

A Report on
National Consultation
“Panchayati Raj, Social Movements and Democracy”
20th-21st November 2016
Delhi

ŠRUTI

Society for Rural Urban & Tribal Initiative

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Introduction

A two day **National Consultation** on "**Panchayati Raj, Social Movements and Democracy**" was organized by SRUTI -*Society for Rural Urban & Tribal Initiative* on **20th-21st November 2016** at Delhi. The first day sessions which revolved around the nitty gritty of 73rd and 74th amendments to the constitution; democratization of social institutions and role of Panchayati Raj; local governance and institutional frameworks were held at Assam Association, Qutub Institutional Area. The second day sessions which focused around devolution of funds (transparency and accountability within mechanisms of financial inclusion); ownership, consent and reclamation over natural resources (challenges and conflicts) and a way forward to the Panchayati Raj institution, took place at the Constitutional Club of India.

One of the **rationales** behind this consultation *was to access the journey of Panchayat Raj in India locating it around the challenges and conflicts faced by communities and institutions.*

This was not just a platform for sharing of experiences, ground realities and the difficulties of this institution but also coming together to find effective strategies, possibilities of alternate models, changes and a way forward while questioning the real meanings of "development" and "democracy". The **73rd and 74th amendments** were passed with an aspiration that ***decentralization of power will eventually lead to democratization of power*** which was materialized by giving executive control in the hands of local governing institution- alongside marking roles, responsibilities and powers in decision making. This was based on the assumption that Panchayat Raj will ultimately transfer power to the people enabling public participation in politics, speedy and efficient economic development, a growth of local bodies and hence creation of a new social order. **It was necessary to scrutinize and measure the efforts as well as outcomes of such a landmark experimental strategy for democratic change after 25 years of such amendments.**

Around **120 people** including activists, individuals, *sangathans*, collectives, group of individuals, *Sarpanchs*, researchers, students etc participated in this consultation. The discussions were enriched by sharing of experiences on existing ground realities, democratization of social institutions, local governance and institutional frameworks from individuals and groups involved in developmental work at the remotest locations from states like **Himachal Pradesh, Maharashtra, Madhya Pradesh, Uttar Pradesh, Andhra Pradesh, Jammu and Kashmir, Chhattisgarh, Delhi, Jharkhand, Rajasthan, Odisha, Uttarakhand, Bihar, and Tamil Nadu.**

These discussions saw representation from various peoples groups and movements from across the country including Jang Sai (Bharat Jan Andolan), Pratap Marandi (Adivasi Kranti Sangathan), Rajim Ketwas (Dalit Adivasi Manch), Roma (All India Union of Forest Working People), K.Victoria (Navjeevan), Kailash Bharti (JANmukti Sangharsh Vaihini), Narayani (Khetihar Khan Mazdoor Sangathan), Lubna Qadri (Tosa Maidan Bachav Front), Prafulla Mishra (Adim Adivasi Mukti Manch), Sripati (Adivasi Chetna Sangathan), Tejinder Bhogal (Indian Society for Applied Behavioural Science), Vishwanath (Vishtapit Mukti Vahini), Rajnish Gambhir (Tharu Adivasi Mahila Mazdoor Kisan Manch), Devendra (Hum Kisan Sangathan), Manthan (Jan Sangharsh Vahini, Jharkhand), Jayshree (Adharshila Shikshan Kendra).

Some of the **prominent speakers** were Amitabh Behar (National Foundation for India), Joe Athialy (Centre for Financial Accountability), Dr. Shaikh Ghulam Rasool (J&K RTI Movement), Yamini Aiyar (Centre for Policy Research), B.K. Sinha (Former Principal Secretary, Ministry of Rural Development), Kanchi Kohli (Activist and Legal Researcher) Alok Shukla (Jan Abhivyaakti), Bindu (Bihar Nav Nirman Abhiyan), Com. Basudeo Acharya (ex MP), George Matthew (Institute of Social Sciences), Mani Shankar Aiyar (Former Union Minister, Ministry of Panchayati Raj). Many other distinguished speakers and sangathans across the country were also a part of this consultation.

