

GRAM SABHA AS THE FOUNDATION OF GRASSROOTS DEMOCRACY

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Abstract

After independence India adopted representative democracy based on the West minister model. Representative democracy confined to the national and state's level led to the model of 'elite democracy' representative institutions confined to the upper levels. This system created gap between the masses and the leadership. Democracy as visualised by the Mahatma Gandhi and other pioneer leaders of the national movement lost its way. After the experience of the forty years of the independence it was realised by the academia and leadership to strengthen the multifaceted democracy in India. It is imperative to revive and strengthen the indigenous system. Village (Gram) was the basic unit of the entire social and political system. People had direct involvement in the decision making through Gram Sabha and the Panchayats. System was on the organic unity. In the present context when the good governance is the pre-requisite of the entire polity.

Gram Sabha is an ideal institution to ensure accountability, transparency, efficiency and mass participation in the decision making. The institution of Gram Sabha has acquired center stage in the discourse on Panchayati Raj Since the enactment of the 73rd Constitutional Amendment Act in 1993 and its structure of direct democracy has been hailed as a step in the direction of the establishment of participatory democracy in India. Present paper is an attempt to analyses the role of the Gram Sabha after the 73rd Amendment in Himachal Pradesh. Further an attempt is made to put forward flaws and suggest measures to improve the Gram Sabha.

Keywords: Grassroots Democracy, Gram Sabha, 73rd Amendment

Introduction

*"The success of democracy not only depends on the institutional forms that are adopted, but also on the vigour of practice. The political challenge for people around the world today is not just to replace authoritarian regimes with democratic ones. Beyond this, it is to make democracy work for ordinary people."*¹ "Amartya Sen"

Democracy is rooted in the Indian villages through Panchayati Raj system. People of rural areas have been provided an opportunity to be part of the governing system through their elected representatives. Local Government is important for the effective democracy which is imbibed in the social, economic, political and administrative democracy. The constitutional 73rd Amendment is a landmark step in the field of the grass root democracy. It is

universally hailed as a milestone in the constitutional history of the country heralding a new era of local self-governance to bring political and social changes of a far-reaching significance. These changes are not possible without a vibrant Gram Sabha, which is required to be active and taking well considered collective decisions on matters concerning village governance. In the present socio-economic milieu, the Gram Panchayat can function effectively only if it has full support of the Gram Sabha (an institution of mass participation). Gram Sabha can give such support if it is itself strong to perform its functions as basic institution of democratic edifice. Gram Sabha is democratic institution promising equal right to every adult in the village who is a voter, irrespective of his/her economic, educational and social standing in the village. They would have opportunities to deliberate an issue to find solutions and take decisions concerning village life on different aspects. On the basis of this rationale the Government of India observed the Year 1999-2000 the “Year of Gram Sabha.”

The Constitutional 73rd Amendment was subsequently adopted by H.P. State by way of HPPR Act, 1994. The institution of Gram Sabha has been assigned a significant role in the upliftment of rural life and at the same time it provides a forum for the members of Gram Sabha to participate in the democratic decentralisation process. Gram Sabha is the most effective forum for involving villagers in planning, implementing and monitoring village development programmes to develop leadership at the grass root level and to ensure checks and balance, transparency and accountability of the Gram Panchayat and higher levels of the PRIs. The governance at the local level through PRIs will be meaningful and effective only if Gram Sabha plays active role in all the affairs of the Gram Panchayat as legislative body. People’s participation can be ensured in governance and development through the effective Gram Sabha. Gram Sabha perceived as an institution to give collective strength to the poor and deprived to gain a measure of self-confidence enough to enable them to stand on their own to region the spirit of self-reliance and human dignity. The 73rd Amendment gives Gram Sabha a constitutional status.

Objectives of the Study

1. To study the role and functions of Gram Sabha in Himachal Pradesh
2. To know about the problems and suggestions of Gram Sabha

Methodology

In this paper secondary sources are used like books, journals and government report etc,

Gram Sabha

The Gram Sabha in the Panchayati Raj system is the basic unit of an Indian democracy. In a true sense of the term the Gram Sabha is a grassroots organization consisting of, not the only representatives of the people but of the people themselves. Besides promoting direct democracy at the local level, the institution is expected to play an important role in the working of the village panchayat. Prof. Rajni Kothari has visualized the role of Gram Sabha as follows: - "Representative bodies have their inherent dynamics of power politics and willy-nilly end up vesting effective authority in the politician bureaucrat nexus. The only way of making this nexus responsible and accountable is to provide larger citizen involvement in the new variants of old institutions like Gram Sabha which can combine older forms of informal consensus-making mechanisms with the more formal, institutionalized and legal forms decreed by legislation. With the new awakening in the rural areas, these bodies have the potential of overseeing the working of elected bodies and over time with growing confidence that they cannot be brow - beaten by dominant individuals or castes, become a force to reckon with".²

