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For the favour of press release

## **The Vision of Gram Swaraj remains a mirage in Karnataka**

**The Government retracts its legislative commitment to Grama Swaraj with its proposed amendments.  
March 2020**

The government of Karnataka has presented its proposed amendments to the Karnataka Gram Swaraj and Panchayati Raj Act, 1993, to the Legislative Assembly. It is deplorable that the State, instead of leading the way to implement Gram Swaraj Act, which upholds democratic decentralisation and empowerment of local self-governments, is proposing amendments that will clearly spur power-mongering, political opportunism and is extremely detrimental to people-centric development. These Amendments which are proposed as 'Karnataka Gram Swaraj and Panchayati Raj (Amendment) Bill 2020, veer away from the core spirit of Self Governance and rights based development and instead present a picture of 'governance' as an epitome of 'power hoarding'. Grama Panchayat Hakkottaya Andolana vehemently opposes these amendments.

The key proposed amendments that go against Grama Swaraj and rights based local governance:

- 1. In Gram/Taluk/Zilla Panchayats, the preferential reservation period presently accorded to Scheduled Castes and Scheduled Tribes with a special emphasis on women in Panchayat membership has been reduced from 10 years to 5 years:** The rationale for the 10 year term as prescribed now is to provide representatives of marginalised groups such as these to gain self-confidence; develop leadership qualities and required skills; proactively engage with governance; understand the functioning of political decentralisation and to inculcate a deep understanding about their own accountability to their constituencies and to fulfill their mandate as representatives. This proposed amendment glaringly points to government's disregard to political empowerment of women, members of Scheduled Castes and Scheduled Tribes and lack of commitment to nurture their leadership.
- 2. Reduction in the term of office of the Presidents and Vice Presidents of all the three tiers of the local government from 5 years to 30 months:** This

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proposed amendment will have very severe consequences on the entire local governance system and can totally throw it out of gear! Based on the evidence on the ground regarding the negative impact of the 30 month

term on the ground, in 2015, the term was amended to 5 years. It was to put an end to the incessant horse-trading and attempts to topple the presidents and the vice presidents. This was critical to direct their attention to develop their constituencies and to be accountable to them. Now, the proposed amendment will result in making leadership in a Panchayat a 'power' game and will detract the functioning of the local government once again. This will also most certainly draw in party politics at the grama panchayat level, where the elections are to be contested on non party basis.

**3 No Confidence Motion against the Grama Panchayat President or Vice**

**President:** The present Act mandates that No Confidence Motion cannot be moved against these two office bearers until 30 months of their being office. The Proposed amendment makes it permissible to move it after 15 months. In the present Act, after a No Confidence Motion as been invoked, there is no provision to move another No Confidence Motion for a period of 2 years. The proposed amendment reduces that time gap to 6 months. The proposed amendment will invariably make way to constant power-mongering, seat grabbing and horse-trading, all of which will disrupt the functioning of the panchayats grievously.

**4 Disqualification of Panchayat members if found guilty of misappropriation and corruption to be held valid only for 6 years:** In the present Act, if any member is directly involved in any act of misuse or abuse of power or authority as member of the Panchayat in executing any scheme, plan or project of the Panchayat or of misappropriation of funds or other assets of the Panchayat during the term of membership, that person is considered ineligible to be a member of the Panchayat. As per the proposed Amendment, the disqualification is valid only for a period of 6 years, after which the person can re-contest. This proposal indicates that corruption will be condoned and this is an antithesis to accountability upheld by the present Grama Swaraj Act.

**5 Amendment to the provisions related to prevention of corrupt practices**

**during elections:** In the present Act, in order to ensure transparency, video recording is mandatory in all the voting booths. The proposed amendment makes video recording mandatory in only 'hyper sensitive areas' without even defining what constitutes 'hyper sensitive'. This is a grave set back to election process related transparency. In the same section, the present Act prescribes that while the Code of Conduct is in force, all liquor shops and liquor manufacturing units shall seal their units and deposit the seal and the keys with the deputy commissioner or the jurisdictional executive magistrate. In accordance with this, anybody found in possession of liquor or creating public nuisance after consuming liquor during the closure period of liquor shops shall be kept in preventive custody till completion of the polling date. It is deplorable that the proposed amendment is to prescribe this closure only for 48 hours before voting. This relaxation will make way for wide spread electoral corruption involving alcohol instigated by those in power and undermines the present stand to curtail corrupt practices during the entire period when the code of conduct is in force. It appears that

the liquor lobby may have had a say in this matter and that influence may also have a direct bearing on the outcome of the elections.

These proposed amendments are unacceptable. They gravely weaken the very foundation of Gram Swaraj as they undermine the constitutional rights of citizens which are upheld in the existing Grama Swaraj and Panchayati Raj Act. When the urgent task of actualising the existing Act is before the Government, instead of pursuing all the action points related to the implementation of the Act, it is inexcusable that it neglects those and instead turns to propose amendments that are undemocratic and weaken the very fabric of grama panchayats and grama sabhas. The Grama Panchayat Hakkottaya Andolana demands that these proposals are withdrawn immediately and the government takes the long overdue positive steps towards the implementation of the existing Act.

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