Welcome note

Satyam from SRUTI welcomed the entire gathering. *“It’s been 25 years that economic development has started and there have been a lot of debates about the nature of this progress. If this growth has occurred, it has been in a linear selective direction and has always happened at the cost of another. Today it’s necessary to measure the shifts and changes in both these scales and deconstruct various ideas which started with a vision of a state”*. A two minutes silence was observed as a mark of respect, remembrance and mourning to Dr Brahma Dev Sharma, a crusader of constitutional rights of adivasis, dalits, workers and farmers and _____

Shweta from SRUTI explained the background of the consultation and discussed in length the entire schedule for the two days. “We are in a situation where there are many questions that need to be asked and be accountable for. The 73rd and 74th amendments were influenced by the idea of each village as an independent republic as believed by Gandhi which later extended to the Panchayati Raj Act. But are we still on that path which evolved from a vision of “*gram swaraj*”? What happened to the recommendations given by Mani Shankar Iyer? From Balwantrai Mehta Report to Bandyopadhyay Commission's recommendations; has there been any shift? Is there a proper implementation or are laws being dissolved? It’s crucial to unravel these ideas by measuring the efforts of the government, people’s understanding and experiences; and status of recommendations that have happened over the time. We have also witnessed good laws like the FRA or declaration of land ordination. These laws are a result of people’s struggles and movements. Our fellows too are working on a lot of welfare policies, some of which even extend beyond the framework creating alternate models which have been excellent examples. So this consultation becomes a platform to understand the journey of the *Panchayati Raj* through experiences from different states”



“प्रक्रिया को ... चुनौतियों को

सफलता को ... असफलता को

संघर्षों को ... सब को

जिंदाबाद”

-Shweta, SRUTI

Session I

73rd and 74th Amendments to the Constitution: the objective and existing ground realities

A) Sharing from states: Himachal Pradesh, Maharashtra, Madhya Pradesh, Uttar Pradesh, Andhra Pradesh, J&K, Chhattisgarh

Facilitator: Manthan (Jan Sangharsh Vahini, Jharkhand)

आजादी के दौरान विचार विमर्श "कृषि और विकास", अंबेडकर और गांधी, "स्वतंत्रता और लोकतंत्र" के आसपास केंद्रित थे। आज भी एक बिभाजन पे चर्चा ज़रूरी है:

"दबंग लोगों को ताकत देना" और "ग्राम सभा को ताकत देना"।

"During independence, the debates were mostly centred around "agriculture Vs development"; "Ambedkar" vs "Gandhi", "freedom and democracy" today too there is a important bifurcation that needs to be discussed: "power to the influential" vs "power to gram sabha"

Manthan from Jan Sangharsh Vahini,

Manthan started the session and invited speakers from different states to share their experiences. It's necessary to find the extent to which *Panchayat Raj* has been materialised in the ground level, and the way its fabric has been tailored in terms of 'globalisation' and 'localisation' and how different these forms and directions are different and divided from one another. It's important to oppugn "*Panchayat Raj*" as a system all together, and whether its existence is good or bad. We have to also examine if post implementation the power and decision making has increased or decreased, while focussing on the extent to which villages have received policy-making responsibilities as well as means of capacity building for the same. It's also essential to take into account the various suggestions from people who are a part of the movement. For example: In Jharkhand there has been a proposal to make "*Tola Sabha*".

Himachal Pradesh:

The situation in Himachal Pradesh is exacerbated by corruption and lack of any kind of assessment and monitoring system. For example, Under MNEGRA, the nature of work involved is difficult and the corresponding wages are not appropriate. If one has to construct roads, the geographical region makes it more arduous. Moreover the payments are delayed and there is no system of receipts. There is a rampant increase in migration and work is mostly transferred to private contractors which upscale the degrees of exploitation. **The ongoing construction of the multi-billion rupee "Renuka dam hydroelectric project"**

which will provide drinking water to Delhi has no parallel developmental work for the submerged areas affected by the project.

The allocation of funds under total sanitation is only on paper and has not been transferred to the Panchayat Raj. The nodal agency in PR lacks any kind of information about FRA. Another growing problem is the menace caused by monkeys who have been damaging crops. In order to tackle this, there were directions to kill monkeys who are not female, pregnant or children. A suggestion was to use the Panchayat fund for this issue. In a nutshell poor use of funds, increasing corruption, exploitations, lack of awareness, use of poor raw materials in

development projects etc are some of the grueling issues. Gram sabhas are witnessing an increasing participation of women.

Maharashtra:

There are a lot of *yojanas* for gram Panchayat bought in by the Government. Many Gram sabhas happen apart from independent sabhas for women. In some places, after displacement villages have been converted to revenue villages. Water, electricity, wages are the main issues discussed here. There are some villages where all the decisions are taken by the Gram Sabhas, the pramukh and the devak of the gram panchayat oversee all things.

