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**For the favour of Publication**

**The Government's move to curtail the right of the Gram Sabha to select the beneficiaries of the housing programme is reprehensible**

“In order to take stern action against those who violate the law, we shall amend the law to make it compulsory that the Gram Sabhas take the consent of DC, CEO of zilla panchayat, tahsildar and the MLA to the list of beneficiaries they prepare” This is the statement the State Housing Minister V Somanna is reported to have made at a press conference held on 11.12.2019 (Prajavani: 12.12.2019). This news has also been broadcast on televisions yesterday.

The Gram Panchayat HakkottaayaAndolana strongly opposes this decision of the Government which curtails the right of the Gram Sabhas to select the beneficiaries of the housing scheme and which completely undermines the power of the gram panchayat as a local self-government.

In addition to the statement made earlier, the Minister is reported to have said “Henceforth, the approval of the Gram Sabha to the list of beneficiaries for the Ashraya houses will not be the final approval. A monitoring committee consisting of MLAs, DC, CEO of zilla panchayat, tahsildar and PDOs shall be set up. It will be made compulsory that the list of beneficiaries must have the approval of this committee. It will be the responsibility of this committee to ensure that the beneficiaries qualify for the benefit and that they acquire the house.” He has also added that “The power of the Gram Sabhas is not being curtailed. But it is the Government's concern that if the purpose of a plan has to be fulfilled, it is necessary to have a monitoring system which oversees it!”

The constitutional powers are given to the State Government in order to facilitate the panchayats to function as self-governments and to provide them with required rights and powers to do so. The State Government cannot use its constitutional powers to disempower the local self-governments. We have to challenge the move of the Government which is made in the self-interests of a centralized power-hungry administration which is uprooting the core of political decentralisation.

In 2007, the Government attempted to amend the law for this very issue. At that point, in order to uphold the autonomy of the Gram Sabhas and to strengthen local governance, the Gram Panchayat HakkottaayaAndolana mobilized over 5,000 gram panchayat and gram sabha members from across the State to put up a very strong resistance and struggle against that amendment. GPHA had also petitioned the then Honourable Governor to return the proposed amendment to the legislature without his approval. It is important to recall that the then Governor Hounorable T N Chaturvedi had

sent back the Bill without his signature as he found the Amendment ‘unconstitutional’.

Once again, in 2016, when the State Government issued an order that in order to review and finalise the list of beneficiaries under the Aadhaar scheme, it would empower a vigilance committee under the chairpersonship of the legislators. The Gram Panchayat HakkottaayaAndolana challenged the Government with a judicial struggle. As a result, the Honourable High Court of Karnataka issued a stay order against the circulars issues by the Government in relation to the housing programme and also its guidelines. This was issued taking into cognizance the Articles 40, 243G of the Indian Constitution and the Section 3E of the Karnataka Gram Swarajand Panchayat Raj Act 1993. In addition, the High Court issued notices to the Chief Secretary, Principal Secretary, Rural Development and Panchayati Raj and the managing director of the Housing Department asking for clarifications. In addition, the members of the legislative council who represent the local self-governments have entered the well in the Assembly protesting against the moves of the State Government to curtail the power of the Gram Sabhas in relation to the selection of beneficiaries. Despite this history, the State Government is once again attempting to forcibly take away the supremacy of the Gram Sabhas under the pretext of restricting financial irregularities linked to the distribution of Ashraya housing. The State Government cannot stifle the functioning of the local self-governments but has to incorporate the required programmes to ensure that the Gram panchayat system functions efficiently. It cannot impose itself the local self-governments and place limitations on its powers.

According to Article 40 of Indian Constitution, the directive principles given to the state government states ‘the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.’ According to Article 243G of the Indian Constitution, ‘Powers, authority and responsibilities of Panchayats. (a) the preparation of plans for economic development and social justice; (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule’. In line with this, the Section 3E of Karnataka Gram Swaraj and Panchayat Raj Act 1993 states that ‘– (1) The Gram Sabha shall be the basic unit of local self-government at the village level to ensure the direct participation of all the citizens of the village in the planning, implementation, monitoring and evaluation of all economic, social, cultural and environmental development programmes and all central, state and district sector Government schemes implemented in the Gram Panchayat.’

Considering these, constitutionally, legally or seen from the democratic aspirations, social justice, and Mahatma’s vision, the decision of the State Government to handover the right of the Gram Sabha to select beneficiaries and to finalise the list to a monitoring committee under the legislators is detrimental to the entire democratic system. The State must immediately withdraw from this decision and actively engage with devolving the powers of the local self-government as enshrined in the law and to uphold the supremacy of the Gram Sabha. If the State, however, does not withdraw this decision and proceed to carry out the legislative amendment, the Gram Panchayat HakkottaayaAndolana will carry out a statewide struggle against it in partnership with Gram Sabha and Gram panchayat members of Karnataka.

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