Among the local institutions the Gram Sabha is the most important institution that the times immemorial. It is the first modern political institution which seeks to place direct political power in the hands of people. It provides an opportunity to all the people to participate in the development process. Ashok Mehta Committee highlighted the role of Gram Sabha and stated that the Gram Sabha has an important role in activating the democratic process at the grass - root level, including community spirit, in increasing political awareness, in strengthening developmental orientation in the education of rural people in administrative and political process and by enabling the weaker sections to progressively assert their point of view.³ The Gram Sabha should act as a vibrant institution of self - government, providing valuable inputs to the other levels of Panchayati raj and acting as a watchdog in the interest of the village communities.⁴

The 73rd constitutional Amendment 1993 (Under Article 243(G)) for the first time created a statutory imperative for the establishment of legally empowered Gram Sabha in India. Gram Sabha is considered as the centre

of democratic power in the village. Article 243 (A) states that a Gram Sabha may exercise such powers and perform such functions at the village level as the legislative of a state may, by law, provide. Article 243 (B) States that 'Gram Sabha' means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of the panchayat at the village level.⁵

Gram Sabha in Himachal Pradesh

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Composition of Gram Sabha

Under section 4 of the HPPR Act 1994, a Gram Sabha (General House) is constituted for any village or group of contiguous villages with a population of not less than 1000 and not more than 5000 people. The government can relax these limits in a particular case (Scheduled area). The Gram Sabha once established is to be recognized by the government by including or excluding any area from the Sabha. The minimum age for the members of Gram Sabha is 18 years. Every person who is qualified to be registered in the legislative assembly electoral rolls and ordinarily resident within the Sabha area can be a member of the Gram Sabha.⁷

Meeting

Prior to the coming in the beginning of HPPR Act (2nd Amendment Act), 2000, every Gram Sabha was required to hold two general meetings in each

year, one in the summer and other in the winter. Now, according to the new Amendment Act (Section 5) there shall be four general meetings (General Houses) in each year and every meeting shall be held on the first Sunday of January, April, July and October.⁸ The government's order directed that Gram Sabha should meet four times in a year that is on 15 August, 2nd October, 26th January, and 1st May.⁹ Besides these stipulated meetings special meetings of Gram Sabha can also be called to discuss or to take decisions regarding specific issues. The Gram Panchayat members should inform the date, time and venue of the Gram Sabha meeting to the community members in advance. The Gram Sabha meetings shall be presided over by Pradhan or in his absence, by the Up - Pradhan of Gram Panchayat. In the absence of both, the meeting shall be presided over by a member of Gram Sabha to be elected for the purpose by the majority of present members. A Gram Sabha meeting can take place only when the required 'quorum' is present. The annual budget, proposal for the taxation, and all development related activities are supposed to be discussed and finalised in the Gram Sabha meeting. Selection of beneficiaries under poverty alleviation (infrastructure development) programmes through the Gram Sabha has been made mandatory.¹⁰

Quorum

The quorum for a Gram Sabha meeting (according to HPPR Act 1994, Act No.15 of 2010) shall be $1/3^{\text{rd}}$ of the total number of its members (voters) and decision will be taken by the majority of members present and voting. If a meeting is adjourned for short of quorum at least $1/5^{\text{th}}$ of the total number of its members shall be required for holding the adjourned meeting.¹¹

Agenda

Every member of the Gram Sabha and Panchayat shall in respect of his ward, prepare agenda items in consultation with the Sabha members of such ward and any other department, agency or organization, shall submit its items, to the Pradhan and to the secretary at least thirty days prior to the date of meetings of Gram Sabha. The secretary shall compile the agenda items received in the manner as may be prescribed, along with the notice of meeting.¹²

Vigilance Committee

Gram Sabha in Himachal Pradesh have been empowered to constitute vigilance committee to supervise the Gram Panchayat works, schemes and

other activities and to put reports concerning them in its meetings as well as send a copy of the report to the BDO.