Madhya Pradesh:

Gram Sabha doesn't takes place. There is a lack of interest of the people as expectations were not met and there is a lack of democratic space. The representative goes to individual houses to sign the register. The supporters of sarpanch get all the support. Development policies are not for the rich but for the poor. The gram sabah has no decisive power. The role played by the panchayat in the fields of forests, land or others is very little. People don't have interest in gram sabhas because they have a minimal role to play as their voice is suppressed.

"If the samitis could be empowered, PRI could be improved".

गाओं की समस्या गाओं में ही हल हो, ज़िले में नहीं।

Rajasthan:

Panchayat Raj institution, People's movement and democracy has to be understood and seen in union. The Panchayat has not worked towards development schemes like education, schools or health etc. Important decisions happen at the upper layers and the Panchayat merely implements them at the smallest level and capabilities. Maximum participation and voting

percentage is witnessed at the Panchayat discussions only during the campaigning stages and no other discussions happen. The PRI doesn't discuss social issues. Whoever deals in finance has the maximum powers. The collector has funds. *The speaker stated as what do we understand from PRI and what powers does the PRI have? Does it help in people's social movements? Does it help in building democracy? What are the powers? Do they get any money? After FRA, were there any funds allocated to the PRI? Can they start a health centre or a school in the remote areas?* The response to all these question is a straight "no" and having discussed all the doubts and loopholes doesn't means that everything about this system is a failure and it needs to be stopped. Rather, it's important to work with sensible reasoning and give a route to our thoughts and perception. Caste based voting is prevalent in Rajasthan. Sumanji added on by saying that Gram panchayat is not made for self government. It has turned out as a rule of a few elite, social classes. The sarpanch has to take approval from the MLA. Politics functions through voting and number of people from one caste

Andhra Pradesh:

Conversations and advocacy around PRI happens only at the time of elections. All power delegation (around 29 such roles) has happened only on paper and the collector has the ultimate decision making power. Gram sabha happens twice in a year and its nature is mostly celebratory. There is not much participation from the youth. A lot of corruption happens in terms of MNRGEA work being allotted to contractors. There is no training programmes or information about the wards created and the responsibilities.

Jharkhand:

Representatives from different blocks come together. On one hand there are a lot of good proposals from the Panchayat like *Yojanas* for farmers, mid day meals, health benefits etc and on the other is a also lot of corruption in the widow's pension scheme, old age schemes etc. The training centers made for women have been rented out by *pradhaan* to other people. In seven villages the seven *Pradhaan* haven't done or initiated any quality work.

“पंचायत एक झुनझुना बाँगाया है ।”

Odisha:

The speaker started with a history where once upon a time the only things that were required to be exported from outside was kerosene and sugar only. Public service or welfare wasn't the aim; it was more of financial security which was the need of the hour. Then after a reemergence, the conditions improved in terms of concrete roads, painted rooms etc. Drought was never a part of thoughts or policies. Agricultural patterns changed; cotton replaced oil (1999-2006). Displacement also started from then. The Panchayat works at the whims and fancies of the contractor with a rise in land alienation. Prafulla kumar nayak talked about “*palli sabah*”.

“There is lack of information among people and there are no efforts from political parties to strengthen the Panchayat Raj. Bifurcation of villages to wards has hampered the unity of the village”.



Some of the key points discussed were:

~ The roles and responsibilities of Panchayati Raj institution and a lack of power as well as resources to materialize any of them. ***Decentralization necessarily has not ensured democratization or transfer of power.*** In most areas, it's still the collector who is in charge of important decisions and allocations.

~There is a clear ***lack in the implementation*** and in most places there has been no such efforts from the government in terms of creating awareness, advocacy, training programs, perspective or capacity building, allocation of resources etc. contrary in most places, there has been an increase in corruption specially during allocation of funds, division of work, exploitation and profiting of middle men, contractors and other involved parties.

~While in some places, this has served as an effective platform enabling the participation of women, in most places engagement is more visible only during the times of elections. In some places involvement has also reduced due to various factors like false promises and expectations, lack of transparency and clarity, absence of advocacy or any measures to include more people etc.

B) Sharing from states : Delhi, Jharkhand, Rajasthan, Odisha, Uttarakhand, Bihar, Tamil Nadu
Facilitator: Jayshree (Adharshila Shikshan Kendra)

Jayshree spoke about how Panchayat Raj has created an important space for conversations to happen among youth and women. *Sanagathans* can help level this process and strengthen the Panchayati system. For example in Banwadi people won the claim for unemployment status and received work.

