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High Court Stays Government's Circular that violates the rights of Gram Sabhas

The Housing Department of Karnataka had issued a circular that usurped the constitutional power of the Gram Sabhas to select beneficiaries for the housing scheme by handing over that power to a Vigilance Committee composed of legislators. Challenging this move in the High Court, Smt. Nandana Reddy and Sri. Damodar Acharya filed a writ petition (WP 6015/2017) on behalf of the Grama Panchayath Hakkottaya Andolana. The plaintiff for the petitioners, Sri Ravi Verma Kumar made the submission today. Following the hearing, the High Court has stayed the circular number VE 67 HAH 2015, dated 26-11-2015, thereby upholding the constitutional rights of Gram Sabhas.

According to the Constitution of India and the Gram Swaraj Act the right and the responsibility of identifying beneficiaries to various schemes clearly rests with the Gram Sabhas. However certain circulars and order issued by the Government contain elements which either violate or curtail these rights. Of them the circular issued by the Housing Department is a prominent one. The writ filed in the High Court was to challenge this circular which violated the Gram Swaraj Act.

It may be recalled that in 2007 both houses of the legislature had passed an amendment to the Karnataka Panchayat Raj Act which transferred the power of identifying the beneficiaries to housing and other schemes to committees headed by MLAs. Grama Panchayat Hakkottaya Adolana had mobilized state wide protest against this unconstitutional move. As a result the Honorable Governor had withheld his acceptance to the amendment and returned it to the

house for review and reconsideration. The powers of the Gram Sabha are often violated by the pressures imposed by MLAs in order to protect their vested interests.

Gram Panchayat Hakkottaya Andolana strongly opposes any such moves which undermine the vision of Gram Swaraj or oppose the objectives of the Gram Swaraj Act. It is also deeply committed for the meaningful and holistic implementation of the newly amended Karnataka Gram Swaraj and Panchayat Raj Act – 1993 which has been built on the foundation of Gandhiji's Gram Swaraj.

We hope that the stay issued by the High Court to the housing department's circular is the first step towards the cancellation of this circular. May it be a strong precedent to ensure that in the future similar circulars which counter political decentralization and constitutional principles are not issued and the rights and responsibilities of the local self governments are always upheld.

With best regards,



Damodar Acharya

On behalf Secretariat of Grama Panchayat Hakkottaya Andolana