega projects and commercial use of forests. This has paved way for the making of a new forest policy with the enactment of multiple legal provisions. The National Forest Policy of 1988 (Government of India, 1988) emerged with real focus on the forest conservation with an intention to protect environment. Rapid depletion of forest resources during the 80s was also a key reason for the change of the forest governance and policy process towards environment. The emergence of the multiple actors in the forest policy process coupled with the mass movements for environmental protection and movements against acquisition of the forest lands for non-forest use were influential in the policy decision- making process. The enactment of the Orissa (Odisha) Village Forest Rules in 1985, the emergence of the Joint Forest Management regime in 1990 and the creation of a separate environment ministry within the forest administration were part of the pro-conservation initiatives which also affected the protection of environments. Further, the Environment Protection Act of 1986 was also a historic initiative. The institutionalization of the Odisha State Pollution Control Board was also another step in this regard. (Government of Odisha, 1993).

The recent policy process in the State forest sector has focused on conservation through the community plantation which is part of the politics of conservation to meet 33% green cover. Legislative debates on issues of environment, conservation and plantation also shows the government's pro-environment policy decision making process. However, massive industrialization and mining activities since 1990 has shown the politics of 'double standard'. Linking the

issues of forests with environment, dealing environmental legal provisions in an ad-hoc way, and ignoring the views of non-State actors in the policy making and implementation process has diluted the policy making and the implementation process.

In the recent period, the State government has diverted as many as 41,891.25 hectares. (MoEF, Government of Odisha, 2013) [1] of forest lands for mining, irrigation, power, roads, railway, industries and defense which has also created an adverse impact on the environment. Further, lack of stringent laws and comprehensive policy mechanism has adversely affected the environment governance in the State. Despite the stiff opposition, the policies of forest land diversion is continued which may enhance the environmental hazard in the State. The State government should consider the environmental issues seriously with the creation of a separate Ministry, State based green tribunal and revised comprehensive environment policy. Further, violation of the existing laws should be taken seriously and the State should refrain itself from the diversion of forest land for the development projects. Repeated violation of the environmental acts, forest conservation acts, pollution acts by the industrial houses and mining operators should be taken seriously.

4. Conclusion

Environment policies in the State are guided by the existing political factors and regime politics and have become a subject under the forest policy process. The politics in the State Forest Governance is also closely linked with the design and redesign of environment policies. The legislative debates on environment and forest related issues shows a systematic shift from the State managed to non-State controlled, though government stands on environment and forest governance and policy matters justify as positive and pro-people in nature, despite the negative implications of some of the draconian legal provisions. However, despite the presence of stringent legal provisions, the State government has successfully diverted forest lands for the purpose of different development projects which question the current policy process and role of the different actors and institutions. So the current policy process and politics should be based on win-win formula in which conservation and protection should receive more attention.

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7

Democratic Participation and Empowerment: Case of Employment Generation Programmes in Karnataka

In spite of remarkable advancements in various fields, there are other areas where India is lagging as a nation. About two thirds of India's people live in rural areas, and almost of them are poor. A major cause of poverty among rural people in India is lack of access to productive assets and financial resources. The economic advancement made by the country has not yet seeped into the rural backward regions. The planning process should result in policies and action plans, which enable backward regions to overcome the disadvantages they face and achieve a state of parity with the mainstream regions in the shortest possible time. The concerns for poverty alleviation should be achieved through meaningful employment policies as employment is a key instrument to eradicate poverty.

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1. Introduction

India with its alarming growth of population, grinding poverty, widespread illiteracy, has not only been successful in achieving the place of a stable partner in the global competition, but also can boast of significant advances made in the fields of science, technology, biotechnology, communication and others with its capable human resources. In spite of remarkable advancements in various fields, there are other areas where India is lagging as a nation. India ranks 132 out of 175 countries according to the UNDP's Human Development Index (HDI) of 2010. The number of poor people in India according to the country's Eleventh National Development Plan amounts to more than 300 million. Almost one third of the country's population of more than 1.1 billion continues to live below the poverty line and a large proportion of poor people live in rural areas. About two thirds of India's more than 1 billion people live in rural areas, and almost 170 million of them are poor. A major cause of poverty among rural people in India is lack of access to productive assets and financial resources. High levels of illiteracy, inadequate health care and extremely limited access to social services are common among poor rural people. (Bandyopadhyay, K.R, 2007). Therefore, an integrated, multidimensional and holistic approach to poverty eradication efforts is crucial to preserve and enhance the livelihoods of the poor. One of the significant dimensions of poverty and exclusion manifests itself in the phenomenon of regional disparities. Such disparities have shown signs of increase in recent years. This is yet another pointer to the fact that the gains of rapid growth have not reached all parts of the country in an equitable manner. One of the adverse outcomes that can result if such a state of affairs persists is the erosion of an environment of peace and stability that is essential to sustain and improve economic growth. The planning process should result in policies and action plans, which enable backward regions to overcome the disadvantages they face and achieve a state of parity with the mainstream regions in the shortest possible time. The Eleventh plan provides an opportunity to restructure policies according to a new vision of growth that is more broadly based and inclusive, to achieve a faster reduction in poverty. Many socio-economic development programmes, have been channelised through democratically created institutions. A new participatory culture is being witnessed in governance at the grass

roots indicating thereby that it would move towards the improved realm of governance, as participation by both men and women is a key corner stone of good governance and participation in developmental decision making in the public sphere is viewed both as a matter of right because development in today's scenario is understood as empowerment.

2. Empowerment Programmes through Development Policies

India has allocated six percent to seven percent of budgetary expenditures to its antipoverty programmes. The initiatives have supported mainly food subsidies, subsidized credit, improvement of rural infrastructure and rural employment schemes. Targets of the Government of India's Eleventh National Development Plan (2007-2012) include: i) improving access to and the quality of essential public services for poor rural people, including health and education, by implementing and improving specific programmes and involving the voluntary sector, ii) creating a broader base for income growth by doubling the agricultural growth rate to four percent and iii) harmonizing the government's various self-employment programmes, giving special attention to scheduled castes, tribes and minorities and especially to the economic empowerment of women in those groups. (Planning Commission, 2007a).

Empowerment is the enhancement of human capability to intervene in policy and decision making in the public sphere. It means enabling the people to influence public policy and to take decisions in matters concerning them. It necessarily points out that empowerment through democratic participation refers to the capacity building of the poor so that they can voice their choices and exercise their options which are essential conditions of democracy and freedom. (Planning Commission, 2007b). Therefore, development inherently means democratic participation and empowerment.

3. Democratic Participation

Democratic participation could be either direct or through legitimate intermediate institutions or representatives. It is increasingly realized that local democracy could play an important role in promoting development. Article 40 of the Indian Constitution

states that the State shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. Thus the efforts to institutionalize the participation of citizens in decision making, development planning and management by giving more powers and harnessing the utilization of local resources were realized through the democratic decentralization of 73rd amendment. As per the recommendations of Balwantrai Mehta Committee (Government of India, 1957), 73rd amendment introduced three tier system of Panchayat Raj system from the village to the district level functionally interdependent with multilevel linkages. The institutions envisaged were Zilla Parishad at the district level, Panchayat Samitis at Block level and Gram Panchayat at the village level. The above mentioned rural decentralization is regarded as a process through which powers, functions, responsibilities and resources are transferred from Central government to local governments. The Constitution of India has spelt out its intention to the ruling political governments to utilize these democratic local governments not only as instruments of development but also as platforms for fighting against rural vested interests and raising the hopes of the people. The Act also spelt out to use the forum to: (1) discuss and review all development problems and programmes of the village, (2) select beneficiaries for beneficiary oriented programmes, (3) plan for the development of the village economy and its people which included minimum needs, welfare and production oriented activities. Attempts have been made in recent times to strengthen PRIs by adopting measures to promote good governance and accountability through enhanced people's participation, citizen orientation, responsiveness, improved service delivery, improved financial management and greater downward accountability. (Government of Karnataka, 2004). The Karnataka Panchayat Raj Act, 1993 was amended in October 2003 and the 47 amendments that came into effect were intended to facilitate people's participation and to make PRIs more accountable to their constituents. The PRI system has been steadily evolving in the State and there are constant efforts to ensure that the powers of the Panchayat Raj bodies are not eroded and more functions are devolved to them in accordance with the letter and spirit of the Constitution. Many socio-economic development programmes have been channelized through these

democratically created institutions because one of the main objectives of rural decentralization is to regenerate the rural economy and it mainly depends on the employment generation programmes as employment is one of the instruments of empowerment. Therefore, local governments have been important channels through which many employment generation programmes are implemented.