“सत्ता का चरित्र दबंग है”

“The character of power serves the influential”

-Rajnish, Uttar Pradesh

Uttar Pradesh:

Any law takes time to be effective, but its implementation also depends on the whims and desires of the influential. For example in pockets where the Adivasi population is 85%, the reservation is provided for people belonging to OBC category and in areas where the tribal population is a mere 5 % gets reservation for SC and ST. In another case, it has been found that land has been registered in the names of three wives for one person who belongs to a powerful class or caste. The money that comes to the Panchayat benefits the middle people and is not used for development. Struggles are going on everywhere, in fact the FRA law has strengthened a lot of *sangathans* and there have been instances where even the character of power was reshaped and redefined.

“जब दमन हो रहा है, संघर्ष ज़रूरी है”

Delhi

Dharmendra from Delhi talks about different mohala sabah (Civil line zones) and the positive responses and outcomes. He explained the concept and their involvement in work like solid waste management, cleanliness drives etc.

Chhatisgarh

The system here is very similar to that of Madhya Pradesh. The Panchayat had the

necessary resources but it was possible only after building a certain level of pressure for work to happen. Without any proper implementation and importance, all existing systems and processes are rather a set of formalities.

Jammu and Kashmir

In the Panchayat elections, the one of the eligibility criteria was passing 8th class, which excluded a majority of people. The speaker spoke about the existing system and how the normal daily life of Kashmir is different from the rest of the nation. It's crucial to think that when matters regarding village needs to be decided by the gram Sabah, similarly who decided the issue of Kashmir?. Any important matter is generally kept away from the public in the name of national security. Who decided and creates such kind of layers in a democratic space which is supposed to be transparent.

“अगर गाओं का फेसला ग्राम पंचायत करेगी, तो कश्मीर का मसला कौन करेगा ?”

Uttarakhand

Session II

A) Democratising social Institutions, and the role of Panchayati Raj Institutions

Speakers: Jang Sai (Bharat Jan Andolan), Pratap Marandi (Adivasi Kranti Sangathan), Kailash Bharti (Janmukti Sangharsh Vaihini), Rajim Ketwas (Dalit Adivasi Manch), Kr. Dileep (Visthapit Mukti Vahini), Narayani (Khetihar Khan Mazdoor Sangathan), Kanakji (Editor, Sambhavna Patrika)

Facilitator: Rajnish Gambhir (Tharu Adivasi Mahila Mazdoor Kisan Manch)

“हमारा गाओं, हमारा राज”

Pratap Marandi spoke about the three panchayat acts – *Gram act, Samiti act and Zila Parishad act*. Adding on to it, **Devendra** from Chhattisgarh spoke of January 4 2014 when 425 forest villages were given the status of revenue villages followed by directions for extraction of gold. Out of 27 quintal, 5000 crore share was allocated to Vedanta and 122 crore to the Government. Huge protests were carried against this move. Caste based discrimination resulted in weakening the movement. **Narayani** further questioned the process where various villages are clubbed together and rules are forced on them with no involvement of the people. The people should have the right to form their own rules and their lives. **Kanak** spoke more about the different layers of discrimination. **The need of the situation is for people to come together and break the pyramid whose layers are formed by powerful and privileged people with layers of discrimination and marginalization based on caste, gender, class, forced traditions, religious fundamentalism etc .** **Dileep** too mentioned the need to increase participation in gram sabha and update one with the right and information regarding everything.

B) Local governance and Institutional frameworks : Boundaries and beyond

Speakers: Amit Narkar (National Centre for Advocacy Studies), Lubna Qadri (Tosa Maidan Bachav Front), Prafulla Mishra (Adim Adivasi Mukti Manch), Tejinder Bhogal (Indian Society for Applied Behavioural Science), Vishwanath (Visthapit Mukti Vahini), Sripati (Adivasi Chetna Sangathan), Devkumar (Ex-Sarpanch), Ramchandra Rana (Tharu Adivasi Mahila Mazdoor Kisan Manch), Anil Garg (Freelance Journalist and Advocate)

Facilitator: Devendra (Hum Kisan Sangathan)

“सत्ता का मसला क्या है

मुक्ति का मकसद क्या है” ?

Governance has a colonial meaning attached to it. Though PRI are institutions of local government, the character that it has shaped into has to be dissected with the history that it came into being. We need to open our minds and visions to all alternate discourses and models if that can enable a stronger social

fabric that we all aimed for. There are strong compelling forces like the cooperatives, the industrialists which also absolves the very foundation with which Panchayati Raj came into existence.

