CHAPTER X

CONCLUSIONS AND SUGGESTIONS

There is no other socio-political and economic programme launched by the government in independent India which generated as much enthusiasm, aspiration, and participation of the people as the PRIs. In fact, it is a grass root democratic institution that has link with multifarious activities at the societal level, and has the potentiality of effectuating the constitutional objectives.

Although the PRIs were in existence in ancient and medieval India the present local self-government in India in the sense of representative institution accountable to the electorate was the creation of British rule. At present PRI being a statutory body, has come to stay with us and become part of the life of rural people. Both the 73rd Amendment Act 1992, and Karnataka Panchayat Raj Act, 1993, have given more importance to peoples initiations and involvement in the Panchayat Raj administration. The statutory status to Gram sabha, the requirement of involvement of people in the planning process, scrutiny of over all functions of Panchayats especially Gram Panchayats and the responsibility of every rural people as elector has not only increased the burden on him but also ensured the efficacy of these institutions. The PRI is linked with every aspect of rural life for the over all development of rural people through the implementation of various rural development programmes. In the past 50 years revising various rural development programmes has made many experiments. It is an institution with multidimensional activities. It is also an institution for political training from the grass root level to State and National level politics.

Though the functions of PRIs are limited only for ensuring civic amenities, they have both regulatory and developmental functions to improve the living conditions of the rural people. The present study reveals that the Judiciary while interpreting the Karnataka Panchayat Raj Act, 1993, has upheld the spirit of the Act and the Constitution especially, the Judgment in Prof. B.K. Chandrashekar case has been considered as landmark one in restoring regular elections to the PRIs. In this way, for the effective functioning of the PRIs, the Court has helped to establish the grass root democracy in the State. Further, it has also helped the
PRIs to overcome various deficiencies existed in Karnataka Panchayat Raj Act, 1993. The decisions of the Court have strengthened the PRIs by overcoming the ambiguity in the various provisions of the Act and Rules for their smooth functioning in future by creating not only the precedent but also obligating the State legislature to amend the Acts and Rules suitably. Further, some decisions of the Court may also create embarrassing situation by ignoring the very spirit of the Constitution and KPR Act. This can be seen from Hemala Nayak Case. Hence, it is submitted that, this kind of cases requires reconsideration by the Court.

However the provision like motion- of no confidence, which is invoked in the Panchayat Raj administration against Adhyaksha and Upadhyaksha without justification, cannot be intervened by the court except in the procedural matters. This is very important and illogical provision under the KPR Act, 1993 that is often subject to invocation by the members without any justification.

According to the findings of the study the income of the Gram Panchayats in the sample Gram Panchayats are not satisfactory. But it does not mean that there are no financial resources for Gram Panchayats within their jurisdiction. Strictly speaking Gram Panchayats have sound income resources, but they are not exploiting properly. For example non-issue of receipts by the Bill collectors of Gram Panchayats for having received the taxes. Secondly in most of the Gram Panchayats yearly Festivals, Jatras Melas, Fairs etc., are usually held and they are big financial sources to Gram Panchayats, but these Gram Panchayats have failed to collect the taxes or if collected, again no receipts would be given. This is another reason for unsatisfactory financial conditions of Gram Panchayats in the district.

According to the empirical findings the accounting systems of these collections of different taxes have not been maintained properly. As a result, cases of temporary misappropriation, irregular payments, fraud etc., appear to become common in the Gram Panchayats. Though the programmes like post- audit system and the recent Jama Bhandhi programmes (Departmental auditing) are worth noting in controlling the misappropriation of finances, at the Gram Panchayat level, the adoption of internal pre-audit system can put a good check on the aforesaid maladies. This system is considered as better than the post- audit
system, which is described as locking the stable after the horse has been stolen. The post-
audit system at best discovers past irregularities but cannot prohibit the misuse of funds. Pre-
audit is the most scientific method of audit. It helps to detect wrong and excess payments and
defalcations and forgeries before, the actual payment is made. The legitimate function of the
auditor is to ensure that financial transactions are in conformity with the law and the
sanctions prescribed there under. His approach should be positive, constructive and co-
operative and not negative. The auditor should also be a watchdog and not a bogey or a
bloddhound\(^1\). The auditor should also be available to the administration for advice on
financial matters, and his duty is not only to criticize but also help and guide the local
authorities in the proper management of their finance\(^2\).

