

# **INDEX**

## **WHY THIS BOOK**

### **CITIZENS HAVE NO CONTROL**

There is No Control over Government Employees  
No control over government treasury  
The Politics of B.P.L.  
No control over Government policies and Laws  
No control over the natural resources  
Is this Democracy?

## **TIMES GONE BY**

### **PRESENT ANOMALIES OF PANCHAYAT RAJ**

Tree Plantation Campaign in Bhondsi Village  
Garbage in the City of Kutumbakum  
A joke named NREGA  
Panchayats do not have authority to even buy a broom  
Panchayat Secretary – Of the state Government or of the Panchayat?  
The story of Backward region grant fund  
Conclusions

## **SOME EXAMPLES OF OTHER COUNTRIES**

USA Wal-Mart Lost  
BRAZIL- Budget prepared in the streets  
Switzerland- Parliament reflects the will of the people

## **CITIZENS ARE THE MASTERS**

Need control over government servants  
Control over government money  
Will corruption increase if gram sabhas are empowered?  
Citizen's opinion should be taken to formulate policies and law  
Control over natural resources  
There should be division of work between various levels of government  
How the decision will be taken in Swaraj system of governance?  
Effect of this on Indian politics  
There is need for sweeping changes in the panchayat raj and other laws

## **INTERNAL ISLANDS OF SELF GOVERNANCE**

Hivare Bazar Village in Maharashtra

Example of a village in North Kerala

Magic of a new law of Madhya Pradesh

## **WHEN THE CITIZENS TAKE DECISIONS**

Improvement in education

Improvement in health services

Getting rid of Naxalism

Suggestion Success in containing Alcoholism

Freedom from poverty, hunger and unemployment

## **BASELESS DOUBTS AND ASSUMPTIONS**

Atrocities on backward classes

Fear of Khap Panchayats

By giving powers to Gram Sabhas, malpractices of society will increase or decrease?

People will have differences

PESA, what happened to this law?

Entry of honest individuals in Politics will make a difference?

Reform is impossible without change in Political system

Building character and system reform

## **LAW NEEDED FOR SELF GOVERNANCE OF VILLAGES**

Gram Sabhas should be supreme

Projects on Village level should be under village

Control over Government employees

Control over government funds

Control over Block and district panchayats

Direct control over policy formation and state assemblies

Right to information by the gram sabhas

Control over the panchayat secretary

Issues of corruption in panchayats

Alcoholism in Villages

License for Industry and mining

Land acquisition

Land records

Control over natural resources

Corruption in Government offices

Collection of taxes  
Consolidation of many villages under one panchayat  
Consolidation of panchayat on Block and district level  
Transparency in documents  
Introduction of Lokpal  
Ban on interference of the state government

**Self Governance in Cities is essential too**

Experiment in Delhi  
Steps by the Central Government  
Salient Provisions of the proposed Law

**PLEASE CONNECT WITH YOUR RWA OR GRAM SABHA**

## Why This Book

I was working for the income tax department earlier. At the end of the 90's, the income tax department carried out a survey of many MNC's. During this survey, these MNC's were caught red handed evading income tax. They accepted their crime and paid the entire amount without an appeal. Had these companies been in other countries, their senior executives would have been jailed. During the survey one chief executive of an MNC threatened the income tax team by saying that their presence in the country boosted its economy; that they were here to help a poor country like India but if the income tax department continued to bother them they would pack up and leave. His boast did not seem an idle one when he said that he had access to the parliamentarians at the centre; that he could get his bills passed and could even get personnel who bothered them transferred. The threat rang true when one of the senior officers of our team was actually transferred.

At that time I did not give much importance to the talks of these foreign companies. I thought they were venting their anger, frustrated with the process of survey. But I started to see the truth behind their talks by many incidents that happened in the last few years. I started to question the truth of their claim; "Did they really have control over our parliament?"

In July 2008, the then U.P. government had to prove its majority on the floor of the assembly. MLA's were being bought and sold. Certain T.V. channels showed these MLA's accepting money openly. Those video scenes gave me a sinking feeling in the pit of my stomach. If MLA's could be sold like this then what is the value of our vote. Today the leaders are buying the legislators of the country to save their party. Tomorrow the same legislators could be bought by any other country like America or Pakistan. It is possible that such a thing is happening, but who knows. This thought sent tremors of terror through my mind and body.

Are we citizens of a free country?

Are the Members of Parliament of our country making laws for the welfare of its people only?

A few days back when I read in the newspapers about the Nuclear Civil Liability bill being presented in our parliament then all fears seemed to come true. The bill proposes that if a foreign company sets up a nuclear facility in the country and if an accident were to occur in the said nuclear facility then the liability of the company is limited to Rs.1500 crore only. Whenever, an accident has taken place in a nuclear facility anywhere in the world hundreds have perished and that country has suffered losses amounting to several thousand crores. For example estimates of Chernobyl nuclear accident in Russia are pegged at Rs. 11650 thousand crores (US \$235 Bln)

Here our parliament is ready to accept a meager sum of US \$ 0.35 bln (Rs.1500 crore). In the Bhopal Gas leak tragedy 2000 people died and an estimated 578000 people were affected but Union Carbide, the company responsible for the same, paid a sum of Rs.2200 crore (US \$ 470 million) only, that too after twenty years of litigation. Compare this to Oil leak in the Gulf of Mexico where the Obama administration is demanding damages to the tune of US \$ 40-60 bln. (Rs.1800 thousand crore-2600

thousand crore) from British Petroleum. The best part is, there was no loss of human life in the oil spillage.

A nuclear accident, therefore, would be like many Bhopal tragedies. Many clauses in the Nuclear Civil Liability bill also ensure that no criminal complaint would be lodged against the foreign company and no liability suit would be filed in any court of law. There would be no police case registered and the company can go scot free after paying Rs.1500 crore only.

After reading this law, it felt that the lives of citizens held no value to our law makers. It is evident that this law was enacted by putting on wager the lives of its citizens for the benefit of foreign multi nationals. Why is our parliament taking such decisions? It is certain that either it's members are under some external pressure or some members or parties have been bought by foreign companies.

There are and were a lot of news items circulating in the papers during the time of the Bhopal Gas tragedy. When the court decided the compensation recently, the senior members of political parties and government officers treated the chairman of Union Carbide as state guest and helped him flee this country.

Observing these things doubts arise in the mind "Is the country in safe hands? Do we see our lives and our future safe in the hands of few of these political leaders and government officers"? It is not only that our Government is under the pressure of foreign powers and foreign multi national companies, but for money, political leaders and bureaucrats can do any thing. It has been observed that certain business houses have become absolute power centers. In a recent phone tapping expose, the decision for distribution of portfolio to ministers in the present government was not being taken by the Prime Minister but by certain business houses. It is now an open secret that some ministers and bureaucrats of the government have got affiliated to certain business houses. They openly associate with each other. It will not be an exaggeration to say that certain state governments and certain ministries in the centre are being run by business houses.

A few days back there was news in the papers that a certain industrialist wanted to establish a private University in Maharashtra. He met the Education Minister of Maharashtra who in turn decided to table a bill in the state assembly that allowed private parties to establish universities in the state of Maharashtra. Our state assemblies are ever ready to fulfill the wishes of the industrial houses.

The mines of our country are being sold to these industrial houses for pennies. The companies that mine iron ore pay a royalty of Rs.27/ per tone only. The same iron ore is sold in the open market by these companies for a price of Rs.6000/ tonne. It would be worth while to know that the expense for extracting iron and cleaning it is Rs.300/ tonne only.

Is this not plundering of national wealth?

In the same way our forests, rivers and other natural treasures are being exploited and manipulated by the wealthy and the powerful . Small landowners and farmers are being forced out of their land at a paltry compensation in the name of development. The same land is then sold to these companies at

throwaway prices. Natural resources and wealth of our country is not safe in the hands of the political leaders and the bureaucrats any more. If nothing is done quickly then they will sell everything, even the country.

There is a big question mark that looms large; a big question mark indicating the health of Indian politics and the Indian republic. All the leaders of the so many political parties that exist are the same. We can select leaders from one party or the other but the content of that political leader will not change.

In last sixty years we have tried every political party and every political leader. But there has been no improvement in the condition of the country. One thing is certain that nothing happens when you change political parties or the leaders.

We will have to do something more.

We have been working, for the last ten years, on various issues through our NGO "Parivartan". Some times we worked on Public Distribution system and at other times on privatization of water. Many a times we raised issues of corruption on the development work of the government. We got partial success, too. But this success we realized was ephemeral and delusionary in nature. We got success on the issue till the time we worked on it in that area but as we moved on to next issue the old issue became even worse than before.. There are innumerable issues in our country and a sense of dejection started to seep in looking at the task in front of us. But we started to realize that the root of the problem is in the political system of the country.

All these issues crop up due to the corrupt politicians and their parties that have a nexus with criminal elements. Take the example of people involved with the grand theft of ration. These elements are under the direct protection of the political parties and their masters. When a complaint is lodged against theft of ration by a shop keeper to an inspector of food and civil supplies or the commissioner or the minister concerned, nothing happens because all these people are together in the theft. A large sum of the theft reaches the top echelons. How can we expect justice against our complaint from the people who are robbers themselves? At places where the media or the people exert their support then as an eye wash licenses of such shops are terminated. When the pressure of the public eases the officials of the food department take bribes and the same shops are then reinstated.

In this whole drama citizens have no powers except to lodge complaints against the thieves to thieves, hoping for a stringent action that is rarely taken.

What we have started to understand is that the law of the land must empower the citizens so that instead of making complaint against the theft of ration, the people themselves could punish the shop keeper. The citizens must have direct control over the establishment where the decision of the people is implemented by the government officers and political leaders.

Can this happen? Can one hundred and twenty crore people of this country be empowered to take judicial decisions?

Citizens are the owners in a democracy. The citizens have given the right to parliament and the government to take decisions on their behalf, for their welfare. But the government, the parliament and the legislative assemblies have blatantly misused this right. Shamelessly and openly they have sold the citizens and their rights for Money.

Is it time that we the citizens take back the right that we had given to the political parties, the politicians and the government officers to take decisions on our behalf for our welfare. Is it possible? Will it create anarchy?

I have travelled a lot, read a lot and have met a lot of people to find the answers for the same. Whatever, I have understood I am presenting it in the form of this book. If you have any doubts after reading this, please do contact us. If you are convinced with the issues raised in this book then please get involved with this movement whole heartedly. Time is very short. The wealth and the power of this country is being sold to foreign companies and countries at a fast pace. If we do not act quickly it would be too late.

## **CITIZENS HAVE NO CONTROL**

Root problem is the politics of electing our representatives once in five years who are not accountable to the people. The elected representatives once sent to the parliament are law unto themselves. People have no control over the same people in whom they had reposed their trust.

### **There is No Control over Government Employees**

In a village government school, if a teacher does not teach properly or decides to come late to school or prefers not to come at all, no action can be taken against him, even if a complaint is filed to this effect.

Similarly, if a doctor in a government hospital does not treat the patients properly or does not prescribe or give medicines when needed no action can be taken against him even if a complaint is filed against him. The owners of ration shops steal ration blatantly, but you have to remain a mute spectator for no action is ever taken on your complaint.

In the same way when you go to the police station to lodge a complaint, the station house officer does not accept your complaint and many a times will initiate false cases against you. You can do nothing against him except seethe with an impotent rage.

There are hundreds of other examples of passport officers, personnel of revenue departments, licensing agencies, civic agencies dealing with birth death certificates where for smallest of works that common citizen has to get done has to pay bribes. This proves that we as citizens have no control over the government employees.

We pay taxes. You will be surprised to know that the poorest of the poor including a beggar also pays taxes. Are you aware that every time you buy insignificant products like toothpaste, brush, cloths, copy, pencils, or a soap cake, then excise duty or sales tax is included in the price of that product. This tax that has gone into the government coffers is our money. There are stamp duties, service taxes, custom duties and plethora of other taxes that go to government coffers.

The statistics show that 70% of the population spends about Rs.20 only per day, per person. In a family of five, the monthly expense is Rs. 3000. If all kinds of taxes are added they average about 10%. In other words, even a poor family pays a tax of Rs.300 per month or Rs.3600 per year. If there are 1000 families in a village then, on an average they pay a tax of Rs.36 Lacs to the government. In 10 years it means your village has paid a tax of Rs.3.6 Crores. You are the owners of this tax which has been collected by the government. All the government officers, bureaucrats, the political leaders are actually your servants. It is tax paid by you that disburses their salary. It is your money that provides them with bungalows. It is your money that runs their air conditioners. It is your money that provides them with those cars with flash lights, its petrol and their servants.

These are the same people who look down upon you with disdain and indifference once their purpose is served. It is a paradox that we have no control over the people who draw their salaries from the taxes paid by us. We have no control over our servants. You can not take action against them, be it a



government doctor or a teacher. You can say nothing to the ration shop owners and you fear the SHO of a police station.

Have you ever gone to a collector's office? Have you tried to meet him? You will realize he is unapproachable. Not only does the collector has an attitude but even his peon is ensconced in an ivory tower. We have no control over these government officers who are there to serve us and are paid salaries from the tax collected from us.

### **No control over government treasury**

We have no control over government funds which is but taxes collected from the citizens. Our needs and necessities are ignored when plans to spend the collected money are made. We are not even told where and how the money was used.

In the name of CWG Rs. 70000 Crores were squandered in Delhi. The roads were dug up and re made. Tiled Footpaths were unhinged and retiled. According to a newspaper report Rs. 400 Crores were spent on such footpaths.

The NDMC is riddled with contradictions and controversies. Sanitation workers of the municipal corporation have not been paid salaries for three months and certain contractors have not been paid for the last five years. Yet funds have been readily available for the construction of a helipad on top of the Corporation building to help political leaders land their helicopters there.

When we go to the same Corporation with a genuine problem, we are told that there are no funds available. For example, Sundarnagri is a slum colony of New Delhi. The people do not have drinking water. They do not have a secondary school. There is no sewage system and the government claims that it does not have money to provide the same. But some years back fountains were made in the same area at a cost of Rs.60 Lacs. It was ironic that there was no drinking water but there was water for the fountain. It was a joke that went sour for the red faced corporation was not able to provide water for the fountain even on the day of the inauguration.

It is evident the government has money but it is used for wrong things. The money is not used for things that the people need. The wish of the people is not taken into consideration.

The problems of villages are different. The amount of money that goes there goes under some weird schemes. Policies are decided in the State capitals and in new Delhi by politicians and bureaucrats with a blinkered view of the problems that are faced by 120 crore people of India. Their needs and necessities are never taken into account. The Neta thinks he knows the best. There are several schemes like old age pension, widow pension, public distribution scheme and others which are made by Politicians and officials located at state capitals and the centre that are divorced from the real people and their needs.

We visited Khijuri village in West Bengal, where the Sarpanch told us that though the village had received rupees six crore from the government, they could not construct a school which was badly needed and would have cost them only rupees twenty lakhs. This was because this money was tied up

under various scheme of the government, for instance, the pension fund or construction of houses under the Indra Vikas Yojana or for some other scheme.

Our needs are not decided by us but by the politicians and bureaucrats at the centre. The farmer might need money for irrigation, or the people need a hospital but if the government thinks otherwise, then the farmer and the people and their needs can wait..

We went to a village in Orissa where sixty three families were suffering from Plague. The village had rupees six lac available to them but that money was not free money. It was tied to one or the other of the government's schemes. The nearest hospital was fifteen kilometers away from the village. In spite of the fact that so much money was available yet that money could not be used even to hire a vehicle and take the poor families to the hospital. The consequences were inevitable. Seven people died? What use was rupee seven lac if it could not save the life of people in that village?

Let us take an interesting example. It seems that one day an officer of government of India stationed at Delhi saw a dream. He saw that if people of every village started to collect water in their own village then the problem of water would be solved in the country. An order was passed regarding launching a scheme. The scheme had a slogan that ran something like "Our village our water". If villages were to construct tanks to collect water then the village would be sanctioned rupees sixty thousand to one lac for constructing the same. The scheme started from Delhi, was accepted by the state governments and then through circulars was sent up to the district magistrates for implementation. In one district, the collector informed all the sarpanchs about the scheme under which funds could be sanctioned for construction of structures for collecting water. In a certain village when the sarpanch collected the people and informed them of the Centre's scheme about the allocation of funds against collection of water, the people laughed. These villages were actually flood prone and needed no such grant or assistance or funds of the government. They did not need money for collecting the water but for throwing the water out of their villages.

These are ridiculous schemes far removed from what is needed by the people. There are specific problems in specific areas. There are different needs of different groups of people separated by geographical and cultural boundaries. The solution of problems cannot be measured by the same yard stick. Even two villages which are next to each other are bound to have different sets of problems. How can someone sitting in Delhi take decisions for them without knowing what they want or desire? You cannot think up of solutions in isolation.

### **The Politics of B.P.L.**

We have heaps of schemes in the name of poverty eradication and for the poor. All these government schemes are responsible for turning the people into beggars. One interesting scheme goes under the name "Below the Poverty Line" (BPL). We will have to understand the political implications of this policy.

BPL policies that are hatched by the centre are made with an ulterior motive of collecting votes for the ruling party. It is advertised and much publicized, projecting the government as pro poor. The politicians

who make these policies in the name of the poor know from day one that this money will never reach the poor. But they show case and highlight these schemes to make everyone believe that this is actually for the very poor.

Why are the villagers not free to plan their budget? Why are the villages not given the right to decide what they want for their development? Why our leaders sitting miles away at the Centre should be given this prerogative and not the villagers themselves? When we put these questions to a prominent political leader he was candid enough to admit that the existence of a successful government, coalition or otherwise, depends to a great extent on such schemes, especially the big money involved therein. That said it all. We always knew it but now we had it straight from the horse's mouth as to why the politicians made big money and why the villagers were left with just a mouthful. The need for making grandiose development plans for the village without consulting the people now fell into place. The neta wants to show that the government is for the people, to garner votes but makes sure all the while that the money came back into his pocket.