Prafulla Mishra projected the Panchayat in two lenses; one is PRI which is governed by the laws and norms of the Government and on other hand Panchayat raj governance which involves people as the top most priority. The later is the true meaning of self governance and what was envisioned earlier. He spoke of how rules are always made and bent to fit to the benefits of a few and exclusion of a majority and is always based on various factors like caste, class, gender etc. **For example the two child norm introduced disqualifies persons with more than two children from contesting Panchayat elections. While powerful caste and class have been still able to go through these provisions, it's the marginalized people who have been adversely affected.** He also shared his fears of the channels and ways power acts and creates obstacles for anyone who wants to create change, especially if it affects the interest of particular party. For example Aparajita Sarangi has been transferred a number of times while being efficient in her role and trying to create changes.

Lubna expressed her believes in the manners where local governance can be shaped and worked along to create necessary changes. She shared her experience of *Tosa maidan*, where many sarpanchs have come together and such a unity along with protests forced the army to vacate the place.. **Tosa Maiden in the Budgam district of Kashmir Valley has being used by the forces for the last 50 years and since 1965 in and around this artillery firing range.** The unexploded shells have been a regular threat to the habitat of the area, and have caused death and injuries to many local **She talked of this experience which serves to be an excellent example where Panchayats with local support ,human rights groups were successful in putting pressure and shifting the power dynamics.** 4000 women too came forward in this protest. Some important parameters to be followed are local self government, unity as a result of successful planning, capacity and perspective building of Panchayat and transparency in all systems.



Session III

Devolution of funds : The idea within, and mechanisms of financial inclusion [Transparency and Accountability]

Speakers: Amitabh Behar (National Foundation for India), Joe Athialy (Centre for Financial Accountability), Pradeep Dash (Lok Chetna Sangathan), Dr. Shaikh Ghulam Rasool (J&K RTI Movement), Yamini Aiyar (Centre for Policy Research)

Facilitator: Anjali Bhardwaj (Satark Nagrik Sangathan, NCPRI)

The second day started with a brief recap session by Saurabh , SRUTI who underlined all the main points discussed in all the sessions in the previous day.

Shaik Ghulaam Rasool : Since 1936, under Autocratic ruler maharaja Hari Singh and 70 years have passed but democracy is still a terror for people . Mostly, the union here is made by MLAS and not through or by Panchayats. Even political parties are a part of it. **Any pro people law is restricted while draconian laws never face any problem.** Right based work is also difficult to happen. For any real work to happen it's necessary that the information must reach the people first. The work to be done has to be taken to the people with all necessary information and responsibilities.

Pradeep Das: We have been listening to disadvantages but the system can be worked upon. For instance a budget allocation of 3 crore

80 lakh was made for which there were no approvals at different level. Till 2 years no work was done. But constant negotiations and meetings happened around it. When a group of sarpanch went in union and demanded the collector, four types of work were granted under the budget. While a lot of work is pending because of unnecessary hierarchies and interruptions from bureaucracies steps like forming a union of Sarpanch, mobilisation of people can be a way ahead. **Two important things that can shape this system will be decentralisation of funds at the Panchayat level ultimately giving all control and power in the hands of Panchayat and the second role is of the “sangathans”.**



Joe Athialya explained all about national and international banks, investments by banks, multilaterals institutions and external credit agencies... Recapitalisation of banks means our money only..All banks like World Bank and ADB bank at least has policies at place for investments and can be challenged. Companies that require projects have to adhere to certain policies. There is no such system present in our system. There is no monitoring of all the finances and there are no provisions where the government can be held accountable. **National banks having no safeguard policies are not bound to carry monitoring process while investing in any project. There are no proper channels to make them accountable for any projects they have invested in.** He explained the total amount of investments and assets are huge i.e. SBI 4,70 000 crore, world bank 400 crore, Asian development bank 600 crore, bilateral banks 4 lakh crore. **As of June 2016, the total amount of Gross Non-Performing Assets (NPAs) for public and private sector banks is around Rs. 6 lakh crore.** Banks don't have any safeguards to ensure that no harm is done to people's money and have provisions of where they can invest it. After RTI, there were a lot of questions raised, but these were indirect in nature. Most questions were sourced from secondary sites and there was no direct information or questioning. **Anjali** summarised the points raising an important question as how it's very easy for corporate to take loans but is difficult for the common people. There should be accountability at all levels, especially if a panchayat parliament is created.

"It's our money. We as account holders don't we have the right to know as where our money is being used and invested?"