4.Employment Scenario in Karnataka

Indian States differs from one another in their level of employment in their respective regions. Availability of low cost and high quality of labour is an important determinant of productivity and competitiveness of economic activities and hence higher economic growth. Thus growth of employment is both a determinant and consequence of economic growth. Further, full employment of labour complements the realization of potential economic growth. The need to ensure adequate growth in employment opportunities for providing productive employment for the continually growing labour force is widely regarded as one of the most important problems facing the country. The expansion of productive employment is also crucial for sustained poverty reduction, as labour is the main asset for a majority of the poor. Karnataka is basically an agrarian economy where a majority of the population depends on the primary sector. Employment is largely unorganized rural and non-industrial in nature.

For an overall development of the State, the Tenth Five Year Plan of Karnataka stressed employment generation as the priority sector. (Government of Karnataka, 2002). This has implications for reduction in income or consumption inequality and poverty in the State. This also implies that the incidence of urban employment has remained higher than in rural areas. The incidence of total rural and urban unemployment in the State has remained lower than at the national level. (Planning Commission, 2002). In addition it aimed at providing direct and indirect employment through antipoverty rural development and construction programmes. The unemployment rate for both rural and urban Karnataka is the lowest amongst comparable States. However, there exists a significant gap between the rural and urban areas within Karnataka itself. The incidence of unemployment in urban Karnataka is 19 percent; it is almost double that of rural Karnataka.

This observation in the context of the rapid pace of urbanization is a cause of concern. However, underemployment is more significant in rural Karnataka rather than in urban Karnataka. This implies that while unemployment is lower in rural Karnataka, a significant portion of the rural employed finds only seasonal employment. Though the agricultural sector employs the largest proportion of the working population (81 percent) in rural Karnataka, this sector has the lowest levels of output per worker and this has a negative impact on the overall productivity and income levels of areas which are heavily dependent on agriculture. All these data show the increasing necessity of employment schemes to be implemented in rural Karnataka.

5. Implementation of Employment Schemes in Karnataka

Section 309 of 1993 Act, provides for the preparation of development plan by Gram Panchayat, Taluk Panchayat and Zilla Panchayats. Furthermore Section 310 of the Act makes it mandatory for the State to constitute District Planning Committees in each district which are required to consolidate the plans prepared by the Panchayats and Municipal bodies and to prepare the Draft District Development Plan of the district by taking into consideration the needs of the spatial planning, physical and natural resources and the level of infrastructure development .The current challenges and concerns of Karnataka resonate with the concerns and priorities at the national level as expressed in the Eleventh plan document of Government of India. These relate to rejuvenation of agriculture, water management, and stimulation of industrial growth, development of infrastructure, the need to focus on social/ human development, to address the rural-urban divide as also the need to redress regional disparities, and finally concerns about mobilizing adequate resources and providing good governance. The time has therefore come for a renewed commitment towards pro-poor and people centric policies.

During the Eleventh Plan period, Karnataka intends to shift the focus of development towards making it more people centric. While endorsing the Government of India's approach in the 11th Five Year Plan Document towards "faster, more broad based and inclusive growth", Karnataka would lay special emphasis on people as both contributors and beneficiaries of development. Therefore,

the vision for development may therefore be summarized as "enhancing human potential at all levels, through realization of the outcomes of faster growth and inclusive development". Such a human centered perspective of development is aimed primarily at the enhancement of the capabilities and functioning of human beings to enable them to lead a healthy, educated and cultured life, in harmony with the community and the environment, with dignity and self respect. Promoting human development calls for more investments in social sectors and public infrastructure, with the focus on increasing health, education, employment and social capabilities in the long run.

6.Employment Schemes of 11th plan

The pro-employment focus of the Eleventh Plan as an integral component of inclusive growth strategy will go a long way in ensuring a strong positive correlation between employment and population growth in the coming decades. During the Eleventh Plan, the State Government will address the employment challenge through a multi-pronged strategy. The first element of the strategy is a thrust on improvement of agriculture incomes. The second element of the strategy is a strong focus on education and skill development. The third element of the strategy is a focus on growth of labour intensive manufacturing sectors such as textiles, electronic hardware, toys etc., which can cater to domestic as well as global markets. Programmes for employment generation are of two types: (i) the set of schemes falling under Sampoorna Grameen Rozgar Yojana (SGRY) to provide wage employment; and (ii) those promoting self-employment of the rural poor falling under three broad schemes called Swarnajayanti Gram Swarozgar Yojana (SGSY), Stree Shakti and Swavalambana. (Shylendra, H.S. and Kishore Bhirdiker, 2005)

Despite the best of developmental efforts through various employment policies, the poverty reduction through employment has not been remarkably achieved in Karnataka. Though policy initiatives have focused on the devolution of functions, functionaries and finances ensuring social equity through reservation in local bodies for the underprivileged and giving scope for the peoples' participation through Gram Sabha and District Planning Process, the response to the developmental goals has not been very favourable. Theoretically, devolution is underpinned by an assumption that efficient service delivery depends on the

decentralization of decision making process through participatory governance. Addressing the question, whether decentralization in Karnataka has empowered local governments to provide public services according to the preferences of the citizen or not point out the requirement for more institutional reforms in the process of decentralization. Based on the various reports on the study of PRIs in Karnataka, following are the suggestions made to strengthen the functioning of the local governments to effectively deliver the developmental policies to achieve the human development objectives- (a) A consolidated vision of implementing human development objectives should be incorporated in the District Plans and the outcomes should be regularly monitored, (b) Fiscal decentralization policy should effectively take into consideration the levels of human and economic development of a particular district while allocating the resources, (c) District planning committees should be strengthened to make an efficient district plan, (d) Strengthening Gram Panchayats by providing managerial and technical assistance to enable them to work effectively and (e) Building the capacity of Community Based Organizations (CBOs) to become the social agents for change.

7. Conclusion

Empowering the rural poor through democratic decentralization becomes a reality only when development planning, implementation and management become truly decentralized. The concerns for the poverty alleviation should be achieved through meaningful employment policies as employment is a key instrument to eradicate poverty. Investments in all sectors of the economy are needed in order to generate balanced employment opportunities, as a holistic perspective is required for human development. Economic policy should be designed and implemented in such a way that both national and local resources should be effectively used to create large scale employment opportunities. As human development is people centric and State is not the only stake holder in the process of development, people should also effectively participate through CBOs, NGOs and CSOs as they are powerful instruments of economic change and empowerment. At the same time, governance reform and greater financial and institutional support to local bodies and basic services in rural areas are the necessary steps in ensuring that services reach

those whom they were designed for, at the right place, right time and through right channel. Therefore, in the era of globalization, empowerment of people and in turn human development is dependent on right kind of partnerships between State and the people.

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South Asia School of Local Governance (SAS)

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8

Zilla Panchayat in **Goa:** Critical Analysis

Local governments take care of the day-to-day problems of the ordinary citizens living in rural and urban areas. The advantage of local government is that it is so near to the people and easily approachable. It is convenient for the people to approach local representatives for solving their problems quickly and with minimum cost. By Passing the 73rd Constitutional Amendment Act, Local Self Governments were established in India at three levels; District, Taluka and Village level. As a small State, Goa does not require Zilla Panchayats, so the existence of all levels of governments leads to over representation The present article gives a detailed account of working of Zilla Panchayats in Goa which is a one tier Local self-government in India.

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1. Panchayats in Goa

Goa has shown tremendous progress in practically every field since its liberation on 19th December 1961. To oversee the transfer of power after the liberation of Goa, Major General K.P. Candeth, who led the victorious Indian Forces, was appointed Military Governor from 20th December 1961- 8th June 1962. (Fernandes A., 1997). The task of the military administration was to bring normality and create conditions for the introduction of a civil administration. This was accomplished through proclamation that repealed the repressive laws imposed by the Portuguese. After the liberation of Goa Daman & Diu, a single tier Panchayati Raj system was introduced in the Union territory by virtue of the Goa Daman & Diu Village Panchayat Regulation- 1962, promulgated by the Hon. President of India under Article 240 of our Constitution. (Gune, 1979) This regulation provided powers and duties for Panchayats. This Act envisaged development of rural areas and transfer of powers to the people. In the October 1962 Elections, the first ever democratic exercise in Goa after four and a half centuries of autocratic rule, witnessed an unprecedented voting. (Halankar, 1990) Consequent upon the Passing of the 73rd Constitutional Amendment all the States were required to amend or replace the existing legislation of the Panchayat.