The BPL scheme of the government has been very successful in as much as it has attracted the villager, and hordes of them who are willing to be called BEGGARS, provided they get the monetary benefits from the government without doing any work. Living below the poverty line indicates that a person is incapable of earning a decent living for whatever reasons and he needs financial help from the government and the society. The paradox here is that everyone wants to be declared a beggar so that he can avail of the dole. This cacophonous clamour for becoming a beggar is the biggest deterrent to the progress of the country. How can you expect a policy to be pro poor or pro nation if that policy is laying the foundation of a regressive mental state in the people? How can the nation then move forward on the path of prosperity and progress? I have yet to meet a person who has voluntarily left the BPL and gone back to earning a livelihood. All I see are masses who are making a beeline to partake of the government's charity program. This scheme of BPL is having regressive psychological implications on the poor of the country.

The two glaring truths that emerge: we have no control over the government employees and we have no control over the deployment of government funds.

### **No control over Government policies and Laws**

The third salient point is that we as citizens have no control over the parliament or the legislative assemblies and no control over the making of laws that affect us directly. Though the legislator is the representative of the people in the parliament, the interests of the people is farthest from his mind. The nexus between the government and the big business houses both within India and without play a big role in formulating policies and enacting laws that are mutually beneficial,

### **No control over the natural resources**

In the same way we do not have control over the natural resources of the country like mines, forests, water or land which are being plundered and sold to business houses for personal gains of the elected representative.

## Land

There is unrest in the country over the issue of acquisition of land. In every state of our country and at least at three to four places, there is mass protest against the forced acquisition of land. The land is being acquired against the wishes of the land owners. There are some fundamental issues which are highlighted as under in connection with land acquisition.

- a. Many farmers are just not interested in selling land because they cannot comprehend how the acquisition of their property for the proposed schemes of the government is going to benefit the common man or them and the government has totally failed to explain this to the people. In most places the acquired land is being given to big business houses, where the legislator has already struck a financial deal. This explains to a great extent why the elected representative is willing to snatch land away from the very people who voted him to power.
- b. Many farmers want better price for their land. It is believed that the price at which the land is acquired is less and that is becoming the point of agitation at many places. The rate of land for acquisition are decided by the government and the people are not involved at all at any stage in deciding what they want or what they do not want. When the land is acquired the realization of the price of land takes many years.
- c. In many tribal areas land is acquired and a compensation of rupee one or two lac is given. This money is not sufficient to run their entire life. They belonged to that land through which they were making a living. Once they are uprooted from their natural habitat, it is not only a social upheaval for them but also an invitation to hunger and poverty. The government fails to understand and measure the gravity of the problem that the tribal face.
- d. Many a times when the land is acquired in a village, it is only the owner that gets the compensation. The others who depended on that land for their livelihood, the laborer for instance face starvation. The whole economic infrastructure that revolved around that land collapses; for instance shops and small businesses that thrived on agriculture face extinction.
- e. By acquisition of land for various industrial and other enterprises the business houses get a lot of profit, the politicians and government officers make money through bribes and the farmers face unemployment, the landless face hunger and deprivation and the food security of the nation gets weakened. Can the Politicians and the Government explain how this type of land acquisition is in national interest?

We need to understand the present system of land acquisition. If a company wants to set up a factory near or in the village then the company approaches the state government for permission instead of approaching the village. Bureaucrats and Politicians sitting in air conditioned offices in state capitals grant the company permission after taking hefty bribes. After the permission is granted for setting up the factory, the government machinery is brought into motion like providing meager compensation, using police force to impose the acquisition and eject the land owners from their land. The land is, in fact, literally snatched from the people's hand without their consent. All because vested interest at the centre or the state level are corrupt,

inaccessible and unanswerable to the very people who had sent them to protect their interest with the government.

In the name of Special Economic Zone (SEZ) land of countless people is snatched away from them. And the central government passes twenty to thirty such proposals in an hour. If we are aware of the magnitude of one SEZ we can perhaps understand what goes on in these air-conditioned office meetings where the country's planners just take a few seconds to sanction one plan. Whatever goes on in such meetings we don't know but there is certainly no time for due deliberation or discussion over the merits or the demerits of the project under review. But it is evidently here that deals are struck and money changes hands. The companies who have paid the bribes are able to get their proposals sanctioned and the companies that have not go back empty handed. The process of sanction of SEZ is a mere charade.

### **Minerals**

Our country has abundant reserves of minerals like, iron, bauxite, coal and etc.. These deposits were created by a natural process over a period of several thousands of years. This is our natural wealth that is either being sold to business houses at throw away prices or being leased to these companies. This wealth gets concentrated in the hands of few and we the owners of this wealth get nothing. The companies who have bought or leased these resources sell the minerals in international markets at super profits.

It was mentioned earlier that companies that own mining lease for iron ore pay a meager royalty of Rs. 27/tone to the government or let us say to us people. The same iron ore is sold at a price of Rs.6000/ per tone in the international markets. The expense incurred in extracting the ore and cleaning it up is only Rs.300/ per tone. Is this not a blatant loot of the countries natural resources?

The rate at which iron ore is being mined will soon deplete the country's resources if they have already not done so. Goa exports large quantities of iron ore to Japan. It is said that this ore is of highest quality in the world but it has finished or will be exhausted very soon. In the same way iron ore of Beladila in Karnataka is supposed to be one of the best in the world. In last few years this iron ore was extracted at such an accelerated pace by the companies in connivance with the political leaders that it is said that within next twenty five years the deposits will be exhausted. This ore is being exported to China. Many countries are sitting over their deposits of iron ore waiting for the day when the other countries, like India have exhausted theirs.

It is evident that this wealth is not safe in the hands of political leaders and the government bureaucrats.

Secondly, when permits are issued, for mining of the ores in any area then the people of that area are displaced. Jharkand, Bihar and Orissa government have signed several memorandums of understanding with mining companies under which hundreds of thousand acre of land is being snatched from the tribal and handed over to these companies. In Orissa, Bihar and

Jharkhand several areas have become battle grounds for the local population and the police. This has given rise to the Naxal movement. The land belonging to tribal is being sold to mining companies at a pittance. While the companies owning the mines make obscene profits the locals of that land are faced with hunger, poverty. Their social fabric is being ripped apart.

Thirdly, the mining companies do not take care of the environment while extracting the ore. They blatantly violate the environmental norms, the effect of which has to be borne by the population that lives around the area. When complaints are made, the government officers take bribe from the mining companies and decide to overlook into the causes of the complaint.

When there is a leakage of any gas during the extraction of oil it can pose serious health hazards for the local inhabitants. In this small village near Ranchi where the ONGC was drilling for oil the people reported the leakage of methane gas ,not to the ONGC, because they, knew the Corporation would not bother, but to the District Collector. Though the Collector assured the locals that appropriate action would be taken, he also mentioned that it was nothing to be scared of, for there were cases where methane kept leaking from some of the functional oil wells. Methane is highly combustible and even the spark of a matchstick can cause fire and explosion in the atmosphere.

So we citizens have no control over the natural resources of the country, no control over the naked loot of the mineral wealth and no control over the ever deteriorating environment.

### **Forest**

Bir Singh Markam is native living in Bastar District of Chattisgarh. He was growing corn over a small piece of land in the forest. This was his way of providing for his small family. In 1998 he was arrested along with seventy five other natives of that area on the charges that he had occupied the land that he tilled unlawfully. He was jailed along with others.

When he was released he had to visit the court at least twenty times in next few years. The court was thirty kilometers away. Travelling expenses coupled with the fine broke his back and he was forced to sell of his oxen to pay for the same.

There are crores of tribal spread all over the country on whom the freedom in 1947 played a cruel joke. The natives had lived on their land for generations and the English in pre 1947 era treated the tribal areas as "Excluded area". The English had adopted a policy of non interference and kept the tribal areas outside the British rule. The laws that were in force throughout the country were not enforced in these areas. In other words tribal areas were outside the purview of the British Law.

When the constitution was promulgated in 1950 after independence then all laws became applicable throughout the length and breadth of the country, including the "Excluded areas".

The tribal people are basically people of backward areas, poor and uneducated. They had no papers to prove the ownership of the land on which they had lived literally for centuries. The outsiders took advantage of this fact and started to grab this land. The tribal survived on the land and the forest and some even lived in the forest. But the forest was declared as national property by the government and the tribal for whom it had been a home for centuries were declared criminals by a simple law.

Officials and minions of the forest department come and harass the tribal of the villages. Since these people do not possess the documentary evidence of the ownership of land on which they live, their occupation of the land is treated as unlawful. The officials of the forest department stop them from tilling their land, collecting wood from the forest or collecting flowers and seeds and do not allow them to let their cattle graze on the land. Their fields are mowed down by elephants. The soil is spoilt by throwing thorny seeds of babool. These people are beaten up and their crop is destroyed and many times the police arrest them.

It seems ironical but as long as the forests were home and natural habitat to the tribal it was a forest but as soon as it was declared a national treasure it has started shrinking and is on the verge of extinction. Forest officials, contractors and politicians all in connivance with each other are looting and plundering this national wealth, and all in the name of duty.

- a. Every year the government gives out contract to take out "Tendu leaves" from the forest. Every contractor gets contract for 1500-5000 bags of "Tendu leaves". But officials of forest department are given bribes and how much the contractor takes out no one knows. Even a small contractor earns upto rupees fifteen lac per year. But the adivasi is paid only thirty naya paisa for each bundle of tendu leaves. Under the pressure of Naxalites, now that rate has been increased to one rupee.
- b. The government gives out contracts to paper mills to cut several lac tones of bamboo from the forest at hugely cheap rates. However, the paper mills give contract to adivasis at a rate of ten to twenty naya paisa per bundle. This way paper mills corner huge profits.

These are but a few of the methods being used to deplete the green cover and we have no control over this.

## **Water**

Water works operated by the government in many cities are being sold to foreign companies making water their property. In Delhi also water distribution system was being sold to foreign companies who would have charged its citizens money for every drop of water. There was an uproar from the citizens of Delhi after which the scheme to sell the water works has been put on hold.

The rivers of the country are being sold. Shivenath river in Chhattisgarh has been sold to a company. Now the people of that region have to pay money for the use of water for irrigation, drinking and even for washing clothes. The indiscriminate use of river water is past history now.

Dams are being constructed on all major rivers of the country. There are so many dams that are being constructed on Ganges that its existence is threatened. Soon it would become a trickle in the plains of the country.

We do understand that we need electricity but indiscriminate use of a natural resource raises more problems than it solves. There are certain countries where there are laws to protect unfettered flow of a river. In our country the speed with which contracts have been awarded to private companies to build Dams over river, it seems the political leaders are more interested in the kickbacks that they get from such contracts rather than produce electricity. The pace of such construction would seriously affect the flow of water in the plains of the country.

By the examples given above it is clear that natural resources of the country are at peril under the political parties, corrupt leaders and the government servants. Something will have to be done quickly failing which entire country would be sold out.

### **Is this Democracy?**

We as citizens have no control over the governance of the country. There is a free for all loot prevalent in the working of the government departments and we have no control over it. We have no control over the government funds. We have no say in the formation of the government policies. We have no control over the process of creation of laws. We cannot question the actions taken by the parliament or the state assemblies because we as citizens have no control.

We have no control over the sale of our own properties, over the mindless exploitation of our national wealth like minerals, forests, water and other natural resources. The country is for sale and we citizens stand by like mute spectators, helpless but angry.

Is this the Democracy we had opted for?

Is this the democracy that gives us right only to vote that too once in five years, elect our representatives and give them free rein or run to do what suits them. Is this the democracy we wanted where we pawn our ambitions, aspirations, national wealth and our welfare in the hands of greedy and avaricious political leaders and their equally greedy and avaricious government stooges, who do not care?

This cannot be democracy. Needless to say there is an inherent fault in the whole system. The fundamental problem is that this country does not have a democracy.



We need a democracy. The politics of voting for your representatives once in five years cannot go on. Now the citizens of this country need to be partners in sharing the power that the government has.

The representatives who are selected by us with our votes must be answerable to us for all their acts of omission and commission. The **government servants** who are paid salaries through the taxes that the government collects from us are our **servants** and must be accountable and subservient to us the citizens.

The decisions on what to do and what not to do should be taken by the people. Political parties, political leaders and government agencies should only implement them. What we need is change in the way we operated for last sixty three years.

## **TIMES GONE BY**

Ability to take decision by the common man is doubted by many. It is argued that people would fight amongst each other and would never be able to come to a decision.

Citizens have been taking decisions for many years in our country. It is a pity that we have forgotten our own history. From where did we adopt democracy? Some say that we learnt of democracy from the US and some say that we learnt it from England. But the truth is that democracy has been there in our country from the times of Gautam Budha. Democracy then was far more powerful than it is today. Vaishali was the first Democracy of the world. Democratic traditions are ingrained in our psyche and, therefore, we chose democracy naturally after independence in 1947. A King's son used to succeed the king. There were no election to choose the king but at the same time the King did not have absolute power. All decisions were taken by the gram sabhas. Whatever the people of the village wanted the gram Sabha wanted the same. The king had no options but to accede to the wishes of the people.

Today we elect our king once in five years but the king is not in our control. In ancient time people did not choose the king but the king was under their control.

There is an anecdote connected with Vaishali. One day a Sabha was organized which was attended by the citizens and the King presided the meeting. Citizens proposed that a certain woman become the "Nagar vadhu". That woman accepted but on the condition that she would be given Palace of the king as her living quarters. The proposal was accepted by the majority of the citizens and the Palace of the king was allotted to the Nagar Vadhu. The king objected as the Palace was his living quarter.

The people argued that the Palace was constructed with the tax paid by the people to the king and therefore, they were the real owners of the Palace. The wishes of the people prevailed. The king vacated the Palace and built a new Palace for himself. It is a different matter that making a woman "Nagar Vadhu" was a wrong practice, even then. But the point that is being driven home by this example is to depict the power of people in the prevalent political system.

The President of our country lives in a sprawling palace spread over a plot size of 340 acres while 40 % of Delhi's population is cloistered in over crowded slums. They do not have even two meters of space that they can call their own. Their existence is like insects fostering in dirt and grime. Each hut sometimes has ten people living in it.

All ministers and government officers live in large bungalows all over Delhi. If such a thing happens suddenly Delhi will have sufficient land available to create colonies that can house all the poor. If we as citizens propose that the president, ministers and government officers living in their sprawling houses should shift to smaller accommodation, will they ever listen? No, never.

That was democracy when people after passing a resolution could ask its king to vacate his palace. Today we have no democracy when we are unable to even get a road fixed up in front of our house by

passing a majority vote or to fix up a teacher who is not doing his duty or a doctor of a government hospital who is incompetent and lazy.

Such a democracy continued until 1860 when people took administrative decisions directly which were implemented by the king. Villagers had direct control over the administrative decisions about the village. Villagers had direct control over the format of education they wanted. They had direct control over the decision to means and type of irrigation that was suitable to their village. They were in control over their own health services. Our country was invaded many a times but they captured only the capital cities and did not disturb the working of the villages. They increased or decreased the tax of a village sitting in the capital but they did not meddle with the affairs of the village.

Lord Metcalf, the Governor General of India, wrote in 1830 that the foundation of this country is its village sabhas. The people of village meet at a common point and take joint decisions. In 1860 the British brought in a law that destroyed the village sabhas because they had understood that until this foundation is destabilized, they cannot rule India effectively.

A law was enacted to bring in the collector raj. All rights that the people had or the village sabhas had, were snatched from them and given to the British collectors. Earlier the villagers ran the establishment for irrigation which the British started to control through an irrigation department. The villagers earlier had education establishment under their control. Now the British formed an Education department. All areas of life and living were now controlled by British through one or the other government department. On top of all the government departments was a white man who was known as "The Collector" or "Burra Sahib".

It is bad luck that though we got independence in 1947 yet the rights of the people were not returned. The rights of village sabhas were not returned. We replaced the British collector with an Indian. We kept all the paraphernalia of the British government as it is: Its arrogance, its un approachability, its mentality of being a ruler. The Indian collector, nay a bureaucrat, is still the Burra sahib.

Untill and unless the rights of the people are not returned to the people there is no hope of reform. There is no hope of freedom to the people.

## **PRESENT ANOMALIES OF PANCHAYAT RAJ**

There is nothing new; the people argue that the panchayats exists even now. Through the panchayati raj the villagers are connected with the government. The anomaly is that after independence in the name of panchayati raj the kind of set up that is created fosters corruption because it gives the rights and power to the political leaders, government officers instead of people.

Instead of strengthening the administration on the village level, unfortunately panchayats have become a conduit of implementing various schemes of state government. The schemes are made either in the center or in the capitals of state governments. Panchayats are given orders to only implement them. These schemes sometimes have no relevance to ambitions and aspirations of the people.

There are many anomalies in the panchayati raj administration. Broadly the following strangulate the system's capabilities.

1. Panchayats have very few rights and powers. There is no control what so ever of the panchayats on government employees and government funds.
2. Whatever rights that have been given to the panchayats, vest with the pradhan or the sarpanch. The Sarpanch is the soul of the panchayat. All decisions are taken by him. Gram sabhas (or people) have no right to veto his decision. In, The Gram Sabha can give suggestion to the sarpanch. However, the sarpanch is free to either accept or reject their advice.
3. Therefore, most of the sarpanchs have become corrupt. And the people are not empowered to take any action against them.
4. Only the Collector has been empowered to take action against an incompetent, irresponsible and corrupt sarpanch. The Collector can initiate any action against the sarpanch. He can also suspend him. Therefore, most of the sarpanchs are scared of the Collector and the Block Development Officer, who is a subordinate of the Collector. The Collector of a district is an employee of the state government, in much the same way as the Governor is an employee of the central government. Fortunately, the Governor does not have any rights to interfere in the affairs of the state government. Unfortunately, the Collector has unlimited power to interfere in the affairs of the state government. The state governments, therefore, through the Collector interferes in the affairs of the Gram Sabha or the people.