Though the statutory status has been conferred on Gram sabha under Section 3 of
KPR Act, 1993, it is only from the past two years it is gaining its momentum. However the
study reveals that the expected performances have not been achieved. The reason is obvious
that, though the Gram sabha has been conferred with statutory status yet it has been
considered as a recommendatory body and its recommendations usually subject to ignorance
of all the three tiers of Panchayats. Hence, for the success of democracy at the grass root
level the Gram sabha should be strengthened in all aspects. Because it is the Gram sabha
where the direct democracy is prevailed by virtue of majority voices of local people,

It is a body where the transparency of Panchayat administration, social security,
social justice, environmental protections and other rural developments can be implemented
with the involvement and consultations of local people. Therefore the Grama Panchayat,
Taluk Panchayat and Zilla Panchayat should consider the recommendations of Gram Sabha.
Further the Grama Sabha should be held at least four times a year and all the bills that relate
to the development work done in the village should be approved first in the Gram sabha and
then payment may be made to the concerned persons. This power to Gram sabha shall be
conferred besides its regular functions.

The ultimate goal of law relating to Panchayat Raj is to transform the society. This
can be achieved only with the effective and greater participation of the weaker sections of the
society. In spite of many protective measures the domination of socially and economically
privileged class is still a problem in Mysore district. The law ought to be supported by the people for implementing the various schemes of social justice, which bring the social changes in the society. Yet the present 1993 Act, has generated new leadership especially the so-called neglected sect in the society has come forward to accept the leadership. This has been done by providing adequate reservation to SC, ST, Women and BCs. The over all picture in the district says that, the number of people belonging to weaker sections have been steadily on the increase in participating in the Panchayat Raj administration. However, the Government has to make some attractive and incentive programmes to increase their interest further.

The PRI with multidimensional activities is linked with the overall development of the rural poor. Providing the various basic facilities like sites, houses and employment opportunities to the rural poor; imparting education; protecting environment; and ensuring cleanliness etc., in the society have become the part of Panchayati Raj administration. This has certainly improved the living conditions of rural people in Mysore district. It is implied that the mandatory duties of PRI is not confined to civic amenities but is extended to other rural development programmes also. This has brought tremendous changes in the political and social life of rural people.

The present study unravels that, now the PRIs have greater role in socio-economic and political development of all people especially, the poorer and weaker sections of the rural society.

Though the Rural Development Programmes, which are implemented through the PRIs, are providing modern basic facilities to rural people, the extent of achievement against the total population of the villages are insufficient. This problem is very serious in the area of providing shelter and sites under the schemes like Indira Awaz Yojane, Ambedkar Awaz Yozane etc., Hence, more grants for implementation of these schemes should be sanctioned to each beneficiaries in one installment so as to avoid the unnecessary delay. Further, in some of the newly formed layouts adequate basic facilities like water, light, sanitation etc., have not been provided. Hence this should be speeded up by providing adequate funds.
The study also reveals that the sanitation facilities are very poor and in the entire sample Grama panchayats the drainages have not been formed. Manures and sweepings are not disposed of regularly; public latrines are not to be seen even in a single village. The uncollected and open garbage has become the breeding centers of all kinds of diseases. Therefore, efforts must be made to clear the garbage regularly as the supply of these services is far less than the basic needs. However, the safe drinking water has been ensured in all the Grama Panchayats of Mysore district.

The rural road system forms an important infrastructure of rural development. Proper road system or communication can increase the employment opportunities to rural people by bringing them into contact with urban areas. However, no separate grants have been provided for improving the road communication in the rural areas. Hence, the Government should look into this matter by allotting funds exclusively for rural roads.

Providing the basic facilities to the needy and deserved beneficiaries itself will not serve the purpose. Monitoring and persuasions of such facilities, whether it is being utilized properly or not, is very important. For example the latrines built under Nirmala Grama yojane is being used to dump the agricultural tools. This kind of waste will be avoided only when proper monitoring and persuasion are done by the Gram Panchayat and other officers.

