

UNIQUE FEATURES OF THE PROPOSED AMENDMENTS TO THE KARNATAKA PANCHAYAT RAJ ACT, 1993

- **Rajiv Gandhi's Vision Fulfilled:** These recommendations fulfil the letter and spirit of the 73rd Amendment, but also go beyond and embody the nature of the proposed 64th Constitutional Amendment Bill crafted by Shri Rajiv Gandhi in 1989 which were more far reaching than the 73rd Amendment.
 - Complete devolution of functions, functionaries and funds;
 - Restoring the powers of the Gram Sabha by *"Entrusting the people at the grass root level with the responsibility for their own development¹"*;
 - Safeguards to ensure that the Governments and Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha [principle of subsidiarity];
 - Providing for accountability of elected representatives to their constituency to address corruption *"by giving power to the panchayats and making panchayats responsible to the people²"*; and
 - Ensuring the decentralisation of Panchayat Raj Institutions in the State in its true sense of devolution where the State shall endow Panchayats with powers, authority, functions, finance and functionaries as may be necessary to enable them to function as autonomous institutions of self-government as *"grassroots administration without political authority (is) like a meal without salt³"*.

- **Complete Devolution of Functions, Functionaries and Funds:**
 - A detailed Responsibility (Activity) Map for all three tiers of Panchayats;
 - Transfer of whole institutions to the appropriate Panchayats;
 - Integration of all staff from line departments and para-statal bodies to the appropriate Panchayat;
 - The transfer of funds shall be commensurate with the transfer of functions and responsibilities, which shall not be less than 30% of the plan allocation of the State budget out of which not less than 50% shall be in the form of untied grants, based on a formula suggested by the State Finance Commission that takes into consideration parameters such as, size, population and backwardness of the Panchayat;
 - Habitation Sabha, Ward Sabha and Gram Sabhas have been particularly recognised and their powers and functions have been clearly defined; and
 - A Gram Sabha to be set up in every village instead of a single Gram Sabha for the entire Gram Panchayat area as provided in the present Act. The Gram Sabha to be the basic unit of self-governance at the village level.

¹ Excerpt from Prime Minister Shri Rajiv Gandhi's speech on the 15th May 1989 when he introduced the 64th Constitutional Amendment bill on local government in Parliament.

² Ibid

³ Ibid

UNIQUE FEATURES OF THE PROPOSED AMENDMENTS TO THE KARNATAKA PANCHAYAT RAJ ACT, 1993

- **Special Provisions for the Scheduled Castes and Tribes and the OBCs:** The rights of the weaker sections have been respected and protected. Some of the measures are as follows:
 - The budget for SC/ST will be in proportion to their population;
 - Special Gram Sabhas for the SC/ST in which they will decide on the allocation of their budget;
 - Reservation for two consecutive terms;
 - Representation in all forums; and
 - Mechanisms for the redressal of grievances and dispute settlement
 - A 'District Panchayat Tribunal' as a dispute settlement mechanism of the Panchayats and the citizens in the area.

- **Gender Sensitive and Women Friendly:** For the first time legislation related to PRIs has taken special cognisance of women and made provisions to create an enabling environment for the more that 50% women elected to Panchayats to function in freedom and dignity and enable their active, informed and unfettered participation and also to protect women working in Panchayat Raj Institutions from harassment and abuse. Some of the provisions are:
 - Responding to their capacity building needs by recognising that their families also need sensitisation;
 - Providing for separate toilets, baby care for nursing mothers and crèches;
 - A Private Secretary for all Presidents of all tiers so that women [and those who are illiterate or semi-literate] will have the required support to carry out their functions and the capacity of these Private Secretaries will be built along with the Presidents;
 - Special Gram Sabhas for Women;
 - Implementation of the Sexual Harassment of Women Act, 2014;
 - Social Justice Committees to pay special attention to women's issues and develop rapid response strategies;
 - To set up a Cooperative Bank for Women at the Taluk level, and nominate 3 women members of the Taluk Panchayat as ex-officio directors on the bank; and
 - Representation of women in all forums.

- **Recognising Children Right to Participation:** Special Gram Sabhas that are already a practice in Karnataka since 2006 have been made mandatory.

- **Focus on 'Development' within the Frame of 'Social Justice' for all:**
 - The Planning process has been detailed from the bottom up and a tool 'the priority ranking matrix' has introduced for Priority Ranking.
 - A Habitation shall be the first level of planning to ensure that each group of habitants prepares plans based on their needs;