Yamini Iyer: discussed some of the main points from her study "Understanding the fiscal devolution to rural local governments through a case study of fund flows to Gram Panchayats in one district in Karnataka". Panchyati Raj in Karnataka which is considered to be one of the benchmark in the entire nation for good governance: Even after 22 years of constitutional amendment financial revolution has not happened. **While as per the Karnataka Panchayati Raj Act 1993 mandate as compared to the 33% of total budget allocated to Panchayat Raj Institutions, only 17% has been apportioned. Similarly while average expenditure within a single Gram Panchayat was approximated to be Rs 6 crore, only 3% or Rs. 20 lakh of this amount was spent directly by a Gram Panchayat.** More than 50 % of the fund goes to salaries and **PRI is like a post office to get across the cheques.** Even the Panchayat was not aware of these figures and when this was put forward before them, it paved new roads. Some suggestions were to create an activity map, and Panchayat electives can take these figures forward and try to understand where and how it's being utilised.. It's also very difficult to understand the trajectory of funds as all the schemes are clubbed together and it's unwieldy to understand various classification and categories. Technology can be a big asset in streamlining this process example as treasury is computerised, adding a location tracker can help in the trailing process.

Gram Panchayat are clueless about the nature and degree of expenditures in their own jurisdiction. Money that is allocated and to be used by Gram Panchayat is being re-appropriated in many ways

Amitabh Behr: The entire world is living in difficult political times. Despite having run on anti-migrant, anti-Muslim and anti-women platform Trump is elected in USA; , Philippine President Rodrigo Duterte said he would be “happy to slaughter” three million drug addicts to combat drug trafficking; demonetization and big queues in our country ; etc. Imperialist globalization has taken over. In the name of national interest and development decisions that affect people are being taken. He focussed on six broad things that needs work

1. Constitution
2. Fundamental rights
3. Nehru Panchsheel
4. Recommendations made by Mani Shankar iyer
5. Environmental Governance
6. Policies

“भूमंडलीकरण की असली रणभूमि आदिवासी की ज़मीन है”

Ownership, Consent and Reclamation over natural resources: Challenges and Conflicts - I

Speakers: Ambarish Mehta (ARCH Vahini), Aradhana Bhargav (Kisan Sangharsh Samiti), Kailash Bharti (Mazdoor Kisan Samiti), Tushar Dash (Vasundhara), Trilochan Punji (Zindabad Sangathan), Umeshwar Singh (Hasdeo Aranya Bachao Sangharsh Samiti), Vilas Bhongade (Kashtkari Jan Andolan)

Facilitator: Sandeep Pattnaik (National Centre for Advocacy Studies)

Sandeep Pattnaik started the session. There is a history to adivasi struggles, resources and formation of state and the conflicts between them. It’s crucial to understand the ownership and reclamation of natural resources and discuss a way forward from it.

Amabarish Mehta: The work has to be done by the gram Sabha and the funds collected by it. We have to question the framework where the admistration will dictate the nature and extent of work, the resources and guidelines governing them and the ownership that comes along. Gram sabha should have complete rights over natural resources and minerals. The biggest weakness of PESA is when the authority an control of funds remains with the *zila parishad*. The forest department does the job of allocation of work but the profits are again placed with them which increase chances of corruption, degradation in work, misallocation of resources, exploitation of labour etc. Example 17 crore was earned by 12-13 gram sabhas earned 17 crore by the sale of dry bamboo. 13 crore was paid off to the labourers. The gram sabha also got to decide how to use the remaining amount and used it for land levelling.



Aradhana Bhargav discussed the importance of Constitution and the of all the basic rights ensured one also has a right to demand as well as challenge the government for any violation of rights. As per the article 48 of the constitution, the government is bound to work towards strengthening farmers. The public should have ownership over water, forest and land resources. When *Sangathan* protested against Adani Power Plant in Chhindwara, Madhya Pradesh on these grounds, the plant was never able to start its work. Though people's mobilisation and protests has brought a lot of such provisions and permissions but there is always a fear that when the government changes, everything comes back to the starting point. **Various strategically planned incentives like replacement of "chulhas" with gas connections, ration with food etc in the name of combating poverty are used by different parties to create newer form of mortgages and debts. It creates a deadlock where people are distanced from their traditional livelihoods and lifestyles, become dependent on self serving bodies and ultimately get displaced or are forced to give up their lands when there is no other way to survive. This has been the oldest ways in which the tribal population is eliminated without a trace.** Criminalisation of dissent, violation of fundamental rights, personal attacks etc are resurfacing every time.