Let us see some of the anomalies of the present Panchayat Raj.

### **Tree Plantation Campaign in Bhondsi Village**

In a village people need water for irrigation and drinking, health services and hospitals, schools and colleges, electricity and many more. As it was mentioned before, every aspect of life and living is controlled by a government department. Each department functions independently. The road department has no connection with the sanitation department. Health department has no connection with the education department. The water department has no connection with the horticulture department Each department has certain milestones to achieve during one financial year.

The village of Bhondsi near Delhi had very few trees, so the forest department was given the task of planting trees. The work was not carried out properly. It was handled by inept and inefficient employees of the government and the target was nowhere near completion. To complete the target in a short time seeds were sprinkled over large tract of land from a helicopter. The seeds were of Keekar tree that grows very fast. The forest department had to show that they have been able to plant a forest. The forest department did not bother that Keekar consumes a lot of water which it sucks from its land. The water table fell drastically in Bhondsi disrupting the water management.

There was no participation of the people of Bhondsi. No suggestions were taken from the people to find what kind of trees should be planted. Panchayat or the people have no control over any decision of any department whether good or bad.

### **Garbage in the City of Kutumbakum**

Kutumbakum is a village near Chennai. The Tamil Nadu Government was searching land for dumping the garbage of six neighboring cities. Some bright government officers identified a large tract of land,

measuring about 100 Acres, near this village which was used for grazing cattle. About 5000 cattle used to graze on this land. 70 acres of land was acquired by the order of the Collector of the city. This land was then used for dumping the refuse of six cities. Needless to mention the villagers of Kutumbakum were extremely angry. They were neither consulted nor were their wishes of having this land as a grazing ground given a thought. They had to hunt for fresh grazing ground. The garbage dumped near the village created a health hazard for the locals. But when the villagers filed a suit against the government, they lost, because the collector was well within his rights to acquire this land.

Is this what Panchayati Raj is? Where the panchayat has no power, the sarpanch has no power and not to mention the people have no power. Where the state government through the Collector's power can deprive the people of land and create a garbage dump against the wishes of their gram Sabha, the Sarpanch and the people. There is no sanity in a system that overrides the wishes of its people.

### **A joke named NREGA (National Rural Employment Guarantee)**

This act guarantees hundred days of wage employment in a financial year to a rural household whose adult members offer to do unskilled manual work. Thousands of crores have been allotted under this scheme to various states in the country. Hundreds of cases are coming up small and big where the wages are being paid to non-existing ghost workers. Where the wages have been paid for the work are less than what should be paid under this scheme or the wages are paid for less number of days and claimed for hundred days by coterie of government officials right from district collector to BDO to Sarpanch.

Four percent of the allotted money is known as contingency fund that is specifically used for the welfare of women and children working under the schemes of NREGA. This four percent is used for providing water and sanitation for the workers, welfare centres like a crèche or a dispensary. In rural areas no such facilities are ever provided to the poor worker's family. This contingency fund is siphoned off by the government officials who are connected with NREGA running into hundreds of crores.

Government schemes are formulated at the centre or the state capitals. The funds that are made available under these schemes flow from top to the bottom. Each official is hell bent on spending money on his level only. That money which is meant for the welfare of the people at the lowest rung never reaches them. Every official spends that money on his own level. The poor worker does not know whom to make a complaint. The tax money paid by honest individuals is thus squandered on such grand schemes where government has no capability of implementing them.

How can money be siphoned off on all levels is a question that comes to the mind so very often? One of the biggest reasons is that there is no accountability of any government official. This is what needs to be corrected.

### **Panchayats do not have authority to even buy a broom**

If a Sarpanch does not attend gram Sabha meetings, is inept and corrupt then the Collector has the power to take action against the sarpanch. He can institute an inquiry or even remove him as sarpanch.

But a collector has about thousand to two thousand villages under him and it is impossible for him to know how good or bad a sarpanch is; whether he is discharging his duties properly or not? On the other hand the people of the village would. The power to take action against the sarpanch is not given to the people, when it should be rightfully theirs. Taking advantage of this fact many a collector has become corrupt and has started the tradition of taking protection money which in hindi is known as “Hafta”. No action is taken against the sarpanchs who pay this “Hafta” but false cases are initiated against the sarpanch who resist this protection money. They are forced to tow the line and are made to do what is not right.

This example gives us an insight into the working of Panchayati raj system where politicians sitting at the state government levels can control the Sarpanch, the Pradhan and the leader of a village through the authority of Collector and make them dance to their wishes.

Though a contract is awarded by the U.P. government to supply equipment like pick axe and brooms for cleaning up villages, the contractor is instructed by the B.D.O. to deliver the material and collect payment from the sarpanchs. If a sarpanch does not make the payment he suffers harassment at the hands of the B.D.O. .

What was shown on the paper was not what had actually happened. The material was paid for by thousands of sarpanchs but on paper it was the state government that had bought all the equipment. This fraudulent activity of the state government gets buried in the files.

Under the “Education for All” program, much the same thing is happening all the time in the villages. The right to buy educational material against this program is under the Panchayat. But the same high handedness is visible here too. It is seen in various districts of Uttar Pradesh that instead of transferring the allotted money of “Education for all” to the “Village education fund” this money is directly used by the state government. Contracts are awarded for, example, towards repair and maintenance of electrical work in all schools directly at the state level. The contractor carries out sub standard, shoddy work and sometimes not what was required. But the payment for this work is forced upon the sarpanch who is helpless.

The Sarpanch is not supposed to make any payment for works authorized by the state government but since the people of the village have no power and neither does the sarpanch they can do nothing, even more so because of the tilt of power towards the centre.

### **Panchayat Secretary – Of the state Government or of the Panchayat?**

Employees and the secretary of the panchayat are appointed by the state government as per the law. The key responsibility areas (KRA) are also decided by the state government. The question is who is the better judge of the capabilities and abilities of these employees other than the people of the village and the sarpanch for whom they are working? What is the nature of the work to be done and when it needs to be done should be decided by the people of the village and not by the state government. .

## **The story of backward region grant fund**

“Backward region grant fund” is a scheme muted by the central government for the backward areas of the country. This fund is meant to be dispersed to implement various schemes in the backward areas of the district depending upon the needs of the people. It is the prerogative of the gram Sabha to start the projects that they want. There are about 250 districts where this scheme is in operation. Sirsa and Mahendergarh are two backward districts in Hariyana where this scheme is being implemented. When we visited these two districts, we realized that there were no gram Sabhas and yet backward region grant fund was being utilized by the State government. It was found that the money was transferred under the account of District Collector. The collector distributed the fund, according to the provision of the law, to the gram Sabha, on receiving the schemes forwarded by the said Gram Sabha. But the collector used the fund indiscriminately without getting any proposal from Gram Sabha.

Many political leaders exert pressure on the district collector and get works done using the backward region grant fund. A political leader had a big tract of agricultural land in a village. He pressurized the collector and got many works done around his land. Had this decision to use the fund been left to the gram Sabhas then the work around the neta's land would not have seen the light of the day.

Certain young boys in the district of Sirsa conducted various gram sabhas and made proposals for use of backward region grant fund. Despite the fact that the provision of the law is very clear that proposals forwarded by the gram Sabha will be accepted by the collector and the fund dispersed, accordingly, the collector has not deemed it fit to accept the proposals forwarded by these 18 villages or sanctioned the funds, even though one year has gone by.

## **Conclusions**

There are innumerable examples all over the country that prove that in today's panchayati raj, panchayats have no role to play in the administrative or the political set up of the country.

Gram sabhas or people, panchayat or sarpanch have been given no power. no rights to question the authority of the BDO, the collector or their political masters.

For effective development of the country, the people/gram Sabha/ sarpanch must be given powers to question the BDO/collector/political masters for their acts of omission and commission. Their free run on the country's resources and wealth has to be checked.

That can only happen if the people have the power to take decision at the grass root level. That grass root level begins from the villagers and the city dwellers.

## **SOME EXAMPLES OF OTHER COUNTRIES:**

We have studied some democratic models of establishments that are prevalent in other countries like United States of America, Brazil and Switzerland.

### **USA Wal-Mart Lost**

In the United States no decision on the local level, on the level of a city, and the level of county is taken without the consent of the people. There is a small town by the name Middle Town. On the web site of this town it is displayed that the people of this town meet at 5 PM every Monday evening. This happens in many a town in the US where people congregate in the town hall, discuss their problems and take collective decisions based on which the administration of the town runs.

In the town of Oregon, Wal Mart wanted to set up a shop. A notice to this effect was circulated to all the residents of the town. A meeting was called in the town hall to discuss and deliberate on the issue of Wal Mart setting up the shop. This issue was discussed in the town hall at length and people came to this conclusion that the shop will kill all the Mom and Pop shops that were selling goods and services. Wal Mart was not able to go against the unanimous decision of the community and they could not open the store in the city.

Wal Mart wanted to come to India too and set up shop. But the decision to let the giant supermarket into the country would mean the death of small enterprises and family businesses. This could lead to massive unemployment and deal a fatal blow to the indigenous market. But the wishes of the people will not be taken into consideration when the permission is granted to Wal Mart. Though this is a database issue, the decision to give Walmart the welcome nod rests with two people in this country: the Commerce Minister and the Prime Minister.

### **BRAZIL- Budget prepared in the streets**

We take example of a small town in Brazil, Porto Agrele. Thirty to forty percent of its population lived in slum clusters. In 1990, "workers Party" formed the government in Porto Agrele. In these slum clusters there were no roads, no sewer connections and there was no drinking water. The people lacked education and therefore, were unlettered. The Workers Party decided that the budget of the town would not be made in the closed rooms of the town hall or in the council of ministers but it would be made in the streets and the colonies of the city. Porto Agrele was divided into small clusters of dwellings. In the beginning of the year the people met in these designated clusters and decided what they wanted the most. Some wanted the laying and repair of roads, others wanted drinking water pipeline as a priority; then there were some who wanted a proper sewage system and yet others who wanted teachers in schools. Different people had different demands.

All the demands were compiled and these demands were the basis of a budget. Why should the budget be made behind the closed doors of an assembly hall? It should be actually made, in streets and towns, taking into consideration the needs and aspiration of the people.



What is a budget, if not the use of public money for the welfare of the people?

This experiment proved fruitful. The party has ruled for the last fifteen years without losing an election. A report of the World Bank states that this experiment is responsible for development of Porto Agrele. Earlier there was no water but now 98 % of the households have water. 87 % of the house holds have sewer connections and cent percent people are now educated. Earlier corruption was rampant, but the World Bank report states that it has now reduced considerably.

### **Switzerland- Parliament reflects the will of the people**

Take the example of Switzerland, which is considered as one of the best democracies in the world. If fifty thousand people signed a demand for change in legislation then the government has to put forth a bill in the parliament. But if one hundred thousand people send in a signed demand for change in the legislation then the government has to put forth a bill for amending the constitution. The people have direct control over the constitution and its process of creating the same.

But in our country if fifty thousand people send in a signed demand for any thing to the government, they probably will not even get an acknowledgement slip from the government that their demand is received.

There are many other examples that abound showing the direct control of people over the government and the establishment. But in our country the established system reduces the people as helpless spectators who have no control over the establishment.

There is a crying need, therefore, to bring in the change that empowers the people to exercise their fundamental right and be a free citizen in a democratic set up.

## **CITIZENS ARE THE MASTERS**

We had adopted the model of democracy after the independence in 1947, Government by the people, of the people and **for the people**.

Once in five years “We the people” choose our representative from amongst ourselves and empower them to take decisions for “We the people”. But as soon as the elected representatives are installed in the parliament, the power goes to their head and they become arrogant and autocratic. The power that “We the people” give to the representatives for life and liberty of “We the people” is totally misused. Decisions taken by the representatives are not for “We the people” but for “I the people”.

The basic principal of democracy is violated. Of the people, by the people is alright but FOR THE PEOPLE is missing in this matrix.

This is what needs to change.

The representatives of the people should be accountable to “We the People”. Once the vote is obtained the elected leaders are there in Parliament or Legislative assemblies for five years. They are then not accountable to the people whom they were representing. The leaders do what they want or what suits their interest. The people’s power is limited to electing their representatives only.

A change must be brought about where the people take all decisions and the implementation is left in the hands of the elected representatives. Another change that needs to be brought about is ability of the people to recall the self serving elected representatives, inept and corrupt. If such legislation comes in force then the same representatives would bend backwards and forward in front of the people.

We need the control in the hands of the people. How can control be given to a population of hundred crore people? Is it possible and everyone wonders!

It is possible? Constitution has recognized the village assemblies or gram sabhas. Gram Sabha is not panchayat. Panchayat constitutes of village pradhan, the sarpanch, the appointee of the government in the ward and some prominent inhabitants of the village. But gram Sabha is the open assembly of the people of the village. This joint meeting is the place where local matters are discussed.

### **Need control over government servants**

The right to take all decisions about the village and its organizational set up should be of the villagers. The need is to bring about an amendment to the existing Panchayati raj and other prevailing laws where this power should be enshrined in the people of the village. The gram sabha should have the power to stop the salary of a teacher who is not coming to the school or not teaching properly.

If a Doctor does not take care of its patients then the gram Sabha should have power to stop his salary. If a ration shop does not distribute ration properly or indulges in black market then the gram Sabha should have powers to cancel his license. If the Station House officer of a police station does not register

a report and indulges in extra constitutional methods against the people, then the gram Sabha should have powers to stop his salary, too.

Do you think that it would bring about a change? Off course it would change everyone from the errant SHO to the inept teacher to a corrupt ration shop keeper. After all they are now accountable to the people and they know that the real power now rests with the gram Sabha or the people. They all will make sure that they remain on the right side of the people by serving the interest of the people.

Appointment of the teacher in a village should be done by the gram Sabha. It has been seen that the state governments employ thousands of teachers by fraudulent means. The quality of teachers who have paid bribes to get jobs is questionable. How would they teach children?

Under RTI (Right to information) act it was found that in many a schools, up to class ten, of Jharkhand state have not a single teacher. In Vamani higher secondary school, Kanuga, Saraikela, Kharsawa has 310 children but not a single teacher. In a school of Siroom there are 435 children in ten classes but there is only one teacher, that too for Bangla language. Currently it is the duty of the state government to provide teachers in school. Many a times people in the above mentioned places wrote to the state governments but no answer ever came.

Should we keep waiting for the favours of the state government when the teachers would be appointed? This is a cruel joke played with the lives of millions of children spread across the nation. Their lives are being compromised and sacrificed.

This system needs to be changed. The people of the community should be given the power to appoint and dismiss the teachers. The people who go to a hospital for getting medical treatment should be empowered to appoint and suspend the Doctor. The administration should go directly in the hands of people. All government employees should be appointed by the gram Sabha and also suspended or dismissed by the gram Sabha. This right or the power to appoint and suspend all government employees must rest with the gram sabhas.

This will greatly benefit the country. The state governments appoint thousands of teachers from the cities to reach in the villages at a salary of Rs.15000/ per month but even then they do not want to work in the villages. But if the Gram sabhas are allowed to appoint the teachers then the teachers appointed from the village will work for Rs.5000/ per month. If they do not teach then they could be suspended by the gram sabhas.

By changing the law steps should be taken that gram sabhas should have power to call any BDO or employee of the government on the village level to attend their meetings and to obey orders passed by the gram Sabha. On the district or block level the people could give orders to government employees. The people should have the power to summon the ration inspector, summon the BDO, summon the tahsildar, summon the Sub Divisional Magistrate or summon the Collector of the district. If the government officer does not obey the decisions of the gram Sabha then the people should have powers to punish the erring official.

The power to appoint and discharge the employees on block and district levels should rest with gram sabhas through the office bearers of the block panchayat and district panchayats.

The people should have right to ask for information about any matter pertaining to their village, from any government officer up to the state level. Inappropriate schemes are formulated by the state government for the villages. Therefore, the villagers should have right to know about the type of decisions that are being taken and schemes that are formulated for the village. The gram Sabha should have this right to know.

### **Control over government money**

What ever money that is allotted to villages should be free fund and not the fund which is tied to one or the other scheme. There are so many schemes like old age pension, widow pension, Indra awas yojana and NREGA or many more. Villages do not need any scheme that the government moots because only a fraction of the money allotted in these schemes reach the people it is meant for.

The villagers do not need these schemes but need free funds. If for the above funds lets say rupees five crore is sent to a village send only three crore but that three crore should be a free fund that can be utilized by the villagers as per their needs. The villagers in their gram Sabha should decide jointly as to how much money is needed for irrigation and how much for widow pension. How much money is to be spent on education and how much should be spent on health care. Let villagers/ gram Sabha be the decision makers.

The villagers will decide what is the criteria that categorises one below the poverty line (BPL) and? In Hong Kong a person without an Air Conditioner is treated as a person who is BPL. In Delhi a rickshaw puller is able to make rupees five thousand a month and yet is not able to make two ends meet. He is forced to live in shanties in dirty surroundings. But rupee five thousand is enough in a village where that same person can live decently.

The criteria, therefore, would be different for different state and geographical locations. Sitting in Delhi no uniform policies can be adopted. What is BPL in Delhi is not BPL, for say in a place like Kalahandi.