Vigilance Committee must be formed by the Gram Sabha in its general meeting after the general elections and the constitution of the Panchayat. The term of the vigilance committees is for two and a half years, after which the Gram Sabha in its general meeting must again form one or two vigilance committee(s) must place its reports, concerning any office bearer of the Panchayat, besides other matters relating to the schemes and other activities of the Panchayat, before Gram Sabha in its general meeting and a copy of the report should be sent to the BDO for action.¹³ After examining the report sent by the vigilance committee, the BDO should initiate such immediate action as may be required and should inform the vigilance committee in his regard. In case the vigilance committee is not satisfied with the action taken by the BDO, or the latter does not take / initiate action within 30 days from the receipt of the report, the vigilance committee may report the matter to the Deputy Commissioner and thereafter to Director for necessary immediate action. Notably, the PR Act specifically provides that the vigilance committees have the right to inspect the documents, work and records and record statements of persons to ascertain the truth. Vigilance committee(s) shall also have the right to take certified copies of any documents from the Panchayat.¹⁴

Functions of Gram Sabha

A. Under section 7 of the HPPR Act, 1994 the Gram Sabha shall perform the following functions and responsibilities in the context of village development are:

Examine the annual statement of accounts and the audit report of the Gram Panchayat for the preceding financial year;

- Discuss the annual report of administration of the Gram Panchayat for the preceding financial year;
- Preparation and monitoring of the panchayat development plan;
- Examine the budget of the Gram Panchayat for the next financial year;
- Scrutinise ongoing and completed schemes and works of the Gram Panchayat;
- Identification of beneficiaries of various rural development programmes to be implemented in the village;

- Maintain records of all development works undertaken by the Gram Panchayat and by any other governmental and non - governmental agencies;
- Render assistance in the implementation of village development schemes;
- Mobilise voluntary labour and contributions, in kind and cash for community welfare programmes;
- Seek clarifications from the sarpanch and members of the Gram Panchayat about any particular activity, scheme, income and expenditure;
- Examine and act upon the reports of the vigilance committee; and
- Promotion of unity and harmony among all the sections of society in the village.¹⁵

B. The Gram Sabha has been empowered to consider the following matters and make recommendations and suggestions to the Gram Panchayat, namely:

- The annual statement of accounts of the GP, the report of the administration of the preceding financial year and the last audit not and replies, if any, made thereto;
- The report in respect of the development programmes of the Gram Panchayat relating to the preceding year and development programmes are proposed to be undertaken during the current year;
- The promotion of unity and harmony among the all sections of society in the village;
- The programme of adult education within the village.
- Any other matter in which the Panchayat Samiti, Zila Parishad, Deputy Commissioner or any other officer authorized in this behalf may require is to be placed before the Gram Sabha.

C. The Gram Panchayat shall give due consideration to the recommendations and suggestions of the Gram Sabha;

D. The Gram Sabha is authorised to form one or more vigilance committee(s) which is consisting of not less than five persons, who are not the members of the Gram Panchayat, they are assigned to supervise the works of the Gram Panchayat, schemes and other activities and to put up the reports concerning them in its meeting and shall also send a copy of the said

report to the concerned Development Block. Vigilance committees have been formed in Rajasthan, Himachal Pradesh and Bihar.

E. The village level functionaries of the Agriculture, Animal Husbandry, Primary Education, Forest, Health and Family Welfare, Horticulture, irrigation and Public Health, Revenue and Welfare Departments shall attend the meetings of the Gram Sabha in whose jurisdiction they are posted, and if such village level functionaries fail to attend the meetings, the Gram Sabha shall report the matter to their controlling officers such functionaries within one month from the date of receipt of the report and shall intimate the action taken on such report to the GS through the GP.¹⁶

Problems

The 73rd Constitution Amendment Act, 1993 for the first time created a statutory imperative for the establishment of legally empowered Gram Sabha or Village assemblies in India. Almost all the state governments have provided for the Gram Sabha but its functions and authorities have not been spelt out in detail. Consequently, these institutions by and large, continue to function ineffectively.