Accordingly, the Goa Panchayat Bill was passed in the Goa State Legislative Assembly on 25th May 1994 and assented by the Governor of Goa on 9th July 1994. Thus the Goa Panchayat Raj Act -1994 came into force and the Bill repealed the Goa Daman & Diu Village Panchayat Regulation-1962. Accordingly because Goa's population is less than twenty lakhs, two-tier Panchayati Raj System was established in Goa; Village Panchayats at village level and Zilla Panchayats at district level.

2. Zilla Panchayats in Goa

The Zilla Panchayats are constituted on the basis of Goa Panchayat Raj Act (GPR), 1994 at district level. Zilla Panchayats started working in Goa since February 06, 2000. Zilla Panchayat institution in Goa has completed 15 years. So far, three general elections have been held. Zilla Panchayat Institutions are supposed to be vehicles of Socio- economic transformation in rural India. But the indifference of the people towards the elections to the Zilla Panchayat held so far in the State of Goa explicitly underlines the

fact that this institution is losing its relevance. Even after a decade, it appears that Zilla bodies are still in limbo as full devolution of power has not been affected so far. The aim of the Zilla Panchayat was to bring about some semblance of governance to the villages of India that are flung and separated from each other sometimes by 50-60 kilometers. In these villages there is no governance and since governance cannot reach these villages, institutions like Zilla Panchayats were necessary. Not so with Goa. The entire State is almost like one big city and the creation of these new institutions is merely a burden on the exchequers.

All though the Act provided for Zilla Panchayat in 1994, Zilla Panchayats were actually constituted in 2000. It was All Goa Panchayat Parishad which had approached the High court, through three of its members, to compel the government to hold these elections. It was Anil Hoble, Premanand Mhambre and Nilkant Halankar who had approached the court and, the State government was finally directed by the High Court to get elected bodies to represent the Zilla Panchayat and elections were conducted in 2000. Legislators belonging to all political parties were otherwise avoiding it, fearing losing their hold over the lucrative developmental schemes in villages.

3. Composition of Zilla Panchayat

Every Zilla Panchayat is the district Government and the highest tier in the Panchayat hierarchy. It has jurisdiction over the entire district, excluding parts of the district, which have been included in a Municipal Council or notified area. Zilla Panchayat is entrusted with the supreme responsibility of planning and development of the entire districts. (Fernandes, 2008). Under the Goa Panchayat Raj Act, 1994, two district Panchayats have been created namely North Goa Zilla Panchayat and South Goa Zilla Panchayat. There are in all fifty Zilla Panchayat constituencies, thirty constituencies in the North and twenty constituencies in the South. From every constituency one member is elected by the voters from that constituency. These elected representatives then elect one *Adhyaksha* and *Upadhyaksha* amongst themselves. In addition to these elected members, the members of the Parliament from the district and those of the State legislature other than Ministers, Speaker and Deputy Speaker or leader of Opposition, shall be ex-

officio members, provided that the number of members shall not more than the talukas in the Zilla Panchayat. (*Ibid*).

All the members are elected by the adult franchise. Seats are reserved for Scheduled Caste, Scheduled Tribe and other backward classes on the basis of population of a particular constituency (Section 118 GPR Act). Similarly not less than one thirds seats are reserved for women (including SC, ST, OBC women) to be filled by direct elections. All those individuals whose names are included in the voters list are eligible to contest the Zilla Panchayat elections (section 122 (1) (2) GPR Act). These elected members of Zilla Panchayat shall hold office for a term of five years, while the period of Adhyaksha and Upadhyaksha is just two and half years. There is reservation of Adyaksha and Upadhyaksha by rotation and one seat is reserved for women in both the Zilla Panchayats. The fact is Goa is a very small State in size and even in population. The State is having a legislature with forty representatives, and 190 Village Panchayats. The question is do we actually require Zilla Panchayats in Goa with fifty representatives.

4. Functions and Devolution of Powers to Zilla Panchayat in Goa

As per the 73rd Constitutional Amendment Act, Zilla Panchayats have to perform the functions specified in schedule II of the Panchayat Raj Act. The powers and functions pertain to overall supervision, co-ordination and integration of development schemes at district level and preparation of the plan for the development of the district.

As per the schedule II of Goa Panchayat Raj Act 1994, the Zilla Panchayats have been assigned 25 subjects (Fernandes A., 2003). The functions pertain to agriculture and horticulture, land improvement, soil conservation, minor irrigation, water management and watershed development, animal husbandry, dairying and poultry, fisheries, khadi and village and cottage industries, small scale industries, rural housing, drinking water, minor forest produce, fuel and fodder, roads, buildings, bridges, ferries, waterways, non conventional energy sources, poverty alleviation programmes, education, technical and vocational education, health and family welfare, women and child development and welfare of weaker sections and differently-abled persons etc. (Schedule II GPR Act).

A deeper study of the Act reveals that the powers conferred upon the Zilla Panchayats are vast and almost duplicates the powers with the State Legislature. If all the powers as enlisted in the Act are passed on to district Panchayats, then the Legislative Assembly plays the role of merely a policy making body, while development is left to district Panchayats. With the above powers the Zilla Panchayats can ensure that only precise development projects that will be beneficial are promoted, bringing about all round development to the State. (Barbosa A.M., 2000).

As per the Act there are 25 subjects assigned to Zilla Panchayat but in reality till date only six subjects are devolved to the Zilla Panchayats. Functions such as: Minor Irrigation, Water management and watershed management; Education including Primary school; Health and family welfare; Welfare of the weaker sections, in particular of handicapped and mentally retarded; merger of DRDA's with Zilla Panchayats and Financial Assistance to Village Panchayats; Fisheries and Libraries. (Thakare Y.N., 2008).

5. Finances of Zilla Panchayat

Zilla Panchayat can perform the above functions only if they are having adequate amount of income. The main source of income is Government of Goa. The Government of Goa sanctions grant under section 160 of the Goa Panchayat Raj Act, 1994 and Goa Panchayat rules to the Zilla Panchayats in the State for financing developmental works, administrative expenses etc. During the year 2007-08, the Own Revenue was Rs 20.99 Crores that increased to Rs 50.56 Crores during 2011-12. During the same period, the amount of grants released to the Zilla Panchayat was increased from Rs 27.2 Crores to Rs 28.52.

The audit of ZPs in Goa is conducted under Section 20 (1) of the CAG's (Duties, Powers and Conditions of Service) Act, 1971. By virtue of Section 194 of the Goa Panchayat Raj Act, 1994, CAG is the sole Auditor for ZPs. The audit of accounts of North Goa Zilla Panchayat (NGZP) and South Goa Zilla Panchayat (SGZP) were completed up to the period 2007-08; the transaction audit of SGZP and NGZP has been completed up to 2010-11 and 2012-13 respectively (April, 2014). The ZPs stated (April, 2014) that the arrears of accounts for both the ZPs would be submitted for certification shortly.

6. Critical Evaluation of Zilla Panchayats in Goa

Zilla Panchayats are constituted on the basis of Goa Panchayat Raj Act, 1994 at district level. Zilla Panchayats started working in Goa since February 06, 2000. Zilla Panchayat institution in Goa has completed fourteen years and so far three general elections have been held.

While some are of the opinion that the Zilla Panchayat concept just cannot work in Goa; it is a clear waste of public time and money. There was not much enthusiasm among the voters of Zilla Panchayat constituencies as is otherwise seen in Gram Panchayat or Assembly elections. Peoples' indifference is indeed a matter of concern for the future of the Zilla Panchayats. The reports emanating from the two districts make it clear that the indifference of the State government towards the Zilla Panchayats by refusing to develop the powers of this grassroots level local body, found its reflection in the peoples' averseness.

Most of the voters had turned up because the local MLA or other leaders wanted them to vote for particular candidates. Significantly, the role and nature of the style of functioning of the particular leaders and parties also made the people remain inside their homes. Both, the Zilla Panchayats and the Village Panchayats are functioning like extended arms of the State government and are being treated like the personal property of MLAs.