*“सरकार बदलती है
सरकार का चरित्र नहीं”*

Tushar Dash also elaborated more on important acts like Forest Rights, focussing more on how the the Act ensures 'Community Rights' and rights over 'Community Forest Resources' giving ownership of forests to communities. **Under this act around 40 million hectares (more than 50 % of these forests) can come under this category.** The state government is trying to resist this implementation of FRA but Gram sabahs in various places are working towards

enforcing their rights. **For example villages in districts of Dangs and Narmada, Gujarat or Gadchiroli district of Maharashtra have stopped impingement by outsiders, encroachers, trafficking of bamboo etc.** When the act came into force, there were places where it played a great role in activating the functioning of Gram Sabha example Sarda, Odisha. But apart from resistance from state, in various places there is no practice of taking informed consent or involving the Gram Sabha. **While the law holds the decisions of Gram Sabah sacrosanct, in most places Gram Sabah is dispelled by labeling as an illiterate space which is unable to grasp the importance of developmental projects. There are instances of titles being taken back. Example: In Ghatbarra village, Chattisgarh land gained by the Gram Sabah in 2013 was cancelled to make way for coal mining.** Land was allocated to the Rajasthan Vidyut Utpadan Nigam Limited (RVUNL) and Adani Minerals Private Limited. Even the landmark judgement in case of Niyamgiri which holds to be an important example where people have taken charge to make the government accountable for good governance, the verdict is still being challenged. **In Orissa, the Compensatory Afforestation, Management and Planning Authority (CAMPA) Fund Act undermines the provisions of Forest Rights Act and the authority of the gram Sabha. While measures should be taken to strengthen local communities, this act shifts to creating a controlling forest bureaucracy.** In some places there have been efforts to form joint forest management under village rules. In some places there has been self declaration/assertion owing to no roles and actions of the Government example Jharkhand-occupy forests movements. The efforts should be to bring all the sabahs together.

“Rights can be made entitlements only with assertion”.

Umeshwar singh We have to work toward strengthening the powers of Gram Sabha. There should be training regarding the roles and responsibilities of gram sabha. As per the changes in PESA, even other acts have to be shaped and updated. In a scenario where the coal mining project is a danger to 35 villages, it's important to make a *sangathan* and protest against it. There have been instances where the villages have taken charge and have not allowed coal mining activities allocated for different blocks of the villages. **Trilochan Punji** too shared his concern of community rights not being recognised in various places and his experiences in Bolangir district of Orissa where there is huge land alienation by fraudulent means in the hands companies and support from Government officials, rampant migration as well as displacement of people etc. As per 2014, of 4796 individual forest rights claims filed, 1636 claims have been rejected and around 1970 claims are pending. There is no information about the grounds on which these are being declined. There have been efforts in local mobilization but a lot more is to be done to strengthen the gram sabhas. The Lower Suktel Irrigation Project to construct a dam over river Suktel at Magurbeda which will affect around 26 villages is still stalled because of protests and people coming together. **Vilas Bhongade** further added by stating the importance of advocacy and media to add on to these struggles and projects.

जल जंगल ज़म्मों पर, जनता का अधिकार”

Session IV

Ownership, Consent and Reclamation over natural resources: Challenges and Conflicts - II

Speakers: Akshay Kumar Pany (Adivasi Kranti Sangathan), Anil Garg (Independent Researcher and Activist), B.K.Sinha (Former Principal Secretary, Ministry of Rural Development), Sopan Sutar (Sarhavara Jan Andolan), Amulya Nayak (Adivasi Chetna Sangathan), Kanchi Kohli (Activist and Legal Researcher), Manohar Chauhan (Campaign for survival and Dignity)

Facilitator: Anil Chaudhary (Popular Education and Action Center)

Ak Pany : There is no records found anywhere of displacements of people for the establishment of factories, people who have lost their lives, the way corruption has shaped Gram sabhas and the spawning illegalities practiced in different places, using force to collect signatures of people to take away land for mining purposes. PESA has been diluted with different laws; *decentralisation of power is more replaced by decentralisation of corruption*. **BK Sinha** added further by raising questions about how Panchayat will be able to function without appropriate resources. It's a hope that Panchayat will give selfless support without any financial support or payment. In these difficult times survival is as necessary as vital is the work. Moreover in a layered society like ours, unity is a dream when there is still discrimination on the basis of caste. **Anil choudhury** too summed up that in a layered society; decentralization is difficult unless decentralization takes place at every level. One needs to understand the ideas of Gandhi as well as the reservations of Ambedkar . **Amulya Nayak** spoke of how party politics disseminates its interest from higher to ward level. Bureaucracies have become the masters of natural resources forcefully and this system has been substantiated by us. **Sopan Sutar** too spoke about pattas being taken back, the effect of migration and campaigning happening everywhere against the unfair practices being followed.

