

CHAPTER-V: DEMOCRATIC DECENTRALISATION IN ORISSA

In 1993, the Government of India passed a series of constitutional reforms, which were intended to empower and democratise India's rural representative bodies – the *Panchayats*. The 73rd Amendment to the Constitution formally recognised a third tier of government at the sub-State level, thereby creating the legal conditions for local self-rule – or *Panchayati Raj*. Since this time, the process of decentralisation has been highly variable which reflects the fact that the 73rd Amendment gave the State governments considerable autonomy to interpret and implement the constitutional reforms.

Decentralisation has emerged as a dominant trend in world politics. In 1998, the World Bank estimated that all but 12 of the 75 developing and transitional countries with populations greater than 5 million had embarked on a process of political devolution (cited in Crook & Manor 1998). At the heart of this transformation are a number of complex yet inter-related themes. One is an ideological shift, in which the legitimacy of central state-led development has been challenged on the grounds that it produces systems of governance that undermine national economic performance and effective public policy (Gore 2000, Johnson & Start 2001). But the most common explanation for decentralisation is that the locally elected bodies will produce systems of governance that are better able to meet the needs of poor and politically marginal groups in society. A third and related theme suggests that democratic decentralisation is a political strategy that national élites have used to maintain legitimacy and control in the face of political disintegration. Cooption of *dalits* by the hitherto politically powerful castes (e.g. Brahmins in Uttar Pradesh) is one such means. Here it can be argued that economic liberalisation, political regionalism and the rise of powerful inter- and sub-national actors have weakened the traditional nation state and created the conditions

under which more local identities have been emerging (Giddens 1998) leading to rise of regional parties (e.g. BJD in Orissa, TDP in Andhra Pradesh, etc.) in the national politics.

Assertions in favour of decentralisation are often founded upon a wider critique of central state planning, which holds that large and centrally-administered bureaucracies are unable to allocate resources efficiently as they lack the 'time and place knowledge' to implement policies and programmes that reflect people's 'real' needs and preferences, and that such time and place gaps give local representatives of central / state government officials unlimited ability to distribute resources and extract 'rent' as they see fit. A major strand of recent scholarship claims that decentralisation would undermine these opportunities by creating institutional arrangements that formalise the relationship between citizens and the state, giving the former the authority to impose sanctions (such as voting, recourse to higher-level authorities) on the latter (e.g. see Bardhan 1998, Bardhan 2002). But, decentralisation may be valued for another reason also, and it is that decentralisation creates the conditions for a more pluralist political arrangement, in which competing groups can voice and institutionalise their interests in local democratic forums.

Panchayati Raj in Orissa

Pursuant to the 73rd Constitutional Amendment Act 1992, Orissa has appreciably amended the existing laws relating to Panchayats, which include the Orissa Zilla Parishad Act 1991, the Orissa Panchayat Samiti Act 1959 and the Orissa Grama Panchayat Act 1964. Under the legislation as it stands amended, Panchayats at all three levels have been entrusted with duties and functions with regard to 21 matters listed in Eleventh Schedule of the Constitution. Some of the measures, like transferring functions relating to trade and transit of non-timber forest products to the Gram Panchayats – a hotly contested topic in other states – show that Orissa recognizes the need to strengthen Panchayats at all levels so that they function as institutions of self-government in the letter and spirit of

Part IX of the Constitution and reiterates its commitment to the cause of strengthening Panchayati Raj. Recent measures of the Government of Orissa have continued the process of Panchayati Raj reform. In continuation of the exercise of devolution, Orissa has already completed the process of Activity Mapping for 9 line departments of the government aimed at effectively devolving functions, funds and functionaries to Panchayats

Capacity of Gram Panchayat in ushering development

Devolution of authority

The Sarpanch (President) at the Gram Panchayat (GP) level is a key person in shouldering responsibilities of developmental activities at the Panchayat level. His knowledge, experience, skill, education, faculty need to be exploited to benefit the common man, since he is an important link between the G.P and developmental agencies at the upper hierarchy. He is entitled to attend the Panchayat Samiti meetings at the block level as per the provision in the Panchayat Act of Orissa. But, due to lack of adequate provisions in the Orissa Panchayat Act with respect to his specific developmental as well as facilitator role, majority of Sarpanches (70.0 per cent) reported to have faced a great deal of difficulties to appraise the developmental activities of their respective GPs, constraints of funds, implementation, supporting institutions etc in the Panchayat Samiti (PS) meetings at the Block level. As a result, despite discussions of developmental activities in the meetings of Gram Panchayat, the final decisions are taken at the PS meetings on the basis of political, caste, social as well as economic factors quite discriminately rather than on the basis of merit of the cases as reported by the majority of Sarpanchs (both male and female).