Here, we see quite clearly that Zilla Panchayats, which were constituted fourteen years ago, are yet to get their powers. So also the village Panchayats re-constituted after the coming into force of the Goa Panchayati Raj Act in 1994 is yet to see any significant powers devolved to them. It is the demand of the Zilla Panchayat members that the State Government should immediately devolve the rightful powers to the Zilla Panchayat as listed in Schedule II of The Goa Panchayati Raj Act, 1994.

According to some of the people, Goa does not require Zilla Panchayats because first of all Goa is a small State. Secondly, Goa is over represented, i.e. we have one hundred and ninety Village Panchayats, twelve Municipalities, one Municipal Corporation, forty Members of Legislative Assembly and on the top of that these two Zilla Panchayats with fifty members. Thirdly, Zilla Panchayat members are not able to use their powers. Some of their powers

clashes with the powers of the Village Panchayats. Zilla Panchayats are not provided enough funds by the State Government hence the elected Zilla Panchayat members cannot perform much work. Even Adhyaksha is not able to perform his duties with limited powers. More powers are concentrated with the Chief Executive Officer (CEO). To carry out any work or to allot money for any project, Zilla Panchayat members need to take the assent of the Chief Executive Officer.

It was a dream of late M.K. Gandhi and late Rajiv Gandhi that there should be more participation of people in grass root politics. But, with this politics of corruption, nepotism and red tapism, it's not going to be the development of local areas, but it will be "self-development". Corruption on large scale has entered into Panchayat Raj Institution in Goa. Today serving in the Panchayat or Zilla Panchayat is not at all social service, it has been converted into self service. The very purpose of 73rd & 74th Amendment i..e the welfare and development of local areas have failed and it has just become an instrument of corruption.

On the other hand the case put up by the Zilla Panchayat members is that, Goa now has two Zilla Panchayats. Instead of scrapping Zilla Panchayat, the government can give few powers to the Zilla Panchayat for its functioning and more funds for the development and with modification in the Act, Zilla Panchayat can act as an intermediary body between the Panchayats and the State Government. If the powers are devolved to Zilla Panchayats, then at least the burden of the State government will be reduced to some extent. If Zilla Panchayats are given some powers and funds, it can at least develop rural areas in Goa which will bring about overall development to the State.

Zilla Panchayat Institutions are supposed to be vehicles of socio-economic transformation in rural India. But the indifference of the people towards the elections of the Zilla Panchayats held so far in the State of Goa explicitly underlines the fact that this institution is losing its relevance. Even after a decade, it appears that Zilla Panchayat bodies are still in midpoint as full devolution of power has not been put in action so far. The members of last two Zilla Panchayats and the present Zilla Panchayat members are fighting fiercely with the State government over devolution of powers but the latter has not shown "political will" to confer more

powers and responsibilities on them. On the one hand, Zilla Panchayat bodies have to fight with the State government for more functions and on the other hand some programs allotted to Zilla Panchayats clash with the functions enjoyed by the Village Panchayats.

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9

Performance of Primary Health Centres in Dakshina Kannada District of Karnataka

In India Primary Health Centers (PHCs) are the cornerstone of rural health care; a first port of call for the sick and an effective referral system. It forms the first level of contact and link between individuals and the National Health System; bringing the health care delivery as close as possible to where people live and work. In this context analyzing the quality of performance of PHCs assumes to be highly prominent. The study considers the prime indicators such as Infrastructure of PHCs, General Medical/ Clinical care in PHCs.

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1. Introduction

The quality of human resource depends on the health condition of the human resource. In recent years there has been an acceptance of the important role of primary healthcare in helping to achieve these aims; providing cost-effective healthcare to the general population. In India, fertility, mortality and morbidity remain unacceptably high, both compared to countries in the region and those at similar income levels. Although poverty and low levels of education are the root causes, poor stewardship over the health system bears some responsibility. India's primary healthcare system is based on the Primary Health Centre (PHC), which is the cornerstone of rural health services – a first port of call to a qualified doctor. Based on the Indian Public Health Standards (IPHS), the present study focuses on the performance of PHCs (in DK District, Karnataka State) by considering the major indicators of performances. This study was to assess the basic infrastructure and services given by the PHCs and work satisfaction level of medical officers in PHCs.

2. Rationale and Methodology

In India Primary Health Centers (PHCs) are the cornerstone of rural health care; a first port of call for the sick and an effective referral system. It forms the first level of contact and link between individuals and the National Health System; bringing the health care delivery as close as possible to where people live and work. In this context, analyzing the quality of performance of PHCs assumes to be highly prominent. Three PHCs from each Taluk (except Bantwal Taluk) of Dakshina Kannad District, Karnataka was selected randomly for the study. Thus total number of PHCs selected was twelve (around 50% of such PHCs in the District). In aggregate ten patients (four Men and six ever married women) from each selected PHCs were interviewed through structured questionnaire. Thus, sample size of the patients from the District is 96 Men and 144 women, in aggregate 240. To understand the perceptions of the medical officers of the PHCs, doctors of selected PHCs (total 12 doctors) were interviewed in-depth.

4. Performance of Primary Health Centres

4.1. Patients Treated

The average number of Patients attending in the PHC in DK District is sixty -one per day. The evidence has been collected from

the Medical Officers of the respective PHCs and taken the average. The average is highest in Suliya Taluk, with eighty-four a day, ranging above the District average and least is in the Mangalore Taluk., forty per day.

4.2. Delivery Cases

One of the prime objectives of the PHC is to handle the Maternity cases. Reducing the Maternal Mortality is a prime objective in the National Population Policy 2000. In this context having a Taluk wise delivery cases assumes to be relevant. Average number of delivery cases is around twenty per month in the District. It can be noted that highest has been recorded in Suliya Taluk, with thirty-five per month and least is fifteen per month in Puttur.

4.3. Basic Infrastructure

4.3.1.Laboratory Service

In any PHCs basic laboratory services assumes to be highly crucial. Routine blood tests like TC DC, Test for HIV Sugar, urine tests etc are required very often. Therefore working of 24x7 PHCs should have at least 10 hours of laboratory working time. Around 34 per cent of the patients responded that the laboratory service is satisfactory. 48 per cent have negatively replied for the question. Most of them complained that the working hours of the laboratory is not uniform/regular. Further, most of the times lab technicians were absent and even if they are present, they come late and are not so co-operative. Similar opinion was also given about the Pharmacists of PHCs. Eight percent of the respondents did not give proper answer, may be they do not very often visit the PHC or because they did not avail such service from PHC. Relatively poor service of laboratory was found in Puttur. And Belthangady Taluk was found to be relatively much better and stood above the District average.

4.3.2. Privacy For Consultancy

One of the important prerequisites for patients' presentation is the availability of privacy. Therefore having a separate consultancy room with privacy is highly necessary. This would facilitate both patients as well as doctors. Therefore it was asked to the respondents whether or not PHC has a separate room for consultancy. 80 per cent of the respondents responded positively for the question. Only

20 per cent have some negative opinion. Puttur Taluk has very positive response and stood above the District average.

4.3. 3. Approach for PHC

Approachable roads are one of the basic infrastructures for any PHC. Therefore some of the related questions were asked to the respondent. About 76 per cent of the respondents were positively replied that roads of PHC are approachable. Only 24 per cent of the respondents were not happy with the roads. Puttur Taluk is found to be much better and stood above the district average.

4.3.4. Cleanliness in PHC

Cleanliness in a health-set up is mandatory. It prevents possible secondary infections. Therefore keeping the entire PHC clean is highly necessary as such. So perceptions of the respondents were collected to assess the extent of cleanliness. Respondents were asked to rate the cleanliness of their PHCs as 'Very good', 'Good' and 'Bad'. Only 20 per cent of the respondents in the District replied that the quality of cleanliness as 'Very good', 29 per cent of the respondents as 'Good' and more than 51 per cent of the respondents as 'Bad'. Thus, overall response is highly unsatisfactory. A Taluk wise glance tells that response is very negative in Suliya Taluk, followed by Mangalore Taluk.

When we asked the Medical officers about reasons for poor cleanliness, the major causes revealed were lack of local laborers, absence of laborers without intimation and also government has not been appointed any such labor on permanent basis. Cleanliness of PHC appears to be one of the great challenges to ensure the credibility of public sector unit like PHC. If PHCs are maintained in such conditions there is a possibility of deviation of the patients in course of time.