Leave this to the social set up of a village. Let them decide that who among them does not have a house and is in urgent need of the same. So he gets a house under such scheme. Under Indra Vikas Yojana the government makes funds available for two houses in a village, which in turn, with connivance of corrupt government employees, are given to people who do not need them. Let the villagers decide who is without house and who is suffering from malnutrition. Let them decide what the need of their society is. Let the people of gram Sabha allot funds to the hungry and funds for the homeless. Let the people of the Sabha decide how much money should be spent on education so that every child of the village can become literate. It would be the collective responsibility of the people to provide for its people funds that have come actually from the people's tax money. This would be an ideal way of democracy where the wealth of the people will recycle and grow.

In villages and town people raise loans from Loan Sharks at exorbitant rates of interest. When they want to start a small business or start farming then the gram Sabha can disburse loan from the available funds to the needy at reasonable rates of interest. This is possible only if free fund is available to the gram sabhas and not fund that is tied to one scheme or the other.

Toady many a farmers are committing suicide in several villages of the country. These are the people who have been driven to take such measure because of economic reasons but if the gram sabhas have the funds available then such suicides will stop in the country.

Many a times the harvested grain starts to rot due to untimely rain. The harvested grain is not stored in warehouse, which causes huge financial loss to the farmers. The farmers could have made warehouse only if they had funds available to them. The government is hardly able to look at their crying need.

There is a small village near Chennai by the name of Kutumbacum whose sarpanch is Ilango. He is the first chemical engineer who left his job fifteen years back and decided to become sarpanch of his village. There are about thousand families in the village. It was estimated that people buy things of daily use to the tune of rupees fifty lac a month. These are things like soap, cooking oil, food stuff and others. Ilango believed that at least 80 percent things could be produced in the village itself. He got a lot of cottage industry started in the village itself that started to produce oil, food stuff for consumption and bricks for the houses.

If free fund is available to the villagers or the gram sabhas then all this can be achieved by all the villages that can spur the economy of the village and the country. This free fund available in the hands of people, not in the hands of corrupt and inept government employees, can help them put up small production units for things that the village needs most.

In many villages of a block near Pune a successful experiment is in progress. Earlier between June and September people used to face severe financial crises. During this period people used to run towards cities for employment or take loan from the money lender at exorbitant rates of 100-150%. If villagers took 100 kg of grain then to the money lenders they used to give back 150 kg. after four months. In spite of such a high rates of interest that was paid by the villagers they were still under the clutches of these loan sharks who would make these borrowers work for free in the fields of lender. This had adverse effect on the borrowers who used to get into a vicious cycle. For 100 kg grain that they bought, they paid back 150 kg., which is fifty percent higher. In other words they were unable to pay back this loan and went back to the same money lender again and again.

But in this block an organization started a Grain Bank. The people created an association and this association loaned grain to the members of the society according to the need of the members. Instead of returning 150 Kg. grain, now they had to return only 125 kg. grain only. In four years time the farmers have been able to repay the entire loan amount to this association. There is no fear of the money lender, no working free for him and freedom from the loan. Now, the villagers have surplus grain that is being stored by the association. This experiment is running successfully in about 150 villages in the neighborhood.

If the villagers could get free fund then similar grain banks could be started in all villages which could be free from hunger and the clutches of the loan sharks to write their own story of success.

All schemes of government should be stopped. These schemes get entangled into a complicated web of government officials on the village and state level, powerful bureaucrats and their political masters who are neither accountable to the people nor they could be prosecuted. Only 10 % of the money under these grand schemes reach the people rest is lost or embezzled in transit. "We the people" squirm and squeal helplessly and watch the drain of our own tax money without recourse to any one.

But if all schemes by the government are stopped and free fund made available to the gram sabhas or the people, then a revolution will come in the country that can erase poverty, hunger and unemployment.

### **Will corruption increase if gram sabhas are empowered?**

It is believed by many that free fund sent directly to the gram sabhas will be misused by the people. How will it be misused was our question? If a sum of rupees three crore is made available to gram Sabha then it is possible that all villagers decide to keep this money or in other words distribute amongst themselves and not use for their own development. Our reply is then let them do this. Even today what is happening that the entire money is embezzled by the politicians, the officials, the collector, the BDO, the tehsildar. If the villagers have decided to keep this money by themselves, in a joint meeting, then let it be so. The people's money has gone back to the people and not to the middlemen.

But villagers will not do so. What do you think who loves a child more, his mother or the secretary of education? It is evident that it is the mother. So how do you assume that the villagers would decide that they do not want education for their children, health services for sick and the aged? They would naturally want schools for education and hospitals for the sick and want all means of development of their village. Therefore, such a scene that the money will be distributed amongst them without a thought to development will never happen. The money will go into cottage industry, in building of roads and canals, for horticulture and agriculture and for warehouses. To think that this money would be distributed amongst them is a figment of imagination.

There is one more possibility that the sarpanch may usurp all this money by taking false signature of people without calling a village meeting. This is possible. It is happening even today. The money may come as free fund or in funds tied to schemes; if the sarpanch is corrupt then the money is embezzled. The money would go to the villagers or not, the fate entirely depends on the fact that the sarpanch is honest or corrupt. It also depends on the fact that the people are aware of their rights.

In today's scenario people do not even know how much money has been allotted to any of the projects and how much money has trickled in the village sarpanch's hands. In the new dispensation that we are proposing there is going to be transparency on the size of allocation of funds and the power to dispose off that fund the way the villagers want. Once the people have the power to raise their voices against the sarpanch, the BDO, the Collector and the state government then there are very few chances that this money could be siphoned off easily by all the concerned officials and politicians.

When people raise their voices then more free funds will flow, the sarpanch will be forced to honesty. Today the fund is siphoned off by the chain of people who are handling that fund but the real people, for whom this fund is meant, have no say in the disbursement of the fund. The chosen few, by fraudulent means, are the ones who get involved and no one else has any interest in it. In Indra Vikas Yojana, the sarpanch takes bribes from three chosen individuals who are the beneficiaries and rest of the people in the village are hardly concerned. They have no power to question the decisions of the sarpanch who in turn is blessed by the chain of the higher ups. In a scenario where this money comes under free fund then the fund would be under the glare of all the villagers. The fund has to be disbursed by a consensus vote in an open assembly of people. The people of the village would be together and it would be very difficult for sarpanch to act unjustly. This would be a great step in curbing corruption because the fund is under the scrutiny of the people.

Today the people have no voice, no way to take action against the organized mafia within the government machinery. In self governed gram Sabha the Sabha will have power to question the actions of government officials and also will have ability to punish and if required suspend them.

**Citizen's opinion should be taken to formulate policies and law:**

As per our constitution, members of the legislative assembly (MLA) and members of the parliament (MP) are the nominated members on the block and state levels of the panchayats. But the constitution has given them no responsibility. In our opinion, if a law is tabled in the parliament or in the state level legislative assembly, then they should be duty bound to distribute the salient points of this law to people on block and state level. They should then discuss the nitty gritty of the law and take the opinion of the people about the proposed law. The people will discuss the same in gram sabhas and the common opinion of the gram sabhas should be put forth in the parliament through the MP and MLA's.

Today we vote and send our representatives to the parliament or legislative assembly. They are our representatives first and then members of parties like BJP or congress or any other party that they belong to. It is obligatory on their part to know the opinion of the constituents before voting for any legislation or policies of the government. But to pass legislation in the parliament, whips are issued by the party presidents like Sonia Gandhi for congress and all members of the party vote in favour for the proposition. If it is BJP then Advani or Gadkari will issue a whip and all members would vote in favour or against the proposition. Mayawati will make all members vote in a manner that she wants. Party then becomes supreme for our representatives and the people are totally sidelined. Their interest or opinion is seldom taken care of.

This autocracy of the high command has to be stopped. What the people want, the representative should present in the parliament or the legislative assemblies. If this happens then it would be direct control of the people on the legislations being formulated in the parliament or the legislative assembly.

Then it would become very difficult for the government to pass unjust and ridiculous bills like "Nuclear liability bill". Then it will become very difficult to pass a bill in the parliament under the pressure of a foreign company or a foreign country. The citizens will, then, be able to pass any legislation that they want.

**Control over natural resources:**

The people should have direct control over water, forest, minerals and other natural resources

**Land:**

It has been pointed out earlier that whenever an industrialist wants to set up a factory in some areas then they take permission from the state government. Corrupt officials and politicians of the state government accept bribes and sell this land to the industrialist at concessional rates. No one consults the farmers if they want to do farming or want to sell the land and do something else. Their opinion, their welfare and their livelihood is not on the minds of the state government.

We are seeking a change in the law that directs a company to put up an application for permission to set up a factory in a gram Sabha in whose vicinity the land falls. His application for permission will then be decided in the gram sabhas in whose vicinity the land falls. The state government will then take permission from gram sabhas of the areas because the sale will affect the live hood of people of the area. The application for selling of land will then be made to the panchayati secretary. He will put forth the proposal in the gram sabhas where he will take the permission of the Sabha or the people. The people will decide if they want to part with the land or not. If they want to sell the land then they will decide the terms of the sale. The industrial house can buy the land on the terms of the sale ratified by the gram Sabha in an open meeting.

In the same way if the state or central wants to acquire a village then they must send in an application to the panchayat and enter in a dialogue with the gram Sabha directly.

There are many a villages where only 10-15 % villagers own the land. Others till the land on contract. The compensation for sold or acquired land goes to the land owners and others who were doing manual labour not only get nothing but even loose their lively hood. It would become the duty of gram Sabha to take care the interest of such labourers when the land is acquired or sold.

Gram Sabha must have direct control over the land that falls in their area.

**Mines:**

On deposits of minor minerals gram sabhas should have the direct control. Who should have control over the large deposits of minerals. It is indeed accepted that the entire country is the owner of large deposits of minerals on which no one will have any objection. How these minerals would be deployed for general welfare of the society at large is a complicated question. The right to give permit to mine the minerals is with the state and the central government. They have misused this right. They, after taking bribes, have in fact sold the right to mine at throw away prices to various companies.

Should this right to issue permit for mining of minerals be given to the gram Sabha? It is argued that the mining companies are so powerful that they can bring in a lot of pressure on villagers and can offer inducements that it would become extremely difficult for the villagers to resist.



The solution to this problem will come in some middle path. A national policy on how should the minerals be used, how much should be exported and how much they should be extracted must be taken after due deliberation at the gram Sabha level. On the basis of the national policy, right to give permit on the village, block or state level for mining of minerals is given to all the gram sabhas that are affected.

#### **Forest:**

The gram sabhas should be the direct owner of all small scale businesses of the forest. Contracts for timber and bamboo must not be given without consultation and approval of the gram sabhas, to the contractors. Gram Sabhas should also decide the terms of the contract.

#### **Water:**

The water sources that fall under the boundaries of a village will automatically be treated as the property of the village. No decision should be taken, like building a dam, on large water resources like river, without the consent of the village sabhas.

#### **There should be division of work between various levels of government:**

A division will have to be carried out of the work between various levels of government departments, government wealth and various corporations. There is division between the works carried out by state and central governments but such a division does not exist between state government and various levels of panchayat.

All decisions pertaining to works to be carried out on the level of village should be taken in the gram sabhas only. The people should decide in gram Sabha as to which works can be carried out. The details should be made of properties like roads, sewers etc. that fall under the jurisdiction of their village only. Name all government agencies that provide services to their village. Identify village centered school that gives education to their children only. A law should be enacted that transfers all works related to the village along with government agencies that provide services and wealth that falls under village jurisdiction. The fund required for maintaining the wealth, to carry out works and expenses of the agencies along with government employees should be transferred to the gram panchayat.

First, a list of works should be made which are village centric. Then, a list of works should be made in every block where certain works, properties fall under two villages. In the same way a list should be made on the level of the district where works of two or more blocks along with wealth and government agencies are common for many villages and blocks. Funds and the government employees required to maintain properties or carry out works should be transferred to the villages, blocks or districts as the case may be who will exercise all control over them. If a dispute arises between two villages regarding the jurisdiction of property or works then that dispute should be solved on the level of the block. The disputes on the block levels should be settled on the district level and the disputes on the district level should be solved on the state level.

### **How the decision will be taken in Swaraj system of governance?**

A block panchayat would be constituted by combining all the heads of village under it. Chairpersons of all the block panchayat on the district level will constitute a district panchayat.

The decision that affect, lets say four or five villages, will be taken on the block level. For example, if a road is to be constructed that connects four or five villages then the decisions on that would be under the purview of the block. But all the decisions that are being taken on the block levels must be ratified by each of the village panchayats which are directly affected by the decision of the block. Under no circumstances the decisions can be taken by the block without the consent of the village panchayats. The decisions for common works for three or four blocks will be taken on the district level. In the same way decisions pertaining to the district levels will be taken on the state level.

It is imperative that the decision at the top level of the pyramid structure, of dispensation, that we are proposing must be ratified by the bottom most layers. In other words the decision on the village level will be accepted by the block level and the decisions of the block level will be accepted by the district level and the decisions of the district levels would be accepted by the state. Once there is a majority consensus only then a decision can be taken.

The state governments are free to take decisions on works that are carried out on state level and are not obliged to involve the opinions of the gram sabhas.

However, gram sabhas would be empowered to put forth their demands on any issue. If five percent of the gram sabhas on the district level pass a proposal then the state government will have to send that proposal to all villages of the district. If fifty percent or more of the gram sabhas ratify that resolution then the state government is duty bound to accept that resolution even if it requires the change in existing law.

### **Effect of this on Indian politics:**

The day the gram sabhas start to operate across the country, with power vested in them, that is the day the people will have direct control over the parliament. It would mean that people will have direct control over the political scene, too. Today there is complete control of corrupt leaders, corrupt parties and criminals over the Indian politics. That control will start to wean. Then people will start to have direct control over politics and governance of this country. This will bring about all inclusive progress, remove unemployment and eradicate poverty.

Only when the power comes directly in the hands of the people, that would be the day true democracy will dawn in the country. If this happens, education will improve, roads will become better, water would be made available, electricity will be in abundance, health services will improve, poverty will go away and that will solve the problem of Naxalism, too.

**There is need for sweeping changes in the panchayat raj and other laws:**

There are many suggestions given at the end of the book. State and central governments can make amendments in the panchayat raj law and other laws on their levels and can impose them. There will be no need for making amendments in the constitution.

## **INTERNAL ISLANDS OF SELF GOVERNANCE**

In ancient India, people used to take decision on issues of governance. In modern times same is happening in some countries which are known to a lot of people. However, there are examples of such a system in India, too which people are not aware off. Everyone thinks that it is not possible in India. But this assumption is wrong. In many areas of our country, by the efforts of local leadership, certain experiments in democracy have been found to be successful. These experiments brought about valuable change in the local administration. We look into some of them.

### **Hivare Bazar Village in Maharashtra:**

Hivare Bazar is a small village located hundred kilometers from Pune in the district of Ahmadnagar in Maharashtra. It faced many a famine from 1972 to 1989. These famines put extreme financial pressure on the villagers, who started to desert the village to move towards Pune and Mumbai. Ninety percent of the population of this village went below the poverty line. Every household was making alcohol and the people were uneducated and alcoholics. There were warring groups that constantly fought and people killed each other. Visit of Police was a common feature of this village that was full of vice.

In 1989 a group of young boys got together with a mission to change the face of the village. They selected a boy, named Popat Rao Pawar, who was studying Masters in Commerce at the Mumbai University, their Sarpanch. They then approached the elders of each of the warring groups of the village and requested that Popat Rao Pawar should be named as the Sarpanch of the village. The elders scoffed the young boys but just to humour them they decided to choose Popat Rao as their sarpanch for a period of one year, who had promised to change the establishment.

Popat Rao had a single point agenda that whatever he did, the decision to do work would be taken jointly by all people of the village and not by him alone. According to government rules, meetings of two gram sabhas, on 15<sup>th</sup> August and 26<sup>th</sup> January, were mandatory in a year. However, he started to call meetings of gram sabhas every week of the month. On every problem he would call the gram sabhas, deliberate on the issues that beset them and would find a solution, acceptable to all concerned Sabha members.

Some dramatic change started to take place. In 1989 the average yearly income was Rs. 840. Today the average income has risen to Rs.28000/- per year. In other words, if there are five members in a house hold, its income became Rs.140000. For a village this is a huge sum of money.

Now, there are good metal roads. The people who lived in slum clusters earlier have good clean houses to live. There is a village hospital and an excellent school. There is no theft of ration because it is a transparent operation, where the ration is unloaded in front of people and distributed to people who need it. While every household earlier was brewing local alcohol, now people do not even talk about alcohol. In last five years not a single police case has been registered. Self governance has brought in a transformation.

Popat Rao was made sarpanch for one year by the people of the village. What is interesting that he has become so popular that he is now sarpanch for last twenty years because the people are totally satisfied with his work. No one stands for the post of sarpanch against him because he is chosen sarpanch without opposition and no one can beat him in election.

The biggest reason for all this is the participation of people in the process of governance of the village. Popat Rao does not have a personal agenda but his agenda is the agenda of the people of the village. His decisions are the collective decisions of the people.

It was written in earlier part of the book that Government policies and schemes have converted people to "beggar status". Popat Rao took a bold step and he kept aside all the schemes of the government and went to the people of the village to find their problems, to find what they desired and what should be done to achieve their goals. Some wanted drinking water and some wanted water for irrigation. Some wanted to have electricity and some wanted school. Finally it was decided that school was everyone's priority. Popat did not write to the government or approached any department to make a school. He asked the people of Gram Sabha if some one could offer vacant rooms for the school. Two people offered two rooms each and so a school was established in four rooms. Then there was the need of teachers for the school. Popat did not approach the government to appoint school teachers or asked them to send them from elsewhere. Four boys volunteered to teach and so the school started to function. Within a year the result of the school bore fruits.

In the beginning, Popat Rao informs that the gram Sabha was rife with rivalry of warring groups and therefore, the people hardly ever attended the sabhas. But when they saw that the sarpanch was working towards the good of all people, slowly they started to participate in the functioning of the Sabha meetings. Poapt was responsible for opening the school. This act gave confidence to the villagers in the Gram Sabha model that took collective decisions.