Similarly, in the absence of specific provisions in the Act regarding the role of Panchayat Samiti Member in GPs, the inadequate participation of these members is also reported to have been reflected in aggressive attitudes (of these members) in such meetings (Particularly due to party-based differences). They also remain more engaged in conflicting modes

instead of paying desired attention to developmental issues as well as livelihood issues of the poor people. Thus, it is confirmed that in the absence of suitable provisions in the Orissa Panchayat Act, these elected representatives are deprived of their legitimate and effective participation in the grassroots level forums with respect to their local developmental issues.

Capacity building

The need for capacity building of the GP officials has been universally accepted. Orissa also has embarked on such capacity building on a large scale. As regards a question on the training undertaken by the elected representatives for their capacity building for effective participation in the discussions and deliberations of GP and 'Gram Sabha'/'Palli Sabha', a study noted that around one-third reported to have attended training programmes and majority have failed to enhance their knowledge, skill, expertise etc in governance due to lack of extensive capacity building training programmes. However, all the elected functionaries reported to have some workable knowledge about the functioning of PRIs, but that is not adequate to deal with the emerging rural development issues and so also poverty alleviation programmes, they admitted (Mallik 2002).

Further, majority of them reported that use of developmental funds, prioritisation of investment are not adequately discussed in the 'Gram Sabhas' prior to discussions in Panchayats, and this is how it not only violates the principles of self governance at the grassroots level, but also creates mistrust, apprehensions conflicts and disunity at the village level (Mallik 2002).

Party politics and PRIs

Regarding the orientation on developmental programmes in G.Ps, almost all Sarpanchs (both male and female) reported to have been influenced on party lines. But, while 9 of them opined (of total 12) that the developmental as well as poverty alleviation programmes implemented at the grass roots level do not create conflicts, disharmonies and discontents in the social, economic and cultural spheres at least at the G.P level,

majority (11) of the elected representatives reported to have noticed some amount of mistrust, apprehensions, disunity, disintegrating attitudes of the people (in recent years) due to lack of adequate transparency in the developmental funds released to Panchayats from various sources (Mallik 2002). Lack of adequate discussions, dissemination of information, decentralised mode at the administration of the fund, etc are a few additional factors attributed to mistrust, apprehensions and disunity amongst the villagers they admitted (Mallik 2002).

Disaster management legislation and PRIs

Two pieces of legislation are relevant- the Orissa Relief Code 1980 (ORC), and the National Disaster Management Act 2005 (NDM Act). The ORC 1980 has its origins in an ancient, colonial instrument called Bihar-Orissa Famine Code-1913, which had taken shape following the recommendations of the Report of the Famine Commission on Famines of 1899-1900. Then it was partially amended in 1930. Following the formation of Orissa into a separate State, the said Code continued in vogue, and in 1950 it was reprinted and re-authenticated by the Government as the ruling document on the subject. Only when in 1978 the 7th Finance Commission suggested some changes in the Code, as a prerequisite for receiving their enhanced awards, the Government of Orissa accordingly amended the Code in 1980. The Code has been criticised for being at complete odds with the letter and spirit of the 73rd and 74th Amendments to the Constitution which have endowed the Panchayats with wide powers with the management of subjects and issues and also common property resources, which get affected by a disaster. But the Code has limited the entire job of disaster management only to official committees, which may or may not consult the Panchayatiraj representatives while taking important decisions (vide Para-19). Such an anti-Panchayat outlook of the Code might have been the root of many a bitter conflict and tension between the officialdom on one hand and PRIs on the other.