4.3.5. Availability of General Medicines in the PHC

Availability of General Medicines in the PHC on time is a crucial aspect in ensuring the general health care of the population. It is known from the Medical officer that Fever, Gastritis, Blood pressure, Menus irregularities, Diabetes are the common health problems in the study area. An attempt was made to catch the perceptions of the beneficiaries regarding the availability of regular drugs in the center. About 70 per cent of the patients in the District had the opinion that general drugs are available regularly, thus having a

positive response to the question. 10 percent responded that drugs are available occasionally and 20 per cent of the respondents said that drugs are not available regularly. Suliya Taluk shows relatively better supply of drugs and Belthangady Taluk relatively poor.

4.3.6. Presence of Doctors

Regular attendance of the Doctors (medical officers) is one of the important indicators of the quality of service being provided ina PHCs. Besides it would also shows the attention towards the general health care services. Regular presence of the doctors in PHC would also decide the number of patients that would visit and rely on the local PHCs. Therefore an attempt is made to know the presence of the doctors in the PHCs.

About 59 per cent of the respondents felt that Doctors are present 24x7 in all the days of their visit. And 37 per cent of the respondents felt that Doctors are present only occasionally in the Center. A small proportion of the patients said that the Doctors are never present in the Centre. The response of the patients in this context certainly shows the irregular presence of the Doctors. Taluk wise data shows that the presence of Doctors is relatively better in Blethangady Taluk and poor in Mangalore Taluk. Irregularities of the Doctors effect negatively the overall quality of general health care in the system. Puutur and Suliya Taluks are moderate in terms of the availability of the doctors

4.4. Response of Paramedical Officers

The response of the patients is not very positive regarding the co-operation of the para medical officers. About 14 per cent of the respondents felt that the staff in the PHCs is not at all co-operative. Again, 65 per cent of the respondents felt that the response of the staff is moderate. Only 21 per cent of the patients in the District felt that the staff is very co-operative. Non-cooperation as per the perception of the respondents includes, poor response, absence, late-coming of the staff etc. Such attitude of the staff found highest in the Mangalore and Suliya Taluk, and service of the staff found to be very good in Belthangady Taluk, the data stood above the District average. Non-cooperation of the staff in the PHC would certainly have long lasting negative impact on the number of patients relying on the PHCs.

4.5. Work Satisfaction of Medical Officers under PHC's.

4.5.1. Well-Furnished House

The Medical Officers were asked regarding the quality of quarters/houses given to them. The conditions of the houses/ quarters given to the doctors by the government were found to be very poor. They complained that houses are semi furnished/ not fit to live with, during rainy seasons. Some of the doctors also complained that the houses given to them are not nearby the PHC. However most of the MOs said that they have the land line telephone connections and regular water supply. The questions regarding the power back-up was also being asked. Most of the MO said that they are having the power-back-up. In Puttur and Sulliya Taluks, such amenities were found to be quiet low. Lack of power-backup would certainly reduce the quality of service provided by the M.Os. Sometimes they are required to attend the patients during mid-night, especially the delivery cases. Therefore power backup too assumes to be highly crucial as revealed by the M.Os.

4.5.2. Perceptions on the Working Hours and Patterns

Working pattern in the PHC is one of the major problems complained by the doctors. To them the present working hours and working pattern is highly illogical. Majority of the M.Os show dissatisfaction regarding this. Some of the M.Os felt that, there should be two medical officers per PHC to work in a shift. One doctor in a PHC can hardly provide justice for 24 hrs a day according to their perception. Besides most of the MOs complained that much of their time were being wasted in attending monthly Taluk meetings, many visits to Grama Sabha, unnecessary training programmes etc. Moreover, it is been reported that they got very less number of holidays in a year. Apart from above compulsory commitments, some of the doctors have also shown dissatisfaction regarding the involvement of local political parties in the day to day functioning of PHCs. Due to all these problems involved in the day to day working, PHCs doctors have expressed the possibility of deviation of patients towards the private health care system.

5. Suggestions

i. The urgent need of the PHCs is to appoint the suitable personnel where it is lacking. Most of the PHC are found to be paralyzed due to the lack of para medical staff, especially Lab technicians.

If there is any delay to make permanent appointments for this post, State shall provide autonomy to the concerned PHC to appoint the staff on temporary basis,

ii. Proper attention shall be provided towards the cleanliness and waste management of the Centers. Otherwise these centers may be become the disease spreading centers. Local laborers may be hired for cleanliness by paying an attractive wage.(After analyzing cost-benefit aspects)

iii. There is also a need to provide adequate facilities and equipments for the existing PHCs. Each PHC should consist of a preliminary screening room with a computer, a separate examination room for the doctor, a laboratory for medical tests and toilets.

iv. There is a need to provide incentive for staff to perform. Besides, promotions/ salary hike should be linked to the performance. Training and supervisory efforts should be made to change the negative staff attitude towards the patients.

v. To ensure quality medical service, government shall think about the appointment of one more Graduate doctor for 24X7 PHCs to work in shift system. In this case gender balance can also be ensured in the appointment of doctors for PHCs.

6. Conclusion

Only 20 per cent of the respondents in the District replied that the quality of cleanliness as 'Very good'. About 70 per cent of the patients in the District had the opinion that general drugs are available regularly. About 83 per cent of the doctors were not satisfied with the available facilities to have safe deliveries in PHCs. The conditions of the houses/quarters given to the doctors by the government found to be very poor. Working pattern in the PHC is one of the major problems complained by the doctors. The urgent need of the PHCs is to appoint the suitable personnel where it is lacking. Also, as it is noted by Mavalankar 2009, there is a need to make the doctors more accountable. Proper attention shall be provided towards the cleanliness and waste management of the Centers. There is also a need to provide adequate facilities and equipments for the existing PHCs. There also exists a need to provide incentive for staff to perform. Efforts towards training and supervision will change the negative staff attitude towards the

patients. To ensure quality medical service, government shall think about the appointment of one more Graduate doctor for 24x7 PHCs to work in shift system. It is rightly pointed out by Verma Rao *VM (2010)* 'There is a strong need to remove the inadequacies in terms of buildings, manpower and provisions of drugs, supplies and equipment constitutes major impediments to full operationalization of primary health care system.

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10

Role of Local Governments in Conflict Management: Experience from Nepal

Conflicts occurring at the local level mostly on the issues that affect every-day life of people have become political in nature due to increasing politicization of society. Like other countries, local justice of Nepal is rest with community driven judiciary process under the auspicious of local government structure. The setting of local dispute resolution in rural Nepal takes in the traditional process of Village Development Committee. Unfortunately, Village Development Committee, the ancient local bench of Nepal does not inherit an effective criminal court to administer trial and punishment on individuals autonomously and resulting in mounting local disputes. It is also apparent that, success of local conflict management through permissible approach does not transpire itself as a vibrant body to ensure fair play across the level; rather it has been paralyzed due to undue influence of the vested quarters in the rural Nepal.

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1. Introduction

Managing conflict is another prime concern of the present-day social, economic and political complexity. Conflict Management refers to methods used by trained neutrals to help people to communicate more clearly, negotiate effectively, develop and evaluate solutions, or resolve conflicts. Neutrals do not take sides or represent the parties. It is the human nature to let loose problems and ignore until they really pose threat to a positive development. The problems, disputes or conflicts, whatever they may be, are not identified and resolved at the very initial stage. Experiences suggest that, Nepal is witnessing all kind of conflicts at every level of governance. The existence of these conflicts and the failure of political machines to address them in time have created more gaps in the society, which ultimately has hindered the political development of the country. Local bodies have used several formal and informal conflict resolution methods to resolve community level problems. The prime objective of the conflict management is to keep social cohesion and co-existence intact by searching for common ground, optimizing each actor's position, integrating the interest of weaker side into the compromise and persuading the victors and victims accept integrated solution mutually binding. Alternatively, in an ethnically and ideologically charged conflict, where sources are deep, it is possible to moderate disagreement, rather than seeking immediate resolution.

From the beginning of Nepal's history political authority that emerged from the social power of village chieftains, members of privileged groups, elites and priests already made conflict resolution possible to avoid social disintegration and strife. It has treasured a rich tradition of coordinating action of people based on local power equations, cultural practices and various religious treatises and helped to stabilize behavioral patterns. Where direct coordination in pursuit of collective goals failed to yield the payoffs, disputants invited third party to help resolve their disputes and abstained from imposing their will against each other. The Local Self-Governance Act, 1999 integrated homegrown methods to mediate local disputes. As per Act, 1999, Village Development Committee[1] (VDC) has been entrusted with responsibilities towards managing conflict at rural Nepal. It gave some judicial power to local bodies for rule adjudication, arbitration and mediation through the medium of representation, pleas and arguments before an arbitration tribunal.