The villagers discussed in the gram sabhas the problem of water level having fallen to eighty feet because of famines of last few years. There was an urgent need for storing water. Joint decision was taken that villagers should plant trees and uses various methods to collect and store water. Again the government departments were not approached. The villagers planted trees on their own initiative. Water was collected using indigenous methods and stored, resulting in water level rising to fifteen feet from eighty feet. Earlier they were not able to harvest even one crop now they were able to harvest two or three crops in a year.

It is very interesting to know that in 1980 the trees that were planted by the forest departments were cut down by the villagers for fire wood. These were not their trees. They belonged to the government. The villagers were not attached to those trees. The trees, which they planted now, were their own trees and no one was allowed to cut them for fire wood. It was a joint effort that was responsible for the progress of the village and its ecology.

After hearing the story of Hivare Bazar, some people argued that the reason of progress of this village was the leadership provided by the sarpanch. It is right that there was contribution of Popat Rao in the

development. But one of the biggest reasons for success of Popat Rao was, more than his leadership, his ability to collectively take decisions in which everyone was responsible for the results.

Who is a good Sarpanch is the question that comes to our mind? We have met a lot of people who are good sarpanch. They are honest and do not indulge in theft of government money. We met a sarpanch who was very good and well meaning person. He was loaded with money and spent his own money for development works in his area. He carried out a lot of work of his own free will without taking consent from the people. He did not fulfill people's demands but his own that he thought were good for the people. He constructed a public toilet outside the village with his own money. The public toilets are not being used by the public and are now closed because of disuse. People of the village did not want a toilet but they wanted something else.

This person is not a good sarpanch. A good Sarpanch is one who listens to people's wishes and fulfills them. He should implement works based on majority decisions of gram sabhas and not on his whims and fancies.

Popat Rao is a good sarpanch because he had taken all decisions which were the decisions of the people, too. In today's panchayat raj system gram sabhas have not been given any powers. When a sarpanch takes decisions which are the collective decisions of the gram sabhas, progress takes place but where sarpanch takes decisions on his own without taking people's wishes there is no progress.

The goodness of the sarpanch depends on the fact that the decisions taken by the sarpanch are actually decisions of the gram sabhas also. The good sarpanch is like Popat Rao who worked for the people.

But we need to change sarpanch centered politics of this country.

When we change the law and empower the people then we will not wait for Popat Raos. There will be no bad or good sarpanch. The people will take collective decisions which will have to be accepted by the sarpanch. People will make sure that their wishes are implemented by the sarpanch, whether sarpanch is good or bad. This is possible only when such a law is enacted where the power goes directly to the people.

### **Example of a village in North Kerala**

What would be the beneficial effect of giving direct power to the Gram sabhas or the people? We will try to understand it through this example of village in north Kerala. In the panchayati raj system of the state, no industry can be set up in a village unless the gram sabha gives its acceptance to set the factory up. In a village in northern Kerala a multinational company wanted to set up a large factory for timber business. The company would have cut trees in the nearby areas for production of wood in the factory. The people did not want that the trees should be cut and, therefore, they refused the permission to put up the factory. The permission to set up the factory was granted to that company by the Minister of the state, by the collector of the district and even the pradhan of the village. But when this matter was raised in the gram Sabha the people opposed the very idea of the factory. It was affecting the ecology of their surrounding. They cared for the trees and did not want the ecology tampered with.

This shows that the government can be sold, collector could be bribed or sarpanch could be bought or could be brought under pressure but it is not possible to buy the people as a whole. They are the only ones who can decide what they want and what they do not because each decision affects their life. The power of decision should rest with them. They are the best judge of what is good or bad for them.

While every official in the chain gave permission to set up the timber factory, the people whose life matter the most were not consulted. If this law was not there then the factory would have come up and affected the life of people in that region.

### **Magic of a new law of Madhya Pradesh**

In 2002 an amendment was brought about in the law that governed panchayati raj. A provision was made that if a government employee did not perform his duty properly then by calling gram Sabha they could vote to stop his salary. This had some positive effects. Some examples are given below.

We went to many schools of villages in Amrawati Block of Chindwara District. Earlier the teachers did not come to school. They used to come on the last day of the month to collect their salaries. When this law came into effect, the villagers called the gram Sabha where they took a joint decision that the salaries of teachers should be stopped. For two months salaries were stopped but from third month the teachers started to come regularly. It was such a simple solution. If power is given to the people directly, they will take care of their own development.

We went to one more village of Madhya Pradesh. An Anganwadi worker did not visit the village regularly for her duties. One day the sarpanch collected all the people and questioned her in front of the gathering on her duties that she performed in last six months. It was very difficult for her to tell a lie in front of everyone. She accepted in front of everyone that she had visited the village only twice in last six months. She was then questioned on the government funds that were under her charge. She had no alternative but to accept that the money was embezzled by her.

Imagine what alternative people had if this power been not vested in them. That Anganwadi worker was not coming for the job and she had embezzled the money. What the people could have done? They had only one choice; to report her to an Anganwadi officer only. Their report would have been consigned to a waste paper basket. If the Anganwadi officer was good then he would have started an investigation against the complaint. Investigator would go to the village, take bribe from the Anganwadi worker and would write in the report that the worker was coming to the village for last six months and that there is no basis for the report lodged by the people. The complaint should be dismissed. After this the villagers could have staged a sit in but the result would have come to naught.

But when the power was given directly to people and gave right to take decisions then there was no need to start an investigation. It took only two minutes for that anganwadi worker to accept that she had come only twice during last six months and that she had embezzled the money sent by the government.

As soon as she accepted her crime some young boys suggested that she should be suspended but some older people advised that it was not their intention to punish her but to reform her. She was given ten days to mend her ways and attend to her duties regularly. It was agreed that if she mends her ways then it was alright but if does not, then a meeting would be convened of the gram Sabha where she would be suspended. Actually she got reformed and did her duties diligently and the need to suspend her never arose.



## **WHEN THE CITIZENS TAKE DECISIONS**

Let us see if self governance is introduced and the power is given in the hands of people then how doors would open of opportunities for progress in various fields. In fact there would be possibilities of progress in every field but we are taking only few examples below.

### **Improvement in education:**

Today the schools are in bad shape. Teaching is not proper; the children do not have desks to sit, water to drink, fans and urinals are not available. Whenever complaints are sent to the government then no action is taken on those complaints.

If government decides to send free fund then people can, in a gram Sabha, decide what essential things are to be provided to the children in school. They will be able to take direct decisions. They would not be obliged to seek some officer's consent or from a politician or will not be obliged to seek permission from the state government.

In the same way all schools have shortage of teachers. One teacher teaches 200 to 300 children. Sometimes only one teacher teaches children of at least three or four classes at the same time. This type of education is ineffective and wasteful for children. In the name of education a mockery is going on. If power is given to people then they would look at the problem of shortage of teachers in gram sabhas meeting and employ more teachers that are needed. They would not be required to write to state government to create more posts, fill more vacancies and employ staff. They will decide this issue in the gram Sabha meetings and employ themselves as many teachers as may be needed.

The teachers who are employed even today they do not teach properly. Some come only at the end of the month to collect their salaries and some who come, sit under trees and pass time gossiping with each other instead of teaching and the children then play. If gram sabhas are empowered then the teachers would be accountable to them and the teachers would be subjected to questioning. If need arises then the gram Sabha could punish them, too. The gram sabhas will have the power to make teachers tow their line.

### **Improvement in health services**

In the same way let us take health services. The Doctors in village hospital do not treat the patients properly and use abusive language, they are rude, they do not come regularly and the medicines are stolen from the hospital. If the gram sabhas had power then they would be accountable to the Sabha, which could directly question them and if need be, punish them suitably.

If there is shortage of medicine then they would be able to purchase medicine from the free fund that is made available to them from the government. This will directly reduce the corruption. Today no action can be taken against the corrupt officials. If gram Sabha has the power then it will be able to question the corrupt officers and punish them.

## **Getting rid of Naxalism**

By giving power to the gram sabhas there would be direct effect on the naxal movement. We will take an example to understand this. In Lohandigura village of Chattisgarh Tata steel wanted to set up a plant. They needed land of at least ten villages which all fell under notified area. Here Panchayat Extension of Scheduled Areas (PESA) law is in force. This law states that if the government wants to acquire land under these areas then it has to seek permission from the gram sabhas of that area. The government wrote to the gram sabhas seeking their permission. The meetings of the gram Sabhas took place but there the people rejected the request of the government and refused to part with their land. The government again sent in a request for acquisition of land. Again the gram Sabha meetings took place. The people put up fifteen conditions in front of the government, which if accepted would form as a basis to let the government acquire the land. Those requests were legitimate. There were conditions like; amount of compensation to be paid for the land, planting of trees for every tree that is cut, every person from a family to be offered employment etc. All demands were fair. When these demands went to the government, the government accepted none but on the other hand the government acquired the land using force by sending police. The people of the village wrote messages for the Naxals on the walls of the village houses seeking their support. It is heard that the ten villages then joined the Naxal ranks.

If people had the power to take decisions regarding their own village then they would not have joined the Naxal ranks or would not have supported the Naxals. Without the base and without the support of people Naxals could not have grown.

### **Suggestion:**

It was people's voice and their genuine demands that were suppressed. It was the state of helplessness and anger that led the people in the willing arms of armed Naxals. If the law had given them the power to decide what they wanted then they would have never joined the Naxals. This is the kind of base and the support of the people on which thrives Naxalism.

## **Success in containing Alcoholism**

In many wards of Delhi, meetings of Welfare Associations are taking place from last one year in various localities. The residents, local leaders and government officials in the association meetings deliberate on the issues of development of their own areas. Sonia Vihar is one such locality. In a meeting of the Association some youngsters demanded that the Liquor shop was far away from the colony and, therefore, a shop should be opened nearby. There were a lot of elders, present in the meeting, who were regular drinkers of alcohol but projected an image of being saints, started a discourse on the vices of drinking alcohol and advised that such a move was harmful for the local residents. In this open forum no one supported the motion to open the liquor shop and so the proposal to open the shop was shot down. It is very difficult for anyone to get a proposal which is not in the interest of the community to be passed in an open forum.

In today's laws the permission to open a shop of liquor is to be taken from the government officials or local leaders. No one ever bothers to ask the people if they like it or not. Political leaders and the

government officials accept bribes and give permission to open the shops. If a law is enacted that no liquor shop can be opened without the consent of the gram sabhas or the local resident association then it will become very difficult to open the liquor shops. Such a law will be a great step in curbing the prevalence of alcoholism in the society.

### **Freedom from poverty, hunger and unemployment**

If the power to decide is given in the hands of the people then it will affect the status of poverty, hunger and unemployment. We had mentioned earlier in the book that if free fund is made available to people then in the meetings of gram Sabha people will establish the status of poor, the hungry, the unemployed and uneducated. They will decide who should be given free ration, who should get housing and who should get free education. Such a system would be for the welfare of all.

If someone wanted to start an enterprise, than he could get loan at concessional rates. Today that person takes loan from the moneylenders at exorbitant rates, of right up to 150% per annum. He gets entangled in a debt trap and keeps paying interest for his whole life time.

Many farmers commit suicide and the main reason is the debt that they take from moneylenders, which they are unable to pay. Under new dispensation they can get loans at reasonable rates from the gram Sabha

If gram sabhas are given free funds than the local villagers can set up small enterprises like a soap factory or a rice mill or an oil extraction plant which can cater to the demands of the village. Such enterprises would enhance the prospect of employment for the rural economy.

Flow of free funds to village gram Sabha is a life giving formula that can enhance the prospects of increase in wealth, reduce poverty and increase employment.

## **BASELESS DOUBTS AND ASSUMPTIONS**

When the proposals are mooted for giving power directly to the people then detractors come up with a lot of doubts. We are making an attempt to assuage those fears and phobias over here.

### **Atrocities on backward classes**

Some people fear that if gram sabhas are given power then atrocities on backward classes will increase. To find the answers we went to localities where many people from backward classes lived. We explained to them our concept of self governance and asked them this direct question "Will atrocities on your class increase if gram sabhas are made more powerful?" The backward classes believed that under such system they will have a greater power to fight. When atrocities are committed on backwards in the village, they have nowhere to go in the present system. No one is with them. On the other hand, current establishment and the system are with the perpetrators, responsible for exploitation. The police are with the exploiters, the collector of the district, BDO and tehsildar work as agents of the exploiters. The backward have no where go? Even if all the backwards get together, then they have no option other than to demonstrate in front of the collector's office but if gram sabhas are given the power then the united backwards can raise their voice in front of panchayat. There are always sympathizers in the high caste who want to support the backwards when they see atrocities are being committed. In the present system they do not have a voice and they have no role to play. But if gram sabha is an empowered body then these people will raise their voice and be counted. This was the reaction of backward classes to our question. Besides this in self governance a new chapter will begin in struggle for the rights of the backward. In new dispensation a lokpal will be installed. If in some village backwards are denied the right to attend the gram Sabha, then in that case they can make a complaint to lokpal. He is duty bound to convene a gram sabha under his supervision and make sure that gram sabha is conducted in fair manner where presence of the backward class is registered, too.

It is not that the condition of backward classes will immediately improve, but in today's system when the entire power is concentrated under the government establishment then there are more chances of misuse of political power. However, when this power is distributed to the people of the gram sabha then the misuse of power will diminish considerably. Our belief is that exploitation in the gram sabha would be much less. It is only when the power is concentrated in the hands of few, then this power is misused. It would be erroneous to say that atrocities on some backward classes will increase if power is given to gram sabhas. Their condition may improve or not but one thing is certain that atrocities will not increase at least. The options which are available in the current system will still remain available but new avenues will increase.

### **Fear of Khap Panchayats**

Some sight the example of Khap panchayats where it has been found that the panchayats had taken the decision to pass judgment on killing of young boys and girls who fell in love with each other against the

prevalent norms of society. Is it not possible that gram sabhas will take such decisions emulating same model?

Weather Khap panchayats had given such orders or not is a debatable issue? Without getting into a controversy, we would like to emphasize that under the law such powers to pass judgment of taking a life will neither be given nor it exists even now. Such decisions will be illegal. In the system that we are proposing gram sabhas will be able to take all decisions which will be within the purview of the law. They will not be given right to take decision beyond the constitution and the law under which they operate. To pass judgment on killing someone for honour or beating up someone or hanging a person would be beyond their domain of their power. Suppose some gram sabhas decide not to be part of India and want separation, then such a proposal would be against the constitutional law and the gram Sabha will have no power to pass such a resolution. The gram sabhas can operate within the frame work of authority that is vested in them.

### **By giving powers to Gram Sabhas, malpractices of society will increase or decrease?**

There are many evils in society like dowry, child marriage, declaring someone as devil and persecute him or her, belief in ghosts and goblins. What will be the effect on these by giving powers to gram sabhas? Will such prevalent practices increase or decrease?

These evils are in perpetuity from many centuries because of wrong beliefs. These beliefs have taken roots in our psyche. Some of the evils have been declared as crimes under the law and provisions have been made for punishment. If gram sabhas support any of the evils then it would be against the law.

It seems very unlikely that the evils will increase if the power is vested in the gram sabhas but the chances of evil decreasing also seem remote. If these prevalent evil practices have to reduce then a different movement will have to be started that will work on the social level to cleanse the mind of beliefs that have created a space in people's psyche for many centuries.

### **People will have differences**

Many opponents of gram Sabha model argue that villagers cannot take decisions because they are uneducated. In the gram Sabha assemblies they will fight with each other. A sarpanch is elected by a majority vote. The detractors argue that even if a sarpanch wins with a majority of 60/40 vote then the 40 will oppose and will not let the gram sabhas be conducted peacefully. The statistic around the world, however prove that these fears have no basis.

In this book we had taken the example of Hivere Bazar where there were warring factions of people who used to fight with each other. There were cases of murder and every week the police used to make rounds. Even there when the gram sabhas started, the attendance was very thin but as the gram sabhas progressed people started to take up the issue of these group rivalries and brought out solution to end the same. By mutual discussions they started to come together and today Hivere Bazar is a model gram Sabha worthy of emulation.

In Delhi assemblies of people are taking place under the banner of "Resident Welfare Associations". In these association meetings all kinds of people come from diverse group. There is a BJP councilor and so is the councilor from the congress to attend the meeting. People discuss their problems. There are differences that lead to arguments. The discussions are important but in the end decisions are taken.

One thing is certain that in villages where people gather under one forum and discuss their problems and solutions, there development will take place. In villages where people only fight with each other there no improvement can take place. In such places the people will only blame the administration and keep pointing fingers at corrupt officials, local parties or the politicians. Such people are responsible for their own fate and must understand that they themselves are incapable, having rivalries with each other and unless they reform themselves they have little chance of redemptions themselves. They will not be able to hold someone else responsible for their poverty, their fate, their unemployed status, and their lives but themselves.

In today's system political leaders, located at the state capitals like Bhopal, Lucknow or at the centre in Delhi takes decisions about our life. Argue yourself and decide what is better; who will be better judge to take decisions about our life, we in villages or an official or a politician sitting at a distant capital? Needless to say, the decision taken jointly by the villagers. When all the villagers assemble together then there would be arguments, differences, hot exchange of words, may be scuffles or fights but in the end the decision will be of the village. We are thirsty and want wells in our village but the official in the state capital decides to build parks for us and send computers for us. How does he know what is that we want the most? It is our village, whether we fight or live peacefully but whatever decisions that we take will be for the common benefit of our village. Decisions for our colonies should be taken on the local level of the colony only. This is what is best for all of us.