At the national level, the National Disaster Management Act 2005 (NDM Act) provides a broad framework for empowering local authorities and coordination with district authorities in managing disasters. Sections 30(1) and 30(2) along with 31(3) define the role of district authority in preparation and execution of Disaster Management (DM) plans for mitigation, preparedness, response, relief, restoration and reconstruction activities, while Section 31(3) outlines preparation of District Disaster Management Plan by the District Disaster Management Authority DDMA) in consultation with local authorities and municipalities. But there is a concern that while Chapter VI of the NDM Act is devoted to the 'Local Authorities', their role is limited to 'carrying out relief, rehabilitation and reconstruction activities in the affected area in accordance with the State Plan and the District Plan' [Section 41(1d) of NDM Act]. Orissa state government has taken a number of measures to empower PRIs in consonance of such provisions in the NDM Act (see Appendix-IV for details).

On another note, it is a welcome that the NDM Act has no reference to the above noted anachronistic provisions of the Orissa Relief Code, though the Orissa State Disaster Management Policy of March 2005 in its Para 3.2.3 says, sketchily though, 'The Orissa Relief Code will be a part of the overall State Disaster Management Plan along with other aspects, reviewed at regular intervals to ensure that it adequately meets the requirements of the changing conditions and needs of people'. In this respect it appears that there is an institutional flux with regard to a comprehensive framework for disaster management, including climate change adaptation that involves all stakeholders including the PRIs in an efficient manner.

Conclusions

The local Self-Governments of both rural and urban areas have emerged as important tiers of governance, after 73rd and 74th Amendment to the Constitution. For the people, they are also the nearest units of administration and are among the first responders to any crisis besides

being closely knit with the communities. These units can thus play an important role in crisis management in close collaboration with the line ministries of the government. Considering that climate change adaptation and disaster management have many common points, it may be quite useful to utilise the institutional apparatus of disaster management for climate change adaptation also. Orissa state is quite ahead in this regard. With the enactment of a central legislation on the subject (i.e. NDM Act) Orissa State Government has already introduced enabling provisions to bring greater salience to the role of the PRIs in responding to disasters. Disaster Management is one of the activities which are being carried out by a Gram Panchayat Level Disaster Management Committee (GPDMC) headed by the Sarpanch. The NDM Act speaks about local level Management Committees and accordingly, the GPDMC is involved from planning to execution of disaster management in the field. In a similar pattern, the President of the Panchayat Samiti has been nominated as chairperson of the disaster management committee at Block Level and the Zilla Parishad President as co-chairman of the committee at the District Level.

However, a problem that is well-recognised in the literature on decentralisation is that the devolution of power does not automatically improve the performance and accountability of local government. Indeed, in many cases, decentralisation has simply empowered local élites to capture a larger share of public resources, often at the expense of the poor (Kumar 2002, Kumar & Corbridge 2002). This line of scholarship argues that the current assets and entitlements have an important bearing on the distributional aspects of benefits of decentralisation, and that the marginal groups are able to take advantage of the mechanisms and opportunities created by decentralisation only if the bureaucratic state proactively aligns with them. Within rural areas (which are often the central focus of decentralisation), such assets and entitlements would include land, land tenure, formal property rights, and full rights of village citizenship (Kumar, 2002). An important hypothesis that emerges from

this scholarship is that societies in which the distribution of assets and entitlements is relatively equal will produce more effective and accountable forms of governance (Kumar 2002).

An important aspect of decentralisation, deriving from the above discussion which is highly relevant to policy led climate change adaptation at the local level, is the apparent tension between the very formal process of decentralisation – in which the State (writ large) lays out in legal terms and conditions under which powers have been devolved to local democratic institutions (e.g. Gram Panchayat) and the very informal (or messy) process of political economy, in which power – rooted in class, caste and gender – determines the informal functioning of local political institutions. Critical assessments of decentralisation (such as Johnson 2003) have argued that formal processes, such as decentralisation, representation and democracy, matter less than informal processes of power and change in rural societies. In India, for instance, it has been argued that subordinate groups – backward castes, agricultural labourers, women – will only begin to use and benefit from decentralisation when there is a genuine redistribution of land and other agrarian assets as has happened in Kerala and West Bengal states (Mukarji 1999, Harriss 2000). *In other words, the formal mechanisms matter less than the informal institutions that underpin local political economies.* In the next chapter, therefore, my endeavour will be to unmask some of these informal processes in the field which shape the outcomes of development and disaster mitigation interventions of the state.
