

# **LOK SATTA**



People Power

**Presented to Cabinet Sub-Committee on Panchayati Raj Reforms**

**25 Nov 99**

## **Gandhiji's Talisman**

“I will give you a talisman. Whenever you are in doubt or when the self becomes too much with you, apply the following test:

Recall the face of the poorest and the weakest man whom you may have seen and ask yourself if the step you contemplate is going to be anything by it? Will it restore him to a control over his own life and destiny? In other words, will it lead to Swaraj for the hungry and spiritually starving millions?

Then you will find your doubts and your self melting away”.

# **Elections**

- Timely
- Before expiry of term
- Including Hyderabad City

# **Electoral Reforms**

- Money power
- Non- party elections
- MLAs, MPs to be allowed to contest and hold office
- Income and Asset statements every year
- Violation of electoral laws entail disqualification
- State Election Commission to decide on all such cases
- Multi-member constituencies for reservation

# Electoral reforms

- Electoral Rolls - common with Assembly & Parliament
- Identity cards
- Tendered Votes
- Criminalization
  - conviction - Section 8 RP Act
  - changes framed
  - Rowdy sheeter
  - History sheeter

# Funds

- Non-discretionary
- Minimum 50% of state budget
- Wide latitude in taxation

# Finances

- All amounts in budget for subjects listed under Art 243 G and 243 W should be transferred to local governments
- State budget should show under the 29 heads 'District Schemes' separately
- Separate document - District -wise schemes
- All budgetary provision to district schemes should be transferred as block grants separately for
  - Salaries
  - Other expenses

# Finances

- All Finance Commission devolutions automatic with no additional conditions
- All taxes, duties and cesses assigned to local governments, and collected by State should pass to them automatically and promptly
- Additional Block Grants to LSG on per-capita basis, suitably adjusted to give weightage to population and backwardness

# Financial Powers

- The Zilla Parishad should have powers of reappropriation from one item to another within the district allocation.
- No savings of one district shall be diverted to another district
- Savings under non-recurring (capital) items shall not be diverted by local governments for recurring expenditure.
- Savings on recurring expenditure can and should be diverted to non-recurring expenditure. This encourages fiscal prudence and savings



# Fiscal Prudence

- Statutory checks
- Mandatory balancing of revenue budget
- Capital grants and loans only for asset building

# Functionaries

- Local control
- Appointment
- Disciplinary action
- Exclusive and full control
- Block grant to cover wages
- Lateral entry - up to 50%

# Staff

- All staff connected with transferred schemes should be under full control of local governments
- Local government services should be deprovincialized and placed under local control. If legally necessary, the existing incumbents' services can be protected
- State Pay Revision Commission should not deal with local government staff
- If need be, there can be Local Government Pay Revision Commission, which may only indicate model set of scales related to income of local governments

Conti..

# Staff

- Similar provisions should apply to aided institutions. Grants-in-aid shall be actuals paid, subject to ceiling of government scales
- There should be statutory District Selection Committees for recruitment and District Staff Committees for administrative appeals and grievances
- The relationship between ZP Chairman and CEO should be similar to that between Chief Minister and Chief Secretary
- The Standing Committee should have all powers of sanctions to act as a safeguard against abuse of power

# Functionaries

- State role
- State recruitment and training
- Abolish State departments relating to local subjects
- Convert them to technical man power pool  
(ex: agriculture)

# Functions

- Schedule XI : All except 2, 14,18
- Schedule XII : All

Some subjects can be divided with clear jurisdiction

But no dual - concurrent control

ex : **School education**

Local : Control

School management

Maintenance

State : Standards

Syllabus

Examinations

## **Health Care**

Local : Taluk hospitals & Primary Health Care

State : Dist. Hospitals, procurement of drugs and technical standards

# State Subjects - Functionaries

- Transparent selection
- Permanent standing committees
  - 1/3 legislators, 1/3 from local bodies & 1/3 experts
- Panel nominated by government
- Panel to include persons from outside government
- Fixed tenure of at least 3-5 years & no transfers in between
- Removal for serious allegations
  - corruption
  - incompetence
  - rapid & enquiry & swift punishment

# Subsidies

- Transfer programs to local governments
- Discretion to redesign reduce or abolish
- Resources so saved to be utilized for other programmes
- Strict auditing

Benefit : People will have choices

Desubsidization becomes acceptable

# Local Justice

- Gram Nyayalayas
- Magistrates under judicial control
- Local language
- Civil cases less than Rs. 1 lakh
- Criminal cases less than 1 year imprisonment
- Summary procedures
- 90 days time for verdict
- Appeal to district judge
- Judicial supervision
- Local visits to gather evidence



# Police Powers

- Divide policing into 3 wings
  - Crime Investigation Independent prosecutors
  - Riot control & security state control
  - Civic offences, traffic, patrolling, minor offences, local control

# Constitutional Functionaries

- State Election Commission
- State Finance Commission
- State Public Service Commission etc

Procedure : Transparent

Committee : Chief Minister, Speaker, Ministers (PR & MA),  
Leader of opposition, Chief Justice and other  
Incumbent functionaries

# Ward Committees

- Municipalities > 3 lakhs
- Ward Committee for every 25000-50000 Population
- Functionaries and Functions demarcated
- Salaries paid by Ward Committee
- 2/3 taxes in the ward controlled by ward committee
- 1/3 to go to central pool of Municipality

# Stake-holders empowerment

- Wherever identifiable clearly as a group
  - legal empowerment
  - water users
  - markets
  - school education
  - ward committees
  - fair price shops
- Transfer of
  - funds
  - functions
  - functionaries

# Public Scrutiny - Institutions

- Strict auditing
- ombudsman
- local tribunals for swift punishment
- disqualification for non - disclosure of income/assets
- Disqualification for criminal record (charges filed)
- disqualification by SEC

# Public Scrutiny - Instruments

- Right to information
- Citizen's charters
- Stake holders' groups

# Constitutional Amendments

- Organic linkage between 3 panchayat tiers
- Provision for direct election at Mandal & District levels
- Rational reservation - applicable at member level only
- 11th and 12th schedules on par with 7th schedule (mandatory)
- Appointment of constitutional functionaries
  - transparent, impartial mechanism constitute
- Violation of LSG provisions constitute failure of constitution