The overall objective of the article is to assess the effectiveness of the prevailing rural justice situation for conflict management in rural Nepal. The paper concluded with a number of suggestions leaving opportunities for strengthening local justice system in the Nepalese society where conflict has been recurrent phenomena.

2. Conflict Management: Theoretical Underpinning

A conflict is resolved when a mutually compatible set of actions is worked out. Some argue that this does not apply to deep rooted conflicts. Lazart, for example, distinguishes between 'conflicts of interests' that can be resolved through negotiation, and 'structural conflicts' that are very difficult to negotiate as they related to the organization of society and often are based on the unequal distribution of resources. He also indicates that many conflicts are a mix of different types of conflicts involving social as well as political aspects and that the 'logic' of the action of the actors involved differs from the logic of the conflict. Actors act on the basis of their own perceptions that may be based on a subjective collective memory and not on objective facts. Indeed such deep rooted problems may require a change in society. In this type of conflict an analysis of the problem is needed in much greater depth to explore what course of action may be possible. Thus conflict is "a social situation where one party tries to profit from a given situation or tries to solve its own water supply and sanitation problems in such a way that it negatively affects other parties". From this perspective, conflicts may remain hidden until the other parties do not realize that they are negatively affected or can be open when they realize it and do not accept the situation. If conflict is considered to be inherently destructive, then our efforts are bound to be directed towards suppressing or eliminating it. Such efforts are more likely to heighten than lower the level of tension. If we view conflict as normal and inescapable, then the challenge lies in managing it constructively. The challenge is not the elimination of conflict, but rather, how to effectively address conflict when it arises.

3. Nature and Extent of Conflict in Rural Nepal

In Nepal, villagers did not think much about the political parties and political ideologies. Today, the villages are divided according to the political beliefs. The divisions between the ruling party and the opposition are very strong even in the local government

institutions and whatever one party does the other opposes. People consider division as an inevitable part of democracy. The political parties have failed to socialize people in a healthy democratic way. They have been misinformed about democracy and the democratic ways of governance. The culture of harmonization, which was the character of Nepali society, is losing its ground. Politics has created differences between brothers and sisters, fathers and sons, neighbors and even between husbands and wives. Democracy has not been able to consolidate the human values and beliefs. As a result, more conflicts at the political level are emerging, especially at the grassroots.

Socially, villages tend to have conflicts and are engrossed in the traditional social taboos that often breed conflicts. Living in small communities, the people cannot transcend the limits of social norms. There are problems related with caste, gender, ethnicity, poverty, religion and language even at the local level, problems, which have divided the society. These problems need to be analyzed separately since they are so much dominant in the Nepalese society and their role in creating social conflicts is vital. The caste concepts are the major source of conflicts in the villages. The castes initially were created and groomed to maintain social order, to distribute work for all and make everybody work according to his/her ability. But in the long run, the caste system became perverted and brought up untouchability. In spite of the guarantees provided by the Constitution regarding the equality of all castes and creeds, social discrimination against untouchables continues. Political openness and pluralism have encouraged the people belonging to that group to raise their voice against the social injustices and political discrimination. But it is deeply rooted in the Nepali society and cannot be eradicated overnight. Special efforts are needed from the State to dismantle this age-old tradition.

Women constitute more than 51 percent of the total population of the country. The State as well as the international organizations has recognized their role in the total production of the country. They are not inferior to men in any way except in physical strength and yet they have not received an equal status in many things. Now, the women's forums and NGOs dealing with the women's interests have been able to push the government in passing women's property rights and constituting the women's commission. But mere laws and commissions will hardly be of any value unless

they are put into practice. Women cannot empower and develop themselves so long as men do not want to share power with them on an equal footing.

Nepal is a multiethnic country. The ethnic and caste groups, numbering up to 60, constitute about 20 percent of the population. The issues and problems of ethnicity had taken a back seat in the past. They were identified either with the Hindu caste structure or with the Buddhist social stratification. But after the restoration of the multiparty system in 1990, people belonging to the ethnic groups have started speaking more openly and have even refused to belong to any of the majority groups. They are trying to present their independent identities as indigenous people of Nepal. They feel concerned about the rights and privileges of the ethnic minority. This has challenged the existing power structures in Nepali politics and governing system. The conflicts between the minority ethnic groups and the majority caste groups will remain very strong as long as they cannot share power on an equal footing. Ignoring the ethnic causes may provoke ethnic insurgency in the long run.

Religion is another constant source of conflict in Nepal in the villages. This problem has emerged especially after the restoration of multiparty democracy. The Constitution of the kingdom of Nepal declares the country a Hindu State and the king a Hindu Monarch but it does not prohibit anyone from practicing their own religion. Legally, no one is permitted to convert from one religion to another religion. But due to the liberal nature of the State, massive conversions are taking place. Hari and Shyam in the hills are turning into Harry and Shayaam and Badris in the Tarai are turning into Bilals. Sunday schools and Madarasas are replacing the traditional family forms of worships and family cultures. The monasteries of Buddhist villages, which were managed by everyone in the village, are suffering because of the division of people into several sects. This is going to pose an acute problem in the Nepalese villages for a long time to come. It does not matter who follows what religion but there must be harmony in human relations.

4. Conflict Management in Rural Nepal: Appraisal

Conflict, as stated earlier, are pervasive and an essential part of the society because without it the society does not move ahead. But unfortunately, conflicts are not always resolved at the local level in Nepal for various reasons. As Local Self-Government Act,

1999, Village Development Committees (VDCs) and municipalities are empowered with authority to settle some minor conflicts through the formation of an Arbitration Board consisting of three persons, as agreed between the parties to a case, from among the persons enlisted in the list of arbitrators of the VDC. In case the conflicting parties do not agree with this arrangement, they can provide the names of two persons who are already enlisted in the list of arbitrators to the VDC. The VDC adds a third name and makes one of them as chairperson of the arbitration board to hear, negotiate and settle the case. The arbitration of a dispute is possible if disputants accept the formal authority of the arbitrator to make decisions that will be binding on them

The VDC can punish the culprit with a specified and moderate amount of fine. The discontented party has the right to appeal to the District Court within thirty-five days of the hearing of the decision. The current trial system in formal court in most of the country including Nepal is highly cumbersome and requires too much time to execute as huge number of cases is pending in the formal court. As a substitute of this problem, but in real life many instances arises which requires deep interrogation and investigation as well as legal binding and obligation. Local bodies can resolve only small quarrels between two parties, but serious issues like racial tension, religious and cultural conflicts and domestic conflicts involving spouse abuse are excluded. The decisions made by them are subject to the appeal at the District Court. The legal experts should properly carry on the procedures, even if the case is at the grassroots level. Otherwise cases reach the district courts, and have to be reviewed from the beginning. The people then will lose their trust in the local bodies and they will go directly to the court of law instead of approaching the local bodies.

VDC at rural Nepal does not perform independently because of undue influence in the name of Patron-client relations, Political Parties and social prejudice and therefore, fair play has been sporadic in rural Nepal out of local justice system. It creates a negative impact for the rural poor and vulnerable group of people who cannot afford the expenses of cases and do not have clear understanding of how to get access to justice in the upper courts on some issues that could be easily resolved at the local level. And at the same time, the essence of VDC is evident when the question of barriers of cost and time comes that prevent ordinary citizens

from bringing actions to the formal courts in the first instance. Ensuring access to justice is the key to ensure good governance and eventual poverty reduction. In this context, the formal justice system in Nepal is under tremendous pressure with huge caseload and experiencing inadequacy of human resources and necessary logistics to dispose of the pending cases. Consequently, the case backlogs add up further to the existing piles of disputes and presently the number stands about two millions. In this backdrop, question of making VDC more self-governing with rigorous judicial authority has been noticeable in rural Nepal.