The study reveals that, the sample Grama Panchayats in Mysore district have failed to evoke the awareness about the importance of environment in the Grama Panchayat areas. No saplings, or forestation programme or private farm forestry programmes have been proposed and implemented. Further in Udbur and Siddalingapura Gram Panchayat area the desilting of lakes have not been done even though there are incomes to these Grama Panchayats.

Apart from the above the following findings are also the highlights in the Mysore district Panchayat Raj administration.

As regards the inclusion of the members of the Legislative Assembly, Member of Parliament and members of the Legislative council who represent part or whole of the Taluk and District³, the study shows that it is not satisfactory. Their inclusion as ex-officio members is not only undesirable but also offends the principle of local democracy. Their
attendance is very rare, yet they play politics indirectly which completely halt the development work sometime. Hence, it would be rather good to make provisions enabling the State Government to nominate experts with the knowledge of Panchayat affairs as members of Taluk and Zilla Panchayat. However they shall not be entitle to vote just like present arrangements that the \textit{ex-officio} members shall not have right to vote.

The Adhyaksha and Upadhyaksha of Taluk and Zilla Panchayats are elected only for twenty months. It is a very short period and they cannot do justice to their office within this short period. Further if a person is elected for the first time it may take much time to know the inner view of the administration. Hence, their tenure may be extended at least for two and a half years. Further the tenure of the various standing committees should also be increased reasonably so as to do the good work.

Most of the members of all the three tiers do not know their exact duties imposed on them by Acts, Rules and Government Orders. Unless the steps are taken for proper training of these members they may not be able to discharge their duties properly. Imparting training to these members will enhance their knowledge in the Panchayat Raj administration and it increases their responsibilities towards the rural people.

The study reveals that in all the three tiers politics unfurls and that there has been a continuous tension and frequent conflict between the members of all the three tiers. Factionalism always plays vital role ignoring the very spirit of PRIs. Caste consideration strongly influencing the minds of the members and rural people. Hence there is a need to improve the working of party system at Taluk and Zilla Panchayat levels. The existing low political standards must be replaced by the proper code of conduct.

Further, lack of proper co-ordination between the Chief Executive Officer and the Departmental Heads like District Health Officer, Engineer, and Chief Accounts Officer has resulted in dysfunctional administration and frictions. Hence, it is desirable that interdepartmental link must be established to bring about co-ordination between the departments on the one hand and Chief Executive Officer and the departments on the other.
If the Panchayat Raj administration is to be efficient, the personnel must be efficient. Competent and committed personnel are the need of the day. Especially the recruitment of the Bill collector through the promotion is against the spirit of Constitution as no reservation system has been maintained. Hence, proper representation to SC, ST should be given and transparency in this respect should be maintained. Further, it is suggested that the recruitment process may be completely entrusted to a separate Local Government Service Commission and before the placement proper training should be given so that they will be well versed with the Panchayat Raj administration. The ATI (Administrative Training Institute) and ANSIRD (Abdul Nazir Sab State Institute of Rural Development) of Mysore may be utilized for this purposes.

Further, it is suggested that, those who have been already employed and working in PRIs should also be given orientation course with the latest developments regarding the implementation of programmes and schemes.

Some of the officials like attenders and peons in Grama Panchayats are discharging their duties over last twenty years. Their positions have not been confirmed so far and they are receiving very meagre salary without any allowances, provident fund and pension benefits. Hence the government should ensure minimum security for these officials.

Further, it is suggested that in order to maintain the decorum of the meetings of Zilla Panchayat and Taluk Panchayat, a Speaker post should be created or an officer may be appointed or deputed to conduct the meetings effectively, efficiently without bias.

Apart from the above, the following suggestions may also be considered for effective functions of PRIs.

It is observed from the study that majority of the rural peoples are not aware of the various recent programmes and schemes of State and Central Governments. Hence, proper education to the rural people is the need of the day. This may be done by conducting awareness programmes through street play and film shows etc. Further it is also necessary to highlight the duties of the people towards the PRIs for their co-operation in implementing the various programmes and schemes. The study of civics, citizenship and PRIs should be made
compulsory for high school students. This enables the budding citizens to learn about the PRIs and to know of their importance.

As it has been pointed out earlier, the Village Volunteers Force shall be rejuvenated and this force shall be assigned with the functions like night patrolling etc. to ensure the security of life and property in the village.