- The absence of women folk in the meetings of Gram Sabha has become a common feature. The participation of people belonging to weaker sections is also minimal. The reason for poor attendance is due to the fact that provisions relating to the Gram Sabha contain nothing of substance which could attract masses towards it. The people particularly the poor did not want to lose their daily wages for the sake of attending the Gram Sabha meetings.
- As for as the powers of the Gram Sabha are concerned, this institution does not enjoy sufficient powers, therefore, villagers also do not take keen interest in attending the meeting of the Gram Sabha.
- It has been observed that most of the time quorum of Gram Sabha meeting is not completed if the quorum is not completed in such cases Panchayat Pradhan managed the signature of the members by visiting their houses.
- Rural masses do not have sufficient knowledge and information about their participation in the meetings of Gram Sabha. At the same time the elected members of the Panchayat are not fully aware of their powers, functions and responsibilities.
- The Gram Sabha is considered to act as a large forum for the participation of all sections of the rural community, but it is a matter of

great concern that women rarely participate in the Gram Sabha due to hesitation, traditional ideology, their busy schedule.

- Patriarchal character of Indian society has clear reflection in the Gram Sabha. Due to male dominance in the decision making in the family women are not encouraged to be part of Gram Sabha. Male folk discourage women role in decision making process at the community level.
- Factionalism in rural areas plays a very crucial role while other times it can become a voice of dissent. Besides this politicians of different political parties create their own factions at the village level. Sometimes Gram Sabha pays heavy price for these political factions. These factions give more priority to their interests even at the cost of Gram Sabha.
- Lack of resources/ financial resources affects the working of Gram Sabha and creates frustration to the peoples.
- Information on all developmental schemes is not available to the member by the Panchayat and officials. There is a lack of transparency.
- The poor level of awareness of the people is also one of the major hurdles in implementing the 73rd Amendment Act at the grass root level.

Suggestions

- Gram Sabha and Up-Gram Sabha are like the Parliament at local level and it is the heart of this system. So these institutions should be strengthened and needs to be involved in the masses activities.
- Literacy is the panacea of all the social evils. It can certainly improve the functioning's of grass root institutions. Education needs special attention to enlighten the rural masses of their rights and duties.
- Print and electronic media should play an important role in providing adequate information about the growing importance of Gram Sabha and create social awareness among the people. Awareness among the masses and leadership will encourage their participation and involvement in the working of Gram Sabha. So media should play effective role in educating the rural masses.
- Identification of beneficiaries in the rural development schemes should be made transparent through Gram Sabha. Feedback mechanism should be strengthened to fix the responsibility of Panchayats.
- Whatever Gram Sabha decides within the framework of power conferred on it have to be executed and for this resource base has to be created at the panchayat level.

- Mobilization of people for Gram Sabha activities has to be done more effectively.
- The Pradhan should create interest of the members of Gram Sabha so that they should attend meetings regularly. Opportunity should be given to all segments of the society.
- Gram Sabha meeting and agenda has to be informed to the villagers well in advance for this purpose Panchayat NGO, various Samitis such as 'Kisan Samiti' should play an important role.
- Supervision of the development works being carried out at all the village level should be done either by Senior Gram Sabha members or any specific individual deputed/designated by the government itself.
- In Gram Sabha meeting women attendance should be fixed to complete the quorum.
- Government and NGOs should take steps to popularize Gram Sabha as basic unit of democracy. Gram Sabha can prove to be very effective in the field of good governance which is a step towards more responsive, effective and participative democracy;
- The Gram Sabha also needs to be strengthened for breaking the hegemony of Pradhan in the Gram Panchayat, Panchayat Samiti and Zila Parishad.

Conclusion

The 73rd Constitution Amendment Act, 1993 gives new inputs in the direction of strengthening the grassroots democracy. With the enforcement of HPPR Act, 1994, the masses at the grassroots level find themselves empowered in the democratic process as well as in the development activity in their respective area. Now the people at the grassroots level have reshaped the PRIs system by making these more and more democratic as well as effective institution. The Panchayati Raj system or local self-governance in India envisages direct participation of the citizen through its three Structures at District, Block and Panchayat levels ultimately leading to the Gram Sabha as the platform for direct representation of citizen. The 73rd Amendment Act for the first time created a statutory imperative for the establishment of legally empowered Gram Sabha or Village assemblies in India. Almost all the state governments have provided for the Gram Sabha but its functions and authorities have not been spelt out in detail. Consequently, these institutions by and large, continue to functions ineffectively. By making the Gram Sabha effective we can reduce the gap between the desired impact and

actual impact of several programmes of the government involving crores of Rupees. By strengthening the institution of Gram Sabha we can bring the gains of our democracy and economic prosperity spreads evenly across the country, otherwise the ideas of real democracy remain on paper and are confined to academia discussions.

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