5. Conclusion

While taking into account the above analysis, it is evident that local communities have conflicts of various types. Citizens, particularly those who are conscious about their rights, would come into conflict with each other over situations involving relatively low monetary values but are nevertheless annoying and upsetting. It may be difficult or time consuming to take such matters to the court of law and it may be preferable to use an alternative method of conflict resolution. The Local-Self Governance Act, 1999 has good intention of creating a better society and has included many provisions to empower the local bodies to resolve conflict in the society. The provisions of arbitration and mediation found in the Act are positive in conflict resolution because they are more appropriate than judicial settlement for technical reasons and also less expensive. The hearing can also be conducted without publicity. But the act has not been able to make provisions which can resolve all kinds of conflicts. The methods of arbitration and mediation do not seem very practical since the arbitrators are not trained in that line. That is why, resolution of conflicts should be left to the smaller communities as far as possible and the outcome should be recognized by the formal bodies in rural Nepal. On the top, Civil Society Organizations along with non-State actors must keep at their efforts continuing to supplement the local government for ensuring fair play all the way through local dispute resolution and conflict management in Nepal. We believe, Nepal is gradually moving towards right direction for a just based society from central level to the local level after a decade long conflict.

Notes

1. A Village Development Committee (VDC) in Nepal is the lower administrative unit of Ministry of Federal Affairs and Local Development. Each district has several VDCs,

similar to Municipalities, but with greater public-government interaction and administration. There are currently 3,625 VDCs in Nepal. A VDC is further divided into 9 wards; the number depends on the population of the district. The average number is nine wards. The purpose of VDCs is to organize village people structurally at a local level and to create a partnership between the community and the public sector for improved service delivery system. A VDC has a status as an autonomous institution and authority for interacting with the more centralized institutions of governance in Nepal. In doing so, the VDC gives village people an element responsibility in development and ensures proper use and distribution of state funds and a greater interaction between government officials, NGOs and agencies.

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11

Impact of e-Governance on Democratic Decentralization in India

The e-governance initiatives have come a long way since the advent of the World Wide Web. This paper explores how the application of Information & Communication Technology (e-Governance) has made Indian democracy decentralized. This concept has its origins in India during the seventies with a focus on development of in-house government applications in the areas of defence, economic monitoring, planning and the deployment of IT to manage data intensive functions related to elections, census, tax administration etc. The efforts of the National Informatics Centre (NIC) to connect all the distre-governance headquarters during the eighties was a very significant development. This paper also focuses on advantages and disadvantages of e-Governance in the system.

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1. Introduction

"Governance" of a nation is defined as the manner or way in which power is exercised in the management or affair of a country. The powers should be exercised in such a way that it is accountable to all the citizens and their needs. This cannot be ensured if the powers of governance are highly centralized and works to the advantage of a select few. So, decentralization becomes a necessary part of the governance of a country if the government of a country is to be based on the principles of equity and justice. Moreover, the agreement that decentralization is a development panacea and is accepted across the political spectrum. The aspirations of these local identities can be met only if they have a political voice. They can get this political voice through decentralization of power. (T. Kumar and Harekrishna Misra, *nd*.). On the other hand, decentralization is a popular word in the social science discourse. It is being widely interpreted as an instrument of good governance and means of democratic development process. Indeed, a democracy works when all people including the most marginalized of the society participate in the process of governance, have capability to ask questions and seek accountability. For countries like India, it is an indispensable pre-condition for social, economic and political development and a necessary condition for strengthening institutions.

The real test of decentralization lies in its contribution towards people's empowerment by way of providing them a significant role in decision-making and in the entire process of governance. (Centre for Human Rights and Confle-governance Management & Centre for International Relations, 2013). Therefore, effective application of Information & Communication Technology (ICT) has become the need of the time in Indian democracy. Application of ICT (e-Governance) has made it possible for the government to transform itself into decentralization. e-Governance can strengthen the role of each governance pillar in facilitating speedy, transparent, accountable, efficient and effective interaction between the citizens. (IICD, 2001).

Information is the key to democracy. With the advent of Information Technology (IT), it has become possible for common man to access global information. The swift emergence of a global "information society" is changing the way people live, learn, work

and relate. An explosion in the free flow of information and ideas has brought knowledge and its myriad applications to many millions of people, creating new choices and opportunities in some of the most vital realms of human endeavour. (Rao Siriginidi Subba, 2009).

e-Governance stands for the application of ICT (e-Governance) at all levels of the Government in order to provide services to the citizens, communication and exchange of information between different agencies of the Government in a speedy, convenient efficient and transparent manner and also play vital role in decentralization. (Subash Bhatnagar, 2004)

2. Progress of e-Governance in Indian Administration

Global shifts towards increased deployment of e-governance by governments emerged in the nineties, with the advent of the World Wide Web. The technology as well as e-Governance initiatives have come a long way since then. With the increase in Internet and mobile connections, the citizens are learning to exploit their new mode of access in wide ranging ways. They have started expecting more and more information and services online from governments and corporate organizations to further their civic, professional and personal lives, thus creating abundant evidence that the new "e-citizenship" is taking hold. The concept of e-Governance has its origins in India during the seventies with a focus on development of in house government applications in the areas of defence, economic monitoring, planning and the deployment of IT to manage data intensive functions related to elections, census, tax administration etc. The efforts of the National Informatics Centre (NIC) to connect all the distre-governance headquarters during the eighties was a very significant development. From the early nineties, IT technologies were supplemented by e-Governance technologies to extend its use for wider sectoral applications with policy emphasis on reaching out to rural areas and taking in greater inputs from NGOs and private sector as well. There has been an increasing involvement of international donor agencies under the framework of e-Governance for development to catalyze the development of e-Governance laws and technologies in developing countries.

While the emphasis has been primarily on automation and computerization, State governments have also endeavoured to use e-Governance tools into connectivity, networking, setting up

systems for processing information and delivering services. At a micro level, this has ranged from IT automation in individual departments, electronic file handling and workflow systems, access to entitlements, public grievance systems, service delivery for high volume routine transactions such as payment of bills, tax dues to meeting poverty alleviation goals through the promotion of entrepreneurial models and provision of market information. The thrust has varied across initiatives, with some focusing on enabling the citizen-State interface for various government services, and others focusing on bettering livelihoods. Every State government has taken the initiative to form an IT task force to outline IT policy document for the State and the citizen charters have started appearing on government websites. For governments, the more overt motivation to shift from manual processes to IT-enabled processes may be increased efficiency in administration and service delivery, but this shift can be conceived as a worthwhile investment with potential for returns.

3. Initiative Towards e-Governance Based Governance in India

Diverse projects on e-Governance have been launched by different State governments in India. Being one of the biggest democracies, India has witnessed its implementation in a great fervour. However, the implementation, progress and effectiveness across the States and Union Territories have been as diverse as India is. Some States have really done well in terms of e-Governance projects conceptualization as well as implementation, whereas the progress has not been satisfactory for others. Following are the few e-Governance programmes of various States.

3.1. Andhra Pradesh

APSWAN (Andhra Pradesh State Wide Area Network) is voice, data and video communication enabled network in the State of Andhra Pradesh in India. The network connects the State secretariat with twenty-five centers and enables data transfer and exchanges across government departments throughout the State with 2Mbps back up for data voice and video communication. In brief Government offices at the Secretariat, distre-governance collectorates and other offices at the distre-governance level are the part of this network. The network aims to connect 'Mandal' headquarters, other towns and eventually the villages either with

dedicated line or Wireless or Dial Up facilities in future. (http://www.apts.gov.in/apswan.html).

3.2. Gujarat

The GYAN GANGA PROJECT is based on three tier structure having n-Logue, Local Service Providers (LSP) and Kiosk Operators. n-Logue acts as a central agency responsible for planning, implementing, maintaining and monitoring all the projects. Local Service Provider serves as an important interlink between n-Logue and the kiosk operators who actually run the 'Gyan Ganga' centres. LSPs have strong entrepreneurial and IT skills as well as good rapport in the project covered villages. The lower most level of the project consists of kiosk operators in the villages who with basic knowledge of computers extends all the planned services to the rural folks. (Gupta & *et al.*, 2002).

3.3. Karnataka

Bellandur is a small Gram Panchayat of over 10000 inhabitants just outside Bangalore and four surrounding villages. The project exists in an organized way since 1999 and has speeded up processes, reduced the workload, and has set off other developments. Following the computerization of tax collection, the Panchayat has recovered huge outstanding by limiting corruption. What makes this project unique is that it is an independent initiative funded by the Village Development Committee. Further, Bellandur airs its committee meetings over cable television in twenty neighbouring villages. (http://citeseer.psu.edu/651141).