#### **PANCHAYAT EXTENTION OF SCHEDULED AREA (PESA), what happened to this law?**

Under PESA gram sabhas have been given powers but there is no success, is the argument of the detractors of our gram Sabha model. They claim that under PESA the backward areas have made no progress, nothing is visible to prove that giving power to gram sabhas can bring about a change. They say that gram sabhas are ineffective and non existent.

On the other hand truncated powers are given to the gram sabhas under PESA. Whatever is provided for in the law under PESA the state government does not even implement that.

PESA states that the plan for development in the village would be made in the gram Sabha. In other words, how the government money would be spent in the village will be decided by the gram Sabha. The statistics show that money is allotted to the villages under various schemes of the central government. This is not free fund. The money that is to be spent, where and how in a village, is already decided at the capital of the country. Then how will the villagers make their own project plans? The funny thing is that villages have been given the right to spend the money in a way that they want but the money is not given. Under PESA there is no provision of control of any sort over the government officials. Under PESA no control is given over the government officials like village teachers, forest officers, health officer, tehsildar and the police officers. Gram Sabha can take any decision but all these

officials are the ones who will implement the plans formulated by the villagers. If these officials do not implement the decisions taken by gram sabhas then the gram sabhas can take no punitive action against them. These officials are under the state government. They are employees of the state government and not the gram sabhas. Mostly it is seen that instead of obeying the wishes of the gram sabhas the indulge in victimization of the villagers,

The PESA law clearly states that before acquiring the village land the government will enter into a dialogue for seeking approval with the gram sabhas. In most places it is observed that this dialogue is a mere formality. In reality, after this formality, police is brought into the picture and land is acquired forcibly.

PESA is far more liberal than the law of gram panchayat. Unless the right is given to gram sabhas over the control of free fund, control over government officials and the natural resources until then this dream of Swaraj cannot become a reality.

### **Entry of honest individuals in Politics will make a difference?**

There is a general belief that honest individuals if selected as members of parliament or legislative assembly by the people will make a lot of difference to the problems of the areas from where they have been voted to power. This assumption is wrong that this will ensure the removal of problems in ones areas.

We have to first understand the role that a member of parliament or of legislative assembly plays in our system of governance. A member of parliament is merely a member of parliament and member of legislative assembly is merely a member of state assembly.

If we have problem in our areas of water scarcity or electric power not available or if the roads are broken or cleaning of the areas is not taking place, there is unemployment or poverty then we approach the MP or MLA. What we need to understand is that they have no powers to give solutions to remove these problems. The constitution does not give them any administrative power. The duty of the MP, as per constitution, is to enact laws in the parliament for common benefit. The duty of the MLA, as per constitution, is to enact laws in the state assembly for the common benefit of people. If the government machinery is not working properly then it is not with in the power of a MP or MLA to change it or improve it. No power is vested in the MP or MLA, either in constitution or in the law, to tackle the problems of his constituency. If a ration shop is not distributing rations fairly or a road is broken then the MLA or MP has no power to take action against the ration shop or the engineer who built that road. The MLA or MP can raise a question in the state assembly and the parliament. Every member, in fact, wants to raise questions on issues in his areas. The result is plethora of request for raising questions in the state assemblies and the parliament, that a lottery system is adopted from the list of questions during question hour.

The bottom line is even if the MP or MLC wants, having good intentions, he cannot make sure that he could raise questions in the Parliament or the state assembly. Fate of your problem is assigned to a lottery, ironic but true.

A member of parliament gets a sum of rupees two crore for to undertake development works in his own constituency. Very strange that he can only approve the works that can be undertaken in the constituency but he has no control over the quality of work that has been executed. This power to execute the work is under officials of various government departments. MP's and MLA's have no control over the government departments or on its officials. Even if an MP finds out that the work carried out of his fund is substandard or poor quality he has no powers to stop payment of the bills raised for the contract. It is heard that a lot of MPs and MLAs accept bribes for sanctioning the work.

The work of a MP or MLA is reduced to enacting laws in the parliament and the state assembly. Unfortunately even in this area their hands are tied. Whenever a bill is tabled in the parliament, to pass it as a law, the party issues whip or direct its MPs and MLAs to either vote for or against the law. MPs and MLAs are bound with the party and therefore, they have to obey the party directive. It is pity that they do not have the independence of voting for or against a law with their own free will.

It is evident that they cannot take care of our day to day problems and they are incapable of even making laws that are for the benefit of the people. It is ironic that these are the people whom we had voted to represent us. But in the parliament they do what the party wants and not what the people want. If they do not obey the party dictates then they could be punished and lose their berth as MP or MLA.

It boils down to the fact that even if you have chosen an upright individual as your representative for the parliament, then neither he is in a position to take care of your daily problems nor he is able to formulate good laws for you. This is very strange that in our democracy neither people have any voice nor the chosen representative. The power is centered around the Prime Minister, the Chief Ministers, the Ministers. Through the process of elections we select our representatives but for five years of their tenure the powers remain in the hands of few ministers and the government officials. People and their representative have no control over the system.

Can such a democracy look after the interest of the people?

Can we be proud of such a democracy?

Mirchipur of Haryana state witnessed atrocities being committed on the backward classes. In our parliament more than 70 % members are from the notified or backward areas. These MPs have been selected from the reserved constituencies. This is done to make sure that these MPs will protect the rights of the people of notified and backward areas. When atrocities were committed on the backward classes in Mirchipur, we wonder why this matter was not raised in the parliament by these 70% members from the same areas. When we contacted the MPs we were told that it is not possible to raise any question without the consent of the party.



Our democracy is victim of dictatorship of the party politics.

We have no dissent with those who subscribe to the suggestion that we must select the right candidate. There are no two views on this thought. But the selection of right individuals will not bring about a change in the system as we expect. This is also true that if we select the criminal elements then they will pollute the existing system more. On the other hand when we select right individuals then the system will not improve but the degradation will stop or at least the pace of degradation will reduce considerably.

Today the system has deteriorated to an extent when an honest Minister or MP cannot do anything for its betterment. His colleagues under him or over him would not let him. It is often observed that many an honest officers who understand our problems and view point express their inability to help. They are so bound in the corrupt system that they feel helpless.

### **Reform is impossible without change in Political system**

There are many well meaning organizations filled with honest individuals who are working on various national issues. Some are working on health and some on education; some are working on water resources and some on forest or land issues. We have to understand that unless we change the political system in which the power to decide is given in the hands of the people, nothing will improve; neither education will improve nor the health services. There would be no improvement in the other issues like land, water and forest. Even if we use all our resources in changing the laws governing the land, governing the forest or the law governing the water resources, the laws would still be implemented by a Collector of a district. But if he does not implement the laws or disregards the laws then we have no recourse to any action against him. It has been happening often in our country that there are perfect laws that have been enacted but each one of these laws have been violated. The government officials who are supposed to implement these laws themselves violate the laws then there is no hope for the country.

Therefore, it is necessary that there should be control of gram sabhas over these officials. Unless these officials are answerable to the village gram sabhas which is empowered to punish an erring official for dereliction of his duties no improvement can come about, in the system of education or health or water or land or forest.

We have to catch hold of the proposed weapon "Accountability to people" which will be responsible to bring about change.

### **Building character and system reform**

Some people subscribe to the view that if we imbibe the virtuous values of truth, honesty and justice as the basis of people's character then the systems will improve by itself.

The current system has degraded so much that it is doubtful that this system will help build character. The present system is hampering the process of building the character?

In today's system, virtue is not rewarded but the people look at the virtuous with indifference and skepticism. There are some failures of the system which prevent a person from becoming upright even if he wants to. Without the overhaul of the present system, it will not be possible to imbibe the virtues of honesty and justice?

Let us take an example to understand this dichotomy. The shop keepers who sell ration and kerosene oil get such a small commission that they cannot survive without becoming dishonest. Every dealer of kerosene oil gets a commission of seven naya paisa on every litre of kerosene. Every dealer has a quota of 10000 litres per month. In other words he gets an income of Rs. 700/- per month. In this income he has expenses of his shop and he also has to take care of his family. This is an impossible task. What else can he do except indulge in malpractices. There are 4000 such dealers in Delhi alone. In one stroke of pricing policy of the government the system has corrupted 4000 people across the city.

Unless the government increases their commission how can anyone expect them to become honest? Unless the system changes there is hardly any hope of building people's character.

Why there is need for building character of people? Why there is need for building sound operating system?

By controlling own desires and attachments, man attains nirvana that is believed to be the goal of life. To move towards a state of perfection is the aim of life and the universe. Sound systems of governance help in building a virtuous character but bad systems impede the same process. If there are good models of governance then it will help speed up the process of building human character. Therefore, building the system in which we operate is the only way. This is the only ladder on which one can climb up the path of virtuous character. There are no two views about the fact that as virtue takes root in people's character; the operating systems will improve, too. As the improvement in the system takes place, the character building process will get a boost. To fight for truth and justice by following the path of righteousness and to restore the Dharma, in other words operating systems, is the greatest action (Karma Yoga) a man can aspire for. Engaging in actions in consonance with the path of Dharma help imbibe the virtues of righteousness in mankind.

We observe that most of the political leaders, government officials and businessman indulge in dishonest practices. Many of them do wrong since they have no other option of survival in the present system. If they are offered right systems then many of them will be reformed. Both the jobs, system reforms and individual reform are extremely important.

## **LAW NEEDED FOR SELF GOVERNANCE OF VILLAGES**

For people to take decisions under the aegis of gram sabhas following changes will have to be brought about in our legislation so that people will have control over their fate and their lives. They would then be responsible for their own progress.

### **Gram Sabhas should be supreme**

#### **The Problem:**

In the present system gram sabhas have been given very little power and the power that is given vests with the sarpanch or head of the panchayat. This association of people on village level has no control over the actions of sarpanch. In most of the laws enacted for gram sabhas, their role is limited to giving advice to the sarpanch. The sarpanch has the option of accepting or rejecting the advice. Therefore, people suck up to the sarpanch. This makes the sarpanch autocratic and corrupt. The people of gram sabha, in absence of any power to question his actions, stand by as helpless spectators. Since they are unable to take any action, the people of gram sabhas have distanced themselves from the day to day working of the gram sabhas.

Law has not given any power to the people of gram Sabha to make amends if the sarpanch is taking wrong decisions or is indulging in corrupt practices. The district administrator however, has the right to take action against the sarpanch. Each district administrator has about one thousand village panchayats under him. District administrator is located in a city far away from villages. He has no clue to the functioning of sarpanch of a panchayat. When villagers make complaint against the sarpanch then in most cases no action is initiated against the sarpanch because the district administrator has no time for them. If the Sarpanch belongs to the ruling party or has affiliation with the local M.P., MLA or a leader then the administrator under their influence does not bother to initiate any inquiry. In this way no action is taken against the erring sarpanch.

Since there are more than thousand villages under the administrator, he assigns the work of supervising the sarpanch to the block development officers (BDO) or some junior officials. These officials in turn indulge in extorting money from the sarpanch. If a sarpanch, who is honest, refuses to pay then the BDO's and junior officers initiate inquiries of false cases against the sarpanch. The BDO's and junior officials with the power vested in them to take action against the sarpanch, coerce the sarpanch to toe their line and make him part of the corrupt practices. This happens in connivance with the district collector who, either on his own volition or under the pressure of political masters blesses the actions of his junior officers. This platform of coercion is both used for siphoning off the government funds and to spread political influence of a party. "Do as directed" or an action will be taken against you becomes the rule for the sarpanch of a village

#### **Suggestion**

The first step is to free this sarpanch from the clutches of the district administrator and make him accountable to the people directly. Our suggestions are as follows.

- a. The gram Sabha should be given the power to take all decisions. Their decisions should be final and the role of sarpanch should be limited to implementing the decisions.
- b. If a sarpanch is found to be indulging in embezzling funds or in criminal acts or in corrupt practices then the gram Sabha should have power to direct the police to register a first Information report (FIR) against the accused sarpanch. The progress report of the action taken against the sarpanch should be placed before the gram Sabha on regular basis.
- c. Unless, the gram Sabha specifically requests for an action against the sarpanch, the district administrator or any other officer should have no power to take any action against a sarpanch.
- d. In case a sarpanch does not follow the wishes of the gram Sabha then gram Sabha should have the power to recall this sarpanch. If more than fifty percent people pass a vote of "No confidence" against the sarpanch and send it over to the election commission then the commission should verify the signatures within fifteen days. Within thirty days of verification of signatures a secret ballot should take place against the impeachment. If "No confidence" vote is won with majority then that sarpanch should be removed from his post and a new sarpanch should be installed with fresh mandate of the people.

Recall of sarpanch is a sure shot formula that should be used as a last resort. There are several states where this right to recall has been bestowed on people of gram sabhas. Many villages in these states have used this power. Unfortunately there are no remedies for an in between situations. Either you have a sarpanch or you recall him. There are no provisions, where the people could direct him time to time and force him to take corrective actions. As soon as the process of removing a sarpanch starts, the wheels of local politics come into motion. This local politics is then supported by the realignment of politics on the state level that leads to a lot of undesirable corrupt practices. Because of this an honest debate becomes impossible on the proposed "No confidence motion".

We believe, if the gram sabhas get all kinds of power to take decisions of amendment, advice with which they could direct the sarpanch from time to time. Then it would not become necessary to remove the sarpanch. In such a case he will be an equal partner in the joint process of taking a decision at every stage. It is believed that there will be no need to use ultimate weapon "Recall".

### **Projects on Village level should be under villages**

#### **Problem:**

In today's establishment there is confusion on the jurisdiction of works, resources and organization.

#### **Suggestion**

In earlier part of the book it was mentioned that lists should be created of all the works, resources and organizations under whose jurisdiction they fall. After this these assets should be transferred under the jurisdiction of respective village or block or the district level of administration. The funds required to operate and maintain or execute works along with the government officials should also be allocated to that level only.

### **Control over Government employees**

#### **Problem:**

People have no control over the acts of omission and commission by the government employees and find themselves in a helpless situation.

#### **Suggestion:**

- a. The control over the government employees, both administrative and operational, connected with execution of works, maintenance of properties and their organizations should be passed on to various levels of panchayats. The employees should be considered as employees of the panchayat under which they have been transferred. When employed employees retire then the new appointment should be made by the panchayat under which the vacancies fall. State government should play no role in new appointments.
- b. On all levels panchayats should have the powers to appoint new employees to fulfill its needs. These employees should be treated as employees of the panchayat and not employees of the state government.
- c. The panchayats should have complete administrative control over the employees irrespective of the fact that they were transferred from elsewhere or were appointed by the panchayat directly. Gram Sabha should have power to charge sheet an employee, also be able to punish an erring employee and suspend him, if the need arises.
- d. Gram sabhas should have power to cancel the license of an essential commodity dealer like, kerosene or ration or gas, if found engaging in malpractices and appoint a new dealer.
- e. All gram sabhas should be empowered to issue directive to any government employee and if need arises then send him a summon asking him to be present in the meetings of the sabhas. If the directive of a gram Sabha is not in conflict with the directive of a different gram Sabha then it should be mandatory for the concerned employee to obey the directives issued by the gram Sabha. (Note: Sometimes an employee is on the block level and responsible for looking after works related to a block instead of a village). In case of conflict, it should be resolved on that level of the panchayat. In case an employee ignores a summon sent by a gram Sabha or defies the orders issued by it, then the gram Sabha should be empowered to reprimand the employee and impose a fine on him, too.

### **Control over government funds:**

#### **Problem:**

The Central and state governments conceive many illogical plans and projects that have nothing to do with primary needs of the people. These plans are conduits for siphoning off the money, increase corruption and have no relevance to the needs of the people. They are digressive in nature and encourage people to sloth and laziness. This has been discussed earlier in the book.

**Suggestion:**

In our opinion all these grandiose schemes should be abandoned herewith. Most of the funds that are made available to the panchayats should not be tied to any scheme. The fund should be a free fund available at the disposal of the gram Sabha, to be disposed off in a fashion that the gram Sabha desires.

The state government of Kerala transfers 40 % of its annual budget fund directly to gram sabhas. The need of the day is that at least 50% of the annual budget of all the states, should be sanctioned and distributed to the gram sabhas as free fund. There should be no caveat attached with the fund and gram sabhas should be free to use this fund for development in a way they think is best for them.

For release of fund, in today's time, panchayats face problem and many a times are forced to pay bribes to senior officers of the government. On first April of every year money is transferred in the accounts at various levels of panchayat in Kerala. This is how the funds should be transferred every year to all panchayats, thereby, removing all difficulties faced by the gram sabhas in getting the fund.

If a group, belonging to backward section of society in a particular village, puts up a demand then a part of the fund from the main fund of the gram Sabha should be sanctioned to that group for their needs. This will ensure that muscle men of the village do not have undue power over the backward classes.

**Control over Block and district panchayats**

**Problem:**

In the present system gram sabhas work under the middle level and district levels of panchayats. The proposals of gram panchayats are approved by the middle level panchayats. Mostly the payment of works carried out on the village panchayat levels are made by the middle and district level panchayats. However, there is no control of gram sabhas over the working of the middle and district levels of gram panchayats.

**Suggestion:**

- a. The proposals made and decisions taken by the gram sabhas, for their village, should be final. The gram sabhas do not have to take approval from anyone on financial or administrative or any other matter.
- b. The government will have to take permission to start a scheme from each of the gram sabhas that are affected by it. Also any gram Sabha can give suggestion to start a new scheme to its block or district panchayat. In general a plan should be implemented by the government only when it has been approved by all the affected gram sabhas in that area.

- c. Role of Sarpanch of a village is merely to act like a bridge between gram Sabha and the block panchayat. Before making any commitment to the district panchayat the sarpanch will have to consult and take permission from the gram Sabha. In the same way the block sarpanch is a bridge between block panchayat and the district panchayat. He too will have to take the permission from the affected block panchayats before making any commitment to the district panchayat. Gram Sabha, if so desires, can give the option to the sarpanch of not taking permission from the gram Sabha on certain matters. This option should be to a limited extent only.