UNIQUE FEATURES OF THE PROPOSED AMENDMENTS TO THE KARNATAKA PANCHAYAT RAJ ACT, 1993

- The next level of planning and consolidation shall be the Gram Sabha and a ‘priority ranking matrix’ has been introduced to ensure that the consolidation of plans are not arbitrary and are inclusive and ensure that the needs of the most backward are protected;
 - A ‘Karnataka State Decentralised Planning and Development Board’ to enable the State Government – as an adjunct to the State Planning Board – to formulate development plans for the Panchayats. This Board will be chaired by the Planning minister and the Co-chairmen shall be the RDPR minister along with the Urban Development Minister.
 - At the Taluk level to set up a TPDC (Taluk Planning and Development Committee) for integrated planning and development of both rural and urban areas in the Taluk.
 - The TPDC Chairman (Taluk Panchayat Adhyaksha), Co-Chairman (the local Municipal President) with a Vice Chairman (the Gram Panchayat Adhyaksha who is elected from among all Gram Panchayat Adhyakshas in the Taluk) to be ex-officio members of the DPC (District Planning Committee) – two members from each Taluk.
- **Addressing the Conundrum of Size and Viability:** In determining the size of a Gram Panchayat and bearing in mind that a Gram Panchayat should be small enough to bring the government to the people and large enough to be economically, geographically and administratively viable three factors of prime importance were considered. [1] First, the **accessibility** of all the habitants to the Panchayat office to transact their business and access information; [2] second, the **viability** of the Gram Panchayat in terms of finances, functionaries and functions; and [3] important aspects such as population, backwardness, geographical region and agricultural activity also need to be measured and factored into the equation. The following provisions have been made:
 - The Habitation shall be the first level of planning and consolidation shall be done at the level of the Gram Sabha using the ‘priority ranking matrix’;
 - The size of a Gram Panchayat has been enlarged to a radius of 8 kilometres and a population of 10 to 15 thousand with the exception of Malnad where a population of 5 to 10 thousand to make the Gram Panchayat economically and administratively viable;
 - Villages near the Taluk borders to be attached to the nearest Gram Panchayat and treated as an ‘Extension Panchayat’.
 - There shall also be extension counters of the Gram Panchayat for far flung habitations beyond the 8 kilometre radius where the habitations are not large enough to merit a Gram Panchayat of their own; and
 - A Gram Panchayat shall have between 9 and 25 elected members with each member representing a population of 600 and every constituency having a single member.

UNIQUE FEATURES OF THE PROPOSED AMENDMENTS TO THE KARNATAKA PANCHAYAT RAJ ACT, 1993

- **Accountability of Elected Representatives to their Constituency:** Mechanisms that meet the requirements of the 'right to recall' have been built into the Ward Sabha to ensure that the Elected Representatives fulfil their roles and responsibilities and represent the concerns of their constituencies faithfully.

The 'Right to Recall' elected members of the Gram Panchayats by the State Election Commission lies with the Ward Sabha, who against a complaint filed by the Ward Sabha, where 50% of all the members are present and voting and 2/3 of those present, vote in favour of the resolution can impose penalties including removal from membership.

- **Full Term for Presidents:** The term of office of Adhyakshas and Upadhyakshas is co-terminus with the term of the Panchayat – 5 years for all three tiers, namely, Gram Panchayat, Taluk Panchayat and Zilla Panchayat. To ensure this:
 - Resignation of Adhyakshas and Upadhyakshas only on proven ill-health or incapacity to be certified by a competent authority approved by the State Election Commission.
 - No-confidence motions against the Adhyakshas or Upadhyakshas cannot be moved for the first 30 months and thereafter no confidence motion shall be moved only on specific allegations of misuse or abuse of power or authority.
- **Stringent Election Protocol:** A stringent election protocol has been suggested to prevent corruption and prevent the influence of vested interests such as:
 - Delimitation of areas and reservation of seats shall be vested with the State Election Commission (SEC);
 - Reservations to be announced 45 days in advance of the issue of public notification for the elections;
 - State funding of elections at all three levels – Gram Panchayat, Taluk Panchayat and Zilla Panchayat;
 - Rotation of seats once in ten years (two terms) for all categories and for all tiers – Gram Panchayat, Taluk Panchayat and Zilla Panchayat.
- **The Karnataka Panchayat Administrative Service:** A separate cadre of service to be called 'The Karnataka Panchayat Administrative Service ' to meet the human resource needs of Panchayat Raj Institutions [PRIs].
 - All the Panchayats in the three tiers shall have a uniform staff pattern consisting of 'Chief Secretaries', who shall function as administrative heads of the respective Panchayats.
 - The CEO of a ZP, the EO of a Taluk Panchayat and PDO of a GP shall carry the designations as Chief Secretaries of the concerned Panchayats in the respective tiers.

UNIQUE FEATURES OF THE PROPOSED AMENDMENTS TO THE KARNATAKA PANCHAYAT RAJ ACT, 1993

- To set up an independent Board – Karnataka Panchayat Services Board- for defining the policies governing human resource development for PRIs.
 - The Service Board to suggest changes required in various administrative rules, government orders, notifications and circulars in force; prepare and issue rules to be applicable to the Panchayat Administrative Services.
 - To constitute a ‘Karnataka Panchayat Raj Administrative and Technical Service Board’ under the Chairmanship of the CM for capacity building of PRIs and its functionaries.
 - Government shall devolve and transfer the funds required to meet the staff salaries under non-plan, along with the functionaries to be transferred and vested in the Panchayats.
 - To have a separate Commissionerate or a Directorate of Panchayat to facilitate the smooth functioning of PRIs.
-
- **Decentralised Capacity Building:** The State Government shall make a budgetary allocation of funds necessary for capacity building of elected members and staff of all three tiers of Panchayats for imparting the required knowledge, attitude and skills to fulfil their responsibilities.