In the matter of reforming of the PRIs the recommendations of National Committees to Review the Working of Constitution (NCRWC), which was constituted recently to review the Working of various important aspects of Indian Constitution are noteworthy. Further, the recommendations in respect of the Review of the Working of the Constitutional Provisions for Decentralisation (Panchayats) through the consultation papers for improvement of status of Panchayats in the country has been briefed as follows.

The NCRWC has suggested through the Consultation Papers that 10 years after passing of 73rd Amendment Act, 1992, the change brought about by the amendment has not been radical, nor its implication found to be far-reaching. For Panchayats, have still now failed to emerge as Government at the third stratum, up to the expected level.

Yet, the certainty of PRIs, election to these institutions and entry of weaker sections of the people including women in the power structure of Panchayats have been ensured.

The Commission observed that in spite of this Amendment, the elections to PRIs have not been held regularly, functional and financial devolution has not taken place, administrative and financial resources have been denied to panchayats and Gram Sabha has not been given proper recognition. The Commission felt that there are some unattended basic questions about the status of Panchayats. The Constitution by and large, failed to give definite direction to decentralisation process. The following are the recommendations of NCRWC.

The State Election Commission should be given adequate power in conducting the regular elections to PRIs and an annual report shall be submitted to the Governor in this regard.
The Panchayats should function independently subject to certain limitation but not merely as agents of State Government. Apart from ensuring the autonomy the PRIs can be relied upon not only for developmental functions, but also for regulatory functions of the State.

Introduction of separate lists for local government or for State-Local Concurrent Jurisdiction or both, by altering 11th Schedule to ensure ‘devolution’ type of decentralisation.

Regarding the financial domain of PRIs the Committee felt that the function assigned to Panchayat institution must match with the financial resources it is capable of raising from various sources including grants from the State Government. Further fiscal autonomy in raising and spending financial resources should be ensured.

Introduction of separate tax domain for the local bodies by introduction of a Local List and a State-Local Concurrent List will guarantee devolution of fiscal powers from State to panchayats.

Regarding planning, it shall be obligatory function of panchayat at all levels. District planning shall be the function of Zilla Panchayat.

The Grama Sabha should be allowed to play substantive role in the functioning of Grama Panchayat.

As the part IX of Indian Constitution is silent about the personnel system the Committee recommended that the Panchayat should have autonomy over management of its personnel.

Now it is up to the Parliament to accept the recommendations of NCRWC. However, if these recommendations are accepted and implemented then it will be another milestone in the sphere of Panchayat Raj system in the country.
The overall picture in the Panchayat Raj administration of Mysore District reveals that, it has created great consciousness in the rural people about their rights, ultimately changing their socio-economic and political life. However, there are some loopholes in the Act itself, which leads to overlapping. This can be seen from Schedule I, II and III of the Act and unless there is a clear transfer of powers and devolution of financial powers the improvement of PRIs cannot be expected. Further, any movement in the policy of Government is dependent upon the social solidarity and effective participation of people to whom it is targeted. In other words, social sanction is very important to achieve social change; and the role of legislations and judiciary in the State is supplementary. However, it is too early to predict the overall achievements of PRIs in Mysore district in a span of just nine years of enactment of KPR Act, 1993.

Now with all its shortcomings, the PRIs have come to stay with us. The PRIs have history of five thousand years in our country, but the modern PRIs have their history of twelve decades with a lot of ups and downs. Finally they have a place not only in the Constitution but by virtue of its very existence these institutions have become part of the rural people. Now, it has gone to the extent that without these PRIs the rural life in our country cannot exist. Hence, there is no question of retreat.

Thus, the future of PRI in Mysore could be very high if the State Government overcomes the shortcomings mentioned above. However, it all depends upon the effective participation of all the rural people in the Panchayat Raj administration to establish welfare and egalitarian society in the country.

On the whole, as a nucleus of public action, the PRI in India has tremendous potentiality for a comprehensive and multidimensional development of the whole polity. Standing at the lowest layer of political pyramid, designed for good governance through real self-rule, it is instrumental for cardinal constitutional values like human rights, communal harmony peace, justice etc. Harnessing this instrument to the full potentiality becomes an appropriate agenda for a nation committed to the cause of Socialist, Secular, Democratic and Republic.