### **Direct control over policy formation and state assemblies**

#### **Problem:**

We are a democracy In India. Although we elect our representatives but we have no control over the representative between two successive elections spread over a period of five years. We have no control over the formulation of laws enacted by the state and central governments. It is being observed that in last many years the government is enacting such laws that are detrimental to the welfare of its citizens. Many laws are enacted to benefit both national and international business houses under the pressure of foreign governments. There is a need to put an effective control over it.

#### **Suggestions:**

The people should have certain control over the process of formulating laws in the parliament. This control could be given in two ways.

- a. The role of citizens in enactment of new policies and laws  
If more than five percent of the gram sabhas moot a proposal to formulate a policy then the state government should forward the proposal to all gram sabhas. If more than fifty percent of the gram sabhas endorse the proposal then it is obligatory on the part of the state governments to enact the proposal into a law or a policy. In the same way the gram sabhas should have the power to partly or wholly reject or amend a law or a policy. They should also have the power to amend or cancel a scheme of the government.  
This way the citizens will initiate a new chapter in the process of reforms. These could be reforms in the police department or reforms related to judicial system, or enactment of powerful laws against corruption. This will usher in a new era of citizens participation in the government functioning.
- b. The opinion of the citizens in tabled proposals for formulating all laws and policies in the state assemblies and the parliament.  
As per the constitution, elected representative are the installed members in parliament and the legislative assemblies of states. In the same way block and district panchayat officials are the members of the panchayat. As per law they have not been given any work.  
A law should be enacted that a copy of all the proposals and bills that are tabled in the parliament ( besides the finance bill and no confidence motion) be brought to the district or block panchayat and distribute the same to the representatives of all gram sabhas and resident

welfare associations in the cities. These laws or bills then should be discussed and dissected in the gram sabhas and the resident welfare associations in the cities. Only after receiving a consensus opinion they should put them up in the parliament for voting.

### **Right to information by the gram sabhas**

#### **Problem:**

There are many a decisions that are taken by the state and central governments that affect directly the lives of its citizens.

#### **Suggestions:**

Gram sabhas must get the right to seek information, from any of the government officials of the state that directly or indirectly affects his village. If the official fails to give the information then gram Sabha should have the power to imposed a fine of rupees twenty five thousand on this erring official.

### **Control over the panchayat secretary**

#### **Problem:**

The secretary of the panchayat is appointed by the state government. He in collusion with sarpanch and other officials fosters corruption. He is not at all accountable to the people and therefore, the people have no control over him.

#### **Suggestion:**

The appointment of panchayat secretary should be done by the gram Sabha. His role should be limited to implementing the decisions of the gram Sabha. Gram sabhas should have complete control over him, which includes power to punish the secretary, stop his salary and if the need be power to suspend him from the post.

### **Issues of corruption in panchayats:**

#### **Problem:**

Corruption has seeped into all government works. Payments are made not only for works of extremely cheap quality but also for non existing works which are only shown on papers. When the citizens make complaint no action is taken. There are two reasons behind this.

- a. Whenever a government work takes place, the verification of the work is carried out by a government official that the work has been carried out as per specification and, therefore, the payment should be released. The citizens or the gram sabhas are not involved in this process of verification. In Uttar Pradesh the SDM verifies that a canal has been cleaned properly. Many a times he just accepts a bribe and gives a verification certificate in spite of the fact that the



cleaning has not even taken place. No body bothers to ask the farmers who use the canal water if the same is cleaned or not.

- b. When complaint is lodged against these officials with their senior officer, the inquiry is conducted by the officers of vigilance department. Under political pressure, or by accepting bribes or just because of carelessness they do not take any action. The citizens on the other hand have no control over these vigilance officers.

**Suggestions:**

In our view on the above mentioned issues the gram Sabha should be given the following powers.

- a. Unless gram Sabha has given a certificate of satisfaction of the executed work of the government, no payment should be made to the contractor who has carried out the work. In case the work is of poor quality then the gram Sabha should also have power to initiate an inquiry into the works. The tainted contractor should be black listed and orders should be passed to correct the deficiency in the works. If guilty officials, responsible for the work, are under the jurisdiction of the gram sabhas then gram sabhas should have power to take action against them.
- b. If corruption is of criminal nature then gram Sabha must be empowered to direct the police to register an FIR and give regular reports on the progress of their inquiry.

**Alcoholism in Villages:**

**Problem:**

In present time license for opening a liquor shop is given by the government departments on the recommendations of political leaders. They normally accept bribes for giving that permission. Serious problems crop up because of liquor shops. Many families are destroyed by the habit of alcoholism. The irony is that no one takes the opinion of people whose lives are affected in the vicinity of the shop. The shop is thrust on them, whether they want it or not.

**Suggestion:**

The license to open a shop should be given, only when the permission is granted by the gram Sabha in whose jurisdiction the shop falls. This permission of gram Sabha must have the consent of 90% of the women of the gram Sabha. By a majority vote, the women of the gram Sabha also should have power to get the license of an existing shop cancelled.

**License for Industry and mining:**

**Problem:**

State and the central government issue license for Industry and mining. But people residing in the areas have to bear the brunt of its adverse effects. There is no role that these people play in the process of issue of license.

**Suggestion:**

No permission should be granted for large industry set up and mining without the consent of the people of that area. The gram sabhas could grant the permission with certain conditions. In case these conditions are not met with, then the gram sabhas should have the power to cancel the permission, if given earlier.

**Land acquisition:**

**Problem:**

- a. Land is acquired by various state agencies from the people for various projects and Industry without considering the opinion of the affected people. Not only people lose their home and hearth but also face unemployment. The compensation paid in lieu of the land is inadequate. Even if the rates are paid as per the prevailing market prices, then also the people's problem are not lessened. We are merely taking an example that an acre of land is sufficient for a farmer to grow crop year after year and take care of his needs for a life time but rupee forty or fifty thousand that is paid as compensation is not sufficient to take care of his expenses for a life time. Such acquisition alleviates poverty.
- b. Though the land owner gets an inadequate compensation but the labour who was working on that land does not get anything. He faces the specter of unemployment and poverty.
- c. In many a places it has been observed that when the land was acquired, under duress, from the villagers then they joined the violent ranks of the naxals.

**Suggestion:**

Gram sabhas should be empowered to take decision on suitability of a project whether it is for the welfare of the people of the area or not, whether the land should be given for the project or not. If it is decided the land should be given for the project then at what rate and conditions. Their opinion of gram sabhas should be supreme. To give these powers following provisions should be made in the laws.

- a. If any company, central or state government is interested in acquiring land then it should send an application to the panchayat of the concerned village.
- b. Original papers should be submitted, duly translated in the local language explaining how the acquired land will be used and what kind of project will be put up. The papers should be submitted to all gram Sabha panchayats that are affected to enable them evaluate various pros and cons of the acquisition.
- c. Based on the information submitted to the panchayat a campaign should be organized in each village to make people aware of the land acquisition. If any person of the village wants a photo

copy of the project then a photocopy should be made available to him after charging money for the same.

- d. After giving papers to the village panchayats, each panchayat should call a meeting to discuss the project. If there are doubts and fears about the project then the gram panchayats would send in a request to the company, central or state government which is putting up the project to appoint their representative to give answers to their doubts and fears in the gram Sabha. If more information is needed then gram Sabha could request for the same.
- e. In the next meeting, which would be attended by the representative of the acquiring agency, all doubts and fears would be put to discussions. No decision would be taken on acquisition, except question answer session in this meeting.
- f. If the gram Sabha is satisfied with documents furnished and the answers of the representative then gram Sabha will call another meeting for taking the decision on the acquisition issue. In case it requires more information then it would send in a request to the company, state government or the central government.
- g. The meeting, in which the gram Sabha takes the final decision, no outsider would be allowed like the company representative, state or central government representative and the police. Even the media would be kept at a distance from the meeting. This meeting would not be chaired by the gram sarpanch or the pradhan. The people of the gram Sabha will choose, with consensus, a respectable person amongst themselves to head this meeting. The minutes of the meeting would not be written by the secretary of the gram Sabha but by a person chosen from amongst the people present.

A vote would be taken to decide if the people want to give away the land or not. If yes then on what terms and conditions? The gram Sabha will ensure that interest of all concerned is taken care of while taking unanimous decision. This Sabha will take care of the interest of the landless and the labours who work on the land and the acquisition would result in their unemployment. If need be then more than one gram sabhas should conduct meetings jointly to reach a consensus.
- h. Whatever is the decision taken by such a consensus would rein supreme. The government will have no power to make amendments or reject the same.
- i. There should be a national policy on rehabilitation of the land owners and landless which should clearly define their basic rights. If the gram Sabha gives consent to land acquisition then provisions laid down in the rehabilitation policy, without tempering the basic rights, would form the basis of acquisition. The gram sabhas on the other hand will be free to negotiate other terms and demand more. The decision of the gram Sabha will be treated as final.
- j. The country is passing through a great food crisis. This crisis would deepen in the times to come. It is important in the national interest to preserve fertile land for the purpose of agriculture only. The nation will survive without roads, power and industry but we will not be able to survive for a day without food. A law should be enacted that bans the use of land that yields two crops a year for any purpose other than agriculture. Such land should be identified and marked for agriculture use only by the gram sabhas.

**Land records:****Problem:**

The land records are tampered by the local officials of the government on a large scale through fraud. There are many cases of fraud and of collusion of these government officials who have transferred the land belonging to poor and helpless farmers in the name of someone else. Besides this, it is a gigantic task to ferret out information related to a property from the land revenue department. Getting work out of this department is even more difficult.

**Suggestion:**

All the documents pertaining to land, under the supervision of gram sabhas, should be taken care off by the office of gram panchayat. The list of all property transfer should be promulgated by the gram sabhas on a monthly basis. Any inquiry made by an individual or a society must be answered within a stipulated time by the gram Sabha. Failing to adhere to the time lines, the concerned officials of gram Sabha should be fined suitably.

**Control over natural resources:****Problem:**

For centuries the local population was using limited natural resources for their needs and also preserving the environment. The control of natural resources like forest, rivers and mines started from the time British established rule in the country. From that time the exploitation started of these natural resources while the local population was displaced. However, the situation did not change after the independence. In last few years the process of exploitation of natural resources has increased where the land of the locals whose life depended on these was snatched from them. It has been mentioned earlier that the government is selling these natural resources to business houses and contractors at throw away prices.

**Suggestion:**

The gram sabhas should be made the owner of all small water resources, forests, minerals that fall under the jurisdiction of the gram Sabha. It should also be ensured that without the consent of the concerned gram sabhas no one is given the lease to use the water resources, forests, mines and land. The gram sabhas will decide who should be given the lease to use or not to use the natural resources and at what terms and conditions. If the terms and conditions of the contract of lease for the use of these resources are violated, in future by a contractor, then the gram sabhas should have the power to cancel the lease of such a contractor. If such violations have caused damage to environment or to group of people then the contracting company should be made to pay damages.

It has been mentioned earlier in the book that natural resources are the national property of the country. How that should be deployed for national and general welfare is a question that needs to be discussed on all levels of the gram Sabha to create a national policy. The gram sabhas then

could use these policies as a basis to give permission for use of the natural resources in their areas.

### **Corruption in Government offices**

#### **Problem:**

Be it a passport office or an office of the municipality, revenue department or the office of the SDM the citizens face all kinds of problems and are forced to give bribes to get their work done. It could be driving license or a birth certificate, it could be a death certificate or verification of land records, it could be complaint for a blocked drain or an application for getting electrical power, a citizen is forced to pay bribes to the government officials.

#### **Suggestion:**

Verification certificates for cast, income, residence proof etc should be issued by the panchayat office. In case if the panchayat secretary shows lack in his duty then he should be called to the gram Sabha for questioning. In any case the Gram Sabha has the power to reprimand and penalize the secretary for his acts of disobedience.

Passports, driving licenses, electricity and water connections should be given to citizens within a specified time after receiving an application. If time lines are not met then the concerned official should be fined suitably.

### **Collection of taxes:**

#### **Problem:**

We use unscientific methods to collect and spend the taxes. Most of the taxes are collected by the state and central governments. These taxes are used through various plans and schemes of the government for the states, towns and villages. The money gets siphoned on two levels.

One at the level when it is being collected that is on the upwards journey to the government treasury and then when the money is spent that is on its downward journey. What is surprising that the collected taxes on the local levels are not spent on the local level? The people are totally ignorant as to where collected taxes have been used?

#### **Suggestion:**

Experience suggests that if people are made to participate in the process of collection of taxes and if they know how these taxes will be used for their benefit then collection of taxes will become much easier.

As far as is possible the services of the gram sabhhas should be taken for collection of various types of taxes. Gram Sabha is primary unit of the conglomeration of people for whom the taxes would be used for collective benefit. There can be no agency, government or otherwise, better than the gram Sabha itself to carry out this task. Our suggestions are as follows.

State governments should make list of various type of taxes.

- a. List of those taxes that are imposed and collected by the state government.
- b. Those taxes that would be imposed by the state government but the collection would be on the direction of gram panchayat.
- c. Those taxes that would be imposed by the higher levels of panchayats but would be collected by lower levels of panchayats.
- d. Those taxes that are imposed and collected by the same level of panchayats. An effort should be made that most of the taxes should fall in this category so that each level of panchayat could become financially independent.
- e. Income generated out of the wealth of gram Sabha should be credited in the account of that gram sabhas only. Part of the duties imposed by the Agriculture Produce Marketing Committee (APMC) at the market place should also be credited to the concerned panchayats. We would mention here that both buyer and seller have to pay taxes to the APMC. Where and how this tax is spent is not known to any body?

#### **Consolidation of many villages under one panchayat:**

##### **Problem:**

Presently many far flung villages are clubbed together under one panchayat. The people of the village are not able to attend the meetings of the sabhas. These villages are different from each other on the basis of caste, creed, and religion, their economic and social differences. It has been seen that their problems and solutions are also different. Many villages have enmity that dates back to many generations. The villages are not connected with roads or railway that creates problems of commuting for attending the gram sabhas. Taking all the above issues under consideration their consolidation on one level is unworkable.

##### **Suggestion:**

Irrespective of the size of the village, each village should be declared as a panchayat. If two or more villages want to consolidate under a single unit then they should be declared as a unit of panchayat. Under PESA such provisions are available for the backward classes. The same law should be extended to the entire country.

#### **Consolidation of panchayat on block and district level:**

##### **Problem:**

In today's system the sarpanch of a village in lower levels of panchayat is a member of the higher level of panchayat. Besides this election is conducted for members of block and district levels of panchayat. The past records of the working of the panchayat show that there is no improvement in the working methodology of the panchayat because of this. This methodology on the other hand has fueled corruption. Whenever, there is a proposal of "No confidence motion " against the chairperson of the middle and district level of panchayat then the existing

members start to bid their prices for their vote to support or reject the “No confidence motion”. In many a cases the chairperson pays the members on a regular basis to remain in office. The Chairpersons of higher levels of panchayat, during election, spend a lot more money than the members spend in their election, since their area of operation is much wider. This money, needless to say is amassed from corrupt practices from various government projects that come under their jurisdiction, once they are in office.

**Suggestion:**

Election for the post of members of middle and district level of panchayat should be abolished. The representatives of the lower level of panchayats should be made members of the higher levels of panchayat. This way the lower level of panchayats would be able to control the working of higher levels of panchayats. All sarpanch of a village should be made members of the block panchayat. They should elect one member amongst themselves as the block chairperson. In the same way chairpersons of each block should elect one member as the chairperson of the district panchayat. The sarpanch of the gram Sabha should act as a bridge between the village and the block. He should inform the block panchayat of all the decisions taken by the gram Sabha and in turn inform the gram sabhas of the decisions taken by the block panchayat.

This way, through the sarpanch of their village, the gram Sabha will be able to take control of the activities of the block gram Sabha. By extending this system the block chairpersons will act as a conduit and will be able to take control of the activities of the district level of panchayats.

**Transparency in documents**

**Problem:**

In spite of right to information act it is difficult to obtain information about the working methodology and decisions made by the various levels of the panchayats. In many areas where people have asked information related to working of panchayat from the sarpanch and the government officials, many cases have come to light where the people have been victimized. It is a common occurrence where the sarpanch in collusion with the police has registered false cases against such people. At many a places people have been attacked with intent to kill.

**Suggestion:**

To bring about transparency in the working of all levels of the panchayat, the documents related to works should be available freely. All documents related to gram, block and district panchayats should be available for scrutiny. Such a system should be devised where any one could inspect documents related to works without giving an application. For such purpose two days in week should be reserved for a limited time in which this inspection could be carried out by common man. If some one demands a copy of any document, than he should get the photo copy of the document within seven days after paying the necessary charges. In case of any violation, the gram Sabha should have the power to punish the erring government employee.

**Introduction of Lokpal:**

There is endemic corruption rooting out of a basic problem that there is no accountability of a government servant or an elected representatives of the people. This gives freedom to both elected representatives and government servants to indulge in acts of financial embezzlement of funds that belong to the people. The courts are already reeling under the pressure of mounting cases that are pending with them and many times it takes a life time for a case to come to a conclusion. Justice delayed is justice denied.

Therefore, Lokpal bill is being proposed. This is an independent institution, which will look into cases of corruption against the legislature, executive and the judiciary. Lokpal will look into corruption cases against the central government employees and the Lokayukta will look into corruption cases against the employees of the state governments.

Lokpal is within the frame work of transparency in operation. Lokpal is subservient to the people and not above. Just the way people give executive power to the Lokpal/Lokayukta to act against the dishonest government employees, in the same way Lokpal's office is also subject to scrutiny. People will have the power to recall Lokpal, if Lokpal is found to be corrupt,

**Problem:**

There is no effective remedy in the existing law if provisions of the panchayat law are being violated. Like the working of gram Sabha is thwarted, certain section of society members are not being allowed to attend gram Sabha meetings, the minutes of the meeting are not being recorded properly. Under such circumstances district officials are supposed to take action but they under the influence of the local political leaders do not conduct an impartial inquiry.