3.4. Kerala

Information Kerala Mission (IKM) is an Autonomous Institution under Local Self Government Department, Government of Kerala, for computerisation and networking of Local Governments in Kerala (India) and has been in existence for a decade since August, 1999. It is the largest and most comprehensive local body computerization project in the country, which envisages computerizing and networking the 1,209 local self government institutions in Kerala. It is not only about computerizing the local bodies, it is the technology application for improving productivity, ensuring better service delivery, that guarantee faster and objective decision making, thereby enhancing accountability. This institution has

developed seventeen different application softwares for the efficient administration of different functions of LSGIs. (IKM website).

FRIENDS (Fast, Reliable, Instant, Efficient, Network For Disbursement of Services): The aim of the project is to provide a single-window payment mechanism for government-to citizen interaction in the State of KeralaThe project facilitates 1,000 types of payment bills originating from various public sector units. Citizens walk into a FRIENDS center and are issued tokens to avail the services within a computerized queue management minimizing waiting time. The project aims to incorporate other services and geographical areas throughout the State. (http://www.friendscentre.net).

3.5. Madhya Pradesh

A pilot project has been undertaken in Chatarpur Distre-governance Panchayat to develop a suitable GIS-based facility Management Information System (MIS) named as 'e-gram suvidha'. e-gram suvidha is a GIS-based decision support system (DSS) which can provide sector-wise thematic maps at a press of a key. The system offers block-wise thematic maps with Panchayats, viewing of village boundaries on existing facilities such as middle school, hand pumps, transformers and markets, computation of distances, and village profiles. The system also facilitates query generation and output in the form of maps and helps identify suitable locations for the creation of facility based on norms used for planning.

3.6. North-Eastern States

Sikkim is one of the remotest border States of India. Sikkim has started forty Community Information Centers (CIC) in the remotest of regions within the State, with computers, peripherals and a direct satellite link for internet access. CICs are expected to ultimately evolve into a single window delivery facility where citizens can pay their taxes, electricity bills, water and even get births and deaths registered online. Notwithstanding, the Land Records, Electoral Rolls, Registration of vehicles, driving licenses and the treasury have been computerized.

3.7. Punjab

PUNJABSEWA; is a mission to provide citizens with the most up-to-date information and services and present it in a manner best suited to their needs. The PUNJABSEWA is accessed by all

Internet users on a 24/7 basis. In the initial phase, the Government is providing information, procedures and applications forms for some of the most common services in the area of transport, municipalities, pensions, revenue, common certificates, licenses, renewals, permissions, public distribution, industry, electricity etc. (http://punjabsewa.gov.in/pages/aboutus.jsp)

4. Application of e-Governance and the Process of Decentralization

e-Governances play a major role in supporting the culture of democracy, democratic processes and civic values that uphold a democratic system. The aim is to: provide for citizens access to information and knowledge about political process, services and available choices, and facilitate transformation of passive information access to active citizen participation by informing, representing, encouraging to vote, consulting and involving citizens. It is essential that development planners need to have direct contact with poor, to link development programs to realities (Rao Siriginidi Subb, 2009). Application of e-Governance is linked with the concept of e-Governance in order to provide democracy at grass root level; hence, e-Governance facilitates interaction between different stake holders in governance. These interactions may be described as follows:

4.1. G2G (Government to Government)

In this case, Information and Communications Technology is used not only to restructure the governmental processes involved in the functioning of government entities but also to increase the flow of information and services within and between different entities. This kind of interaction is only within the sphere of government and can be both horizontal i.e. between different government agencies as well as between different functional areas within an organization, or vertical i.e. between national, provincial and local government agencies as well as between different levels within an organization. The primary objective is to increase efficiency, performance and output.

4.2. G2C (Government to Citizens)

In this case, an interface is created between the government and citizens which enables the citizens to benefit from efficient delivery of a large range of public services. This expands the

availability and accessibility of public services on the one hand and improves the quality of services on the other. It gives citizens the choice of when to interact with the government (e.g. 24 hours a day, 7 days a week), from where to interact with the government (e.g. service centre, unattended kiosk or from one's home/ workplace) and how to interact with the government (e.g. through internet, fax, telephone, e-mail, face-to-face, etc). The primary purpose is to make government, citizen-friendly.

4.3. G2B (Government to Business)

Here, e-Governance tools are used to aid the business community to seamlessly interact with the government. The objective is to cut red tape, save time, reduce operational costs and to create a more transparent business environment when dealing with the government. The G2B initiatives can be transactional, such as in licensing, permits, procurement and revenue collection. They can also be promotional and facilitative, such as in trade, tourism and investment. These measures help to provide a congenial environment to businesses to enable them to perform more efficiently.

4.4. G2E (Government to Employees)

Government is by far the biggest employer and like any organization, it has to interact with its employees on a regular basis. This interaction is a two way process between the organization and the employee. Use of e-Governance tools helps in making these interactions fast and efficient on the one hand and increase satisfaction levels of employees on the other.

5. Benefits of e-Governance in Indian Democracy

The application of e-Governance in administration has been assumed a kind of reform in the governance of India because it facilitated a large number of decentralization forces which are being felt in this system.

5.1. Better access to information and quality services for citizens: e-Governance would make available timely and reliable information on various aspects of governance. In the initial phase, information would be made available with respect to simple aspects of governance such as forms, laws, rules, procedures etc later extending to detailed information including

reports (including performance reports), public database, decision making processes etc. As regards services, there would be an immediate impact in terms of savings in time, effort and money, resulting from online and one point accessibility of public services backed up by automation of back end processes. The ultimate objective of e-Governance is to reach out to citizens by adopting a life-cycle approach i.e. providing public services to citizens which would be required right from birth to death.

5.2. Simplicity, efficiency and accountability in the government: Application of e-governance to governance combined with detailed business process reengineering would lead to simplification of complicated processes, weeding out of redundant processes, simplification in structures and changes in statutes and regulations. The end result would be simplification of the functioning of government. This, in turn, would result in enhanced productivity and efficiency in all sectors.

5.3. Expanded reach of governance: Rapid growth of communications technology and its adoption in governance would help in bringing government machinery to the doorsteps of the citizens. This enhancement of the reach of government – both spatial and demographic – would also enable better participation of citizens in the process of governance.

6. Constrains

Deploying e-Governances to empower poor and lead them to the road of decentralization has also been experiencing a number of constraints in India (Rao Siriginidi Subb, *op cit.*) which are as following:

6.1. Lack of Awareness

Despite growing number of people who own a computer and have Internet access, most people in developing countries have little opportunity to connect to the Internet. They are unaware of socio-economic benefits and stimulus to good governance that e-Governances can bring. The quasi-absence of demonstration projects and very limited information is available to assess and to advocate the impact of e-Governances for development.

6.2. Lack of Access

The access facilities mainly comprise computers and connectivity in rural areas. The Internet and computer are expensive to be accessible to ordinary citizens. It is often available only in urban centers, where most Internet Service Providers (ISPs) have their market.

6.3. Lack of Local Language Information Products

Lack of suitable information products tailored to the needs and assimilation capacities of rural people in India. In order to better adjust their investment decisions people need updated information on market prices, new agricultural technologies and methods to raise quality of their products, adapt to changing climatic conditions or demands of agricultural markets. Another factor is high illiteracy rate among rural people.

6.4. Non-availability of Government Information through Online

India does not have pro-poor e-Governance policies (e-Governance and rural commerce) and plans to re-orient relevant government institutes as electronic service providers to boost rural development.

6.5. Lack of Motivation

In spite of connectivity, people will not use e-Governances unless they are motivated to do so. Community ownership of access facilities and availability of facilitator are key factors to induce motivation.

7. Conclusion

Despite the constrain mentioned in the application of e-Governance on democracy due to lack of poor infrastructure, low literacy rate, lack of motivation and poor awareness level, it made us realize that only effective implementation of e-Governance and e-Governance in administration are the way to reach the common man, and helping National and State governments to align their services with the changing needs of both citizens and stakeholders, as well as to develop the economy. India being a geographically large and huge populated country, without the effective application of e-Governance on democracy, decentralization cannot be attained practically. The concept of decentralization goes back to British period and since then a number of steps have already been taken

in order to achieve the desired result. But it is the use of e-Governance in administration which can help democracy to reach the common man and fulfil the target of decentralization in India as it can provide vital inputs to the government's policy-making process from region and local level. It also makes government processes accountable. It enables the government to work better, yields higher revenue growth and costs less, apart from servicing citizens' needs as never before. Citizens can freely interact with various government departments anytime, anywhere with maximum speed and with minimal effort.

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