Kanchi Kohli explained environmental governance. Environmental protection norms were meant to streamline the imbalance created by industrial projects specially linking it with the natural resources and people affected in the due process. Communities have a much needed and important role to play in order to curb the menace of environmental degradation.

Laws related to environment have some provisions democratically in nature. There are some good provisions while there are some which shouldn't exist. The good provisions always have a fear of being changed or taken back. If these good provisions can be used as a weapon and law be utilized to strengthen them, a lot can be done. A system of Environmental Impact Assessments, compensatory afforestation law, and the land acquisition law etc all can be clubbed and environmental governance can assist in bringing out ways to tackle various situations.



Way forward and open session

Speakers: Alok Shukla (Jan Abhivyakti), Abha Singhal Joshi (Senior Advocate), C.A.Priyadarshi (Janmukti Sangharsh Vahini), Com. Basudeo Acharya (ex MP), George Matthew (Institute of Social Sciences), Mani Shankar Aiyar (Former Union Minister, Ministry of Panchayati Raj), Prafulla Samantaray (Lok Shakti Abhiyan)

Facilitator: Arvind Anjum (Janmukti Sangharsh Vahini)

“अधूरी क्रांति की भी एक इतिहास है ... हर क्रांति जरूरी है” -C.A priyadarshini

Arvind Anjum raised questions like

1. Can there be another system apart from the bureaucracy
2. Can PESA not be applied throughout the nation?
3. Can effective measures be taken to strengthen the gram act
4. Can the *Panchayat* not carry out social activities and responsibilities?
5. Is *Panchayat Raj* the only way to development and democracy?

Alok Shukla talked in terms of hopes and doubts that have remained the same as it used to be before 25 years. What is the meaning of development and what are the other alternatives. *Does the Panchayat have enough powers as well as resources to carry any decision? Even if the Panchayat is selected on the basis of votes the collector still has the right to dismiss any decision.* After 25 years it's important to question the rights of a collector. There are efforts to snatch away rights of lands, natural resources, forests etc. there are efforts to end gram sabahs, illegal orders are being passed on.

Prafulla Samantarey added on by elaborating on the nature of constitution and the claims of democracy India is committed to. What is the character of the nation? The road taken by our nation is a contradiction to the constitution. We have become a corporate state and its interests are ruining the villages. Every village has to work to create effective panchayat system and have to envision new models of development. People's movement and struggles have to shape towards strengthening the Panchayat system in every village.

C.A Priyadarshini spoke about the work done at micro level and the situation in Bihar. Transparency is needed to avoid corruption. People and Gram sabha are not the same thing. The later is just an extension of the state. Gram

Sabha is an institution. The ultimate movement is towards a road to equality.

George Mathew spoke about five main enemies of Panchayat Raj

1. Political representatives/leaders/member of parliaments/MLAS/Panchayat members
2. Bureaucracy/collectors/ officials from gram Sabha toll lower levels
3. Upper caste /landlords
4. Middle men
5. Industrialists/business class/MNCS

*“कानून तब तक मदद करेगा
जब तक लड़ाई की क्षमता रहेगी”*

Mani Shankar Iyer said that it's impossible to keep political parties outside Panchayat Raj, especially when every individual is a possible vote bank. The question is how to unite when we come from different political parties. In some matters coming together can be beneficial. In some cases it's the opposition that unites with the Panchayat to keep the current government in check. Example in Karnataka there is stifle among congress and bhajpaye, but when the question of Panchayat Raj comes, they unite. A serious effort should be made to ascertain the institution of Panchayats as stated by **Article (243 G)** :Powers, authority and responsibilities of Panchayats Subject to the provisions of this Constitution the Legislature of a State may, by law, endow the Panchayats with such powers and authority and may be necessary to enable them to function as institutions of self government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats, at the appropriate level, subject to such conditions as may be specified therein, with respect to the preparation of plans for economic development and social justice; and 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. This is yet to be achieved in a lot of states and can be moulded to reality only through the work of *Sangathans* and people. **Article 243(G) is the heart and soul and an all round effort should be made to transfer this article to ground reality.** The efforts should be to implement this “by law”. What was visualised as a means to bring grass root democracy and hence grass root development has been stalled for too long. Planning, economic reform, work of sangathans, empowerment has all to be clubbed together and move in unity. Reservations have been a crucial tool, but in places where there are delays and no decisions have been taken, it's important to recheck them. The gram sabahs have to play an effective role in implementation as well as accessing these rights .

The success of PRI is dependent on the people and we cannot lose, if we are together.