Fears are expressed that influential people from higher castes in many areas will not let the people from backward class attend the meetings of the gram Sabha. Even if they are allowed then they will not be given chance to voice their opinion. Even if they are allowed to express their opinion and demands then the recording in the minutes of the meeting would not be included.

**Suggestion:**

Therefore, it is suggested that to listen to such complaints and take time bound actions lokpal should be appointed. In Kerala such a system is in operation with positive results.

It is suggested that Lokpal should be appointed on the state level. The work of Lokpal would be to solve problems related to violation of gram panchayat's laws and disputes. The Lokpal will also take steps to implement various provisions of the gram panchayat law.

The selection process of Lokpal should be totally transparent and should be by general participation of the people. In order for it to be effective and time bound, it should be given all necessary rights and resources.



If someone reports that the meetings of gram Sabhas are not taking place regularly or some sections of society are not allowed to attend the meeting or not allowed to voice their opinion, or the minutes of the meeting are not being recorded properly then it will be Lokpal's duty to conduct an inquiry into it. If it is found that there is truth in such a report then either he himself or through his representative arrange gram Sabha and makes sure that such incidents do not take place and meetings are conducted regularly.

### **Ban on interference of the state government**

#### **Problem:**

Under the present system of panchayati raj, the state governments send directives to the panchayats all the time. Because of this the panchayats have turned into a useless government departments processing paper. Instead of tackling the problems of the people of their areas the sarpanchs are busy in taking care of the directives of the government. The directives pertain to the date when the gram Sabha will take place, what will be the agenda of the meeting, what all committees will be formed and how will they be formed and how will they operate? All such decisions are taken in the secretariat of the state governments, located in capital cities, instead of the gram sabhas. The state governments try to take all small and big decisions related to lives of the people of the village. This has resulted in indifferent attitude of members in the work of Sabha, in loss of freedom of the gram sabhas and its panchayats.

It probably is believed by the government that people on the village level need spoon feeding and if left to them then it will result in a state of chaos. They will not be able to take decision on the issues of education, health care, warehousing products, irrigation and many others in their villages. This is a far fetched thought because there are plenty of examples where villagers have proven that they could administer, if given a free hand.

It is the business of Government to govern but government displays inept and shoddy handling of the administration. It interferes with peoples lives on all levels small and big. Result is that people take no initiative in the process of governance and governance, therefore, is no ones baby; neither of the people or of the government.

#### **Suggestion:**

The right to give direction to the gram Sabha should be withdrawn from the state government. Panchayats should be treated as the third independent body of administration. State governments should be allowed to send directives to the panchayats once in a while but sending in directives on a regular basis and interfering in panchayat's day to day activities must be stopped.

Let the people decide what they want. Let them decide what their priorities are and how they would like to deal with the problems that they face. Once they are given freedom to choose, freedom to operate and free funds, they will excel in governing themselves.

## **Self Governance in Cities is essential too**

It is defined in the constitution that Gram sabha is the common assembly of people living in a village. In spite of the fact that constitution recognizes the gram sabha yet the sabha has been vested with no power. Under self governance we believe that Government funds, government servants, government laws, actions that go towards making laws and natural resources should come under the control of people through the gram sabhas. Unfortunately any social set up of people living in the cities has no constitutional recognition or legal legitimacy. For this separate law will have to be drafted.

### **Experiment in Delhi:**

This is true that Resident welfare Associations (RWA) has not been legally recognized but at many a places people have taken initiative and formed associations. It would be worthwhile to high light the initiative in Delhi. For a long time in certain areas of East Delhi, under the initiation of SWARAJ movement, local assemblies are being organized. The people are taking decisions in local matters of the government. Government officials and political leaders are getting those works implemented. This commendable work is being carried out in Trilokpuri and Sundarnagri ward of NDMC. Each ward has been divided in ten localities. Each locality meets once in one or two months.

In these assemblies of people, under the aegis of self governance movement, officials of Municipal Corporations and representative of people join hands in the proceedings. How and where the money of corporation is to be spent is decided by the assembly of the people. Before this all these decisions were taken by few government officers and political leaders in “closed rooms”. But today the situation is such that any member of the assembly can raise his voice against problems related to water, electricity, roads, etc. His demand is noted by the government officers and councilors, present in the meeting, who get the funds released for the same. In case the list of demands is long and adequate funds are not available then in the same meetings the priority of works is decided by the votes of the people, on the basis of which the work would be carried out.

The councilors of Sundarnagari and Trilokpuri have already announced that the payment against the work carried out in their area would be made to the contractors only when local body expresses its satisfaction with the quality of work. This decision has improved the quality of work carried out in their areas. There are various social welfare schemes like pension for the old, physically challenged individuals and pension for widows. List for such residents is made in an open assembly. People are transparent and discuss among themselves as to who is the poorest and who should get benefit of these schemes first. Earlier this benefit used to accrue to near dears of the councilors. The governor of Delhi has congratulated the councilors who were conducting these types of meetings. He directed the local police officers to be present in such meetings. He also directed the commissioner of corporation to conduct such meetings in all areas of Delhi.

### **Steps by the Central Government:**

There is a wide spread demand in Delhi for giving legal recognition to residents welfare associations. A draft of "Model Nagar Raj Bill" has been sent to all state governments by the central government last year in which it was requested that they should make necessary amendments, using their intellectual discretion, and pass the bill in their Vidhan Sabhas. This step is a big event of the central government. This is for the first time that resident welfare associations are being recognized as a unit of a city. But the sad part is that in draft of the central government, RWA have not been vested with real power.

Civil society members have rejected the current draft of Local government bill. Many prominent citizens like Mr. Prashant Bhushan, Lawyer of Supreme Court, Social worker Mr. Anna Hazare, Former Chief Secretary Mr. S. C. Bahar, have come up with a new draft for the Local government bill. Let us look at the prominent provisions of the "Local government bill" which is being demanded by the members of the civil society.

### **Salient Provisions of the proposed Law:**

- a. Three thousand individuals (Voters) living in a specific locality of a city should be allowed to form an association. If population of any ward in the city is more than three thousand voters then each of the three thousand voters can form a separate association. People living in their geographical locations would be treated as members of that association.
- b. One representative should be chosen from association of each locality with the help of election commission.
- c. Representatives of all associations of localities in one ward will form a committee. This committee should be headed by the ward councilor or the Member of Legislative Assembly.
- d. Management of all matters related to a locality should be carried out by the Association. Actions should be taken by the Association on all related matters of the ward by voice vote and mutual consent of the members of the ward.
- e. Meetings of the Locality Association should be headed by a member of the locality. He should be the conduit for communication between the Locality Association and the ward committee. It will be mandatory for him to accept all decisions of the Association. He cannot over look and by pass the Locality's Association and takes independent decisions.
- f. All decisions should be taken in the open house meeting of the Locality's Association on monthly basis. If any decision has been taken elsewhere then the acceptance of that decision will have to be taken in the open meeting of the Association.

### **Economic Control:**

- a. Ward committee must have independent revenue. Ward committees should be empowered to impose and collect taxes, after mutual discussions and deliberations, for certain matters pertaining to the ward.

- b. Ward committees should get independent funds for development from Municipal corporation, state and central government, besides the tax that they collect independently from their ward.
- c. What type of development work and where it should be carried out would be decided by the locality's Association.
- d. Unless the completion certificate is provided by the Locality's Association, the contractor who has carried out the work should not be paid.
- e. All decisions should be taken collectively by Locality's Association in the meetings of the Association only. The elected members of the Association and the local government's officer's roles are limited to implementation of the decisions.
- f. If representatives of an Association or ward members do not abide by the directions given by the local Association then the local Association must have the right to recall their representatives.
- g. The local Association must have the powers to summon and ask government officers, assigned to their areas, like junior engineer, principal of school, managers of ration shops, health inspectors and medical superintendent to be present in the meetings of the Association.
- h. If government employees, like teachers, health officer, sanitation workers, junior engineers posted in the locality of the Association do not obey the orders or do their bidding or carry out work carelessly then the Association of that locality must have powers to stop their wages or impose a penalty. There should be no need by the Association to seek permission from any agency to impose a penalty on such erring government employees.
- i. If the ration shop of a locality is not distributing ration properly to its card holders then Association of that area must have powers to cancel the license of that shop. Then the Association would be empowered to issue license to a new party in tier own locality.

## **RESPONSIBILITY**

- a. Resident Welfare association will make sure that in their colony no one is without house, nobody sleeps empty stomach, no child is deprived off education and everybody gets adequate health facilities.
- b. The relevant ward committees should have the same responsibilities as RWAs have. Ward committees while taking major decisions should take consent from the RWA before implementing the same.
- c. The slum colonies located in a locality should not be uprooted until adequate provisions have not been made for rehabilitation under the government guidelines. No Objection Certification towards rehabilitation will be issued by the RWA.
- d. Residents of villages existing in metropolis like Delhi must have the right of their own land.

## **Control Over Municipal Corporation**

We as tax payers have the right to spend our money on our own welfare.

Any RWA can forward a proposal to Municipal Corporation, for consideration or implementation of any issue related to the RWA, provided two-third of the members has voted for the same. It would be mandatory for the municipal corporation to consider such a proposal forwarded by the RWA. This proposal could be for building roads or for a park or repair of walkways or for a community centre. As long as majority vote ratifies the proposal there is nothing unconstitutional in such a proposal.

The government is spending our money indiscriminately without keeping our needs in perspective. We are demanding a change, in which we now tell the government what we want.

## **PLEASE CONNECT WITH YOUR RWA OR GRAM SABHA**

Whenever a proposal is mooted to give direct power to people through RWA's and Gram Sabha, then government argues that people will fight with each other. That people are divided in the name of religion and in the name of caste and, therefore, they can not be given power. History is proof that whenever people have demanded independence, then rulers have taken the refuge of "division between groups" as the reason to deny power to the people. The English used division as a tool to rule the country. Instead of bridging the differences amongst people, rulers tried to widen the rift between them and then use this as an excuse to deny the power. Our leaders, the political parties and the government officers of our country are playing the same dirty game of religion and caste which drives a wedge of separation between the people.

The first and the foremost duty, therefore, is to let the leaders know that we, the people, want the power back which was given to them on 26<sup>th</sup> January, 1950. They have misused the power and now we need to be free to bridge the differences amongst ourselves.

Our second priority should be to start movements that bridge the differences created by caste, creed and religion in our society. Therefore, it is essential that people should start and get connected with Gram Sabha's and RWA's on village and city level.

We have to ensure that our RWA's and Gram Sabha's are not the helpless recipients of dole distributor of the government. Dr. B. D. Sharma has made a suggestion as to how the meetings of Gram Sabha should start.

First people should greet and know each other.

They should discuss their personal problems with each other related to house, village or a city in which they live.

They should then deliberate on personal, family, social and local problems that affect them. They should not only discuss the problems but also come up with solutions. People should find most of the solutions to their problems on the level of village or locality. For e.g.: if someone is very sick in one household, then members of the Gram Sabha should find methods to help him. This will help the people to bond together. More and more people then will come to Gram Sabha meetings. If Sarpanch of your village or the president of RWA calls for monthly meetings it is good, and if he does not do it, then, the members should themselves decide a date every month to meet, in which people from backward section of society should be invited. In the beginning few people will come but by consistent efforts people will start to come. This is what Gram Sabha is. Each individual member should be free to voice his problems. The discussions of problems and solutions and implementation will bond the people together. With passage of time, with solution in sight, the number of Gram Sabhas will increase.

In every meeting the sarpanch should be invited. If he does not come in two three meetings, then, under the right to information act, get the information of works conducted in last few months and produce in

front of the Gram Sabha assembly. It is very important that the open meetings should be conducted at regular intervals. Just like Gram Sabhas are organized in the same way meetings of RWA in the cities should be organized. The first requirement is that the people should connect with each other. They should establish a social relationship. Slowly discussions will take place on local and national issues. After mutual discussions local ward councilors should be invited. He should be apprised of the experiments that are going on in connection with the RWA. If the councilor agrees then organize the association meetings with him and if does not agree even then keep meeting amongst yourself. In this connection you could know about various experiments that are going on for SWARAJ. This is the way differences between the people will be bridged. Until such times as political leaders and parties have the power in their hands they will keep driving wedges of division between the people. The day Gram Sabhas in villages and RWA's in cities begin to meet together, that is the day when the journey to join together will start.

Please let us know your experiences of organizing and working of Gram Sabhas and RWA's through phone, e-mail or your letter. Our knowledge will increase with your experiences. If you want to change the picture of this country then we have to work together hand in hand.

SNEHA

It is suggested that an executive summary of the book may be given at the beginning for people who will not want to go through the book. I have dovetailed a page for lokpal, too. This should be cleared by Arvind.

What is SWARAJ?

It is a hindi word. Swa means "my" and "rajya" means "Kingdom". Swaraj means "My kingdom". If it is my kingdom then it is I who will govern the way I want. "Swaraj", therefore, stands for "Self governance". We are a democracy, which is governed by the people, of the people and for the people. In other words we are part of this process of taking decisions for our welfare by ourselves.

The democracy has three limbs; executive, judiciary and the legislature. The executive are the employees of the government. Judiciary is an independent body which upholds laws enshrined in the constitution and the legislature is one that formulates the Laws.

The people with the power of the ballot choose their representatives and send them to the parliament whose sole duty is to create and enact laws for the welfare of the people. The executive is the arm of the government that implements the policies made by the parliament.

Everything in this democratic set up is perfectly fine. Nothing seems to be out of place yet a rot has set in our democratic set up where unscrupulous elements in the garb of Politicians (our representatives), bureaucrats (employees of the government) in collusion with people (businessmen) are openly looting the wealth of nation. Degradation of moral fiber, rampant corruption and naked greed have shaken our belief in the democracy that we had embraced so lustily.



There is something wrong on the fundamental level!

### **One**

Our representative seeks the power of our vote with obsequious postures and folded hands. Once voted as the representative he immediately sheds this posture and becomes a despotic ruler. He has a free hand to do what he wants for next five years when he will again approach the people for their mandate. He is not answerable, to the very people who elected him, for any acts good, bad or ugly.

The people loose control over the representative who like a ravenous shark gobbles up everything that comes in his way.

### **Two**

The representatives formulate policies that are implemented by the executive. But the policies and plans and laws are enacted in such a way that the benefits accrue to the representatives only. Needless to say in the ensuing loot the executive partakes the proceeds of the profits. The best part is the citizens cannot touch the executive. After all, the executive is responsible to the government and not to the people. Even if you catch hold of an executive of the government big or small you cannot prosecute him. To initiate action against him you have to take permission from the President of India. This emboldens the government executive who behaves like a bull in a china shop.

He is neither accountable nor answerable for any of his acts of omission and commission.

### **Three**

The rot that has set in has also touched the judiciary which is supposed to dispense justice. The courts are piling up with millions of cases that take an endless round of visits to the courts to get decision on smallest of the crimes. Common citizen who faces the apathy of government officials and arrogance of the politician does not even find solace in this institution known as Judiciary.

Therefore, the poor citizen has become a silent spectator in the murky drama that is being enacted in front of him day in and day out. Frustrated, impotent and helpless he is looking for a solution that will bring in semblance of order in this chaos that has engulfed his mind, body and soul. This is not Swaraj. After the British quit we are now the slaves of this deception known as democracy.

Through this book SWARAJ we bring a definite formula that is seeking to empower the people. It is seeking a law that will do the following.

- a. Give people the power to "Recall" the elected representatives
- b. Make all government officials Accountable for their acts of omission and commission
- c. Decentralise power and distribute to people on the grass root level. On the level of Gram Sabhas and Resident Welfare Associations (RWA) in the cities.
- d. Exercise the right to voice/enforce his opinion in formulation of laws and policies through Gram Sabhas and RWA's.

- e. Control the flow of government funds and use of the same.
- f. People to be declared as the owners of national wealth like land, forest, waterways, minerals etc.

To contain the spiraling corruption it proposes to bring in lokpal bill. This is an independent institution, which will look into cases of corruption against the legislature, executive and the judiciary. Lokpal will look into corruption cases against the central government employees and the Lokayukta will look into corruption cases against the employees of the state governments.

Lokpal will operate within the frame work of transparency in operation. A lokpal is subservient to the people and not above. Just the way people give executive power to the lokpal/lokyukta to act against the dishonest government employees and representatives, in the same way Lokpal's office is also subject to scrutiny. People will have the power to recall a Lokpal, if a lokpal is found to be corrupt.

Lokpal bill proposes to merge existing Central Bureau of Investigation, Central Vigilance Commission under the lokpal which is an independent agency and will not be under any government control. Lokpal will not be an advisory body but will have the executive power with its own financial independence. It will not have to seek permission to investigate into any corruption case, even if it is against the chief justice or the Prime Minister of India.

Such a vision of Swaraj will bring about the necessary change that we dream of. Our demands are very simple where we want the people to get justice, equality and prosperity. Our fight is against corruption not only in high places but everywhere, which is sapping our resources. We are not against any political party, we are not against any ethnic groups or business houses or a foreign country, we are not communal or we ourselves are not self proclaimed representatives of people but we are the people. The government is closing its eyes and refuses to read the writing on the wall. The government is shutting its ears and refuses to hear the clamour for bringing about a stringent law that deals with the corruption.

The Government must feel the pulse of the nation and see people of this country who are jumping voluntarily into the second peaceful uprising of the independence. Satyagrah's are happening not only in New Delhi but across all parts of the nation. This independence is from the clutches of corruption, this independence is from our belief that "sab chalta hai", independence from accepting that we are a corrupt society.